

Item No. 01

Court No. 1

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

Original Application No. 200/2014  
(C.W.P. No. 3727/1985)

(With reports dated 04.01.2021, 04.02.2021,  
05.02.2021, 05.02.2021 and 29.12.2020)

M.C. Mehta

Applicant

Versus

Union of India & Ors.

Respondent

Date of hearing: 08.02.2021

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

Applicant(s): Ms. Katyayni, Advocate for Applicant

Respondent: Mr. Alapan Bandyopadhyay, Chief Secretary, State of West Bengal with  
Ms. Madhumita Bhattacharjee, Advocate for State of West Bengal

Mr. Sukhdeo Singh, Chief Secretary, State of Jharkhand with  
Mr. Saurabh Jain, Advocate for State of Jharkhand

Mr. Deepak Kumar, Chief Secretary, State of Bihar

Mr. Anand Kishor, Principal Secretary, Urban Development  
Mr. Dipak Kumar Singh, Principal Secretary, Environment, Forest &  
Climate Change Department with  
Mr. Keshav Mohan, Advocate for State of Bihar

Mr. Atmaram N.S. Nadkarni, Senior Advocate, Mr. Ishwar Singh, Adv.  
with Mr. D.P. Mathuria, Executive Director for NMCG

Mr. Rahul Verma, AAG for State of Uttarakhand & SIDCUL  
Mr. Mukesh Verma, Advocate for UEPPCB

Mr. Raj Kumar, Advocate for CPCB  
Ms. Deep Shikha Bharati Advocate for Irrigation Department, State of  
UP  
Mr Pradeep Misra, Advocate for UP PCB  
Dr. Sandeep Singh, Adv. for State of UP  
Mr I.K. Kapila, Advocate for UP Jal Nigam  
Mr. Rajesh Raina, Advocate for UPSIDA

**ORDER**

1. This order is in continuation of order dated 13.08.2020 dealing  
with the review of progress of compliance of directions of this Tribunal

dated 10.12.2015, 13.07.2017, 6.8.2018 and 18.12.2019 on the subject of preventing and remedying the pollution of river Ganga. The matter was earlier being considered by the Hon'ble Supreme Court since the year 1985, before being transferred to this Tribunal, in the year 2014 and 2017<sup>1</sup>.

2. The Tribunal dealt with the issue of main causes of pollution of river Ganga being discharge of untreated sewage and effluents either directly into the River Ganga or its tributaries and connected drains, besides dumping of solid waste, bio-medical waste, hazardous waste, plastic waste, muck and other waste, illegal sand mining, illegal encroachment of the floodplains, extraction of ground water, restoration of water bodies and maintenance of e-flow. The matter was dealt with by dividing the river basin area into phases and segments. Order dated 10.12.2015 dealt with **Phase-I – Segment-A**: Gaumukh to Haridwar. Order dated 13.07.2017 dealt with **Phase-I – Segment B**: Haridwar to Kanpur. Further order dated 06.08.2018 deals with **Phase-II**: Kanpur to Uttar Pradesh Border, **Phase-III**: UP Border to Jharkhand Border (via Bihar), and **Phase-IV**: Jharkhand Border to Bay of Bengal (West Bengal).

3. As already noted, the proceedings have been pending since 1985 before the Hon'ble Supreme Court. Various orders have been passed by the Hon'ble Supreme Court on the subject before transfer of proceedings to this Tribunal. The result of monitoring for 34 years has not been encouraging. Government of India took initiatives by way of Ganga Action Plans I & II and thereafter by way of *Namami Gange* setting up the National Mission for Clean Ganga (NMCG). The progress so far has not been adequate as repeatedly found in earlier orders, on review by this

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<sup>1</sup>M.C. Mehta vs. Union of India & Ors. Writ Petition (Civil) No. 3727/1985 orders dated 29.10.2014 (2015) 12 SCC 764 and 24.01.2017

Tribunal which position continues till today as will be discussed hereafter. Comparatively progress in Uttarakhand is better but further and continuous efforts are required at all paces in a mission mode.

4. We give a brief resume of some of earlier orders of the Tribunal to the extent necessary for the present order. Progress of compliance of orders of this Tribunal dated 10.12.2015 and 13.7.2017 was reviewed vide orders dated 19.07.2018 and 27.07.2018 and thereafter with regard to **Phase-I – Segment-A** and **-B** respectively. The review was in relation to progress in preventing pollution by installing equipments like STPs, ETPs and CETPs, tapping of drains with reference to the laid down timelines compliance of MSW Rules, setting up of bio-digesters, sewerage network, consequent improvement in water quality, control of ground water extraction, maintaining e-flow, public involvement, decentralized waste processing facilities close to the sources of generation of waste, protection of floodplains and control of illegal mining. The Tribunal observed that there was need to prepare a model DPR and standard terms and conditions for tenders, to save time and cost. Further directions for public awareness programmes in the light of observations of the Hon'ble Supreme Court were also issued. Finding the progress to be inadequate, Monitoring Committees were constituted, headed by former Judge of the Uttarakhand and the Allahabad High Court for the two different Segments, vide orders dated 29.11.2018 and 06.08.2018 respectively. The Committees were to take stock of the actions taken with clear measurable indicators of progress and success and to oversee the action plans to remedy the situation. With regard to **Phase-II to IV**, directions were issued that the NMCG, in co-ordination with State Governments of Uttarakhand, Bihar, Jharkhand, West Bengal and Uttar Pradesh, may file Action Plans with firm timelines on the subjects of

interception and diversion of drains, utilization of treated sewage, compliances by industries in the catchment area, ground water regulation, flood plain regulation, rain water harvesting and good irrigation practices for water conservation in the light of order of this Tribunal dated 13.07.2017. **Further, the NMCG was to give information about status of projects planned and executed between Kanpur to Ganga Sagar. Status of water quality in Uttarakhand, Bihar, Jharkhand, West Bengal and Uttar Pradesh was directed to be displayed on the respective websites. CPCB was also to indicate such status on its website. Flood plains were to be demarcated, encroachments removed, afforestation works undertaken, guidelines for bio-diversity parks prepared by the CPCB and the MoEF&CC, bio-diversity parks were to be set up, flood plains were to be handed over to the State Forest Departments.**

5. Vide order dated 29.05.2019, **it was directed that Ganga pollution be monitored directly by the Chief Secretaries** in view of such monitoring having already been directed in respect of 351 polluted river stretches in different States by the Chief Secretaries, vide order dated 16.01.2019 in O.A. No. 606/2018<sup>2</sup> dealing with solid waste management and orders in O.A. No. 673/2018 dealing with polluted river stretches, which include Ganga in the States of Uttarakhand, U.P., Jharkhand, Bihar and W.B. **No construction zone distance on flood plains was to be measured from the Highest Flood Line (HFL) in the last 25 years** and flood plains were to be identified on longitude and latitude. **Responsibility for plantations and administrative control of areas beyond HFL were to be handed over to the Forest Departments.** UPSPCB was directed to prohibit industrial polluting

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<sup>2</sup>Compliance of Municipal Solid Waste Management Rules, 2016

activities and to revise compensation regime so as to recover the actual cost of restoration. State of UP was to provide funds for remediation of Chromium dumps. E-flow was to be maintained as earlier directed in order dated 29.11.2018. Encroachments were to be removed. Tapping of remaining drains and prevention of pollution was to be expeditiously ensured. After noting the status of progress on sewage infrastructure projects in the Ganga Basin, **the Chief Secretaries of Bihar, Jharkhand and West Bengal were directed to effectively monitor the progress.** Timelines were directed to be reviewed and prepared. **NMCG was to undertake progress on reduction of pollution load and improvement of water quality.** Further road map, including identification of accountable persons and taking actions for the lapses was to be prepared.

6. Status of compliance was further reviewed vide order dated 22.08.2019. The Tribunal laid down compensation regime for continued delay, beyond already laid down timelines, in executing the projects. Operative part of the order is:-

**“State of Uttarakhand (Phase-I, Segment-A)**

15. xxx.....xxx.....xxxx

16. *During the interaction, we have considered the remedial measures for expediting execution of the orders of this Tribunal having regard to long delay caused and importance of preventing and remedying the pollution of River Ganga. Since it has been stated that many industries were found operating without consent to operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, action in accordance with the provision of law may be undertaken within three months after identifying such units. **As already observed by this Tribunal including in the order dated 14.05.2019 that River Ganga being National River with distinct significance for the country, even a drop of pollution therein is a matter of concern.** All the authorities have to be stringent and depict zero tolerance to the pollution of River Ganga. Wherever STPs are not operating, immediate bioremediation and/or phyto-remediation may be undertaken if feasible. **To avoid procedural delay of tender processes, etc. specifications and norms for undertaking such activities may be specified in***

**consultation with the CPCB as was earlier directed in our order dated 29.11.2018.** Performance guarantees may be required to be furnished for ensuring timely performance. It needs to be ensured that setting up of STPs and sewerage network to be completed and carried out so as to avoid any idle capacities being created. Performance guarantees may be taken for preventing such defaults.

17. Wherever the work has not commenced, it is necessary that no untreated sewage is discharged into the River Ganga. **Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB.** This however, is not to be taken as an excuse to delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. **For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network.** It will be open to the State to recover the said amount from the erring officers/contractors.

18. With regard to works under construction, **after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Ganga or its tributaries and Rs. 10 lakhs per month to CPCB per incomplete STP and its sewerage network will apply.** Further with regard to the sectors where STP and sewerage network works have not yet started, the State has to pay an Environmental Compensation of Rs. 10 lakhs per month after 31.12.2020. **The NMCG will also be equally liable for its failure to the extent of 50% of the amount to be paid.** Till such compliance, bioremediation or any other appropriate interim measure may start from 01.11.2019.

19. to 26 xxx.....xxx.....xxxx

**State of Uttar Pradesh (Phase -II), State of Bihar, Jharkhand and West Bengal**

27. With regard to **Phase-II to IV**, it is pointed out that no specific timelines have been laid down in the order dated 13.07.2017. **Needless to say that if no specific timelines have been laid down, the compliance has to be ensured within reasonable time.** A period of two years has gone by which can be treated as a reasonable time. Even if further allowance is to be made with regard to works under construction, **after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Ganga or its tributaries and Rs. 10 lakhs per month to CPCB per incomplete STP and its sewerage network will apply with regard to States of Uttar**

**Pradesh, Jharkhand, Bihar and West Bengal falling in Phase II to IV. Further with regard to the sectors where STP and sewerage network works have not yet started, the States of UP, Jharkhand, Bihar and West Bengal have to pay an Environmental Compensation of Rs. 10 lakhs per month after 31.12.2020. The NMCG will also be equally liable for its failure to the extent of 50% of the amount to be paid. Till such compliance, bioremediation or any other appropriate interim measure may start from 01.11.2019. Directions for compensation for default in this regard will be on the same pattern as in the case of Uttarakhand and Uttar Pradesh as above.**

28. As observed above, we do not consider it necessary to consider point-wise progress in the present order in view of pre-existing directions on each of the points. The States of Uttar Pradesh, Bihar, Jharkhand and West Bengal may take action under each head for Phases-II, III and IV accordingly.

29. xxx .....xxx.....xxx

30. The two Monitoring Committees for **Segment-A Phase-I** and **Segment-B Phase-I** may submit their final reports by 31.10.2019. Thereafter the Chief Secretaries of States of Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal Director General, Namami Gange and Secretary, Water Resources, Jal Shakti, Government of India may personally monitor the progress and report compliance to the Tribunal in terms of progress at every quarter in a tabular form as follows:

<b>Sr. No.</b>	<b>Targets to be achieved as per orders dated 10.12.2015, 13.07.2017 and 22.08.2019 the timelines</b>	<b>Targets achieved and the reasons for delay in compliance</b>	<b>Targets not achieved and the revised timelines proposed*</b>	<b>Action taken or suggested for violation of timelines or non-achieving of targets</b>

*\*subject to payment of compensation as mentioned above”*

7. The matter was then considered on 18.12.2019 in light of earlier proceedings and report of the Monitoring Committee for the State of UP dated 23.10.2019 filed on 31.10.2019 for Segment ‘B’ and consolidated report filed by the NMCG on 11.12.2019. The progress was found to be inadequate with reference to the timely completion of the projects. While noting inadequacy on various parameters, it was directed that steps be taken and progress indicated under relevant heads. The salient observations are:-

“17. We may now refer to the consolidated report filed by the NMCG on 11.12.2019. On the most significant of sewerage infrastructure projects, the chart filed is as on 30.07.2019 which has already been quoted in order dated 22.08.2019. During the hearing, the representative of NMCG stated that there is marginal progress but the timeline will be adhered to. **On the subject of preventing pollution, installing Continuous Emission Monitoring System (CEMS), use of treated water, sludge, bio digesters and septage management, preventing dumping of waste and management thereof, flood plain identification, maintenance of e-flow and displaying water quality data, development of biodiversity parks, prohibiting river bed mining, recovery of compensation, involvement of civil society, status has not been clearly spelt out though a voluminous chart has been filed.**

18. The Executive Director, NMCG, when asked about the latest status with regard to Sewage Infrastructure Projects in Ganga Basin (Downstream of Unano to Gangasagar), stated that **out of the total 75 projects, 16 have been completed, 36 are ongoing and 2 are in the category “tender to be floated”. This amply demonstrates that there is hardly any progress, in terms of achievement of setting up of STPs, after 30.04.2019 which was stated in a tabulated form in our order dated 22.08.2019. The NMCG needs to take action against the erring officers and file a report before the next date.”**

“21. It is seen that **except the State of Uttarakhand, no other report has been given in a tabular form as directed in terms of para 30 in the order dated 22.08.2019.** With regard to State of Uttarakhand, progress has been indicated on the following subjects:

- i. Setting up of STPs, Interception and Division (I&D) of drains and preventing untreated sewage and effluents in the River Ganga
- ii. Use of treated water
- iii. Use of sludge manure
- iv. Status of septage management
- v. Compliance in relation to industries
- vi. Installation of STPs/treatment facilities in Hotels/Ashrams and Dharmshalas.
- vii. Water quality monitoring of river Ganga and its tributaries.
- viii. Maintenance of environmental flow in river Ganga.
- ix. Disposal of Bio-medical waste.
- x. Compliance of Solid Waste Management (SWM) Rules, 2016.
- xi. Preparation of maps and zoning of flood plains.
- xii. Mining activity under supervision of the concerned authorities.
- xiii. Action against identified polluters, law violators and officers responsible for failure for vigorous monitoring.

22. xxx.....xxx.....xxx



23. **The States of Uttarakhand, UP, Bihar, Jharkhand and West Bengal need to take further action in terms of orders of this Tribunal for preventing pollution and rejuvenation of Ganga and its tributaries as per timelines already given.** The report filed by UPPCB shows that as of now lot of untreated sewage is entering into the River Ganga and its tributaries. Similar is the position in the States of Jharkhand, Bihar and West Bengal. Despite directions of this Tribunal, in-situ Sewage Treatment is not shown to have commenced for any of the drains except in the State of Uttarakhand. There is no information on water quality of river Ganga in the stretch falling in UP, Jharkhand, Bihar and West Bengal and information of regulation of Flood Plain Zone. The reports from the States other than Uttarakhand do not describe the number of drains and a plan for their interception and diversion to the Sewage Treatment Plants.

As regards solid waste management, including legacy waste sites, this Tribunal has already issued directions in O.A. No. 606/2018 as noted in para 10 of the order dated 22.08.2019 and in O.A. No. 519/2019 as already observed in para 19 in the order dated 22.08.2019 to the effect that tender process can be avoided if other successful models and rates involved therein such as Indore model are to be followed. Directions have also been issued for installing CCTV cameras and undertaking surveillance in para 25 of the said order. Further directions are for ensuring that not even a drop of raw sewage should be discharged in river Ganga and where STPs are not operative, immediate bio-remediation and/or phytoremediation need to be undertaken and to avoid procedural delay of tender process etc., specifications and norms should be adopted in consultation with the CPCB. We may also note that vide order dated 18.10.2019 this Tribunal in O.A. No. 606/2018 directed that rates for all such services and particulars of service providers should be standardized and specified on GeM portal. NMCG is a part of the Committee constituted by this Tribunal. Further, for setting up of STPs standard cost involved is said to be around Rs. 2 crore per MLD as per works allotted by NMCG. Cost of establishing sewerage networks, including setting up of pumping stations is said to be around Rs. 5 crores per MLD. Further direction on the subject may be issued by the NMCG/CPCB pending report of the Committee constituted by this Tribunal. **All that this Tribunal can observe is that clearance of legacy waste and sewage treatment being high priority areas, the authority should find ways and means to shorten the delays by avoiding DPRs/tender process which can be done if specifications and rates are standardized which may be explored by the concerned authorities.**

24. The Tribunal has also directed that **at least interim measures of treatment of sewage by way of bio-remediation and/or phytoremediation or any other measures may start positively from 01.11.2019**, failing which the defaulting States may be liable to pay compensation of Rs. 5 lakhs per month per drain and for such violations, adverse entries must be made in the ACRs of the identified officers.

We reiterate the said direction and since 01.11.2019 has already gone, wherever interim treatment of untreated sewage has not started in the manner earlier directed, the compensation be deposited with the CPCB which will be personal responsibility of the Chief Secretaries of the concerned States. **The Chief Secretaries of concerned States are put to notice that in case of any default in compliance their salaries may be liable to be stopped and for enforcing the directions, further coercive measures including order of civil imprisonment may be liable to be passed personally against the Chief Secretaries.**

25. We may also refer to the order of this Tribunal dated 03.12.2019 in O.A. No. 425/2019, Vijay Kumar Vs. State of Himachal Pradesh, to the effect that Hydropower projects in hill States including Uttarakhand must ensure minimum specified e-flow.

We may also add that replenishment study of mining areas needs to be carried out, if not already done. This may be mentioned in the next report of the States.

26. As already mentioned, **with regard to States of Uttar Pradesh, Bihar and Jharkhand, the status report is not in a tabular form as required. It is not clear whether the STPs are functional and meet the norms. Bio-remediation, phytoremediation or any other measures for treatment of sewage have not started where STPs are not functional**, except that in respect of 14 drains in Kanpur interception and diversion works are said to have been undertaken/completed. Directions in para 23 above will also apply to the Chief Secretaries of the all concerned States. CPCB may monitor and give its report to this Tribunal.

27. As noted earlier in para 5 above, this Tribunal constituted Monitoring Committees headed by former High Court Judges in the States of Uttarakhand and UP. The Committees were meant to monitor the progress till further orders and vide order dated 22.08.2019, the said Committees were to furnish final reports which have since been furnished. **There is thus need for further directions for effective monitoring mechanism. While the Chief Secretaries of the States are expected to monitor rejuvenation of Ganga on the pattern of monitoring of rejuvenation of 351 polluted river stretches, which include Ganga and its tributaries, in terms of orders of this Tribunal in O.A. No. 673/2018 and O.A. No. 606/2018**, on suggestion of State of UP, this Tribunal set up a Monitoring Committee for environmental issues in the State of UP vide order dated 21.10.2019 in O.A. No. 670/2018. The said Committee may henceforth monitor steps for prevention and control of pollution of Ganga also in the same manner as other issues are being monitored. In State of Uttarakhand Justice U.C. Dhyani is heading Monitoring Committee for solid waste management and certain other issues. Such Committee may also monitor prevention and control of pollution of Ganga in the State of Uttarkhand. It is not necessary to continue other members in terms of earlier orders in the present matter, unless the State so directs. **It is open to the States of**

**Jharkhand, Bihar and West Bengal to evolve or suggest any additional monitoring mechanism on the pattern of State of UP or otherwise.** These directions will not affect in any manner working of any Committees or authorities under the provisions of NMCG or otherwise.

28. We may now sum up our directions as follows:

- i. **As already directed vide order dated 22.08.2019, timely completion of all projects relating to sewage treatment be ensured i.e. by 31.06.2020 in respect of ongoing projects and by 31.12.2020 in respect of others failing which compensation has to be paid in terms of the said order, apart from action against the erring officers. Till then, to avoid untreated sewage being discharged directly into Ganga, interim remedial measures have to be adopted and for the default after 01.11.2019 compensation has to be deposited in terms of order dated 22.08.2019. CPCB may make necessary calculation within one month from today and raise demands with the Chief Secretaries of the concerned States which may be complied within one month from the date of such demand failing which accountability will be of the Chief Secretaries personally.**
- ii. NMCG and concerned States – Uttarakhand, UP, Jharkhand, Bihar and West Bengal may take further steps as per directions already issued for
  - a) Preventing discharge of industrial effluents in Ganga and its tributaries/drains by ensuring installation of proper functioning of ETPs/CETPs.
  - b) Utilization of treated sewage, use of sludge as a manure and septage management.
  - c) Demarcation of flood plain zones and preventing encroachments thereof.
  - d) Maintenance of e-flow.
  - e) Preventing dumping of solid and other waste in and around Ganga.
  - f) Clearing old legacy waste dump sites.
  - g) Preventing and regulating illegal sand mining.
  - h) Steps for conservation of groundwater particularly with reference to critical, semi-critical or over-exploited areas.
  - i) Restoration of water bodies.
  - j) Monitoring and displaying of water quality.
  - k) Taking action against polluters by way of recovering compensation for restoration of the damage to the environment.
  - l) Closing, till compliance, all establishments near river banks being run without necessary STPs and compliance of environmental norms.
  - m) Public awareness and involvement for prevention and control of pollution of Ganga.
  - n) Regulating activities on and around river Ganga including ghats and other establishments.

- o) *Afforestation and setting up of biodiversity parks.*
  - p) *CPCB and SPCBs may periodically undertake biological assessment of Ganga. NMCG and States concerned may depict biological diversity of Ganga in public domain.*
  - q) *Any other directions covered by earlier orders of this Tribunal.*
- iii. *The State of UP may take steps for remediating Chromium dump at Rania and Khanchanpur Village near Kanpur, as directed earlier vide orders dated 22.08.2019 and 15.11.2019.*
  - iv. *CPCB may take further action to finalise and circulate Guidelines for Biodiversity parks expeditiously which may be complied with by the concerned States and status of compliance included in the reports to be filed before this Tribunal.*
  - v. *Apart from the Chief Secretaries, the progress may be monitored by the Monitoring Committee constituted in the State of UP vide order dated 21.10.2019 in O.A. No. 670/2018, by Justice U.C. Dhyani in the State of Uttarakhand and in such manner as may be laid down by the Chief Secretaries in the States of Jharkhand, Bihar and West Bengal in the light of discussion in para 27 above.*

29. *Let further quarterly progress report be filed by 31.03.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

8. The matter was **last considered on 13.08.2020** in the light of reports filed by the CPCB (dated 24.06.2020 and 13.08.2020), NMCG (dated 26.06.2020 and 11.08.2020), State of Uttarakhand (dated 16.06.2020), State of Uttar Pradesh (dated 11.06.2020), Oversight Committee headed by Justice S.V.S Rathore, (dated 21.07.2020), State of Jharkhand (dated 29.06.2020), State of Bihar (dated 26.06.2020) and State of West Bengal (dated 30.06.2020). While noting inadequate progress and giving consequential directions, it was specifically directed that the CPCB and study comparative reduction of pollution load in different sections. Direction for monitoring at the level of the Chief Secretaries was reiterated in view of the report that the earlier direction to that effect was not being complied. Further direction was for interaction by the Secretary Jalshakti, Central Government, NMCG and

CPCB with the Chief Secretaries to facilitate further steps by better coordination and by adopting best practices for focused success in improving water quality was also mentioned. The key observations are:

*“12. ... Before proceeding to consider the reports, we may note that the reports filed do not cover all the aspects on which action was to be taken in terms of para 28 (ii) of the last order dated 18.12.2019. We note that in pursuance of order of the Hon’ble Supreme Court in the case of Paryavaran Suraksha (2017) 5 SCC 326, requiring prevention of discharge of any untreated effluent in any water body after 31.03.2018 and in default liability of the local bodies and the States to prosecution, the Tribunal has passed several orders in O.A. 593/2017, Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors. The last order was passed on 21.05.2020. Reference may only be made to the summary of directions in Para 26 as follows:*

**“26. Summary of directions:**

- i. All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon’ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.*

*CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.*

*Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.*

*As observed in para 13 above, 100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon’ble Supreme Court for continued violation of its order after the deadline of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon’ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal*

***failing which the erring State PCBs/PCCs will be accountable.***

- ii. The CPCB may study and analyse the extent of reduction of industrial and sewage pollution load on the environment, including industrial areas and rivers and other water bodies and submit its detailed report to the Tribunal.***
- iii. During the lockdown period there are reports that the water quality of river has improved, the reasons for the same may be got studied and analysed by the CPCB and report submitted to this Tribunal. If the activities reopen, the compliance to standards must be maintained by ensuring full compliance of law by authorities statutorily responsible for the same.***
- iv. Accordingly, we direct that States which have not addressed all the action points with regard to the utilisation of sewage treated water may do so promptly latest before 30.06.2020, reducing the time lines in the action plans. The timelines must coincide with the timelines for setting up of STPs since both the issues are interconnected. The CPCB may compile further information on the subject accordingly.***
- v. Needless to say that since the issue of sources of funding has already been dealt with in the orders of the Hon'ble Supreme Court, the States may not put up any excuse on this pretext in violation of the judgment of the Hon'ble Supreme Court."***

13. The other matter which overlaps with the present matter is O.A. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB" dealing with the remedial action for control of pollution in 351 polluted river stretches in the Country. In the said matter, direction was issued for constitution of River Rejuvenation Committees (RRCs) in all the States. Rivers are polluted mainly on account of failure to enforce provisions of the Water (Prevention and Control of Pollution) Act, 1974 and allowing untreated sewage/effluent to be discharged into the rivers. The Tribunal required preparation of action plans to control the discharge of untreated effluents and to take other measures including preventing dumping of waste, maintaining flood plain zones, maintaining e-flow and restoring water quality to bathing standards. The direction issued in the said order has been monitored periodically and the last order was passed on 29.06.2020. Reference may only be made to the directions in the said order in Para 45 as follows:-

***"45. We reiterate our directions in order dated 6.12.2019 in the present matter, reproduced in Para 38 above, read with those in order dated 21.5.2020 in OA 873/2017 and direct CPCB and Secretary, Jal Shakti to further monitor steps for enforcement of***

*law meaningfully in accordance with the directions of the Hon'ble Supreme Court and this Tribunal. **The monitoring is expected with reference to ensuring that no pollution is discharged in water bodies and any violation by local bodies or private persons are dealt with as per mandate of law as laid down in orders of the Hon'ble Supreme Court and this Tribunal without any deviation from timelines. The higher authorities must record failures in ACRs as already directed and recover compensation as per laid down scale. Every State/UT in the first instance must ensure that at least one polluted river stretch in each category is restored so as to meet all water quality standards upto bathing level. This may serve as a model for restoring the remaining stretches.***

*Further reports be filed by the CPCB and Secretary Jal Shakti by 15.9.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) (preferably in the form of searchable/OCR PDF and not image PDF).*

***As already noted, the constant difficulty faced by this Tribunal in monitoring abatement of pollution in river Ganga (as well other polluted rivers) remains failure of States and PCBs/PCCs to enforce its orders, despite repeated directions and close monitoring, even in physical presence of Chief Secretaries who have appeared before this Tribunal.***

*A copy of this order be sent to the Chief Secretaries of all States/UTs, Secretaries of MoHUA and Ministry of Jal Shakti, Govt. of India, CPCB and all the State PCBs/PCCs by e-mail."*

14. While dealing with the issue of compliance of rules for Solid Waste Management and other environmental issues, in O.A. No. 606/2018, the Tribunal had interaction with the Chief Secretaries of all the States/UTs with reference to significant environmental issues, including the issue of preventing discharge of untreated effluents in water bodies and rejuvenation of polluted river stretches. All the States/UTs, NMCG and the CPCB are conversant with the above orders as copies thereof have been sent to them and Chief Secretaries of all States have appeared in person before this Tribunal and interacted with the Tribunal. It is not necessary to repeat the above directions except to say that such directions are required to be followed in the context of river Ganga in the States of Uttarakhand, Uttar Pradesh, Jharkhand, Bihar and West Bengal and status of compliance included in the progress report on the subject of preventing and remedying the pollution of river Ganga. ***It is a pity that even after constant monitoring by the Hon'ble Supreme Court for 34 years (1985-2014) and by this Tribunal for the last six years and, 46 years after enactment of Water Act making discharge of pollutants in water bodies a criminal offence, pollutants continue to be discharged in the most holy river. The States are still held up in the process of giving tenders or preparing DPRs for setting up STPs. Pollution free environment is the constitutional right of every citizen and constitutional obligation of the States. To this***

**extent the States are certainly failing in discharging their constitutional obligation.**

15. We may now take up the reports filed by the CPCB, NMCG, States of Uttarakhand, Uttar Pradesh, Jharkhand, Bihar and West Bengal serially.

**Report of the CPCB dated 23.06.2020 (filed on 24.06.2020)**

16. The report deals with the guidelines for setting up of biodiversity parks and calculation of Environmental Compensation in terms of earlier orders of this Tribunal. It is stated that the draft guidelines were prepared and uploaded on the website of CPCB on 15.05.2020. The same were sent to various Experts and after considering their comments and suggestions, final guidelines were approved on 08.06.2020. **The said guidelines lay down the details of planning, designing, development and schematic layout of a typical biodiversity park in riverscapes showing different structural components with schematic layout of a typical constructed wetland system for in-situ remediation of sewage/ industrial effluent of the drain passing through upland Elevated Floodplain of the riverscape. Other aspect dealt with in the report of the CPCB is the calculation of compensation per drain for failure of the States to prevent discharge of untreated pollutants by providing treatment plants or taking interim treatment measures. In this regard, further verification of status of failure may be necessary.** On account of lockdown, some more time may be required to be given. Thus, this aspect is deferred till the next date. Second report filed by CPCB dated 13.08.2020 does not give any additional information except that EC has been deposited by the State of West Bengal.

**Report of NMCG dated 26.06.2020**

17. The report annexes a tabular statement with regard to status of compliance in respect of different thematic areas. The information is not in summarized form. While we take on record the information furnished, we expected the same to be filed in a summarized form so that it can be comprehended at a glance. Anyway, from the information furnished, we find that while some progress has been made, **there is continued failure of the States in preventing discharge of untreated effluents by permanent or interim arrangement in violation of provisions of the Water (Prevention and Control of Pollution) Act, 1974, judgments of the Hon'ble Supreme Court and this Tribunal.** This unsatisfactory state of affairs calls for rigorous planning action at the highest level monitoring for meaningful enforcement of the Rule of Law for protection of environment and public health and also for the rejuvenation of river Ganga.

18. Apart from the issues already highlighted, the State of Bihar has stated that there cannot be demarcation of flood plains of river Ganga in the Bihar as the State is over populated. **Learned Senior Counsel for the NMCG submits that Bihar is not exempt from the statutory mandate requiring maintenance of minimum flow for which identification and protection of flood plains**



**cannot be wished away. We find it difficult to accept the stand of State of Bihar. Demarcation of flood plains is absolutely necessary to maintain e-flow to which Bihar can be no exception. Moreover, the State of Bihar is frequently faced with floods, affecting lives and safety of the citizens. One of the remedies for handling floods is identification of the flood plains and their protection. Protection of flood plains may require control of unregulated construction activities, encroachments and unregulated mining.**

**Report of State of Uttarakhand filed on 16.06.2020**

19. According to the report, out of 19 projects under Namami Gange Programme, 13 have been completed and the remaining six (06) are under execution. It is also mentioned that steps are being taken for use of treated water, use of sludge manure and septage management. Steps are also being taken to control industrial pollution and requiring treatment facilities in Hotels/Ashrams and Dharamshalas. Water quality is being monitored, steps have been taken for joining of the flood plains, for plantation and setting up biodiversity parks. Action has been taken against the violators of environmental norms and for illegal mining.

**Report of the State of U.P. dated 11.06.2020**

20. We have perused the report of State of UP dated 11.06.2020 and the report of the Oversight Committee dated 21.07.2020. It will be suffice to refer to the later. The report mentions the earlier proceedings before the Tribunal, meetings held by the Monitoring Committee, steps so far taken for preventing and remedying the pollution and connected issues. The recommendations of the Committee for further action include taking of steps by better coordination amongst various Departments. Recommendations highlight that **regular monthly meetings at the level of Chief Secretaries were essential** but were not happening.

**Report of State of Jharkhand dated 29.06.2020**

21. From the report dated 29.6.2020, we find it difficult to decipher the exact status of compliance under different heads in terms of the order of this Tribunal.

**Reports of the State of Bihar dated 22.05.2020 & 26.06.2020**

22. Report of the State of Bihar is that there are 30 sewerage infrastructure projects. One (01) has been completed. 19 are under implementation. Seven (07) are under tendering process. For three (03) more projects, tender is yet to be floated. We have already noted the stand of the State with regard to protection and management of flood plain zones. It is stated that buffer zones of 100 meters, 200 meters and 500 meters have been demarcated. The report gives the status of STPs at various locations and other pollution abatement work.

## **Observations and Directions**

23. In view of the above, further steps in the light of earlier orders of the Tribunal, including the order dated 18.12.2019 need to be taken and monitored at the level of Chief Secretaries of the States. In terms of order of this Tribunal in OA 673/2018, River Rejuvenation Committees (RRCs) have been constituted in all States having polluted river stretches. Their working is to be monitored by the Chief Secretaries periodically. There is also monitoring by the Ministry of Jal Shakti. As reported by the Oversight Committee constituted by this Tribunal for U.P., **such monitoring is essential but is not taking place.** The position is not clear for the States of Jharkhand, Bihar and W.B. **It is difficult to say that the monitoring at level of Chief Secretaries is taking place in the said States.** This needs to be ensured. There is no appearance before this Tribunal for the said States which obstructs this Tribunal from verifying important information. **We wish the States had taken the matter with more seriousness instead of neglecting it in this manner.** We also feel that there should be periodic joint meetings of the Chief Secretaries of the concerned States to consider vital issues like pooling of human resources and sharing best practices for rejuvenation of Ganga, particularly preventing discharge of sewage and other pollutants therein directly or in its tributaries or drains connected thereto. There is need to take a holistic approach of treating river Ganga as a single entity and ecosystem which requires pooling of fiscal resources by different stakeholders. Project of making Ganga pollution free needs serious attention of all States at highest levels. Joint meetings of concerned Chief Secretaries can be convened by the NMCG and Secretary Jal Shakti. Already, this Tribunal has directed interaction by the Ministry of Jal Shakti (MoJS) and CPCB with all States on the subject of pollution of rivers and ensuring that no pollutants are discharged in river bodies. NMCG also can join such monitoring. There are operative action plans prepared by RRCs. The action plans supposedly aim at **achieving norms of water quality upto bathing standards by suitably reducing the levels of BOD and Faecal Coliform and taking other steps.** The RRCs may consider availing of CSR schemes by involving the willing corporate entities and entrusting particular stretches to particular entities to the extent viable. As already directed, the specified flood plain zones need to be handed over to the Forest Department for plantations for which CAMPA funds can also be utilised. The Forest Department may also explore community involvement in restoration and development projects, including raising of plantations, developing bio-diversity parks and artificial wetlands. Utilisation of MGNREGA funds also need to be considered, apart from other sources of funding. We direct the NMCG and Secretary Jal Shakti to convene a meeting of concerned Chief Secretaries after clearly identifying action points needing focus under relevant heads and notifying to the Chief Secretaries within two weeks. NMCG can be the nodal agency and CPCB may also join. The Chief Secretaries may compile their respective feedback and have an effective interaction and joint discussion. **First meeting may be held within one month preferably by 25.09.2020 on such date as MoJS, NMCG and CPCB may fix. Thereafter such meetings may be held at least once in three months with specific targets.** This Tribunal has

*involved four former Chief Secretaries in monitoring of river cleaning projects in Delhi, Punjab, Haryana and U.P. DDA has adopted certain measures in Yamuna cleaning which may be found worth consideration in dealing with Ganga cleaning. It will be open to the NMCG/Secretary Jal Shakti/CPCB to invite the said four retired Chief Secretaries and the Vice Chairman DDA as special invitees for inputs which may be of relevance for Ganga cleaning. Meetings can be virtual so long as physical meetings are not viable or necessary. A Joint Committee of NMCG, MoJS and CPCB may look into the issue of flood plains demarcation and protection in the State of Bihar and interact with the State of Bihar.*

24. *The States of Uttarakhand, UP, Jharkhand, Bihar and West Bengal may give their respective reports to the NMCG and also before the Tribunal by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF (and not in the form of Image PDF). Consolidated report of the status as on 31.12.2020 may be filed covering all the issues as directed in the earlier order dated 18.12.2019 before the next date in a summarized form by the NMCG at same e-mail before the next date. **As the work in Jharkhand, Bihar and West Bengal till now has not picked up so far, the Chief Secretaries of the said States may remain personally present by way of video conference so that the Tribunal may be able to interact with them.***

9. Accordingly, reports have been filed by the NMCG, CPCB, States of UP and Uttarakhand and the Oversight Committee<sup>3</sup> for UP dated 05.02.2021, 04.02.2021, 05.02.2021, 29.12.2020 and 05.02.2021 respectively. The Chief Secretaries of West Bengal, Bihar and Jharkhand are present in person by video-conferencing and have also filed their respective status reports. Learned Amicus has also filed submissions in response to the said progress reports.

10. Since the NMCG has filed consolidated report, taking into account the reports of all the States, it will suffice to refer to the same instead of reports of individual States. The report refers to the quarterly progress reports received from the States and also from the Oversight Committee for the State of UP. It is mentioned that Central Monitoring Committee (CMC) constituted in terms of order of this Tribunal in OA 673/2018,

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<sup>3</sup> Constituted by this Tribunal vide order dated 16.03.2020 for overseeing environmental norms in the State of UP headed by Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow

News item published in “The Hindu” authored by Shri Jacob Koshy titled “More river stretches are now critically polluted: CPCB”, under the Chairmanship of Secretary, Ministry of Water Resources and comprising CPCB and NMCG has been monitoring the rejuvenation of 351 identified polluted river stretches, which include the polluted river stretches of river Ganga. The report further mentions the steps taken in pursuance of order of this Tribunal dated 13.08.2019, **including the joint meetings with the Chief Secretaries** with reference to the action plans prepared by the RRCs constituted in terms of orders passed in OA 673/2018, supra. The report of NMCG dated 05.02.2021 gives issue-wise status of compliance by the concerned States as follows:

**“11.1 Status of bio-remediation/phyto-remediation of drains as interim remedial measures for treatment:**

*The bioremediation related interventions are best decided at local levels and State may take up the projects as per need at their level. This would be more appropriate and would also be quick. This view has been conveyed to all the States in a meeting held under chairmanship of Director General, NMCG on 12.09.2019 and also in meeting of Supervisory Committee of NGT held on 11.10.2019. The decision was once again reaffirmed that the State government may take up the projects from their own funds in a meeting chaired by Secretary, DoWR, RD & GR held on 08.01.2020. Further, in 3rd meeting of Central Monitoring Committee meeting in NGT matter OA No. 673/2018 held under Chairmanship of Secretary, DoWR, RD & GR on 23.06.2020, many of States have apprised that they have initiated bio-remediation and phyto-remediation measures under their own funding towards compliance of NGT directions in the matter. The views as above have been communicated to States to take necessary steps to comply with extant directions of Hon'ble NGT. The Action undertaken by various State Governments after order of Hon'ble NGT dated 13.08.2020 for bio-remediation/phyto-remediation of drains as interim remedial measures for treatment are as following:*

- **Uttarakhand:** Uttarakhand State Govt. earlier submitted (vide letter No. 23/SPMG/ Namami Gange/Bio-Remediation Tech) that a total of 13 untapped drains required treatment through bioremediation/phyto-remediation. Further, it has been informed that the nodal agency i.e. Uttarakhand Jal Nigam has been directed to initiate tendering process for in-situ treatment of

*un-tapped drains identified in the 09 polluted rivers stretches in State through bio-remediation under Namami Gange Programme. The work would start one month prior to Kumbh Mela - 2021 and will continue one month post Kumbh Mela - 2021. The project would be funded under NGT Component — New Initiatives of Namami Gange Programme.*

*As regards the remaining 04 drains it has been informed that 01 drain at Swargashram is intercepted for treatment and with respect to other 03 drains at Joshimath, their water quality is being monitored regularly and their BOD level is reported to be less than 30 mg/L, hence, bioremediation is not required in these 03 drains.*

- **Uttar Pradesh:** *UP State Government earlier submitted (vide letter No. 4559/No-5-19-234/19 dated 04.11.2019) that a total of 459 drains in the State needed treatment through bioremediation/phytoremediation. It has been informed that Bio-remediation is being done in 42 drains of Prayagraj. Bio-remediation in other drains is proposed through ULBs who had been directed to carry out this work. The work in these balance drains is yet to commence.*
- **Bihar:** *Bihar State Government had earlier submitted (vide letter No. BGCMS/2019/Gaya-22250 **UD&HD**) that total 110 drains in Bihar are untapped and needed alternative treatment. Also, it is informed that work has been started for in-situ treatment through bioremediation for 89 drains joining River Ganga and other polluted rivers. Bio-mining/bioremediation work has been initiated at Barahiya, Patna and Muzaffarpur for disposal of legacy waste.*
- **Jharkhand:** *The State of Jharkhand in its report has submitted that DPR for in-situ treatment through bioremediation of drains in identified ULBs viz. Chas, Ranchi, Mango and Aditypur, involving CSIR—NEERI has been prepared and tendering is under process. The State Govt. has projected to treat approx. 120 MLD of waste water by adopting in-situ treatment through bioremediation/ phytoremediation.*

*As an interim measure at 4 nos. of drains at Rajmahal, that are considered as dry / stagnant drains in which flow occurs only during monsoon season at Rajmahal, the screens at drains have been installed on dated 25.03.2019 i.e. well before the court order in this matter, to prevent the discharge of floating matter into the river and due to very less flow at these drains, as an interim measure natural and biological treatment with in-situ manual chemical method has been put in place well before 01.11.2019, and the same has been communicated to the CPCB during meeting on dated 07.01.2020 at CPCB, New Delhi and vide*

UD&HD letter No. 236 & 1391 dated 20.01.2020 & 22.05.2020 respectively to CPCB.

- **West Bengal:** The State Government of West Bengal has submitted that work for in-situ treatment of drains through bioremediation has been started as pilot project for drains discharging in Ganga and Churni river stretches. Besides State is implementing primary treatment of drains identified on rivers in Priority V by adopting techniques such as providing screens sedimentation tank followed by disinfection. 82.58 MLD is proposed to be treated using such primary treatment techniques.

**11.2 Monitoring & updated status of STPs/ Sewerage Infrastructure projects [since the status report dated 26.07.2020]:** status of various projects related to setting up of STPs/ sewerage infrastructure in majors cities along the main stern of River Ganga in State of Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal, it is submitted that these Projects are being regularly monitored by NMCG at the highest level to ensure their completion within the timelines and shortfalls, if any, are duly reported. NMCG ensures that technical hand-holding, assistance prior to grounding of project and during implementation is also provided by field monitoring and supervision visits of PMCs. Since, August, 2020, 14 monitoring/ review meetings have been held at the level of the Hon'ble Minister (Jal Shakti), Secretary, Dept. of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti and Director General, National Mission for Clean Ganga. Earlier, 1<sup>st</sup> meeting of National Ganga Council was held under Chairmanship of Hon'ble Prime Minister of India on 14.12.2019. 5<sup>th</sup> and 6<sup>th</sup> meeting of Empowered Task Force under Chairmanship of Hon'ble Minister for Jal Shakti was held on 10.02.2020 and 25.09.2020 respectively. In addition to above, three meetings were taken by Hon'ble Minister for Jal Shakti, six at level of Secretary (Department of Water Resources, River Development & Ganga Rejuvenation) and five at level of Director General, National Mission for Clean Ganga.

Besides regular review meeting are also taken at level of Executive Directors of NMCG to ensure completion of project works in accordance to prescribed timelines.

The updated status of STPs/ sewerage infrastructure (as on **31.12.2020**) is enclosed as **Annexure — IV**.

Following emerges from the above status:

- Since submission second quarterly report to this Tribunal, 01 new projects (faecal sludge management for Bijnore town) of have been

sanctioned in the reach from Haridwar d/s to Unnao d/s.

- 02 projects in UP have been completed in reach downstream of Unnao.
- 07 project will be completed by March-2021 in UP, 07 projects will be completed by December-2021 in UP.
- 01 project under AMRUT (Bulandshar sewerage and STP) will be completed by March-2021 and another 01 project by December-2021.
- 09 new projects have also been included for Yamuna river and its tributaries which are under various stages of implementation.

Amongst others, major issues related to control and management of sewage pollution besides synopsis of sewerage infrastructure in Ganga basin area are as following:-

#### **Uttarakhand:**

- State has made timely progress in completion of sewerage infrastructure projects. Out of 19 projects sanctioned (for towns situated on main stem of River Ganga) under Namami Gange programme, 18 projects have been completed. Thus 5 more sewerage infrastructure projects have been completed since last quarterly report submitted to this tribunal.
- Hon'ble Prime Minister of India inaugurated all the major sewerage infrastructure projects in the State on 29<sup>th</sup> September 2020. These projects are:
  - \* 68 MLD STP at Jagjeetpur, Haridwar;
  - \* Upgradation of 27 MLD STP at Jagjeetpur & 18 MLD STP at Sarai;
  - \* 26 MLD STP at Lakkarghat, Rishikesh;
  - \* 7.5 MLD STP at Chandeshwarnagar and 5 MLD STP at Chorpani, Muni-ki-Reti;
  - \* 1 MLD STP and 0.01 MLD STP at Badrinath;
  - \* Ganga Avlokan — a museum on Ganga at Chandighat, Haridwar.
- 1 STP project at Joshimath was delayed because of landslide at original STP location necessitating change of STP location. The STP is expected to be completed by end of March'2021.
- Towards monitoring of functioning of STPs, 16 STPs have online monitoring system which are connected to Ganga Tarang web portal. A dashboard is also being developed for monitoring the functioning of STPs.

#### **Uttar Pradesh:**

- 10 STPs (50 MLD Ramanna, Varanasi/ 10 MLD Ramnagar/ 21 MLD Etawah/ 0.01 MLD Chunar/ 24 MLD

*Etah/ 20 MLD Modinagar/ 67 MLD Firozabad/ 120 MLD Lucknow/ 26 MLD Jhansi/ 15 MLD Kanpur) out of 32 STPs were expected to be completed by March 2021. Out of them, 09 projects were to be completed by December 2020. However, construction for only 01 STP at Firozabad has been completed and is under trial run. The State of U.P. should make effort to complete remaining 08 STPs at the earliest and other 23 STPs as per the timelines.*

- *No progress since September 2020 for 04 projects at Balia, Pratapgarh, Jhansi and Kanpur (Baniyapurwa). Efforts should be made to expedite the progress and complete the projects as per the timelines.*
- *LoA for project at Lucknow was issued in September 2020 but the same has run into legal issues. Land issue for Moradabad project is pending for long. The issue for these projects need to be resolved at the earliest.*
- *Similarly, for Farrukhabad STP project, in spite of NOC being given by NMCG, the LoA has not yet been issued to the successful concessionaire by State. The LoA may be issued at the earliest.*
- *In addition to sub-optimal capacity utilization, poor operation and maintenance of the created sewage and industrial effluent treatment infrastructure also appears to be a critical issue of concern evident from the fact that 19 (03 and 67 MLD STP Firozabad/ 1.6 MLD Saifai/ 23 MLD STP at Mauja Odenya, Mainpuri/ 9.8 MLD Bhagwanpur Varanasi/ 12 MLD DLW Varanasi/ 14 MLD Pakka Pokhra, Mirzapur/ 4 MLD Vindhyachal, Mirzapur/ 56 MLD Trans Hindon, Indirapuram, Ghaziabad/ 70 MLD Dudahaida Vijay Nagar, Ghaziabad/ 2.25 MLD, Budi ka Nagla, Agra/ 10 MLD, Peelakhar, Agra/ 4.50 MLD, Kalindi Vihar, Agra/ 13.59 MLD, Masani, Mathura/ 14.5 MLD, Trans Yamuna, Mathura/ 08 MLD Near 100 Bed Hospital Vrindavan, Mathura/ 04 MLD, Vrindavan Near Pagal Baba Mandir, Mathura/ 16 MLD, Trans Yamuna, Laxmi Nagar, Mathura/ 2.76 MLD Goverdhan STP/ 5 MLD Hathia Nala Sultanpur) of the 101 STPs are non-complying with prescribed standards apart from 5 non-operational (20 MLD Moradabad/ 56 MLD Bapudham, Ghaziabad/ 30 MLD, Sadullabad Loni, Ghaziabad/ Jajmau 5 MLD, Kanpur/ Kanwara Road Banda) STPs. Action plan for making these STPs compliant needs to be drawn along with timelines. Officials responsible for maintenance of these infrastructures need to be made accountable.*
- *It has been learnt that Garhmukteshwar STPs (3 + 6 MLD) constructed under Namami Gange Programme are not operational from last 3 months due to settlement of trunk sewers and choking of network. The issue need to be examined and resolved as soon as possible to ensure no untreated wastewater is discharged into river Ganga.*

**Bihar:**



- *Following STP and **I&D** schemes/projects in Bihar have been delayed inordinately and pending because of inter departmental issues related to land NOC to be granted by State Deptt./agencies:*
  - \* *Land for two no Intermediate Pumping Station (IPS) for the Maner **I&D** and STP scheme;*
  - \* *Land for 2 number IPS in Bakhtiyarpur STP project. Land NOC for STP itself was received very late on 02.12.2020*
  - \* *Land for one IPS in Kankarbagh and one IPS for Digha STP and network project.*
  - \* *Compensation towards land for the Begusarai STP is yet to be resolved so that work can start at site.*
  - \* *Part land for one IPS in Karmalichak network project*
  - \* *Land for one IPS in Sultanganj I&D and STP project.*
  
- *These issues are being continuously flagged for early resolution and were also raised recently during 8<sup>th</sup> meeting of Central Monitoring Committee held on 05.01.2021 followed by DO letter dated 18.01.2021 from the Secretary (Jal Shakti).*
  
- *Another inter-Departmental issues to be resolved pertains to permissions from Road Construction Department (RCD) of Bihar/ NHAI. The requisite permissions that have been delaying the progress of ongoing works to significant levels leading to spilling of this tribunal mandated timelines as below:*
  - \* *RCD permission for 39Km road cutting and NHAI permission for 5.62Km road cutting is pending*
  - \* *RCD permission is pending for 30.22km, from NHAI- 8.66km (mainly in Naugachia, Begusarai and Chhapra for sewerage projects outside Patna)*
  - \* *Railway crossing permission in Mokama, Begusarai and Sonapur is pending.*
  
- *The tendering for the schemes like Munger, Hajipur, Barahiya, Kahalgaon and Khagaria has been pending for a long. In particular, the tendering for Hajipur and Munger sewerage infrastructure projects, the guidelines and/or directions of NMCG have not been adhered by State authorities. The insistence of the State to ignore the directions of NMCG has led to inordinate delays in finalization of procurement.*
  
- *These schemes along with Buxar sewerage network and STP need to be awarded without further delay. Secretary (Jal Shakti) vide his DO letter dated 18.01.2021 has requested Chief Secretary Govt of Bihar that the concerned officials from BUIDCo and State Mission for Clean Ganga sitting over the directions/ guidelines of NMCG be directed or else identified so that seamless procurement procedures are implemented without further delays. The matter yet remains to be sorted out and information awaited at NMCG.*

### **West Bengal:**

- **Hooghly Chinsurah I&D and STP project:** - Revised DPR of Hooghly Chinsura has been sanctioned in 29th EC meeting and AA&ES amounting of Rs. 154.73 Crs. was issued on 23rd Sep 2020. Kolkata Metropolitan Development Authority (KMDA) invited the tender on 23.11.2020. Now tenders have been kept on hold due to inter-Departmental issues (Department of Education) related to land which has not been sorted out by State. The land allocated for STP requires to be retained as proposal has already been changed twice and lingering since 2018.
- **Tolly Nullah I&D and STP project:** - NMCG has sanctioned a project for Pollution Abatement & Rehabilitation of Tolly's Nullah (Adi Ganga), Kolkata (Interception & Diversion with Pumping Station and STP) at a cost of Rs. 307.12 crore on 17.08.2017. Kolkata Municipal Corporation (KMC) has invited the tenders and bid have been received on 2<sup>nd</sup> call on 10.12.2020. KMC has to complete the award process at the earliest as the grounding of project is inordinately delayed. NMCG has provided necessary advise in the procurement matter.
- **Rehabilitation of Keorapurkur & Garden Reach STP:-** NMCG has sanctioned the project on 05.03.2018 amounting of Rs. 165.16 Crs. State Government is revising the scope and revised DPR is yet to be received. State Government may expedite the work and submit the revised DPR at the earliest. The project will have to be re-sanctioned thereafter.

### **11.3 Faecal Sludge and Septage management:**

The Govt. of India issued the National Policy on Faecal Sludge and Septage Management in February 2017. NMCG has suggested the States Govts. that FSTP implementation in all towns with population less than 1 lakh should be adopted in consonance with National Policy on FSSM.

NMCG had organized an online Webinar on "Strengthening Capacity of ULBs in Planning and Implementation of FSSM across Cities and Towns of Ganga Basin" on 19<sup>th</sup> January 2021. The webinar aimed to reiterate the commitment and focus of NMCG towards Faecal Sludge and Septage Management (FSSM)s one of the key approaches to reducing the pollution into river Ganga. Additionally, the webinar also aimed to build awareness around the broad array of capacity building opportunities in this sector for effective planning and implementation of FSSM. It aimed to bring together various institutions and tools that are of relevance to these urban local bodies to implement FSSM.

The Webinar was attended by around 250 government officials from almost all the States. The webinar is a part of

*long term training and capacity building project on FSSM for Ganga towns being taken up with WASH Institute, supported by USAID and BMGF. The webinar presented case studies of various states where FSSM has been scaled up. Presentations were made by National Institute of Urban Affairs (NIUA) with regard to integrating FSSM in river management plan and by MoHUA on the schemes and initiatives of MoHUA that ULBs can utilize to scale up FSSM. The Webinar also included a session on experience of Odisha which has taken up FSSM extensively, besides initiatives taken by NMCG in this direction. States were urged to consider the implementation of FSTPs and/ or co-treatment of faecal sludge in existing STPs, in all towns wherever feasible, so that dumping of the faecal sludge in water bodies/ land and thereby polluting them, can be avoided.*

*Major initiatives/achievements undertaken by the States towards adoption of FSSM are as following:-*

- **Uttarakhand:** *The Govt. of Uttarakhand has notified the protocol for Septage Management. Septage Management Committee has been formed in all 15 priority towns/ULBs situated on the main stem of River Ganga as per the provisions of the Septage Management Protocols (SMP).*
- **Uttar Pradesh:** *UP Septage Management Policy' 2019 was approved in October 2019. FSTP is operational in Jhansi and Unnao and under construction in 05 towns (Chunar, Loni, Lakhimpur, Rae Bareilly and Modinagar). Projects approved and LOA issued for FSTP in 31 AMRUT towns (Aligarh, Moradabad, Shahjahanpur, Ayodhya, Pilibhit, Pt Deen Dayal Upadhyay Nagar, Shamli, Baraut, Hapur, Khurja, Chandausi, Hathras, Amroha, Badauan, Shikohabad, Farrukabad, Hardoi, Sitapur, Bahraich, Gonda, Orai, Jhansi, Lalitpur, Banda, Fatehpur, Akbarpur, Basti, Deoria, Azamgarh, Jaunpur, Maunath Bhanjan), LOA issued for co-treatment in 04 towns (Saharanpur, Mathura, Rampur, Muzaffarnagar); while tenders floated for co-treatment in 17 towns (Lucknow, Kanpur, Agra, Meerut, Varanasi, Prayagraj, Ghaziabad, Gorakhpur, Etawah, Mirzapur, Firozabad, Mainpuri, Sultanpur, Ballia, Bulandshar, Ghazipur, Ayodhya-Faizabad).*
- **Bihar:** *State has prepared **DPR** for FSSM for three towns namely, Digwara, Manihari and Teghra. The DPR are awaiting sanction of government for their implementation. This needs to be expedited.*

#### **11.4 Industrial Pollution Management:**

*CPCB through the State Pollution Control Boards is the central agency responsible for controlling the discharge of industrial/trade effluents in to the rivers and waterbodies and their effective treatment as per set standards through proper functioning of the ETPs/CETPs. NMCG has been regularly pursuing this issue with the apex regulator as well*

as the State agencies. A tabulated statement on the total number of Industries, effluent load, installed treatment capacity and proposed capacity to be created in the States of Uttarakhand, U.P., Bihar, Jharkhand and west Bengal has been represented in table below:

**Table- 1: Statement on Industries and Treatment Capacity established in States**

State	No. of Industries	Effluent Discharge (MLD)	No. of Industries having ETPs	Treatment Capacity of ETPs (MLD)	CETPs (Nos. and Capacity in MLD)
Uttarakhand	830	145	830	175	<b>Existing-3(13.2MLD) Proposed- 3 CETPs of 18 MLD</b>
Uttar Pradesh	1648	850.5	1404	NA	<b>Existing — 7 (58.60 MLD) (NC-01/07 operational)/7 Nos. of cumulative capacity 58.55 MLD, Under Construction — 01No. (20</b>
Jharkhand	190	-	187	-	<b>Existing : 2 Nos. of 25.05 KLD Under Construction: 3.5 MLD at Ranchi, Tupadana Industrial Cluster.</b>
Bihar	219	NA	212	-	<b>Existing : NA Under Construction/Proposed: There are 52 industrial areas under control of BIADA, 5</b>
West Bengal	454	1360.60	454 (400SPIs & 54 GPIs)	1360.60	<b>Existing : 20 MLD CETP Under Construction: 4 module CETP of 20 MLD</b>

Amongst others, major issues related to control and management of industrial pollution in Ganga basin area are as following:

- Upgradation of 6.25 MLD CETP (Rs.13,87 crore) for textile cluster at Mathura was sanctioned by NMCG with 25% contribution from industry members as well 100% O&M cost to be borne by them. There is provision for 50% reuse of treated water. LoA has been issued and contract is to signed but industry is not willing to sign the contract seeking additional time of 2-3 years due to industry running in loss due to Covid. The State Govt. of U.P./ agencies involved should be directed to expedite the process, of completing the upgradation of CETP and assuring its O&M upon commissioning of CETP.
- 2.1 MLD CETP for textile park at Pilkuwa under Pilkuwa-Hapur Development Authority remain non-compliant and nonresponsive to submission of action plan for shifting of industries working in residential areas to textile park since 2018.
- 1.5 MLD ZLD based CETP for Farrukabad textile cluster has been considered by NMCG for sanction. However, the project could not be sanctioned for transfer of land costing Rs. 7.95 crore, already allocated to SPV by UPSIDC as about 1.03 crore has been imposed as interest for 1.25 year towards delay in land acquisition process. A decision was taken by Hon'ble Cabinet Minister of

*Khadi, Village Industries, Sericulture, Textile, Micro, Small & Medium Enterprises and Export Promotion, Uttar Pradesh for exemption of overhead and Interest charges of the land from cabinet. This was discussed in meeting of Hon'ble Minister, (Jal Shakti) and the Chief Minister, State of U.P. held on 18.01.2021. The cabinet decision is awaited.*

**11.5 Environmental Flows:** *That as regards "Environmental flows" in River Ganga, as per paragraph 5 of the Notification dated 7.10.2016, every State Government shall endeavour to ensure that uninterrupted flows are maintained at all times in River Ganga. Further it is mentionable that every State Government shall also endeavour to maintain adequate flows of water in River Ganga in different seasons to enable River Ganga to sustain its ecological integrity and to achieve the goal and that all concerned authorities shall take suitable actions in a time bound manner.*

*That the Government of India, in exercise of the powers conferred vide notification viz 'River Ganga (Rejuvenation, Protection and Management) Authority Order, 2016, has notified on 09.10.2018 the minimum environmental flows to be maintained in river Ganga, for stretch starting from its origin to Unnao in Uttar Pradesh specifically at locations downstream of structures or projects meant for diversion of river flows for purposes like irrigation, hydropower, domestic and industrial and other requirements.*

*The environmental flow regime is applicable to all existing, under-construction and future projects [barring Mini and Micro projects which do not alter the flow characteristics of the river or stream significantly]. An Expert Team comprising of officials from Central Water Commission, Central Electricity Authority and National Institute of Hydrology, Roorkee based on their inspection of projects during 1216 June, 2019 reported that all the existing projects have provisions for releasing the mandated e-flows through controlled gated spillways/ waterways and structural modifications in the body of projects may not be required for the same. The release of mandated e-flows is not being maintained by some of the projects, mainly HEPs, due to commercial considerations. In view of this, it was decided that the three year period given in original notification may not be needed. Accordingly, the time period for complying with the environmental flow norms has been reduced from 3 years i.e., 09.10.2021 to 15.12.2019.*

*The Central Water Commission (CWC) is the designated authority and custodian of the data, responsible for supervision, monitoring and regulation of flows. The monitoring of E-flows is being carried by Upper Ganga Basin Organization (UGBO), CWC since 01.01.2019. CWC in its capacity as the designated Authority, for supervision, monitoring and regulation of Environmental flows regime, fixed the e-flow targets for the Hydro Electric Projects (HEPs) operating in the Ganga river Basin in the State of Uttarakhand and ensures strict adherence to the*

stipulated e-flow norms/targets by 15.12.2019. CWC has been submitting e-flows, monitoring-cum-compliance report on quarterly basis to NMCG

**(a) Uttarakhand :** The project currently being monitored by CWC are Maneri Bhali Stage —I, Maneri Bhali Stage —II, Tehri Dam, Koteshwar Dam, Vishnuprayag HEP, Srinagar HEP, Pashulok barrage/ Chilla HEP, Bhimgoda barrage, Bijnor barrage, Narora barrage and Kanpur barrage. The structures/projects to be monitored are to be reviewed after each year.

The CWC started monitoring of the 11 projects from January, 2019 and findings of the quarterly monitoring cum compliance reports for year 2019 had been submitted before this Hon'ble Tribunal in the report submitted on 11.12.2019. The 8<sup>th</sup> monitoring-cum-compliance report for quarter October-December, 2020 is enclosed as **Annexure -V**. The findings of the report are as follows:

- Most of the projects are providing the flow data on hourly basis regularly except Tehri and Kanpur barrage. The data from Tehri project is being received regularly but on daily basis instead of hourly basis while Kanpur barrage authorities are measuring and providing flow data on two hourly basis. The project authorities are being pursued to provide the data in desired format on regular basis. During the 2nd Phase of Inspection visit from 7-9 August, 2019, it was stressed that the pond level (between 609 m to 612 m) of Koteshwar dam extends up to the toe level of Tehri dam, as such the whole river reach between Tehri and Koteshwar remains under pool of water. It was suggested that whole system of Tehri and Koteshwar should be considered as one single system for e-flow monitoring with inflows in Tehri reservoir and outflows from Koteshwar dam. The same has been agreed upon and incorporated in this report.
- The automatic data acquisition and transmission system have not been installed on projects so far except at Tehri, Koteshwar dam, Bhimgoda barrage and Narora barrage. The project authorities are being pursued to complete the installation. Project authorities of Pashulok barrage and Maneri-Bhali-II HEP have completed the installation. In case of Vishnuprayag HEP, SCADA system has been installed by the project authority on all the gates including at sluice gates and desilting chambers entrance and flow data is being shared with CWC in hourly or half hourly basis.
- Based on the data supplied by project authorities, most of the projects met the e-flow norms during the period as inflows are normally high in monsoon period. However, the Srinagar HEP (GVK) does not comply with the mandated e-flow norms.
- It is submitted that as per the quarterly reports, provided by CWC starting from January 2019 till December, 2020, following projects have been found non-compliant in respective quarter:

- 1<sup>st</sup> monitoring-cum-compliance quarterly report (Jan — March, 2019): Maneri Bhali-1, Maneri Bhali-2 HEP, Vishnuprayag HEP, Srinagar HEP
- 2<sup>nd</sup> monitoring-cum-compliance quarterly report (April-June 2019): Maneri Bhali-2 HEP, Vishnuprayag HEP, Srinagar HEP 3<sup>rd</sup> monitoring-cum-compliance quarterly report (July-Sep'2019): Maneri Bhali-2 HEP, Vishnuprayag HEP, Srinagar HEP
- 4<sup>th</sup> monitoring-cum-compliance quarterly report (Oct-Dec, 2019): Maneri Bhali-2 HEP, Vishnuprayag HEP, Srinagar HEP, Pashulok barrage.
- 5<sup>th</sup> monitoring-cum-compliance quarterly report (Jan-March, 2020): Srinagar HEP.
- 6<sup>th</sup> monitoring-cum-compliance quarterly report (April-June, 2020): Srinagar HEP.
- 7<sup>th</sup> monitoring-cum-compliance quarterly report (July-Sept, 2020): Srinagar HEP.
- 8<sup>th</sup> monitoring-cum-compliance quarterly report (Oct-Dec, 2020): Srinagar HEP. That only Srinagar HEP has been found non-compliant with e-flow norms even after ending of exemption provided to existing projects till 15.12.2019 as per the amendment Notification dated 14.09.2019. That as per as per protocol for e-flow monitoring and compliance specified in SOPs "If non-compliance continued for more than 5 days without any compelling circumstances, a penalty may be imposed on project authorities by NMCG under section 3 of Environment (Protection) Act 1986".

Further, it is relevant to submit that Alaknanda Hydropower Co. Ltd. (operator of the Srinagar HEP), has assailed the amended Notification dated 14.09.2019, for complying the minimum e-flows by 15.12.2019, before the Hon'ble High Court of Uttarakhand in a WP(C) No. 3889/2019 - Alaknanda Hydropower Co. Ltd. Vs. State of Uttarakhand. The Hon'ble High Court in its interim order dated 20.12.2019, has directed to keep the notification in abeyance qua the petitioner i.e stayed the notification, qua the petitioner till further order. The matter is still pending. A copy of the said order dated 20.12.2019 passed by the Hon'ble High Court of Uttarakhand is enclosed as **Annexure — VI**. NMCG has initiated action to move the Hon'ble Court for vacating the stay in the matter. The matter is yet to be decided by the Hon'ble High Court.

**(b) Uttar Pradesh:** The State of Uttar Pradesh is complying with the notification dated 14.09.2019, Department of Water Resources, River Development and Ganga Rejuvenation, Government of India with regard to ecological flow in River Ganga from Bhimgoda (Haridwar), Bijnore and Narora. Kanpur barrage project authority is not providing any flow data and same is being collected on monthly basis by CWC officials from their office. It was informed that project authority has stated that diversions from barrage are made for the purposes of drinking water supply only, which has priority over environmental

flows. Thus even if environmental flows are not met, State is bound to provide water for drinking needs.

The beta version of online portal for e-flows is currently under trial and same is being developed by Central Water Commission along with National Mission for Clean Ganga.

(c) **Bihar:** Water Resource Department, Government of Bihar has informed that steps have been taken for installation of new gauge stations and making arrangements for the discharge measurement in the rivers throughout the year.

(d) **Jharkhand:** That the Government of Jharkhand has reported that there is no water flow/ discharge regulatory structure on river Ganga within the territory of Jharkhand, hence there is no issue regarding the maintenance of e-flow within the stretch of river Ganga in Jharkhand which is being maintained. Installation of Real Time Data Acquisition System along with Data Center is to be established at Ranchi for analysis and information and it shall be completed by 2024. Further, in order to maintain the E-flow, installation of instruments across the barrages shall be completed by March 2024.

(e) **West Bengal:** The river Ganga is perennial river of Bengal. The environmental flow is maintained in the river Ganga through the release of water from Farakka Barrage throughout the year.

**11.6 Flood plain demarcation:** That the Flood Plain demarcation/ Zoning is required to be done by the State Governments concerned. In this regard the provisions of the Authority's Order, 2016 also mandate the State Government to identify and demarcate the flood plains in the concerned State. This Hon'ble Tribunal in its various orders has also directed that till the action is taken by the State Government, the criterion of 1 in 25 years HLF shall be taken into consideration for flood plain demarcation/zoning. As per the information furnished to NMCG, the action taken by the State Government with respect to demarcation, protection and management of floodplain area of the river Ganga is as following:

(a) **Uttarakhand:** Under the provisions of Uttarakhand flood plain zoning Act 2012, State Govt. of Uttarakhand vide notification dated 28.02.2017, for Haridwar District's Chandi Ghat bridge to village Kalsia (Laksar) stretch flood plains identified in schedule list-1 and list-2 within 50km reach, has been categorized as prohibited and restricted areas. The permissible land use activities in these identified prohibited and restricted areas has also been specified. Similarly, for Uttarkashi District's Gangori to Badethi Chungi stretch flood plains mentioned in the schedule list-1 and schedule list-2 within 10 km reach, has been categorized as prohibited and restricted areas.

Initial notification in other 06 stretches namely; (1) Gangotri to Devprayag, (2) Bhilangana river, (3) Badrinath to Devprayag, (4) Mandakini river, (5) Devprayag to Rishikesh, and (6) Rishikesh to Bhimgauda has been issued in the month of September, 2020 to November, 2020 and final notification is under process and is likely to be issued by



February, 2021. Flood plain zoning work for Suswa, Gola and Kosi rivers have been planned and proposal has been sent for sanction. After sanctioning it is likely to be completed in 18 months.

**(b) Uttar Pradesh:** The State of Uttar Pradesh has submitted that for Phase —I (Segment B) of river Ganga, the notification for identification of flood plain zones as per the final report furnished by the Special Committee has been done. Flood plain has been notified as being either 100 m or 50 m from firm banks of river presently. In urban areas, this zone corresponds to 50 return period flood. The flood plain zone is to be physically demarcated and notified. Budget has been allocated for permanent demarcation of flood plain zones by fixing of stone pillars in Segment B of

Phase—I. For Phase-II of River Ganga, identification of flood plain zone by Central Water Commission is under process. Additionally, demarcation of flood plain for Yamuna, Hindon, Kali-East, Varuna, Gomti, Ramganga, Betwa, Ghagra, Rapti, Sai, Saryu and regulation of construction/ development activities are to be notified by the State Government.

NMCG has suggested the Govt. of U. P. for geo-tagging of stone pillars delineating flood plain area of the rivers. This will guard against physical damages to the pillars as geo-tagged pillar locations can always be accurately traced by simple dGPS tools and remain unaffected by physical damages.

**(c) Bihar:** That the State of Bihar in its report has submitted that considering the densely populated northern plain terrain and embanked river in the State, the directions pertaining to flood plain zonation is not applicable in case of Bihar and the State Government is contemplating to approach the Hon'ble NGT in this regard. That Hon'ble NGT in its order dated 13.08.2020 has passed direction for constitution of a Joint Committee of members from NMCG, MoJS and CPCB to look into the issue of river floodplains demarcation and protection in the State of Bihar. In this regard, this Hon'ble Tribunal is to be apprised that the State Govt. of Bihar requested for modification in the definition of flood plain as described in the Gazette Notification S. O. 3187(E) dated 07.10.2016. The State Govt. of Bihar was asked to carry out a scientific study and report action taken based on such study and accordingly, letters dated 31.07.2020, 10.12.2020 and 06.01.2021 was issued to the Secretary, Water Resource Deptt. Govt. of Bihar. Copies of afore mentioned letters are placed at **Annexure - II**. No information in this respect has been furnished by the State Govt. of Bihar till date. The Joint Committee could look into issues pertaining to demarcation and protection of floodplains in State of Bihar once this study is in place and the requisite data is provided for examination.

**(d) Jharkhand:** That the State of Jharkhand in its report has submitted that demarcation of flood plain zones

necessitates earmarking in the vicinity of its existing water bodies which in turn requires regulation to ascertain flood plain zones for which the Water Resources Department (WRD), Government of Jharkhand has appointed Consultant. Further, for accurate assessment of the flood plain zone, hydrology of the rivers is also required. That the Government of India sponsored National Hydrology Project is underway and is likely to provide the requisite data by the end of March 2024. Hence, the demarcation of the flood plains of the rivers in Jharkhand will be done during 2024-2025.

NMCG, after examination of this information observes that scientific studies for flood plain zonation are yet to be initiated by State for which State is having sufficient data base. There is no case for awaiting the outcome of National Hydrology Project before decision on flood plain zoning in State is taken. State has yet to start delineation of floodplains.

**(e) West Bengal:** That the State of West Bengal has submitted that protection works on the left bank of the river Ganga from Mangal Pandey Ghat to Malancha Tourist lodge for a length of 135mts. including renovation of sluice gate under Barrackpore Municipality is in progress. Additionally flood protection works has been started on the right bank of river Hooghly at 04 locations of total length of 900mts. No further information has been provided by the State with regard to flood plain zoning work in Ganga River.

NMCG, after examination of this information observes that these works are flood protection works undertaken by the State government and scientific studies for flood plain zonation followed with protection and management of identified floodplain areas, are yet to be initiated by the State.

**11.7 Depicting biological diversity of Ganga in public domain:** One of NMCG's long term visions for Ganga Rejuvenation is to restore the viable populations of all endemic and endangered biodiversity of the river so that the biological communities occupy their full historical range and fulfil their role in maintaining the integrity of the Ganga River ecosystems.

Presence of rich biodiversity in a river ecosystem is the ultimate indicator of the river's health. The Ganga river ecosystem supports more than 25,000 floral and faunal species. Biodiversity of any ecosystem is threatened foremost by the loss or degradation of its habitat. Major threats to River Ganga's biodiversity can be grouped under five overlapping categories: over-exploitation, water pollution, flow modification, destruction or degradation of habitat and invasion by exotic species, with global scale environmental changes being superimposed upon all of them.

Under Namami Gange Programme, biological water quality is assessed using Bio-monitoring field protocol towards semi-

*quantitative monitoring developed by Central Pollution Control Board. Community structure of the benthic macro-invertebrates of River Ganga and its tributaries reflects taxonomic richness with representative distributed taxa.*

*As mentioned above, under Namami Gange Programme, since 2014 onwards bio-monitoring of River Ganga and its tributaries is being carried out on regular basis to know the spacio-temporal trends in biological water quality for better understanding of health of the river system. In total, 8 rounds of bio-monitoring along the entire course of River Ganga were carried out during 2014-2020.*

*The biological data is available for 93 unique locations of River Ganga covered so far. Based on comparative bio-assessment study of same period carried out at 41 locations and covered in eight rounds of bio-monitoring during 2014-2020, the spatio-temporal picture of biological water quality status of an entire river is reported.*

*It is revealed that there is improvement in biological water quality from moderate to good class at maximum number of (29 out of 41) locations during present investigation. These locations include Jagjeetpur u/s; Sukartal; Anupshahar; Narora; Kachla Ghat; Ghatia Ghat, Farrukhabad; Kannauj; Kannauj d/s; Bithoor; Kanpur u/s; Asni Village Fatehpur; Sirsa, Prayagraj Bridge; GT Road, Prayagraj; Varanasi u/s ; Varanasi, Rajghat; Rajwari a/c Gomti; Patna, Digha ghat; Patna, Fatuha (Bihar); Patna Malsalami; Falgu River (WB); Falgu River; Murshidabad; Behrampore d/s; Srirampore d/s; Belgharia; Ballykhal,; Howrah Bridge; Garden Reach.*

*Location of Khudaganj shows improvement in the water quality from moderate to clean class during 2014-2018. In Uttarakhand stretch, biological water quality at Haridwar Barrage (UK) recorded improvement from slight pollution or clean to very good class during 2014-2018. Towards post-monsoon 2020, the water quality at this location, however, fell to moderate class. Biological water quality of the river in Uttar Pradesh at Bijnour (UP); Varanasi d/s and Bihar at Patna Gandhi Ghat remained moderate during 2014-2020 however; some improvement upto clean class level was obtained during intermediate periods of investigation. Jagjeetpur d/s is the exceptional location of River Ganga in Uttarakhand where biological water quality deteriorated from clean or slight pollution (2014-2015) to poor class (post monsoon 2018-2019) during present investigation. Decline in the biological water from clean to moderate class was observed in the Kanpur stretch of river at Shakula Ganj, Deorighat during 2014-2019.*

*As reflected from the above comparative analysis, improvement with respect to biological water quality of River Ganga has been found which indicates the river environment in tendency of enhancing its ecological health.*

*Further, in order to address the threats to the aquatic biodiversity of Ganga, NMCG is working with Wildlife Institute of India (WII), Dehradun, Central Inland Fishery Research Institute (CIFRI),*

Barrackpore and State Forest Departments. All the reports generated from the study are uploaded in NMCG website: [https://nmcg.nic.in/biodiversity\\_reports.aspx](https://nmcg.nic.in/biodiversity_reports.aspx). Summary of these reports is as below:-

- 49 % Ganga River has rich biodiversity value while sustained actions have to be continued to improve bio-diversity in the remaining reach.
- Six High Biodiversity Areas and Twelve Conservation Priority Zones exists
- Rescue & rehabilitation center established in Narora, Sarnath Bhagalpur and Kolkata.
- Cadre of more than 1000 volunteers (Ganga Praharis) developed and trained. These Ganga Praharis are actively involved in the Namami Programme and carrying out awareness programmes, cleanliness drives and plantation drives contributing towards the mission of the Namami Gange programme.
- Key ecosystem services of Ganga River identified and an assessment framework developed.
- The floating interpretation centre at Varanasi "Ganga Tarini" and interpretation centre at Sarnath "Ganga Darpan" established. Floating livelihood centre "Jalaj" established at Varanasi. Model was also adopted by District Administration in Jharkhand.
- Assessment of fish and fisheries conducted and a total of 190 fish species mapped in GIS platform to understand the fish status and distribution in Ganga
- Tagging procedures have been initiated to see whether the selected fishes like Hilsa can negotiate existing barrages.
- Conducted ranching cum awareness programmes and released more than 30 lakhs of fish seed in river Ganga for conservation and restoration of IMC & Mahseer.
- New sightings of Gangetic dolphins were recorded from downstream of Kanpur barrage, Smooth coated otters from Bhagalpur, Gharials at downstream of Rishikesh barrage and nesting of Indian skimmers near Prayagraj.
- On the basis of the recommendations by WII, a 30 km stretch near Varanasi was declared as 'Turtle Wildlife Sanctuary' by Government of Uttar Pradesh for the protection of the aquatic biodiversity and their habitat in the Ganga River.
- Continued engagement of the riverside communities was ensured in the conservation process through skill development trainings conducted for women Ganga Praharis from Uttar Pradesh and Jharkhand. The training and establishment of linkages are helping in improving livelihood and also linked with conservation.
- Training manuals created and distributed to teachers as resource material in Ganga bank districts.

**11.8 Plantation Activities and setting up biodiversity parks:** Plantations and setting up biodiversity parks along the floodplain of the rivers plays significant role in protection of floodplain area as well as restoration of river ecology. The initiatives and achievements of the States regarding

plantation activities and setting up biodiversity parks are as following:-

- **Uttarakhand:** The plantation activities are being carried out in the larger catchment area of Ganges. In the year 2020-2021 about 4151 ha of plantation activities have been completed under the various schemes of CAMPA.
- **Uttar Pradesh:** As per the MPR, status of plantation activities undertaken and proposed:

River Stretch	No. of Sampling	
	Planted Year 2019-20	Proposed for 2020-21
Hindon	55.34	55.64
Kali	65.93	69.35
Varuna	25.62	14.79
Yamuna	175.68	252.00
Gomti	180.26	151.99
Ganga	183.24	226.39
Ramganga	77.28	68.97
Betwa	24.61	49.78
Ghaghara	39.72	26.22
Sai	77.20	71.36
Rapti	57.25	29.08
Saryu	35.29	34.13
<b>Total</b>	<b>997.42</b>	<b>1049.70</b>

As per the MPR, Uttar Pradesh has identified the sites for the development of Bio-diversity parks in 25 districts in the main stem of Ganga and 02 districts in Yamuna covering a total area of 3591.984 ha. The project proposals for development of Bio-diversity parks are prepared under the supervision of Prof. C R Babu, former Pro Vice Chancellor, University of Delhi/ Emeritus Professor, CEMDE/ Incharge, Yamuna Bio Diversity park and his scientific team.

- **Bihar:** Plantation is being done under Namami Gange Scheme and Krishi Road Map wherein the polluted river stretches will be prioritized. The Bihar state has successfully achieved the total tree cover target of 15% for the Phase-I of Bihar Agriculture Road Map. For the Phase-II of Bihar Agriculture Road Map for the period 2017-18 to 2021-22 a target of 17% total tree cover has to be achieved by 2022. A team from the State Government had visited Yamuna Biodiversity Park in Delhi and at present are exploring possibilities of developing the replication of the same in the State.
- **Jharkhand:** Plantation activities along the rivers: Total — 124.69 Kms. 9 (Jumar — 20 Kms, Swarnrekha — 65 Kms, Damodar- 20.69 Kms, Konar — 6 Kms, Sankh -8 Kms and Garga - 5 Kms)

**11.9 Action against officials responsible for delays in various projects for sanction, award of works etc.:** NMCG has been continuously pursuing with the State Governments of Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal for furnishing details regarding action against officials responsible for delays in sanction, award of works for various projects. In this regard communications were also sent to the Chief Secretaries of the respective States; however, the details are still awaited from their end.

As per the provisions of section 25 of the Water Act and section 21 of the Air Act, primarily the SPCBs are mandated and responsible for laying the consent conditions and ensure compliance of the conditions for prevention, control and abatement of pollution. Under section 18 of the above said Acts, the CPCB exercises the power for superintendence and supervision over the SPCBs and even may issue appropriate directions, as the case maybe, to the SPCBs for mitigating and or controlling/ preventing pollution. That NMCG/ Secretary, MoJS, while seeking timely submission of the next Quarterly Progress report, requested the Chief Secretaries of the respective States vide letter dated 21.08.2020 to arrange to furnish the list of officers identified for delays in sanction and award of works etc. for various projects and action taken against the erring officers for delay in commencement of sewage infrastructure projects in River Ganga basin.

This was reiterated vide reminder letters dated 19.11.2020, 28.12.2020 and 18.01.2021 wherein it was emphasized that afore mentioned information is essentially required as per the directions passed by the Hon'ble Tribunal in order dated 18.12.2019. Copies of the letters issued on dated 21.08.2020, 19.11.2020, 28.12.2020 and 18.01.2021 are enclosed as **Annexure – VII.**

It is pertinent to mention before this Hon'ble Tribunal that directions under Section -5 of the Environment (Protection) Act, 1986 were issued on 29.10.2020 to the State Govt. of U.P./ Sate PCB by Director General, NMCG for taking coercive action including initiation of criminal proceedings against operators/clients etc. in respect of non-operational or dysfunctional STPs at Ghaziabad, Noida and Greater Noida. Copy of direction issued on 29.10.2020 is enclosed as **Annexure – VIII.** The compliance of the State of U. P. and its other agencies, in this respect is still awaited.

That there has been inordinate delay in award of works/execution for the STP/sewerage projects in Bihar, particularly, the tendering for Hajipur and Munger sewerage infrastructure projects due to non-adherence of the guidelines and/or directions of NMCG by the officials of BUIDCo and State Mission for Clean Ganga who are sitting over the directions/guidelines of NMCG.”

11. Annexure-4 to the report gives a bird's eye view of compliance by way of tables 1, 2 and 3, as follows:

**“Status as on Jan 2021**

<b>Table-I</b>					
<b>Summary of the Sewerage Projects (Haridwar (d/s) to Unnao d/s)</b>					
<b>Projects</b>	<b>No. of Projects</b>	<b>Completed</b>	<b>Ongoing</b>	<b>Under Tendering</b>	<b>Remarks</b>
NMCG	19	6	9	4	Annexure: IV.1
AMRUT	4	2	2	0	
<b>TOTAL</b>	<b>23</b>	<b>8</b>	<b>11</b>	<b>4</b>	

<b>Table-II</b>							
<b>Status of Sewerage Infrastructure projects in Ganga Basin (d/s of Unnao to Ganga Sagar) as on 31-01-2021</b>							
<b>S.no</b>	<b>State</b>	<b>Total</b>	<b>Completed</b>	<b>Ongoing</b>	<b>Under Tendering/ Tender under Evaluation</b>	<b>Tender To be Floated</b>	<b>Remarks</b>
1	Uttar Pradesh	32	14	14	3	1	Annexure- IV.2
2	Bihar	30	2	21	4	3	Annexure- IV.3
3	Jharkhand	3	1	1	1	0	Annexure- IV.4
4	West Bengal	23	3	13	2	5	Annexure- IV.5
	<b>Total</b>	<b>80</b>	<b>20</b>	<b>49</b>	<b>10</b>	<b>9</b>	

<b>Table - III</b>			
<b>Statement showing State-wise Sewerage Infrastructure Projects</b>			
<b>State</b>	<b>Prior No. of Sewerage Projects to 2014</b>	<b>No. of Sewerage Projects after 2014 up to Jan 2021</b>	<b>Total</b>
Uttarakhand	10	25	35
Uttar Pradesh	10	41	51
Bihar	1	29	30
Jharkhand	1	2	3
West Bengal	4	19	23
Delhi	0	11	11
Himanchal Pradesh	0	1	1
Haryana	2	0	2
<b>Total</b>	<b>28</b>	<b>128</b>	<b>156</b>

12. During the course of hearing, Shri Atmaram N.S. Nadkarni, learned Senior Counsel for the NMCG has also provided a summary of compliance which is reproduced below:

“

**Summary of 3<sup>rd</sup> Quarterly Progress Report by NMCG in O. A. No. 200 of 2014**

<b>Sr. No.</b>	<b>Targets to be achieved as orders Dt. 10.12.2015, 13.07.2017 and 22.08.2019</b>	<b>Uttarakhand</b>	<b>Uttar Pradesh</b>	<b>Bihar</b>	<b>Jharkhand</b>	<b>West Bengal</b>
1.	<b>Setting up of the STPs, I&amp;D of drains and preventing discharge of untreated sewage/effluents into River Ganga</b>	<b>Complied</b> Total 32 projects , 31 STPs with treatment capacity of 212.03 MLD have been installed and are functional, remaining 01 STP will be completed by March 2021 <b>(Pg. No.21-22)</b>	<b>Partly Complied</b> Total 55 projects. 22 completed. 23 are ongoing out of which 07 projects will be completed by March 2021 and 7 projects will be completed by December 2021. Additional issues have been highlighted at <b>(Pg. No.20-21 &amp; 23-25)</b>	<b>Partly Complied</b> Total 30 projects. 02 projects completed, 21 are ongoing out of which 02 project will be completed by March 2021. Projects have been inordinately delayed due to inter-departmental issues and State sitting on directions of NMCG. Specific issues have been mentioned at <b>(Pg. No.25 -27)</b>	<b>Complied</b> Total Project 02, 01 is completed, 01 is ongoing and will be completed soon.	<b>Not Complied</b> Total 23 Project. 3 completed Specific issues related to WB projects have been mentioned at <b>(Pg. No.28-29)</b>
2.	<b>In-situ treatments of untapped drains through Bioremediation/Phytoremediation</b>	<b>Partly Complied</b> Total 13 untapped drains. For 9 drain, after tendering process, work to start within one month. For balance 4 drains, 1 intercepted and 3 being monitored and bio-remediation not required	<b>Partly Complied</b> Total 459 drains needing treatment through bioremediation, only 42 drains in Allahabad treated through in-situ technology, balance to be done by ULBs and action yet to start. Comment on	<b>Partly Complied</b> Total 110 drains, out of which work initiated for 89 drains. Comment on status provided at <b>Pg No.17</b>	<b>Complied</b> No untapped drains present. All 4 drains have solid waste screens at their mouth. Comment on status provided at <b>Pg No.17-18</b>	<b>Partly Complied</b> Work started as pilot project in drains discharging in Ganga and Churni rivers. Comment on status provided at <b>Pg No.18</b>



		<i>for these 3 as BoD is very less. Comment on status provided at Pg No. 16</i>	<i>status provided at Pg No.17</i>			
3.	<b>Industrial Pollution Control through preventing discharge of industrial effluents into River Ganga and its tributaries by ensuring proper installation of ETPs/CETPs</b>	<b>Partly Complied</b> <i>In Haridwar CETP all units are connected; in Pantnagar CETP 193 units will be connected with CETP through Conveyance system by January 2021; all 75 units are connected to CETP Sitarganj; 03 new CETPs are proposed that are in design phase; 06 HEPs (25MW) have installed STPs for treatment of wastewater; out 54 GPIs situated on main stem of Ganga, 52 are reported to be compliant while 02 are closed. Refer Table I at Pg No 32-33 for status</i>	<b>Partly Complied</b> <i>Specific issues related to CETPs at Mathura, Pilakhuwa, Farukhabad in U.P. is mentioned at Pg No 33-35</i>	<b>Partly Complied</b> <i>In Phase – I CETPS to be constructed in 05 industrial clusters of Fatuha, Hajipur, Bela, Barahia, Bhagalpur &amp; Patliputra. Refer Table I at Pg No 32-33 for status</i>	<b>Partly Complied</b> <i>Refer Table I at Pg No 32-33 for status</i>	<b>Partly Complied</b> <i>04 module of CETP (20MLD) under construction. Refer Table I at Pg No 32-33 for status</i>
4.	<b>Septage Management</b>	<b>Complied</b> <i>Septage Management Protocol (SMP) notified in all 15 priority towns/ULBs situated on main stem of River Ganga, in the process of implementation/enforcement of SMP through Septage Management Committee. Comment on</i>	<b>Partly Complied</b> <i>UP State Septage Management Policy approved in 2019 and is operational. FST P operational in 02 towns, under construction in 05 towns, conceiving stage in 31 towns. Comment on status provided at Pg</i>	<b>Not Complied</b> <i>DPR prepared for 03 towns namely, Dighwara, Manihari and Teghra which is awaiting sanction.</i>	<i>No information received from State</i>	<i>No information received from State</i>

		<i>status provided at Pg No.30</i>	<b>No.31</b>			
5.	<b>Flood Plain demarcation</b>	<b>Partly complied</b> Notification done for Haridwar District's Chandi Ghat bridge to village Kalsia; Uttarkashi District's Gangori to Badethi Chungi stretch; Gangotri to Devprayag, Bhilangana river, Badrinath to Devprayag, Mandakini river. Comment on status provided at Pg No.43-44	<b>Partly Complied</b> Notification completed upto Unnao. Beyond Unnao, work is in progress. For demarcation, geo-tagging of pillars is required. Comment on status provided at Pg No.45	<b>Not Complied</b> State Govt. was requested by the Joint committee to carry scientific study and furnish requisite data on demarcation of flood plains. No information furnished by State. Issue highlighted at Pg no. 46 Specific comments also provided at Pg No.13-14 & Annexure- II at pg no. 66-68	<b>Not Complied</b> State is yet to start delineation of floodplain. State propose to demarcate floodplains in 2024-2025. Comment on status provided at Pg No.47	<b>Not Complied</b> State is yet to initiate study on river hydrology for floodplain demarcation. Comment on status provided at Pg No.47
6.	<b>Maintenance of E-Flows</b>	<b>Partly Complied</b> 07 projects being monitored. Srinagar HEP not complying. There is a stay of the notification by Uttrakhand HC. Comment on status provided at Pg No.37-41	<b>Complied</b> 4 projects viz., Bhimgoda, Bijnore, Narora and Kanpur being monitored. All are complying. Kanpur, Barrage project not providing flow data. Comment on status provided at Pg No.42	<b>Partly Complied</b> Installation of new gauge stations and arrangement for discharge measurements in rivers all round the year is under progress. Comment on status provided at Pg No.42	<b>Partly Complied</b> Installation of real time data acquisition system/instruments along barrages to be completed by March 2024. Comment on status provided at Pg No.42	<b>Complied</b> E-flow is maintained from Farakka Barrage. Comment on status provided at Pg No.42
7.	<b>Mechanism for Monitoring</b> Mechanism is placed for monitoring of	<b>Complied</b> Quarterly reports are	<b>Partly Complied</b> Quarterly reports are not	<b>Not Complied</b> No information on	<b>Not Complied</b> No information on	<b>Not Complied</b> Quarterly reports are not

	<i>the compliance of directions of Hon'ble Tribunal has been established and monitoring is being done through CMC review meetings under Chairmanship of Secretary, (Jal Shakti), meetings by DG, NMCG and joint meeting of the Chief Secretaries. <b>Pg No. 19-20</b></i>	<i>submitted timely to NMCG Compliance monitored in the State by the Chief Secretary  Supervisory Committee/ Executing Committee are also regularly monitoring the compliance  District Ganga Committee meetings are periodically held. Specific comments provided at <b>Pg No.10-13 &amp; Annexure- I at pg no. 59-65</b></i>	<i>submitted timely to NMCG  Although Supervisory Committee/Implementati on Committee functional, monitoring at the highest level in the State under supervision of CS is sluggish. No information on monitoring by CS Specific comments provided at <b>Pg No.10-13 &amp; Annexure- I at pg no. 59-65</b></i>	<i>monitoring by CS. Specific comments provided at <b>Pg No.10-13 &amp; Annexure- I at pg no. 59-65</b></i>	<i>monitoring by CS. Specific comments provided at <b>Pg No.10-13 &amp; Annexure- I at pg no. 59-65</b></i>	<i>submitted timely to NMCG No information on monitoring by CS. Specific comments provided at <b>Pg No.10-13 &amp; Annexure- I at pg no. 59-65</b></i>
8.	<b>Depicting biological diversity of Ganga in public domain</b>	<b>Complied</b> <i>Study is under progress. Regular bio-monitoring is carried out by CPCB. Note provided at <b>Pg No.48-53</b></i>				
9.	<b>Plantation Activity &amp; Setting up biodiversity parks</b>	<b>Complied</b> <i>Status note provided at <b>Pg No.53-55</b></i>				<b>No information from State</b>
10.	<b>Action against officials responsible for delays in various projects,/sanction/award, monitoring etc.</b>	<b>No information from State</b> <i>Specific comments provided at <b>Pg No.55-57</b></i>				

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13. From the above, it is patent that the progress achieved so far leaves much to be desired. Table II in para 11 above shows out of 80 projects for treatment of sewage, only 20 have been completed so far. 11 projects are at tender stage. The summary of 3<sup>rd</sup> quarterly progress report filed by learned Senior Counsel for NMCG shows 'partly complied' status about various proposed targets in terms of earlier orders. Situation is particularly unsatisfactory in the States of Bihar and West Bengal. Even in Uttarakhand, UP and Jharkhand, there are areas of partial compliance. Obviously, water quality cannot improve till all the projects are successfully executed. This requires mission mode approach. This is only one aspect. Other steps have already been mentioned and need no repetition. It is only when all steps are effectively taken, one can say that there is good progress. During the interaction with the Chief Secretaries present, this has been conveyed to them.

14. At the cost of repetition, it may be mentioned that inspite of the fact that Water (Prevention and Control of Pollution) Act, 1974 was enacted 47 years back, to give effect to the decision in Stockholm Conference in the year 1972, the water pollution remains rampant. Though water pollution is a serious criminal offence under the law of the land, the authorities have failed to take stringent action against the violators. In a way the major violators remain State-authorities, who are constitutionally under obligation to ensure treatment of sewage before the same is discharged into the rivers and drains connected thereto which is not fully happening. The effect of water pollution on health and food safety is well known. Water is scarce and large population remains deprived of access to drinking water but still steps to prevent pollution of sources of drinking water are inadequate. The Hon'ble Supreme Court in its judgment in *Paryavaran Suraksha vs. Union of India & Ors.*, (2017) 5

SCC 326 discussed the problem in detail and fixed a firm deadline of 31.03.2018 by which all necessary CETPs/STPs/ETPs should be in place failing which coercive action, including prosecution of State authorities was mandated. The States continue to violate the directions of the Hon'ble Supreme Court and give their own convenient deadlines which are thereafter further relaxed at will. This can hardly be held to be conducive to the environmental rule of law. The sewage treatment is less than 50% (**the sewage generation from the urban population of the country is reported to be about 70000 MLD and treatment capacity about 27000 MLD**)<sup>4</sup> which is a matter of serious concern. The Tribunal has issued repeated directions. Till it is remedied, the goal of sustainable development is far cry.

15. The environmental law principles, which this Tribunal is mandated to apply under sections 20 and 15 of the NGT Act, 2010, are – ‘sustainable development’, ‘precautionary’ and ‘polluter pays’. These principles, accepted in Stockhome conference, have been held to be part of right to life under article 21 of the Constitution in *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647. In *Hanuman Laxman*, (2019) 15 SCC 401, (paras 142-156), significance of environmental rule of law has been highlighted to achieve sustainable development goals for prosperity, health and well being. **This requires filling of gap between law and enforcement.** In *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606, at page 621, it was observed that the State has to

*“forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including the right to life with human dignity encompasses within its ambit, the protection and*

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<sup>4</sup> As per report of the CPCB dated 30.09.2020 quoted in the order of this Tribunal dated 05.02.2021 in OA 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.*

*preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental pollution. Therefore, **hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment.** Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is constitutional imperative on the Central Government, State Governments and bodies like municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve the man-made environment and natural environment.”*

16. In *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718, at page 732, it was observed “..**Good governance is an accepted principle of international and domestic laws. ....It includes the need for the State to take the necessary “legislative, administrative and other actions” to implement the duty of prevention of environmental harm...**”. In *Techi Taga Tara* (2018) 11 SCC 734, the Hon’ble Supreme Court referred to several Committees on **need for revamping the regulatory bodies by appointing persons of outstanding ability and high reputation to the State PCBs and equipping them with laboratories and other equipment for performing statutory functions.** Apart from the Tribunal being approached under sections 14 and 15 by aggrieved parties, pointing out degradation of environment and inaction of the statutory regulators, the Hon’ble Supreme Court has required this Tribunal to monitor compliance of such statutory obligations for protecting environment. This is not possible unless the statutory regulators are effective. The Tribunal has recently dealt with the issue in some of its orders as follows:

*“(I) OA 593/2017, Paryavaran Suraksha Samiti & Anr. vs. Union of India & Ors.<sup>5</sup>, involves monitoring of liquid waste management in terms of orders of the Hon’ble Supreme Court in (2017) 5 SCC 326.*

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<sup>5</sup> Vide order dated 21.09.2020

We have found that as a result of continuing failure of the statutory authorities to ensure compliance, industrial as well as municipal liquid waste is being discharged **resulting in pollution of groundwater as well as surface water, including water bodies, drains, streams, rivers and coastal areas.** The Tribunal has noted that as per data compiled by the CPCB, **351 river stretches are declared polluted. Comprehensive Environment Pollution Index (CEPI) prepared by the CPCB shows that 100 industrial clusters are polluted.** The Tribunal is also dealing with the remedial action for restoration of the 351 stretches in OA 673/2018<sup>6</sup>, In Re: News item published in “The Hindu” authored by Shri Jacob Koshy, titled “More river stretches are now critically polluted: CPCB” for which the Tribunal has directed **preparation and execution of action plans for each of such stretches by constituting River Rejuvenation Committees (RRCs) for all States/UTs headed by Environment Secretaries which action needs to be overseen by the Chief Secretaries at the State level and by a Central Monitoring Committee (CMC) headed by Secretary, Jal Shakti alongwith NMCG and CPCB at the national level.** OA 829/2019<sup>7</sup>, Lt. Col. Sarvadaman Singh Oberoi v. Union of India & Ors. deals with the remedying of **coastal pollution for which directions have been issued on the same pattern for preparation and execution of action plans by the RRCs to be overseen by the Chief Secretaries at the State level and by the CMC at the national level.** The same order also deals with utilisation of treated water, being OA 148/2016, Mahesh Chandra Saxena vs South Delhi Municipal Corporation & Ors. and OA 325/2015<sup>8</sup>, Lt. Col. Sarvadaman Singh Oberoi v. Union of India & Ors., dealing with the issue of restoration of water bodies by removing encroachments and preventing pollution has been dealt with by this Tribunal. OA 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.<sup>9</sup>, the Tribunal has directed monitoring of groundwater extraction to give effect to the mandate in Hon’ble Supreme Court judgment in M.C. Mehta v. Union of India & Ors. (1997) 11 SCC 312.

(II) xxx .....xxx .....xxx

(III) The issue of solid waste management has been dealt with by this Tribunal in OA 606/2018 in pursuance of directions of the Hon’ble Supreme Court in Writ Petition No. 888/1996, Almitra H. Patel & Anr. v. Union of India & Ors. In the said matter, the Chief Secretaries of all States/UTs were required to remain present before this Tribunal<sup>10</sup> and after interaction with them, separate orders for all States/UTs referring to the individual issues in such States/UTs,<sup>11</sup> particularly **issue of legacy waste dump sites and remediation of current waste on scientific basis were dealt with and the Chief Secretaries were directed to monitor compliance every month by creating a monitoring cell, directly under them, in terms of directions of the Hon’ble**

<sup>6</sup> Vide order dated 21.09.2020

<sup>7</sup> Vide order dated 21.09.2020

<sup>8</sup> Vide order dated 18.11.2020

<sup>9</sup> Vide order dated 20.07.2020

<sup>10</sup> Vide order dated 16.01.2019

<sup>11</sup> Vide order dated 18.07.2019 (last such order is in respect of Jammu & Kashmir)

**Supreme Court and the District Magistrates monitoring such compliances every fortnight. It has been found that there are more than 3000 dump sites where legacy waste has accumulated over the years but the remedial action has not been taken except at very few places. This is resulting in water and air pollution and soil degradation on continuous basis, to the detriment of the environment and the public health.** The statutory timelines have come to an end. Reference is made in this regard also to order dated 29.01.2021 in OA No. 519/2019, In re: News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes" and order dated 28.02.2020 in OA No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016. It was directed, vide order dated 10.01.2020, that compensation will be payable for failure to comply with the requirement of taking steps mentioned in Rule 22 of the SWM Rules, 2016 at scales mentioned therein, depending on the size of local bodies, from 01.04.2020 till compliance. Compensation was also directed to be recovered at the laid down scale for delay in commencing and completing the legacy waste remediation measures.

(IV) With regard to **bio-medical waste**, the matter has been dealt with in OA 710/2017, Shailesh Singh, v. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors.<sup>12</sup>, with regard to **hazardous waste**, matter has been dealt with in OA 804/2017, Rajiv Narayan v. Union of India & Ors.<sup>13</sup>, with regard to **e-waste**, matter has been dealt with in OA 512/2017, Shailesh Singh v. State of UP<sup>14</sup>, with regard to **plastic waste**, matter has been dealt with in EA 13/2019 in OA 247/2017, Central Pollution Control Board v. State of Andaman & Nicobar & Ors.<sup>15</sup> for laying down liability to pay compensation for non-compliance.

17. The Tribunal has also found need for stringent monitoring at the higher level:

“18. It is well known that most of the key environmental laws have been enacted in the wake of Stockholm Conference (1972) under Entry 13 of List-I read with Article 253 of the Constitution, with a view to achieve ‘sustainable development’ of which the ‘Precautionary’ principle, “Polluter Pays” principle, Intergenerational Equity and Public Trust Doctrine principles are integral part. Sad part is that even after 47 years of Water Act and 40 years of Air Act, water and air pollution is rampant, without serious adverse action. Though there are criminal offences with minimum prescribed sentence, hardly any punishment is handed down. Hardly any compensation is recovered from the violators. Victims continue to suffer and so does the environment. This requires attention of all concerned at higher levels in governance.”

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<sup>12</sup> Vide order dated 18.01.2021

<sup>13</sup> Vide order dated 29.01.2021

<sup>14</sup> Vide order dated 15.01.2021

<sup>15</sup> Vide order dated 08.01.2021



18. The Tribunal directed the Chief Secretaries of all the States/UTs in OA 606/2018 to appear before this Tribunal and after interaction with them directions were issued including a direction to set up a monitoring cell directly reporting to them and monitoring by the Chief Secretaries personally atleast once in a month and by the District Magistrates atleast twice in a month. Directions have been issued to the MoEF&CC to revamp monitoring mechanism for compliance of the EC conditions. The Tribunal finding negligence of the statutory regulators in controlling the water pollution appointed several independent Monitoring Committees<sup>16</sup>. Finally, it was found that at the State level monitoring should be at the level of Chief Secretaries and at the Central level by a CMC headed by the Secretary, Ministry of Jal Shakti alongwith NMCG and CPCB.

19. In view of above, control of pollution of river Ganga needs to be taken seriously at all levels in Uttarakhand, UP, Bihar, Jharkhand and West Bengal. In absence thereof, the desired result of rejuvenation of river Ganga which is dream of every Indian will remain unfulfilled. As observed earlier, the Hon'ble Supreme Court has monitored the subject for 34 years (1985-2014) and finally transferred the matter to this Tribunal in the year 2014. Though certain steps have been taken, the tables and compliance summary filed by NMCG quoted above show that

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<sup>16</sup> To monitor compliances with regard to:

- (i) River Ghaggar in OA No. 138/2016 (TNHRC), Stench Grips Mansa's Sacred Ghaggar River
- (ii) River Sutlej in OA 916/2018, Sobha Singh v. State of Punjab & Ors.
- (iii) River Yamuna in OA 06/2012, Manoj Mishra v. UOI & Ors.
- (iv) River Musi in OA 426/2018, Mohammed Nayeem Pasha & Anr. v. State of Telangana & Ors.
- (v) River Ganga in OA 200/2014, M.C. Mehta v. Union of India & Ors.
- (vi) River Jojari in OA 329/2015, Gram Panchayat Araba v. State of Rajasthan & Ors.
- (vii) CETP in Talaja District in OA 125/2018, Arvind Pundalik Mhatre v. Ministry of Environment, Forest and Climate Change & Ors.
- (viii) District Environment Plan in OA 360/2018 Shree Nath Sharma v. Union of India & Ors.
- (ix) 'Rat Hole' coal mining in OA 110(THC)/2012, Threat to Life Arising Out of Coal Mining in South Garo Hills District v. State of Meghalaya & Ors.
- (x) Solid waste management rules in OA 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues.

with respect to various projects, the matter is still at the tender/DPRs stage and progress in completing the ongoing projects in a timely manner remains a challenge, inspite of availability of funds, supported by the Government of India initiatives.

20. We have noted the huge gaps in preventing water pollution and generation. We also note inadequate steps in demarcating and protecting the floodplain zones inspite of there being a clear Notification dated 07.10.2016 issued by the Ministry of Water Resources, River Development, and Ganga Rejuvenation under the Environment (Protection) Act, 1986. The definition is as follows:

“3. xxx .....xxx .....xxx

*(l) flood plain” means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;”*

21. While removing already raised constructions from the floodplain zones may be dealt with separately, there is need to atleast identify and take protective measures. All remedial measures have already been outlined in the earlier orders of this Tribunal and need not be repeated. As earlier observed, the desirable situation is that not a drop of pollution is discharged into the river Ganga, but in any case, **every next report must show decreasing trend of pollution load which needs to be quantified by the NMCG in a tabular form giving the extent of pollution load on a particular date and reduction achieved in terms of gap after steps for treatment.** Stopping pollution is as much necessary as stopping any other heinous crimes of homicides and assaults as pollution is acknowledged cause of deaths and diseases and deprivation of access to drinking water.

22. Out of reverence for the Ganga water, innocent citizens drink the same without knowing the harmful contents including high level of faecal coliform. **Least expected from the authorities, till satisfactory results are shown, is to notify the extent of harmful contents at appropriate locations including at Ganga Sagar to avoid adverse health effects.**

These steps are required on war footing.

23. With regard to the recovery of laid down compensation, it is made clear that the compensation must be faithfully paid by the concerned States by way of deposit to the CPCB which can thereafter be spent for restoration in the same State, as per action plan prepared for the purpose by the State and approved by the NMCG, after due evaluation on the pattern of orders earlier passed by this Tribunal<sup>17</sup>. NMCG may monitor compliance. Control of pollution of river Ganga will be incomplete without controlling pollution of all the tributaries and drains connected thereto. In this regard, we have noted the report of CPCB dated 04.02.2021 which gives the summary of environmental compensation calculation in terms of earlier orders of this Tribunal as follows:

**“SUMMARY OF UTTARAKHAND DRAINS FOR EC CALCULATION**

**EC Calculation Period: 01.07.2020 till 31.12.2020**

1. Drains Discharging into River Ganga or its tributaries	:	156
2. Tapped Drains	:	127
3. Drains, where interim measures not required (Dry drains-03, Drains with Eutrophication-02, STP Outlet drains-02)	:	07
4. Untapped Drains, where interim measures required	:	22
5. Untapped Drains, where interim measures taken	:	0

<sup>17</sup> Vide order dated 22.01.2021 in OA 916/2018, Sobha Singh v. State of Punjab & Ors.

6. No. of drains considered for EC calculation	:	22
7. Calculated EC = No. of drains x @10 lakhs/month/drain (Since 01.07.2020 till 31.12.2020)	:	22x 10 x 06 Lakhs = 1320

**EC Calculation Period: 01.11.2019 till 30.06.2020**

1. Drains Discharging into River Ganga or its tributaries	:	142
2. Tapped Drains	:	118
3. Drains, where interim measures not required (Dry/Stagnant/STP Outlet)	:	07
4. Untapped Drains, where interim Measures not feasible (130D <40mg/1)	:	08
5. Untapped Drains, where interim measures required	:	09
6. Untapped Drains, where interim measures taken	:	09
7. No. of drains considered for EC calculation	:	0
8. Calculated EC = No. of drains X @5 lakhs/month/drain (Since 01.11.2019 till 30.06.2020)	:	0

**SUMMARY OF UTTARAICHAND STPs FOR EC CALCULATION**

**EC Calculation Period: 01.07.2020 till 31.12.2020**

1. Total no. of STPs	:	87
2. Completed/Operational STPs	:	64
3. Non-operational STPs	:	0
4. Under Construction STPs	:	06
5. Under Tendering/DPR/Proposed STPs	:	17
6. No. of STPs considered for EC calculation	:	04
7. Calculated EC = No. of STPs x @10 lakhs/month/STP (Since 01.07.2020 till 31.12.2020)	:	04x 10 x 6 = 240 Lakhs

\*\* Environmental Compensation (EC) to be calculated for under tendering/DPR/Proposed STPs (17 nos.) with effect from 01.01.2021

**SUMMARY OF UTTAR PRADESH DRAINS FOR EC CALCULATION**

**EC Calculation Period: 01.07.2020 till 31.12.2020**

1. Drains Discharging into River Ganga or its tributaries	:	301
2. Tapped drains	:	116
3. Drains, where interim measures not required (Dry drains-01 & STP Outlet drains-03)	:	15
4. Untapped Drains, where interim measures required	:	170
5. Untapped Drains, where interim measures taken	:	0
6. No. of drains considered for EC calculation	:	170
7. Calculated EC = No. of drains x @10 lakhs/month/drain (Since 01.07.2020 till 31.12.2020)	:	170 x 10 x 06 = 10200 Lakhs

**EC Calculation Period: 01.11.2019 till 30.06.2020**

1. Drains Discharging into River Ganga or its tributaries	:	152
2. Tapped drains	:	08
3. Drains, where interim measures not required (Dry/Stagnant/partially tapped)	:	02
4. Drains, where Interim Measures not feasible (BOD <40mg/1)	;	22
5. Untapped Drains, where interim measures required	:	120
6. Untapped Drains, where interim measures taken	:	Nil
7. No. of drains considered for EC calculation	:	120
8. Calculated EC = No. of drains X @5 lakhs/month/drain (Since 01.11.2019 till 30.06.2020)	:	120 x 8 x 5 = 4800 Lakhs

**SUMMARY OF UTTAR PRADESH STPs FOR EC CALCULATION**

1. Total no. of STPs	:	169
2. Operational STPs	:	102
3. Non-operational STPs	:	02
4. Under Construction STPs	:	44
5. Under Tendering/ Proposed STPs	:	21
6. No. of STPs to be considered for EC calculation	:	44
7. Calculated EC = No. of STPs x @10 lakhs/month/STP (Since 01.07.2020 till 31.12.2020)	:	44 x 10 x 06 = 2640 Lakhs

\*\* Environmental Compensation (EC) to be calculated for Under tendering/DPR/Proposed STPs (17 nos.) with effect from 01.01.2021

**SUMMARY OF BIHAR DRAINS FOR EC CALCULATION EC**

**Calculation Period: 01.07.2020 till 31.12.2020**

1. Drains Discharging into River Ganga or its tributaries	:	130
2. Tapped Drains	:	0
3. Drains, where interim measures not required (Dry drains-01)	:	01
4. Untapped Drains, where interim measures required	:	129
5. Untapped Drains, where interim measures taken	:	79
6. Untapped Drains, where interim measures not taken		50
7. No. of drains considered for EC calculation	:	50
8. Calculated EC = No. of drains x @,10 lakhs/month/drain (Since 01.07.2020 till 31.12.2020)	:	50 x 10 x 6 = 3000 Lakhs

**EC Calculation Period: 01.11.2019 till 30.06.2020**

1. Drains Discharging into River Ganga or its tributaries	:	19
2. Drains Tapped	:	Nil
3. Drains where, interim measures not required (Dry/Stagnant)	:	01
4. Interim Measures not feasible (BOD <40mg/1)	:	08
5. Untapped Drains, where interim measures required	:	10
6. Untapped Drains, where interim measures taken	:	02
7. No. of drains considered for EC calculation	:	08
8. Calculated EC = No. of drains X @5 lakhs/month/drain (Since 01.11.2019 till 30.06.2020)	:	08 x 08x 05 = 320 Lakhs

**SUMMARY OF BIHAR STPs FOR EC CALCULATION**

**EC Calculation Period: 01.07.2020 till 31.12.2020**

1. Total no. of STPs	:	52
2. Completed/Operational STPs	:	02
3. Non-operational STPs	:	02
4. Under Construction STPs	:	15
5. Under Tendering/DPR/Proposed STPs	:	33

6. No. of STPs considered for EC calculation	:	15
7. Calculated EC = No. of STPs x @10 lakhs/month/STP (Since 01.07.2020 till 31.12.2020)	:	15 x 10 x 06 = 900 Lakhs

\*\* Environmental Compensation (EC) to be calculated for Under tendring/DPR/Propose STPs nos.) with effect from 01.01.2021

### **SUMMARY OF JHARKHAND DRAINS FOR EC CALCULATION**

1. Drains Discharging into River Ganga or its tributaries	:	06
2. Tapped Drains	:	02
3. Drains where interim measures not required (Dry/STP C	:	Nil
4. Untapped Drains (where interim measures required)	:	04
5. Interim Measures taken (Bioremediation)	:	04
6. No. of drains to be considered for EC calculation	:	0
7. Calculated EC = No. of drains x @10 lakhs/month/drain (Since 01.07.2020 till 31.12.2020)	:	0

### **SUMMARY OF JHARKHAND STPs FOR EC CALCULATION**

1. Total no. of STPs	:	15
2. Completed/Operational STPs	:	02*
3. Non-operational STPs	:	0
4. Under Construction STPs	:	0
5. Under Tendering/DPR/Proposed STPs	:	03
6. No. of STPs to be considered for EC calculation	:	0
7. Calculated EC = No. of STPs x @10 lakhs/month/STP (Since 01.07.2020 till 31.12.2020)	:	0

\*The Bengdubbi STP at Rajmahal is under trial from Dec 2020

\*\* Environmental Compensation (EC) to be calculated for Under tendering/DPR phase STPs (06 nos.) with effect from 01.01.2021

### **SUMMARY OF WEST BENGAL DRAINS FOR EC CALCULATION**

#### **1. EC Calculation Period: 01.07.2020 till 31.12.2020**

1. Drains Discharging into River Ganga or its tributaries	:	56
2. Tapped Drains	:	25
3. Untapped Drains, where interim measures required	:	31
4. Untapped Drains, where interim measures not feasible	:	21*

5. Untapped Drains, where interim measures taken	:	1 (Jangirpur drain)
6. Untapped Drains, where interim measures not taken		09
7. No. of drains considered for EC calculation	:	09
8. Calculated EC = No. of drains X @10 lakhs/month/drain (Since 01.07.2020 till 31.12.2020)	:	09x10x06 = 540 Lakhs

\* Please refer Explanatory Note on 21 Special Category drains with a request to exempt the listed drains for EC calculations

## 2. EC Calculation Period: 01.11.2019 till 30.06.2020

1. Drains Discharging into River Ganga or its tributaries	:	56
2. Tapped Drains	:	03
3. Drains, where interim measures not required (Dry/Stagnant)	:	29
4. Drains, where interim Measures not feasible (BOD <40mg/1 and Tidal effect)	:	23
5. Untapped Drains, where interim measures required	:	1
6. Untapped Drains, where interim measures taken	:	Nil
7. No. of drains considered for EC calculation	:	01
8. Calculated EC = No. of drains X @5 lakhs/month/drain (Since 01.11.2019 till 30.06.2020)	:	01x05x08 = 40 Lakhs
9. EC deposited in CPCB account (in Jun 2020)	:	Rs. 20 Lakhs
10. EC to be deposited	:	Rs. 20 Lakhs

## SUMMARY OF WEST BENGAL STPs FOR EC CALCULATION

### EC Calculation Period: 01.11.2019 till 30.06.2020

1. Total no. of STPs	:	61
2. Completed/Operational STPs	:	18
3. Partially operational STPs	:	02
4. Under Rejuvenation/Renovation STPs	:	18
5. Under Construction STPs	:	07
6. Under Tendering/DPR/Proposed STPs	:	16
7. No. of STPs considered for EC calculation	:	07
8. Calculated EC = No. of STPs x @10 lakhs/month/STP (Since 01.07.2020 till 31.12.2020)	:	07 x 10 x 6 = 420 Lakhs

\*\* Environmental Compensation (EC) to be calculated for Under tendering/DPR/Proposed STPs (16 nos.) with effect from 01.01.2021”



24. The CPCB has also mentioned that the guidelines for the biodiversity parks have been issued. With regard to impact of e-flow on riverine and aquatic life, CPCB has sought time of one and a half years which is not necessary in view of report of the NMCG.

25. The requisite e-flow may be maintained in terms of Notification dated 09.10.2018. The main part<sup>18</sup> of the Notification is as follows:

***"I. Upper Ganga River Basin Stretch*** starting from originating glaciers and through respective confluences finally meeting at Devaprayag up to Haridwar:

<b>SI. No.</b>	<b>Season</b>	<b>Months</b>	<b>(%) Percentage of Monthly Average Flow observed during each of preceding 10-daily period</b>
1	Dry	November to March	20
2	Lean	October, April and May	25
3	High Flow season	June to September	30 <sup>4</sup>

\* 30% of monthly flow of High flow season.

***II. Stretch of main stem of River Ganga from Haridwar, Uttarakhand to Unnao, Uttar Pradesh***

S. No.	Location of Barrage	Minimum flow releases immediately downstream of barrages <b>(In Cumecs) Non-Monsoon (October to May)</b>	Minimum flow releases immediately downstream of barrages <b>(In Cumecs) Monsoon (June to September)</b>
(1)	Bhimgoda (Haridwar)	36	57
(2)	Bijnor	14	48
(3)	Narora	24	48
(4)	Kanpur	24	48

Cumec — Cubic Meter per second.”

26. In view of above discussion, the concerned five States may take further remedial action on the subject of preventing discharge of

<sup>18</sup> Exceptions and other conditions are not being quoted

untreated sewage/effluents and compiling the relevant information under relevant heads in terms of earlier directions as on 15.6.2021, which must include the following:

- (a) Quantity of Sewage being discharged in river Ganga and its tributaries/connected drains and correspondingly proposed / existing STPs to intercept the same with timelines.
- (b) Performance of STPs and their compliance, particularly for Fecal coliform.
- (c) Water quality of Ganga at inter-State borders and at important public places/Ghats, which may show the level of compliance with regard to water quality.
- (d) Status of compliance of CETPs at Jajmau, Unnao and Banther (applicable only to UP).

27. Further progress reports may be furnished by the concerned five States to the NMCG on or before 30.06.2021 showing status as on 15.6.2021. NMCG may give its consolidated progress report with its recommendations to this Tribunal by 15.07.2021 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, with liberty to the States to file their response to such report. The NMCG report may inter alia specify reduction in pollution load, if any achieved during the interregnum, and if not, suggest further measures to achieve such reduction.

List for further consideration on 04.08.2021.

A copy of this order be forwarded to Secretary, MoJS, CPCB, NMCG and Chief Secretaries and State PCBs of Uttarakhand, UP, Bihar, Jharkhand and West Bengal and Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 08, 2021  
Original Application No. 200/2014  
DV