

**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: 28.02.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Appellant(s):

Mr. Balbir Singh Seechewal, in person.
Mr. Amber Sachdeva, Advocate

For Respondent (s):

Mr. Rajkumar, Advocate for CPCB
Mr. A.R. Takkar, Ms. Shriya Takkar and Mr.
Ajay Bansal, Advocates for Municipal
Corporation Ludhiana, Municipal Corporation
Jalandhar and Water Supply and Sewage Board
Mr. Shubham Bhalla, Advocate
Mr. Naginder Benipala and Mr. Gagan Kumar,
Advocates for PPCB

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 waste

disposal either directly in the said rivers or in the drains or the tributaries of the said rivers.

2. During testing of samples, water quality has been found to be toxic *inter-alia* with chromium, nickel, zinc. Various study reports have been published in journals.
3. River Satluj also finds mention in the identified polluted river stretches based on data compiled by Central Pollution Control Board (CPCB).
4. The industrial area of Ludhiana is critically polluted area generating hazardous industrial waste by industries engaged in dyeing, electroplating, induction furnaces etc. Leather industries, Sugar Mills, Distilleries also contribute to the pollution in the area. The CPCB, in its report furnished to this Tribunal, found that the water is not up to the mark and recommended setting up of STPs etc. for treatment of industrial effluents and municipal sewage before the same are discharged in the water bodies.
5. 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.

6. The Monitoring Committee furnished its interim report which was considered vide the order dated 14.11.2018. The report noted 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. The pollution in the catchment area remained uncontrolled. Solid waste was not being properly handled. The sludge generated was not being pre-treated. There was no stand by arrangement during maintenance. The STPs were being by passed. This resulted in damage to the health of the inhabitants and to the environment.

7. The observations and conclusion in the report were noted as follows:-

“a. Samples were collected from 34 out of 43 STPs inspected by the Committee.

b. 01 out of 43 STPs is having valid Consent.

c.17 out of 43 STPs are bye-passing the sewage without imparting any treatment.

d. 36 STPs have installed flow meters at the inlet and only 12 out of 43 STPs have installed flow meters at the outlet.

e. Out of 34 samples, 33 are not complying with the sewage discharge norms.

f. 39 STPs are discharging their effluent either in rivers or drains and 3 STPs are using for onland irrigation. 01 STP gate found locked during the visit.

g. Most of the STPs located at Bhattian, Jamalpur, Bastipirdadd, Phillaur, Ropar Waddi, MaujewalNangal, Makhueither lying defunct or the effluent was being by-passed (STPs at Jagraon, Balloki, NakodarPhillaur, Moga, Anandpur Sahib, Kapurthala, Phagwara etc.) without imparting any treatment for the generated sewage. At some STPs, operators were not present.”

8. With regard to CETPs, it was found that:

“(i) CETP in leather complex was not in operation but under maintenance;

(ii) Chromium bearing sludge removed from the sludge drying beds is kept in open yard adjacent to the sludge drying bed which may lead to soil and ground water contamination;

(iii) Housekeeping in CETP was very poor;

(iv) Workers were found to be replacing the new aerators in place of old aerators without any safety precautions (without wearing any PPE);

(v) There is no provision of surface run off collection drain provision within the premises of CETP and thereby surface run off is leading towards preliminary storage tank;

(vi) OCEMS at the ETP outlet not yet provided for continuous monitoring of the treated effluent before its discharge, which is a serious violation of directions issued by Central Pollution Control Board;

(vii) Outlet of CETP is located close to the Kala Singhian drain and possibility of untreated industrial effluent into the drain cannot be ruled out.

(viii) Considering the likely impacts due to improper disposal of chromium bearing sludge in Open Yard, the Committee directed the CETP authorities to lift and dispose of the chromium bearing sludge immediately through a TSDF, Nimbua following the

manifest as per Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016 as amended.

(ix) The CETP authorities could not show any documents relating to the CETP.”

9. Observations with regard to 50 MLD capacity STP adjacent to the leather complex at Jalandhar are as follow:

“(i) There is no sign of proper operation of the STP;

(ii) Automatic skimming provision is not in working condition;

(iii) STP is having bye-pass arrangement without any electromagnetic flow measuring unit to record any discharge through bye-pass arrangement

(iv) The sludge generated from the press filter arrangement were surprised to find that the cake of sludge had long dried up and efforts had been made to drench it by throwing water on it.

(v) Sludge lying in the STP premises is not at par with the efficiency of the STP w.r.to removal of solids present in the raw sewage;

(vi) OCEMS installed in the STP outlet is not in working condition;

(vii) Authorities are not having thorough knowledge on operation aspects of STP due to lack of adequate training and skilled man power for proper operation of the STP;

(viii) Requisite records are not maintained properly.”

10. With regard to CETP at Ludhiana, it was observed:

“(i) The CETP Operator is required to provide information on industry-wise information regarding quantity for which agreement has

been made, quantity actually lifted on monthly basis for the last one year. PPCB shall also provide the list of all these electroplating industries along with consented quantity of trade effluent to be generated.

(ii) The transportation vehicles used for collection of industrial effluent should be lined with acid proof lining on sides and at bottom with a spill collection provision at the bottom for collection of spillages during the transportation or may also use closed type of tanker with all necessary provisions. Such collected spillages may be ensured further treatment.

(iii) The transportation vehicles should be provided with name and contact details of the CETP Operator on all the four sides so that the information can be provided in case of any eventuality/accident.

(iv) PPCB should direct all the member industries of CETP to provide only neutralized industrial effluent to the CETP Operator, considering the safety aspects during transportation and handling of such industrial waste water.

(v) Automatic dosage system in place of the manual dosage of lime be practiced by the CETP operator for neutralization of untreated effluent.

(vi) All the CETP areas should be properly earmarked by providing proper sign boards and also a layout of ETP at the entrance and also display board at the entrance indicating validity of consent and authorisation, wastewater treatment capacity and contact details of the CETP, should be provided by the Operator.

(vii) The CETP should provide acid proof lining in the collection tank and the trenches in which the effluent is collected from the tankers, with proper sealing to avoid soil contamination.

(viii) House keeping needs improvement.

(ix) Instead of sludge drying beds, drum filter or centrifuge may be used for sludge handling prior to the disposal through TSDF Operator.

(x) Proper records should be maintained by the CETP Operator and submitted.”

11. In view of the above, the Tribunal held that damage in monetary terms was not less than Rs. 50 crores which was required to be paid by the State of Punjab for failure of its legal obligation so that this amount could be spent on restoration of the environment and for relief to the victims. The amount could be recovered from the erring industries, local bodies and erring officers and individuals. Further report was required to be furnished to by the Monitoring Committee.
12. Reports dated 30.01.2019 and 21.02.2019 have been filed by the CPCB which are for consideration today.
13. Report dated 21.02.2019 refers to the order 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”*, wherein this Tribunal has dealt with the issue of 351 identified polluted river stretches in India and required action plans to be prepared by the River Rejuvenation Committee (RRC) of the concerned States and submitted to the Nodal Agency, CPCB. The report states that action plans

for rejuvenation of river Satluj and Beas have been submitted by the State of Punjab. The action plans identified the major drains which are being polluted and which are joining the rivers and the sources of pollution which mainly are industrial and municipal. The action plans deal with the gaps in solid waste management, bio-medical waste management, hazardous waste management as well as in discharge of untreated sewage and industrial effluents. The report also refers to meetings of the Monitoring Committee and the deliberations for taking remedial steps. The recommendations of the Monitoring Committee *inter-alia* provide for steps for water supply, sewage treatment and management, industrial effluent management, organizing health camps, plans for rejuvenation of rivers and mechanism for utilization of Rs. 50 crores to be recovered from the State of Punjab.

14. This Tribunal has come across the problem of pollution of water bodies in large number of cases and acknowledged unsatisfactory state of affairs and failure of statutory regulatory authorities and Governments,¹ threatening availability of potable water for drinking purposes, causing deaths and diseases².

¹ Order dated 11.01.2019, Aryavart Foundation vs. M/s. Vapi Green Enviro Ltd. & Ors., Original Application No. 95/2018 and order dated 19.02.2019, Paryavaran Suraksha Samiti vs. Union of India & Ors., Original Application no. 593/2017

² Orders dated 20.09.2018 & 19.12.2018, New item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted :CPCB and other connected matters, Original Application No. 673/2018.

15. On the connected issue of solid waste management, the Tribunal has constituted Committees mostly headed by former High Court Judges for better coordination and execution of orders of this Tribunal passed from time to time³.
16. Vide order dated 16.01.2019 in Original Application No. 606/2018, the Tribunal has required the personal presence of the Chief Secretaries of all the States on different dates, after being fully briefed on serious issues of environment in their respective States⁴.
17. The Tribunal has also directed recovery of compensation from the regulatory bodies themselves for their failure and also furnishing of performance guarantees, conducting performance audit of the regulatory bodies and review their manning by suitable persons since the existing mechanism is far from satisfactory.
18. During hearing today, suggestions received are preventing pollution, rational use of potable water, proper operation and maintenance of pollution control devices, re-use of treated water, regulating drawal of ground water and strengthening of the Monitoring Committee by including more independent persons in senior positions committed to the cause of environment protection.

³ Order dated 16.01.2019, Compliance of Municipal Solid Waste Management Rules, 2016, Original Application No. 606 of 2018

⁴ Order dated 11.01.2019, Aryavart Foundation vs. M/s. Vapi Green Enviro Ltd. & Ors., Original Application No. 95/2018

19. Accordingly, while directing the Monitoring Committee to continue its further deliberations and monitoring, we direct that the Monitoring Committee will now be headed by Justice Pritam Pal, former Judge of Punjab and Haryana High Court, who is also heading the Committee for solid waste management and for rejuvenation of Gaggar river. In addition Shri Subodh Agarwal, former Chief Secretary of Punjab will be a senior member. We suggest that the Committee may seek, wherever viable, the guidance of Justice Kuldeep Singh, former Judge Hon'ble Supreme Court, who is available in Chandigarh and is an acknowledged expert on environmental issues. The Committee may also consider co-opting suitable members, including sub Committees to be constituted for different areas, having hotspots of pollution or for dealing with different subjects. The Committee may also consider undertaking programs to create awareness by involving religious and social organizations or individuals committed to the cause of environment in a suitable way.
20. The Committee may also consider the plan prepared by the Committee constituted by this Tribunal vide order dated 26.07.2018 in *Manoj Mishra Vs. Union of India & Ors., Original Application 06/2012*. Its plan is available on the website of the said Committee.⁵
21. We are informed that Shri Satish Chandra and Shri Sanjay Kumar, IAS Officers in the State of Punjab have been involved in

⁵ <https://yamuna-revival.nic.in/meetings-of-mc/>

the work of environment protection. The Committee may consider their involvement in a suitable manner. Shri Babu Ram, former Member Secretary, Punjab State Pollution Control Board (State PCB) will also be a member of the Committee.

22. The Committee may also consider stringent action against polluters by way of closure, recovery of compensation for damage to the environment, prosecution or otherwise. The Committee may also consider recommending disciplinary and penal action against erring officers. The Tribunal expects that the State Government may record failure of individual officers in their annual confidential reports.

23. The Chief Secretary, State of Punjab may also include the steps taken in his presentation before this Tribunal on the date fixed for his personal appearance as noted earlier.

24. Since Justice Pritam Pal is already working for two Committees, he may not like to claim any separate honorarium but may be provided all logistic support by State PCB and security by the State, as may be required.

25. Shri Subodh Agarwal and Shri Babu Ram will be entitled to honorarium equal to the corresponding current basic pay for the posts held by them.

26. As suggested by the learned counsel for the CPCB, the Committee may ensure that standards of PETP outlets connected

to the CETPs are notified at the earliest as the said issue is said to be pending since long.

List for consideration of further report of the Committee on 16.07.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 28, 2019
Original Application No. 916/2018
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