

Minutes of the proceedings of 4th meeting of the Monitoring Committee constituted by Hon'ble the National Green Tribunal, Principal Bench, New Delhi held on 9th May, 2019 at Ghaziabad Collectorate

1. Hon'ble Mr.Justice S.U.Khan.....Chairman
2. Sri J Chandra Babu,Member

Sri Susheel Kumar, Scientist 'C', Ministry of Environment, Forest and Climate Change (MoEF & CC) Regional Office, Lucknow being on earned leave as informed by Sri V.K.Singh (rocz.lko-mef@nic.in) vide his e-mail communication, of 8th May, 2019 (sent at 17:21 hours) could not join in the deliberations in the meeting.

Present :

1. Sri Pramod Kumar Goel, Secretary to the Monitoring Committee
2. Sri B.N.Singh, IAS, DM, Gautam Budh Nagar.
3. Ms. Ritu Maheshwari, IAS, DM, Ghaziabad.
4. Sri Pawan Kumar, IAS, DM, Baghpat.
5. Gp. Capt. A.K.Singh, Dy. Chief Administrative Officer, Air Force Station, Hindon, Ghaziabad.
6. Sri Gyanendra Singh, Nagar Ayukt, Saharanpur.
7. Sri M.C. Sharma, ADM (City), Meerut.
8. Sri Shailendra Singh, ADM (City), Ghaziabad.
9. Sri Alok Kumar, ADM (F/R), Muzaffarnagar.
10. Sri V.K.Singh, OSD, Ghaziabad Development Authority.
11. Sri Rajesh Kr. Jain, Deputy Collector, Shamli.
12. Sri Vivek Roy, RO, UPPCB, Ghaziabad.
13. Dr. Archana Dwivedi, RO, UPPCB, Greater Noida.
14. Sri H.C.Joshi, ASO, UPPCB, Greater Noida.
15. Sri S.R.Maurya, RO, UPPCB, Saharanpur.
16. Sri R.K.Tyagi, RO, UPPCB, Meerut.
17. Dr. Anil Kumar Singh, RO, UPPCB, Noida.
18. Dr. Raj Kumar, Chief Medical Officer, Meerut.
19. Dr. Sushma Chandra, CMO, Baghpat.
20. Dr. S.K.Sharma, Addl, CMO, Meerut.
21. Dr. P.S.Mishra, CMO, Muzaffarnagar.
22. Dr. N.K.Gupta, Chief Medical Officer, Ghaziabad.
23. Dr. B.S.Sodhi, CMO, Saharanpur.
24. Dr. Sanjay Bhatnagar, CMO, Shamli.
25. Dr. Shireesh Jain, ACO, Gautam Budh Nagar.

26. Dr. Vinai Kumar, DMO, Shamli.
27. Dr. Shivanka Gaur, DMO, Saharanpur.
28. Dr. GK.Mishra, DMO, Ghaziabad.
29. Dr. Alka Singh, DMO, Muzaffarnagar.
30. Sri M.R.Yadav, DDO, Saharanpur.
31. Sri J.B.Singh, AEE, UPPCB, Saharanpur.
32. Dr. D.C.Pandey, ASO, UPPCB, Muzaffarnagar.
33. Sri Prakhar Kumar, AEE, UPPCB, Meerut.
34. Sri Utsav Sharma, AEE, UPPCB, Greater Noida.
35. Sri B.P.Kureel, Project Officer, TDS City, UPSIDA, Ghaziabad.
36. Sri H.C.Parashar, Asstt. Engineer, TDS City, UPSIDA, Ghaziabad.
37. Sri S.K.S. Chauhan, AE, GDA Ghaziabad.
38. Sri Satendra Pratap, JE, UPPCB, Meerut.
39. Sri Maneesh Kumar Yadav, Research Fellow, UPPCB, Muzaffarnagar.
40. Sri G.S.Srivastava, Chief Engineer, UP Jal Nigam, Ghaziabad.
41. Sri K.M.Yadav, GM, UP Jal Nigam, Ghaziabad.
42. Sri Bharat Bhushan, Executive Engineer, 1st CD, UP Jal Nigam, Ghaziabad.
43. Sri R.P.Singh, Executive Engineer, CD, UP Jal Nigam, Noida, Gautam Budh Nagar.
44. Sri Sanjay Kumar Gautam, Executive Engineer, Baghpat.
45. Sri Devendra Kumar, Executive Engineer, UP Jal Nigam, Ghaziabad.
46. Sri P.K.Agarwal, Executive Engineer, CD, UP Jal Nigam, Muzaffarnagar.
47. Sri R.K.Jain, Executive Engineer, CD, UP Jal Nigam, Shamli.
48. Sri Rakesh Chaudhary, Executive Engineer, UP Jal Nigam, Saharanpur.
49. Sri Mukesh Pal Singh, Executive Engineer, 1st Div., UP Jal Nigam, Meerut.
50. Sri Rahul Kumar, Junior Engineer, Chief Engineer's office, UP Jal Nigam, Ghaziabad.
51. Sri Vipul Kumar, Junior Engineer, UP Jal Nigam, Muzaffarnagar.
52. Sri Hub Lal, DDO, Baghpat.
53. Ms. Ranjana Sharma, District Information Officer, Ghaziabad.
54. Sri Anurag Kumar Yadav, Directorate of Environment, UP, Noida.
55. Sri Pawan Kumar, Office of the Basic Siksha Adhikari, Ghaziabad.

We, at the outset, place our approbation for the efforts undertaken by the District Magistrate, Ghaziabad (Ms. Ritu Maheshwari) and ADM (City), Ghaziabad (Sri Shailendra Singh) in arranging this

meeting at Ghaziabad Collectorate inspite of a short notice.

The Monitoring Committee would like to place on record that the order dated 15.03.2019 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi (Hon'ble NGT) in OA No. 66 of 2015-Doaba Paryavaran Samiti vs State of UP & Ors was sent, by e-mail, to the Divisional Commissioners at Meerut and Saharanpur as also to all the District Magistrates in Meerut and Saharanpur Divisions. They were requested to provide issue wise actual physical compliance report within fifteen days from 19.03.2019 with liberty to collect hard copy of the 1st report of the Monitoring Committee from Committee's Camp Office at Meerut. None except the Chief Development Officer, Baghpat (Sri P.C. Jaiswal) vide letter no. 2121/NGT/2018-19, dated 27.03.2019 asked for copy of the report.

Keeping in view the severity of the matter one of us (Justice S.U.Khan, Chairman), immediately after the order on 15.03.2019 was received, requested the Chief Secretary, Government of UP to urgently arrange a meeting with the principal functionaries in UP State. In response where to a High Level Meeting (HLM) was convened and held on 22.03.2019 & key issues were threadbare deliberated. Copy of the minutes of the HLM were provided to all concerned even by the Secretary to the Monitoring Committee. Copy of the Minutes of HLM dated 22.03.2019 are appended herewith and marked as **ANNEXURE-1**. The minutes so circulated also mandated for providing compliance/action taken reports.

The District Magistrate, Baghpat (Sri Pawan Kumar) vide letter no. 57/NGT-Anupalan Akhyaa/2019-20, dated 22.04.2019 provided a compilation of action taken report with supporting documents. We value the efforts made by the District Magistrate, Baghpat (Sri Pawan Kumar) and his team. At the same time we expect the **District Magistrate, Baghpat** & his team would ensure timely execution of the directions and submission of reports.

Since compliance reports/Action taken reports were not received from other districts/departments/authorities/officers, the Secretary to this Committee was instructed to issue reminder e-mail. On our instructions, reminder e-mail was sent by him on 24th April, 2019 at 14:12 hours to almost all concerned with request for compliance/Action taken reports appended with information that 26th April, 2019 is the next date fixed for hearing in the Hon'ble NGT & the Monitoring Committee would like to file its 2nd report before the next date of hearing.

The District Magistrate, Saharanpur (Sri Alok Kumar Pandey) vide letter no. 178/O.A. No. 231 (Doaba Paryavaran Samiti)/2019, dated 03.05.2019 forwarded compliance/action taken reports which he had received from the Regional Officer, UPPCB, Saharanpur, Chief Medical Officer, Saharanpur & Project Manager, UP Jal Nigam, Saharanpur. We expect the **District Magistrate, Saharanpur** would make sure that all directions issued in the matter are carried out within the time-line and action taken report is also submitted well within time. We expect that the District Magistrate, Saharanpur would appreciate that Hindon River's 35% track is within

Saharanpur district. Further, in non-monsoon time of the year it gets going with the effluent of Star Paper Mill. Still further, 94 drains with total discharge of 100.17 MLD merge in two tributaries of Hindon, namely, Dhamola and Paondhoi Rivers. Not to fail to remember that existing STP capacity is just 38 MLD leaving a gap of 62.17 MLD.

The District Magistrate, Ghaziabad vide letter no. 925/OA No. 231/143/19, dated 08.05.2019 has provided action taken report. Ghaziabad though with just 6% of Hindon catchment area, is one of the worst affected by pollution in Hindon River, Tributaries & Drains. It is said that the Hindon catchment within the area of Ghaziabad is heavily populated with unauthorised constructions. We, therefore, expect that the **DM, Ghaziabad; Vice Chairperson, GDA; Hindon Air Base Authorities; Nagar Ayukt, Nagar Nigam Ghaziabad & Irrigation authorities** would act proactively & vigorously to ensure quick execution of the directions issued by the Hon'ble NGT and in various resolutions of this Committee.

The District Magistrate, Muzaffarnagar (Sri Ajay Shankar Pandey) vide letter no. 269/G-96/OA-231/MZR/2019, dated 08.05.2019 has provided action taken report which he received from CMO, DIOS and Executive Engineer, Jal Nigam. The action taken reports revolve around the points taken up in the HLM on 22.03.2018. We would like to advise the **District Magistrate, Muzaffarnagar** to carefully go through the directions made by Hon'ble NGT & various resolutions adjudicated by this Monitoring Committee in its various meetings in concert with the action plan. This would help him ensuring appropriate compliance &

reports in time. We expect that the District Magistrate, Muzaffarnagar is well aware that Hindon River's 24% course is within Muzaffarnagar district. Further, 08 drains (in Muzaffarnagar) and 03 drains in Budhana with 76.34 MLD+10.07 MLD = 86.41 MLD sewage discharge join in Hindon river, which put in further noxious waste in Hindon River. This Committee is informed that no STP has yet been set up in Budhana & Muzaffarnagar generating 32.5 MLD effluents.

The compliance/action taken reports have not yet been received from the DM, Gautam Budh Nagar and DM, Meerut. Let the reports be now submitted by the **District Magistrate, Gautam Budh Nagar and District Magistrate, Meerut** with *raison d'être* for inordinate delay.

The deferment of compliance & delay in giving compliance report is *exfacie* expression of derision. We expect that the District Magistrates being the chief executive functionaries in the district would appreciate that the level of pollution in Hindon river, its tributaries and drains merging therein is terrifyingly soaring and has to be addressed before it is further late. Inconsiderateness in the matter in any form is not acceptable.

The District Magistrate, Gautam Budh Nagar would appreciate that 10% catchment area of Hindon river is within the territory of district Gautam Budh Nagar and it is there that Hindon river meets Yamuna. This Committee is given to understand that Hindon River is disturbingly polluted even hereat. Further, the Hindon pathway within Gautam Budh Nagar district is badly populated with illegal constructions. We, therefore, expect that the **District Magistrate,**

Gautam Budh Nagar; Chief Executive Officers of Noida & Greater Noida Authorities and Irrigation authorities would act dynamically & ensure implementation of the directions issued by the Hon'ble NGT, by this Monitoring Committee and the State Government.

The District Magistrate, Meerut would realize that 5% catchment area of Hindon river is within the territory of Meerut district and Hindon river is badly polluted hereat also. We, therefore, expect that the **District Magistrate, Meerut; Vice Chairman, Meerut Development Authority; Nagar Ayukt, Nagar Nigam, Meerut & Irrigation authorities** would act vigorously and ensure speedy carrying out the directions issued by the Hon'ble NGT and by this Monitoring Committee. If need be, Cantonment Board authorities be also involved in the mission.

The District Magistrate, Ghaziabad vide letter no. 925/OA No. 231/14/19, date 08.05.2019 has provided action taken report. Ghaziabad though with just 6% of Hindon catchment area, is one of the worst affected by pollution in Hindon River, Tributaries & Drains. It is said that the Hindon pathway within Ghaziabad district is colonized with unauthorised constructions. We, therefore, expect that the **District Magistrate, Ghaziabad; Vice Chairperson, Ghaziabad Development Authority, Nagar Ayukt, Nagar Nigam Ghaziabad & Irrigation authorities** would act vigorously to ensure quick execution of the directions issued by the Hon'ble NGT and in various resolutions of this Committee.

Since the level of pollution in Hindon river, its tributaries and drains merging therein is alarmingly

high, the Monitoring Committee would expect that all the seven District Magistrates in the Hindon River Belt would, in association with the Secretary to this Committee, would indulge in strategic thinking, work out the steps to be taken, put them into action and cyclically evaluate the progress of the steps taken in the matter with impact assessment. We would expect that the Monitoring Committee would be regularly informed of all the steps taken in the matter. The minutes of the proceedings so conducted by **all the seven District Magistrates in Hindon River area** together with impact assessment report be regularly provided to this Monitoring Committee through the Secretary to this Committee, Sri Pramod Kumar Goel (judge.goel@gmail.com, +8979961212). With this avowal Hon'ble the Chairman concisely highlighted the directions issued by Hon'ble NGT in OA no. 231 of 2014 & OA No. 66 of 2015-*Doaba Paryavaran Samiti Vs. State of U.P. & Ors.*

Noticing that the State Government of UP has constituted a Committee vide GO No. 74/2016/655/16-27-Si-4-99(W)/15, dated 21st March, 2016 which Committee is headed by the Commissioner, Meerut Division, Meerut, Hon'ble Chairman expressed that the Committee so constituted might have taken various steps in the matter of cleanliness of Hindon and its streams. His Lordship desired to request the **Commissioner, Meerut Division, Meerut** to give an all-inclusive report of all the steps taken and result thereof till date in the matter of cleanliness etc. of Hindon and its streams. We also request the Secretary to this Monitoring Committee to have regular interaction with all concerned officers including the

two Divisional Commissioners, District Magistrates, Chief Medical Officers, Nagar Ayukt of Nagar Nigams, Executive Officers of Nagar Palika Parishads, Vice Chairpersons of the Development Authorities including Noida/Greater Noida Authorities. The Secretary, during interaction, would also collect all relevant papers, information & reports from the officers in Baghpat, Gautam Budh Nagar, Ghaziabad, Meerut, Muzaffarnagar, Shamli & Saharanpur for evocative deliberations in the next meeting in the week commencing 15th June, 2019.

This Monitoring Committee prepared action plans, which action has been considered and approved by Hon'ble NGT vide order dated 15.03.2019. The points and actions as per the approved plan are to be carried out systematically by all concerned to achieve the water quality criteria for bathing i.e. BOD < 3 mg/l and FC < 500 MPN/ 100 ml. The approved action plan, for convenience of all concerned, is appended herewith and marked as **ANNEXURE-2**.

The action plan speaks that since River Hindon is intermittent river, the action plan for maintaining water quality has to be unlike from the perennial rivers. Presently, the river Hindon and its tributaries (Kali-West and Krishni) act as waste water (treated, untreated or partially treated) carrying channels. The action plan refers to various components and *interalia* suggests that:

- (i) the Sugar Industries should not be permitted to discharge treated /untreated effluents in any drain. Treated effluent should be completely utilized for Irrigation purpose.

- (ii) The Distilleries should operate only with 'zero liquid discharge' (ZLD) system. In no case, spent wash be either disposed in drains or on land. Molasses generated should be properly stored and no spillages be allowed during handling. The composted spent wash after Reverse Osmosis (RO)/ Multiple Effect Evaporator (MEE), the compost should meet the standards and after ensuring that the composted material does not leach colour only such composted material may be used for land application.
- (iii) Pulp and Paper and straw board manufacturing units should not be permitted to dispose generated effluents in any drain. Agro-based pulping should be banned or prohibited in the catchment area of river Hindon and its tributaries. Further, the Pulp and Paper units should meet charter criteria as suggested by CPCB. Sludge being used for making boards and proper records should be maintained and use of generated sludge and the concerned industry shall ensure that no over-flow from sludge drying bed occurs.
- (iv) The Textile Units should meet the inland surface wastewater discharge norms and these units should also be insisted to reuse 50 % treated effluents in the process to minimize fresh water consumption.
- (v) All Electroplating industries which are the main source of metallic contamination of surface and ground water, therefore, should be insisted for 'ZLD' system. All the electroplating

units or having electroplating process or industrial processes which are likely to discharge effluents containing heavy metal or pollutants that may damage environment, should conform to the effluent discharge standards for all the parameters as prescribed under the Environment (Protection) Act, 1986.

- (vi) All the Tanneries should meet the effluent discharge standards of stand-alone units. Recovered chrome salt should be used or recycled in the process within the industry and should minimize chrome consumption. Standards of Total Dissolved Solids (TDS) should be strictly complied with.
- (vii) All Slaughter Houses, Frozen Meat Packing and Dairy Units should install adequate capacity ETPs and maximize utilization of treated effluent in the process.
- (viii) Thermal Power Plant exclusively involved in power generation as well as Captive Thermal Power Plants in operation should meet the discharge standards notified under the Environment (Protection) Act, 1986.
- (ix) All remaining Industrial units should have Consent under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as well as authorisation under the Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 and Consent or Authorisation as applicable should be granted or renewed only after verification or ensuring

adequate systems for disposal of treated effluents or verification of compliances.

The Action plan also suggests and requires that the UPPCB with the support of U.P State Industrial Development Corporation (U.P State Industrial Development Authority) would carry out inventory of industries within three months' time and

- (a) all the industries which are presently in operation without Consent Orders under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as the case may be should be directed by UPPCB to obtain Consents within three months. Failing which action be taken by UPPCB against all uncooperative industrial units.
- (b) all hazardous waste generating industrial units or the industries covered under Schedule-I of the Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016 should be directed to obtain authorization within a month from UPPCB failing which action be taken by UPPCB against all non-compliant industrial units.
- (c) all the red category industries be directed by UPPCB for installation OCEMS at the outlet of ETPs within three months' time and thereafter such industries be directed to take measures for data transfer to the UPPCB and CPCB with immediate effect.
- (d) Industries attributing to ground water contamination with reference to heavy metals

might be primarily electroplating and dying units. All such industrial units should give a declaration (in the form of the affidavit) to the effect that they do not discharge/inject their industrial effluent into ground water resources.

- (e) No industry should operate or continue manufacturing process unless they possess valid permission for ground water extraction from Central Ground Water Authority (CGWA).
- (f) Small scale/tiny and service providing units located in urban or semi-urban limits like Dairies, Auto Service Stations etc., should not be allowed to dispose waste water effluents or sludge into drains, thereby ensuring that no damage is caused to drains or sewers. Such units should have O & G traps as a minimum provision.

The Action Plan further suggests that the State Government of Uttar Pradesh (U.P. State Irrigation Department) should identify/demarcate the Flood Plain Zone (FPZ) & regulate the activities. Such regulations would also cover:

- (i) Plantation in FPZ by the State Forest and Horticulture Department.
- (ii) Checking encroachments by the District administration/Irrigation and Drainage Department of the State.
- (iii) Prohibition of disposal of municipal and bio-medical waste particularly in drains

By Local bodies/Irrigation and Drainage Department of the State;

- (iv) The State Government/Irrigation and Drainage Department of the State to notify FPZ within six months.

The Action Plan dealing with the Environmental Flow (E-Flow) and irrigation practices observes that the River Hindon, Kali (West) and Krishni carry very thin & lean flow of original water. River Hindon is dry on the upstream of Saharanpur during non-monsoon period. In this view of the matter, the action plan requires that

- (i) flow of all the three rivers should be measured at different locations & its record should be maintained by U.P.Jal Nigam & the Irrigation & Drainage Department of the State;
- (ii) fresh water flowing through escape channels/small barrages should be checked. Good quality of water should not be used for dilution of pollution unless required degree of treatment is achieved for municipal sewage and industrial effluents.
- (iii) Good irrigation practices should be adopted for conservation of water by the farmers for which mass awareness programmes through media be provided in vernacular languages to the farmers by the U.P. Irrigation, Horticulture and Agriculture Departments.

The Action Plan specifically provided for Long Term and Short Term measures with time line for completion. It is seen that none of the authorities responsible for execution of the action plan, has yet provided any report in regard to action(s) taken in

compliance. It appears to us that all concerned have not yet gone through it. Let it be done now and actions be taken without any further delay.

The first target is to see that the water quality of river Hindon at least meets the water quality criteria for bathing i.e. BOD<3 mg/l and FC<500 MPN/100 ml. Therefore, **Commissioner, Meerut & Saharanpur and District Magistrates in Meerut & Saharanpur Division** would please methodically deliberate the matter and work out strategy to achieve the mission. We expect that the exercise is done well before 10th June, 2019 & report provided to the Secretary to this Committee.

Web Site:

After HLM on 22.03.2019 pursuant to Hon'ble NGT order dated 15.03.2019, the matter has been taken up and assigned to the State unit of NIC. The work of setting up a web site seems in progress. We expect that we may shortly have a web site and web address for receiving and giving information on the subject.

We take this opportunity to request all present in this meeting especially the **District Magistrate, Baghpat/Gautam Budh Nagar/Ghaziabad as also the District Magistrate, Meerut/Muzaffarnagar/Shamli/Saharanpur** to please work out their faculty & provide imperative software inputs/suggestions indispensable to set up quick to access & respond web site.

Involvement of educational Institutions:

Some of the districts, namely, Baghpat, Ghaziabad, Saharanpur & Muzaffarnagar have taken

some steps for involvement of educational institutions. As per the report from the District Magistrate, Baghpat the Basic Shiksha Adhikari (BSA), Baghpat & District Inspector of Schools (DIOS), Baghpat have reported that rallies were organized by the students for mass awareness amongst populace. The rally and awareness camps so organized may chiefly focus on Cleanliness of Hindon, no defalcation in open, no use of plastic, minimum use of chemical fertilizers, organic farming, plantation, save tree, Water conservation & management, good irrigation practices etc. etc. and pro bono services of officers in the district and outside might be taken.

Health:

Hon'ble Chairman pointed out that Hon'ble NGT has mandated for identification of victims of pollution, their medical treatment at the cost of the polluters and compensation to the pollution suffering souls. Hon'ble NGT has also expressly observed that in a welfare State, the State is bound to look-after the health. The reports received till date from various CMOs would corroborate that no serious and methodical effort has been made for identification, enumeration and treatment of the pollution suffering souls. Therefore, all out effort needs to be urgently taken by the Chief Medical Officers in **Baghpat/Gautam Budh Nagar/Ghaziabad/Meerut/Muzaffarnagar/Saharanpur/Shamli** districts.

The CMOs & other Medical Officers present in the meeting suggested that the Health Camps, to start with, be organized in the villages colonised alongside Hindon and its Tributaries after extensive publicity. The CMOs & other Medical Officers in attendance

further suggested that services of ASHA Workers, ANMs and other para medical staff might be taken for mouth-to-mouth publicity in the area. Also, the date, place and time of the Health Camps with aim of identification of those who are suffering health hazard as a result of water pollution might be made well known using amplifier. Still further, wider publicity by publication of press note in local lingua franca newspapers having substantial circulation in the area, may also be ensured. They requested that the draft 'Press Note' be also vetted. The suggestions found favour of the Monitoring Committee and the CMOs were requested to immediately put the same into action. Expressing some reservation in view of Model Code of Conduct (MCC) in-force, the CMOs suggested that they would issue press-notes for publication in the news papers on 25th May, 2019 for Health Camps on 30th May, 2019. The District Magistrates present in the meeting assured that all possible help would be extended for holding result oriented Health Camps. They further assured that the District Information Officers would see that the details of the Health Camps are widely published. Resolved accordingly. Let the draft 'Press Note' be sent to the Secretary to the Monitoring Committee who in consultation with the Hon'ble Chairman would send back the vetted draft, if vetting is at all required.

We would like to place on record that the RBSK Team in Baghpat district is said to have visited various schools but not a single child suffering from serious ailment was found. The supporting document appended with the report would illustrate that not a single child was examined but reports of the Principal/

Head Master certifying that no student is suffering from serious illness have been obtained. The question would be is that sufficient? We think it is not. The children should have been subjected to health check up.

Drinking Water:

Hon'ble NGT has directed that in the area of district Baghpat & 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 from the hand-pumps. Further, the hand-pumps, if any, in these areas shall be sealed forthwith and the State Government should ensure that people in that area are provided with potable drinking water.

The DM, **Baghpat** referring to letter no. 132/Pancha/NGT/2019-20, dated 18.04.2019 of DPRO, Baghpat, reports that all 555 hand pumps giving contaminated water have been uprooted. The report further provides that all villages excepting two unpopulated villages namely, Jaiwabad and Kohnabad, have enough supply of safe drinking water. Further, various schemes for pipe water supply have been drawn, estimates for execution of those schemes have been drawn, considered, approved and Tender Process is on. *The Managing Director, UP Jal Nigam is requested to see that the all necessary steps are urgently processed.*

The DM, Saharanpur taking orientation to letter no. 1313/417/59, dated 25.04.2019 has reported that 15 hand pumps giving contaminated water in village Bhaneda Khemchand have been uprooted. Further,

three submersible pumps have been installed for supply of drinking water in the distressed area. Also that estimate involving expenditure of Rs. 126.16 Lakh for water supply scheme has been drawn and submitted for administrative and financial approval. The matter is now pending at Jal Nigam Head quarter. *The Managing Director, UP Jal Nigam is requested to see that the estimate is urgently processed and decided.*

The DM, Shamli has reported that 1928 India Mark-II hand pumps have been installed in 04 villages and 27 villages enumerated in the Hon'ble NGT list. Further pipeline water supply is available in all 04 Nagar Nikay. From 27 above referred villages 07 are already saturated with pipeline water supply, estimates have already been drawn, submitted, approved and tenders invited for rest 15 out of 20 villages. Approvals for pipeline water supply are awaited for remaining 05 villages. *The Managing Director, UP Jal Nigam is requested to see that the estimates are urgently processed & decided. Further, steps for execution of the schemes as per approved plans commence sob soon as possible.*

The report is noticeably silent on the subject of uprooting of the hand pumps giving contaminated water. The facts provided by the UPPCB indicate that 92 hand pumps with spoiled water are yet to be uprooted. ***The District Magistrate, Shamli would please look into this aspect of the matter & submit complete report well before the next meeting.***

The DM, Muzaffarnagar has forwarded a report which is annexed with the letter no. 1139/102/27, dated 08.05.2019 of the Executive Engineer, Jal

Nigam, Muzaffarnagar, which letter is addressed to the Chief Engineer, Jal Nigam, Ghaziabad. The letter provides that all 201 hand pumps giving contaminated water have already been uprooted. Further, 10 villages from out of 58 villages and 01 Nagar Panchayat enumerated in Hon'ble NGT list already have pipeline water supply. In 02 villages Pipeline water supply project is going through. Estimates entailing expenditure of Rs. 6068.45 Lacs for setting up pipeline water supply in 29 villages have been approved and tender process is on. Estimates for 13 villages have been sent to the HQ for administrative and financial approvals. Estimates for 02 villages are under preparation. Let the estimates with all norms and parameters be prepared and submitted. *The Managing Director, UP Jal Nigam is requested to see that the estimates are urgently processed and decided. Further all pending matters are expedited.*

The DM, Ghaziabad has also forwarded report of the Executive Engineer, Jal Nigam, Ghaziabad, which report provides that out of 61 hand pumps (10 defunct and 51 operational) installed in the solitary village 'Nahali' covered under Hon'ble NGT order all 51 hand pumps were tested for water quality & 10 were found giving contaminated water, which all were uprooted. Further, 09 out of uprooted 10 hand pumps have been rebored. Further, there is abundant supply of drinking water in the villages as almost 30 to 35% households have submersibles in operation. Also that estimate entailing expenditure of Rs. 277.06 Lacs has also been prepared and sent for pipeline water supply in Nahali village, which estimate is pending for approval at the HQ. *The Managing Director, UP Jal*

Nigam is requested to see that the estimate is urgently processed and decided.

The reports received from various districts *exfacie* indicate that there is no scarcity of drinking water in any part of the distressed area and safe drinking water is easily obtainable from hand pumps, submersibles and pipe line water supply. *The Monitoring Committee finds it hard to believe the correction of this claim and this claim needs full verification. **We, therefore, request the District Magistrates, Baghpat/Gautam Budh Nagar/Ghaziabad/Meerut/Muzaffarnagar/Saharanpur/Shamli to please at once constitute atleast a three member committee headed by the Chief Development Officer (senior most Additional District Magistrate in the district only if the office of the CDO is vacant), which Committee shall physically visit the distressed areas to find out the availability of sufficient fresh drinking water in each distressed village/area in the district. The Committee would submit its detailed/speaking/comprehensive report to the District Magistrate who would forward the same with his report to this Monitoring Committee through its Secretary. We would expect that first reports atleast from Baghpat and Shamli districts-the most distressed, are received before 10th June, 2019 for consideration in the next meeting.***

Prosecution of identified defaulting units:

The UPPCB reports that for prosecution of the defaulting units, Criminal Complaints have already been filed against 118 from 124 identified units. Further, 03 from 124 identified units have got stay orders and for that reason prosecution could not be

launched against those three units. Still further, action against 03 could not be taken in the light of judgment of Apex Court.

The Regional Officer, UPPCB, Ghaziabad informs the Committee that all units that were identified as non-complying are functional as on today and 'Closure Orders', & 'Show Cause Notices' have been revoked/recalled as they all are now complying with the norms. Those and other industries in the area must remain under constant monitoring so that action be taken immediately after deficiency or violation is established.

Sri Vivek Roy, Regional Officer, UPPCB, Ghaziabad volunteered to inform the Monitoring Committee that every single industrial unit that was earlier categorised as 'non-complying' is now meeting the statutory requirements & regulatory norms. In this view of the matter the Monitoring Committee expected that the UPPCB would submit one copy each of all verification reports of past two months for random verification by this Committee.

Hindon Catchment Area:

The District Magistrate, Gautam Budh Nagar & the District Magistrate, Ghaziabad expressed that action plan for control of pollution in Hindon River as well as rejuvenation of Hindon River would have two options. One is softer which involve humanizing all polluters/stake holders for responsiveness. The other is harder-harder like amputation of decayed element by surgery.

The District Magistrate, Gautam Budh Nagar suggested that sale & purchase of land including

registration of deeds involving transfer of ownership in land with or without possession in Hindon pathway should be immediately prohibited and all possible ways for the same must be recommended by this Monitoring Committee to all concerned including Legislature and Executive. The District Magistrate, Ghaziabad informed that she made efforts stopping registration of sale deeds of property in Hindon pathway but the order passed by her could not get through the judicial scrutiny. This Committee feels that this not within its jurisdiction.

The District Magistrate, Gautam Budh Nagar also suggested that there should be effective enforcement against the constructions that have come up in the Hindon catchment area as well to stop further constructions in the catchment area.

This Monitoring Committee was informed, as has been noted in the minutes of the 2nd meeting that 98% of the Hindon pathway is *exfacie* in the State of Uttar Pradesh (35% in Saharanpur, 24% in Muzaffarnagar, 12% in Baghpat, 10 % in Gautam Budh Nagar, 06 % in Shamli, 05 % in Meerut, and 06 % in Ghaziabad) and the rest 2% is in Haridwar district in Uttrakhand State. Also that the Hindon pathway area is encroached approximately with 3,00,000 population within Ghaziabad and Gautam Budh Nagar districts only.

The Monitoring Committee is informed that the Major Irrigation Department is the custodian of drains falling in Hindon River and its Tributaries. Further, the Development Authorities set up in the districts have been tasked with administration of the catchment area. In this view of the matter this Committee in its 2nd meeting on 24.09.2018 had directed

1. The UP Irrigation (Major and Minor) Departments to provide their reports with all precise details of action taken till date in the matters, and
2. The Vice Chairman, Ghaziabad Development Authority, Ghaziabad and the Chief Executive Officer, New Okhla Industrial Development Authority to provide status report in regard to the management etc. of Hindon Catchment area within their command area.

The reports as above were to be provided for deliberations in the 3rd Meeting. However, the reports were not provided and even not yet provided. In this milieu the Monitoring Committee in its 3rd meeting had reiterated the resolution with expectation that the above officers/authorities/departments would not compel this Committee to pass adverse/unpleasant remarks. Yet nothing has happened and reports have not been provided till date. Let the reports be now positively and without fail be provided by all concerned without any further delay. **The Commissioner, Meerut Division, Meerut is requested to see that the reports as above, are now provided to the Secretary to this Committee by the Irrigation department, Vice-Chairman, Ghaziabad Development Authority, Chief Executive Officers, Noida & Greater Noida Development Authorities positively by 10th June, 2019.**

During deliberations in the 3rd meeting on 25th October, 2018 GO No. 1149/18-27-fla-3-52L/18 dated 17.10.2018 was considered wherein Hon'ble NGT order dated 13.07.2018 in OA No. 200 of 2014-M.C. Mehta vs UOI & ors that 100 meters from the edge of the river

would be treated as no development /construction zone till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government, had been excerpted. Further, vide GO no. 1417V-27-fla-2-181ck<+ / 09, dated 16.03.2018 that has been issued by the Chief Secretary, State Government of Uttar Pradesh and deals with avoidance of illegal intrusion/ construction interalia provides that no construction of any type in the Floodplain Zone shall be permissible and it would be green belt. The GO provides for use of the statutory provisions in the UP Flood Emergency Power (Acquisition/Requisition) Act, 1951 (by the District Magistrates) and Northern India Canal and Drainage Act, 1873 (by UP Irrigation Department). The above referred Government Orders don't forbid transfer of property by the lawful owners but mandate use of statutory provisions in the 1951 Act and 1873 Act. Let the statutory powers as per the administrative instructions in the above referred GOs be religiously exercised by all concerned authorities.

With pain we notice that vide minutes of 3rd meeting held on 25th October, 2018, we had requested

1. The District Magistrates of Baghpat, Gautam Budh Nagar, Ghaziabad, Muzaffarnagar, Meerut, Saharanpur & Shamli to provide the details of enforcement in Hindon catchment area under the UP Flood Emergency Power (Acquisition/Requisition) Act, 1951 but, no facts and details have been provided as yet. We again request the **District Magistrates of Baghpat, Gautam Budh Nagar, Ghaziabad, Meerut, Muzaffarnagar, Saharanpur &**

Shamli to positively provide the details of enforcement by them under the UP Flood Emergency Power (Acquisition/Requisition) Act, 1951.

2. The Chief Engineer, Irrigation, Meerut to provide details of action taken in the Hindon Catchment area using the provisions in the Northern India Canal and Drainage Act, 1873. However, no facts & details have been provided as yet. We again request the Chief Engineer, Irrigation, Meerut to positively provide the details of action taken by the irrigation department exercising statutory authority under the Northern India Canal and Drainage Act, 1873.

The Commissioner, Meerut Division, Meerut and the Commissioner, Saharanpur Division, Saharanpur are requested to see that the reports as above, are now provided to the Secretary to this Committee by the District Magistrates and the Chief Engineer, Irrigation department, Meerut positively by 10th June, 2019.

Biodiversity Park

Creation of Biodiversity Parks in the distressed area in the Hindon belt as have been created by the Centre for Environmental Management of Degraded Ecosystems (CEMDE) of University of Delhi- a Centre of Excellence of the MoEF &CC, is one of the components of directions by Hon'ble NGT in OA No. 231 of 2014 & OA No. 66 of 2015-Doaba Paryavaran Samiti Vs. State of U.P. & Ors. This Committee has been seriously trying to motivate the officers but

nothing positive has come up. The Muzaffarnagar Development Authority has expressed its inability due to fiscal constraint. The reply from Meerut Development Authority is absolutely unenthusiastic. The only silvery statement has come from the DM, Baghpat who in his report has expressly indicated that the process for identification of land for creation of biodiversity park in Baghpat district has been initiated and the Sub Divisional Magistrates, Baghpat/Baraut/Khekda have been duly instructed. We wish and trust that the DM, Baghpat would come with some further positive steps by the next meeting in June, 2019.

In this milieu the matter is referred to the Commissioner, Meerut and Saharanpur Divisions, Chief Executive Officers of Noida and Greater Noida Development Authorities and all District Magistrates in Meerut and Saharanpur Divisions, who would plan the matter dynamically & come with concrete proposals by 10th June, 2019.

The report of the DM, Baghpat also articulates that the villagers colonized in the villages alongside Hindon River have been motivated not to use pesticides/fungicides etc. and chemical fertilizers. They have also been motivated and trained to use bio-manure/compost and opt organic farming. The report also provides that one vermi-compost unit has been setup in each of the 44 villages colonized alongside Hindon in Baghpat district. Further, soil Health Cards after soil testing have been issued to 24,273 villagers in 44 villages colonized alongside Hindon River with a view to ensure controlled use of chemical fertilizer as per the advice. We appreciate the steps so undertaken. We request the **DM, Baghpat** to please have impact

assessment survey done to work out decline, if any, in use of the chemical fertilizers & pesticide/fungicide and other chemical preparations for elimination of weeds etc. We expect that the impact assessment survey report is provided, if possible, to the Secretary of this Committee by 10th June, 2019.

Hon'ble the Chairman drew attention of all the partakers stating that the action plan that has been approved by Hon'ble NGT vide order 15.03.2019 expressly deals interalia with source control of the effluent and sewage. For convenience of all germane segments is extracted as below:

“Source control

Source control includes industrial pollution control and treatment and disposal of domestic sewage as detailed below:-

(a) Industrial pollution control

- i) Inventorisation of industries
- ii) Categories of industry and effluent quality
- iii) Treatment of effluents, compliance with standards and mode of disposal of effluents
- iv) Regulatory regime.

(b) Channelization, treatment, utilization and disposal of treated domestic sewage.

- i) Identification of towns in the catchment of river Hindon and estimation of quantity of sewage generated and existing sewage treatment capacities to arrive at the gap between the sewage generation and treatment capacities;
- ii) Storm water drains now carrying sewage and sullage joining river Hindon and interception and diversion of sewage to STPs
- iii) Treatment and disposal of septage and controlling open defecation

- iv) Identification of towns for installing sewerage system and sewage treatment plants.

**4.2 River catchment/Basin management-
Controlled ground water extraction and
periodic quality assessment**

- i) Periodic assessment of groundwater resources and regulation of ground water extraction by industries particularly in over exploited and critical zones/blocks.
- ii) Ground water re-charging/rain water harvesting.
- iii) Periodic ground water quality assessment and remedial actions in case of contaminated groundwater tube wells/ bore wells or hand pumps.
- iv) Assessment of the need for regulating use of ground water for irrigation purposes.

4.3 Flood Plain Zone.

- (a) Regulating activities in flood plain zone.
- (b) Management of Municipal, Plastic, Hazardous, Bio-medical and Electrical and Electronic wastes.
- (c) Greenery development- Plantation plan.

4.4 Ecological/Environmental Flow (E-Flow)

- (a) Issues relating to E-Flow
- (b) Irrigation practices.”

The Chief Engineer, UP Jal Nigam, Ghaziabad informs that projected population in the year 2050 has been taken into account and plans for STPs have been drawn accordingly. This matter shall be deliberated comprehensively in the next meeting. The Chief Executive Officers i.e. Nagar Ayukts and Executive Officers, manning the Nagar Nigams and Nagar Palika Parishads shall also join in the deliberations with every single statistic concerning each aspect of the sewage management.

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 also in .doc format) with supporting material (duly tagged and indexed) be provided to Sri Pramod Kumar Goel, Secretary in four legible copies by 10th June, 2019. The Nodal Officer (Principal Secretary, Environment Department, Uttar Pradesh) would please immediately circulate hard copies to all concerned.

Meeting ended with vote of thanks to the Chair.

(J. Chandra Babu)
09.05.2019

(Justice S.U.Khan)
09.05.2019