

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 638/2023

In re: News item appearing in Times of India dated 10.10.2023 titled  
**“Feeling anxious? Toxic air could be to blame”**

**WITH**

Original Application No. 658/2023

In re: News item appearing in Times of India dated 10.10.2023 titled  
**“Delhi, Chennai studies hint at pollution link to diabetes”**

Date of hearing: 19.12.2023

**CORAM: HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Avinash Sharma, Adv. for MoEF & CC (Through VC)  
Mr. Amit Singh Chauhan, Adv. for CPCB (Through VC)  
Mr. Arun Sanwal, Adv. for Indian Council of Medical Research

**ORDER**

1. This original application was registered *suo motu* on the basis of news item titled **“Feeling anxious? Toxic air could be to blame”** published in ‘The Times of India’ dated 10.10.2023. As per the said news item, long term exposure to air pollution could lead to higher risk of depression and anxiety besides respiratory disorder. People who breathe in polluted air experience changes within the brain that control emotions and chances of developing anxiety, depression, etc. are increased. The news item further contains details of following studies in this regard:

**“HAVING A BAD -AIR DAY?”**

- *A study from researchers at Harvard, published in March 2023, adds to the evidence connecting exposure to air pollution (small particulate matter (PM2.5), nitrogen oxide and nitrogen dioxide) to increased risk of dementia.*

- *A study published in journal Neuro Toxicology reveals that people who breathe polluted air are more likely to develop mental health problems than those who breathe clean air.*
- *Some researchers have associated air pollution with higher levels of stress, psychological distress, increased risk of dementia and Alzheimer's and depression.*
- *A study published in Environmental Health Perspectives found an association between short-term exposure to elevated levels of air pollution and increased emergency room psychiatric visits among children."*

2. The matter was examined by Tribunal on 31.10.2023 and it observed that the issue needs to be examined and original application is in respect of various chemical and physical components causing air pollution and adverse effect of each of such physical and chemical component on different organs of human body. Adequate measures are required for control of such air polluting components and their adverse effect on various organs of human body, especially those which are affecting the brain and emotional, psychological aspect.

3. Though in another matter i.e. OA No. 663/2023, by order dated 20.10.2023, larger issue relating to air pollution and dip in the quality of air in Delhi was already taken up, but Tribunal found that specific issue noted in present matter required further examination. Consequently, six respondents were impleaded and notices were issued.

4. Replies dated 09.12.2023 have been filed by Respondent 2, i.e., Central Pollution Control Board (hereinafter referred to as "**CPCB**") and dated 18.12.2023 by Respondent 1, i.e., Ministry of Environment Forest and Climate Change (hereinafter referred to as "**MoEF&CC**").

5. On behalf of Respondent 3, Shri Arun Sanwal, Advocate has put in appearance and he prays for and allowed three days' time to file its response.

6. Other respondents have not submitted/filed any response. As a last opportunity, we allow a month's time to Respondents 4 and 5 to file their response, failing which we may be compelled to summon Principal Officer/Head of Department of Respondents 4 and 5 in person.

7. We also find from reply submitted by CPCB that they admit presence of several metals and other polluted elements in air causing pollution for which National Ambient Air Quality Standards have been notified but, no effective steps have been taken by CPCB for controlling and preventing air pollution from these parameters and their prevalence levels that is for all 12 notified parameters.

8. We also find from Annexure II to reply at para 10.0 that CPCB is funding National Capital Region Urban Local Bodies for construction/repair of roads and mechanical road sweepers under EPC funds. Similar funds are being also made available to Ghaziabad Municipal Corporation and other local bodies without assigning specific reasons for doing so. From the reply, we also find that amount of environmental compensation deposited with CPCB is being diverted for unauthorized purposes. We find it appropriate in the present case to require CPCB to give complete details of entire amount of environmental compensation lying deposited with it and shall also give manner in which any amount out of above fund has been spent or utilized till 30.11.2023.

9. We asked learned Counsel appearing for CPCB as to how CPCB is concerned with construction/repair of roads which is the statutory responsibility of local bodies and funds of environmental compensation cannot be diverted for such activities which are not permissible to be undertaken by CPCB and this is a gross misuse and serious financial irregularity by diverting funds for unauthorized activities. We intend to

issue direction for recovery of the same from concerned officer(s) of CPCB who has/have sanctioned or diverted said funds for unauthorized purposes and having no explanation to do so. At this stage, learned Counsel appearing for CPCB stated that before passing any order, he may be granted some opportunity to seek instructions on this aspect and place specific reply before Tribunal. In view of above statement, we allow him a month's time to file reply and to ensure that amount deposited with CPCB under the head of "Environmental Compensation" is neither diverted nor there should be any financial irregularity as it amounts to misappropriation of funds on the part of CPCB by providing such funds for activities which are not within the domain of CPCB and in the garb of protection of environment, remediation and rejuvenation, the activities which are not directly or indirectly connected with the same but statutory duties of some other statutory bodies should not be undertaken by CPCB.

10. In reply of MoEF&CC also presence of several polluted elements in air are admitted and it is said that some directions have been issued by various authorities from time to time but we do not find that any effective action has been taken in the matter.

11. Learned Counsel appearing for MoEF&CC when asked as to what effective steps have been taken by MoEF&CC, he admitted that reply given by MoEF&CC is not clear on this aspect and despite repeated query, he could not give even a single step taken for effective control of air pollution by MoEF&CC. For filing such vague and irrelevant reply, we impose a cost of Rs. 25,000/- upon Respondent No. 1 and direct it to file a supplementary reply giving details of all steps taken for effective monitoring and control of air pollution within one month.

12. The amount of cost shall be deposited with Registrar General of Tribunal by next date of hearing.

13. List on 14.02.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 19, 2023  
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DV