

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

Consideration of Report dated 10.04.2019
IN
Original Application No. 200/2014

M.C. Mehta

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 22.04.2019

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

For Applicant(s): Ms. Katyani, Mr. Rahul Choudhary and Sharan Balakrishna, Advocates

For Respondent (s): Mr. Pradeep Mishra, Advocate for UPPCB.
Dr. Sandeep Singh, Advocate and Ms. Priyanka Swami,
Advocate for Urban Development (U.P.) with Mr. Vijay
Kiran Anand, DM, Allahabad for State of U.P.
Mr. Raj Kumar, Advocate for CPCB.
Mr. I.K. Kapila, Advocate for UP Jal Nigam

ORDER

1. The limited issue for consideration today is the remedial measures to deal with the alarming situation which has arisen post *Kumbh* at Allahabad.
2. While dealing with the issue of implementation of order of this Tribunal till 10.12.2015 on the subject of control of pollution of river

Ganga, the Tribunal considered the matter on 11.03.2019 in the light of site visits by the Committee appointed by this Tribunal to oversee the implementation of order of this Tribunal dated 10.12.2015.

3. On perusal of the photographs, it was found that there is urgent need for restoration work for treatment of sewage water stored in pools, remediation work for drains and solid waste processing. The Tribunal directed the State of Uttar Pradesh to ensure consultation with the Committee headed by Justice Arun Tandon with regard to post Kumbh Mela steps affecting river Ganga. The matter is scheduled to be considered further on 02.05.2019 to consider the steps taken by NMCG and the concerned States.

4. An interim report dated 10.04.2019 has been received from Justice Arun Tandon, Chairman of the Supervisory Committee based on site inspections and observations. The Committee found that a large number of toilets have been constructed in various camps on the Arail side very close to the river. Sewage received at the Rajapur STP was in excess of installed capacity. Only 50% of Rajapur drain was being treated through Geo tube and remaining 50% was being permitted to enter river Ganga without treatment. At Jodhwal Nala Rasoolabad, capacity of bio remediation technology was 6 MLD drain. At Salori STP, 29 MLD plant was not working satisfactorily. Sewage was in excess of capacity. BOD level was 47 mg/l. The Geo tube was not working satisfactorily. 50% of the sewage from the Salori drain was being trapped. Remaining was being permitted to enter river Ganga without treatment. In Sectors 9 to 17, 7 lagoons of approximately 235 x 25 x 3 metres had been constructed with the help of sand bag with no lining at the base. With regard to the

disposal of the solid waste, the Pollution Department specifically reported that segregation of waste was not possible. No treatment of the solid waste at Baswar Plant was being carried out. Nearly 965 metric tons daily of solid waste was being sent to the Baswar Plant which had only a capacity of 600 metric tons per day. It was also noted that only 75% of the solid waste was in fact reaching the plant.

5. The report further mentions that a joint inspection was conducted along with Justice Devi Prasad Singh (Retd.), Chairman Solid Waste Management Committee, on 27.02.2019 and 28.02.2019 and it was noticed that at *Mawaiya Nala*, where Geo tube technology has been adopted, had a bypass because of which untreated water from the drain continued to enter the river. On way back, the Committee found that at the site of Parmarth Niketan Arail, a big dirty water pond was existing. The human excreta was seen floating in the pond. On visit to the site of bio remediation at *Arail Nala*, the Committee found that the *Nala* was full of solid waste and the nature of liquid used for bio remediation could not be informed or disclosed by the operator. The Committee then visited Indraprastham City and found that all the cross section points, where dirty water and toilet waste was to be collected and ultimately transported to STP, were practically dry and not a drop of water could be seen. The *kuchcha* pond constructed near Hanuman temple was found to be full of dirty water and insects and mosquitoes could be seen there.

6. On inspection, the Committee found that dirty water etc. from the toilets was being collected in *kutchha* pits. The base of the soak pits had not been lined and the dirty water could percolate underground. Huge *pucca* constructions were being raised at a distance of hardly 5

metres from the river at Yamuna bank. Working of the geo tube at *Mawaiya Nala* and *Arail Nala* was far from satisfactory and that untreated drains were meeting the effluent from the discharge of the geo tubes at some distance. Such places have been photographed. On 02.04.2019, the Committee found that there was overflow through bypass at *Loteharan drain* and that one of the geo tubes was not operational. The other drain i.e. *Mansuthia drain* was untreated and met the discharge of geo tube before entering river Ganga.

7. The Chief Secretary in the course of a meeting specifically noted that approximately 60,000 metric ton of solid waste had been collected at Solid Waste Management Plant, Baswar which was lying untreated. Every day, there was transportation of 600-700 metric ton of solid waste both from *Kumbh Mela* and Prayagraj city. The Chief Secretary was informed that 122500 toilets have been constructed and 36 temporary ponds have also been constructed under the Mela area. Reference may also be made to a letter of the Regional Officer, U.P. Pollution Control Board, Allahabad dated 29 March 2019 wherein he had informed that approximately 65-70 thousand metric ton of unsegregated solid waste was lying at Baswar Plant of which merely 18000 metric ton was the waste generated in the Kumbh area. The plant was not operational. It is also mentioned that approximately 45,000 MT of solid waste was lying accumulated at the plant.

8. The observations of the Committee have been summed up as follows:

“(i) Shifting of approximately 2000 MT of unsegregated solid waste from the/ Kumbh Mela area to the Solid Waste Management Plant at Baswar knowing fully well that the plant was not operational is grossest violation of the orders of the National Green Tribunal and the Solid Waste Management Rules, 2016. The plant at Baswar has been

- lying practically closed since September 2018. The solid waste is lying in open untreated and uncovered.*
- (ii) Sewage and dirty water was permitted to be collected in kuchcha pits in the mela area which have been photographed. Despite notice no reply has been submitted by the Meladhikari for which suitable environment compensation per day be levied.*
 - (iii) Toilets waste drains and camps had been constructed at a distance hardly less than 10 meters from the river.*
 - (iv) Construction of 36 temporary ponds at the bank of the river with no lining and in some of which dirty water is still available is in grossest violation of the orders of the National Green Tribunal.*
 - (v) Creation of bypass at the places where Geo tube technology had been adopted, thereby dirty water has been permitted to enter the river s panga without treatment, including sewage cannot be ruled out.*
 - (vi) Noncooperation of the Mela administration with the Supervisory Committee in the matter of uninstalation of public toilets and in the matter of cleaning of toilet waste further establishes that the Kumbh Mela authorities have not acted as per the directions of the Hon'ble Tribunal/ Chief Secretary of State of Uttar Pradesh/ Supervisory Committee, and an attempt has been made to hoodwink the cleaning of waste from the soak pits and septic tanks, ponds, etc.*
 - (vii) Working of the geo tubes was highly unsatisfactory.*
 - (viii) Pucca constructions were being raised very near the river at Yamuna bank and despite notice the Authorities did not disclose as to who had sanctioned the maps/building plans for such construction.*
 - (ix) Immediate and effective measures be taken with utmost urgency to ensure that solid waste stored at Baswar Plant which is around 1 lac MT as on date is taken care of and disposed of with all promptness and in a scientific manner.*
 - (x) The collection and transportation of septage still requires to be monitored.*
 - (xi) Removal of Geo tubes after the expiration of the contract has to be done with prior information to the Committee so that it be ensured, and the sludge and waste is not permitted to enter the river.*
 - (xii) Cleaning of the ponds where dirty water is still lying must be done with intimation to the Supervisory Committee.*
 - (xiii) Measures be also taken for ensuring that the dirty water and the solid waste is not permitted to reach the river.”*

9. The above factual report shows alarming situation which needs to be dealt with on emergency basis to avoid potential of epidemics in the area.
10. Learned Amicus has drawn our attention to the statistics of the diseases in Uttar Pradesh referable to water pollution, as per

statement in Lok Sabha on 06.04.2017, in response to question no. 5492. The figures for the year 2016 are as follows:

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Sl. No.	Names of Diseases	No. of registered cases
1	<i>Acute Diarrheal</i>	10,66,342
2	<i>Enteric Fever</i>	4,95,698
3	<i>Viral Hepatitis</i>	12,530
4	<i>Cholera</i>	40

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11. It is pointed out that if the above figures are compared to the previous years, an increase trend is shown. In this background, post *Kumbh* action must be prompt and adequate for which responsibility be fixed.

12. Our attention has been drawn to the action taken report prepared by the Principal Secretary, Urban Development with reference to the order of this Tribunal dated 11.03.2019. The gist of the action plan is as follows:

“11. The gist of directions and action plan with time line is as follows:

Sl. No.	Issues/Directions	Action Plan	Timeline
1	Action Plan for handling solid waste generated during <i>Kumbh</i> at Baswar solid waste processing plant.	The action plan is to segregate the recyclables, separate the inserts and compost the organic waste. A copy of the proposal submitted by the Agency is Annexed.	30.06.2019
2	Bio-remediation of drains	The treatments of drains have been undertaken through bio-	15.06.2019

		remediation, phyto-remediation and geobag technology. The treatments have helped in achieving the objective of clean water during Kumbh-2019. The attainment of parameters on BOD, TSS etc. has been linked with the payment schedule.	
3	Plantation on Salori and Rajapur	Will be taken up in monsoon	30.07.2019
4	Treatment of sludge in geobags	It will be done by the vendor scientifically as per the plan annexed.	30.06.2019 ”

13. The plan must be fully implemented in the light of observations in the report of Justice Tandon mentioned above and in shorter time in view of the approaching monsoon season. While plantation can continue during monsoon, all other steps must be completed positively before the monsoon is expected to start i.e. 15.06.2019.

14. Learned Amicus has suggested and we are in agreement with the suggestions that the accountability must be fixed at ground level and personal supervision of senior level officer ensured.

15. We, accordingly, direct that an appropriate monitoring mechanism of fixing accountability of ground level officers and the level of the officers required to monitor may be determined by the Chief Secretary at the earliest, preferably before 26.04.2019 on which the Chief Secretary, State of Uttar Pradesh is expected to appear before this

Tribunal in pursuance of order passed by the Tribunal in O.A. No. 606/2018. The Chief Secretary may provide such determination to this Tribunal.

16. A copy of this order be sent to the Chief Secretary, State of Uttar Pradesh by e-mail for compliance.

A copy of this order be placed in the file of O.A. No. 606/2018.

The report dated 10.04.2019 is disposed of.

