

Item No. 10

Court No. 1

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

Original Application No. 200/2014
(C.W.P. No. 3727/1985)
(I.A. No. 340/2022)

M.C. Mehta

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 25.09.2023

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

Applicant: Ms. Katyayni, Advocate

Respondent: Ms. Madhumita Bhattacharjee, Advocate for State of West Bengal
Mr. Gigi C. George, Adv. for NMCG (Through VC)

ORDER

1. In terms of earlier order of the Tribunal dated 28.08.2023, the issue relating to prevention and control of pollution of river Ganga is being taken up by the Tribunal State-wise, District-wise and City-wise covering the entire stretch from where the river Ganga and its tributaries flow.

2. Earlier, the Tribunal has considered the issue relating to stretches in the States of Uttarakhand, Uttar Pradesh, Bihar and Jharkhand and today, the matter is being taken up for the State of West Bengal.

3. Learned Counsel appearing for the Petitioner has submitted a synopsis containing the details concerning the State of West Bengal. As per the information submitted, river Ganga (also known as Bhagirathi – Hooghly) flows from 10 Districts in the State of West Bengal and its

tributaries such as Fulahar, Jalangi, Churni, Ajoy, Damodar, etc. are flowing from 12 – 15 districts. The details of the districts from where mainstream of river Ganga and its tributaries are flowing as under:

“LIST OF TRIBUTARIES AND DISTRICTS

<i>Rivers</i>	<i>Districts</i>
<i>Bhagirathi- Hooghly</i>	<i>Malda Murshidabad Nadia Purba Burdwan Hooghly North 24 Parganas Howrah Kolkata South 24 Parganas Purba Midnapore</i>
<i>Fulahar</i>	<i>Malda</i>
<i>Mayurakshi (Barkreswar and Dwarka tributaries)</i>	<i>Birbhum, Murshidabad</i>
<i>Jalangi</i>	<i>Murshidabad, Nadia,</i>
<i>Churni (Known as Mathavanga river in Bangladesh)</i>	<i>Nadia</i>
<i>Ajoy/ Ajay (Kunur, Hingla, and Tumuni tributaries)</i>	<i>Pashchim Bardhaman, Asansol, Birbhum</i>
<i>Damodar</i>	<i>Purliya, Purba Bardhaman, Hoohgly, Howrah</i>
<i>Kansabati</i>	<i>Midnapore (Kharagpur)</i>
<i>Ghiya</i>	<i>Hooghly</i>
<i>Shilai/ Shilabati</i>	<i>Puruliya, Bankura, Paschim medinipur</i>
<i>Dwarkeshwar (Damodar River tributary)</i>	<i>Bankura, Hooghly</i>
<i>Rupnarayan (is joint flow of silai and dwarkeswar)</i>	<i>Bankura</i>
<i>Mundeshwari</i>	<i>Hooghly, Howrah (it becomes Rupnarayan at the borders of Howrah and Purba Medinipur)</i>
<i>Kangsbatl</i>	<i>Purliya, Bankura, Purba Medinipur, Jhargram, Paschim mednipur</i>
<i>Haldi (Joint flow of Kelaghai and Kangsabati)</i>	<i>Paschim mednipur</i>

<i>Rasulpur</i>	<i>Paschim Mednipur</i>	”
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4. The number of drains which are discharging into river Ganga district-wise have been disclosed as under:

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S. No.	District	No. of Drains
<i>1</i>	<i>Maldah</i>	
<i>2</i>	<i>Murshidabad</i>	<i>75</i>
<i>3</i>	<i>Nadia</i>	<i>5</i>
<i>4</i>	<i>Purba Bardhaman</i>	<i>7</i>
<i>5</i>	<i>Hooghly</i>	<i>131</i>
<i>6</i>	<i>North 24 Parganas</i>	<i>100</i>
<i>7</i>	<i>Howrah</i>	<i>10</i>
<i>8</i>	<i>Kolkata</i>	<i>44</i>
<i>9</i>	<i>South 24 Parganas</i>	<i>22</i>
<i>10</i>	<i>Purba Medinipur</i>	<i>8</i>

”

(source – Status Report of State of West Bengal, OA 200/2014, dated 21.09.2023, Pg. 24132)

5. The synopsis also contains the CPCB polluted river stretches, 2022 in the tabulated chart, as under:

“CPCB POLLUTED RIVER STRETCHES, 2022

River	Polluted river stretches/ location	Max BOD (mg/l)	Priority Class	
<i>Barakar</i>	<i>Along Asansol</i>	<i>3.1</i>	<i>V</i>	
<i>Churni</i>	<i>Bijoypur To Ranaghat</i>	<i>20.8</i>	<i>II</i>	
<i>Damodar</i>	<i>Dishergarh To Burdwan</i>	<i>5.2</i>	<i>V</i>	
<i>Dwarakeshwar</i>	<i>Along Bankura Town</i>	<i>3.8</i>	<i>V</i>	
<i>Dwarka</i>	<i>Along Tarapith</i>	<i>5.7</i>	<i>V</i>	
<i>Ganga</i>	<i>Behrampur To Haldia</i>	<i>8.0</i>	<i>IV</i>	
<i>Jalangi</i>	<i>Along Krishna Nagar</i>	<i>6.2</i>	<i>IV</i>	
<i>Kansi</i>	<i>Along Midnapore</i>	<i>6.3</i>	<i>IV</i>	
<i>Rupnarayan</i>	<i>Kolaghat To Geonkhali</i>	<i>3.7</i>	<i>V</i>	”

6. The list of industrial estates falling in the mainstream of river Ganga in the State of West Bengal as discloses in the synopsis are as follows:

“LIST OF INDUSTRIAL ESTATES

District	Industrial Area/ Estate	Industrial profile
<i>Malda</i>	<i>Malda Industrial Park, Phase I & II</i>	73 industrial units in Malda Phase I industrial park. Agro processing, Starch and Chemicals, warehousing, petroleum products and plastic products, engineering units.
<i>Howrah</i>	<i>Uluberia Park</i>	There exist about 70 industrial units in Uluberia Industrial Park. Iron and Steel casting, food processing, plastic and PVC molding units etc. Drainage of treated industrial and storm sewer is facilitated through network of surface drains.
<i>Nadia</i>	<i>Haringhata Industrial Park</i> <i>Kalyani Industrial Park in three locations viz. - Kalyani Phase -I, Kalyani Phase -II, Kalyani Phase - III</i>	There are about 21 industrial units in this phase of Kalyani Industrial Park. Engineering/ancillary, chemicals, metal-based etc.
<i>Bankura</i>	<i>Bishnupur Industrial Park</i>	Bishnupur is situated closely to Dwarkeswar river. There are 12 industrial units in Bisnupur Industrial Park. Metal and Metal Alloy, Poultry feed, Cement plant, Steel and related industry. Drainage of treated industrial and storm sewer is facilitated through network of surface drains.
<i>Birbhum</i>	<i>Bolpur Shipa Niketan</i>	There are 4 allotted units in Bolpur Industrial Park.
<i>Paschim Midnapur</i>	<i>Kharagpur Industrial Park</i>	There are 28 industrial units in Kharagpur Industrial Park. Iron and steel, telecom, engineering and food processing. Drainage of treated industrial and storm sewer is facilitated through network of surface drains.
<i>Purba Midnapore</i>	<i>Haldia Industrial Park</i>	Manufacture of Automotive & Heavy Duty Batteries, Vanaspati edible oil, Calcined coke, shipping related activities (storage, warehousing, clearing, forwarding). Haldia also has the "Central Institute of Plastic Engineering and Technology" (CIPET) that caters to the need of plastic and polymer industries. Storm water drains in whole stretch of the Industrial Park is available.
<i>South 24 Parganas</i>	<i>Falta Industrial Park</i> <i>Phase I- comprise of Sector-III & Sector-IV.</i> <i>Phase - II : comprises of Sector V.</i> <i>Falta Pharmaceutical and Allied Products Park</i>	There are about 25 industrial units in this sector. Engineering units/Ancillary, Chemicals based. Drainage of treated industrial and storm sewer is facilitated through network of surface drains.

(source: <https://wbiiidc.wb.gov.in/growth-centres>)

**Most industrial estates/ areas are using borewells (ground water)

7. The key issues relating to river Ganga and its tributaries in the State of West Bengal are stated to be following:

“Key Issues

1. Sewage – discharging of untreated sewage from households, hotels, industries, hospitals, educational institutions, and public & private offices etc. directly into the river/tributaries.
2. Industrial effluent discharge (including hazardous waste) – polluted effluents from industrial estates, tanneries, slaughter houses, textile dyeing industries, standalone units/factories, small scale industries, and in-house (illegal) units and find their way into Rivers through sewerage drains, storm channels or uncapped industrial/mixed drains.
3. Encroachment of floodplains and erosion of embankments/river banks.
4. xxxxxx.....xxx
5. Municipal Solid waste and legacy waste disposal – there are numerous sources of solid waste generation like domestic waste (household), plastic, electronic waste, non-hazardous medical instruments, industrial waste, and packaging waste etc. This solid waste either end up in a legacy site or find their way into the rivers (through drains/khals/canals). At many Ghats (especially crematorium/puja) there are heaps of organic/degradable waste lying to be washed away by the Ganga River.
6. xxxxxx.....xxx
7. Agricultural Run-off.
8. Bio-medical waste.
9. Sand mining – Most of the rivers (tributaries/distributaries) are faced with the problems of illegal sand mining and smuggling.
10. Sundarbans pollution due to sewerage and industrial effluents discharged through Hooghly river and its tributaries.”

8. In the earlier order, we had taken note of Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 and the set up existing under that order at the Center, State and District level. At the district level, District Magistrate is the Ex-Officio Chairman of the District Ganga Protection Committee which have been entrusted with certain vital responsibilities for preventing pollution in Ganga at the District level. Hence, at this stage, we direct the District Magistrates of all the Districts (mainstream and tributaries) from where mainstream of river Ganga as

also its tributaries flow in the State of West Bengal to submit their own separate reports on the issues noted above in respect of steps which have been taken by respective District Ganga Protection Committee for prevention and control of pollution of river Ganga in their respective areas.

9. Learned Counsel appearing for the State of West Bengal has also submitted that she will ensure that the above District Ganga Protection Committees are conveyed the order of the Tribunal passed today.

10. Learned Counsel appearing for the State of West Bengal has informed that the report in terms of earlier direction giving the comprehensive view relating to pollution sources of River Ganga and its tributaries the State of West Bengal has been filed.

11. Let notice be issued by the Registry of the Tribunal to the concerned District Ganga Protection Committees in the State of West Bengal through their Ex-Officio Chairman for submitting the report. Let report be filed within eight weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. List the matter relating to State of West Bengal on 06.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 25, 2023
Original Application No. 200/2014
(C.W.P. No. 3727/1985)
(I.A. No. 340/2022)
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