

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

Original Application No. 200/2014
(M.A. No. 254/2018)
(C.W.P. No. 3727/1985)

With

Original Application No. 668/2017
(Earlier M.A. No. 923/2017 in O.A. No. 200/2014)

With

M.A. Nos. 141/2016 & 337/2018
Original Application No. 10/2015

With

Original Application No. 390/2018
(Earlier O.A. No. 44/2017) (EZ)

With

Original Application No. 34/2018

M.C. Mehta

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

With

M.C. Mehta

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

With

Indian Council for Enviro-Legal Action

Applicant(s)

Versus

National Ganga River Basin Authority & Ors.

Respondent(s)

With

Tribunal on its own Motion (Suo Motu)

Applicant(s)

Versus

State of Bihar & Ors.

Respondent(s)

With

Vikrant Tongad

Applicant(s)

Versus

Date of hearing: 29.11.2018

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

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Advocates.
Mr. Rahul Choudhary and Mr. Sharan
Balakrishna, Advocates

For Respondent (s):

Mr. Santosh Kumar, Adv. for UPSIDC
Mr. Brajesh Pandey Advocate
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Mr. Ishwer Singh, and Mr. Kumar Ajitabh
Advocates with Mr. Sundeep Director and Mr.
Pravin, Director for NMCG
Mr. Rudreshwar Singh, Advocate for BSPCB
Mr. Shoeab Alam, Advocate for State of Bihar
Mr. Sharmila Upadhyay and Mr. Sarvjit Pratap
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CPCB
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Advocates for CETP Sitarganj
Dr. Sandeep Singh, Ms. Shreya Mathur and Mr.
Atul Batra, Advocates for Mother Dairy
Mr. Attin Shankar Rastogi and Mr. Prateek
Yadav, Advocates for MoEF
Mr. Mukesh Verma Advocate. With Mr. S. S. Pal
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Ms. Yogmaya Agnihotri, Advocate for CECB
M. B.V. Niren, Advocate for CGWA
Mr. Vijay Hans Ariya, Sr. Advocate and Mr.
Rahul Verma, AAG State of Uttarakhand
Ms. Neelam Sinha, Advocate
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Mr. I. K. Kapila, Advocate for Uttar Pradesh Jal
Nigam

ORDER

1. The issue taken up for consideration in today's proceedings relates to the progress to check pollution in river Ganga, in the light of the directions of this Tribunal vide order dated 10.12.2015, and subsequent orders.
2. Broadly, the directions relate to check in discharge of untreated sewage as well as untreated effluents from industries into the River. Directions also include issues of solid waste management, mining along the river beds, bio-medical waste disposal, ground water drawal, use of recycled water, e-flows and

encroachment on flood plains etc. affecting water quality. The order dated 10-12-2015 provides for Executing Committee headed by the Secretary, Ministry of Urban Development or the State and Supervisory Committee, headed by the Additional Chief Secretary/FRDC, Uttarakhand.

3. On 07.12.2017, this Tribunal noticed that STPs were not working properly and their capacity was required to be updated. Similar direction was given on 15.12.2017 with regard to CETPS at Haridwar, Pantnagar, Sitarganj. The directions were also with regard to preventing construction on flood plains, checking the use of plastic and construction of bio-digesters. On 23.01.2018, the NMCG was appointed as a convener of the Committee in respect of CETPs.

4. The matter was again monitored by this Tribunal vide order dated 19.07.2018. Noticing shortcomings in compliance, the matter was adjourned for about four months to enable requisite steps being taken by the concerned authorities on various issues, including sewage management, solid waste management and effluent treatment. The Tribunal noted the stand of the applicant that there are unresolved issues of air pollution, lack of proper management of solid and liquid waste -municipal as well as industries. This Tribunal directed that District Ganga Committee in every district may furnish report to the Executing Committee every fortnight and the said Committee should send a report to the Supervisory Committee once in every month. The Supervisory Committee must meet once in two months and the Principal Committee may meet once in three months. Any member of the public can send his views to the Executing Committee, the Supervisory Committee as well as the Principal Committee. Response to such views should be placed on the website. This was to enable public education and involvement. Notice to this

effect was to be put on the website. Periodic reports of samples of water at various places were to be complied.

5. On 06.08.2018, in the course of considering the progress of the directions of this Tribunal dated 13.07.2017 relating to River Ganga for stretch from Haridwar to Kanpur, a Committee headed by former Judge of Allahabad High Court was constituted to monitor the compliance of the directions already issued. The said Committee was also to operate for Segment-A and Segment-B, Phase-I i.e. from Gaumukh to Haridwar and Haridwar to Unnao respectively.

6. This Tribunal directed that information of the water quality in terms of drinking/bathing fitness may be displayed at appropriate locations in digital formats, in the interest of public. It was directed that for violation of Water (Prevention and Control of Pollution) Act 1974, steps should be taken against the industries by way of closing the industries as well as by way of prosecution. This Tribunal noted the observations of the Hon'ble Supreme Court in (4) SCC 463, 1988(1) SCC 47, (1991)1 SCC 181, (1992) Supp.2 SCC 63, (1992) Supp. 2 SCC 637 and 1997 (2) SCC 411 with regard to directions of the Hon'ble Supreme Court to check pollution. Report of the Comptroller of Auditor General of India for Ganga Action Plan dated 10.10.2006 and the observations in the order of Hon'ble Supreme Court dated 09.10.2014 were also noted. It was observed that only 45% of the Grossly Polluting Industries had ETPs. 18% of the said ETPs did not function properly or did not meet the standards. The industrial effluent discharge was to the extent of 2667.16 MLD into the river Ganga.

7. This Tribunal referred to the study by Scientists and Engineers from Expert Bodies in its order dated 10.12.2015 who suggested River Basin Management Approach for pollution

prevention work which will include checking pollution at the point of source as well as other points. The directions required drain-wise treatment to tackle major industrial pollution. The effluents are to be treated, recycled and reused without the untreated effluents being discharged into the river. Merely treating hot spots at the river bed was not enough. E-flow was also one of the aspects which was linked to the depletion of ground water level near major urban centers. The diversion of water for different purposes also affected the e-flow. Encroachment on flood plains by indiscriminate construction and dumping of waste around flood plains were further issues in the context of pollution of river Ganga. The directions of this Tribunal provide for need for no-construction zones within prohibited areas from the edge of the river to maintain minimum e-flow. No dumping at land fill sites within a specified distance from the river, should be allowed. No stream and mechanical mining or mining on the flood plains are to be permitted. Regulation of extraction of ground water, recovery of compensation from defaulters and checking effluents from distillery, sugar mills and restricting operation in the catchment areas etc. were necessary. The Tribunal noted that test of progress is the improvement of quality of water as per the laid down standards.

8. The Committee constituted by this Tribunal was required to involve educational institutions as well as other members of the public, apart from technical assistance
9. The issues considered in today's hearing are:
 - I. Timelines for completion of projects of STPs/CETPs and for compliance of MSW rules, tapping of drains, setting up of bio-digesters and sewerage network.
 - II. Demonstrable improvement in water quality and assessment of load on recipient body from solid and

liquid waste due to commissioning of projects of STPs/CETPs, MSW, tapping of drains etc.

III. Ensuring use of plastic for road construction/ and use in kilns.

IV. Checking use of un-regulated ground water extraction by the industries.

V. Switch over to ZLD systems

VI. E-flows

VII. Public involvement and awareness

10. One of the project to check pollution of river Ganga is installation of STPs at Haridwar with enhanced capacity of 68 MLD at Jagjeetpur. According to the compliance affidavit filed on 28.11.2018, the work is likely to be completed by February, 2020. Having regard to significance and urgency, it will be appropriate that effort is made to pre-pone the commissioning of said project upto June, 2019. We are informed that under the Hybrid Annuity Model System (HAM), incentives are available. This aspect may be monitored by the *UP Pey Jal Nigam* and the same may be monitored by the Monitoring Committee. With regard to compliance of Municipal Solid Waste Rules, the Regional Committee constituted by this Tribunal vide order dated 20.08.2018 in Original Application No. 606 of 2018 may work in tandem with the Committee headed by the former Judge of High Court for overseeing the execution of the order of this Tribunal with regard to checking of pollution in River Ganga. On the issue of bio-digester, though in the compliance affidavit it is stated that the same may not be required, the matter may be finalized by Joint Committee of Central Pollution Control Board and State Pollution Control Board, within one month from today.

11. With regard to STPs in 50 Priority Towns, it is stated that DPRs were approved for upgradation of STPs. However, the

work of establishment of new projects and upgradation of STPs is going on, which may be expedited and early commissioning of such projects.

12. The impact assessment may be made with regard to works already completed on water quality is reference to the pollution load, with regard to tapping of drains as it is stated that out of 135 drains, 70 drains have been tapped. For tapping of the remaining drains, works are in progress which should be expedited with firm time lines for execution. Before the drains enter the river, online mechanism for display of water quality may be considered.
13. *In-situ* temporary bio-remedial treatment is proposed for 13 drains. The efficacy of same needs to be assessed.
14. The functioning of CETPs must be monitored to ensure that they maintain the prescribed standards. Wherever ZLD issues are involved, same may be resolved by CPCB and State Pollution Control Board.
15. Decentralized processing facilities should be provided closest to the source of generation of solid waste near cluster of Hotels, Dharamshalas and Ashram or other such places for segregation and treatment of biodegradable waste and its appropriate disposal. The Hotels, Dharmashalas and Ashrams should not operate without the requisites consent from the State Board.
16. There are also other issues dealt with in the compliance report including mining activities, disposal of bio-medical waste, zoning of floodplains, cleaning of public toilets facilities etc. which may need constant monitoring by the already constituted Committees.
17. Since, we are informed that on account of *Kumbh* event at Allahabad, involvement of the Committee headed by Justice Tandon will require focus on the State of UP, we modify the

direction in order dated 06.08.2018, in para 24 and substitute the same by Justice U.C. Dhyani, former Judge of Uttarakhand High Court for Segment-A, Phase-I i.e. Gaumukh to Haridwar. Justice Dhyani is already engaged in connected work of overseeing removal of encroachment on the flood plains at Haridwar. Other Members of the Committee for their stretches will be nominee of CPCB and nominee of IIT Roorkee. Same representative of CPCB will continue, as before. However, the Committee headed by Justice Arun Tandon may conduct its meeting already scheduled on 1st to 3rd December, 2018 which may also be attended by Justice U.C. Dhyani and the representative of IIT, Roorkee.

18. The issue of preparing a model DPRs and standardizing terms of tenders to be awarded for STPs and MSW plants to curtail the procedure and to save time and cost may be looked into. The issue of installing skimmers and trap-nets in drains/streams/rivers at appropriate places may be considered. Digital display boards may be set up at major Ghats (Bathing enclosures), where quality of the water may be displayed.

19. We also request the Committee to involve Legal Services Authority wherever viable to undertake the work of creating awareness and also to publish the requisite information in local language or on permanent places.

20. We find that there is a communication gap with regard to orders issued by this Tribunal on various issues having application of particular States. Even though orders of the Tribunal are placed on the website, it may be appropriate that CPCB undertakes compilation of gist of important directions periodically and conveys the same to the concerned Pollution Control Boards/Committees for onward communication to the concerned authorities for compliance. Our attention has been

invited to the observations of the Hon'ble Supreme Court of India in M.C. Mehta Vs. Union of India 1992 (1) SCC 358, directing that every cinema hall, and video parlors should have at least two slides of messages on environment in each show and information films of short duration should be shown in Cinema halls. Further, 5-7 minutes programme should be broadcast once a week by Doordarshan and AIR on the subject of environment. The subject may be made compulsory in schools, colleges and universities for general growth of awareness of environment. The directions of the Hon'ble Supreme Court of India may be carried out, if the same is not being already done. The issues which have not been specifically dealt with in today's order will be open to be considered by the concerned Committees, as per directions already issued.

21. E-flows has been notified by the Ministry of Water Resources. Various instrumentalities must ensure that e-flows as notified be strictly maintained for the health of aquatic life. For this, they shall ensure that necessary monitoring set-up is established. It has been stated that the Ministry of Water Resources is already undertaking a study on impacts of e-flows on aquatic life. The Ministry of Water Resources to include Central Pollution Control Board in the said study so as to have environmental perspective in same. The impact on riverine aquatic life as a result of newly mandated e-flow regime needs to be compiled by the CPCB led/constituted agencies and report submitted to this Tribunal.
22. A copy of the compliance report may be furnished to the Committee- meeting on 1st December, 2018 by the Nodal Officer of the State of Uttarakhand.
23. List again matter on 6th March, 2019 to consider further progress for which report be furnished on or before 28.02.2019 to

this Tribunal through the Committee constituted for this purpose.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

November 29, 2018
JG&SN

