OFFICE OF THE COMMISSIONER OF POLICE: DELHI.

DELHI POLICE

CIRCULAR

CIRCULAR NO. 03 /2016

The Hon'ble NGT, has passed orders dated 26.11.2014, 28.11.2014, 04.12.2014, 10.04.2015, 28.04.2015 and 11.12.2015, in O.A. Nos. 21/2014 & 95/2014 titled Vardhman Kaushik Vs. U.O.I. & Ors and Sanjay Kulshrestha Vs UOI & ors., relating to pollution caused by burning of various materials and pollution caused by emissions from industries. It is on record before the NGT that garbage and other burning is not the only source of the air pollutant and it forms nearly 29.4 % of the air pollution with reference to PM10. Burning trash in the open area produces many pollutants including dioxins, particle pollution, polycyclic aromatic hydrocarbons, volatile organic compounds, carbon monoxide, hexachlorobenzene and ash and fumes released can be carcinogenic and the ambient air quality is so very injurious particularly to the children under the age of 5 years and they are suffering from asthmatic problems at this tender age. So the Hon'ble Tribunal has ordered that :-

i) There shall be complete prohibition of burning of any kind of garbage, leaves, waste plastic, rubber, self-moulding compound and such other materials in the open.

ii) That no one would permit the burning of plastic and allied products in part of NCT of Delhi. If Authorities notice any burning of such materials they would not only ensure that such activity does not persist but even would be entitled to seize the entire material which is illegally and unauthorisedly stored/held by a person who does not possess a license or authorization for dealing with such products in accordance with the Plastic Waste (Management and Handling) Rules, 2011. Upon seizure of such material, the Authorities would

take a direction from the Tribunal and dispose of the same by giving it to the Authorised Dealer in accordance with directions.

iii) The Station House Officer, Traffic Inspector and other authorities would be personally and strictly responsible for compliance of these directions of the Hon'ble NGT in the area/areas that fall under their jurisdiction. In the event of default they shall be liable to pay compensation for such environmental degradation or for pollution of ambient air quality in NCR, Delhi particularly.

iv) Upon receipt of any complaint in this regard, the concerned SHO shall immediately proceed to take action.

The SHOs of the concerned Police Stations shall ensure that none is disobeying these directions, besides rendering himself liable for punitive action under law and to pay Environmental Compensation as per Section 15 and 16 of NGT, Act, 2010 at the rate of Rs. 5,000/- per event.

The order of the NGT has to be complied with as a decree/order of the Civil Court and all the concerned authorities as well as the police are duty bound to carry out the directions/orders of the Tribunal in accordance with law. The payment of such compensation shall not absolve the offender of other liabilities that such person may incur under different laws in force including other provisions of the National Green Tribunal Act, 2010.

All the SHOs will ensure that there is no burning of leaves or horticulture residue and the concerned officer as well as the officers working under him, under whose jurisdictions such violation takes place, would be personally responsible for imposition of environmental compensation and costs not less than 5000/- for each such incident. In the event such offender refuses to pay the above amount, he will be served with a Notice for appearing before Hon'ble National Green Tribunal and to show cause as to why he should not be directed to pay compensation, as may be determined by the Hon'ble Tribunal in accordance with law. A copy of notice so served upon such

offender, will be sent to the Registrar, National Green Tribunal, Faridkot House, Copernicus Marg, New Delhi on the next working day.

In relation to burning of plastic and allied produces, the concerned Police Officers will ensure that no one is permitted to burn the plastic and allied products in part of NCR of Delhi. If any such activity comes to notice, the concerned officer would not only ensure that such activity does not persist but even would be entitled to seize the entire material, which is illegally and unauthorisedly stored/held by a person without a license or authorization for dealing with such products in accordance with The Plastics Waste (Management and Handling) Rules, 2011. Upon seizure of such material, the concerned police officer would take a direction from the Tribunal and dispose of the same by giving it to the Authorised Dealer in accordance with directions issued.

The above instructions shall be complied with meticulously by all concerned.

(SHIBESH SINGH)DCP/Legal Cell,
FOR COMMISSIONER OF POLICE:
DELHI.

No. 221-310 /Record Branch/PHQ dated 20/01 /2016.

Copy forwarded for kind information and necessary action to the:-

1. All Spl. CsP, Delhi.
2. All Jt.CsP, Delhi.
3. All DCsP/Distts. including Crime, Metro, Railways, Spl.Cell & IGI Airport, Delhi.
4. SO to CP, Delhi.

DELHI POLICE

PS_____ DISTRICT/UNIT _____

No._____ dated _____

Shri .....S/o Sh.....

R/o .....

.....

NOTICE FOR APPEARANCE

WHEREAS the Hon'ble National Green Tribunal, New Delhi vide order dated 28.04.2015 passed in O.A.No. 95/2014 in the matter of Vardhman Kaushik Vs Union of India & Others has directed that the persons found actually burning and / or responsible for or abating burning of any kind of garbage leaves, waste plastic, rubber, self-moulding compound and such other materials in the open would be liable to pay compensation in terms of the Section 15 of the National Green Tribunal Act, 2010 for polluting the environment and would be liable to pay a sum of Rs. 5000/- to be paid instantaneously.

AND WHEREAS the Hon'ble Tribunal has further directed that in the event such offender refuses to comply with the directions of the authorized officers, the authorized officers would be at liberty to serve a notice upon him for appearing before the Tribunal and to show cause why the person burning, abating or responsible for such burning material afore-indicated be not directed to pay compensation as may be determined by the Tribunal in accordance with law.

AND WHEREAS you have been found committing the following violation of the above orders of the Hon'ble National Green Tribunal on ..... at ..... am/pm.

Brief description of violation

.....

.....

.....

.....

AND WHEREAS you have refused to pay the sum of Rs. 5000/- on the place of aforesaid violation as directed by the undersigned.

Now, THEREFORE, you are hereby directed to appear before the National Green Tribunal, Faridkot House, Copernicus Marg, New Delhi-110001 on ..... at .....AM to show cause as to why you be not directed to pay compensation as may be determined by the Hon'ble Tribunal in accordance with law for the aforesaid violation.

Given under my hand and seal on this..... day of 20

Documents seized

1. Voter Identity Card
2. Adhar Card
3. Pass Port/DL

Challaning Officer,
Seal