

## **1. Amending and updating the 1981 Air Act will help in battle against Pollution**

### **Context:**

- ▶▶ 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.

### **Serious Concern:**

- ▶▶ 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.

### **India's Worst Performances in Pollution:**

- ▶▶ 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. In 2018, India was placed in the bottom five countries on the Environmental Performance Index, ranking 177th out of 180 countries.
- ▶▶ 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.

### **Tangible benefits from Stringent Legislation:**

- ▶▶ 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.

### **India Ignores Change in Legislation:**

- ▶▶ 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.

### **Amendments required in the Air Act 1981:**

- ▶▶ Under the 1981 Air Act, the Pollution Control Boards are presently unable to fulfil their mandate as watchdogs against polluting industries.
- ▶▶ 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.
- ▶▶ 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.

### **Conclusion:**

- ▶▶ 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.
- ▶▶ Pollution control boards must be empowered sufficiently to ensure that pollution does not take more lives or hinders the overall progress of India.