

Item No. 16

Court No. 1

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

Original Application No. 200/2014
(IA No 340/2022, MA No 872/2018, MA No
875/2014, IA No 389/2024, MA No 480/2018)

M. C. Mehta

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 13.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Katyayni, Advocate

Respondent: Mr. Gigi. C. George, Adv. with Mr. Pravin Kumar, Director, NMCG
(Through VC)
Mr. Saurabh Jain & Mr. Prayag Jain, Advs. for the State of Jharkhand
Mr. Jayesh Gaurav & Mr. Ishwar Chandra Roy, Advs. for Jharkhand
SPCB
Mr. Raj Kumar, Adv. for CPCB (Through VC)

ORDER

1. In this original application, the Tribunal is considering the issue of prevention and control of pollution in river Ganga and the matter is being taken up State-wise and District-wise.
2. Today, the matter is listed for considering the compliance status in the **State of Jharkhand**.
3. The reports on behalf of the DC, Dhanbad, Bokaro, Sahibganj and Ramgarh have been filed. The same has been examined by us. On examining reports of DCs for the Districts Sahibganj, Ramgarh, Dhanbaad and Bokaro, we find a very grim picture of sewage management. District-wise deficiencies and gaps are as follows:

1. District Sahibganj

Sahibganj

- (i) Out of 8 MLD of sewage generation in Sahibganj, 6.8 MLD is treated in two STPs of 7.0 and 5.0 MLD. However, we find that only 6.2 MLD is discharged from two STPs.
- (ii) There is no disclosure about the performance of STPs for fecal coliform. Further, 1.2 MLD is still required to be connected with existing STPs.

Rajamaharaj

- (i) Out of 0.97 MLD of sewage generation, 0.91 is being treated in 3.5 MLD of STP. No data is disclosed about Fecal Coliform (FC) in treated sewage.
- (ii) Water quality data of river Ganga concerning FC has not been provided.
- (iii) For 87 km of stretch of river Ganga, 54.47 sq. km area is considered a flood plain zone which is based on submergence /HFL.

2. District Ramgarh

- (i) It has been disclosed that some wards are abutting river Damodar fully or partially but the basis of saying so is not clarified.
- (ii) For treating sewage generation of 32.38 MLD two STPs of 40 MLD and one STP based on the Pond system have been set up. However, there is no disclosure of the actual utilisation of installed facilities and their performance.

3. District Dhanbad

- (i) It is a matter of great concern that no sewage treatment facilities exist. Tenders are now floated for setting up of 192.0 MLD of STP and this indicates that untreated sewage is being discharged. Further, there is no disclosure of the generation of sewage.
- (ii) We find that a large number of Hotels are operating without CTO and PCB has only written letters on 2.3.2024 to apply for CTO. This further raises the issue that effluents from the hotels must be either seeping or being discharged into drains.

- (iii) No data has been furnished on fecal coliform present in River Damodar. Further, we find that PCB has no testing facilities for fecal coliform. We direct that, in the next three months JSPCB should set up the required facilities and undertake analysis.

4. District Bokaro

- (i) Bokaro Steel Plant township generates 31.972 MLD sewage and 6 lagoons are provided for treatment. But the final mode of disposal and its quality have not been disclosed.
- (ii) We find that Nagar Nigam Chas is generating 12.44 MLD and is discharging sewage through 70 drains into the river Ganga. This clearly reflects violations of the Water Act and the order of the Hon'ble Supreme Court dated 22.02.2017 in Paryavaran Suraksha.
- (iii) We also find that Nagar Nigam Phusro has no sewage treatment facilities for treating 3.92 MLD. Further, water quality data of river Damodar is not disclosed for FC.

4. Learned Counsel for the Applicant has pointed out that the Central Pollution Control Board (CPCB) has details of all the drains in different districts of the states and, therefore, the details relating to the drains abutting river Ganga and its tributaries and the drains falling in Ganga and its tributaries are also available with the CPCB. She has also submitted that the details of the sewage being discharged by these drains in Ganga and its tributaries are also available on the website of CPCB.

5. We find that for last more than one year whenever the matter is taken up, CPCB is not represented. When the issue of the availability of the details was raised by Counsel for the Applicant, at that stage, Counsel for the CPCB appeared virtually.

6. Learned Counsel for the CPCB submits that he will obtain instructions and place the complete record of drains in respect of all the districts of Jharkhand through which the river Ganga and its tributaries are flowing along with the details of outfall points and the quantity of

untreated sewage flowing in river Ganga and its tributaries. He is directed to provide such details in respect of other States and also district-wise one week in advance whenever those matters are taken up.

7. Learned Counsel for National Mission for Clean Ganga (NMCG Mr. Gigi. C. George, Advocate) is also present. Nothing has been pointed out as to what action the NMCG has taken to ensure the prevention of the flow of untreated sewage in river Ganga or its tributaries, except by stating that the funds have been provided for the construction of STPs in the districts under consideration and their monitoring is done and directions issued.

8. We take note of the fact that under clause 34 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (2016 Order) the NMCG is an empowered organization and in terms of clause 39 of the 2016 order, NMCG has the following functions to perform:

“39. Functions of National Mission for Clean Ganga.- (1) *Without prejudice to the provisions of this Order, the National Mission for Clean Ganga shall identify or cause to be identified –*

- (a) *the specific threats to the River Ganga in areas in each village and town of such specified District abutting River Ganga and its tributaries, including sewerage and industrial waste, cremation and burial of corpses and disposal of animal carcasses, and threats from commercial, recreational and religious activities;*
- (b) *the type of measures required to address such threat in each village and town of all districts abutting River Ganga and its tributaries;*
- (c) *the specific areas where such remedial actions are required to be taken for rejuvenation and protection of River Ganga and its tributaries.*
- (d) *the measures which may be necessary for reuse of treated water and enter in to Memorandum of Understanding in this regard with the Ministries of the Central Government like Railways, Power, Petroleum and Natural Gas etc., State Governments, autonomous bodies at the Central and State level, recognized Institutes and organizations which the National Mission for Clean Ganga may deem fit.*

(2). The National Mission for Clean Ganga shall make or cause to make the River Ganga Basin Management Plan along with cost, timelines and allocation of responsibilities, among other things, for rejuvenation and protection of River Ganga and its tributaries in each village and town of specified District abutting River Ganga and its tributaries and execute projects there for.

(3). The National Mission for Clean Ganga shall

- (a) cause to be determined the magnitude of ecological flows in the River Ganga and its tributaries required to be maintained at different points in different areas at all times with the aim of ensuring water quality and environmentally sustainable rejuvenation, protection and management of River Ganga and its tributaries and notifying the same and take or direct all such measures necessary to maintain adequate ecological flows;*
- (b) cause to be identified places where the environmental flow of water of River Ganga has been modified and take measures for correction thereof to maintain the continuous flow of water for rejuvenation, protection and management of River Ganga and its tributaries;*
- (c) identify places of discontinuity of water in River Ganga and its tributaries due to engineered diversion of water or storage of water or by any other means and execute plans in respect thereof or take remedial action therefor;*
- (d) devise a system to be put in place for continuous monitoring of flow of water and pollution levels in River Ganga and its tributaries;*
- (e) take all such measures which may be necessary to give effect to the decisions of the National Ganga Council so as to maintain adequate ecological flows in the River Ganga and tributaries;*
- (f) render assistance or cause them to be rendered by any agency for preparation of detailed project reports or execution of projects for abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries to the State Governments, the State Ganga Committees, District Ganga Committees or local authorities or any person or body, any authority, Board or Corporation;*
- (g) set up or facilitate setting up or designate and direct one or more existing centers to research, develop and disseminate knowledge base and analytical tools on abatement of pollution and rejuvenation, protection and management of River Ganga and its tributaries;*
- (h) take any other measures which may be necessary for continuous flow of water and abatement of pollution in River Ganga and its tributaries*

(4) The National Mission for Clean Ganga shall take all such other emergency measures as outlined in paragraph 7.”

9. The powers of the NMCG have been set out in clause 41 of the 2016 order which reads as under:

“41. Powers of National Mission for Clean Ganga.- (1) *The National Mission for Clean Ganga being the national agency charged with the role, responsibility and powers to facilitate the task of rejuvenation, protection and management of River Ganga and its tributaries, under the supervision and direction of the National Ganga Council, shall recommend to the National Ganga Council or Central Government for issuing directions or issue directions itself, to the State Ganga Committees or District Ganga Committees or local authority or any other authority or any person, institution, consortium or agency, as it may decide, for the rejuvenation, protection and management of River Ganga and have the power to take all such measures and discharge such functions as it may deem necessary or expedient for prevention, control and abatement of environmental pollution in River Ganga and its tributaries so as to rejuvenate the River Ganga to its natural and pristine condition and ensure continuous and adequate flow of water in River Ganga and for protection and management of River Ganga and for matters connected therewith.*

(2) In particular and without prejudice to the generality of the provisions of sub-paragraph (1), and save as otherwise provided in this Order, such directions may include all or any of the following matters in the management of River Ganga, namely:-

- (a) fulfillment of the functions mentioned in paragraph 55 in accordance with the principles in paragraph 4;*
- (b) formulate, with the approval of the Central Government, the National policy for effective abatement of pollution and rejuvenation, protection and management of River Ganga;*
- (c) enter into memorandum of understanding, with the approval of the Central Government, with any country or foreign agency for effective implementation of the River Ganga Basin Management Plan for rejuvenation, protection, prevention, control and abatement of pollution in the River Ganga and its tributaries;*
- (d) approve, with or without modifications, the River Ganga Basin Management Plan and direct amendments, if any, to be made therein;*
- (e) supervise and review the progress reports, and issue directions to the State Ganga Committees, District Ganga Committees or local authorities and other authorities in the implementation of the River Ganga Basin Management Plan and any other matter connected with affairs of the River Ganga and its tributaries;*
- (f) approve the planning, financing and execution of programmes for abatement of pollution in the River Ganga including augmentation of sewerage and effluent treatment infrastructure, catchment area treatment, protection of flood plains, creating public awareness, conservation of aquatic and riparian life and biodiversity and such other measures for promoting environmentally sustainable river rejuvenation;*
- (g) coordination, monitoring and review of the implementation of various programmes or activities taken up for prevention, control and abatement of pollution and*

protection and management in the River Ganga and its tributaries;

- (h) direct any person or authority to take measures for restoration of river ecology and management in the River Ganga Basin States;*
- (i) recommend to the Central Government, for creation of special purpose vehicles (whether as a company under the companies Act, 2013(18 of 2013) or Societies Registration Act, 1860 (21 of 1860) or a Trust under the Indian Trust Act, 1882 (2 of 1882)), as may be considered appropriate, for implementation of this Order and for the purposes of the Act;*
- (j) take such measures as may be necessary for the better co-ordination of policy and action to ensure effective prevention, control and abatement of pollution, rejuvenation and protection and management in the River Ganga and its tributaries;*
- (k) issue such directions to any person or authority, as it may consider necessary, for proper or prompt execution of the projects or cancel such projects or stop release of funds or direct refund of amount already released and assign the same to any other person or authority or Board or Corporation for prompt execution thereof;*
- (l) direct any person or authority to maintain such books of account or other documents, without prejudice to any law for the time being in force, as may be specified by the National Mission for Clean Ganga;*
- (m) take such other measures which may be necessary for achievement of prevention, control and abatement of pollution, rejuvenation and protection and management in the River Ganga and its tributaries;*

(3) The National Mission for Clean Ganga shall have the power to issue directions mentioned under section 5 of the Act.

(4) The National Mission for Clean Ganga may evolve an appropriate mechanism for implementation of its decisions and the decisions of the National Ganga Council.”

10. Hence, we require the NMCG to appraise the Tribunal by filing a report by way of an affidavit in respect of the exercise of these powers and discharge of these duties to prevent the flowing of untreated sewage in river Ganga or its tributaries.

11. We also take note of the fact that the information provided by the different districts of the State of Jharkhand is not complete in all respects. Therefore, we require them to furnish the information in the format mentioned below:

District Wise (including city and town) information on river Ganga and Tributaries

A. Sewage Management								
(i) Sewage generation	(ii) Existing Sewage Treatment Capacities	(iii) Quantity of sewage being treated (utilization capacity)	(iv) Performance of STPs particularly for FC	(v) Reasons for Underutilisation of STPs (Connectivity of Households/ laying of sewer lines)	(vi) Current Gap in sewage treatment	(vii) Time bound plan for bridging the gap and tying up with financial arrangements and not delaying Tendering and identifying executing agencies or having any other issues	(viii) Where treated sewage is being discharged (to Ganga or tributaries)	(ix) Where untreated sewage is discharged (Drains joining Ganga/Tributaries)

District Wise (including city and town) information on river Ganga and Tributaries

B. Drains			
(i) Details of drains carrying sewage-sullage or industrial waste water joining Ganga/ tributaries and the Quantity	(ii) Drains joining outside city and town limits but either joining in village or nearby town	(iii) Inclusion of sewage flowing in drains into total sewage generation figures and their interception and diversion to STPs	(iv) Preventive steps taken for not encroachment of drains

District Wise (including city and town) information on river Ganga and Tributaries

C. Septage management (Septic tanks/soak pits)				
(i) Status of Septage management with reference to FSTP/STP	(ii) Management of Grey Water	(iii) Utilization of treated Grey water	(iv) Utilization and Disposal of Sludge	(v) Gap in sewage management and time plan

District Wise (including city and town) information on river Ganga and Tributaries

D. Industrial Pollution Control
No. of industries generating trade effluents, their place of disposal and compliance

E. District Wise (including city and town) information on river Ganga and Tributaries	
Water quality status of Ganga and its tributaries in the District and city/ town in terms of its fitness for Bathing water quality that is, FC and FS	Notification of Flood Plain Zones

District Wise (including city and town) information on river Ganga and Tributaries

F. Issues relating to Environmental Flow

12. List on 25.03.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 13, 2024
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