

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

(By Video Conferencing)

Original Application No. 138/2016 (T<sub>NHRC</sub>)  
(Case No.559/19/11/14)

(With Fifth Report dated 16.04.2020)

Stench Grips Mansa's Sacred Ghaggar River

Date of hearing: 15.06.2020

**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. Rajkumar, Advocate for CPCB  
Ms. Richa Kapoor, Advocate for Punjab PCB with Mr.  
Karunesh Garg, Member Secretary, PPCB  
Mr. Rahul Khurana, Advocate for State of Haryana  
Mr. Shubham Bhalla, Advocate for UT Chandigarh  
Mr. Sanjay Kumar, Advocate for HP State PCB

**ORDER**

1. This order is being passed in continuation of order dated 20.01.2020 on the subject of effective steps for making Ghaggar river pollution free. The river originates in the State of Himachal Pradesh and ends in the State of Rajasthan. The river is included by the Central Pollution Control Board (CPCB) in 351 polluted river stretches of the country in priority – I category, which is a category of highest pollution, having BOD more than 30 mg/l as against the prescribed standard of 3mg/l. The issue of control of pollution in all the said 351 river stretches is also being dealt with generally by this Tribunal in O.A. No. 673/2018. The present matter however involves a specific polluted river stretch.

2. Proceedings in this matter were initiated before this Tribunal on a reference received from the National Human Rights Commission (NHRC). The NHRC took *Suo-Motu* action on the basis of a news item appearing in 'The Tribute' dated 12.05.2014 under the caption "*Stench Grips Mansa's Sacred Ghaggar River*" to the effect that the river Ghaggar had turned into a polluted water body on account of discharge of effluents - industrial as well as municipal. The NHRC considered the matter in the light of reports from the States of Punjab and Haryana as well as the State of Himachal Pradesh. Vide letter dated 17.03.2016, the NHRC sent the record of the matter to this Tribunal.
3. Pursuant to the order of this Tribunal dated 09.12.2016, a joint inspection was carried out by the representatives of the Central Pollution Control Board, Punjab State Pollution Control Board, Haryana Pollution Control Board, Himachal Pradesh State Pollution Control Board. Officials of Union Territory, Chandigarh also joined the said inspection team. The findings of the joint inspection report showed that values of various parameters such as BOD, TSS, Feecal Coliform, Lead and Iron were beyond permissible limits at most of the locations in Himachal Pradesh, Haryana, Punjab and Chandigarh.
4. The matter was reviewed vide order dated 07.08.2018 and noticing failure of the Regulatory Authorities in taking remedial steps by way of prevention of pollution and proceeding against the polluters, the Tribunal directed constitution of a Special Task Force (STFs) at the District level as well as at the State level. The State level STF was to be headed by Chief Secretary. The Tribunal directed

preparation of action plans with firm timelines so as to ensure that water quality is as per norms within the targeted time. The Tribunal also constituted an Executing Committee, under Section 25 of the National Green Tribunal Act, 2010, headed by a former Judge of Punjab and Haryana High Court, Justice Pritam Pal. The Executing Committee was to furnish an interim report to this Tribunal. Accordingly, report dated 28.02.2019 under the cover letter dated 01.03.2019 was received and considered on 11.04.2019.

5. The Committee has given four reports dated 28.02.2019, 14.06.2019, 01.10.2019 and 8.1.2020 which were dealt with by this Tribunal vide earlier orders. The Fifth Report of the Committee dated 16.04.2020 has been filed which has been taken up for consideration today.

6. The Fifth Report is in pursuance of order dated 20.01.2020. In the said order, reference was also made to the four earlier reports noticing the gaps, sewage management, polluted level of water on account of several sources of pollution and recommendations with regard to the steps required to be taken to remedy the situation. It will be appropriate to refer to the observations in the said order:-

*“7. Gap in report of sewage management, as per report dated 28.02.2019 of the Executing Committee, was found to be as follows:-*

*(i) Himachal Pradesh – Parwanno and Kala Amb*

*The gap for Parwanno is 569.414 KLD*

*The gap for Kala Amb is 1046.24 KLD*

*(ii) With regard to Chandigarh the gap is 23.225 MLD*

*(iii) With regard to Punjab the gap is 75.92 MLD*

*(iv) With regard to Haryana the gap is 42.9 MLD*

8. *The Tribunal also considered the deteriorated water quality, status of STPs in Himachal Pradesh, Haryana, Punjab and UT Chandigarh and directed action to be taken by the Himachal Pradesh, Haryana, Punjab and UT Chandigarh to be monitored by the Chief Secretaries and required a further report from the Executing Committee with reference to the status on the ground after six months or as and when considered necessary by the Committee.”*

7. Thereafter, report dated 08.01.2020 was further dealt with in the light of the conclusions and recommendations of the Committee in respect of States of Punjab, Haryana and Himachal Pradesh and UT Chandigarh and following directions were issued:-

*“11. The Tribunal also considered the deteriorated water quality, status of STPs in Himachal Pradesh, Haryana, Punjab and UT Chandigarh and directed action to be taken by the Himachal Pradesh, Haryana, Punjab and UT Chandigarh to be monitored by the Chief Secretaries and required a further report from the Executing Committee with reference to the status on the ground after six months or as and when considered necessary by the Committee.*

**12. The Committee may simultaneously give a copy of its report to the concerned Chief Secretaries and PCBs/PCC who may give their respective response to this Tribunal within two weeks thereafter. The response may particularly focus on existing STP being compliant with the norms with regard to faecal coliform, bridging of gap in terms of sewage generated and treated, secondary use of STP treated water, bridging of gap in terms of solid waste generated and treated, remediation of legacy waste sites etc.**

8. We may now refer to the Fifth Report of the Committee. Conclusion and recommendations are as follows:-

#### **“4.2.5 Conclusions and Recommendations**

*In view of the discussion held with Distt. Level officers and District Level Special Task Forces of various districts of State of Punjab, Haryana, Himachal Pradesh and UT. Chandigarh and State Level Officers of these States and UT. Chandigarh, visits to pollution sources,*

information collected from various departments w.r.t performance of existing STPs, installation of new STPs, upgradation of existing STPs, irrigation schemes to utilize the treated sewage for irrigation, installation of STPs in rural areas, status of health check up camps, water quality in river Ghaggar, water quality of the groundwater sources located in the vicinity of river Ghaggar, IEC activities and environmental flow etc, **the Executing Committee has made the following conclusions and recommendations.**

#### **4.2.5.1 State of Punjab**

- 1) Punjab water Supply and Sewerage Board shall complete and commission 08 New STPs for 6 towns (Boha, Dhuri, Sangrur, Bassi Pathana, Sirhind and Patiala), whose work has been completed upto 10-41%, should be completed by 31.12.2020.
- 2) Sewage treatment plants for 19 towns for which funds have been tied up should be completed and commissioned by 31.03.2021.
- 3) For upgradation of existing sewage treatment plants for the towns namely Bareta (3 MLD), Bhikhi (3 MLD) and Sardulgarh (4 MLD), funds may be arranged by the Department of Local Government by 31.05.2020 and Punjab Water Supply and Sewerage Board shall ensure that these STPs should be upgraded by 31.03.2021.
- 4) GMADA shall upgrade its existing STP of capacity 45.5 MLD at Mohali by 31.03.2021.
- 5) The authority of Military Engineering Services (MES) shall install and commission new STP's of capacity 6 MLD and 1 MLD for MES Patiala and MES Nabha, respectively, by 31.03.2021.
- 6) **The Executing Committee has observed that there is gap in Sewage Quantity to be treated is 86.26 MLD of 17 towns.** It is recommended that the Department of Local Government shall make necessary arrangements for planning, designing and installation of new sewage treatment plants to treat the gap in sewage quantity by 31.03.2021.

- 7) Water Quality of river Ghaggar has been monitored by Punjab pollution Control Board during November-2019 to February-2020 and **it has been observed that no significant improvement in water quality of river Ghaggar w.r.t. BOD and DO parameters and no improvement w.r.t Coliform Parameter has been observed at 12 locations out of 14 locations of river Ghaggar.**
- 8) PPCB has carried out ground water sampling at 11 locations located in the vicinity of river Ghaggar after monsoon. **The analysis results indicate that water of 1 tubewell is not potable and as such this tubewell is required to be capped. Also, the concentration of iron in 1 handpump sample has been found much beyond the prescribed limits. Therefore, the Executing Committee recommends that these 02 ground water sources should be capped by PPCB by 07.04.2020 and display boards with caption “Water is not fit for drinking”, may be erected at these sites.**
- 9) The Executing Committee has observed that in order to utilize the treated sewage of STP's of 2 towns, irrigation schemes are under progress and the work of the same has been completed upto 80%. The Executing Committee recommends that the irrigation schemes should be completed by 31.05.2020.
- 10) To utilize the treated sewage (51 MLD) of 4 towns (Mandi Gobindgarh, Patiala, Dhuri and Sangrur) for irrigation having command area of 1961 hectares, the Department of soil and water conservation shall take up the matter with the Department of Finance, Punjab for early release of funds and work of laying of irrigation network may be started by 01.05.2020 and the same shall be completed by 30.09.2020.
- 11) The funds for laying of irrigation network to utilize the treated sewage of 24 STPs of 20 towns for irrigation may be tied up by the State of Punjab 31.05.2020 and funds for irrigation network for these towns may be released by 31.08.2020 so that irrigation schemes may be completed by 31.03.2021 i.e. simultaneously along with the commissioning of STPs.

12) The Executing Committee has observed that the treated sewage of 4 towns namely Budhlada: 6.5 MLD, Zirakpur: 17 MLD, SAS Nagar: 45.4 MLD and MC Derabassi: 4 MLD cannot be utilized for irrigation due to non feasibility because of urbanized land and no command area available. Therefore, these urban local bodies may utilize their treated sewage for construction activities, gardenings, vehicle cleaning, road cleaning and toilet flushing etc. The Department of Local Government shall issue necessary directions in this regard.

13) The Monitoring of Sewage Treatment Plants of the towns carried out by PPCB during the period December-2019 to February-2019 indicates that 7 STP's (Banur: 4 MLD, Zirakpur: 17 MLD, Dera Bassi: 4 MLD, Dera Bassi (PSIEC): 2 MLD, Sardulgarh: 3 MLD, Bhikhi: 3 MLD and Bareta: 3 MLD) are not achieving the standards w.r.t BOD and F.Coli parameters. Therefore, the Executing Committee recommends as under:

The Executing Committee recommends that following departments shall take immediate action to improve the functioning of STPs.

- i) PWSSB shall improve the performance of STPs Banur (4MLD), Dera Bassi (4 MLD) and Zirakpur (17 MLD) by 30.04.2020.
- ii) PSIEC shall improve the functioning of 2 MLD STP for Derabassi by 30.04.2020 and utilize the treated sewage for irrigation by 31.05.2020.
- iii) STPs for the towns Sardulgarh (3MLD), Bhikhi (3 MLD) and Bareta (3MLD), which are based on WSP technology, should be upgraded by 31.03.2021.

14) It has been observed that no inspections of the industries/ Pollution sources have been carried out by District Level Special task Force. PPCB has inspected 23 industries during December-2019 to February-2020 and none of the industries was found non compliant. Therefore, PPCB and District Level Special Task force of Districts namely SAS Nagar, Patiala, Sangrur and Mansa shall continue to carry out inspections of industries and other Pollution Sources and action against the defaulting industries/ Pollution

sources be taken under the provisions of the Water Act, 1974.

- 15) *It has been reported by the Department of Rural Development and Panchayat that out of 87 villages taken in Phase-1 for installation of sewage treatment plants, treatment systems have been installed in 23 villages and in 5 villages, treatment plants are under construction.*

*The Executing Committee recommends that the STPs of 5 villages should be completed by 30.06.2020. For the treatment of sewage of remaining 59 villages, funds amounting to Rs 50 crores have been sanctioned but the funds have not been released so far. The Department of Rural Development and Panchayat shall take up the matter with Department of Finance, Punjab for early release of funds.*

- 16) *The data w.r.t. health checkup camps organized in 4 districts (SAS Nagar, Patiala, Sangrur and Mansa) located in the catchment area of river Ghaggar during the period December-2019 to February-2019 indicate that out of total 3126 patients checked during these camps, 94 patients have been found suffered with water borne diseases.*

*Therefore, the Executing Committee recommends that safe drinking water be supplied to the villages by the department of Water Supply and Sanitation, where the patients have been found suffered with water borne diseases by 30.06.2020.*

- 17) *To create awareness among the public about water quality of river Ghaggar, water quality of ground water sources located along river Ghaggar, water borne diseases, utilization of treated sewage for irrigation and less consumption of water for domestic usage, more IEC activities may be carried out by PPCB, Department of Local Government and Department of Rural Development and Panchayat.*
- 18) ***In order to maintain Environment Flow in river Ghaggar, Department of Soil and Water Conservation shall construct check dams/ storage ponds in the catchment area of river Ghaggar so as to regulate the flow***



*in river Ghaggar for whole of the year to maintain environment flow in the river.*

**19) For septage and faecal sludge management, the Executing Committee recommends that PPCB shall take following actions**

- a) To identify the source of generation of Septage and Faecal sludge from rural and urban area and the quantity of septage /Faecal sludge extracted per month by 31.05.2020.**
- b) To prepare comprehensive plan to dispose off these materials in environmentally sound manner by 30.06.2020.**
- c) To identify the nearby STPs where the regulated quantity of septage/ faecal sludge can be taken for treatment by 30.06.2020.**

**20) For removal of solid waste from river Ghaggar and drains/nallahs falling into it, the Executing Committee recommends that PPCB, Department of Rural Development and Panchayat and Department of Water Resources (Drainage) shall jointly survey river Ghaggar and its tributaries and identify its stretches, where the solid waste is found dumped. The survey may be completed by 31.03.2020 and action to lift these solid waste from river Ghaggar and its tributaries be taken by the Department of Water Resources by 31.05.2020.**

#### **4.2.5.2 U.T. Chandigarh**

- 1) The data w.r.t. performance of 6 existing sewage treatment plants (Raipur Khurd: 5.63 MLD, 3 BRD :49.5 MLD, Raipur Kalan: 22.5 MLD, Dhanas: 7.5 MLD, Maloya: 22.5 MLD and Diggian: 135 MLD) of U.T. Chandigarh, as monitored by CPCC during the period December-2019 to February-2020 indicate that **STPs: Raipur Kalan (22.5 MLD), Dhanas (7.5 MLD) and Diggian (135 MLD) are not meeting with the prescribed limits for BOD parameter. However, none of the STP's is meeting with F-coli parameter.****
- 2) The sewage treatment plants of capacity 5 MLD, being installed at industrial area Phase III, Raipur Kalan, has been completed upto 90%, the said STP should be completed by 30.06.2020 2 MLD STP to treat the gap in sewage quantity of U.T. Chandigarh should be completed by 31.12.2020.**

- 3) *In order to meet with the stringent parameters, the Executing Committee recommends that 6 STP's (Raipur Khurd: 5.63 MLD, 3 BRD (49.5 MLD), Raipur Kalan: 22.5 MLD, Dhanas: 7.5 MLD, Maloya: 22.5 MLD and Diggian: 135 MLD) should be technologically upgraded by 31.03.2021.*
- 4) *CPCC shall continue to carry out inspection of industries located in the catchment area of river Ghaggar and action against the violating industries/polluting sources be taken as per the provisions of the Water Act 1974.*
- 5) *Municipal Corporation Chandigarh shall utilize the treated sewage of STPs for gardening, watering of parks and golf course and vehicle washing etc so as to control the discharge of treated sewage into choes/nallahs/drains further leading to river Ghaggar.*
- 6) *The data provided by CPCC, as mentioned at point 4.2.2.8, indicate that there is no improvement in river Ghaggar water w.r.t. BOD and F.Coli parameters. Therefore, the Executing Committee recommends that Municipal corporation Chandigarh should upgrade its existing STPs to meet with the stringent standards for BOD, F.Coli and other parameters by 31.03.2021.*

#### **4.2.5.3 State of Himachal Pradesh**

- 1) *The Executing Committee recommends that the Executing agency of the sewage treatment plants of State of Himachal Pradesh shall ensure that 2 STPs each of capacity 1 MLD to treat the sewage of Parwanoo area, 1 STP of capacity 1.15 MLD to treat the sewage of Trilokpur (Kala Amb area) and 1 CETP cum STP of capacity 5 MLD to treat the industrial and domestic wastewater of Kala Amb area should be completed and commissioned by 31.12.2020.*
- 2) *Sewage treatment plants for 4 villages of Kala Amb area, District Sirmour should be completed by 31.12.2020.*
- 3) *HPPCB shall identify more villages, which are located in the catchment area of Sukhna Nallah, Jattanwala Nallah and river Markanda and prepare comprehensive plan for treatment of sewage of these villages by 31.05.2020.*
- 4) *HPPCB shall continue to make surprise inspection of industries located in the catchment area of Sukhna Nallah, Jattanwala Nallah and Markanda*

river further leading to river Ghaggar and action against the defaulting industries be taken as per the provisions of the Water Act, 1974.

- 5) Water Quality of Sukhna Nallah in terms of BOD, DO and T.Coli, as monitored by HPPCB, during December-2019 to February-2020 indicate that there is improvement of in water Quality of Sukhna Nallah in terms of said parameters.
- 6) Monitoring of Water Quality of river Markanda was carried out by HPPCB during December-2019 to February-2020 and its analysis results indicate that water quality of River Markanda downstream of Jattanwala Nallah has been degraded in terms of BOD and F-coli parameter because in Jattanwala Nallah, **the values of BOD and F-coli have been found varied between 37.3-54.6 mg/l and 58333-74400 MPN/100 ml. The Executing Committee recommends that HPPSB shall identify the sources contributing high value of BOD and F-coli by 7.04.2020 and shall take action against the defaulting industries/ agencies by 15.05.2020.**
- 7) The data w.r.t. health check up camps organized by Department of Health during December-2019 to February-2020 indicate that out of 410 patients checked in District Solan, 47 patients were found suffered with water borne diseases. Similarly, in district Sirmour, 432 patients were checked out of which 9 patients were found affected with water borne diseases.  
  
Therefore, the Executing Committee recommends that in catchment area of river Markanda and Sukhna Nallah, where the **patients have been found suffered with water borne diseases, should be provided with potabale and safe drinking water supply to the residents by the Department of public Health.**
- 8) HPPCB shall continue to create public awareness about water quality of river Markanda, Jattanwala Nallah and Sukhna Nallah, Ground water quality of water sources located in the catchment area of Sukhna Nallah, Jattanwala Nallah and river Markanda and status of health check up camps organized by Department of Health.
- 9) In order to maintain environmental flow in river Markanda and Sukhna Nallah, the Department of irrigation shall explore the possibility of providing

check dams/ storage ponds in the vicinity of river Markanda and Sukhna Nallah by 30.04.2020 so as to discharge the regulated flow in the Nallah/River to maintain E-Flow.

- 10) For septage and Faecal Sludge Management, HPPCB shall taken up the matter with DDPOs of Districts Solan and District Sirmour w.r.t. improvement in the performance of Septic Tanks and degradation of septage and faecal sludge so that there is no illegal disposal of septage and faecal sludge into any nallah/river. HSPPCB shall make surprise inspections in the catchment area of Sukhna Nallah, Jattanwala Nallah and river Markanada and ensure that there is no illegal disposal of septage and faecal sludge from septic tanks into said Nallahs/rivers.

#### 4.2.5.4 State of Haryana

- 1) Performance study of existing Sewage Treatment Plants carried out by HSPPCB indicates that out of 61 STPs, 51 STPs were monitored w.r.t. BOD, TSS and F.Coli parameters. Out of these 51 STPs, **40 STPs were not found complying with the standards prescribed for F.Coli parameters. 51 STPs were found meeting with the standards prescribed for BOD and TSS parameters.**

The Executing Committee recommends that Local body Department, HSVP and Public Health Engineering Department shall upgrade their existing 40 STPs to meet with the prescribed standards of F.coli parameters by 31.12.2020.

- 2) With regard to construction of new STPs, it has been reported that 6 STPs (Baretta: 4 MLD, Jind: 7 MLD, Urban state, Thanesar: 15 MLD, Kurukshetra: 25 MLD, Sirsa: 20 MLD and Fatehbad: 3 MLD) have been commissioned but are under stabilization. The Executing Committee recommends that these STPs should be put into operation by 15.04.2020.

**Poor progress has been made w.r.t. construction of 4 New STPs [Billa{0.75 MLD}:7%, Khuda Khurd Ambala{12 MLD}:5%,Babyal{10 MLD}:3% and Shahpur Machhonda {7.5 MLD}:2%. The Urban Local Bodies, HSVP and Public Health Engineering Department of State of Haryana shall take proactive steps to ensure that these STPs should be completed by 30.09.2020. The remaining STPs,**

whose progress is almost more than 74% except STP for Ambala (5 MLD), where progress has been achieved upto 30%, should also be completed and commissioned by 30.06.2020.

4) For technologically upgradation of STPs of State of Haryana, only 1 STP of Sector 20, panchkula having capacity of 57 MLD has been considered for upgradation. However, the Executing Committee recommends that State of Haryana should make comprehensive proposal to upgrade its STPs to achieve stringent parameters (BOD:10mg/l) including F.Coli parameters. The comprehensive proposal should be prepared by 30.06.2020 and work of upgradation of existing STPs should be completed by 31.03.2021.

5) State of Haryana through HSPCB has claimed that there is only gap of 15.8 MLD untreated sewage of Ambala area for which sewage treatment plants has been proposed to be installed, **whereas the monitoring data of river Ghaggar water, carried out by HSPCB during December-2019 to February-2019, indicate that values of BOD and F.Coli parameters vary between 56-78 mg/l and 300000-486667 MPN/100ml, which indicate that untreated sewage of some of the areas is entering into River Ghaggar.**

Therefore, the Executing Committee recommends that the Department of Irrigation and HSPCB shall jointly identify the drains carrying untreated sewage into river Ghaggar and quantity of sewage flowing into these drains should be measured and necessary directions be issued to the concerned departments of State of Haryana to prepare DPR for installation of STPs and ensure that STPs for gap in sewage quantity should be installed by 31.03.2021 so that water quality of river Ghaggar may be improved.

6) For the treatment of sewage of villages, there is proposal to install STPs in 45 villages, the estimated cost of which is about Rs 718.50 crore. These STPs for treatment of sewage of villages should be completed by 31.12.2020.

7) HSPCB shall continue to make surprise inspection of industries/polluting sources and action against the defaulting industries be taken under the provisions of the Water Act, 1974.

- 8) **The data w.r.t. water quality of ground water sources located in the catchment area of river Ghaggar indicate that out of 76 Ground Water samples analyzed, 40 ground water samples have been found complying with the norms. 36 Ground Water Samples have been found non complying.** Therefore, the Executing Committee recommends that HSPCB shall re-monitor ground water quality of those ground water samples which were found non compliant atleast one time more before making any conclusion on the water quality monitoring report. **In case, these ground water samples are again found non compliant, HSPCB may cap these ground water sources and potable and safe drinking water be supplied to the persons / inhabitants which depend upon these ground water sources by the Department of Public Health.**
- 9) The data w.r.t. health check up camps organized during the months December-2019 to February-2020 and provided by HSPCB indicate that 52 Health Check up camps were organized during December-2019 to February-2020. In these health checks up camps, 3787 patients were examined, out of which **332 patients were found suffered with water borne diseases.** Therefore, the Executing Committee recommends that affected inhabitants should be supplied safe drinking water by the Department of Public Health.
- 10) To create awareness among the public about water quality of river Ghaggar, water quality of ground water sources located along river Ghaggar, water borne diseases, utilization of treated sewage for irrigation and less consumption of water for domestic usage, more IEC activities may be carried out by HSPCB, Urban Local Bodies Department and Department of Rural Development and Panchayat.
- 11) In order to maintain Environment Flow in river Ghaggar, Department of Irrigation shall construct check dams/ storage ponds in the catchment area of river Ghaggar so as to regulate the flow in river Ghaggar for whole of the year to maintain environment flow in the river.
- 12) With regard to management of septage and faecal sludge, the data submitted by HSPCB indicate that septage and faecal sludge of 13 towns with

quantity of 5-300 KLD in the month of December-2019, 5-200 KLD in January-2020 and 5-200 KLD in the month of February-2020 was transported to the existing STPs through the tankers. However, the Executing Committee recommends as under:

- a) **The tankers deployed for collection and transportation of septage and faecal sludge to STPs should be properly covered.**
- b) **All the tankers should be provided with GPS with its connectivity to HSPCB and urban local bodies Department so that movement of the trucks may be checked at any time.**
- c) To identify the nearby STPs where the regulated quantity of septage/ faecal sludge can be taken for treatment by 30.06.2020.

- 13) To utilize the treated sewage for irrigation, the Government of Haryana has prepared a consolidated project costing Rs. 1098.25 crore to utilize 1828 MLD of treated sewage out of total 2795.2 MLD of treated wastewater from 207 STPs (Ghaggar and Yamuna). 1828 MLD treated sewage shall be utilized for irrigation in command area 162000 hectares. The completion period of the project is 5 years which also depends upon the availability of funds.

Out of these 207 STPs, 35 STPs have been chosen for Rs 500 crores MI projects under NABARD assisted Micro Irrigation Projects. The remaining funds of Rs 598.25 crore (Rs 1098.25 crores-Rs 500 crores) shall be made available under annual budget as the project stands approved by the State Government.

The Executing Committee recommends that Urban Local Body Department, HSVP and Public Health Engineering Department shall supply the details along with capacity of STPs of the towns located in the catchment area of river Ghaggar, where STPs are in operation to the Department of Irrigation. The Department of Irrigation shall ensure that the treated sewage of the towns located on river Ghaggar should be covered under the consolidated project or separate schemes for utilization of treated sewage for irrigation may be prepared, constructed and commissioned by 31.03.2021.”

9. We regretfully note flagrant violation of mandate of the Water (Prevention and Control Pollution) Act, 1974 and the Waste Management Rules framed under the Environment (Protection) Act, 1986 as well as repeated directions given by the Hon'ble Supreme Court and this Tribunal. There is repeated failure by the concerned States and its authorities in performing their constitutional obligation in ensuring that no pollution is discharged into the rivers or drains connected thereto. The timeline fixed by the Hon'ble Supreme Court in its judgement in *Paryavaran Suraksha case, (2017) 5 SCC 326* to ensure treatment of sewage and effluent is by 31.03.2018 which has expired since long.

10. It may be appropriate to note the directions of the Hon'ble Supreme Court:-

*“7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. **We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.***

**10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health,**



sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.

11. Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.**
12. We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.
13. **We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby

provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.**

**14.** To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.”**

**(emphasis supplied)**

11. As already noted, this Tribunal has dealt with the matter in O.A. No. 593 of 2017, *Paryavaran Suraksha Samiti & Anr. Vs. UOI & Ors.*, for monitoring the situation in pursuance to the directions of the Hon’ble Supreme Court and noted the disappointment for failure in this regard by almost all the States and Union Territories. Vide order dated 21.05.2020, this Tribunal observed as follows:-

*“8. Before proceeding further, we may also note further order of this Tribunal dated 06.12.2019 in O.A. No. 673/2018 directing as follows:*

**“XII. Directions:**

47. We now sum up our directions as follows:

- i. 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.**
- ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. Rs. 10 lakhs per month per STP.**
- iii. We further direct that an institutional mechanism be evolved for ensuring compliance of above directions. For this purpose, monitoring may be done by the Chief Secretaries of all the States/UTs at State level and at National level by the Secretary, Ministry of Jal Shakti with the assistance of NMCG and CPCB.**
- iv. For above purpose, a meeting at central level must be held with the Chief Secretaries of all the States/UTs atleast once in a month (option of video conferencing facility is open) to take stock of the progress and to plan further action. NMCG will be the nodal agency for compliance who may take assistance of CPCB and may give its quarterly report to this Tribunal commencing 01.04.2020.**
- v. The Chief Secretaries may set up appropriate monitoring mechanism at State level specifying accountability of nodal authorities not below the Secretary level and ensuring appropriate adverse entries in the ACRs of erring officers. Monitoring at**

State level must take place on fortnightly basis and record of progress maintained. The Chief Secretaries may have an accountable person attached in his office for this purpose.

- vi. Monthly progress report may be furnished by the States/UTs to Secretary, Ministry of Jal Shakti with a copy to CPCB. Any default must be visited with serious consequences at every level, including initiation of prosecution, disciplinary action and entries in ACRs of the erring officers.
- vii. **As already mentioned, procedures for DPRs/tender process needs to be shortened and if found viable business model developed at central/state level.**
- viii. **Wherever work is awarded to any contractor, performance guarantee must be taken in above terms.**
- ix. CPCB may finalize its recommendations for action plans relating to P-III and P-IV as has been done for P-I and P-II on or before 31.03.2020. This will not be a ground to delay the execution of the action plans prepared by the States which may start forthwith, if not already started.
- x. The action plan prepared by the Delhi Government which is to be approved by the CPCB has to follow the action points delineated in the order of this Tribunal dated 11.09.2019 in O.A. No. 06/2012.
- xi. Since the report of the CPCB has focused only on BOD and FC without other parameters for analysis such as pH, COD, DO and other recalcitrant toxic pollutants having tendency of bio magnification, a survey may now be conducted with reference to all the said parameters by involving the SPCB/PCCs within three months. Monitoring gaps be identified and upgraded so to cover upstream and downstream locations of major discharges to the river. CPCB may file a report on the subject before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).
- xii. Rivers which have been identified as clean may be maintained.”

**(emphasis supplied)**

13. The above report shows that some steps have been initiated against non-compliant ETPs/CETPs/STPs while further steps need to be taken. With regard to industries not having ETP or not connected to CETP, pending construction of CETPs as mentioned in the above report, the State PCBs/PCCs may ensure that

there is no discharge of any untreated pollutants by the industries and such polluting activities must be stopped and compensation recovered for the non-compliance, if any, apart from any other legal action in accordance with law. As regards non-compliant STPs, further action may be completed by the State PCBs/PCCs and it may be ensured that there is 100% treatment of sewage and till STPs are set up, atleast in-situ remediation takes place. However, on account of Corona pandemic which has affected several on-going activities, the timeline of levy of compensation in terms of order dated 28.08.2019 in O.A. No. 593/2017 read with order dated 06.12.2019 in O.A. No. 673/2018, of 01.04.2020 may be read as 01.07.2020 and 01.04.2021 may be read as 01.07.2021. Further reports may be taken by the CPCB from all the State PCBs/PCCs as per the system evolved by the CPCB from time to time.

26. **Summary of directions:**

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

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

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

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

**direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable.**

**ii. The CPCB may study and analyse the extent of reduction of industrial and sewage pollution load on the environment, including industrial areas and rivers and other water bodies and submit its detailed report to the Tribunal.**

**iii. During the lockdown period there are reports that the water quality of river has improved, the reasons for the same may be got studied and analysed by the CPCB and report submitted to this Tribunal. If the activities reopen, the compliance to standards must be maintained by ensuring full compliance of law by authorities statutorily responsible for the same.**

**iv. Accordingly, we direct that States which have not addressed all the action points with regard to the utilisation of sewage treated water may do so promptly latest before 30.06.2020, reducing the time lines in the action plans. The timelines must coincide with the timelines for setting up of STPs since both the issues are interconnected. The CPCB may compile further information on the subject accordingly.**

**v. Needless to say that since the issue of sources of funding has already been dealt with in the orders of the Hon'ble Supreme Court, the States may not put up any excuse on this pretext in violation of the judgment of the Hon'ble Supreme Court.**

**27. The CPCB may furnish its report by 15.09.2020 giving the status of furnishing of action plans and their execution as on 31.08.2020 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."**

12. The Tribunal has also been monitoring the situation in O.A. No. 606/2018 wherein the Chief Secretaries of the all the States/ UTs have appeared in person before this Tribunal and directions have been issued to comply with the mandate of law. In O.A. No. 673 of 2018, the issue of polluted river stretches is being dealt with, as

already noted above. Further, in O.A. No. 148 of 2016, *Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation & Ors.*, the issue of utilization of treated water is being dealt with and the last order was passed by this Tribunal on 21.05.2020. In O.A. No. 325/2015, *Lt. Col. Sarvadaman Singh Oberoi Vs. Union of India & Ors.*, the issue of restoration of water bodies has been dealt with and the last order passed by this Tribunal is of 01.06.2020. It will be appropriate that the States/UTs take further prompt action in the matter and hold erring officers responsible and accountable. The Chief Secretaries of the States/UTs may monitor the situation with the assistance of Environment Cells directly under them as per observations in the orders of the Hon'ble Supreme Court, referred to in the orders of this Tribunal in O.A. No. 606/2018.

13. The States have not filed their response even though the report of the Committee was made available in pursuance of direction in paragraph 12 of order dated 20.01.2020 quoted above.
14. We note the presence of learned counsel for the States of Punjab, Haryana, Himachal Pradesh and UT Chandigarh who have nothing meaningful to explain the persistent defaults. Learned counsel for the State of Himachal Pradesh submitted that he is not able to get complete instructions on account of the lock down. Learned counsel for the UT Chandigarh states that certain further steps have been taken in the matter of plugging of the outlets and upgradation of STPs but the steps for use of treated water and action in terms of recommendations of the Committee are yet to be taken. Learned counsel for the State of Punjab and the Member Secretary State PCB stated that there is some progress but we find

the progress to be highly inadequate and unsatisfactory. Learned counsel for the State of Haryana states that the State of Haryana is not even aware of the standards of fecal coliform and has yet to lay down the standards. We are surprised at this statement. The standard of fecal coliform has been dealt with by this Tribunal vide order dated 30.04.2019 in O.A. No. 1069 of 2018, *Nitin Shankar Deshpande Vs. UOI & Ors.* The Tribunal noted the standards proposed in the draft Notification dated 24.11.2015 by the MoEF&CC and held that dilution of the standards by Notification in October, 2017 was against the recommendation of the Expert Committee referred to therein. Such relaxed standards led to deterioration of water quality, adversely affecting the environment and public health. The Tribunal observed as follows:-

*“13. We find that there is no justification for diluted standards for areas other than Mega and Metropolitan Cities. The water quality standards are required to be same for the population of major cities or other cities. No justification has been shown for different standards for persons living in cities other than Mega and Metropolitan Cities. Major population of this country will be affected by diluted standards and only persons in Mega and Metropolitan Cities will have comparatively better standards without any valid reason or distinction. We may note that filters, UV filters etc. are facilities mainly available in major cities and not in smaller cities or villages where the standards are proposed to be diluted.*

*14. Accordingly, we accept the report of the Expert Committee with the modification that the standards recommended for Mega and Metropolitan Cities will also apply to rest of the country. We also direct that the standards will apply not only for new STPs but also for existing/under construction STPs without any delay and giving of seven years time stands disapproved.*

*MoEF & CC may issue an appropriate Notification in the matter within one month from today.”*

The norms are <100 MPN(Most Probable Number)/100 ml



15. In view of the above, we direct that the directions already issued by this Tribunal in O.A. No. 673/2018, 606/2018, 148/2016, O.A. No. 325/2015 and 593/2017 and the recommendations of the Committee may be complied with. The Compliance Status may be verified by the Executing Committee and the next report may be furnished by 30.09.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Simultaneously copy of the report be furnished to the Chief Secretaries/ PCBs and PCCs of the States of Punjab, Haryana, Himachal Pradesh and UT Chandigarh who may give their response within two weeks thereafter.

List for further consideration on 28.10.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

June 15, 2020  
O.A. No. 138/2016 (T<sub>NHRC</sub>)  
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