

Delhi's Air Pollution - Need for Amending 1981 Air Act

What is the issue?

- As Delhi's Air Quality Index crosses 500, the national capital has officially entered the public health emergency category.
- This highlights the dire need for amending the 1981 Air Act and making it more compatible with contemporary India.

How serious is air pollution in India?

- Air pollution in India is not simply an environmental problem, but a major public health concern.
- It affects all those breathing in the polluted air - children, the elderly, women and men alike.
- The Centre for Science and Environment reported that air pollution kills an average of 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 2 to 3 years.
- India is in a worse situation compared to its global counterparts in this regard.
- According to Greenpeace, 22 of the world's 30 most polluted cities are in India.
- [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 5 countries on the Environmental Performance Index.
- It was ranked 177th out of 180 countries, along with Bangladesh, Burundi, Democratic Republic of Congo, and Nepal.

What are the implications?

- Currently, breathing in Delhi's air is similar to smoking 22 cigarettes in a day.
- With toxic air and the lax liability system, young children's health and quality of life are being significantly affected.

- Schools have been shut, children are complaining of breathing problems.

How have other countries managed?

- 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% 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% in 2018.

How worrying is the policy response in India?

- The state and Central governments are simply indulging in blame-games.
- 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 with stringent provisions.
- In recent times, the government has worked on drafting policies and programmes to alleviate pollution.
- But there is little to no legal mandate in these, and a budgetary allocation of as little as Rs 300 crore under programmes such as the National Clean Air Programme.
- Given this, no true enforcement of targets and goals is guaranteed.

What are the drawbacks with the 1981 Act?

- Under the 1981 Air Act, the Pollution Control Boards are presently unable to fulfill their mandate as watchdogs against polluting industries.
- In its present form, India's Air Act does not mention or prioritise the importance of reducing the health impact of rising pollution.
- It is therefore essential to make a rework on the 1981 Air Act that governs the country's pollution control system.

What should the new law bring in?

- A new bill will plug many loopholes in the 1981 Act.
- It could align the functions and priorities of the Pollution Boards towards reducing the adverse impact of pollution on human health in India.
- Primarily, a new law should make 'protecting health needs' to become the central mission that the pollution boards work towards.
- When the air quality goes from normal to toxic and hazardous, the boards

must be empowered to declare public health emergencies.

- They should have the power to temporarily shut down all polluting activities.
- Accountability and deterrence are essential in ensuring that industries comply with emission standards.
- While the boards cannot levy penalties, they should be empowered to encash environmental compensations from polluting industries.
- This would be a strong reinforcement for industries to adopt cleaner technologies and comply with standards.
- The industries and their respective state boards must be ranked in order of their efficiency and programme delivery.
- This would incentivise the industries to better themselves through environmental compensations.
- 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.
- The new law must thus push Central and state boards to convene joint sittings with a multi-sectoral participation from concerned ministries.
- Multi-sectoral participation is crucial as air pollution is not, and has never been, a problem with a single solution.
- With this need in place, ensuring appropriate political leadership is essential in giving shape to public commitment.
- Therefore, the new law must give an additional mandate to a senior minister or else the prime minister's office needs to be involved directly.
- The pollution targets must be made public every year to have greater public transparency and control.

What are the priorities for India now?

- The Indian government needs to identify the tangible benefits that concrete legislation on air pollution has brought across the world.
- Under the functioning programmes, higher targets need to be set, penalties need to be stricter, and the mandate needs to be stronger.
- Breathing clean air is the fundamental right of every Indian citizen.
- Hence, human health must become a priority when it comes to legislating on air pollution.

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