

Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 298/2023

Dr. Raja Singh

...Applicants

Versus

Union of India & Ors.

...Respondents

Date of hearing: 02.05.2023.

**CORAM:HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in person (through VC).

Application under Sections 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. The applicant visiting faculty in the Department of Architecture, School of Planning and Architecture, New Delhi has filed the present application under provisions of the National Green Tribunal Act, 2010 for issuance of directions for stopping the use of Asbestos roof sheets for schools as a measure of public health and safety and environmental health under the Environment Protection Act 1981 and Air (Prevention and Control) of Pollution Act 1986 at the pan-India level.

2. The applicant has submitted that asbestos roofing is composed of a mixture of asbestos fibers and cement. Many times, schools buildings use these asbestos sheets, especially in the rural areas. Over time, the asbestos sheets become friable or crumble and asbestos fibers are released from these sheets which can become airborne in the indoor air of the school and be inhaled by the occupants of the school who may be small school going

children. These buildings also have higher dust pollution. The inhalation of the asbestos fibers causes lung diseases which may turn fatal. The peculiar character of diseases related to asbestos fiber inhalation is their high latency period and any student who is exposed at a young age will only get the manifestations of the diseases after decades during his/her breadwinning or family raising period. Asbestos being a non-biodegradable material is a health hazard to school children. The applicant has referred to research titled 'The natural reduction of threat in selected systems of old buildings containing asbestos' published in Nature Scientific Reports. The applicant has also referred to order dated 31.01.2009 passed by Kerala State Human Rights Commission in HRMP No. 126/2007 and order dated 02.11.2021 passed by Hon'ble Kerala High Court in WPC No. 23846 of 2021 and order dated 21.07.2017 passed by Hon'ble Calcutta High Court in WP No. 14729 (W) of 2016. The applicant has also referred to the screen shot of the website of the World Health Organization which also mentions that all types of asbestos cause lung cancer, mesothelioma, cancer of the larynx and ovary and asbestosis (fibrosis of the lungs). It also highlights exposure of asbestos through inhalation 'in indoor air in housing and buildings containing friable (crumbly) asbestos materials. The applicant made representations dated 26.03.2023 to MoEF&CC but to no effect. Hence the application.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 and questions relating environmental impact of use of asbestos roof sheets or other asbestos products on health of human beings and remedial measures required to be taken in this regard.

4. Let notices alongwith copies of the application and documents attached therewith be issued to the respondents no. 1,2 and 3 requiring them to file their response/reply to the averments made in the application within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
5. List for further consideration on 07.08.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 02 2023
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