

**ABSTRACT OF THE Ph.D. THESIS**  
**ON**  
**AIR POLLUTION:**  
**PROBLEM OF IT'S LEGAL CONTROL IN INDIA WITH**  
**SWCIAL REFERENCE TO THE NATIONAL CAPITAL**  
**TERRITORY OF DELHI**

The Thesis presented herein under the title; **AIR POLLUTION: PROBLEM OF IT'S LEGAL CONTROL IN INDIA, WITH SPECIAL REFERENCE TO THE NATIONAL CAPITAL TERRITORY OF DELHI**, deals with the gravity of Air Pollution problems and finding out of the adequacy of legislative measures designed to control and abate air pollution.

The air we breathe in is a precious commodity of life. We can refuse to consume adulterated and polluted water and food for a reasonable period of time, until we get the wholesome one. However, when air is concerned we can't afford to stop breathing even for a minute, although we may know it to be polluted. The quality of air we breathe, in is an important element in the protection and promotion of our health. There certainly exists a close relation between poor air and poor health, as pollution of air results in breathing difficulties, increased incidence of Asthma, Cancer and even death. Heavy industrialization and increased transportation has polluted the atmospheric air to such an extent that it is slowly losing its self cleaning capacity. Deteriorating air quality is posing serious threats, of changing, even the composition of atmosphere.

India's urban centers are becoming lethal gas chambers. The unprecedented spurt in the number of vehicles has emerged as the most significant contributor to poison urban air, accounting for, as much as 70 per cent of the total Air Pollution load in Delhi. Most of the air quality standards in India are much above the World Health Organisation (WHO) guidelines. Though WHO lists Delhi as the fourth most populated mega city in the world, but Gajraula a small and relatively unknown town in I Uttar Pradesh, tops the list

of most populated locations in India. Despite this, monitoring of air quality remains poor. There is no monitoring of deadly gases like ozone and benzene in Indian cities, except at some stations at Delhi. The Central Pollution Control Board had set a target of establishing 600 monitoring stations but they are still halfway in achieving their target. Emission standards in our country are so lax, that we have adopted Euro I and Euro II norms in 2000 and 2002, which were adopted in Europe way back in 1992-1993.

Though there exist plenty of laws and a well defined environmental policy to abate air pollution, but the fact remains that these regulatory measures have failed to combat environmental degradation. The basic question which is asked in this thesis is whether the legislative measures designed to control and abate air pollution have succeeded in achieving the objects of national and international policy on environment. Keeping these questions in view the basic objective of this study is to identify some of the major issues, forces, and factors important for the solution to the problem of prevention of air pollution as well as restoring healthy air quality. The study also aimed:

1. To expound the concept of air pollution and gravity of the problem in terms of levels of various pollutants in the air, their trends in the previous years, various sources of pollutants in India and in the National Capital Territory of Delhi.
2. To examine various existing laws dealing with abatement of air pollution to find out their efficiency and adequacy in preventing atmospheric pollution.
3. To trace the National and International policy concerning environmental Protection and Air Pollution prevention.
4. To analyse the Judicial Attitude in checking air pollution by studying various Leading pronouncement on Air Pollution by the Supreme Court and various High Courts.
5. To evaluate the public participation and Role of Non-governmental Organisation in effective implementation of Air Pollution Control Laws.

6. And most importantly, to analyse the functioning of the existing administrative functionaries under the Air(Prevention and Control of Pollution) Act, 1981, their working approach and the implementation process and progress of the Air Act.

7. The main thrust of the present research is to present an integrated and systematic approach of gravity of Air Pollution along with some solution in the light of the existing laws, National policy, Administrative authorities and an Activist Judiciary.

After analyzing the aforesaid aspects, some of the **MAJOR FINDINGS** of the study includes that-

1. On the legal front no country has as many legislations as India, but laws alone can't serve the purpose except increasing the thickness of the statutes books unless they are strictly enforced. However in our country implementation of environmental laws is still far behind in achieving the goals of air quality.

2. Judicial response towards air pollution control is fortunately encouraging. Most of the decisions pronounced by Supreme Court and high Courts in the recent past (C.NG. fuel case, Industrial Relocation case, Taj Trapezium case. Ban of smoking at public places and many more) reveal to positive approach and concern of the Judiciary in protecting air quality and maintaining ecological balance.

3. There should be special environmental planning process so as to set policies, Priorities and techniques in such a manner that it can be readily reoriented and facilitate economic development by avoiding environmental damage.

The main purpose of Environmental Impact Assessment is to inform public and decision-makers the likely impact of a proposal before a final decision is taken

about the establishment. For effective EIA people's participation and NGO'S involvement should be made mandatory in the EIA process.

**4.** The Central Pollution Control Board should fulfill its function and obligation Mentioned in Section 16(2) of Air (Prevention and Control of pollution) Act, 1981 by:-

**a.** Planning and cause to be executed a nationwide programme for the prevention Control and abatement of Air Pollution.

**b.** Organising through mass media a comprehensive programme regarding the Prevention and control of Air Pollution.

**5.** Central Pollution Control Board should be given more powers and multiplicity Of authorities should be reduced as multiplicity of authorities results in no work.

**6.** Number of air quality monitoring stations should be increased. Though Central Pollution Control Board has set a target of establishing 600 monitoring stations by the end of 1999 but till date only 155 monitoring stations have been installed in 23 states and 5 Union Territories which is even less than half way mark. Currently in Delhi, there are only 8 monitoring stations which cover a massive area of 1,486 Sqr. Kms, which are extremely inadequate and can't capture the true picture of deteriorating air quality.

**7.** Updated air quality data should be made available to alert the public for taking adequate protection to reduce health risk.

**8.** The vehicular pollution tops being 75% of the total load of air pollution in our country. For this some specific steps (as suggested in the thesis) should be taken immediately to improve the governance of vehicular pollution.

**9.** Apart from vehicular air pollution, the air pollution caused by industries is of Considerable quantum. To check this, the definition of air pollutant should include

not only smoke and fumes from factories or automobiles but also cover radiant Energy released from atomic and nuclear sources, as a result of any process of the fissile material (Uranium 233 and 235. plutonium etc.) used in industries now a days.

**10.** Lastly it's submitted that without the backing of public opinion laws are of a little avail. An aware and informed person can play a positive role in promoting environmental protection programmes. Therefore it's very essential to provide civic consciousness among the people through newspapers, electronic media seminar, symposium, street plays and by introducing the subject on environment in educational institutions. For mass awareness there should be information dissemination by publishing of various reports, articles and data, through news letters, newspapers, Internet, workshops and encouragement of NGO'S participation in environmental related issues.

Finally I conclude to say that there is no doubt that the State has fluted to discharge it's duties. The State has constituted variety of authorities under the statues but it's the high time to realize that merely keeping these authorities alive will not serve the purpose to satisfy the letter and spirit of law, unless these authorities are both "Active and Alive".

Thanking You

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