

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

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

And

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

And

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

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

IN THE MATTER OF:

**M.C. Mehta Vs. Union of India & Ors.
And
M.C. Mehta Vs. Union of India & Ors.
And
Indian Council for Enviro-Legal Action
Vs.
National Ganga River Basin Authority & Ors.

Tribunal on its Own Motion (Suo Motu)
Vs
State of Bihar & Ors.**

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Present:

Applicant:	Mr. M.C. Mehta, Ms. Katyayni and Ms. Mehak Rastogi, Advs. Ms. Neelam Sinha and MNs. Shweta Bharti, Advs. for applicant in M. A. NO. 254/2018
Respondent:	Mr. Santosh Kumar, Adv. for UPSIDC Mr. Varun Thakur and Mr. Brajesh Pandey, Advs. for NMCG Mr. V. K. Shukla, Adv. and Mr. Vijay Laxmi and, Advs. for State of Madhya Pradesh Mr. Jayesh Gaurav, Adv. for JSPCB Mr. Rajkumar, Adv. and Mr. Niti Choudhary, LA for Central Pollution Control Board Mr. Ishwer Singh, Mr. Kumar Ajitabh, Advs. and Shri Sundeep Singh, Director for NMCG Mr. Gautam Singh and Mr. Rudreshwar Singh, Adv for BSPCB Mr. Pradeep Mishra, and Daleep Dhyani, Adv. for UPPCB Mr. Mukesh Verma adv. for UEPCB Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change Mr. Ujwal Singh and Mr. Md. Shoeb Alan, Advs. for State of Bihar Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal Nigam Ms. Sakshi Popli, Adv Mr. Om Prakash, Adv. for M/o Railways Dr. Sandeep Singh, Adv. for State of Uttar Pradesh.

Ms. Yogmaya Agnihotri, Adv. and Ms. Prity, Adv. for CECB
 Ms. Asha Nyar Bsu and Ms. Aradhita Ghosh Mondal, Advs. for WBPCB
 Mr. Manish Kumar, Adv. for State of Himachal Pradesh
 Mr. B.V. Niren, Adv for CGWA
 Mr. Raja Chatterjee, Mr. Piyush Sachdev and Ms. Abhinandini Yadav, Advs. for State of WB
 Ms. Deep Shikha Bharti, Adv. for state of Uttar Pradesh
 Mr. Pradeep Misra and Mr. Daleep Dhayani, advs. for UPPCB
 Mr. Sanjeev Ralli, Adv and Mr. Dinesh Jindal LO DPCC
 Ms. Priyanka Sinha, Adv
 Ms. Alpana Poddar, Adv for CPCB
 Mr. Vijay Hansaria, Sr. Adv with Mr. Rahul Verma, Addl. Advocate General for State of Uttarakhand

And

Present:

Applicant:

Mr. M.C. Mehta, Ms. Katyayni and Ms. Mehak Rastogi, Advs.

Respondent:

Mr. Varun Thakur and Mr. Brajesh Pandey, Advs. for NMCG
 Mr. Mukesh Verma adv. for UEPCB
 Mr. Rahul Verma, AAG, Uttarakhand
 Mr. Manish Singh Lakhmat, Ms. Aishwarya Mishra, Advs. for CETP Sitarganj

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 03 to 05</p> <p>July 19, 2018</p> <p>A</p>	<p>1. Vide order dated 10th December, 2015 issue relating to pollution of river Ganga as dealt with by this Tribunal. The said order covers several aspects of pollution of river Ganga but we are dealing only with the issues of implementation of some of the directions. Broadly, the direction issued by the Tribunal relate to collection and disposal of sewage, direction in relation to industries, direction in relation of Hotels, Dharamshala/ Ashrams, direction in relation to municipal solid waste, direction in relation to flood plains, direction in relation to mining along the river bed, direction in relation to bio medical waste and other general directions.</p> <p>2. The said order also constituted the Executive Committee for execution of the directions, headed by</p>

the Secretary Urban Development which is to function under the Supervisory Committee headed by Addl. Chief Secretary/FRDC, Uttarakhand. Financial technical and ancillary matters are to be cleared by Principal Committee headed by Secretary, Ministry of Water Resources.

3. After the order dated 10th December, 2015 was passed, the matter was taken for implementation of the direction on several dates in the last more than two years.

4. The State Government has filed as many as nine status reports which have been considered in about ten orders of the Tribunal in the last more than two years. In the course of executing the order, an Expert Committee was constituted, a joint Inspection Team was constituted and Monitoring Committee was also constituted.

5. In the order dated 7th December, 2017, under the heading STPs, it was observed that the same were not working properly. The BoD, CoD and TSS were much in excess of the permissible limits as revealed by the reports of the Joint Inspection Team. The capacity of the STPs was required to be upgraded. Similar order was passed on 15th December, 2017 and direction was issued that the CETP must operate satisfactorily. The CETPs are working at Haridwar, Pantnagar and Sitarganj. The high flood line on the important

stretches was to be demarcated. Further direction was that no construction should be permitted in the floods plains. The use of plastic in the towns located in the bank of river Ganga or its tributaries should be prohibited. Bio-digesters should be constructed and they should be fixed with the filters as advised by the IIT Roorkee.

6. On 23rd January, 2018, the National Mission for Clean Ganga (NMCG) was appointed as a convener of the Committee in respect of CETPs to oversee the working of the CETPs.

7. On 6th February, 2018, the status report was directed to be furnished by the Supervisory Committee.

8. On 14th March, 2018, direction was issued to the State of Uttarakhand to reexamine the compliance Report.

9. On 22nd May, 2018 four weeks further time was given to comply with the direction of the Tribunal.

10. Accordingly, we have considered the matter further in light of the compliance Affidavit handed over during the hearing today.

11. According to the Affidavit, the Committees have been constituted, sewer lines laid, Bio-digesters established, possibility of the Bio-digester with filter Unit being installed is being further looked into with

the help of the Experts. The STPs have been installed and are operating. The hydro projects in the State have been asked to provide their own STP. The Industries have been permitted to obtain consent of the Pollution Control Boards for their operationalisation. The Hotels, Ashrams and Dharamshala have been directed to obtain consent of the Pollution Control Boards. Directions have been issued for prohibiting the use of plastic. Solid waste disposal (SWD) system has been improved. Directions have been issued on the subject of throwing the municipal solid waste. Public toilet facilities have been constructed. Directions in relation to zoning of the flood plains, mining activity being required to be under the supervision of the Authorities, no mechanized river bed mining being permitted, bio-medical waste being properly disposed of have been issued.

12. Though Mr. M.C. Mehta states that compliance Affidavit talk about several steps taken by the State but much remains to be done on the ground so as to achieve the object of the directions in letter and spirit. The work done on the ground is hardly adequate and it is not possible to accept the Ganges is substantially pollution free in Uttarakhand.

13. Mr. Mehta also states that it will be difficult to say that the Ganges water is safe for drinking. It is also difficult to accept that hygiene in areas around the Ganges has improved. There is lot of air pollution and

a lot of needs to be done for proper solid and liquid waste management municipal as industrial.

14. After considering the material on record, we are unable to hold that everything required has been achieved but we are still optimistic. We do feel that very rigorous monitoring is still necessary as it can hardly be said that there is substantial compliance of the directions of this Tribunal. We have miles to go. We may not be understood to say that the Authorities have not paid any heed but we do expect much more to be done.

16. In the Supervisory Committee, a representative of the NMCG ought to be included within two weeks from today. To avoid travelling, any Member of the Committee outside Dehradun is free to explore the possibility of participating by video conferencing or any other mode unless physical presence becomes necessary on any particular occasion. Dr. A.B. Akolkar will be Member of the Principal Committee.

In short, we direct as follows:

1. Since we are informed that there is District Ganga Committee in every District of Uttarakhand headed by District Magistrate with other Officers concerned with various aspects of cleaning of Ganga, the said Committee may furnish a report to the Executive Committee about the steps taken, proposed or suggested with regard to implementation of the directions

		<p>of this Tribunal once every fortnight. Such reports should be considered by the Executive Committee every fortnight. The Executive Committee after taking stock of the situation may send a report to the Supervisory Committee once in every month and the Supervisory Committee must meet once in two months. The Principal Committee may meet once in three months and consider all aspects of the matter and compile a report about the progress in the implementation of the various directions issued by this Tribunal. The matter will thereafter be reviewed by the Tribunal once in every four months.</p> <ol style="list-style-type: none">2. The Executive Committee must keep in mind the expectations of common men. It will be open to every Member of the public to send their views to the Executive Committee, the Supervisory Committee as well as to Principal Committee. The views received must be considered by such Committees. Response to such views may be placed on the website. A notice to this effect may be put on the website of the respective stakeholders and website of this Tribunal for information of the public.3. The Executive Committee must continue to have a periodic report of testing of sample of water at various places.4. This order may be sent to the concerned Authorities by e-mail.
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		<p>List for further consideration on 29th November, 2018.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (Raghuvendra S. Rathore)</p> <p>....., EM (Dr. Satyawan Singh Garbyal)</p> <p style="text-align: right;">19.07.2018</p>
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