

**Minutes of the proceeding of 1st meeting of the
Monitoring Committee constituted vide orders dated 08.08.2018 of
Hon'ble the National Green Tribunal, Principal Bench, New Delhi
held on 30th August, 2018 at the office of the Regional Officer, UP
Pollution Control Board, Gautam Budh Nagar**

Coram:

1. Justice S.U. Khan, Former Judge, High Court of Judicature at Allahabad.....Chairman
2. Sri J Chandra Babu, Senior Scientist, CPCB.....Member

None appears to have been nominated by the Ministry of Environment, Forest and Climate Change (MoEF & CC). Let the process of nomination be completed without any further delay so that the nominated Senior Scientist might take part in subsequent deliberations.

Mr. Pramod Kumar Goel, UPHJS, Former District and Sessions Judge, A-97, Sector-2, Shatabdi Nagar, Delhi Road, Meerut (e-mail id judge.goel@gmail.com : mobile no. 7906449635) has been nominated by the Chairman of the Monitoring Committee as its full time Secretary, which he has accepted with good grace and come all the way from Meerut to assist this Committee.

The National Green Tribunal, Principal Bench, New Delhi (NGT) vide order dated 08.08.2018 (para 30) has been pleased to spell out that “*the Chief Secretary, Uttar Pradesh may determine the honorarium to be paid to the Committee in consultation with the members.*” Hon'ble Justice S.U. Khan stated that he would not at all charge honorarium for services in this matter. Sri J Chandra Babu, Member also said that he being in the service of the Central Government would not charge any honorarium as member of this Committee. The Committee consider it expedient to allow honorarium and travelling/boarding expenses etc. to Sri Pramod Kumar Goel who has been requested to assist the Committee as its full time Secretary. Resolved that the Chief Secretary, Uttar Pradesh be requested to determine the honorarium and travelling expenses etc. to be paid to Sri

Pramod Kumar Goel in consultation with the Chairman, Hon'ble Justice S.U. Khan.

Partaker :

1. Sri A.B. Akolkar, Former Member Secretary, CPCB
2. Sri A. Sudhakar, CPCB
3. Sri R.M.Bharadwaj, CPCB
4. Sri Pratima Akolkar, CPCB
5. Sri A.K.Tiwari, UPPCB, NOIDA
6. Sri R.K. Tyagi, Regional Officer, UPPCB, Meerut
7. Dr. Anil Kumar Singh, Regional Officer, UPPCB, Noida
8. Sri Ankit Singh, AEE, UPPCB, Ghaziabad
9. Sri J.B.Singh, AEE, UPPCB, Saharanpur.
10. Sri S.R. Maurya, Regional Officer, UPPCB, Saharanpur
11. Dr. D.C.Pandey, ASO, UPPCB, Muzaffarnagar
12. Ms. Deepa Arora, UPPCB, Muzaffarnagar

None has appeared for participation in this meeting for and on behalf of the State of UP, District Administration, UP Jal Nigam/Jal Sansthan, Irrigation Department, District Industries Office, Uttar Pradesh Power Corporation Ltd, Health Department, Nagar Nigams/Nagar Palika Parishad, New Okhla Industrial Development Authority & other departments, which are significantly answerable in the affair. May be that they could not appear for want of proper information. Resolved that the Secretary to the Committee be requested to see that all concerned officers are properly invited for active participation in the meetings next onwards. Regional Officer, UPPCB, Meerut to ensure all essential facilities.

The partakers informed the river Hindon region also includes the territory of Guatam Budh Nagar District with request that district Gautam Budh Nagar be also included. Considered. Resolved that district Gautam Budh Nagar be also included for monitoring in the matter.

Hon'ble Chairman requested that the participants should be briefed about the various directions made by NGT vide orders dated 08.08.2018 in OA no. 231 of 2014 (MA No. 1219/2018 and OA No. 66 of 2015 and in the matters of *Doaba Paryavaran Samiti Vs. State of U.P. & Ors.*

Sri A. Sudhakar, representative of the CPCB, volunteered and performed a brief presentation highlighting various directions issued by NGT in the matter. The presentation so performed clearly indicates that NGT has been pleased to issue a range of directions and constituted this Monitoring Committee to *interalia* undertake following steps:

- (i) Take stock of all the actions taken so far in the light of the various directions of the Tribunal.
- (ii) Propose time bound action plan to deal with the problem. The Committee may suggest the framework for implementation. Preferably a comprehensive, integrated and inclusive strategy with clear measurable indicators of progress and success.

The task assigned includes taking stock of all the actions taken so far in the light of the various directions by NGT. In glow of this direction the Central Pollution Control Board (CPCB) be requested to immediately provide various orders passed till 08.08.2018 by NGT in the matter of Doaba Paryavaran Samiti. Sri A. Sudhakar, representative of CPCB be requested to prepare a brief, in bullet point form, of each and every direction made by NGT on various dates in various orders, timeline for compliance, if any & specifics of the department/authority/officer liable for compliance. The Ministry of Health and Family Welfare (MoH & FW), CPCB (within the ambit of Water Act, 1974), Uttar Pradesh Pollution Control Board (UPPCB), State of Uttar Pradesh, UP Jal Nigam, Central Ground Water Authority (CGWA) and Ministry of Drinking water be also requested to provide direction-wise compliance report with supporting material specifically indicating all-inclusive details of action taken till date in compliance with each and every direction appending therewith particulars of those direction(s) & component(s), which are yet to be taken up for compliance.

The representatives of CPCB stated that the NGT vide order dated 12.07.2018 has been pleased to direct UPPCB to close all the 119 industries (revised to 124 industries vide order dated 08.08.2018) which are not complying with the standards suggested in the report of the earlier

Committee, which report was placed before the NGT by CPCB. Sri A. Sudhakar also stated that necessary action plans with time limit is required to be prepared for restoration of water quality of river Hindon and its streams. The NGT's order dated 08.08.2018 communicates that the learned Counsel for the UPPCB has assured that prosecution would be initiated against all those who are found responsible for discharge of effluents not meeting the prescribed standards. The action, as stated, is to be done within six (6) weeks from 08.08.2018. More or less three (3) weeks are over and done. By the time UPPCL must have initiated/taken positive steps in conformity with its commitment. The partaking officers of the UPPCB present in the meeting were requested to give details of the action taken in furtherance of the said commitment. In response

1. Sri Ashok Kumar Tiwari, Regional Officer, UPPCB, Greater Noida holding additional charge of Ghaziabad office informed that from 317 industries identified in the area action has been taken against 124 industries. He has also provided one copy each of the list of 317 and 124 industries along with one copy each of the :
 - a. Letter no. H-24448/C-1/Jal-41/Bandi Aadesh/2018, dated 03.08.2018 dealing with M/s NG Textile, 13A/10, Site 2, Loni Road, Mohan Nagar, Ghaziabad.
 - b. Letter no. H-24394/C-1/Jal-41/Bandi Aadesh/2018, dated 03.08.2018 dealing with M/s A &A, S-50, Loni Road Industrial Area, Mohan Nagar, Ghaziabad.
 - c. Letter no. H-24400/C-1/Jal-41/Bandi Aadesh/2018, dated 03.08.2018 dealing with M/s Ultra Electroplaters, 46, Meerut Road, Ghaziabad.
 - d. Letter no. H-24399/C-1/Jal-41/Bandi Aadesh/2018 dated 03.08.2018 dealing with M/s Ramsons Enterprises, D-21, Meerut Road, Ghaziabad.

- e. Letter no. H-24445/C-1/Jal-41/Bandi Aadesh/2018 dated 03.08.2018 dealing with M/s Vedanta Estate, J-12, Apparel Park, Tronica City, Ghaziabad.
- f. Letter no. H-24401/C-1/Jal-41/Bandi Aadesh/2018 dated 03.08.2018 dealing with M/s S.R.Prints, C-1, Loni Road Industrial Area, Mohan Nagar, Ghaziabad.
- g. Letter no. H-24408/C-1/Jal-41/Bandi Aadesh/2018 dated 03.08.2018 dealing with M/s SVS Fashioners, J-22, Apparel Park, Tronica City, Ghaziabad.
- h. Letter no. H-24462/C-1/Jal-41/Bandi Aadesh/2018 dated 03.08.2018 dealing with M/s Parle Agro Private Limited, A-7, Sector-22, Meerut Road Industrial Area, Ghaziabad.
- i. Letter no. H-24404/C-1/Jal-41/Bandi Aadesh/2018 dated 03.08.2018 dealing with M/s Marshal Cycles, B-17/18, Meerut Road Industrial Area, Ghaziabad.

It is seen that above all nine (9) letters were issued by Dr. Akhlaq Hussain, Chief Environment Officer, Circle-1, UPPCB, Gomti Nagar, Lucknow on 03.08.2018 i.e. prior to NGT's order dated 08.08.2018, Nevertheless the action so taken do not find mention in the said order. On enquiry in this regard, this Committee is informed that the learned Counsel was duly informed about the action so taken. The Committee is further informed that the officers of the CPCB and UPPCB had conducted joint inspection of various sites/industrial units. However, the inspection reports were not provided for signature of the inspecting officers of UPPCB. Also that for launching prosecution against 124 non-compliant units various original documents including analysis reports would be required, which are available in the office of the CPCB but not in the office of UPPCB. Still further, in this milieu, the CPCB has been moved vide letter no. H25128/C-1/NGT-41/2018, dated 28.08.2018 with request for providing various reports & documents indicated therein which are required for launching prosecution against 124 non-compliant units. However, the documents and

reports so asked for have not yet been provided to UPPCB. Sri J Chandra Babu, Member retorting the badger said that all reports are in the public domain and uploaded on the official website of CPCB. He requested with assertion that the officers of UPPCB may visit the CPCB and get all required documents etc. Hon'ble Chairman expressed that the officers of UPPCB would act accordingly and collect/have all requisite documents /reports from CPCB.

Afore tabularized letters indicate that closure orders have been passed/issued in respect of 09 industries detailed therein and respective industries have been directed not only to shut down their operation but each of the nine industries has been ordered to pay a sum of Rs. 50,000 as fine. Record showing observance is not available. Let a comprehensive compliance report in the matter be called for from the:

1. District Magistrate, Ghaziabad,
2. Superintending Engineer, UPPCL, Ghaziabad,
3. UPPCB, and
4. Executive Engineer, Jal Nigam/Jal Sansthan, Ghaziabad.

A quick look of the information indicated in the list of 317 industries would express that show cause notices have been issued to the industries listed at serial no. 4, 9, 12, 13, 14, 15, 17, 20, 21, 25, 29, 30, 31, 32, 33, 36, 44, 46, 47, 49, 52, 54, 58, 70, 79, 81, 82, 88, 111, 112, 127, 128, 129, 134, 147, 151, 153, 163, 168, 175, 176, 178, 183, 184,186, 192, 219, 226, 242, 259, 262 and 264 of the list. It is not clear nor it could be made clear during deliberations as to

- a. when show cause notices were issued to those industrial units,
- b. whether any response has been received from any of those industrial units, and
- c. what further action has been taken.

Concerned Regional Officers of the UPPCB would please provide complete report with supporting documents.

Analysis of the list of 124 industrial units which deals with the status of industries identified as non-complying as per the report filed by CPBC and action taken in compliance, puts across that 41 units detailed at serial 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 20, 22, 26, 27, 28, 29, 30, 31, 33, 36, 41, 42, 44, 47, 48, 52, 53, 54, 55, 56, 61, 70, 79, 82, 91, 102, 104 and 105 have been put to show cause notice. No further detail could be provided. Further, some direction has been issued by the Regional Officer in respect of units detailed at serial nos. 1, 15, 16, 32, 35, 39, 40, 43, 49, 50, 51, 57, 58, 59, 60, 62, 63, 65, 68, 69, 74, 75, 76, 77, 80, 81, 83, 94, 95, 96, 98, 99, 100, 103, 108, 109, 110, 111, 112, 113, 114, 115, 118, 120, 121, 122 and 123. No further details could be placed on record. Still further some direction appears to have been issued by the Head Office of the UPPCB in regard to the industries detailed at serial numbers 34, 37 and 38. No further information could be provided. The list would show that closure orders have been passed in regard to the industrial units at serial numbers 4, 13, 14, 21, 23, 24, 25, 45 (by CPBC), 64, 66, 71, 73, 78, 84, 85, 86, 87, 88, 89, 90, 92, 93, 97, 106, 107, 116, 119 and 124. The question would be whether those units have actually shut down their industrial operations. The list articulates that closure order has been suspended for one month for rechecking in respect of two units detailed at serial number 5 and serial number 72. It is not clear as when the said suspension orders were passed and whether the units have been rechecked or not. The list shows that some direction has been issued in regard to the industry detailed at serial number 46 of the list. However, it is not clear as to which office or officer has issued the said direction. Considered. Resolved that Sri J. Chandra Babu, Senior Scientist, CPCB be requested to make surprise visit of atleast randomly selected 10% industrial units under closure orders and prepare Surprise Inspection Report, which report will be deliberated in the next meeting. The two lists shall form part of the minutes.

2. Sri R.K.Tyagi, Regional Officer, UPPCB, Meerut reports that in compliance with the order of NGT one Hand Pump that was installed on the main road in village Madiyae, within Sardhana

Block, Meerut was dismantled on 02.08.2018 and another Hand Pump that was installed on the road side near Ramala Sugar Mill Guest House has also been dismantled. In support he has provided phot copy of letter nos. 2937/ fo0/26, dated 31.07.2018 and 892/dksVZ dsl lk0/ 24, dated 04.08.2018. The letters so supplied would remain part of the minutes of the proceedings. On enquiry, Sri R.K.Tyagi, Regional Officer, UPPCB, Meerut stated that those Hand Pumps had to be dismantled as water from them was highly contaminated with disquieting level of mercury.

Be that as it may. The details of the action taken in compliance with the assurance as regards prosecution of the non-compliant industries could not be placed before this Monitoring Committee. Resolved that the UPPCB be directed to provide action taken report together with an inclusive list of all the officers/ officials responsible for compliance.

Sri Pramod Kumar Goel, Secretary informs that the State Government of Uttar Pradesh vide GO No. 74/2016/655/16-27-Si-4-99 (W)/15, dated 21st March, 2016 have constituted a Committee under the Chairmanship of Commissioner, Meerut Division, Meerut and the Committee so constituted might have taken various steps in the matter of cleanliness of Hindon and its streams. Considered. Resolved that the Commissioner, Meerut Division, Meerut be requested to provide a comprehensive report of the steps taken till date in the matter dealing with cleanliness etc. of Hindon and its streams.

The NGT has been pleased to direct that the Monitoring Committee may also set up a website for receiving and giving information on the subject. In compliance, a website is to be set up. Resolved that the Chief Secretary to the State Government of Uttar Pradesh be requested to direct all concerned especially National Informatics Centre (NIC) to immediately develop a website to smooth the progress of receiving and giving information on the subject. Further resolved that Mr. Pramod Kumar Goel, Secretary to this Committee be requested to take up the matter. Still further

resolved that since the Mr. Pramod Kumar Goel, Secretary to this Committee would be visiting the authorities including the Chief Secretary to the State Government of Uttar Pradesh, the Chief Secretary be requested to direct all concerned to issue pass for the entry of Mr. Pramod Kumar Goel in the Secretariat and Lal Bahadur Shastri Bhawan (Annexe) etc. The representative of CPCB, Sri A. Sudhakar, would please get a pass duly issued in the name of the Secretary, Sri Pramod Kumar Goel, so that he may, if need be and so required, visit and meet the officers of MoH & FB, MoEF & CC, CGWA, CPCB, Ministry of Ground Water etc.

The NGT has been pleased to permit the Committee to involve educational institutions for expectations, awareness and feedback about the results. Considered. Resolved that the District Magistrate, Meerut; District Magistrate, Saharanpur; District Magistrate, Shamli; District Magistrate, Baghpat; District Magistrate, Ghazibad, District Magistrate, Gautam Budh Nagar & District Magistrate, Muzaffarnagar be requested to identify and provide all-inclusive list of those educational institutions which are ready and willing to join in the movement.

The NGT has observed that in a welfare State, the State is bound to look-after the health appended with a direction to the State Government to ensure that people in that area are provided with potable drinking water. However, that has not been implemented satisfactorily by the State. Considered. Resolved that the UP Jal Nigam; Nagar Nigam, Meerut; Nagar Nigam Saharanpur, Nagar Nigam, Muzaffarnagar; Nagar Palika Parishad, Shamli; Nagar Palika Parishad, Baghpat; Nagar Nigam, Ghaziabad and NOIDA Authority be requested to provide full details of each and every action taken in compliance.

The NGT has directed that all the hand-pumps in the area of district Baghpat and other districts from where samples had been collected and have been found contamination of ground water, there will be complete prohibition on extraction of ground water for drinking purposes. Further, the hand-pumps, if any, in these areas shall be sealed forthwith.

Considered. Resolved that the District Magistrate, Baghpat as also of all other concerned districts and departments be requested to furnish full details of each and every action taken in compliance with the above directions.

The NGT has also directed that the State of UP and Uttar Pradesh Jal Nigam shall ensure that potable drinking water is being supplied to all the villagers in these districts without any further delay and default. It will be ensured that sufficient drinking water is provided by Associating Panchayats of these villages. UPPCB along with CPCB and the U.P. Jal Nigam shall take immediate measures to ensure that the extracted ground water is treated before it is permitted to be consumed by human beings. The total mechanism for treating of such water would be prepared and schemes for implementation thereof would be finalised and given effect to, within two months from today. Considered. Resolved that the State of UP, Uttar Pradesh Jal Nigam, UPPCB, CPCB and District Magistrates of above detailed 7 districts be requested to submit point-wise comprehensive compliance and action taken report. The compliance/action taken report should also include all details of vehicles, GPRS enabled vehicles and personnel deployed for treatment of ground water and supply of potable drinking water in the area.

It is recorded in the order that that several residents have suffered and are suffering from various water born diseases as a result of pollution caused by discharge by various industries operating in the area. Further, the sufferers have to be given proper treatment. Considered. Resolved that the District Magistrates and the Chief Medical Officers of Meerut, Saharanpur, Shamli, Ghaziabad, Muzaffarnagar, Baghpat and Gautam Budh Nagar be requested to provide all-inclusive list of such inhabitants who as outcome of water contamination have suffered illness, steps taken for their treatment, spending on treatment, source of funds spent in their treatment and present position of each such patient. The report shall also indicate the industries operating in & accountable for water contamination

in the area and steps taken for recovery of the amount spent in the treatment as above.

It is experienced today that the office of the Regional Officer, UPPCB, NOIDA is too undersized to accommodate all the participants. The venue ought be big enough to easily accommodate all the participants. The Committee is informed that the meeting hall/conference room of the New Okhla Industrial Development Authority (NOIDA Authority) or NTPC would serve the purpose conveniently. Resolved that the Regional Officer, UPPCB, Noida be requested to immediately find out and finalise the venue for the next in consultation with the Secretary. Further resolved that the Regional Officer, UPPCB, Noida to ensure all indispensable arrangements for the meeting.

The date, time and venue of the next meeting of this Monitoring Committee shall be notified shortly. The participants/invitees be requested to come well prepared with most up-to-date information/data and compliance reports.

The minutes be communicated to all concerned departments/authorities/officers by email with request that the compliance reports (with soft copy in .doc format) with supporting material (duly tagged and indexed) be provided in sealed cover to Sri Pramod Kumar Goel, Secretary in four legible copies atleast four days ahead of the next meeting. Regional Officer, UPPCB, Meerut shall ensure all essential facilities to the Secretary of this Committee.

The District Magistrates, in view of the exigency of the work, may nominate the Chief Development Officer (CDO) or the senior most Additional District Magistrate (ADM), if the office of the CDO is vacant. No any other proxy partaking shall be allowed unless absolutely inevitable.

Meeting ended with vote of thanks to the Chair.

(J Chandra Babu)
30.08.2018

(Justice S.U.Khan)
30.08.2018