

Item No. 04

Court No. 1

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

Original Application No. 496/2016
(Earlier O.A.No.253/2015)

Tribunal on its own motion

Applicant

Versus

Govt. of NCT of Delhi & Ors

Respondent(s)

Date of hearing: 22.01.2021

**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**

Respondent: Mr.H.S. Phoolka, Senior Advocate with Ms. Sakshi Popli, Advocate for
DJB
Mr. Rajkumar, Advocate for CPCB
Mr. Balendu Shekhar, Advocate for EDMC
Mr. Dhru Tamta, Advocate for DDA
Mr. A.K. Prasad, Advocate for Ministry of Jal Shakti

ORDER

1. Issue taken up for consideration in the present matter is the water management in Delhi, including Rain Water Harvesting (RWH), revival of water bodies, use of treated water and control of illegal extraction of ground water. The problem of contamination of ground water in Delhi was highlighted in a news item dated 19.06.2015 in the Hindustan Times which led to initiation of proceeding by this Tribunal. On 10.12.2015, the Tribunal constituted a Committee headed by Special Secretary (Environment), Delhi to take remedial action. The Committee gave its status report on 09.09.2016 recommending comprehensive ground water management plan covering RWH systems, use of treated water for ground

water recharge and regulation of extraction of ground water, apart from revival and rejuvenation of water bodies.

2. The Tribunal by the order dated 30.08.2018, constituted an independent Monitoring Committee headed by Justice S.P. Garg, former Judge of Delhi High Court to oversee issues relating to water management in Delhi. The Committee has already furnished its reports dated 18.02.2019, 31.07.2019 and 19.12.2019 which were dealt with respectively by orders dated 19.02.2019, 11.09.2019 and 03.02.2020. By order dated 11.09.2019, the Tribunal sought a report from the CPCB about status of restoration of water bodies as well as setting up of RWH systems throughout India which was directed to be filed in O.A. No. 325/2015, *Lt. Col. Sarvadaman Singh Oberoi v. UOI & Ors.* dealing with the issue of restoration of water bodies throughout India.

3. Vide order dated 03.02.2020, on consideration of the report the Committee headed by Justice S.P. Garg, former Judge of Delhi High Court in respect of compliance status in Delhi, and the report dated 19.12.2019 filed by the CPCB with regard to the status of RWH throughout India, the Tribunal directed further monitoring and also laid down an interim compensation regime against failure to revive the water bodies by land owning agencies (upto 31.03.2021), for failure to install RWH systems by the institutions responsible for the purpose, for illegal extraction of ground water and for failure to use the treated water (after 31.03.2021). The relevant discussion and operative part of the order are:-

“1to7..xxx.....xxx.....xxx

8. ***In pursuance of direction (vi) above, a joint report has been submitted by the CPCB to the effect that six States have furnished status reports on implementation of rain water harvesting systems while the remaining States are yet to furnish their action plans in the matter. We are informed that action plans of all the States are likely to be available within***

next one month. The same may be filed in O.A. No. 325/2015 as already directed.

9. The Committee headed by Justice S.P Garg, former Judge, Delhi High Court has filed its third report dated 19.12.2019. With regard to rain water harvesting system, the highlights of the report are:

- The DMRC needs to set up RHS at various locations. The DMRC as per report dated 31.10.2019 installed such systems at 185 out of 236 locations. At 45 locations, it was not found feasible. Further steps were underway.
- Out of 44 Government schools in NDMC, RWH system was functional in 30. Further action was in progress.
- In SDMC area, the deadline was fixed for 64 schools and further work was in progress.
- In EDMC, RWH system was in existence in 217 out of 231 schools and further work was in progress.
- RWH systems were also installed in 65 community halls and similar steps were initiated in 70 private schools and colleges under Directorate of Education.
- RWH systems were completed in 699 out of 740 institutions in schools and colleges, under Higher Education Department further steps were being taken.
- In North DMC, RWH systems were completed in 455 out of 568 primary schools and some further work was being carried out.
- In PWD, at 149 out of 339 locations, RWH systems were completed. Further work was also being undertaken.
- Out of 1048 buildings maintained by the PWD, RWH systems were functional in 756 and at other locations also steps were being taken.
- Steps were being taken for RWH systems in buildings occupied by the Police Department, hospitals, dispensaries, DTC and Railways.
- In Delhi Urban Shelter Improvement Board (DUSIB) out of 129 locations, RWH system existed in 39 locations.
- Delhi Jal Board has set up RWH system at 368 locations and has mapped 4800 schools and colleges.
- DDA has RWH system at 324 locations so far and is planning to cover other locations also.
- DTTDC has RWH systems at 9 locations.

10. On the subject of revival of water bodies, **action plans have been prepared by the DJB, DDA, I&FC and ASI. 10 water bodies belonging to DDA may be revived within three months and thereafter 10 water bodies every three months so that 60 water bodies are revived in a year. The DDA has given NOC for revival of 20 water bodies to DJB. 91 water bodies will be revived by the DDA in a time bound manner.**

11. With regard to preventing uncalled for extraction of ground water for horticulture purposes, it is mentioned that tube-wells/bore-wells will be closed and only treated water will be used for horticulture purposes. A time bound action plan has been indicated.

12. Steps have also been indicated for preventing encroachments of water bodies by demarcation and other steps. The water bodies newly created in Yamuna flood plains i.e. in Golden Jubilee Park and

in Ghonda Gujran Khader areas (6 in number) will be surveyed, demarcated and entered in the revenue records within next 3 months. Status of restoration of other water bodies has also been given. 95 water bodies have been taken up for revival by Irrigation and Flood Control Department (I&FC) out of which 11 will be revived by September, 2020. Wet land system based on SWAB (Scientific Wet Land with Activated Bio-digester) Technology on the left bank of Bawana Escape Drain between RD-9700 M to RD-9970 M to treat 1 MLD of waste water of Ghoga Drain in North-West Delhi has been set up. Water bodies under ASI are to be revived either by ASI itself or by the DJB. Out of 11, 3 are to be revived by the DJB for which NOC has been given and the remaining by the ASI. 155 water bodies under the Delhi Jal Board are to be revived by CSIR-NEERI and IIT Delhi. Revival of 22 such water bodies will be completed by June, 2020 and 24 such water bodies will be revived by 31.07.2020, 18 water bodies by October, 2020. There is plan for revival of remaining water bodies. The Committee has also mentioned the progress made by the DJB with reference to different locations.

13. *The report also mentions the steps taken for sealing of illegal bore-wells, including 400 tube-wells in Patparganj industrial area.*

14. *Since the same Committee was requested to oversee compliance of environmental norms by entities organizing various functions, the progress on the said issue is also mentioned but the same may be dealt with separately in the concerned matter.*

The summary in the report is as follows:

“SUMMARY

- *There is remarkable progress in implementation of RWH Systems in schools and colleges. Barring few, all the schools and colleges have adequate and functional RWH Systems.*
- *After successful implementation of RWH Systems in schools and colleges, the Monitoring Committee concentrated upon implementation of RWH Systems in various other buildings under DDA, DJB, PWD, DMRC, DTTDC, DUSIB. Substantial progress has been shown by these bodies. Number of buildings now have RWH Systems in place. In other buildings, RWH Systems is under construction and action plan has been chalked out for completing the same.*
- *The Monitoring Committee is now concentrating for implementation of RWH Systems in buildings under DTC, Railways, Group Housing Societies, Hospitals, Private Industries etc.*
- *Monitoring Committee has visited several water bodies. Some of the water bodies have been revived. Some are in the process of revival. The DJB, DDA and I&FC have furnished action plan for revival of the water bodies under their jurisdiction in a time bound period. The Monitoring Committee shall supervise the implementation. The Monitoring Committee*

intends to visit sites where the work of revival of water bodies is being undertaken and is in progress.

- *DDA has been impressed upon to fill water body at Ashoka Park with treated water either by transportation from Okhla plant through tankers or by connecting STP line for which connection has been permitted by DJB.*
- *Monitoring Committee shall ensure that Satpula Lake near District Court, Saket is revived in a time bound period with landscaping. It will be a tourist spot surrounded by monuments. Water body at Gogha is on verge of complete revival. Water has been filled in this water body by laying a pipeline near the wetland system. The water body is full of water. On persuasion by Monitoring Committee DSIIDC has already given permission for landscaping of the water body to I&FC. The work is to be allotted soon.*
- *The Monitoring Committee shall coordinate among various government departments, NEERI and concerned DMs to remove difficulties in revival of the water bodies.*
- *The Monitoring Committee has already involved the concerned District Magistrates for sealing illegal tube-wells/bore-wells. DDA and other land owning agencies have been directed to stop extraction of water through tube-wells/bore-wells in the parks for horticulture purposes and to use treated water.*
- *The Monitoring Committee shall supervise implementation of plan for carrying out the work in Patparganj Industrial Area to provide DJB water. It will enable 400 tube-wells presently being used for extraction of groundwater to be closed.*
- *The Monitoring Committee shall review the steps taken by Urban Development Department for implementation of the directions given by Hon'ble NGT in O.A. No. 400 of 2017.*
- *Area in Lutyen Zone has been surveyed to assess the water level position. The comprehensive report has been prepared by Central Ground Water Body.*
- *PWD was persuaded to provide net/mesh to prevent people standing on the road to throw garbage in the water body at Neela Hauz Khas as requested by Prof. Babu. The PWD has since provided the said protection.*
- *The Monitoring Committee had wider consultations with senior officers i.e. Vice Chairman, DDA, Secretary, Urban Development, CEO DJB and I&FC, Member (Water) Scientist of NEERI. They have been persuaded to implement the directions of the Hon'ble NGT and the Monitoring Committee in letter and spirit in a time bound period. The contractors to whom the work has been allotted were called and persuaded to complete the projects in the allotted time period.*

15. We take the report on record and record our appreciation for the outstanding work executed by the Committee. We request the Committee to further monitor the compliance on the subject. The report may be placed on the website of the Tribunal and the CPCB for a period of 2 months. Further report may be furnished within three months preferably by 30.04.2020 by email at judicial-ngt@gov.in.

16. Before parting with this order, we are of the view that *having regard to significance of issues dealt with that is revival of water bodies in view of their potential for recharge of ground water, which in turn impacts water availability in river Yamuna, preventing illegal extraction of ground water to preserve the ground water table, rain water harvesting systems having impact on ground water table and use of treated water (from STPs) for secondary purposes, to increase availability of potable water, it may be necessary to consider compensation regime with a view to ensure sustainable development and inter-generational equity. Accordingly, we lay down such regime as an interim measure as follows:-*

(i)	Failure in revival of water bodies by the land owning agencies till 31.03.2021.	@ Rs. 50,000/- per month payable to and to be recovered by CPCB who may notify such agencies within one month about this direction.
(ii)	For failure to install rain water harvesting systems by the institutions responsible for such failure.	As per earlier order dated 16.11.2017 in O.A. No. 217 of 2016 Mahesh Chandra Saxena Vs. The Ministry of Urban Development & Ors. @Rs. 5 Lakh per institution required to be paid by educational institutions in terms of the said order will apply to all such institutions as may be specified by the Committed and the amount will be payable to and to be recovered by DJB who may notify such institutions within one month about this direction.
(iii)	Illegal extraction of ground water by the person doing so.	As per earlier order dated 11.09.2019 in O.A. No. 176/2015, Shailesh Singh v. Hotel Holiday Regency as per formula suggested by CPCB payable to and to be recovered by DJB who may notify all concerned by a general order on its website or otherwise

		<i>within one month about this direction.</i>
(iv)	<i>For failure to use treated water for secondary purposes after 31.03.2021 and use of fresh in lieu thereof by the DJB.</i>	<i>@Rs. 1 Lakh per month per STP payable to and to be recovered by CPCB who may notify all concerned by a general order on its website or otherwise within one month about this direction.</i>

4. Accordingly, further reports have been filed by the CPCB as well as the Monitoring Committee headed by the Justice S.P. Garg, former Judge of Delhi High Court.

5. The report of the CPCB dated 29.10.2020 is in two parts. **First part deals with the issue of restoration of water bodies in terms of order of this Tribunal dated 01.06.2020 in O.A. No. 325/2015 supra. The second part of the report give the status of rain water harvesting systems in terms orders dated 11.09.2019 and 03.02.2020. Since the same report was also filed in OA 325/2015, the same already stands dealt with vide order dated 18.11.2020 in the said matter.** Directions have been issued on the subject of restoration of water bodies as well as rain water harvesting systems. We also note that the issue of treated water stands dealt with in OA 148/2016 Mahesh Chandra Saxena vs. South Delhi MC, vide order dated 11.9.2020 leaving further consideration of the issue to be in OA 593/2017 and OA 673/2018. The issue of illegal extraction of ground water has been dealt with vide order dated 20.7.2020 in OA 176/2015, Shailesh Singh vs. Hotel Holiday Regency. These issues do not require any separate orders in this matter. Operative part of the order dated 18.11.2020 in OA 325/2015 is reproduced for ready reference:

“1 to 4....xxx.....xxx.....xxx

5. The Tribunal noted the need for conservation of water bodies throughout India for healthy environment, particularly in the light of judgment of the Hon'ble Supreme Court in *Hinch Lal Tiwari v. Kamala Devi & Ors.* (2001) 6 SCC 496. The Tribunal observed that under Public Trust Doctrine, the State has to maintain and restore the water bodies. This inter-alia helps availability of water, protection of aquatic life, maintaining micro climate, recharge the ground water and e-flow of the rivers. In view of mandate of law laid down by the Hon'ble Supreme Court and the NGT Act, 2010, the Tribunal directed all States/UTs to take up the task of restoration of the water bodies in their respective jurisdiction and the Chief Secretaries of all States/UTs to oversee the compliance in the course of monitoring compliance of waste management rules and other significant environmental issues for which separate directions were issued by this Tribunal (in OA 606/2018) in the light of directions of the Hon'ble Supreme Court. Further directions of this Tribunal (in OA 673/2018) related to remedial action for abatement of 351 identified polluted river stretches which were also to be monitored by the Chief Secretaries. A Central Monitoring Committee (CMC) comprising Secretary Ministry of Jal Shakti with CPCB and other authorities were to monitor compliance at National level. A status report was directed to be compiled and filed by the CPCB. Operative part of order dated 10.5.2019 is reproduced below:

“13. Thus, to give effect to ‘Precautionary’ principle and ‘Sustainable Development’ principle, we direct all the States and UTs to review the existing framework of restoration all the water bodies by preparing an appropriate action plan. Such action plans may be prepared within three months and a report furnished to the CPCB. The CPCB may examine all such plans and furnish its comments to this Tribunal within two months thereafter. The Chief Secretaries of all the States/UTs in the course of undertaking monitoring exercise in pursuance of the order of this Tribunal in O.A No. 606/2018, Compliance of MSW Rules, 2016, may also include restoration of water bodies as one of the items as the same is also incidental to waste management which are covered by orders in O.A No. 606/2018, Compliance of MSW Rules, 2016.

14. The CPCB may prepare and place on its website guidelines in the matter of restoration of water bodies in the light of above order within one month.

15. The matter may also be monitored by Central Monitoring Committee constituted in terms of order dated 08.04.2019 in O.A No. 673/2018, News item published in “The Hindu” authored by Shri Jacob Koshy titled “More river stretches are now critically polluted: CPCB, as this matter is connected to the steps required for remedying the polluted river stretches as already explained.”

6to7..xxx.....xxx.....xxx

8.....**The CPCB report points out the need for making a proper and centralized inventory of water bodies, and assessment of their water quality; the absence of a single nodal agency to oversee the management of restoration of polluted water bodies, and water harvesting; and recommends**

that the relevant Central Ministries, especially MoJS, play an increased and major role in implementation and oversight.

9to12...xxx.....xxx.....xxx

13. Finally, the CPCB has given following suggestions:-

xxx.....xxx.....xxx

“7.0 Suggestions

- **As multiple agencies or State Departments/UT Administration Departments are involved in implantation of policies related to Rain Water Harvesting (RWH), information provided by different departments of the State/UT are not corroborating with each other leading to confusion. All the States/UTs shall nominate single Nodal Department for implementation of policies relating to rain water harvesting system.**
- **Every ULBs should have one Rain Water Harvesting cell in place to regulate and monitor the Rain Water Harvesting related activities effectively.**
- **Ministry of Housing & Urban Affairs (MoHUA), Central Ground Water Authority (CGWA) and Department of Water Resources (DoWR), Ministry of Jal Shakti (MoJS) should play a major role in ensuring implementation of policies relating to rain water harvesting in the Country with a mutual co-ordination and for providing requisite guidance and necessary initiatives for ensuring compliance to Hon'ble NGT orders passed in the matter of Tribunal in its Own Motion Vs Government of NCT of Delhi & Ors in OA No 496/2016 in connection with Rain Water Harvesting and Ground water recharging for water conservation.**
- **Presently, provisions for Rain Water Harvesting (RWH) Systems are incorporated mainly under Building Bye-Laws by the States/UTs/ULBs. There is a need to enact legislation/law by various States/UTs as done by Tamil Nadu to make RWH measures mandatory.”**

xxx.....xxx.....xxx

15. The Committee has thereafter made following recommendations:-

(1) to (5)..xxx.....xxx.....xxx

(6).... Development of Bio Diversity Parks in the vicinity of rivers lead to continuous recharge of aquifers and maintenance of E Flow of the rivers. It has been put to notice that project of Biodiversity parks was submitted to

NMCG but could not get approved due to shortage of funds. The Committee recommends re-formulation of project by Forest Department after in-depth analysis of such projects in other states viz. Wetland park in Delhi and taking technical advice from experts.

16As already noted, protection of water bodies serves great public purpose and is essential for protection of the environment. It helps not only aesthetics but also water availability, aquatic life, micro climate, recharge of ground water and maintaining e-flow of the rivers. Under the Public Trust Doctrine, the State has to act as trustee of the water bodies to protect them for the public use and enjoyment for current and future generations. We may note the observations of the Hon'ble Supreme Court on the subject which are as follows:

i. **State of T.N. v. Hind Stone, (1981) 2 SCC 205, at page 212:**

"6. Rivers, Forests, Minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation."

ii. **Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496, at page 500:**

"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution."

iii. **T.N. Godavarman Thirumulpad v. Union of India, (2002) 10 SCC 606, at page 628:**

...
33. ... As was observed by this Court in *M.C. Mehta v. Kamal Nath* our legal system based on English common law includes the public trust doctrine as part of its jurisprudence. **The State is the trustee of all natural resources which are by nature meant for public use and enjoyment.** The public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. **The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership."**

iv. **Intellectuals Forum v. State of A.P., (2006) 3 SCC 549, at page 574:**

“75. In *M.C. Mehta v. Kamal Nath & Ors.* (1997) 1 SCC 388, Kuldeep Singh, J., writing for the majority held:

“34. Our legal system ... includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. ... The State as a trustee is under a legal duty to protect the natural resources.”

76. The Supreme Court of California, in *National Audubon Society v. Superior Court of Alpine Country* also known as *Mono Lake* case summed up the substance of the doctrine. The Court said:

“Thus, the public trust is more than an affirmation of State power to use public property for public purposes. It is an affirmation of the duty of the State to protect the people’s common heritage of streams, lakes, marshlands and tidelands, surrendering the right only in those rare cases when the abandonment of the right is consistent with the purposes of the trust.”

This is an articulation of the doctrine from the angle of the affirmative duties of the State with regard to public trust. Formulated from a negatory angle, the doctrine does not exactly prohibit the alienation of the property held as a public trust. However, when the State holds a resource that is freely available for the use of the public, it provides for a high degree of judicial scrutiny on any action of the Government, no matter how consistent with the existing legislations, that attempts to restrict such free use. To properly scrutinise such actions of the Government, the courts must make a distinction between the Government’s general obligation to act for the public benefit, and the special, more demanding obligation which it may have as a trustee of certain public resources [Joseph L. Sax “The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention”, Michigan Law Review, Vol. 68, No. 3 (Jan. 1970) pp. 471-566]. According to Prof. Sax, whose article on this subject is considered to be an authority, three types of restrictions on governmental authority are often thought to be imposed by the public trust doctrine [ibid]:

- 1. the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;**
- 2. the property may not be sold, even for fair cash equivalent;**
- 3. the property must be maintained for particular types of use (i) either traditional uses, or (ii) some uses particular to that form of resources.”**

v. ***Jitendra Singh v. Ministry of Environment & Ors., 2019 SCC Online 1510 pr 20***

“....
20. **Waterbodies, specifically, are an important source of fishery and much needed potable water. Many**

areas of this country perennially face a water crisis and access to drinking water is woefully inadequate for most Indians. Allowing such invaluable community resources to be taken over by a few is hence grossly illegal.”

17. In NGT order dated 27.08.2020 in OA 351/2019, *Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.*, it was observed:

9. There is discussion in the media about inadequacy of monitoring of action for restoration of lakes, wetlands and ponds which is certainly necessary for strengthening the rule of law and protection of public health and environment¹. Several directions have been issued by the Hon’ble Supreme Court in *M.K. Balakrishnan and Ors. v. UOI & Ors.*²”

18. We also note that the Ministry of Urban Development, Government of India, Central Public Health and Environmental Engineering Organization (CPHEEO) has issued an advisory on **“Conservation and Restoration of Water Bodies in Urban Areas”³** in August, 2013 which need to be followed. The matter was also considered by the Standing Committee on Water Resources (2015-16), Sixteenth Lok Sabha. Its Tenth Report has been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation under the heading **“Repair, Renovation and Restoration of Water Bodies-Encroachment on Water Bodies and Steps Required to Remove the Encroachment and Restore the Water Bodies”⁴** in August, 2016. Further, the **“Guidelines for the Scheme on Repair, Renovation and Restoration (RRR) of Water Bodies under PMKSY (HKKP)”⁵** have been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation, Govt. of India in June, 2017. The said report also provides useful material to be looked into by the enforcement agencies.

19. As regards, report of the CPCB on the subject of rain water harvesting, it appears that CPCB has not appreciated the direction of this Tribunal on the subject. While rain water harvesting may be required in all buildings and other places in urban areas, in the present context, the Tribunal has directed setting up of such facilities in sub water sheds along ponds for utilization of surplus rain water for restoration of the ponds which have become dry and for augmenting other ponds.

¹ <https://gradeup.co/lakes-in-india-i-4b99dc80-f6ce-11e7-9d78-07a242af4480>
<http://www.saconenvis.nic.in/publication/Lake%20Protection%20and%20Management%20of%20Urban%20Lakes%20in%20India.pdf>
http://www.worldlakes.org/uploads/Management_of_lakes_in_India_10Mar04.pdf

² (2017) 7 SCC 805

³ <http://mohua.gov.in/upload/uploadfiles/files/Advisory%20on%20Urban%20Water%20Bodies.pdf>

⁴ http://164.100.47.193/lsscommittee/Water%20Resources/16_Water_Resources_10.pdf

⁵ http://pmksy-mowr.nic.in/documents/RRR_PMKSY_Guidelines_2017.pdf

20. There is, thus, need for continuous planning and monitoring at National, State and District levels. Suggestions and observations of CPCB and the Oversight Committee need to be acted upon.

21. As suggested by the CPCB, a single agency needs to be set up in every State/UTs within one month. This work may either be assigned to the Wetland Authority of the State or the River Rejuvenation Committee or to any other designated authority such as the Secretary, Irrigation and Public Health/Water Resources. It is made clear that if the State Wetland Authority is to be assigned the task of protection of all water bodies, this task will be in addition to the normal functioning of the State Wetland Authority under the Wetland (Conservation and Management) Rules, 2017. Such nodal agency must call a preliminary meeting on the subject with all the District Magistrates on or before 31.01.2021 to take stock of the situation and to plan further steps. Thereafter, a regular meeting may be held for periodic monitoring at the District level as well as the State level with the identified targets of proper and scientific identification and protection of all water bodies, assigning unique identification number, removing encroachments, preventing dumping of waste, maintaining water quality and restoration by taking other appropriate steps, involving the Panchayats and the community, utilizing the financial resources available from different sources. Steps taken need to be documented and compiled and reported to a central authority, preferably the CPCB. This Tribunal has already constituted a CMC to be headed by the Secretary, MoJS with the assistance of CPCB and other authorities to monitor remedial action for 351 polluted river stretches. **Restoration of water bodies is also a connected issue which can be monitored by the same Committee atleast thrice a year at the national level.**

Directions

22. Accordingly, we dispose of this application with following directions:

- (i) **All States/UTs may forthwith designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated.**
- (ii) **Under oversight of the Chief Secretaries of the States/UTs, the designated nodal agency may**
 - a. **Hold its meeting not later than 31.1.2021 to take stock of the situation and plan further steps, including directions to District authorities for further course of action upto Panchayat levels and to evolve further monitoring mechanism as well as Grievance Redressal Mechanism (GRM).**
 - b. **Submit periodical reports to the CPCB/Secretary Jal Shakti, Government of India. First such report may be furnished by 28.02.2021.**
- (iii) **The CMC for monitoring remediation of 351 polluted river stretches, headed by the Secretary, MoJS may monitor the steps for restoration of water bodies by all the States periodically, atleast thrice in a year. First such monitoring may take place by 31.3.2021.**

(iv) The CMC may give its action reports to this Tribunal in OA 673/2018 and first such report may be furnished preferably by 30.4.2021 by e-mail.”

6. We may also reproduce the discussion and operative part of the order dated 21.09.2020 in OA 148/2016, *Mahesh Chandra Saxena vs. South Delhi Municipal Corporation & Ors.* on the subject of utilization of treated water for secondary purposes are as follows:

“30. The issue of utilization of sewage treated water is incidental to setting up and operation of STPs. In view of shortage of clean water for drinking purposes, use of treated water for secondary purposes results in more clean water being available for drinking purposes. In absence of proper planning, fresh water is used for secondary purposes, which needs to be avoided. Vide order dated 11.09.2019, the Tribunal noted:

“1. Delhi is an urbanized city state having a population of about 20 millions which is expected to increase to 23 million by the year 2021. Present total water requirement for domestic purposes for population of 20 million @ 60 GPCD works out to 1200 MGD. Present average potable water production by Delhi Jal Board is about 936 MGD and includes about 80-85 MGD of ground water. Thus, there is a gap of 204 MGD. Only 81.3 households have piped water supply. Reuse of water both in domestic and industrial sectors is essential. Around 150 billion liters of sewage water is produced in India annually. 70% of Singapore drinks treated sewage water.⁶ There appears to be no satisfactory plan with any of the States/Union Territories (UTs) in the country. This Tribunal monitored the matter with reference to the NCT of Delhi for more than two years and passed several orders.

2. Finally, on 27.11.2018, the Tribunal considered the report of the Delhi Jal Board (DJB) dated 16.11.2018 to the effect that 460 MGD waste water was being treated but reuse of such water was not being ensured.

3. As per CPCB’s report 2016⁷, it has been estimated that 61,948 million liters per day (mld) sewage is generated from the urban areas of which treatment capacity of 23,277 mld is currently existent in India. Thereby the deficit in capacity of waste treatment is of 62%. There is no data available with regard to generation of sewage in the rural areas. To remedy this situation orders

⁶ Second interim report dated 31.07.2019 of Monitoring Committee constituted under O.A. No. 496/2016.

⁷http://www.sulabhervis.nic.in/Database/STST_wastewater_2090.aspx July 16, updated on December 6, 2016

have been passed by the Hon'ble Supreme Court⁸ as well as this Tribunal⁹ directing 100% treatment of the sewage and industrial effluents by installing requisite ETPs/CETPs/STPs. Proper utilization of treated water has implications not only to save potable water but also to prevent illegal extraction of groundwater and conservation of water bodies. Timelines have been laid down for ensuring treatment of sewage and effluents for preventing pollution of river Ganga¹⁰ as well as other polluted river stretches which will result in more treated water being available.

4. Having regard to the necessity to ensure utilization of treated waste water to reduce pressure on the ground water resources throughout the country, the Tribunal directed all the States/UTs in India to prepare and furnish their action plans within three months to the Central Pollution Control Board (CPCB) so that CPCB could review the same and issue further directions.

5. Report dated 01.05.2019 furnished by the CPCB was considered by this Tribunal on 10.05.2019 and it was noted that some of the States did not furnish their action plans and the action plans furnished by some of the States needed improvements. The Tribunal directed that the States/UTs which had not yet furnished their action plans may do it by 30.06.2019 and such action plans may have monitoring mechanism for coordination with the local bodies which will be the responsibility of the Chief Secretaries of the States/UTs.

6.

“7. It is well known that absence of plan for reuse of treated water affects recharge of ground water and also results in fresh water being used for purposes for which treated water can alternatively be used. Proper plans for reuse of waste water can add to availability of potable water which is many times denied this basic need or has to travel long distances to fetch clean water. This being a substantial question of environment, direction is issued to the States/UTs which have not yet submitted their action plans to do so latest by 30.06.2019, failing which the Tribunal may have to consider coercive measures, including compensation for loss to the environment. The plans may include a monitoring mechanism in the States for coordination with the local bodies. This will be the responsibility of the Chief Secretaries of all the States/UTs.

8 The issue is also connected with the rejuvenation of 351 river stretches. The States/UTs may include this subject in the deliberations with the Central Monitoring Committee constituted in terms of orders dated 08.04.2019 in O.A. No. 673/2018, News item published in *The Hindu* authored by

⁸ Paryavaran Suraksha Samiti Vs. Union of India, (2017) 5 SCC 326

⁹ Paryavaran Suraksha Samiti Vs. Union of India, O.A No. 593/2017 order dated 28.08.2019

¹⁰ O.A No. 200/2014

*Shri Jacob Koshy titled More river stretches are now critically polluted CPCB and order dated 24.04.2019 in O.A.606/2018, Compliance of Municipal Solid Waste Management Rules, 2016. **The Chief Secretaries may also include this subject in their reports to this Tribunal in pursuance of orders passed in O.A. No. 606/2018 on 16.01.2019 and further orders in their presence.***

31. The report of the CPCB dated **15.05.2020** was considered on 21.05.2020, wherein the gap analysis was given as follows:

“3.0 GAP ANALYSIS

As per Hon'ble NGT Directions dated 10.5.2019, suggestive measures for action plan for use of treated sewage was uploaded on CPCB's website. The same was also sent to all States/UTs vide letter dated 16.07.2019. CPCB had directed all States / UTs to cover the following action points in the Action Plan to be prepared for use of treated sewage:

- i. Estimation of quantity of present and projected sewage generation,*
- ii. Estimation of Present and planned treatment capacity*
- iii. Identification of Bulk users (Irrigation, horticulture, Industries, PWD and Railways etc) and to quantify the usage*
- iv. Estimation of quantity of treated sewage to be used by the bulk users*
- v. Specification time lines to meet the target.*

Accordingly, action plan submitted by 31 States / UTs were assessed based on its adequacy in addressing the above-mentioned points. The overview of the assessment is given in Table-1. Following are the major observations based on the assessment:

- i. 06 States/ UTs (Andhra Pradesh, Delhi, Puducherry, Haryana, Tamil Nadu, Madhya Pradesh) have addressed all the five action points as listed above in their action plan.***
- ii. 10 States/UTs have partially addressed the above-listed action points in their action plan. 09 States / UTs (Gujrat, Chhattisgarh, Jharkhand, Goa, Daman & Diu, Dadar Nagar Havelli, Jammu and Kashmir, Maharashtra and Rajasthan) have identified bulk users However, quantity of treated sewage to be used by these bulk-users as well as timelines for meeting these targets have not been specified. Chandigarh has not estimated the presented / projected qty of Sewage generation and not specified timelines for meeting the target.***
- iii. 08 States / UTs (Assam, Bihar, Himachal Pradesh, Mizoram, Nagaland, Meghalaya, Orissa and West***

Bengal) have submitted very limited information in the action plan.

- iv. Action plan received from 03 States (Kerala (Trivandrum), Karnataka (Bangalore), Telangana (Hyderabad) are city specific. Action plan for treated sewage reuse in the state not provided.***
- v. Apart from above, it has been informed 4 States / UTs that due to local terrain and technical issues and action plan could not be conceptualized., 02 UTs (Lakshadweep, Andaman and Nicobar Islands) do not have STPs and having only septic management. Fecal Sludge Treatment Plant has been planned in these UTs. 02 States (Sikkim, Tripura) have high water table and therefore plan to discharge treated water to rivers.***
- vi. 5 States/ UTs (Arunachal Pradesh, Manipur, Uttar Pradesh, Uttarakhand, Punjab) have not submitted any information.***

CPCB's observations on the action plan submitted by the individual states/UTs have been enumerated in Table 1. Additional observations on the action plan submitted by the States / UTs are as follows:

- i. Only 14 States/UTs (Andhra Pradesh, Daman & Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, J&K, Madhya Pradesh, Maharashtra, Nagaland, Rajasthan, Tripura, Puducherry, A&N) have estimated present quantity of Sewage generated in their States/UTs.***
- ii. Only 3 States/UTs (Haryana, Himachal Pradesh, Jammu & Kashmir) have adequate capacity of Sewage treatment w.r.t to present quantity of sewage generated.***
- iii. Major bulk users identified include- Irrigation, horticulture,, Rejuvenation of water bodies, Construction, Recreation, Railways, Vehicles and Coach washing, firefighting, recreation and industry.***
- iv. 13 States/UTs (Andhra Pradesh, Maharashtra, Chhattisgarh, Goa, Delhi, Rajasthan, Tamil Nadu, Puducherry, Odisha, Madhya Pradesh, Gujarat, Haryana, Jharkhand) plan to use treated sewage in industries which include Steel Plant, Thermal Power Plant, Refineries and Railways.***
- v. Percentage of reuse of treated sewage planned maximum in Haryana (80 %) followed by Puducherry (55 %), Delhi (50 %), Chandigarh (35 %),***

Tamil Nadu (25%), Madhya Pradesh (20 %), Andhra Pradesh (5 %).

- vi. NCT of Delhi has set target to increase their re usage from 12.5 % to 60 %. In future, utilization of 341 MGD treated sewage are proposed for drinking purpose (197 MGD), Irrigation (112 MGD) and 10 MGD in rejuvenation of water bodies.**
- vii. Time-line specified by States/UTs for implementation of Action Plan varies between 2020 -2030.”**

(emphasis supplied)

32. The Tribunal issued following directions:

“24. Accordingly, we direct that States which have not addressed all the action points 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. All the States may take steps accordingly. The CPCB may compile further information on the subject. The compliance for action plans will be the responsibility of the Secretaries of Urban Development/other concerned, including Irrigation & Public Health, Local Bodies, Rural Development Departments of all the States/UTs and to be overseen by the Chief Secretaries. The Ministry of Jal Shakti and Ministry of Housing and Urban Affairs, Government of India may also monitor and coordinate the situation appropriately in the interest of water qualities of rivers, lakes, water bodies and protection of groundwater.”

Review of CPCB Report dated 16.09.2020

33. **Accordingly, the CPCB has filed its report dated 16.09.2020 detailing the compliance status as follows:**

“3.1.1 Compliance status w.r.t. the directions under Para 24 and 26 (iv)

- i. CPCB requested all States/UTs vide email/letter dated 03.06.2020, 24.06.2020 and 24.08.2020 to submit action plans as per the format and compliance reports. Further, CPCB has also provided link of the report submitted to the Hon'ble NGT indicating observations/ shortcomings on action plans of reuse of treated sewage, to the SPCBs/PCCs. A copy of the correspondences is attached at **Annexure-II**.**
- ii. Accordingly, action plan was received from the State of Punjab and revised action plans were received from Jammu and Kashmir (UT), Lakshadweep, Rajasthan (specific to Ajmer district), and Sikkim. Information is awaited from**

other States. **The gap analysis of action plans is attached as Annexure-III.**

iii. 4 States/UTs (Arunachal Pradesh, Manipur, Uttar Pradesh, Uttarakhand) have not submitted any information till date.

3.1.2 Compliance w.r.t. directions under Para 26 (i)

- i. CPCB communicated to all SPCBs/PCCs to provide information on STPs inventory as per the format, vide letter dated 15/07/2020. A copy of letter is attached as Annexure-IV. Based on continuous follow-up, all SPCBs/PCCs have provided information on STPs and same is attached as Annexure-V.
- ii. CPCB vide letter dated 24.08.2020 has requested all States/UTs to submit action plans through online portal of CPCB.”

Going Forward

34. In view of the above reports finding a huge gap in utilisation of sewage treated water, further action needs to be taken by all the States/UTs to ensure updating and enforcement of the action plans for 100% utilization of the treated water for secondary purposes.

35. Since the above issue is interrelated to the issue of operation of STPs, it will be appropriate that **this aspect is also now monitored by the CMC headed by the Secretary, Ministry of Jal Shakti and assisted by the CPCB and NMCG. Ministry of Urban Development may also nominate an officer of not below the rank of Joint Secretary in the said Committee.** OA No. 148/2016 need not be kept pending separately which stands disposed of as the subject will be henceforth considered in OA 593/2017 and OA 673/2018.”

7. We may also quote for ready reference relevant part of the order dated 20.07.2020 in OA 176/2015, *Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.* dealing with the regulation of extraction of groundwater as follows:

“39. In the light of the above discussion, we direct as follows:

- a. MoJS may ensure requisite manning and effective functioning of CGWA so as to ensure **sustainable ground water management** in terms of the Hon’ble Supreme Court mandate by which CGWA was created.
- b. Let CGWA and MoJS comply with the directions of this Tribunal in orders dated 3.1.2019, 7.5.2019 and 11.9.2019, to have a meaningful regulatory regime and institutional

mechanisms for ensuring prevention of depletion and unauthorized extraction of ground water and sustainable management of groundwater in OCS areas. **Regard must be had to water availability and safe levels to which its drawal can be allowed, especially for commercial purposes, based on available and assessed data in each "Assessment unit"**. Procedures for assessment of individual applications and institutional mechanism may be clearly laid down.

- c. As per orders dated 3.1.2019, undertaking an impact study in light of projected data for the next 50 years (in phased manner with action plan decade-wise).
- d. There must be **no general permission for withdrawal of ground water, particularly to any commercial entity, without environment impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee**. Such permission should as per Water Management Plans to be prepared in terms of this order based on mapping of individual assessment units. Any permission should be for specified times and for specified quantity of water and not in perpetuity, and be necessarily subject to digital flow meters which cannot be accessed by proponents, with mandatory annual calibration by authorized agency at proponents' cost. **An annual review by independent and expert evaluation must audit and record ground water levels as well as compliance with the conditions of the permission**. Such audits must be published online for transparency and to track compliance and year-on-year change in ground water levels, and swift action taken against those who fail audit, including withdrawal of permission, blacklisting, initiation of prosecution and recovery of deterrent compensation as per CPCB regime. Records must be maintained online and for a sufficient and reasonable time.
- e. As observed in para **Error! Reference source not found.(a)** and **Error! Reference source not found.(a)** above, **all OCS assessment units must undergo water mapping. Water Management Plans need to be prepared for all OCS assessment units in the country based on the mapping data, starting with Over-exploited blocks. The Water Management Plans, data on water availability or scarcity and policy of CGWA must be uploaded on its website for transparency and public involvement. Such exercise may be done expeditiously, preferably within next three months."**

8. We may now refer to the report dated 20.01.2021 of the Monitoring Committee constituted by this Tribunal headed by Justice S.P. Garg, former Judge of Delhi High Court vide order dated 13.08.2018. The report

deals with the issues of Water bodies, including those under the jurisdiction of DDA, Archaeological Survey of India (ASI), I&FC, New Delhi Municipal Council (NDMC) and DJB; status of New Water Bodies to be created by DJB, Revival of Lakes, status of illegal and unauthorized bore – wells/ tube-wells, use of treated water to curb dust pollution, status of water supply network and renovation of UGR at Patparganj Industrial Area and the issue of appropriate design of RWH systems raised in O.A. No. 166/2020.

9. The summary and suggestions at the end of the report are as follows:-

“SUMMARY/SUGGESTIONS

- 1. The land owning agencies must focus on maximizing the use of treated effluent for rejuvenation of water bodies. Treated water is an important resource which has been neglected for long. Efforts should be made to increase recycle and reuse of treated water thereby decreasing stress on available potable water. Delhi has 20 Waste Water Treatment Plants that treat around 500mgd of waste water of which only 90-95 mgd is utilized in the city.**
- 2. Land owning agencies must ensure that every water body has unique ID for its identification. There should be geo-tagging of the water bodies to prevent encroachment.**
- 3. Awareness among public to set up Rainwater Harvesting System and about its utility should be enhanced. Recently, Rainwater Harvesting System has been set up by Gulmohar Society, Vikaspuri at a cost of Rs.9 lacs with their own funds, considering its utility to save water. As per a newspaper report, similar work is in progress in four other societies.**
- 4. Wastage/misuse of potable groundwater is now a punishable offence. A directive of the CGWB says that violators would face imprisonment up to 5 years or fine which may extend to Rs. 1 lacs or with both, for non-compliance of mechanism to be framed by local civic bodies to implement the order. The Monitoring Committee, in its 37th meeting held on 27.05.2020 discussed order of the Hon’ble NGT dated 15.05.2020 in the matter of O.A. No. 685/2019 titled “Rakesh Kumar v. Government of NCT of Delhi”. This order was directed to**

be brought to the notice of all concerned agencies for implementation. The Hon'ble NGT noted in the order:

“Illegal extraction of groundwater is a criminal offence under the Environment Protection Act. Compensation must be recovered on the formula already laid down. It will be appropriate that Chief Secretary, Delhi calls a meeting of all concerned within one month from today and oversees preparation of an appropriate SOP for fixing responsibility on the subject”.

The Monitoring Committee shall endeavour that a suitable mechanism for preventing extraction of groundwater by illegal tube-well is devised by the concerned agencies and prompt coercive measures are taken.

In O.A. No. 597/2019, Rajendra Tyagi & Anr v. Union of India & Ors., Hon'ble NGT in its order dated 15.10.2019 observed:

“...Overriding environmental law principle of ‘Polluter Pays’ must be invoked by all the regulators to ensure that wastage of water is not profitable and cost of such wastage is recovered which is necessary for restoration of the environment without merely limiting to statutory changes which are no substitute to ‘Polluter Pays’ principle.”

In this case, the petitioner had sought the Tribunal's intervention in curbing wastage of water through running faucets and deep bore-wells, washing and cleaning of vehicles with fresh groundwater, swimming pools, leakages and theft in water transmission and distribution.

5. *As per news published in the Indian Express dated 25.09.2020, it is informed that the Center has notified new guidelines to regulate extraction of groundwater, making it mandatory for new and existing industries, group housing societies and private water supply tankers to get NOC for withdrawal of groundwater. Non-compliance of NOC conditions may attract a penalty between Rs.50,000/- to Rs. 10 lac. It was further informed that the guidelines were notified in the Gazette on September, 24, 2020 and came into force with immediate effect. The guidelines further say extraction of groundwater for commercial use by industries, infrastructure units and mining projects without an NOC will be liable to pay the Environmental Compensation. The guidelines authorize District Authorities to take action. In over exploited assessment units, NOC shall not be granted for groundwater extraction to any new industry except those falling in the MSME category. Installation of STP will be mandatory for all residential apartments/group housing societies where groundwater requirement is more than 20 m³/day for getting NOCs. Expanded compliance conditions in NOC are (i) installed rooftop rainwater harvesting and recharge*

systems in the project area; (ii) pay groundwater extraction/restoration charges based on quantum of groundwater extraction; (iii) construction of purpose built observation wells (Piezometers) for groundwater level monitoring and (iv) wherever feasible, requirement for greenbelt (Horticulture) be met from recycled/treated waste water. Monitoring Committee shall ensure that the guidelines are implemented.

- 6. The agencies should have comprehensive plan to install flow meters at various locations to carry out daily real time monitoring of the city's water supply network. It will help to ascertain as to where and how much water was being leaked or tapped. They will also help to measure the flow and quantity of water passing from a particular point. To make proper assessment of the groundwater recharge, Piezometers should be installed at suitable locations.**
7. Agriculture sector should be brought under the purview of regulation of groundwater use. The Government should explore to provide high quality treated waste water meeting all the parameters prescribed by the Hon'ble NGT to farmers through irrigation cannal network. It will further facilitate to utilize the surplus recycled waste water available with DJB.
- 8. Design of RWH System should be simple, economical and user-friendly. It should not be too expensive to deter people to adopt it. Government should explore possibility to financial assist the needy to set up RWH System. Group Housing Societies should be encouraged to install RWH Systems by granting them incentives.**
- 9. The Monitoring Committee noted during interaction with DMs/SDMs and other Revenue Officers that at the time of sealing of illegal and unauthorized bore-wells, there was resistance by the public/local residents and they were unable to take required action. The main reason for resistance was that the residents did not have any other source of water. It is suggested that DJB should expand its network to provide regular water to the residents to prevent them from indulging in extraction of groundwater by digging bore-wells.**
10. **The water bodies under the jurisdiction of DDA are under pathetic conditions. DDA has not devised any comprehensive plan with dedicated exclusive staff for revival of the water bodies. It has also not allocated exclusive sufficient budget for rejuvenation of water bodies as has been done by DJB. It is expected that the matter will be taken up at the level of Vice Chairman, DDA and an exclusive wing/cell with sufficient staff and budget would be created solely for revival and rejuvenation of water bodies in a time bound action. The targets given by DDA in its status report have not been achieved so far. There should be planned and inclusive growth of water bodies. The Monitoring Committee, in its 35th**

meeting, has brought to the notice of all land owning agencies of the order dated 03.02.2020 of Hon'ble NGT in this very matter O.A. No. 496/16 whereby penalty has been prescribed to be imposed for not reviving the water bodies by a specific date. It is expected that all the land owning agencies shall scrupulously endeavor to achieve the targets within the stipulated period to avoid imposition of fine.

- 11. The land owning agencies shall ensure that exclusive Enforcement Wing to enforce the directions of the Hon'ble NGT and various Hon'ble courts is created. The officers in the Enforcement Wing should prosecute the violators before the court of law. There should not be any laxity in this regard. The agencies must take proper steps to prevent encroachment over the water bodies and legal action should be initiated against the trespassers.”**

10. We have also perused the report filed by the Delhi Jal Board giving the list of unauthorised borewells in the survey conducted in the area of District Magistrate (North). Learned Counsel for the DDA submitted that he was not aware as to what is the issue involved as he has not seen the report of the Committee even though by last order dated 3.2.2020 DDA was specifically expected to take requisite steps for restoration of water bodies under its jurisdiction and the Committee has found the DDA to be non-compliant. Such communication gap in DDA and its Counsel has to be addressed by them inter se.

11. It is seen from the report of the Monitoring Committee headed by Justice S.P. Garg that the Committee has undertaken extensive study of the problem. Since issue of restoration of waterbodies has already been separately dealt with vide order dated 18.11.2020 in OA 325/2015 which order has pan India applicability, the same has to be followed for Delhi and read with the recommendations of the Committee to remove encroachments, give unique identification number, geotagging, conservation using RWH systems and using available treated water.

12. Connected issue of regulating ground water extraction has also been dealt with vide order dated 20.07.2020 in OA 176/2015 which again has

pan India applicability. The same needs to be read with recommendations of the Committee in the context of Delhi to prevent illegal borewells. Use of treated water has already been dealt with vide order dated 21.9.2020 in OA 148/2016 applicable pan India. The said order also needs to be read with the report of the Committee for Delhi. We may add that it may be desirable to explore whether a model can be developed as a strategy for augmenting supply of drinking water by linking water collected through RWH systems to the water supply systems on the pattern of schemes for connecting solar energy generated in individual houses with the Grids with requisite incentives to motivate the concerned individuals/organizations. The Committee has noted the RWH systems in Group Housing societies, Schools, PWD maintained buildings, police stations, DMRC stations, hospitals, dispensaries, DDA buildings etc. However, the network needs to be increased to possibly all buildings by Administrative policies encouraging such efforts by possible business models. Water is scarce and gap in drinking water demand and supply is on the increase. Compensation regime needs to be followed and violators and incentives are required for the contributors.

13. In view of above, it is not necessary for the matter being kept pending with this Tribunal for indefinite period separately. As already directed, the issue can be further considered in OA 593/2017 and OA 673/2018 dealing with preventing water pollution and maintaining flow in rivers and water bodies. **Vide order dated 21.09.2020 in OA 593/2017 and OA 673/2018 and vide order dated 18.11.2020 in OA 325/2015 and other orders mentioned above, the Tribunal has already directed that the issue of restoration of water bodies, use of treated water for secondary purposes, installation of RWH systems and control of illegal extraction of groundwater being part of the water management may**

be dealt with in a holistic manner at the District level, State level as well as National level by the designated authorities for the purpose at periodical intervals and final consolidated reports may be furnished by the CMC to this Tribunal by e-mail. The said directions cover Delhi also.

14. Accordingly, the Chief Secretary, Delhi may in coordination with the concerned authorities, including the DJB and the DDA take further action on the subject of restoration of waterbodies, installation of RWH systems, utilisation of treated sewage water, extraction of ground water and prevention of contamination of water in the light of the earlier orders referred to above and the report of the Committee. It will be desirable that the matter is monitored by the River Rejuvenation Committee (RRC) atleast once a month and by the Chief Secretary atleast once in every three months. The periodical reports of the steps taken may be furnished by e-mail to the Secretary, MoWR who is chairing the CMC for rejuvenation of polluted rivers and water bodies. Needless to say that rain water harvesting is a component of such rejuvenation. As already observed in para 12 above, the Delhi Government and all other States/UTs as well as the CMC may explore **whether a model can be developed as a strategy for augmenting supply of drinking water by linking water collected through RWH systems to the water supply systems on the pattern of schemes for connecting solar energy generated in individual houses with the Grids with requisite incentives to motivate the concerned individuals/organizations.**

15. We place on record our appreciation for the significant contribution of the Committee in monitoring the issues of water management at Delhi. Since the Chief Secretary, Delhi is now to take over the said issues in

coordination with other concerned authorities, the proceedings of the Committee on the subject will stand concluded to be continued by the State authorities. However, we request Justice S.P. Garg to function for some more time i.e. till 15.04.2021 with a view to oversee preparation/review/updation of District Environment Management Plans, in pursuance of orders of this Tribunal dated 15.07.2019 in OA 710/2017, *Shailesh Singh vs. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors*, read with order dated 19.03.2020 in OA 360/2018, *Shree Nath Sharma v. Union of India & Ors*. and filing a status report on the subject as on 31.03.2021 in OA 360/2018 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF (and not in the form of Image PDF). For this purpose, the Department of Environment of Delhi Government and the DPCC may coordinate and support Justice S.P. Garg.

The application is disposed of.

A copy of this order be forwarded to the Secretaries, MoWR, MoHUA and MoEF&CC, Govt. of India, CPCB, Chief Secretaries and Secretaries, Environment, heading the RRCs of all the States/UTs, all PCBs/PCCs and District Magistrates by e-mail.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 22, 2021
Original Application No. 496/2016
(Earlier O.A.No.253/2015)
A