

## LET'S CLEAR THE AIR

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As Delhi's Air Quality Index crosses 500, the national capital has officially entered the public health emergency category. Schools have been shut, children are complaining of breathing problems, but the state and Central governments are simply indulging in blame-games. When something as fundamental as the health of our children is at risk, we should devise a more robust, permanent solution to the problem of pollution. This forms the basis of the need for amending the 1981 Air Act and making it more compatible with contemporary India.

Air pollution in India is not simply an environmental problem, but a major public health concern. It impacts all those breathing in the polluted air — children, the elderly, women and men alike. As its concentration worsens in India and statistics grow more grim, so do our policymakers' reactions. As a father of a three-year-old, my concern for my child's health is shared by numerous other families. Recently, the Centre for Science and Environment reported that air pollution kills an average 8.5 out of every 10,000 children in India before they turn five. Similarly, the WHO in 2016 reported that pollution has led to the deaths of over 1 lakh children in India. Overall, several internationally acclaimed studies have affirmed that life expectancy in India has declined anywhere between two to three years.

Statistics show that India is in a worse situation compared to its global counterparts. According to Greenpeace, 22 of the world's 30 most polluted cities are in India and Delhi has yet again bagged the position of the world's most polluted capital. These are grim figures, especially when compared to India's neighbours: Five in China, two in Pakistan and one in Bangladesh. In 2018, India was placed in the bottom five countries on the Environmental Performance Index, ranking 177th out of 180 countries, along with Bangladesh, Burundi, Democratic Republic of Congo, and Nepal.

Because of the toxic air and the lax liability system, young children's health and quality of life are being significantly affected. Currently, breathing in Delhi's air is similar to smoking 22 cigarettes in a day. One can only imagine the impact on the lungs of our children. And yet, there is a deafening silence at the helm of policymaking because it has not become an electoral priority for political leaders. Besides a few underfunded programmes, the government shows no willingness to bring a bill or law compelling central and state governments to ensure that its citizens are breathing clean air.

The Indian government needs to identify the tangible benefits that concrete legislation on air pollution has brought across the world. In the United States, the Clean Air Act has proven that public health and economic progress can go together. For instance, the aggregate national emissions of the six common pollutants in the USA dropped an average of 73 per cent from 1970 to 2017. Through one piece of legislation, the US has challenged multiple sources of pollution, airborne or motor vehicle-led. Similarly, after declaring a war on pollution, Chinese cities reduced particulate concentration by 32 per cent in 2018. In a country with a human power and technical know-how like India, achieving a better feat is not impossible.

However, in India, we are ignoring the change that progressive legislation can bring. In recent

times, the government has worked on a much hyped “mission-mode” — drafting policies and programmes to alleviate pollution. But with little to no legal mandate or a budgetary allocation of as little as Rs 300 crore under programmes such as the National Clean Air Programme, no true enforcement of targets and goals is guaranteed. In such dire circumstances with high stakes, higher targets need to be set, penalties need to be stricter, and the mandate needs to be stronger.

It is therefore essential to retrace our steps back to the Air Act of 1981 that governs our pollution control system. There is unanimous consensus amongst many court rulings, Parliament Committee reports, media investigations, and several environmentalists that under the 1981 Air Act, the Pollution Control Boards are presently unable to fulfil their mandate as watchdogs against polluting industries. A new bill will plug many loopholes in the 1981 Act and would align the functions and priorities of the Pollution Boards towards reducing the adverse impact of pollution on human health in India.

India’s pollution liability regime has never prioritised the adverse impact of pollution on health. In its present form, India’s Air Act does not mention or prioritise the importance of reducing the health impact of rising pollution. This is the first change that a new law on air pollution should bring, protecting health needs to become the central mission that the boards work towards. For instance, at any point that the State Boards find evidence of excess air pollution, they should take all measures possible to actively disseminate this information to the masses. When the air quality goes from normal to toxic and hazardous, the boards must be empowered to declare public health emergencies, with the power to temporarily shut down all polluting activities. While these changes might introduce an additional burden on industries to proactively check their emissions, the additional burden is worth the lives that will be saved as a result.

Accountability and deterrence are essential in making sure industries comply with emission standards. While the boards cannot levy penalties, in the new law they should be empowered to encash environmental compensations from polluting industries to make up for the cost of mitigating the damage the violating industry has caused. This possibility of paying compensation would be a strong reinforcement for industries to adopt cleaner technologies and comply with standards. Finally, in a federal set-up, the Centre and states must work in synergy to ensure that targets set for the country and states are fulfilled. Therefore, the new law must push Central and state boards to convene joint sittings with a multi-sectoral participation from ministries such as housing, urban development, agriculture and road transport. Air pollution is not, and has never been, a problem with a single solution. It is caused by emissions from vehicles, industries and agriculture, construction dust, and other factors related to household consumption and municipal planning.

Because multiple ministries and government departments are involved, without appropriate political leadership, public commitment will remain on paper only. Therefore, the new law on air pollution must give an additional mandate to either a senior minister, such as the minister of environment, forest and climate or the prime minister’s office needs to be involved directly. Greater public transparency is essential to the success of winning the war on air pollution. There is no better watchdog than active citizens, which is why the pollution targets must be made public every year for their perusal and to be evaluated at the end of the year. To incentivise the industries to better themselves through environmental compensations, the industries and their respective state boards must be ranked in order of their efficiency and programme delivery.

Breathing clean air is the fundamental right of every Indian citizen. Human health must become a priority when it comes to legislating on air pollution. As 2019 nears its end, and the season of smog begins, there is an urgent need for India to be a pollution free nation. Pollution control boards must be empowered sufficiently to ensure that pollution does not take more lives or

hinders the overall progress of India.

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