

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

Original Application No. 231/2014

(With reports dated 28.01.2021 & 29.01.2021)

Doaba Paryavaran Samiti

Applicant

Versus

State of U.P & Ors.

Respondent(s)

Date of hearing: 02.02.2021

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

Respondent(s): Mr. Amit Tiwari, Advocate for State of UP  
Ms. Deep Shikha Bharati, Advocate for Irrigation Department  
Mr. Raj Kumar, Advocate for CPCB  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB  
Mr. I.K. Kapila, Advocate for UP Jal Nigam

**ORDER**

1. This order is being passed in continuation of order dated 28.02.2020 on the issue of remedial measures for the industrial or other pollution in Kali Nadi, Krishni and Hindon Rivers, resulting in diseases and deaths of some inhabitants of the area, as mentioned later herein. The Tribunal considered the matter earlier in the light of site inspection by a team of experts, in pursuance of orders of this Tribunal.

2. Vide order dated 08.8.2018, with reference to certain studies, it was noted that more than 71 persons died from cancer and more than 47 persons were bed ridden in the Gagnoli village in Baghpat District in Uttar Pradesh. More than 1000 people were affected by diseases in the area. Inhabitants of 154 villages were affected. The polluting industries in question are sugar mills, distilleries, paper mills, electroplating, slaughter houses, wet blue hides, etc. Reference was made to the fact that the issue

had been highlighted in several newspapers and that this Tribunal found that there was contamination of ground water.

3. On 16.01.2018, a Committee comprising representatives of the Central Pollution Control Board (CPCB), Uttar Pradesh Pollution Control Board (UPPCB), Uttar Pradesh Jal Nigam and Dr. A.B. Akolkar, former member of CPCB carried out a survey by testing the samples. The Committee found that 124 industries were not meeting the standards. The Tribunal observed that the State of Uttar Pradesh and UPPCB must perform their statutory duties and the District Magistrate should also take cognizance of the matter at the District level.

4. Having regard to the seriousness of the situation noted earlier, the Tribunal constituted a Committee headed by Justice S.U. Khan, former Judge, Allahabad High Court with representatives of the CPCB and the Ministry of Environment, Forest and Climate Change (MoEF&CC) as members to prepare time bound action plan to deal with the problem. The Chief Secretary, Uttar Pradesh was to provide logistics to enable the functioning of Committee.

5. The matter was thereafter considered on 21.10.2019 as follows:

*“On merits, this Tribunal noted, on 20.09.2019, that water supply was made available in 41 villages out of 148, DPRs for several projects were pending approval. **The Tribunal found that the information with regard to the health surveys and water supply to all the affected areas was not adequate. The estimated dates for completion of the actions for treatment of sewage gap in the river was too long. There were need for immediate interim arrangement by way of phyto-remediation or bio-remediation. The Tribunal also noted that the information with regard to recovery of compensation was not adequate.** Accordingly, the Tribunal directed:*

*“14. Let the Chief Secretary, Uttar Pradesh look into the matter within three weeks from today, take action against erring officers and ensure further remedial action is taken in terms of augmenting water supply to such villages rather than whole issue getting stuck up in cumbersome bureaucratic procedures. **The Chief Secretary***

**may also examine the possibility of sending such high powered committee which approves the DPRs to the area in question for expediting approvals so that work is not delayed inordinately.** Compliance report may be filed by the Chief Secretary before the next date by email at [judicialngt@gov.in](mailto:judicialngt@gov.in). In the event the Chief Secretary is unable to ensure the above, we may have no choice but to summon the Chief Secretary to remain present in person.”

5. Accordingly, report dated 20.10.2019 has been filed by the Chief Secretary, UP stating that:

i. Further steps have been taken on the subject of water supply to all the affected areas and till then safe drinking water will be supplied through tankers. ii. With regard to health camps, directions have been issued for treating all the patients in higher referral specialised hospitals.

iii. **With regard to STPs, steps are in progress and by way of interim arrangement, bio-remediation work will commence from 4 November 2019. It is mentioned that one of the reasons for the delay is non-availability of land.**

iv. Action has been initiated against the defaulting officers.

v. Performance guarantee has been directed to be furnished.

vi. Compensation of Rs. 2.75 crores has been recovered and till the defaulting units pay the assessed compensation, their consent to operate will not be renewed.

6. The State may continue the necessary steps in the matter which may be overseen by the Committee set up for the purpose by separate order passed today in O.A. No. 670/2018, Atul Singh Chauhan Vs. Ministry of Environment, Forests and Climate Change & Ors.

7. **With regard to tender process/DPR, the procedures may be curtailed by using the GeM portal to the extent possible.** More goods and services required for the purpose may be got incorporated on the GeM portal or any other similar portal as the State Government may decide.

8. With regard to land, **use of land covered by the legacy waste may be explored for STPs/waste processing plants/green belts/bio-diversity parks if the use is otherwise permissible under the relevant environmental law.** A part of the cost of the project may be used for clearing the waste from the land. As far as possible, procedure for clearing the legacy waste referred to in our order dated 17.07.2019 in O.A. No. 519/2019 News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes" may be followed. 5 The matter may now be listed on 10.02.2020 to consider the report of the Committee.”

6. The matter was then reviewed on 28.02.2020 in the light of the earlier proceedings and the report of the Oversight Committee headed by a former Judge of Allahabad High Court appointed by this Tribunal dated 19.12.2019 to the effect that adequate progress had not been made in the matter and suggesting that expeditious remedial action may be taken. The Tribunal observed and directed:-

**“5. The above report shows that the progress is hardly sufficient in terms of piped water supply, health facilities and steps for sewage treatment. The suggestions of the committee need to be implemented expeditiously in right earnest and need to be overseen by the Committee. The Committee may also identify accountability of individual authorities and put them to notice of coercive action. We regret to note that in spite of the directions in the order dated 20.09.2019, requiring the high powered Committee to approve the DPRs, DPR is not yet approved. The committee has suggested that the same be now ensured within three weeks. We direct accordingly. If DPR process is delayed beyond 31<sup>st</sup> March, 2020, coercive measures against the Secretary Revenue, the Secretary Urban Development, the CEO and the Managing Director, U.P Jal Nigam may have to be taken. The Chief Secretary, Uttar Pradesh may put them to notice in writing and ensure compliance of these directions.**

6. A report has been handed over during the hearing on the status of water supply stating as follows:-

S.N.	District	No. of villages	covered with PWS	Ongoing PWS	Tender Approved and LOI issued	Retendering/tendering process	Remark
1	Saharanpur	1	0	1	0	..	
2	Meerut	10	4	5	0	-	Estimate for Harra Nagar Panchayat Meerut amounting Rs. 888.94 lacs sent to Nagar Vikas Vibhag vide letter no. c470/1009/072-001/PPBRD/19 dt. 13.09.2019.
3	Ghaziabad	1	0	1	0	-	
4	Shamli	29	7	22	0	-	
5	Muzaffarnag	56	10	26	19	1	
6	Baghpat	51	22	27	0	2	Land of village Biral not available expected in Dec 2009

	<b>Total</b>	<b>148</b>	<b>43</b>	<b>82</b>	<b>19</b>	<b>3</b>	
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*“Status of Piped Water Supply in 148 Villages*

**7. Compared to the status noted vide order dated 20.09.2019, progress can hardly be held to be adequate. The process needs to be expedited and timelines proponed so as to complete the whole exercise by October 31, 2020.**

**8. A copy of this order be sent to the Secretary Revenue, Secretary Urban Development, CEO and the Managing Director, U.P Jal Nigam the Chief Secretary, Uttar Pradesh and the Committee headed by Justice S.K Singh by email for compliance.”**

7. The matter was last considered on 07.08.2020 in light of report of the Oversight Committee, constituted by this Tribunal, headed by Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow dated 30.07.2020 and report of the Chief Secretary, UP dated 05.08.2020. **From the said report, it was found that there was no substantial progress in installing the STPs or otherwise stopping the pollution which continues to be discharged in the Hindon river.** It was also found that different departments of the States were shifting responsibility from one to the other, remedial action was required to be taken in an integral and coordinating manner for preventing discharge of untreated pollutants in the drains joining the rivers.

8. Relevant part of the said order is as follows:-

*5. Accordingly, further report has been filed by the Oversight Committee on 30.07.2020, apart from the report of the Chief Secretary filed on 05.08.2020. We may only refer to summary of the status of compliance in the said the report:-*

<b>S.No.</b>	<b>Directions by Hon’ble NGT</b>	<b>Compliance Status (Yes/No)</b>	<b>Reasons for Non Compliance</b>
1	<i>Complete work of piped water supply in 148 villages by 31.3.2020. Rural Development Department directed to supply safe drinking</i>	<i>Partially Complied (Only 45 villages covered as of 23.07.2020 and in rest 102</i>	<i>The tenders were pending for approval since last 1 year in which the approval process started from October,2020 and continued till Feb,2020.</i>

	<i>water through tankers as intermediate arrangement</i>	<i>villages safe potable water provided through deep India Mark II handpumps)</i>	<i>The water is being provided through handpumps as they do not give contaminated water. The water samples were collected from U.P.Jal Nigam and no contamination was observed. Thus, decision to provided water through them was taken.</i>
2	<i>Complete work of STP by 31.3.2020 The State directed to identify erring officers for suitable action in this matter.</i>	No	<i>Approval pending from NMCG. Basic engineering design submitted to NMCG in case of Muzaffarnagar and Budhana. DPR submitted to NMCG in case of STP Saharanpur.</i>
3	<i>Vide order dated 28.2.2020 it was directed to:  Identify untapped drains and should prepare a plan with timelines and completely tap these drains at earliest. In the meantime, they should carry out in-situ treatment in drains to reduce the pollution load. All those who fail to control inflow of untreated sewage into the river should be penalized on basis of 'Polluter Pays' principle and prosecutions may be initiated against officials in districts where timelines are not adhered to.</i>	<i>Partially Complied (Drains have been identified and penalty imposed in Muzaffarnagar, Shamli and Saharanpur. (Refer Annexure III and V)</i>	
3	<i>Bioremediation of drains at Saharanpur and Muzaffarnagar. UPPCB to carry out monitoring to ascertain effectiveness of bioremediation within 30 days.</i>	<i>Partially Complied</i>	<i>In Saharanpur, phytoremediation done on 18 km stretch only. In Muzaffarnagar no progress in this regard. Penalty imposed in both areas by UPPCB</i>
4.	<i>Directions issued for organizing health</i>	Yes	<i>Health Camp organised in December, 2019 however,</i>

	<i>camps in the affected area at regular intervals and treatment of all patients in the high referral specialized hospitals</i>		<i>due to Covid-19 pandemic and lockdown health camps could not be organised in last 3 months.</i>
5	<i>Micro plan to be prepared to cover the entire stretch and identify cause of ailments like skin diseases, jaundice, cancer etc in the population in concerned region</i>	No	<i>Due to Covid 19 pandemic, a micro plan specifically has not being prepared. However, under the Covid-19 health survey the officials have been directed to identify patients of cancer along with people having comorbidities.</i>
6	<i>The State directed to ensure deposition of Rs. 9.40 Crore of Environment Compensation imposed upon 230 defaulting water polluting industries and in case of default, to initiate recovery of Environment Compensation as arrears of land revenue by way of attachment of properties</i>	<i>Yes (Rs.3.7 crore recovered. Consent to operate not provided if EC is not deposited)</i>	
7	<i>In order to stop effluent discharged from illegal industries, it is suggested that a joint committee of District Administration, Land owning agency, Pollution Control Board, Electricity Department and Police be setup</i>	<i>Information awaited from UPPCB</i>	
8	<i>Estimate for Harra Town Area Committee and DPR for PWS in village-Biral, District-Baghpat be prepared within a specified time-line/ or within three months</i>	<i>Partially Complied</i>	<i>Delay in approval from State Government. File of Harra Town sanctioned and GO is expected to be out by July,2020. DPR of Biral, Baghpat sanctioned and tenders have been awarded. The work is expected to be complete by March, 2021.</i>
9	<i>Electricity Department should not give any</i>		

	<i>industrial/ commercial connection in residential areas</i>		
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## **VII. RECOMMENDATIONS OF OVERSIGHT COMMITTEE**

1. *Despite repeated directions by Hon'ble NGT and this Committee, U.P Jal Nigam has not ensured piped water supply in 148 affected villages. Till date, piped water supply has been ensured only in 45 villages. In July 2019, this figure was 41 villages. Thus only 4 villages have been provided piped water in one year's time. **There has been no physical progress in installation of any of three STPs proposed in the last one year. No action has been taken against any negligent officer despite directions of Hon'ble NGT. Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT on 15.3.19 has yet to be deposited. Not a single village has been provided water through tankers till now despite written assurance to NGT by Chief Secretary on 20.10.19.** In fact now ACS Panchayati Raj has informed that in view of hand-pumps working in these villages there is no need of water supply through tankers. Such gross negligence in fulfilling the basic needs of the citizens is not acceptable and punishable. **The Committee recommends that Chief Secretary shall ensure that:***
  - a) *Work on pipe water supply project in balance 103 villages is expedited so that it is complete by 31st December 2020*
  - b) *Till then ensure clean drinking water in these localities where contaminated water was reported by tankers or such means as he deems fit. The quality of water of all such sources may be tested through independent laboratories.*
  - c) *Ensure furnishing of performance Guarantee of Rs 5 Crore as directed earlier by NGT within 15 days. This PG would be forfeited in case of default of timelines.*
  - d) *Ensure commencement of the installation of the 2 STPs in the next one month by expediting the processes and the third STP by increased follow up with NMCG in next 2 months*
  - e) *Jal Nigam has been extending timelines regularly without achieving any physical progress. Delay in DPRs, delay in tendering and other procedural delays are adduced in every meeting. NGT had already directed that action be taken against erring officials. Chief Secretary should take action against erring officers within a month and inform NGT about it.*
  
2. *Chief Secretary had assured NGT on 20.10.19 in his written report that till pipe water supply is provided, water will be provided by tankers. Bio Remediation work will start from November, 2019. Performance Guarantee of Rs 5 Crore has been directed to be furnished. Action against defaulting officers is being taken. **Unfortunately, none of these averments have***

**been implemented. These are issues which could easily have been monitored in the monthly monitoring meeting of the Chief Secretary as envisaged in the monitoring framework submitted by the State to the NGT. Chief Secretary should hold the monthly monitoring meeting regularly so that such issues get sorted out regularly.**

3. *No bioremediation/ phytoremediation of drains has taken place in Muzaffarnagar and Saharanpur as well as in other districts of the region. NGT had directed that an EC of 5 Lakh per drain per month has to be imposed if the work does not commence till 31.3.2020. CPCB may calculate the EC and issue notices to the concerned ULBs in the next 15 days.*

4. **UPPCB shall ensure recovery of remaining amount (Rs.5.7cr.) imposed as Environmental Compensation on 230 defaulting units within a month. In case of nonpayment, UPPCB shall initiate recovery of these dues as arrears of land revenue.”**

6. *On due consideration, we accept the recommendations of the Oversight Committee and direct the Chief Secretary, U.P. to ensure compliance of thereof. It will be appropriate that the Chief Secretary ensures filing of a consolidated reply instead of separate representation and separate replies by different Departments of the State. A unified approach in matters of this nature is necessary so that shifting of blame from one Department to the other can be avoided. The Oversight Committee may also file its further report before the next date. River Hindon is one of 351 polluted river stretches and steps have to be taken for restoration of water quality in terms of orders of this Tribunal in OA 673/18 by executing the action plan already prepared on the subject in a time-bound manner. EC has to be recovered if deadlines are not adhered to. The action plans inter alia require interception of drains to destined STPs, adoption of insitu remedial measures in intermediary phase, utilisation of treated sewage, demarcation and regulation of flood plain zone. River Hindon joins Yamuna which then joins Ganga. Still, no meaningful actions are being taken for years together. The river is practically dead and needs to be restored in the interest of the environment and public health. Meaningful progress must be achieved by the concerned departments including the Urban Development, Irrigation, the Jal Nigam, and the Environment. All drains joining Kali, Krishni and Hindon should have in situ remediation and plan for connectivity with the identified STP. The Chief Secretary may ensure that there is coordination among all the concerned Departments in accordance with the action plan.”*

9. Further report has been filed on 28.01.2021 by the Oversight Committee. The relevant extracts from the report are as follows:-

#### **“IV. LATEST COMPLIANCE STATUS**

In order to review the latest compliance status the Oversight Committee held a meeting on 27.01.2021 regarding O.A 231/2014. The minutes of meeting are attached as **Annexure I**. The latest and updated status issue wise is presented below:

##### **1. Issue- Piped water supply in affected 148 villages**

**Action taken :** As per the compliance submitted by U.P. Jal Nigam out of total 148 Villages work has been already completed in 103 villages. Work of piped water supply is complete in 103 villages while in rest 44, in 21 villages work is complete but in 23 villages water is being supplied through direct pumping with the help of DG sets as power connection is awaited. It is expected to be granted and work would be complete within 1 month (Refer **Annexure II**).

##### **2. Issue-Work of STP in Muzaffarnagar, Budhana and Saharanpur**

**Action taken :** In Muzaffarnagar (22 MLD) and Budhana (10 MLD) STPs tender has been finalized and work has been initiated. The work of making boundary wall has been started at 22 MLD STP at Muzaffarnagar. Regarding Saharanpur, JMD, UP Jal Nigam in the meeting held by Oversight Committee on 27.1.20 informed that the DPR for STP at Saharanpur was sent to NMCG for approval which was sent back by NMCG with certain observations. U.P Jal Nigam is preparing a reply on the observations in cooperation with WEBCOS Pvt.Ltd.(consultancy firm). The same would be sent to NMCG in February,2021

##### **3. Issue- Tapping of drains**

**Action taken:** Total 133 drains are present in the stretch of Hindon falling in Saharanpur, Muzaffarnagar, Shamli and Ghaziabad. The details of drains is as follows:

Number of tapped drains- 11

Number of partially tapped drains- 05

Number of drains which do not require tapping- 01

Number of drains to be tapped in ongoing projects – 11

Number of drains to be tapped in projects for DPRs sent/DPR under preparation – 102

Number of industrial drains – 03 (Refer **Annexure II**).

##### **4. Issue- Bio/phytoremediation of drains**

**Action taken:** Regarding bioremediation it was informed that bioremediation of drains has taken place in Saharanpur, on Nagdehi and Dhamola drain. No progress has been reported in other areas. In the meeting conducted by Oversight Committee on 27.1.2021, it was informed by UP PCB that EC of Rs. 8.7 crore has been imposed on 29 drains for the period July 2020 to January,2021. Reminders have been sent to the local bodies for depositing the EC (Refer **Annexure IV & V**). Further, a meeting was held at Chief Secretary level on 2.12.2020 in which it was discussed that an appeal shall be filed before the Hon'ble Tribunal to extend the timelines for completion of work of undertaking bio/phytoremediation on drains and provide relaxation from EC (Refer **Annexure III**).

##### **5. Issue: Health camps in the affected area and preparation of micro plan to identify causes of diseases**

**Action taken:** Due to Covid-19 pandemic, health camps could not be organized. Furthermore, considering the preparation of micro plan, under the Covid-19 health survey the officials have been directed to identify patients of cancer along with people having co-morbidities

**6. Issue- EC imposed on 230 defaulting industries**

**Action taken:** Rs. 11.32 crore has been imposed as Environmental Compensation on defaulting industries for the period July 2020-Jan 2021, out of which Rs.4.14 has been recovered. In compliance, further steps for recovery of arrears of Environmental Compensation have to be taken , which is under progress.

**7. Issue- All drains joining Kali, Krishni and Hindon should have in situ remediation and plan for connectivity with the identified STP.**

**Action taken:** No progress has been reported in this regard.

**8. Issue- Performance guarantee of Rs. 5 crore**

**Action taken:** Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT on 15.3.19 is yet to be deposited by State Government

**V. OBSERVATIONS BY OVERSIGHT COMMITTEE**

U.P Jal Nigam has made an effort to meet the timeline of Dec,2020 to ensure piped water supply in 148 affected villages. However, still in 23 villages water is being provided through direct pumping as power connection is awaited. Furthermore, there has been no significant progress in installation of any of three STPs proposed in the last one year. Regarding tapping of drains, progress is extremely slow with 113 drains being still untapped. Moreover, bio/phytoremediation of drains as an interim measure has also not taken place. Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT on 15.3.19 has not yet been deposited. No progress has been made regarding connectivity of drains joining Kali, Hindon and Krishni with identified STP.

**SUMMARY OF COMPLIANCE STATUS**

S.No.	Directions by Hon'ble NGT	Concerned Department	Compliance Status September 2020	Compliance Status January 2021 (as of 27.1.2021)
1.	Complete work of piped water supply in 148 villages by 31.3.2020. Rural Development Department directed to supply safe drinking water through tankers as intermediate arrangement.	U.P Jal Nigam, Dept. of Panchayati Raj, UP.	<b>Partially Complied</b>  (Only 45 villages covered as of 23.07.2020 and in rest 102 villages safe potable water provided through deep India Mark II handpumps)	<b>Partially Complied</b>  As per the compliance submitted by U.P. Jal Nigam out of total 148 Villages work has been already completed in 103. work of piped water supply is complete in 103 villages while in rest 44, in 21 villages work is complete but in 23 villages water is being supplied through direct pumping with the help of of DG sets as power connection is awaited.

				It is expected to be granted and work would be complete within 1 month.
2.	Complete work of STP by 31.3.2020 The State was directed to identify erring officers for suitable action in this matter.	U.P Jal Nigam	<p><b>Not Complied</b></p> <p>Approval pending from NMCG.</p> <p>Basic engineering design submitted to NMCG in case of Muzaffarnagar and Budhana.</p> <p>DPR submitted to NMCG in case of STP Saharanpur.)</p> <p>No report received regarding action taken against erring officers.</p>	<p><b>Partially Complied</b></p> <p>In Muzaffarnagar (22 MLD) and Budhana (10 MLD) STPs work has been initiated. The work of making boundary wall has been started at 22 MLD STP at Muzaffarnagar.</p> <p>Regarding Saharanpur, JMD, UP Jal Nigam in the meeting held by Oversight Committee on 27.1.2012 informed the DPR for STP at Saharanpur was sent to NMCG for approval which was sent back by NMCG with certain observations. U.P Jal Nigam is preparing a reply on the observations in cooperation with WEBCOS Pvt. Ltd. (consultancy firm). The same would be sent to NMCG in February, 2021</p>
3.	<p>Vide order dated 28.2.2020 it was directed to:</p> <p>Identify untapped drains and should prepare a plan with timelines and completely tap these drains at the earliest. In the mean time, they should carry out in-situ treatment in drains to reduce the pollution load. All those who fail to control inflow of untreated sewage into the river should be penalized on basis of 'Polluter Pays' principle and prosecutions may be initiated against officials in districts where timelines are not adhered to.</p>	U.P Jal Nigam	<p><b>Partially Complied</b></p> <p>(drains have been identified and EC imposed on drains in Saharanpur, Shamli and Muzaffarnagar)</p> <p>Drains are untapped in all the districts.</p> <p>Details of drains not submitted</p>	<p><b>Partially Complied</b></p> <p>From Saharanpur to Ghaziabad drains from Saharanpur, Muzaffarnagar, Shamli, Ghaziabad &amp; Gautambudh Nagar meets in River Hindon whereas drains from Meerut meets in Kli-East and drains from Baghpat meets in River Yamuna. The treatment of drains in Gautambudh Nagar is in Jurisdiction of Noida Authority. Hence in Saharanpur, Muzaffarnagar, Shamli and Ghaziabad there are total 133 drains present in the stretch of Hindon.</p> <p>Number of tapped drains 11 Number of partially tapped drains- 05</p>

				<p>Number of drains which do not require tapping 01</p> <p>Number of drains to be tapped in ongoing projects – 11</p> <p>Number of drains to be tapped in projects for DPRs sent/ DPR under preparation – 102</p> <p>Number of industrial drains - 03</p>
3.	<p>Bioremediation of drains at Saharanpur and Muzaffarnagar. UPPCB to carry out monitoring to ascertain effectiveness of bio-remediation within 30 days.</p>	U.P Jal Nigam	<p><b>Partially Complied</b></p> <p>In Saharanpur, phytoremediation done on 14 km stretch only.</p> <p>In Muzaffarnagar no progress in this regard. Penalty imposed in both areas by UPPCB.</p>	<p><b>Partially Complied</b></p> <p>Regarding bioremediation of drains has taken place in Saharanpur, on Nagdehi and Dhamola drain.</p> <p>In the meeting conducted by Oversight Committee on 27.1.2021, it was informed by UPPCB that EC of Rs. 8.7 crore has been imposed on 29 drains for the period July 2020 to January,2021. Reminders have been sent to the local bodies for deposition of EC.</p>
4.	<p>Directions issued for organizing health camps in the affected area at regular intervals and treatment of all patients in the high referral specialized hospitals</p>	Dept. of Health and Family Welfare, U.P	<p><b>Not Complied</b></p> <p>Health Camp organised in December, 2019. However, due to Covid-19 pandemic and lockdown health camps could not be organised in last 3 months</p>	No progress further reported
5.	<p>Micro plan to be prepared to cover the entire stretch and identify cause of ailments like skin diseases, jaundice, cancer etc in the population in concerned region</p>	Dept.of Health and Family Welfare, U.P	<p><b>Not Complied</b></p> <p>A micro plan specifically not being prepared. However, under the Covid-19 health survey the officials have been directed to identify patients of cancer along with people having</p>	No progress further reported

			<i>comorbidities.</i>	
6.	<i>The State directed to ensure deposition of Rs. 9.40 Crore of Environment Compensation imposed upon 230 defaulting water polluting industries and in case of default, to initiate recovery of Environment Compensation as arrears of land revenue by way of attachment of properties</i>	UPPCB	<b>Partially Complied</b>  <i>(Rs.3.7 crore recovered. Consent to operate not provided if EC is not deposited)</i>	<b>Partially Complied</b>  <i>Rs. 11.32 crore has been imposed as Environmental Compensation on defaulting industries for the period July 2020-Jan 2021, out of which Rs.4.14 has been recovered. In compliance, procedure for recovery of arrears of Environmental Compensation is to be done by way of attachment of properties, which is under progress.</i>
7.	<i>In order to stop effluent discharged from illegal industries, it is suggested that a joint committee of District Administration, Land owning agency, Pollution Control Board, Electricity Department and Police be setup</i>	U.P. Jal Nigam	No progress reported.	No further progress reported.
8.	<i>Estimate for Harra Town Area Committee and DPR for PWS in village-Biral, District-Baghpat be prepared within a specified time-line/ or within three months</i>	U.P. Jal Nigam	<b>Partially Complied</b>  <i>File of Harra Town sanctioned and G.O is expected to be out by July 25, 2020. DPR of Biral, Baghpat sanctioned and tenders have been awarded. The work is expected to be complete by March, 2021.</i>	<b>Partially Complied</b>  <ul style="list-style-type: none"><li>• As per information provided by U.P. Jal Nigm one village Harra TAC distt. Meerut work is in progress.</li><li>• Village Biral, Distt. baghpat work is in progress.</li></ul>
9.	<i>All drains joining Kali, Krishni and Hindon should have in situ remediation and plan for connectivity with the identified STP.</i>	Urban Development/ Rural Development & Panchayati Raj/ U.P Jal Nigam	<b>Not Complied</b>	<b>Not Complied</b>
10.	<i>Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT.</i>	U.P Jal Nigam/ Urban Development/ Rural Development & Panchayati Raj	<b>Not Complied</b>	<b>Not Complied</b>

## **VII. RECOMMENDATIONS BY OVERSIGHT COMMITTEE**

- 1. Providing piped water supply in the affected 148 villages is the main issue of concern in this case. The concerned authorities after repeated directions from Hon'ble Tribunal and this Committee have progress, but still in 23 villages, piped water supply is being provided through direct pumping by D.G sets as power connection is awaited. In view of this, the Committee recommends that U.P Jal Nigam must ensure compliance and submit a status report with the completion timelines.**
- 2. Out of total 133 drains present in the stretch of Hindon, 113 drains are still untapped or are in the process of getting tapped. No interim measure has been taken to prevent flow of these drains into the rivers. The Committee recommends that UPPCB must send the notices within one week for deposition of EC (total Rs.8.7 crore) to the concerned local body and ensure realization at the earliest.**
- 3. Regarding the work of STPs in Muzaffarnagar, Budhana and Saharanpur, the progress of work is negligible. Work has been initiated in Muzaffarnagar and Budhana while in Saharanpur, DPR has not yet been finalized. Usual explanations about shortage of funds and pendency in approvals from higher authorities have been submitted in every meeting. It is suggested that legal action be taken against the concerned authority and EC be imposed by CPCB. Notice of EC be issued within one week.**
- 4. From the latest information submitted by UPPCB, it was observed that EC realization ( Rs.4.14 crore) from 230 defaulting industries is much less than the imposed amount (Rs.11.32 crore) which is now being done through attachment of properties. It is recommended that for strict enforcement, progress in this regard must be submitted to this Committee every month. Further, Chief Secretary must ensure deposition of Performance Guarantee of Rs 5 Crore as directed by Hon'ble NGT on 15.3.19.**
- 5. Department Of Health, UP must submit its report within a month about the 'Dastak Abhiyaan' conducted during the Covid-19 pandemic under which it collected information about the patients of cancer alongwith the people having co-morbidities."**

10. From the above report, which is not under challenge, it is seen that power supply is still awaited for water supply to 23 affected villages, out of 133 drains meeting the river, 113 drains still remained untapped and there is also no interim measure taken to treat the pollution. The

compensation assessed is not being recovered. The recovered amount is not being spent for restoration. Untenable plea of shortage of funds or lack of approvals of the higher authorities is being taken, which could be sorted out by the Chief Secretary in terms of earlier directions of this Tribunal. Such unsatisfactory state of affairs is expected to be remedied on war footing in the interest of health of the citizens.

11. The status of compliance as per report filed on behalf of the State is as follows:-

SI. No.	Issues/ Directions	Status																																	
1.	Progress of piped water supply in 148 villages of the area.	<p>All 147 villages have been covered with piped water supply completely by direct pumping. Harra Town Area Committee (TAC) is also covered partially by piped water supply by direct Pumping and rest of the work is under progress. Harra TAC will be fully covered by direct pumping by 31-03-2021.</p> <p><b>Note:-</b> In 23 Villages water supply is being done through direct pumping by DG Sets as power connection is under progress by power supply agency.</p>																																	
2.	Status of tapping of drains.	<p>From Saharanpur to Ghaziabad drains from Saharanpur, Muzaffarnagar, Shamli, Ghaziabad &amp; Gautambudh Nagar meets in River Hindon where as drains from Meerut meets in Kali-East and drains from Baghpat meets in River Yamuna. The treatment of drains in Gautambudh Nagar is in Jurisdiction of Noida Authority. Thus, in Saharanpur, Muzaffarnagar, Shamli and Ghaziabad there are total 133 drains present in the stretch of Hindon. The Status of I &amp; D of these drains is as follows:</p> <table border="1" data-bbox="641 1693 1347 2198"> <thead> <tr> <th>Sl.</th> <th>Description</th> <th>No.</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Tapped Drain</td> <td>11</td> </tr> <tr> <td>2.</td> <td>Partially tapped</td> <td>05</td> </tr> <tr> <td>3.</td> <td>Not required tapping</td> <td>01</td> </tr> <tr> <td>4.</td> <td>Industrial Drain</td> <td>03</td> </tr> <tr> <td></td> <td>Sub-Total</td> <td>20</td> </tr> <tr> <td>5.</td> <td>Untapped Drains Status</td> <td></td> </tr> <tr> <td>a.</td> <td>To be taped in on-going project</td> <td>11</td> </tr> <tr> <td></td> <td><b>To be tapped in PFR/DPR submitted for approval to SMCG/NMCG.</b></td> <td>102</td> </tr> <tr> <td></td> <td>Sub-Total</td> <td>113</td> </tr> <tr> <td></td> <td><b>Grand Total</b></td> <td><b>133</b></td> </tr> </tbody> </table>	Sl.	Description	No.	1.	Tapped Drain	11	2.	Partially tapped	05	3.	Not required tapping	01	4.	Industrial Drain	03		Sub-Total	20	5.	Untapped Drains Status		a.	To be taped in on-going project	11		<b>To be tapped in PFR/DPR submitted for approval to SMCG/NMCG.</b>	102		Sub-Total	113		<b>Grand Total</b>	<b>133</b>
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3.	Bioremediation of Saharanpur and Muzaffarnagar drains for the treatment of sewage gap in river Hindon and Imposition of EC on untapped drains.	In Saharanpur, Bioremediation/phyto remediation is being done on 02 drains over a total stretch 76 km. <b>In Muzaffarnagar &amp; Shamli bioremediation of drains has not been initiated.</b> In compliance of the earlier order Environmental Compensation of Rs. 5.0 Lakh per drain/month on 29 drains situated in the catchment of Hindon River has been imposed by UPPCB vide letter no. G 32922/C-4/RRC-II/2020 dated- 16.06.2020 from July, 2020 onwards.
4.	Status of installation of STPs in Muzaffarnagar, Budhana and Saharanpur.	In Muzaffarnagar and Budhana STPs works are under progress (overall progress 5% each). Likely to be completed by June, 2022.  DPR for I&D and STP works at Saharanpur was submitted to NMCG, New Delhi vide letter no. 556/06-612T/SMCG-UP/01 dated 08-06-2020. Observation on DPR were received from NMCG vide their letter no. Pr/22012/8/2020-Tech Construction NMCG dated 15-12-2020. The DPR is being revised by WAPCOS (appointed by NMCG) and is likely to be submitted by 28-02-2021 after incorporating the raised observations.
5.	Status of EC imposed and realised till date from the defaulting units in the area.	<b>Rs. 4.14 Crore has been recovered against Environmental Compensation of Rs. 11.32 Crore imposed by UPPCB on 243 defaulting industries till now.</b> Procedure for recovery of arrears of Environmental Compensation is to be done by way of attachment of properties, which is under progress.

6. That it is submitted that the updated compliance report of Uttar Pradesh Jal Nigam regarding piped water supply to the affected villages, status of tapped/untapped drains and status of STP installation in Muzaffarnagar, Budhana and Saharanpur is annexed herewith and marked as **Annexure No.-3.**

7. **That it is submitted that Chief Secretary, Government of UP has also reviewed Bio-remediation work of drains situated in the catchment of River Hindon. In Saharanpur, Bioremediation/phyto-remediation is being done on 02 drains over a total stretch 76 km. In Muzaffarnagar & Shamli bioremediation of drains has not been initiated. In compliance of the earlier order Environmental Compensation of Rs. 5.0 Lakh per drain/month on 29 drains situated in the catchment of Hindon River has been imposed vide letter vide letter no G 32922/C-4/RRC-II/2020 dated-16.06.2020 from July, 2020 onwards. Copy of the letter dated 16-06-2020 is annexed herewith and marked as Annexure-4.**

8. That it is submitted that the Uttar Pradesh Pollution Control Board has informed that Environmental Compensation of Rs. 11.32 Crore has been imposed against 243 defaulting water pollution industries /institutions and out of which Rs. 4.14 Crore has been recovered till 25-01-2021 in the catchment of River Hindon. It was further informed by the Member Secretary,

*Uttar Pradesh Pollution Control Board that the UPPCB is issuing the show cause notices against the defaulters for the payment of Environmental Compensation and the Consent to Operate shall be withdrawn in case the Environmental Compensation is not deposited. Environmental Compensation is to be recovered following the procedure for recovery of arrears of land revenue by way of attachment of properties. The Chief Secretary, Government of UP reviewed the progress of recovery of Environmental Compensation and has directed Member Secretary, Uttar Pradesh Pollution Control **Board** to speed up recovery of Environmental Compensation by way of attachment of properties of the concerned industries/agencies with the help of concerned District Magistrates.”*

12. **It is disappointing to note that even after almost seven years of pendency of the matter in this Tribunal and repeated specific directions atleast for the last more than two years, including orders dated 8.8.2018, 21.10.2019 and 28.2.2020, the State has not taken effective steps to control pollution of river Hindon, resulting in continuing damage to the environment and public health. Damage from pollution is no less than the damage from other heinous crimes. It is a matter of regret that the State authorities have failed to discharge their constitutional obligation of taking remedial measures inspite of attention of the highest authorities in the Administration being drawn to the problem.** We had expected that with the involvement of the Chief Secretary, the procedural and inter-departmental coordination issues will be resolved. But unfortunately, it has not so happened.

13. In these circumstances, repeated orders will not serve any purpose unless the Administration takes ownership of its Constitutional obligation to the citizens. Thus, instead of keeping the proceedings pending, we consider it appropriate to require the Chief Secretary, UP to ensure remedial action on expeditious basis. The action should also include fixing responsibilities and making entry in the service record of incompetent or failing officers, who were earlier entrusted this responsibility, granting

necessary approvals and providing necessary funds. Meaningful steps ought to be taken for recovery of assessed compensation from the polluters, following due process of law.

14. Since Hindon is one of the 351 identified polluted stretches for remediation of which the Tribunal has passed separate directions in OA 673/2018, including preparation and execution of action plans by the River Rejuvenation Committees in each concerned States/UTs, to be overseen by the Chief Secretary and at the national level by the Committee headed by the Secretary Jalshakti, with CPCB and NMCG, the matter be dealt with as per mechanism laid down in the said matter. The said matter was last considered on 21.9.2020, in continuation of proceedings dated 6.12.2019 and 29.6.2020, in the light of report of the CPCB and the Central Monitoring Committee (CMC), headed by the Ministry of Jalshakti with OA 593/2017, **in pursuance of directions of the Hon'ble Supreme Court in (2017) 5 SCC 326, requiring all the States in the country to ensure requisite water treatment devices in time bound manner by 31.3.2018, after which coercive measures must be taken. Following the orders of the Hon'ble Supreme Court, the Tribunal directed that the River Rejuvenation Committees and the Chief Secretaries of all States/UTs must ensure preventing of any pollution of the rivers by enforcing the statutory law and norms and Constitutional obligation of providing pollution free environment.** The said directions are:

***“Going Forward***

***24. We have duly considered the CPCB, CMC and OC reports as above and noted the gaps and recommendations. We accept the recommendations of the Committees already quoted above that the States should furnish quality information and comply with the directions of this Tribunal in terms of orders dated 06.12.2019 and 29.06.2020. The***

**violation of mandate of 100% treatment of sewage may be visited with the assessment and recovery of compensation and violation of timelines for setting up of pollution control devices may also be likewise strictly enforced with the compensation regime in place. There is also need for fully utilizing and augmenting the existing infrastructure as already noted above.**

**25. The States/UTs may consider using HAM as a business model as well as OCOP concept, FSSM Policy, alternative models for treatment of sewage/faecal sludge, decentralized STPs and also strengthen the online monitoring system. We are also of the view that flood plain zones of all the rivers need to be mapped and demarcated and encroachments removed therefrom. The same be utilized for plantation, creation of bio-diversity parks and constructed wetlands or other recreational purposes, consistent with the environmental concern. We agree with the OC that river side mining needs to be regulated. To reduce the timelines for setting up of STPs, many States/UTs are consuming time in preparing DPRs whereas model DPRs can be prepared and used for shortening the timelines. Similarly, SOPs need to be prepared for the timeline to be taken in setting up of STPs as well as for maintenance and operation of existing STPs particularly those not meeting the norms. Number of monitoring stations also needs to be suitably increased. We are also of the view that the State RRCs must function effectively and the Chief Secretaries must hold monthly meetings as it is found from the report of the OC for the State of UP that the Chief Secretaries may not be doing so. Huge failures of the States/UTs may show poor governance as far as environment is concerned which may need to be remedied. As found by the CMC, neither delay is explained nor accountability is fixed for the failure of the concerned officers which is not a happy situation.**

**26. While dealing with the control of pollution of River Ganga, the Tribunal noted that following action points for monitoring:**

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

- xiii. *Action against identified polluters, law violators and officers responsible for failure for vigorous monitoring.*

**CMC/RRCs/ OC for UP may conduct further monitoring keeping in mind the above action points.**

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36. *Accordingly, we issue following directions:*

- i. *All the States/UTs may address gaps in generation and treatment of sewage/effluents **by ensuring setting up of requisite number of functional ETPs, CETPs and STPs**, as directed by the Hon'ble Supreme Court in (2017) 5 SCC 326.*
- ii. *The timeline for commissioning of all STPs fixed by the Hon'ble Supreme Court, i.e., 31.03.2018, has long passed. The Hon'ble Supreme Court directed that the State PCBs must initiate prosecution of the erring Secretaries to the Governments, which has also not happened. This Tribunal was directed to monitor compliance and, in the course, thereof, we direct that compensation may be recovered in the manner already directed in earlier orders (See, **Paras 5 and 6** herein), which may be deposited with the CPCB for restoration of the environment.*
- iii. *The unutilized capacity of the existing STPs may be utilized expeditiously.*
- iv. *The States/ UTs may ensure that the CETP, ETPs and STPs meet the laid down norms and remedial action be taken wherever norms are not met.*
- v. *It must be ensured that no untreated sewage/effluent is discharged into any water body. Prompt remedial action may be taken by the State PCBs/PCCs against non-compliant ETPs/CETPs by closing down or restricting the effluents generating activity, recovering compensation and taking other coercive measures following due process of law.*
- vi. *Directions outlined in **Paras 24-26** herein may be implemented by the States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level.*

*xxx*

*xxx*

*xxx*

- x. *CMC may consider development of an appropriate App to enable easy filing and redressal of grievances with regard to illegal discharge of sewage/effluents.*
- xi. *The monitoring by the CMC may have the target of reduction of pollution loads and improvement of water quality of rivers and coastal areas.*
- xii. *The CMC may also monitor the setting up of the bio-diversity parks, constructed wetlands and other alternative measures to reduce pollution load.*

- xiii. *The CMC may also monitor demarcation of flood plain zones.*
- xiv. *The treated sewage water may be duly utilized for secondary purposes by preparing appropriate action plans and reports in this regard be filed with the CPCB periodically.*
- xv. *CMC may submit its consolidated update report incorporating all the above, before the next date. Each action point mentioned in Para 26 may be individually covered, and summarized in a tabular format.”*

14. **Accordingly, as already directed earlier, the ownership of the issue may now be taken over by the Chief Secretary, UP, who may, having regard to seriousness of the issue, affecting health and environment, personally monitor progress of compliance atleast once in a month and also evolve an appropriate administrative mechanism to handle the grim situation. We may also note that the RRCs headed by Environment Secretaries in all the States/UTs have already been directed to monitor execution of action plans for the polluted river stretches on continuous basis. The RRC UP may also accordingly monitor execution of action plans for Hindon, subject to overall oversight of the Chief Secretary. The Chief Secretary while reviewing the status of various issues may focus on timely completion of the ongoing works.** Quarterly reports be sent by the Chief Secretary to the CMC in terms of the order dated 21.09.2020 in OA 673/2018 which deals with the subject of restoration of 351 polluted river stretches, including the rivers in question.

15. We are also compelled to make an observation that the directions of the Hon'ble Supreme Court in *Techi Tagi Tara v. Rajendra Singh Bhandari & Ors., (2018) 11 SCC 734* are not being followed in the State of UP on the subject of manning of the PCB. In the said Judgment, the Hon'ble Supreme Court issued directions to frame guidelines for appointment to the State PCBs in light of the reports of the *Bhattacharya*

*Committee Report (1984), Belliappa Committee Report (1990),* recommendations of *Administrative Staff College of India (1994)* and *Menon Committee report* to the effect that the State PCB particularly the Member Secretary thereof should be an independent Expert and not serving or former Bureaucrat, in view of irreversible and everlasting damage to the environment in absence of such steps. We are informed that in the State of UP, the Member Secretary of the PCB does not have exclusive charge of the PCB but is also Special Secretary to the Government, apart from being Member Secretary, SEIAA and holding other positions. One wonders how one person can do justice to the job holding so many positions when even working as Member Secretary PCB requires full time involvement in view serious environmental issues awaiting attention. Independence in working is also bound to be affected when a person has multifarious functions, including as limb of the Government, making it difficult to work as independent regulator. Even the compliance report in the present case, on behalf of the State, has been filed by the said Member Secretary in his capacity as Special Secretary to the Government. Let this aspect be looked into by the Chief Secretary, UP and remedial action taken in accordance with law., in the light of the Supreme Court judgement.

The proceedings in the matter will stand closed with the expectation that the State will now take remedial measures to reinforce the environmental rule of law for protection of public health and environment. This would include interception and diversion of 113 untapped drains, the targeted STPs, with treated sewage utilization, being completed, recalcitrant industries, not complying with the norms, to be dealt with as per the Water, Air and EP Acts, maintaining the water quality of Kali Nadi, Krishni and Hindon rivers and ensuring water supply to the affected villages. As already directed, further remedial action may

be ensured by the RRC in UP with oversight of the Chief Secretary and further monitoring by the Secretary Jalshakti. The Tribunal may now consider the matter further in the light of the report of the CMC in OA 593/2017 and OA 673/2018.

A copy of this order be forwarded to the Secretary Jalshakti, Government of India, CPCB and Chief Secretary, UP, by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 02, 2021  
Original Application No. 231/2014  
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