THE INVISIBLE PANDEMIC: WHY INDIA MUST DECLARE AIR POLLUTION A NATIONAL PUBLIC HEALTH EMERGENCY?

Mohammad Suhaib, Department of Law, Aligarh Muslim University

ABSTRACT

As India moves through 2026, air pollution has escalated from a seasonal and localized grievance into an omnipresent public health catastrophe impacting the entire population. This article highlights the severe physiological and cognitive tolls of chronic exposure to $PM_{2.5}$, which significantly reduces life expectancy and places immense strain on the nation's healthcare infrastructure. Despite clear evidence of widespread harm, India's current environmental frameworks remain largely reactive and institutionally understaffed, failing to address the transboundary nature of modern industrial, agricultural and municipal emissions.

To overcome these legal and administrative limitations, this paper argues for declaring a National Public Health Emergency. Formally elevating the crisis establishes a centralized command structure led by the Ministry of Health, unlocks dedicated funding mechanisms and translates the constitutional right to clean air into enforceable statutory accountability for administrative failures. Drawing on successful structural overhauls from London and Beijing, a multi-pronged strategy is proposed. This includes enacting a comprehensive 'Clean Air & Health' Act, transitioning to a circular agricultural economy to replace crop residue burning, accelerating electric vehicle infrastructure and phasing out inefficient coal-fired power plants. Faming clean air as an economic asset rather than a developmental burden demonstrates that a health-first paradigm will mitigate massive GDP losses from reduced labour productivity while driving sustainable job growth in the clean-tech sector.

Keywords: Air Pollution, Public Health Emergency, Environmental Legislation, Sustainable Infrastructure, Socio-Economic Productivity

I. Introduction

"A man can do without food for several days and live a day altogether without water, but it is impossible to carry on without air even for a minute. If a thing that is so very vital to life is not pure, the result cannot but be deleterious."[1]

— Mahatma Gandhi

For decades, the discourse surrounding air pollution in India has been framed as a seasonal inconvenience, a winter smog that descends upon the Indo-Gangetic Plain, forcing schools to close and politicians to trade barbs. However, as we move through 2026, the data reveals a far more sinister reality. Air pollution is no longer a seasonal guest; it is a permanent, nationwide resident. With 100% of the Indian population living in areas where air quality fails to meet World Health Organization (WHO) standards and nearly half the population breathing air that violates even India's own lenient national standards, the crisis has transcended 'environmental concern'.[2] It has become a silent and pervasive pandemic.

To treat this as anything less than a ***National Public Health Emergency***[3] is a dereliction of duty. Declaring an emergency is not merely a rhetorical flourish; it is a necessary legal and administrative shift that reorients the state's priorities from 'pollution control' to 'survival'.[4]

II. The Diagnosis: A Body Politic Under Siege

The medical evidence linking air pollution to mortality is no longer speculative. According to the **Air Quality Life Index (AQLI) 2025**, particulate pollution is the greatest external threat to human life expectancy in India. In the Northern Plains, home to over 500 million people, residents are on track to lose an average of 7.6 years of life if current levels persist.[5]

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[1] Satya Narayan Sahu, "Mahatma Gandhi on Air Pollution and Clean Air: Gandhian Philosophy" *Green Ubuntu*, Apr. 27, 2019, *available at* <https://greenubuntu.com/mahatma-gandhi-on-air-pollution-and-clean-air-gandhian-philosophy/> (last visited on Feb. 4, 2026).

[2] Priyali Prakash, "All of India breathes bad air, AQLI 2025 report says" *The Hindu,* Aug. 31, 2026, *available at* <https://www.thehindu.com/sci-tech/energy-and-environment/all-of-india-breathes-bad-air-aqli-2025-report-says/article69994433.ece> (last visited on Feb. 5, 2026).

[3] "The climate crisis is a health crisis – here's why" *UNDP Climate Promise,* Aug. 30, 2024, *available at* <https://climatepromise.undp.org/news-and-stories/climate-crisis-health-crisis-heres-why> (last visited on Feb. 5, 2026).

[4] "Strategies to control the rising pollution in the country" *PIB Delhi,* Dec. 7, 2023, *available at* <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1983680&reg=3&lang=2> (last visited on Feb. 8, 2026).

[5] Over 500 Mn North Indians To Lose 7.6 Yrs If Pollution Levels Persist: Study" *Business World*, Jun. 14, 2022, *available at* <https://www.businessworld.in/article/over-500-mn-north-indians-to-lose-76-yrs-if-pollution-

The impact of $PM_{2.5}$ is particularly devastating because these particles are small enough to bypass the body's natural filters, the cilia and mucous membranes of the nose and throat, entering the deep alveolar sacs of the lungs and subsequently the bloodstream. Once in the blood, these particles travel to every major organ system.

- **Respiratory and Cardiovascular Failure:** It is a primary driver of Chronic Obstructive Pulmonary Disease (COPD), lung cancer and ischemic heart disease. In 2024, the Lancet Planetary Health journal estimated that air pollution was responsible for nearly 1.67 million deaths in India annually.[6]

- **Neurological Impact:** Emerging research shows a terrifying link between prolonged exposure to $PM_{2.5}$ and cognitive decline. Studies in urban centres like Mumbai and Delhi have suggested higher incidences of Alzheimer's and Parkinson's-like symptoms in younger populations, as neuro-inflammation becomes a chronic condition.

- **The Next Generation:** Exposure in utero is linked to preterm births and low birth weight. For children, it means stunted lung development, essentially, children in India's most polluted cities are growing up with the lung capacity of heavy smokers.

- **The 2025-26 Reality:** In early 2026, cities like New Delhi, Gurugram and Patna recorded zero 'Good' air quality days in their opening weeks. $PM_{2.5}$ concentrations often peaked at 20 to 30 times the WHO safety limit ($15\mu g/m^3$ for a 24-hour period), rendering even high-quality N95 masks insufficient for long-term exposure.[7]

III. The Legal Lacuna: Why Current Laws are Paper Tigers

India's legal arsenal, primarily the Air (Prevention and Control of Pollution) Act, 1981[8] and the Environment (Protection) Act, 1986[9], was designed for a different era. These laws focus on 'command and control' mechanisms for industrial point-sources but are woefully inadequate

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432593#:~:text=As%20per%20Air%20Quality%20Life,expectancy%20on%20average%20if%20current> (last visited on Jan. 22, 2026).

[6] Michael Gross, "A breath of deadly air" 31 *Current Biology* 61-63 (2021).

[7] Sharanjeet Kaur, "Delhiites breathe in PM2.5 almost 30 times WHO safe limits" *Down to Earth,* Nov. 6, 2023, *available at* <https://www.downtoearth.org.in/pollution/delhiites-breathe-in-pm2-5-almost-30-times-who-safe-limits-92653> (last visited on Jan. 23, 2026).

[8] The Air (Prevention and Control of Pollution) Act, 1981 (Act no. 14 of 1981).

[9] The Environment (Protection) Act, 1986 (Act no. 29 of 1986).

for the diffuse, multi-sectoral nature of modern pollution.

1. The Reactive Nature of GRAP

The **Graded Response Action Plan (GRAP)** is the primary tool used by authorities today.[10] However, it is fundamentally a 'band-aid' solution. It triggers bans on construction, sets odd-even vehicle schemes, or restricts truck entry only *after* the air quality index (AQI) crosses 'Severe' thresholds. It is a management strategy for a catastrophe that has already occurred, rather than a preventative framework. Treating a public health crisis only when it reaches its peak is akin to waiting for a patient to suffer a heart attack before advising them to exercise.

2. Enforcement Deficit and Institutional Inertia

State Pollution Control Boards (SPCBs) are the frontline soldiers in this battle, yet they are crippled by systemic issues. A 2025 report indicated that nearly 50% of technical positions in several state boards remain vacant.[11] Furthermore, these boards lack the 'teeth' to penalize massive industrial violators or municipal bodies failing in waste management. When fines are issued, they are often tied up in litigation for years, or the cost of the fine is simply absorbed as a 'cost of doing business' by large corporations.

3. Jurisdictional Fragmentation and Political Friction

Air does not respect state borders. The **Commission for Air Quality Management (CAQM)** was an attempt to centralize efforts in the National Capital Region, but it has faced hurdles of 'federal friction'.[12] When stubble burning in Punjab affects the air in Delhi, or industrial emissions in Jharkhand affect West Bengal, the legal mechanisms for cross-state accountability remain murky and prone to political finger-pointing.

IV. International Perspectives: Lessons from Global Success Stories

India is not the first nation to face an '*airpocalypse'*. History provides a roadmap for recovery,

[10] Sumeda, "Explained | Delhi-NCR's revised action plan 'GRAP' to fight air pollution" *The Hindu, available at* <https://www.thehindu.com/sci-tech/energy-and-environment/explained-what-is-delhi-ncrs-action-plan-grap-to-fight-air-pollution/article65979656.ece> (last updated on Oct. 13, 2022).

[11] Atul Thakur, "Nearly 50% of posts in panels on pollution control vacant" *The Times of India,* Dec. 16, 2025, *available at* <https://timesofindia.indiatimes.com/india/nearly-50-of-posts-in-panels-on-pollution-control-vacant/articleshow/125990626.cms> (last visited on Jan. 27, 2026).

[12] Shivnarayan Rajpurohit, "Is the Commission for Air Quality Management facing a crisis of its own in Delhi?" *News Laundry,* Jan. 17, 2025, *available at* <https://www.newslaundry.com/2025/01/17/is-the-commission-for-air-quality-management-facing-a-crisis-of-its-own-in-delhi> (last visited on Jan. 14, 2026).

provided there is political will and a shift from viewing pollution as a cost to viewing it as a 'life or death' crisis.

1. The Great Smog of London

In December 1952, a thick layer of coal-smoke fog settled over London, killing an estimated 12,000 people and sickening 100,000 more.[13] The British government's response was the Clean Air Act of 1956[14]. This was a landmark piece of legislation because it didn't just 'monitor' air; it fundamentally changed how people lived.

- **Smoke-Control Areas:** It mandated zones where only smokeless fuels could be burnt.
- **Household Subsidies:** The government provided direct financial incentives for households to convert from coal fires to gas or electricity.
- **Relocation of Power Stations:** It forced the movement of polluting industry away from urban centres.

2. Beijing's 'War on Pollution'

In 2013, China declared a literal 'war on pollution' after public outcry over Beijing's air quality.[15] Through the **National Action Plan on Air Pollution Prevention and Control**, China achieved what many thought impossible for a developing economy:

- **Quotas and Bans:** They banned new coal-fired power plants in high-pollution regions and mandated a 25% reduction in $PM_{2.5}$ within five years.
- **Preventative 'Red Alerts':** Unlike India's GRAP, China's 'Red Alert' protocols were truly preventative, shutting down high-emission sectors based on *forecasts*, not just current readings.
- **Technological Leapfrogging:** Beijing didn't just clean up old cars; they became the

[13] Julia Martinez, "Great Smog of London" *The Britannica, available at* <https://www.britannica.com/event/Great-Smog-of-London> (last updated on Jan. 6, 2026).
[14] The Clean Air Act 1956 (4 & 5 Eliz. 2. C. 52).
[15] Hadi Khan, "Poisoned skies: How China tackled pollution — if Beijing can, why can't Delhi?" *The Times of India,* Dec. 4, 2025, *available at* <https://timesofindia.indiatimes.com/city/delhi/poisoned-skies-how-china-tackled-pollution-if-beijing-can-why-cant-delhi/articleshow/125757506.cms> (last visited on Jan. 26, 2026).

world leader in electric bus fleets and EV infrastructure. By 2023, Beijing had reduced particulate levels by over 40%.[16]

V. The Case for a National Public Health Emergency (NPHE)

Declaring a National Public Health Emergency (NPHE) is a strategic move that moves air pollution from the periphery of environmental law to the centre of national security and survival.

1. Centralized Command and Synergy

An emergency declaration allows the Union Government to create a 'Unified Command Structure'. Currently, the Ministry of Health is largely absent from the air pollution conversation. Under an NPHE, the Ministry of Health would take the lead, ensuring that pollution mitigation is viewed through the lens of hospital admissions, mortality rates and public health spending. It would coordinate across Transport, Power and Agriculture, ensuring that no department works in a vacuum.

2. Financial Mobilization and the 'Polluter Pays' Principle

An emergency declaration unlocks dedicated funding. During the COVID-19 pandemic, we saw how the government could rapidly scale healthcare infrastructure and fund vaccine research. An NPHE for air pollution would mandate the diversion of 'Green Cess' and 'Carbon Tax' funds, often left underutilized, directly into:

- Upgrading public transport to 100% electric.
- Providing state-funded air purifiers and medical care for low-income communities.
- Massive R&D for carbon capture and clean energy storage.

3. Legal Obligation and Judicial Accountability

The 'Right to Clean Air' has been established by the Indian Judiciary in various cases, such as

[16] Anil Sasi, "Explained: Lessons from Beijing in clearing Delhi's air pollution" *The Indian Express, available at* <https://indianexpress.com/article/explained/explained-climate/l-environment-lessons-from-beijing-in-clearing-delhis-air-10410155/> (last updated on Dec. 9, 2025).

Subhash Kumar v. State of Bihar[17], as part of the Right to Life under Article 21[18]. However, this remains a 'passive right'. An emergency declaration turns this into a statutory mandate. It gives citizens a legal lever to hold bureaucrats personally accountable for failing to meet air quality milestones, moving beyond the 'environmental compensation' model to one of direct administrative responsibility.

VI. Proposed Policy and Legal Solutions: A Multi-Pronged Strategy

To move beyond the status quo, India must adopt a 'Health-First' strategy that targets the root causes of emissions with surgical precision.

1. The 'Clean Air & Health' Act

We need a new, comprehensive law that supersedes the 1981 Act. This legislation should:

- **Health-Indexed Standards:** Link air quality standards directly to WHO health outcomes, rather than arbitrary national targets.
- **Strict Liability:** Make it a criminal offense for municipal heads to allow open waste burning or dust mismanagement.
- **A National Compensation Fund:** Establish a fund to provide respiratory care and insurance coverage for those in high-risk demographics, funded by an 'Air Pollution Tax' on luxury high-emission vehicles and heavy industry.

2. Sectoral Overhauls: Agriculture and Waste

- **Agriculture as a *Solution*, Not a *Problem*:** Instead of penalizing farmers for stubble burning—which often leads to social unrest—the state must treat crop residue as a commodity. Massive investment in *Ex-Situ* management is required.[19] This involves creating a logistics chain to collect stubble and convert it into bio-pellets for use in

[17] *Subhash Kumar v. State of Bihar*, 1991 SCR (1) 5.
[18] The Constitution of India, art. 21.
[19] Kurinji, L. S, and Sankalp Kumar, "Is Ex-situ Crop Residue Management a Scalable Solution to Stubble Burning? A Punjab Case Study" *Council on Energy, Environment and Water*, Jan. 22, 2021, *available at* <https://www.ceew.in/publications/ex-situ-crop-residue-management-scalable-solution-for-paddy-stubble-burning#:~:text=Ex%2Dsitu%20residue%20management%20methods,invest%20in%20additional%20biomass%20plants.> (last visited on Jan. 30, 2026).

thermal power plants, creating a 'Circular Economy' for agricultural waste.

- **Zero-Waste Municipalities:** Over 50% of urban pollution comes from mismanaged waste and road dust. The emergency declaration should mandate that every city above a certain population threshold must reach 100% waste segregation and processing within 24 months, with heavy penalties for 'legacy waste'[20] fires at landfills.

3. Transport and Energy: The Great Transition

- **The Scrappage Policy:** A 'Scrappage Policy' on steroids is needed. We must accelerate the transition to EVs not just for private cars, but for the millions of two-wheelers and commercial trucks that form the backbone of Indian logistics. This requires a nationwide 'Charging Grid' that is as ubiquitous as petrol pumps.

- **Coal Phase-Out:** A time-bound phase-out of the oldest, most inefficient coal-fired thermal power plants is non-negotiable. These should be replaced by decentralized solar and wind grids, reducing the transmission losses and concentrated pollution of the 'mega-plant' model.

4. Public Health Integration and Communication

Air quality advisories should be as common and well-understood as weather reports. Doctors should be trained to identify and report pollution-linked ailments to a national database.

- **The 'Air Quality Health Index' (AQHI):** Transition from a generic AQI to an AQHI that provides specific health advice (e.g., "*At this level, children with asthma should stay indoors*").

- **Urban Greenery:** Mandating 'Green Belts' around industrial zones and massive urban forestry projects to act as natural filters for PM_{10} and $PM_{2.5}$.

VII. The Socio-Economic Imperative

Opponents of an emergency declaration often cite the 'economic cost' of such drastic measures.

[20] Atun Roy Choudhury, Jitesh Lalwani, Sovik Das and Neha singh, " A legacy that stinks" *Down to Earth*, Mar. 22, 2025, *available at* <https://www.downtoearth.org.in/waste/a-legacy-that-stinks> (last visited on Jan. 28, 2026).

However, this is a flawed perspective. The World Bank and the IMF have repeatedly noted that the labour productivity loss due to air pollution in India costs the economy approximately 1.5% to 3% of its GDP.[21]

When workers are too sick to go to work, when children are too ill to attend school and when the healthcare system is burdened by millions of preventable respiratory cases, the economy suffers. By declaring a National Public Health Emergency, India isn't choosing 'health *over* wealth'; it is choosing 'health *as* wealth'. A clean-tech revolution could be the greatest driver of jobs in the 21st century, from EV manufacturing to renewable energy maintenance and waste-to-energy plant operations.

VIII. Concluding the Crisis: A New Covenant for the Sky

The choice between development and clean air is a false dichotomy. True progress cannot be built on the backs of a chronically ill workforce or by committing 'trans-generational theft' against our children's health.

Declaring a ***National Public Health Emergency*** is not an admission of failure; it is a declaration of intent. It marks the transition from treating pollution as a seasonal nuisance to recognizing it as an existential threat. We must move beyond half-hearted bans toward a legally mandated 'Right to Breathe'[22] for every citizen, regardless of status or geography.

As we stand at this point of no return, we must end our suicidal war on nature. The gray haze over our cities is a call to action. We don't just need policy; we need a lifeline.

"In our hands now lies not only our own future, but that of all other living creatures with whom we share the earth." [23] ***— Sir David Attenborough***

[21] Anushka Sharma, "From Health to Wealth: How India's Air Crisis is Stifling Economic Growth" *Bharti Institute of Public Policy,* Dec. 24, 2024, *available at* <https://blogs.isb.edu/bhartiinstitute/2024/12/24/from-health-to-wealth-how-indias-air-crisis-is-stifling-economic-growth/> (last visited on Jan. 19, 2026).
[22] Nidhi Mehra, "Right to breathe clean air should be considered as a fundamental right in India" *The CSR Journal*, Mar. 4, 2023, *available at* <https://thecsrjournal.in/right-to-breathe-clean-air-should-be-considered-as-a-fundamental-right-in-india-myplan8/> (last visited on Feb. 5, 2026).
[23] "Sir David Attenborough unveils powerful quote about the future of the natural world at the Natural History Museum" *Natural History Museum,* Jun. 30, 2023, *available at* <https://www.nhm.ac.uk/press-office/press-releases/sir-david-attenborough-unveils-power-quote-natural--hisotry-museum-t1.html> (last visited on Feb. 3, 2026).