Syllabus subtopic: Conservation, environmental pollution and degradation, environmental impact assessment

Prelims and Mains focus: About pyrolysis and the environmental concerns associated with it, about CPCB and NGT

News: The Central Pollution Control Board (CPCB) has pulled up 270 tyre pyrolysis units in 19 States for employing technology that is polluting and harmful to the health of the workers employed.

Context:

As of 2016-17, official estimates indicate 127.34 million tyres were produced in India, which was seen to be a 12% increase from the previous year. A 37% increase in the tyre production has been observed in the two-wheeler segment, a 23% increase in the tractor segment and 16% in the passenger car/jeep segment. India discards about 100 million tyres everyday and only a fraction of it is recycled. India is also responsible for 6% of the global tyre waste, according to a 2017 report by environmentalist group Chintan.

Background:

The National Green Tribunal in 2014 prohibited used tyres from being burnt in the open or being used as fuel in brick kilns, because of the toxic emissions. The authority asked the Maharashtra Pollution Control Board to look at ways to dispose used tyres safely.

Subsequently, the board issued a set of guidelines, in which pyrolysis was recommended as an acceptable mode.

More than 40% of tyre pyrolysis units were not complying with rules, the NGT observed in April 2019, after it sought a report from the CPCB. The CPCB reported that there were 637 units in 19 States of which 251 units were compliant, 270 non-compliant and 116 were closed.

About pyrolysis

Tyre pyrolysis refers to a technique of breaking down used tyres in the absence of oxygen. Shredded tyres, at temperatures between 250 degree C and 500 degree C, produce liquid oil and gases.

While this is considered a safer technique than burning tyres, pyrolysis leaves fine carbon matter, pyrogas and oil as residue and the inadequate management of these byproducts poses health risks.
About CPCB

- The Central Pollution Control Board (CPCB) of India is a statutory organisation under the Ministry of Environment, Forest and Climate Change (MoEF&CC).
- It was established in 1974 under the Water (Prevention and Control of pollution) Act, 1974.
- CPCB is also entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981.
- It serves as a field formation and also provides technical services to the Ministry of Environment and Forests under the provisions of the Environment (Protection) Act, 1986.
- It Co-ordinates the activities of the State Pollution Control Boards by providing technical assistance and guidance and also resolves disputes among them.

About NGT

- The NGT was established in 2010 under the National Green Tribunal Act 2010, passed by the Central Government.
- The stated objective of the Central Government was to provide a specialized forum for effective and speedy disposal of cases pertaining to environment protection, conservation of forests and for seeking compensation for damages caused to people or property due to violation of environmental laws or conditions specified while granting permissions.

Structure:

- The Principal Bench of the NGT has been established in the National Capital – New Delhi, with regional benches in:
  1. Pune (Western Zone Bench)
  2. Bhopal (Central Zone Bench),
  3. Chennai (Southern Bench) and
  4. Kolkata (Eastern Bench)

- Each Bench has a specified geographical jurisdiction covering several States in a region. There is also a mechanism for circuit benches.
- The Chairperson of the NGT is a retired Judge of the Supreme Court, Head Quartered in Delhi. Other Judicial members are retired Judges of High Courts.
- Each bench of the NGT will comprise of at least one Judicial Member and one Expert Member.
- Expert members should have a professional qualification and a minimum of 15 years’ experience in the field of environment/forest conservation and related subjects.

Legal jurisdiction of NGT:
The NGT has the power to hear all civil cases relating to environmental issues and questions that are linked to the implementation of laws listed in Schedule I of the NGT Act. These include the following:

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977; (yes, cess act)
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986; (aka EPA)
6. The Public Liability Insurance Act, 1991; (good option to confuse)

Note: The NGT has not been vested with powers to hear any matter relating to the Wildlife (Protection) Act, 1972, the Indian Forest Act, 1927 and various laws enacted by States relating to forests, tree preservation etc. Therefore, specific and substantial issues related to these laws cannot be raised before the NGT.

Principles of Justice adopted by NGT:

- The NGT is not bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.
- NGT is also not bound by the rules of evidence as enshrined in the Indian Evidence Act, 1872. Thus, it will be relatively easier for conservation groups to present facts and issues before the NGT, including pointing out technical flaws in a project, or proposing alternatives that could minimize environmental damage but which have not been considered.
- While passing Orders/decisions/awards, the NGT will apply the principles of sustainable development, the precautionary principle and the polluter pays principles.

Review and Appeal:

Orders can be appealed to the Supreme Court within 90 days.