

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

**Original Application No. 200 of 2014
(M.A. No. 254/2018& M.A. No. 872/2018)
(C.W.P. No. 3727/1985)**

And

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

IN THE MATTER OF :

**M.C. Mehta Vs. Union of India &Ors.
And
M.C. Mehta Vs. Union of India &Ors.**

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

Present:

Applicant:	Mr. M.C. Mehta and Ms. Katyayni, Adv. Mr. Manish Paliwal, Ms. Aliya Durafshan and Mr. Vikas Kumar, Adv. in MA 872/2018
Respondent:	Mr. Santosh Kumar, Adv. for UPSIDC Mr. V. K. Shukla, Adv. and Mr. Vijay Laxmi, Adv. for State of Madhya Pradesh Mr. Jayesh Gaurav, Adv. for JSPCB Mr. Rajkumar, Adv. with Mr. Bhupender Kumar, LA for Central Pollution Control Board Mr. Ishwer Singh, Adv. and Shri Sandeep Singh, Director for NMCG Mr. Mukesh Verma, Adv. for UEPCB Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal Nigam Dr. Sandeep Singh, Adv. for State of Uttar Pradesh. Ms. Yogmaya Agnihotri, Adv. and Ms. Prity, Adv. for CECB Mr. Manish Kumar, Adv. for State of Himachal Pradesh Mr. B.V. Niren with Mr. Kshitij Mudgal, Adv. for CGWA Mr. Attin Shankar Rastogi, adv. for Ministry of Environment, Forest and Climate Change Ms. Alpana Poddar, Adv. for CPCB Mr. Rajul Shrivastav, Adv. for MPPCB Mr. Raja Chatterjee, Mr. Piyush Sachdev and Ms. Abhinandini Yadav, Adv. for State of WB Ms. Deep Shikha Bharti, Adv. for Irrigation Dept. Mr. Pradeep Misra and Mr. Daleep Dhayani, adv. for UPPCB Mr. Sanjeev Ralli, Adv. and Mr. Dinesh Jindal LO, DPCC Mr. Sandeep, Director Technical and Kumar Ajitabh for NMCG Mr. Varun Thakur and Mr. Brajesh Pandey, Adv. for National Mission for Clean Ganga Md. Rashid Saeed, Adv. for CETP, Banthar and Unnao Ms. Priyanka Sinha and Ms. Shrishti Sinha, Adv. for State of Jharkhand Mr. Atul Batra and Ms. Shreya Mathur, Adv. for Mother Dairy

Date and Remarks	Orders of the Tribunal
<p data-bbox="321 298 483 365">Item Nos. 01 & 02</p> <p data-bbox="321 400 483 467">August 06, 2018</p> <p data-bbox="342 486 462 513">A, SS, R & DV</p>	<p data-bbox="511 317 1437 951">1. The matter has been taken up in continuation of last order dated 27th July, 2018, with a view to oversee the progress of directions of the Tribunal dated 13th July, 2017, for tackling the problem of pollution of river Ganga. Directions of this Tribunal cover long stretch of river Ganga in three phases: (i) Upto Haridwar – Segment-A, Phase-I (ii) Haridwar to Kanpur – Segment-B, Phase-I (iii) Kanpur to Buxar – Phase-II and (iv) Buxar to Ganga Sagar – Phase-III.</p> <p data-bbox="511 1032 1437 2421">2. One of the directions on the last date of hearing was to require Central Pollution Control Board and Uttar Pradesh Pollution Control Board to display results of test of samples of water at various locations to indicate whether the water is fit for consumption or fit for bathing and the parameters on which the declaration is based. A photograph has been placed before us by Central Pollution Control Board indicating that in the entire sector from Haridwar to Kanpur, the quality of water shown in Red Color i.e. it is unfit for drinking and with very few exceptions it is unfit even for bathing. This information may be displayed at appropriate locations, as already directed. The same may be done in a digital format. It cannot be ignored that huge Chromium is being dumped into the river Ganga in the form of effluents at and around Jajmau and Kanpur and the said effluent discharge is beyond the prescribed norms. It is harmful to the health for those who may consume Ganges water or take bath in it. This is also in flagrant violation of the provision of the</p>

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Water (Prevention and Control of Pollution) Act, 1974, requiring closing of the industries engaged in discharging such effluents as well as prosecution. This is continuing inspite of orders of Courts and this Tribunal for the last three decades. One can express some satisfaction if red signs on the map, which has been taken displayed on the website of Central Pollution Control Board are converted to green with improvement in water quality. Till then, no one can say that any satisfactory progress has been achieved. In saying so, we are not casting any aspersion but expressing the hard reality for which reasons and action need to be looked into.

3. At this stage, we may make a brief reference to the background of the directions issued by this Tribunal. The orders passed in *WP(C) 3727/1985- M.C. Mehta Vs. Union of India*, pointed out unabated pollution in the river. Direction was issued to install equipments capable of treating the pollution. It was also directed that untreated municipal sewage should not be discharged into the river. Reference may be made to order dated 22nd September, 1987, reported in *1987 (4) SCC 463*. One of the issues dealt with was pollution caused by the Tanneries in Kanpur and Jajmau. 29 Tanneries were directed to be closed with the observation that they cannot continue their activities unless they set up Primary Effluent Treatment Plants.

4. Thereafter, vide order dated 12th January, 1988, reported in *1988 (1) SCC 47*, further directions were issued to the Nagar Palika Kanpur. Directions were also

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issued in (1991) 1 SCC 181, (1992) Supp.2 SCC 63, (1992) Supp. 2 SCC 637. Again, vide the order dated 04th August, 1992, the progress was found to be inadequate. Grossly Polluting Industries were classified. Again, vide order dated 19th December, 1996, reported in 1997 (2) SCC 411, directions for relocation of tanneries and imposition of pollution fine to be credited to Environment Protection Fund, were issued.

5. On 10th October, 2006, the report of the Comptroller of Auditor General of India for Ganga Action Plan was considered. Finally, vide order dated 09th October, 2014, it was noted that only 45% of the Grossly Polluting Industries (GPI) 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 river Ganga. It was observed that in the last 30 years no fruitful results had been achieved as the Central Pollution Control Board/State Pollution Control Board had failed to perform their duties. The Hon'ble Supreme Court accordingly transferred the matter to this Tribunal. On 24th January, 2017, the matter of municipal and domestic wastes being dumped into the river Ganga was also transferred to this Tribunal.

6. The Tribunal, accordingly, dealt with the matter of control of pollution and rejuvenation of river Ganga and also river Yamuna, which is biggest tributary of river Ganga. The matter relating to river Yamuna was separately dealt with vide order dated 13th January, 2015 by this Tribunal in *Manoj Mishra Vs. Union of India &Ors.*,

	<p>Item Nos. 01 & 02</p> <p>August 06, 2018</p> <p>A, SS, R & DV</p>	<p><i>Original Application No. 06 of 2012.</i> Execution of the said order is pending separately. The Tribunal referred to the various orders dealing with the discharge of untreated or partially treated effluents into the river Ganga or its tributaries by different industries which included Seriously Polluting Industries (SPI), Grossly Polluting Industries (GPI) and others which were categorized as Red, Orange and Green. The Tribunal also held a consultative meeting with the Chief Secretaries of the concerned States and also constituted Committees. As at present, there are two Committees functioning i.e. Implementation Committee and Supervisory Committee.</p> <p>7. The Tribunal asked the Pollution Control Board, Local Bodies as well as the Jal Nigam to submit report with regard to operation of STPs/CETPs.</p> <p>8. Studies were directed to be carried out to understand the deficiencies in the Action Plan prepared in the matter called Ganga Action Plans.</p> <p>9. As a result of directions of this Tribunal, certain industries were closed for failing to obtain consent or for violating the condition on which the consent was given for their functioning.</p> <p>10. It was also noted that State of Uttarakhand had enacted Uttarakhand Flood Plain Zoning, Act, 2012. Still, several drains continued to discharge untreated sewage in the river Yamuna.</p> <p>11. On 10.12.2015 the issue of pollution in river Ganga relating to Phase – I Segment-A i.e. from Gaumukh to</p>
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that treating only hot spots at the river bed does not serve the purpose. The systematic approach requires cleaning the entire segment. From the joint inspection reports, it was found that 86 drains meeting the river Ganga or its tributaries carry domestic and industrial effluents. The said drains were directed to be cleaned and effluents treated. The Tribunal considered each of the said 86 drains.

15. This Tribunal also considered the assessment of e-flow, as e-flow was a must for sustenance of the River. The inadequate e-flow was considered to be on account of decline of ground water level. Depletion of ground water level was seen near major urban centers. There was also huge level of contamination of ground water. Accordingly, direction was issued against diversion of water so as not to affect minimum e-flow and against extraction of ground water for industrial and commercial purposes, without permission from CGWA. The direction was also issued for demarcation of flood plains as no development zones, regulated zones and free zones. Issue of indiscriminate and unplanned construction and dumping of bio-medical waste and e-waste in and around flood plains were also considered. It was observed that dumping sites should not be close to the flood plains.

16. The Tribunal also considered the issue of Zero Liquid Discharge (ZLD), Continuous Emission Monitoring System (CEMS) and online monitoring system. Thereafter, deficiencies in Supervisory control by executing bodies, regulatory authorities and statutory boards were

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discussed. Uttar Pradesh Pollution Control Board was directed to evolve transparent enforcement mechanism in response to the environmental degradation.

17. Directions are specifically issued with regard to pollution of River Ganga and its tributaries attributable to industries located in Segment - B of Phase - I with emphasis on Industrial Clusters Jajmau, Unnao and Banthar. There was high concentration of chromium in the sewage reaching the CETPs which was a major pollutant.

18. The Common Chromium Recovery Systems (CCRS) was not adequate. The said issue required focused consideration. The problem of Jajmau, Banthar and Unnao was found to be of serious nature which was further intensified by three drains namely : Sheetla bazar drain, Budhiya ghat Drains and Wazidpur Drain.

19. Finally, the Tribunal proceeded to issue general directions with regard to Zero Liquid Discharge and online monitoring system, dredging and cleaning of sludge and waste removal from 86 drains; safe removal of sludge from chromium recovery plant and CETP, safe disposal of hazardous waste. Directions were also issued for recovery of environmental compensation. The following Supervisory Committee was constituted to oversee the implementation of the directions issued by Tribunal and submit a report follows:-

- A. *Secretary, Ministry of Water Resources, Chairman*
- B. *Additional Secretary, MoEF&CC*
- C. *Additional Secretary, Urban Development, State of Uttar Pradesh*

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- D. Chief Secretary, State of Uttar Pradesh*
- E. Chairman of the Central Pollution Control Board*
- F. Professor A.K. Gosain, IIT Delhi*
- G. Professor Vinod Tare, IIT Kanpur*
- H. Concerned Executive Director of NMCG shall be the Nodal Officer.*
- I. Dr. A. B. Akolkar, presently Member Secretary, Central Pollution Control Board”.*

20. The following Implementation Committee was directed to prepare and submit Action Plan:

- “A. Secretary, Environment, State of UP, Chairman*
- B. Secretary, Urban Development, State of UP*
- C. Concerned Executive Director of NMCG*
- D. Mr. Sundeep, Director (T-II), NMCG*
- E. Dr. A. B. Akolkar, presently Member Secretary, CPCB*
- F. Member Secretary, UPPCB*
- G. Managing Director, UP Jal Nigam H.Sr. Most Officer of Kanpur Nagar Nigam*
- I. Concerned Professors or his Nominees from IIT Roorkee*
- J. Concerned Director of NMCG shall be the Nodal Officer.*
- K. Chief Engineer, Department of Irrigation, State of Uttar Pradesh”*

21. It was directed that 100 meters from the edge of the river should be treated as no development/construction zone in Segment – B of Phase – I (Haridwar to Unnao, Kanpur). Further directions include prohibition of disposal of waste on the flood plains into the River Ganga, ensuring minimum e-flow, no dumping on land fill sites within 500 meters from the edge of river Ganga or its tributaries; no in stream mechanical mining or mining on the flood plains; regulations of extraction of ground water; removing encroachments; recovery of environmental compensation from the defaulters; removing deficiencies in the functioning of CETPs; regulating the method of processing of hides; regulating discharge of effluents by the distilleries and sugar mills; restricting operation in the

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catchment areas of drains. Subsequent directions were also issued on the subject of e-flow, demarcation of flood plains etc, ZLD, continuous monitoring system, proper working of Uttar Pradesh Pollution Control Board and Central Pollution Control Board.

22. Specific directions were issued with regard to Jajmau, Unnau and Banthar. It was directed that tanneries at Jajmau may be directed to be closed down and shifted to new industrial site on failing to follow directions for completion of projects in terms of the judgment.

23. Further directions were issued with regard to individual drains adjoining river Ganga or its tributaries.

24. After the above judgment, the progress was reviewed with regard to Segment-A of Phase-I, vide an order dated 19.07.2018 by the Tribunal, it was directed the District Ganga Committee in every district may furnished a report to the Executing Committee once in every fortnight. The Executive Committee will furnish report to the Supervisory Committee once in a month. The Principal Committee may review the situation in every 3 months. Every Member of the public is free to send their views to the Executive Committee, the Supervisory Committee as well as the Principal Committee. Response to such views may be indicated on the website. We clarify that the website in the said order refers to website of National Mission for Clean Ganga (NMCG) as well as Central Pollution Control Board. That aspect is pending further consideration and is listed for hearing on 29.11.2018. Since Segment – A and

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B have certain common features, and we propose to constitute a Monitoring Committee today. We direct that the said Committee will operate for Segment-A of Phase-I also.

25. With regard to Segment B of Phse-I, this Tribunal considered the matter on 23.04.2018 and the tanneries were directed to file report of compliance of the directions contained in the judgment. On 18.05.2018, it was noted that there was no progress with regard to CETPs at Unnao and Banthar. Reports on e-flow and flood plains had not been finalized. Solid waste management was not satisfactory. Ground water abstraction remained a matter for concern. NMCG was directed to file a consolidated list of all completed projects. On 25.05.2018, it was noted that more than 60,000 tonnes of chromium was lying which was polluting the environment. The State of Uttar Pradesh was directed to take appropriate action in the matter.

26. Today, we have perused the progress report dated 26.07.2018 filed on behalf of the NMCG. We are informed that this is the third report after the final order of this Tribunal dated 13.07.2017.

27. It is stated that out of 86 drains, 63 drains have been cleaned and sludge/silt removed by the Department of Urban Development. While, out of 18 drains, progress has been made with regard to 5 drains by the Irrigation Department. As regards Jajmau, Unnao and Banthar are concerned, up-gradation of CETP was proposed. Directions have been issued to Uttar Pradesh Pollution

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Control Board to take action against non-compliant STPs. The Uttar Pradesh Jal Nigam was taking steps in respect of the drains except the 18 drains. It is further stated that ZLD has not been implemented across the board. Hazards waste treatment plant is in the process of being setup. 36 MLD CETP was being monitored at Jajmau Tannery cluster. Notification with regard to ground water regulation was yet to be issued. Out of 20 operational STPs in Ganga front towns, 16 are achieving the norms. Out of 400 tannery units in Jajmau, 33 have yet to become member of SPV. With regard to chromium sulphate dumps, it is stated that DPR is to be prepared by 10.08.2018 and the project is yet to be implemented. 100 KM out of total 300 KM sewer lines have been cleaned and the remaining work will be completed by 10.08.2019.

28. The project of new CETP of 20 MLD capacity catering to all tanneries (400) at Jajmau has been approved by NMCG. Some steps have been taken with regard to defaulting tanneries. Online continuous effluent monitoring system has not yet been operated across the Board. The industries which have failed to install ZLD have been directed to do so. Others have been asked to discharge as per standards. 21 STP have been installed, 7 are under construction and 22 are proposed. The industries generating effluents of 100 KLD and above have been either inspected or are being inspected. Up-gradation of work of Chromium Recovery Plant at Kanpur is completed upto 95%.

29. Though progress has been claimed on the subject of

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compliance of directions in the judgment of this Tribunal 13.07.2017, we have still miles to go. The progress made does not meet our complete expectation.

30. Order of the Tribunal can be executed by this Tribunal as decree of Civil Court, apart from penal steps being taken. Having regard to the progress made, so far shows need for meticulous monitoring. The test lies in sample of water being positive as per laid down standards. Those discharging untreated effluents in violation of standards have to be prevented or punished. No leniency can be showed to the polluter harming public health. It appears to be necessary to continuously audit the progress in terms of the judgment.

31. Without casting any expression on the Committees already constituted and while permitting the said committees to continue to perform their duties in terms of the judgment, we constitute following Monitoring Committee to monitor and audit the compliance of the directions and also to issue directions in the nature of a Supervisory Committee:

- (i) Justice Arun Tondon, former Judge of the Allahabad High Court. (Phone No. 9415214462)
- (ii) Dr. Anita Roy, Former IPS (Phone No. 9899940556)
- (iii) A nominee of Central Pollution Control Board
- (iv) A nominee of Indian Institute of Technology, Kanpur.

32. The Committee will take following steps:

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(i) Take stock of all the actions taken so far in the light of the various directions of the Tribunal.

(ii) Propose time bound action plan to deal with the problem. The Committee may suggest the framework for implementation. Preferably a comprehensive, integrated and inclusive strategy with clear measurable indicators of progress and success.

33. The Committee may requisition services of any technical experts.

34. The action plan should also include creation of Biodiversity Parks created by the Centre for Environmental Management of Degraded Ecosystems (CEMDE) of University of Delhi, a Centre of Excellence of the Ministry of Environment and Forest & Climate Change, Government of India.

35. After assessing the current status of Ganga, they may clearly indicate the reasons for delay in implementation of our orders issued from time to time.

36. The online mechanism for monitoring the sewage treatment plants should also be connected to the servers of CPCB and State Pollution Control Boards so that the CPCB can also monitor the data.

37. The Monitoring Committee may also setup a website for receiving and giving information on the subject.

38. The Committee may also involve educational institutions for expectations, awareness and feedback

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about the results.

39. All the authorities concerned in the States of Uttarakhand and Uttar Pradesh will co-operate and co-ordinate with the Monitoring Committee. The Monitoring Committee can seek such technical and scientific assistance as may be required from any relevant authority.

40. We request the Chief Secretary, Uttar Pradesh to provide all facilities to the said Committee to perform its functions. The Committee may send its quarterly reports to this Tribunal by e-mail. The Chief Secretary, Uttar Pradesh may determine the honorarium to be paid to the Committee in consultation with the members. The Committee may requisition the services of such technical experts as may be necessary and may also carry out physical visits to the sites, whenever necessary. They will be entitled to logistic support for performing these functions to be provided under the directions of the Chief Secretary, Uttar Pradesh. The Committee may assume its charge within two weeks from today. The Committee may prepare its Action Plan which may have target of ensuring compliance of prescribed standards preferably within one year. It may meet at such intervals as considered appropriate but once every month and fix next targets. The Committee will be free to take up all incidental issues. All Concerned authorities are expected to cooperate with the Committee subject to any objection being put forward before this Tribunal. The Committee will be free to seek any further directions from this Committee by Email.

41. The National Mission for Clean Ganga will be the nodal agency to co-ordinate with the Committee. NMCG will be at liberty to provide all feedback to the Committee. The Committee may have its website and will be open to any stakeholder to give suggestions to the Committee. The progress made in the matter may also be placed on its website. The Committee will focus its working on the segment from Gaumukh to Unnao (Segment A and B of Phase-I).

42. The NMCG may call for the action plan from the concerned States with regard to Phase-II and Phase-III. Action plan with regard to Phase-II and Phase-III may be prepared within 4 months and the same may be coordinated by the NMCG. The NMCG in consultation with State Governments of Bihar, Jharkhand, West Bengal and covering Uttar Pradesh (for remaining part) to file Action Plan for Ganga and its tributaries with timelines for completion after carrying out extensive field investigation, calculation of flows, pollution loads and analysis of relevant parameters viz. pH, DO, BoD, CoD, Total Coliform/Fecal Coliform, heavy metals, etc. The Action Plan should cover interception and diversion of drains carrying sewage to STP, utilization of the treated sewage, securing compliance from industries treated within the catchment of drainage, ground water regulation, flood plain regulation, rain water harvesting, adopting good irrigation practice to conserve water etc. The Central Pollution Control Board may also provide their assistance in the matter.

43. The respective State Pollution Control Boards may furnish list of industries in these Phases (Phase-II, Phase-III and Phase-IV) which may have potential for causing pollution to the river Ganga under the heads of Grossly Polluting Industries (GPI) and Seriously Polluting Industries (SPI).

44. A copy of this order be sent through E-mail by the Registry to the Chief Secretary, Uttar Pradesh, the Chief Secretary of Uttarakhand, Justice Arun Tondon, Dr. Anita Roy, Central Pollution Control Board and IIT Kanpur.

45. The report of the Committee may be put up for consideration on 25th February, 2019.

.....,CP
(Adarsh Kumar Goel)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(S.P. Wangdi)

.....,EM
(Dr. Nagin Nanda)

06.08.2018