

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

Execution Application No. 35/2023
IN
Original Application No.673/2018
(M.A. No. 92/2023)

News item published in “The Hindu” authored by Shri Jacob Koshy
titled
“More river stretches are now critically polluted: CPCB

Md. Imran Ahmad & Ors.

Applicants in EA and M.A.

Date of hearing: 09.10.2023

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Md. Amran Ahmad & Mr. Bharat Banvalikar, Applicants in Person

ORDER

1. This Execution Application has been filed by the applicants seeking execution of order dated 06.12.2019 passed by the Tribunal in O.A. No. 673/2018.

2. The Counsel for the applicant has referred to the minutes of the 17th meeting of Central Monitoring Committee dated 12.09.2023 and has pointed out that so far as Assam is concerned, the State lacks treatment facility for 437.23 MLD of sewage generated and there is slow progress in implementation of three STPs at Silsakoo Beel (65 MLD), Borsola Beel (62 MLD), Paschim Boragaon (60 MLD) at Guwahati and eight STPs of total capacity of 47.5 MLD at Silchar, Dibrugarh, Jorhat, Tezpur, Bongaigaon, Dhubri, Tinsukia and Mangadaloi and implementation of 30 Stand-alone FSTP in 30 towns. However, the number of polluted river stretches has decreased from 44 in 2018 to 10 in 2022 and a new stretch in priority-V in Tocklai River along Kumar Kaibarta, has been added. He has further

referred to the said reports relating to Bihar and has pointed out that the number of polluted river stretches have increased from 6 to 18 with water quality of river Sirsa degrading from priority III to II. Further, as per MPR, the total sewage generation is 1100 MLD, however, BUIDCo is reported as 1460 MLD against which treatment facility available is 224.5 MLD. He has also referred to the minutes related to Tripura and has submitted that out of total sewage generation of 82.4 MLD, sewage treatment capacity exist only for 8.72 MLD. Thus, having a huge gap of 73.68 MLD in the sewage treatment.

3. Record reflects that O.A. No. 673/2018 was finally disposed of by order dated 22.02.2021 by issuing following directions:-

“39. Our directions are summed up as follows:

- (i) In the light of observations in Para 38 above, MoJS may devise an appropriate mechanism for more effective monitoring of steps for control of pollution and rejuvenation of all polluted river stretches in the country. The said mechanism may be called “National River Rejuvenation Mechanism” (NRRM) or given any other suitable name. NRRM may also consider the observations with regard to setting up of National/State/District Environment Data Grid at appropriate levels as an effective monitoring strategy.*
- (ii) Chief Secretaries of all States/UTs and PCBs/PCCs must work in mission mode for strict compliance of timelines for commencing new projects, completing ongoing projects and adopting interim phyto/bio-remediation measures, failing which compensation in terms of earlier orders be deposited with the MoJS, to be utilised in the respective States as per action plan to be approved by the NRRM. Other steps in terms of action plans for abatement of pollution and rejuvenation of rivers, including preventing discharge or dumping of liquid and solid waste, maintaining eflow, protecting floodplains, using treated sewage for secondary purposes, developing bio-diversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc. be taken effectively. The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.*
- (iii) The Chief Secretaries of all States/UTs may personally monitor progress at least once every month and the NRRM every quarter.*

- (iv) *Directions of this Tribunal in earlier order, the last being dated 21.9.2020 are reiterated.*
- (v) *The NRRM and the Chief Secretaries of all the States/UTs may take into account the observations in Paras 24 to 38 above.*
- (vi) *In view of discussion in para 38 above, it is made clear that accountability for failure to comply with the direction for payment of compensation will be of the concerned Chief Secretaries under Sections 25, 26, 28 and 30 of the NGT Act, 2010. The MoJS or any other aggrieved person will be free to take remedies by way of initiating prosecution or execution."*

4. In the aforesaid directions, the Tribunal had reiterated the earlier directions dated 21.09.2020, which was as under:-

"V. Directions:-

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.*
- vii. *Wherever action plans have not yet been finalized in respect of polluted river stretches or polluted coastal stretches, the same may be completed within one month from today. The execution of action plans may be overseen*

in the manner already directed in OA 673/2018 by River Rejuvenation Committees (RCCs). In the coastal areas, the said Committees may be known as 'River/Coastal Rejuvenation Committees'. The action plans must have provision for budgetary support in the manner laid down by the Hon'ble Supreme Court or otherwise which aspect may also be monitored by the CMC.

- viii. Directions outlined in **Para 29** herein may be implemented by the concerned coastal States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level. OA No. 829/2019 stands disposed of and further monitoring of the issue will henceforth be in OA 593/2017 and OA 673/2018.*
- ix. Directions outlined in **Para 34 and 35** 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. OA No. 148/2016 stands disposed of and further monitoring of the issue will henceforth be in OA 593/2017 and OA 673/2018.*
- 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."***

5. Hence, the aforesaid directions are required to be complied with by all the States. We are of the view that O.A. No. 673/2018 has been finally disposed of by the subsequent order dated 22.02.2021, therefore, the interim order dated 06.12.2019 passed in O.A. No. 673/2018 has merged in the final order. Hence, the applicant instead of seeking the execution of the interim order ought to have sought the execution of the final order.

6. Since, a larger issue in respect of the implementation of the orders by the different authorities on Pan India basis is involved, therefore, we

entertain this Application as an execution application for execution of the order which has been finally passed in O.A. No. 673/2018. The material pointed out by the applicants indicate that the order of the Tribunal has not been implemented by all the States in true letter and spirit till now. Hence, we issue Notice to Chief Secretaries of all the States and Secretary MoJS with the direction to submit the report in respect of compliance of above order of the Tribunal.

7. The applicants is granted liberty to amend the prayer clause of the Execution Application as prayed during the course of argument.

8. Let the Notice to the Chief Secretaries of all the States be served by the Applicants and affidavit of service be filed on the next date of hearing.

9. List this matter on 13.12.2023.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 09, 2023
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