

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

(By Video Conferencing)

M.A. No. 43/2022
In
Original Application No. 41/2020

Pushpendra Kumar Applicant
Versus

Nagarpanchayat, Kadaura & Ors. Respondent(s)
With

Original Application No. 94/2022

Pushpendra Kumar Applicant
Versus

Nagarpanchayat, Kadaura & Ors. Respondent(s)

Date of hearing: 11.10.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Ranjan Kumar Rai, Advocate

Respondents: Ms. Priyanka Niranjana, DM, Jalaun
Mr. Suneel Kumar Singh, EO, Kadaura
Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. This order will dispose of M.A. No. 43/2022 and O.A. No. 94/2022 as both the matters relate to violations of environmental norms in maintaining the ponds at Kadaura, District Jalaun, UP.

2. In M.A. No. 43/2022, in OA No. 41/2020, the issue raised is non compliance of order dated 13.01.2021 directing restoration of main pond (Sadar Bazar) of Kadaura Town, District Jalaun, UP. Grievance is that no steps are taken for maintaining the pond and removing the encroachments. Considering the same, the Tribunal, vide order dated 05.08.2022, directed the District Magistrate, Jalaun and Executive Officer, Nagar Panchayat, Kadaura to take further remedial action and appear in person by video conferencing with action taken reports.

3. Accordingly, the District Magistrate, Jalaun and Executive Officer, Nagar Panchayat, Kadaura are present in person by video conferencing. We have interacted with them. We have also perused report dated 03.10.2022 filed by the Oversight Committee constituted by the Tribunal that there was no encroachment over the Sadar pond. It is further reported that to control pollution and encroachment, a peripheral drain has been constructed and the work of constructing boundary wall with protective mesh around the pond is going on which is expected to be completed by December, 2022. However, water quality of the pond has not improved. Rather it has deteriorated in the last three months which raises doubt on the preventive actions taken by the Nagar Panchayat.

4. The officers present have assured the Tribunal that they will take necessary steps for improving the water quality by preventing pollution of the pond.

5. In this regard, we have drawn their attention to Seechewal Model¹, Karnal Technology of sewage treatment and zero discharge and manual on sewerage and sewage treatment systems- 2013 (chapter7), issued by the Central Public Health & Environmental Engineering Organisation

¹ <https://www.civildaily.com/news/seechewal-model-of-wastewater-management/>

(CPHEEO), Ministry of Urban Development, GoI, which provide for inexpensive and simple methods of treatment of waste water, its utilization for irrigation and other secondary purposes. The said models are briefly described as follows:-

Seechewal Model

- *Provides for use of treated waste water for irrigation in order to conserve precious surface fresh water and ground water. The process involves passing waste water through four well for cleaning the waste water and thereafter use of such treated water for irrigation. The process can be undertaken by communities through collective approach.*

Karnal Technology Of Sewage Treatment & Zero Discharge.

- *Involves growing trees/plants on ridges with one meter wide and 50 cm height and irrigated by treated effluent in furrow. The technique utilizes entire bio mass present in waste water and provides nutrient to soil and plants. By this method forest plants/trees can be grown which can be used for firewood and timber. By this technique no chance of pathogen, heavy metals or organic compounds enter the food chain. Tree species like Eucalyptus, Leucaena can be grown.*

Central Public Health & Environmental Engineering Organisation (CPHEEO)

Manual on Sewerage and Sewage Treatment Systems – 2013 (Chapter 7)

- *Provides various case studies of utilization of treated sewage and its reuse as cooling water in power plant, in airport, in petroleum refinery, fish culture (like at Mudiali, Kolkata), road washings, ground cooling, boilers and also in agriculture. In agriculture the suitability of treated sewage is dependent upon soil, salt tolerance of the crop, intake of minerals and climate conditions. Sewage conforming to specified norms can be applied to selected species of food crops into soil by strip, basin or furrow irrigation. Sprinkler irrigation could be used with treated sewage. During rainy and non irrigating seasons, the treated sewage can be held in lagoons or undertaking irrigation in additional land/waste land including resorting to artificial recharge of ground water.*

6. We also find that the drain carrying waste water has been diverted, resulting in waste water being discharged at another point which is equally undesirable. It would be prudent to terminate/divert the drain carrying sewage and sullage using any of the above methods - Seechewal Model,

Karnal Technology, Waste Stabilization pond or root zone treatment and utilize water for irrigation. We hope remedial action will be taken accordingly which will help not only at this place but can be followed by others facing similar problems in the country.

7. In OA No. 94/2022, violation alleged is in respect of six ponds around Nagar Panchayat Kadaura. Some are encroached while others are contaminated with pollutants and garbage. The matter was dealt with vide order dated 17.02.2022. The Tribunal requested the Oversight Committee headed by Hon'ble Mr. Justice SVS Rathore, former Judge of Allahabad High Court to look into the matter and furnish a report to the Tribunal. Report dated 03.10.2022 has been filed to the effect that three ponds were free from encroachment. However, four ponds were encroached for which the District Administration is required to take remedial measures. There is also need to check pollution of the ponds. The observations of the Oversight Committee are reproduced below:-

“Observations of the Oversight Committee

1. *03 ponds regarding which the complaint has been made, were found to be free from any encroachment and the entire area as recorded in the Khatauni is intact. However, 04 other ponds of the Nagar Panchayat, Kadaura viz. plot no. 292/2, 566, 60 and 61 were found to be encroached by the local people. It is recommended that the District administration takes steps to remove the encroachments as per the law and submit an action taken report within 03 months to this Committee for onwards submission to the Hon'ble NGT.*

2. *The water quality report of the ponds does not include total coliform and faecal coliform concentrations. Therefore, the Member Secretary, UPPCB may be directed to instruct the field officers/laboratories to include testing of TC & FC essentially for analysing samples of STP effluents, drain water and water bodies near the human habitation.*

3. *It is observed from the water quality report that the quality of water in these ponds falls in category 'D' i.e., suitable for propagation of fisheries and wildlife. This must be due to the negligent behaviour*

of the local people towards preservation of the water bodies. RO, Jhansi; EO, Nagar Panchayat, Kadaura may be directed to undertake periodic awareness campaigns in the locality to educate people on the need of adopting hygiene practices and preserving the water bodies, greeneries for healthy living. They should also be made aware of the legal consequences of polluting the environment. If the situation does not improve, the RO, Jhansi may be directed to initiate legal action against the polluters.”

8. The applicant has objected to the report and submitted that all the ponds are polluted and encroached.

9. We have considered the matter also interacted with the District Magistrate, Jalaun and Executive Officer, Nagar Panchayat, Kadaura. Learned District Magistrate and Executive Officer assured the Tribunal that remedial action will be taken.

10. We direct that apart from removing encroachments, steps for treating the waste water and its utilization be taken on the pattern of order passed in M.A. No. 43/2022 above taking the entire Kadaura town into consideration. Adoption of treatment facilities may be designed based on estimated sewage generation which may be about 2.0 MLD. It may have well laid drainage system, with sewage treatment facility meeting fecal sludge management from septic tanks.

11. We also direct that in respect of all the ponds, command/catchment areas be maintained and no disposal of sludge sewage allowed. Whenever required, aquatic weeds be eradicated and desilted de-sludged to maintain depth of ponds. Suitable species of fishes be introduced in the ponds for the control of aquatic weeds, maintaining water quality and ensuring livelihoods to the local people. Various schemes of State and Central Government for the fisheries development and also Mnrega etc. be explored for funding, apart from community involvement in appropriate ways.

12. The State PCB may also monitor compliance and if necessary, take coercive measures for any continuing violation.

Both the applications stand disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

October 11, 2022
M.A. No. 43/2022 in OA No. 41/2020
OA No. 94/2022
A