

Ahead of Diwali, govt plans pollution penalty of up to ₹15 lakh as Delhi smogs up

Oct. 27th, 2024

New Delhi: Following the Supreme Court's censure, the Union government plans to impose a penalty of up to ₹15 lakh for pollution- and environment-related offences ahead of Diwali and up to a ₹15,000 spot fine for burning crop residue or stubble, according to two officials.

The Supreme Court on Wednesday criticized the government for making the environment protection law toothless, amid worsening air quality in Delhi and the national capital region.

Every winter, the national capital and its surrounding regions are blanketed in toxic smog, made worse by the burning of leftover straw in farms in neighbouring states ahead and the bursting of firecrackers during Diwali.

The government now plans to amend the Environment (Protection) Act, 1986, and the Air (Prevention and Control of Pollution) Act, 1981, according to the officials, who declined to be identified.

“We have decided to decriminalise (stubble burning and other environmental offenses); we are replacing imprisonment with a penalty,” one of them said.

“In the existing rules, violators under the EP (environment protection) and air Acts are sent behind bars for three years. The idea is to fast-track cases because cases get extended in court without any resolution. The range could be ₹10,000 to ₹1.5 million (₹15 lakh) for all types of violators, and ₹2,500-15,000 per incident for farmers found burning stubble.”

Cases of stubble burning have been on a decline this year. Stubble burning or burning events dropped to 4,969 between 15 September and 26 October in Punjab, Haryana, Uttar Pradesh, Delhi, Rajasthan and Madhya Pradesh, against 7,136 cases reported during the corresponding period the previous year, per data from CREAMS-Indian Agricultural Research Institute, which monitors satellite data on stubble burning.

The air quality index (AQI) in Delhi sank to 356 on Sunday from 255 the previous day, according to data from the Central Pollution Control Board (CPCB). An AQI reading of 201-300 is categorised as ‘poor’, 301-400 as ‘very poor’, and 401-500 as ‘severe’.

The air quality in the national capital is expected to stay in the ‘very poor’ category between Monday and Wednesday but could deteriorate to ‘severe’ on Wednesday in case of additional emissions from firecrackers and stubble fire. The air quality is likely to be in the ‘very poor’ to ‘severe’ category for the subsequent six days, according to the Centre's System of Air Quality and Weather Forecasting and Research.

‘Not enough to react when air quality worsens’

Farmers will be penalised on the spot for burning crop residue by the Commission for Air Quality Management with the help of local officers, said the second of the two officials mentioned earlier. “Two notifications on this are likely to be issued before Diwali,” the official informed.

The ministry of environment, forest and climate change (MoEFCC) in July proposed to amend the Air (Prevention and Control of Pollution) Rules, 1982 to curb emissions by various industries. It also planned to issue guidelines for creating a crop of adjudicating officers to decide the penalty for violations of these rules.

Queries sent on Saturday to the spokespeople and secretaries of the MoEFCC and agriculture ministry remained unanswered.

In view of the ongoing smog crisis in Delhi, experts urge consistency in enforcing long-term mechanisms on top of policy changes. They highlighted the need to address air quality holistically, integrating Diwali-specific regulations with broader climate policies, promoting eco-friendly Diwali practices, and empowering local governance for effective enforcement.

“While policy changes are pivotal in combating air pollution, they are not the only solution, as they often lack long-term consistency (without an effective enforcement mechanism). We need laws backed by strong enforcement, awareness, and a long-term vision,” said Abhishek Sinha, dean, School of Law, and head of international affairs at UPES, a private university.

“It’s not enough to react when air quality worsens; proactive policies are required... Legal frameworks like the Air (Prevention and Control of Pollution) Act, National Green Tribunal, and National Clean Air Programme establish a structure for actionable measures.

Despite these, compliance issues persist,” Sinha added. “Addressing air quality holistically requires integrating Diwali-specific regulations with broader climate policies, promoting eco-friendly Diwali practices, and empowering local governance for effective enforcement.”

To tackle air pollution, apart from implementing a **graded response action plan**, the Delhi Pollution Control Committee has banned the manufacturing, storage, sale, and use of all types of firecrackers in the national capital until 1 January.

Authorities in Punjab have also banned firecrackers. In Haryana’s Gurugram, green crackers are allowed during Diwali celebrations.

Although the Supreme Court permitted green firecrackers in 2018 after banning traditional types, distinguishing them from conventional ones has proved difficult.