

Item No.1

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 592/2023

Sunil Dutt

Applicant

Versus

Municipal Council Gurdaspur & Anr.

Respondents

Date of hearing: 05.10.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in person (through VC).

Application under the provisions of the National Green Tribunal Act, 2010

ORDER

1. Mr Sunil Dutt, a Human Rights Activist residing in Deena Nagar, Gurdaspur, Punjab has filed the present application under the provisions of the National Green Tribunal Act, 2010 for issuance of appropriate directions for management of solid waste and cremation ground by the concerned Statutory Authorities.

2. The applicant has submitted that Municipal Council Deena Nagar in District Gurdaspur has been dumping garbage in waste water pond situated adjacent to Deena Nagar, Police Station and has now created big mount of garbage having dangerous chemicals, plastic materials and other scrap. Large number of hospitals, schools, government offices including police station and Arya Nagar residential area abut the said dumping ground. The garbage dumped is contaminating groundwater, emits foul smell and poses serious health hazards to the residents of the

locality and passers-by. The concerned authorities are flagrantly violating the solid waste management rules and directions issued by this Tribunal. The applicant made representations dated 17.12.2017 and 29.09.2021 but no action has been taken on the same.

3. The applicant has further submitted that cremation ground situated near Kusht Ashram in Deena Nagar City has become a danger to the health of people and environment due to dumping of garbage all around and lack of proper management for cremation of the dead bodies. The articles meant for use during cremation are brought in plastic/cloth/gunny bags which are thereafter thrown in the cremation ground and there is no arrangement for proper disposal of the same. Proper arrangements have also not been made for discharge of waste water. Proper chimney for emission of smoke have also not been provided. Municipal Council, Deena Nagar in District Gurdaspur is not taking any measures for proper development and management of the cremation ground despite availability of sufficient land there. The aspect of adopting alternative modes of cremation of dead bodies has also not been looked into for ensuring protection and improvement of environment.

4. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

5. In view of the averments in the application, we consider it appropriate to have response of (1) Municipal Council, Deena Nagar, Gurdaspur through its Executive Officer, (2) State of Punjab through Chief Secretary, Government of Punjab, (3) District Magistrate, Gurdaspur and (4) Punjab State Pollution Control Board (PSPCB)

through its Member Secretary. State of Punjab through Chief Secretary, Government of Punjab, District Magistrate, Gurdaspur and Punjab State Pollution Control Board (PSPCB) are impleaded as respondents no. 2 to 4, The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 4 requiring them to file their reply/response within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be also constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PSPCB) and District Magistrate, Gurdaspur and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the Municipal Council, Deena Nagar and Management of the cremation ground (if any), verify the factual position and take appropriate remedial action by following due process of law. The PSPCB will be the nodal agency for coordination and compliance.

7. Factual and Action Taken Report may be filed by the Joint Committee within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List for further consideration on 24.11.2023.

9. In view of the facts and circumstance of the case, we also consider personal appearance of Executive Officer, Municipal Council, Deena

Nagar, Gurdaspur physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and he is directed to remain present before this Tribunal on that date with the relevant record.

10. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to Executive Officer, Municipal Council, Deena Nagar, Gurdaspur, Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PSPCB) and District Magistrate, Gurdaspur by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 05, 2023
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