

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

Original Application No.916/2018
(Earlier O.A. No. 101/2014)

Sobha Singh &Ors.

Applicant(s)

Versus

State of Punjab &Ors.

Respondent(s)

Date of hearing: 16.07.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Amber Sachdeva, Advocate

For Respondent (s):

Mr. Anand Kumar Shrivastava, Advocate
for State of Punjab
Mr. ShubhamBhalla, Advocate for PPCB
Mr. A. R. Takkar, Advocate and Ms. Shriya
Takkar, Advocate
Mr. Rajkumar, Advocate for CPCB

ORDER

1. Issue for consideration is pollution of Rivers Satluj and Beas in the State of Punjab and other incidental and allied issues. The subject has been dealt with by this Tribunal in the last five years on several occasions. Background has been elaborately set out in the order dated 24.07.2018. Main sources of pollution are discharge of untreated industrial effluents by industries, discharge of untreated municipal sewage as well as solid or other waste disposal either directly in the said rivers or in the drains or the tributaries of the said rivers.

2. River Satluj also finds mention in the identified polluted river stretches based on data compiled by Central Pollution Control Board (CPCB).
3. Vide order dated 24.07.2018, this Tribunal directed the CPCB to constitute a Monitoring Committee with representatives from the Pollution Control Boards of Punjab and Rajasthan and Mr. Balbir Singh Seechewal, a volunteer and to prepare a time bound action plan to be put on the website. Involvement of stake holders was to be sought, apart from undertaking awareness programs.
4. The report of the Committee which was taken up for consideration vide order dated 14.11.2018 showed huge amount of uncontrolled pollution on account of lack of sewage system, non-availability of STPs or other appropriate waste water treatment facilities, lack of skilled man power, non-sustainable approach in designing sewage management project which resulted in damage to the health of the inhabitants and the environment.
5. Having regard to the magnitude of the damage and failure of governance in handling the situation, the Tribunal directed the State of Punjab to deposit a sum of Rs. 50 Crores for restoration of the environment which could be recovered from the erring local bodies/officers/individual.
6. Further reports dated 21. 01. 2019 and 30.01.2019 were filed by the CPCB which were taken up for consideration on the last date of

hearing i.e. 28.02.2019. The reports considered the action plan of the State of Punjab which was furnished in pursuance of orders of this Tribunal dated 20.09.2018 and 19.12.2018 in *Original Application No.673 of 2018, News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are not critically polluted: CPCB"*. In view of continuing pollution and highly inadequate steps for remedying the situation, this Tribunal directed that the Monitoring Committee earlier constituted may now be headed by a former Judge of Punjab and Haryana High Court. A former Chief Secretary of Punjab and a former Member Secretary of Punjab PCB were directed to be included as Members. The Tribunal suggested two Senior IAS officers named in the order, whose contribution in the field of environment was well acknowledged, could be involved in a suitable manner. The Committee was to oversee the remedial measures and also consider closure of polluting activities, prosecution of the polluters and recovery of compensation for damaging the environment, apart from recommending disciplinary and penal action against the erring officers. The Tribunal also suggested that the State Government should record failure of individual officers in the ACRs.

7. The Committee has furnished its report dated 12.06.2019 based on its monitoring. The Committee noted as follows:
 - i) Data at the entry point of river in Punjab indicated that water quality was Class B but at the downstream in the State at Harikelake the water quality deteriorated to Class C. The

degradation was due to discharge of sewage of the towns and the industrial effluents. The Committee recommended installations of 7 online continuous monitoring stations at appropriate locations.

- ii) Out of 53 STPs monitored by the Committee in January, 2019, 30 were not achieving the norms for which remedial measures were suggested.
- iii) CETP for leather complex at Jalandhar was not achieving the norms.
- iv) ETPs installed by the industries were not being inspected by senior level officers. The Committee suggested that 15% of the industries should be inspected by senior level officer of the PPCB.
- v) The industries in proximity of the water bodies must be selected for inspection having regard to quantity of effluent and toxicity of effluents.
- vi) The Committee suggested that the State Government should review the action plan for new STPs and upgradation of existing STPs, particularly, in the catchment areas of the rivers.
- vii) The Municipal Corporation, Ludhiana should finalize firm timelines for the ETPs and bio-gas plants for treatment of dairy effluents. The Committee suggested that treated waste water be utilized for irrigation.

viii) CCTV cameras be installed to check dumping of solid waste into the *BudhaNallah* Drain.

8. Apart from the above general observations, the committee has made specific observations about its visit on specific locations. With respect to the visit at *BudhaNallah*, the committee observed:-

- i) STP at Jamalpur was not in operation and the officers of Municipal Corporation, Ludhiana informed that this STP is lying defunct and non- functional.
- ii) The waste water from Dairy complex, Tajpur road(5 MLD) is discharged into *BudhaNallah* without any treatment.
- iii) Lot of discharge of waste water(60 MLD) coming from Transport Nagar was found entering into *BudhaNallah*.
- iv) STP at Bhattian with the capacity of 111MLD was not performing satisfactorily, as the treated sewage was found to be black in color.
- v) Both the STPs at Balloke were not performing satisfactorily as the color of the treated sewage was quite black in color.
- vi) Liquid effluent (10 MLD) in the form of washings and urine of animals is directly discharged into *BudhaNallah* from Dairy Complex, Haibowal.

9. The committee made the following recommendations to remedy the deficiencies noticed above:

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- i) *The Municipal Corporation, Ludhiana should rehabilitate the STP based on appropriate technology and sewage flow entering into*

STP in view of future increase in discharge due to growth in population.

- ii) Municipal Corporation Ludhiana shall prepare concrete and firm proposal for treatment of wastewater from Dairy Complex, Tajpur Road. In case, these dairies are to be shifted to designated area, the firm timelines must be submitted so that the discharge from these dairies may be cutoff from entering into Buddha Nallah.*
- iii) With respect to CETP, Bahadurke Road, Ludhiana to treat the effluent of 23 dyeing industries, 1.5 MLD CETP is under construction. The committee desired that the CETP must be completed by 30.06.2019.”*

10. With respect to sewage/ sullage disposal points into drains leading to Holy Bein the committee made the following recommendations:

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- i) Punjab Pollution Control Board shall issue directions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 to the Department of Local Govt. to de-sludge the ponds of the STP, SultanpurLodhi and to replace 02 no. lifting pump with new one to lift the sewage to the STP within 02 months.*
- ii) Department of Rural Development & Panchayat be directed to make the pumping system operational so as to carry the sewage of Village Kheda Donna to the pond provided to treat the sewage and utilize the same for irrigation and plug the outlet into holy Bein.*
- iii) Department of Local Govt. be directed to ask Municipal Council, Kapurthala to operate the existing STP regularly and efficiently and*

no effluent should be bypassed. The treated sewage should be utilized for irrigation and no leading to Holy Bein. The necessary upgradation in ETP shall be made within the time schedule as mentioned in the Action Plan "Clean River Sutlej."

iv) PPCB shall issue directions to Jalandhar Development Authority to arrange suitable chunk of land for installation of STP to treat the sewage of Rawal and its Colonies as it a major source of pollution in Holy Bein and it may be directed to install STP within 06 months.

v) Department of Local Govt. be directed to ask the Municipal Council Kapurthala to disconnect the outlets of some localities of Kapurthala town falling into Wadala Drain and same should be diverted to main sewerage system leading to STP."

11. With respect to the Common Effluent Treatment Plant (CETP) at Leather Complex, Jalandhar the Committee made the following recommendations:

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- i) PPCB shall issue directions under the provisions of the Water Act, 1974 to Punjab Effluent Treatment Society (PETS) to upgrade the CETP within the time schedule as mentioned in the Action Plan prepared by the State Government, Department of Environment to achieve all the parameters within the prescribed limits.*
 - ii) PPCB shall get performance guarantee of Rs. 25 Lakh from PETS for effective operation of equipments to be installed for*

upgradation of existing CETP to ensure the achievement of standards as prescribed by the Board.

iii) PPCB shall issue directions under the provisions of the Water Act, 1974 to PETS to install and commission the following systems within one month for effective monitoring of CETP.

a. Electromagnetic flow meter at the outlet of CETP.

b. pH measuring sensor to be installed in OCEMS.

c. Connectivity of OCEMS with CPCB and PPCB servers.

d. To ensure regular lifting of sludge from CETP and to send it to TSDF Nimbua.

iv) PPCB shall issue directions under the provisions of the Water Act 1974 to PSIEC to disconnect all the outlets of storm water drain from Kala Singhian drain, presently carrying Sewage of Leather Complex, into said drain within 15 days. These outlets shall only be operated during rainy season in the presence of officials of PPCB.

v) PPCB shall lay down primary effluent treatment plant standards of waste water to be further treated into common effluent treatment plant within 15 days.

vi) Municipal Corporation Jalandhar shall close outlet maintained near STP Peer Daad to discharge untreated sewage into Kala Singhian drain within 15 days.”

12. The Committee has also made recommendations on the subject of municipal solid waste management at SBS Nagar, STPs at SBS Nagar

stretch along Kala Singian Drain at SultanpurLodhi and NayaNangal. It was noted that M/s Punjab Alkalies& Chemical Ltd., NayaNangal, Distt. Roopnagar claimed to be utilizing RO reject water for irrigation while such water must be taken to Multi Effect Evaporator and dried sludge to be taken to the TSDF site.Observations have also been to withstand the deficiencies in the STP installed by the Punjab Water Supply & Sewerage Board (PWSSB). It was found that a bye-pass drain carrying untreated sewage mixed with treated sewage was being taken to the River Satluj and the Committee was misled in that regard by the Executive Engineer of PWSSB.Deficiencies were noticed in the operation of the STP by the authorities of the BBMB. There was need for effective monitoring of functioning of CETP by having suitable mobile application and GPS system as well as functioning of ETPs installed by the industries. Having regard to the facts ascertained on personal visit, the Committee required that the State PCB should take action against the Municipal Corporation, Ludhiana, Punjab Dyers Association, Ludhiana for unauthorizedly discharging effluents directly into the BudhaNalla.Action was also directed against Assistant Environmental Engineer looking after Tajpur Road for not reporting unauthorized outlet into the BudhaNallah. The Municipal Corporation was to remove all the outlets carrying effluents directly into the BudhaNallah. The Committee directed that the STPs of the Municipal Council be monitored by the State PCB. The Committee visited STP at BudhaNallah at BhamianKalan, Ludhiana, Sewage Treatment Plant at Jamalpur, Dairy Complex, Tajpur Road, Ludhiana, Transport

Nagar Near Durdwara Gaughat, CETP, Bahadurke Road, Ludhiana, Qasabad and STP at Bhattian, STP at Balloke, Disposal of effluent from Dairy Complex, Haibowal into BudhaNallah and Bio-gas Plant, Haibowal, BudhaNallah at Barnhara Bridge, Confluence point of BudhaNallah with River Satlej, disposal points of sewage of focal point, Jalandhar, second disposal point near M/s JagranPrakashan Ltd. The Committee visited various industries such as M/s Vishal Tool & Forging Pvt. Ltd, M/s Proxima Steel Forge Pvt. Ltd, M/s Talbro Forging, M/s Doaba Co-operative, The Doaba Cooperative Milk Producers Union Ltd, G.T Road, bye-pass, Jalandhar. Disposal of sewage of Kalia colony, Jalandhar, Disposal points near SabjiMandi, Maqsudan Road, Jalandhar, disposal points of industrial area, Jalandhar, CETP at Leather Complex, Jalandhar, M/s Jay Dee Leather Pvt. Ltd, Plot No. 28, and 29, Leather Complex, Jalandhar, STP Pholriwal, STPs, sewage/sullage disposal points into drains leading to Holy Bein (Kali Bein or West Bein), disposal of sewage/sullage of Village Kheda Donna into Holy Bein, STP Kapurthala, Bhulana Drain leading to Holy Bein, disposal point into Wadala Drain leading to Holy Bein.

13. The Committee made its further recommendations as follows:

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- 1) *The observations of the Monitoring Committee with regard to the STPs and industries be conveyed to PPCB, PWSSB, BBMB and M.C NayaNangal for further immediate action in the matter.*

2) *PWSSB authorities be asked to issue show cause notice to Sh. Rahul Kaushal, Executive Engineer and Sh. Tarun Gupta, Sub Divisional Engineer for misleading the Committee about bye pass drain, carrying untreated sewage, leading to river Sutlej.*

3) *BBMB authorities be asked to issue advisory letters to Sh. Manvinderpal Singh, Executive Engineer and Sh. Sukhdev Singh, Sub Divisional Engineer regarding irregular operation and non maintenance of STP and worst condition of sludge drying beds, which were not found used for the last so many days, because these sludge drying beds were found full of wild grass.”*

14. Learned counsel for the State of Punjab, Punjab State PCB and Municipal Corporation, Ludhiana suggest that the reports be accepted being based on objective data. We are satisfied that the report of the Committee needs to be implemented fully in letter and spirit. We place on record our gratitude for the massive work undertaken by the Committee. On that basis, in compliance of established environmental principles, identified polluting activities must be stopped/suspended till the norms are met, identified polluters prosecuted and compensation for damage to the environment and public health recovered which should be adequate to meet the cost of restitution and deterrent. Wherever possible,

thefollowing formula evolved by the CPCB may be followed for assessing such compensation:

$$EC = (PI \times N \times R \times S \times LF)$$

Where, *EC* is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (Rs) for *EC*

S = Factor for scale of operation

LF = Location factor

15. The formula has been quoted and discussed in order of this Tribunal dated 13.05.2019 in O.A No. Original Application No. 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. &Ors.*¹
16. The deterrence element should be followed where the default is continuing. Compensation need not be limited to the day on which default is found but should go back to preceding five years unless the polluter establishes that in the past such pollution was not taking place. For doing so, the principle of 'best judgment assessment' ought to be followed by the authority assessing such compensation. The compensation suggested by the Committee in its report may be treated as tentative and on that basis the Pollution Control Board may pass appropriate orders, after following the due procedure of law. It will be open to the State Pollution Control Board to pass an

¹The 'Polluter Pays' principle requires the polluter to pay for the entire period of pollution which needs to be assessed in every individual case in the light of circumstantial evidence and the probabilities.

interim order, pending procedure being followed, if the material on record warrants recovery of interim compensation. The State PCB may give a report of the action taken for information of the Committee and may be forwarded to this Tribunal for further orders, wherever necessary.

17. The next report of the Committee may be in cumulative terms consolidating its conclusions, giving the earlier status, the current status and the recommendations at one place in a tabulated form. Further report may be furnished after three months but before 30.11.2019 at judicial-ngt@gov.in.

List for further consideration on 06.12.2019.



Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 16, 2019
Original Application No.916/2018
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