

Item No.01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

**Original Application No. 83/2025(CZ)
(O.A. No.204/2025-PB)**

Amit Jadon

Applicant (s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **16.07.2025**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): None.

For Respondent(s): Mr. Arvind Soni, Adv.

ORDER

1. Issue raised in this application is stagnation of sewer waste water on roads and open lands of 60 colonies of Dholpur city for the last 4 years due to choking of sewer lines, encroachment on canals and drains and over flowing chambers of sewer lines causing damage to environment of about 7000 houses and 80.000 population affected due to pollution and are forced to live hellish life. Heaps of garbage are lying everywhere causing following environmental issues:-

“1. Poisonous aquatic creatures have been born in the dirty water due to which incidents like snake bites are happening every day. And due to the decay in the water, a foul smell has spread all around.

2. Due to dirty water, serious diseases like dengue, chikungunya, malaria and skin diseases are occurring. And there is a possibility of new and other deadly diseases spreading in the future.

3. *Deep pits have formed in the common roads of the colonies due to dirty water. Everyday accidents like overturning of motorcyclists, school children's tempos and school buses are taking place in these pits.*

4. *Elderly people have become imprisoned in their own houses. They have become completely deprived of taking their medicines, going to the temple and performing their daily routine.*

5. *Due to the continuous logging of dirty water, the floors of the houses have sunk, walls have cracked, roofs have developed cracks, many houses have collapsed, increasing the possibility of a serious accident.*

6. *Marriages and other religious ceremonies are not being performed in people's homes and there is no place even to keep the dead body of a person in front of many houses.*

7. *Due to water logging, the common people of the colony have completely lost contact with their relatives and friends.*

8. *Due to water logging, animosity has increased among the people, which is spoiling the social harmony.*

9. *Thousands of trees and plants have been destroyed due to waterlogging and animals are dying in agony after drinking dirty, poisonous water.*

10. *Dirty water from sewers is automatically reaching canals and rivers without STP process, which is adversely affecting fishes, alligators, crocodiles and other aquatic animals.”*

2. The submission of the applicant is that several complaints were raised before the competent authorities but the same was not taken into account and after that this letter petition has been filed. After taking cognizance of the matter, the report from a competent authorities constituting a joint committee comprising of officers authorized by the Member Secretary, Rajasthan State Pollution Control Board and District Magistrate, Dholpur, were directed to submit the factual position and suggest the appropriate remedial actions.

3. In response to the above, the Collector constituted a committee who visited the site and submitted the report as follows:-

“Background

- i. The area in question is an urban part of Dholpur City in District Dholpur (Rajasthan). As per the 2011 Census, the urban population of Dholpur City is 1,33,229. The city comprises about 60 wards and approximately 35000 households. The Urban Local Body (ULB)/Nagar Parishad Dholpur are responsible for managing the local civic systems and is currently functioning in the city.*
- ii. The area under allegation regarding sewage and drainage problems falls within the municipal limits of Dholpur City. The issues are related to domestic waste water/sewage and sewerage system management associated with the accumulation of domestic waste water/sewage over road, main roads of colonies, drain/nala construction and its repair & maintenance, low lying area of the some colonies of dholpur city and problems occurred due to their improper management in dholpur city.*

Factual Observations:-

- i. During the visit of the joint committee on 05.07.2025, the concerned areas, including various sites and colonies of Dholpur City, were inspected to ascertain the status of the sewage and drainage system.*
- ii. During the visit of committee, it is observed that dholpur city is situated over plain terrain. Few colonies are established in low lying areas of dholpur city.*
- iii. All concern colonies/site of the dholpur city comes under the jurisdiction of the urban local body i.e. Nagar Parishad, Dholpur.*
- iv. Total area of the dholpur city is approx. 32.5 sq. km.*
- v. In the concern colonies sewage and sewerage system management comes under Nagar Parishad Dholpur as per their jurisdiction.*
- vi. Following locations/colonies/sites were visited by committee as under-*
 - *1st Site/Location is Anand Nagar.*
 - *2nd Location/Site is Dara Singh Nagar, Sector-C*

- *3rd Location Hundwal Nagar Colony and Associated Colonies Sehmati Nagar, Urmila Vihar, Narayan Colony, Pushpanjali Colony, Bajrang Nagar Colony, Surjit Nagar Colony*
- *4th Location Jagdamba Colony.*
- *5th Location Mansarovar Colony and Sheetla Vihar Colony.*
- *6th location Central Nursery, Forest Department, Mohan Colony.*
- *7th location Mayuri Vishesh Vidhyaly, Surya Nagar Colony.*
- *8th - Jhor Village, Near Jhorwali Mata Ka Mandir Dholpur.*
- *9th- Govt. ITI college, Machkund Road, Dholpur*
- *10th - NHAI Road, Near Jhorwali Mata Ka Mandir Dholpur, etc.,*

vii. Following observations were made w.r.t. above sites/colonies –

- i. Water logging was found in the colonies over roads and in empty plots.*
- ii. That water was rainy water mixed with the sewage of the residential colonies.*
- iii. Waterlogging was observed in the colonies not only on the roads but also around individual houses, which hindered and restricted the movement of residents to and from their homes.*
- iv. At some locations, the situation was so severe that residents were entirely dependent on vehicles to leave or return to their homes due to waterlogged conditions.*
- v. Municipal solid waste was also found in waterlogged areas, which further choked or blocked the flow of sewage at some locations.*
- vi. In some colonies, such as Anand Nagar, Dara singh Nagar Sector-C Colony, Jagdamba Colony, and Surya Nagar Colony, where the existing sewerage system was operational, it was found to be inadequate, as sewage*

overflow from manholes was observed, leading to waterlogging in the concerned colony.

- vii. In certain colonies, including Anand Nagar, Jagdamba Colony, and Hundawal-Nursery Road stagnant water had remained for an extended period, as indicated by the presence of moss and other signs of prolonged accumulation observed during the site inspection.*
- viii. At various locations within colonies such as Anand Nagar Colony and Jagdamba colony, water was observed to have accumulated around electricity distribution panels and transformer foundation/base, posing a serious safety hazard. The risk of electrical accidents under such circumstances cannot be ruled out.*
- ix. At the Central Nursery of the Forest Department, water was found accumulated within the premises. The Nursery In-Charge, Smt. Seema Tyagi, informed that sewage water from the adjoining Mohan Colony enters the nursery premises through the boundary wall, leading to waterlogging in the nursery beds. As a result, approximately 40,000 to 50,000 plants per year have been destroyed. In view of this situation, the Forest Department has initiated the process of shifting the nursery to another location in Dholpur to prevent further damage.*
- x. At Mayuri Vishesh School, located in Surya Nagar Colony, which is a school for special children, waterlogging was also observed within the school premises.*
- xi. At each site, a number of residents informed the committee about the waterlogging in their colonies and the problems arising from it.*
- xii. At some colonies, joint committee was unable to reach as water logging was observed as shown in the attached photographs.*
- xiii. At the site along the NHAI Road – Bari Road (length approximately 1.5 to 2 km), near Jhorwali Mata Ka Mandir, Dholpur, the storm water drains constructed by NHAI were found damaged, incomplete, and*

lacking proper connectivity for rain water flow. As a result, the possibility of rainwater entering nearby colonies cannot be ruled out. The site falls under the jurisdiction of NHAI.

xiv. At the sites of some colonies during the visit, residents informed the committee that due to improper management of the sewerage system, the fresh water supply provided by PHED had mixed with sewage lines. As a result, the supply of drinking water was contaminated with sewage, posing serious public health hazards. (Jurisdiction: Nagar Parishad, Dholpur and PHED, Dholpur)

xv. In context of above, that situation is arise due to –

➤ *Residential colonies have been established without any planned infrastructure development, under the jurisdiction of the Urban Local Body (ULB).*

➤ *No drainage system or open nalas and nalis for the discharge of rainwater. In most households, in the absence of a drainage system, the rooftop rainwater pipes are connected to the house sewerage connection, which also results in the overflow of sewage.*

➤ *Some colonies are located in low-lying areas or are situated along the path of natural drainage channels.*

➤ *No sewerage system in some colonies;*

➤ *Blockages in the nalis/nalas have been observed in some colonies.*

➤ *In some colonies where the sewerage system exists, it is inadequate and not capable of handling the current load of domestic wastewater.*

➤ *No arrangement to tackle the rainy water in rainy season.*

➤ *Improper collection of MSW by ULB in these colonies, this results in to choking of existing nalas.*

- *No proper drainage or sewerage system was observed for the disposal of domestic wastewater/sewage.*
- *Sewage was found accumulated in nalas, on roads, and in low-lying areas due to improper cleaning of nalas, incomplete construction of roads and drains, absence of nala construction in some areas, and blockage of nalas in the downstream. As a result, the natural flow of sewage was obstructed, leading to its accumulation.*

xvi. Due to the above-mentioned issues, the following problems cannot be ignored and were also reported by residents of these colonies during the visit of the joint committee.

- *Accidental incidents due to Aquatic poisonous creatures.*
- *Foul smell and putrefaction due to accumulated sewage-mixed water.*
- *Public health issues arising from the accumulation of sewage, including the spread of vector-borne diseases such as dengue, chikungunya, malaria, and skin infections.*
- *Vehicle accidents and the formation of deep pits caused by sewage accumulation in the colonies.*
- *Problem to carry out social & domestic activities like medical help, religious activity, daily routines, family functions, Flora and fauna survival, animal health issues etc., due to accumulation of sewage mix water.*
- *Damage to civil infrastructure, including houses and buildings, resulting from prolonged sewage accumulation.*

xvii. Nagar Parishad Dholpur has constructed a kaccha (temporary/earthen) drain from Jhor Village to ITI College, Machkund Road, leading towards the Chambal River, to divert rainwater caused by the overflow of Chhiteria Talab during the rainy season. During the visit, officials from Nagar Parishad Dholpur informed that this successful initiative is

protecting nearby colonies—Ramkunj, Ayodhyakunj, Madhuwan Colony, Chandan vihar Colony, Rajendra Nagar Colony, Bhogiram Colony, Pokharpura, Aanand Nagar, Jagdamba Colony, Ganesh Nagar, Mangal Vihar, Mansarovar Colony, Jagdish Colony, Shivnagar, Umanagar, Nursery Road area, and Bari Road, Saipau Road, and Jagdish Tiraha area of Dholpur - from waterlogging during heavy rainfall.

- xviii. *Nagar Parishad Dholpur has also constructed a kaccha (temporary/earthen) drain from Hundawal Road to the new railway culvert near Urmila Vihar Colony. During the visit, officials from Nagar Parishad Dholpur informed that this has been done to prevent/reduce the waterlogging problem in Hundawal Nagar, Narayan Vihar Colony, Sahmati Nagar, Pushpanjali Vihar Colony, Surjeet Nagar Colony, and Nursery Road, Hundawal Road, to prevent the accumulation of rainwater in nearby colonies during the rainy season. Officials from the Nagar Parishad and Irrigation Department also stated that this drain follows the alignment of an old and existing irrigation canal.*
- xix. *During the visit, In Hundwal Nagar Colony, the Irrigation Department informed that they have removed the encroachments over the main canal from Urmila Sagar Bandh to Chopra Minor Canal. (Jurisdiction: Irrigation Department and District Administration)*
- xx. *In Dholpur city, to treat domestic wastewater, Nagar Parishad Dholpur currently has two Sewage Treatment Plants (STPs) with capacities of 3 MLD and 10 MLD. Additionally, another 10 MLD STP is under establishment.*
- xxi. *The total domestic wastewater generation estimated for the entire Dholpur city is approximately 19 MLD. After the commissioning of rest Sewage Treatment Plants (STPs), the total treatment capacity will be 23 MLD, sufficient to treat the city's sewage load.*

Details of action taken-

In the context of this matter, a show cause notice was issued to Nagar Parishad Dholpur on 20.06.2025. Additionally, letters dated 20.06.2025 and 01.07.2025 were issued by the Regional Office of the Rajasthan State Pollution Control Board (RSPCB), Bharatpur, to the Public Health Engineering Department (PHED) Dholpur, Chief Medical and Health Officer (CMHO) Dholpur, and the Irrigation Department Dholpur, requesting data on the action taken in this area with respect to the above-referenced NGT matter.

- It was informed by the OIC, General Section, Collectrate Dholpur vide their letter dt. 13-07-2025 that in the weekly review meeting held every Monday, the District Magistrate, Dholpur, regularly reviews the progress of cleaning of nalas and the condition of the sewerage and drainage system in the municipal area of Dholpur. He also gives necessary directions to all departments to improve the situation. The DM, Dholpur, is himself actively engaged in the process of removing encroachments in the city area on the existing nalas.*
- During the visit, it was stated/informed by the OIC, LR (Land Record) Section, Collectrate Dholpur, that the average annual rainfall in the year 2024 was 1,252 mm, which is the highest recorded rainfall in the last 10 years. The average annual rainfall over the last 10 years is 742.50 mm.*
- It was informed by the Tehsildar, Dholpur, that due to heavy rainfall and prolonged water accumulation/waterlogging in the colonies, the civil infrastructure of houses was damaged (i.e., cracks in walls and floors of houses).*
- It was informed by ULB, Dholpur that they have removed encroachments on the existing nalas and have cleaned sewer line blockages since January, using available resources to provide relief to citizens. They have also prepared a DPR of Rs. 12.19 crores to permanently resolve the problem of sewerage blockage and overflow in the existing*

sewerage system of Dhara Singh Nagar, Mangal Vihar, Ayodhya Kunj, Ramkunj Colony, Anand Nagar, etc. The DPR was approved by the SHPSC (State High-Powered Steering Committee) on 16.06.2025, and the tender process by RUDISCO, Jaipur is currently underway. Also, to resolve the problem permanently of rainy water accumulation in whole city, a DPR of Rs. 260.15 crores for the permanent drainage system in Dholpur Municipal area was sent to LSG Department Jaipur for approval on 15-07-2024. Information provided by ULB vide their letter dt. 11-07-2025, received to RSPCB on 12-07-2025.

- *It was informed by CMHO, Dholpur that the details of the diseases are as under –*
 - *Diseases due to mosquitos – in year 2022 - 179 cases, in year 2023 -148 cases, in year 2024 -97 cases,*
 - *Water borne diseases – reported*
 - *Scrub typhus – possibility to spread.*

Information provided by CMHO vide their letter dt. 11-07-2025, received to RSPCB on 11-07-2025.

- *It was informed by PHED, Dholpur that they have time to time repaired the fresh water line as reported/informed in the in areas/colonies suffering from water logging and sewage overflow. Information provided by PHED vide their letter dt. 12-07-2025, received to RSPCB on 12-07-2025.*
- *Information provided by irrigation dept. vide their letter dt. 10-07-2025, received to RSPCB on 10-07-2025 informed that department removed the all encroachments from the tail portion of main canal to lawaniya marriage home (Saipau Road Dholpur) with the help of revenue department and police department team from October 2024 to February 2025. It is pertinent to mention here that irrigation department doesn't able to remove further encroachment due to Stay order from Civil Court, Dholpur.*

4. The issues of solid as well as liquid waste management are being monitored by this Tribunal as per orders of the Hon'ble Supreme Court order dated 02.09.2014 in Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India & Ors., with regard to solid waste management and order dated 22.02.2017 in W.P. No. 375/2012, reported in (2017) 5 SCC 326, Paryavaran Suraksha vs. Union of India, with regard to liquid waste management. Other related issues include pollution of 351 river stretches, 122 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. have also been dealt with earlier but currently proceedings are confined to two issues of solid waste and sewage management. Similarly, the issue of liquid waste management, vide judgment of the Hon'ble Supreme Court in Paryavaran Suraksha (2017) 5 SCC 326, the Hon'ble Supreme Court fixed deadline for setting up of treatment plants within three years which was to be monitored by this Tribunal. During the course of hearing in various matters of all the States and District Headquarters, it was found by various orders that large scale non-compliance of environmental norms was continuing which was reportedly resulting in deaths and diseases and irreversible damage to the environment. Directions for remedial action were issued which include constitution of a four member special task force in every district having – one each nominated by District Magistrate, Superintendent of Police, State Pollution Control Boards and District Legal Services Authority (DSLAs) for awareness about SWM Rules, 2016 by involving educational, religious and social organizations including local Eco-clubs. Involvement of DLSAs was subject to the approval of the National Legal Services Authority (NALSA) which is the apex body under the Legal Services Authorities Act, 1987. It was observed that Information, Education and Communication (IEC) programmes can go a long way for protection of the environment. Such

program can be successful if network of Legal Services Authorities and Educational Institutions at every level is involved.

5. Vide order dated 28.02.2020 dealing the matter of the solid waste and liquid waste, this Tribunal in the above noted case directed the States as follows:-

*a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, **interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs.1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies.***

Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and

issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.

- b. Legacy waste remediation was to ‘commence’ from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28 even though statutory timeline for ‘completing’ the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the**

light of Para 33 above within six months from today.

- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e- waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.
- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:

i. Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.

ii. Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local

Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.

iii. Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.

e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.

f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.

g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB."

6. Issue of liquid waste management was separately dealt with in OA 593/2017 on directions of Hon'ble Supreme Court and in suo motu proceedings for restoration of 351 identified polluted river stretches in OA 673/2018. Vide order dated 28.08.2019, the Tribunal directed that 100% sewage treatment must be ensured by all local bodies. Vide further order dated 06.12.2019 in O.A. No. 673/201810, the Tribunal directed that for failure to commence in-situ remediation, compensation will be payable at

the rate of Rs. 5 lakh per month per drain after 31.03.2020 and for failure to commence setting up of STPs after 31.03.2020 compensation is to be paid at the rate of Rs. 5 lakh per month per STP. For failure to complete the project, compensation has to be paid at the rate of Rs. 10 lakh per STP per month after 31.03.2021. Relevant part of the order is quoted below:-

***“47. (i) 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in- situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.*”**

*ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. **Rs. 10 lakhs per month per STP.**”*

7. The Tribunal further observed in para 29 as follows:-

“We have noted the gaps in generation and processing of waste and need to address the same in the interest of protection of environment and public health. Such gaps exist even after monitoring of issue of solid waste management from 1996 to 2014 by the Hon’ble Supreme Court and for the last nine years by

this Tribunal as far as solid waste is concerned and monitoring of issue of water pollution for decades by the Hon'ble Supreme Court in the context of Ganga, Yamuna and other rivers and water bodies by discharge of sewage and other waste, apart from industrial pollution. There are policies of Central Government like swachh bharat and Namami Gange. Still, there are mountains of garbage generating methane and other gases which are source of pollution causing diseases and deaths, apart from occupying huge valuable public resource. Segregation of biodegradable waste and its processing closest to the point of generation is a task which requires good governance and according of high priority. Similarly, preventing sewage discharge into the sources of drinking water has to receive highest priority. Such discharge results in scarcity of drinking water for all living beings apart from degradation of environment and damage to public health. Gaps in compliance have been noted earlier. The Hon'ble Supreme Court vide order dated 22.2.2017 in Paryavaran Surakhsha fixed three year deadline for waste water treatment systems which has been monitored by the Tribunal in the last six years. Discharge of sewage in drains leading to rivers, lakes, sea or in water bodies and lands has led to serious damage to environment and public health and needs to be addressed on war footing, using indigenous technology wherever viable or such other technology but no drop of sewage can be mixed in drinking water. Timelines are deviated without accountability. There is no justification of any further delay having regard to adverse impact on humanity and citizens' right of access to drinking water. Sewage continues to be mixed in sources of drinking water to the detriment of public health and environment for which earnest efforts

are required in the highest level of administration. There was no dearth of technology and no justification of repeated and unending extensions of timelines without fixing accountability for past delays.”

8. Order dated 11.05.2023 relating to the repeated gap existing in some of the States, the observations are as follows:-

“28. There appears to be need for change at policy and execution level after study of success stories elsewhere and in the light of several orders of the Tribunal dealing with the issue in respect of other States, particularly relating to solid waste management at Indore and low-cost sanitation management adopting Sechewal Model¹² atleast for flat terrain and fecal sludge treatment plant at some of the Towns in Odisha¹³. There has to be a dedicated Cell in the office of the Chief Secretary manned by senior level officers to coordinate such serious issues to regularly monitor progress of execution of projects on time and maintaining inter-departmental co- ordination.

It is necessary to ensure that wet solid waste (bio-degradable) is kept separate from dry waste (non-biodegradable and recyclable) at all source generating levels, collection, transportation or handling which can inter alia be resource for compost or biogas generation. Dry waste can be separately handled by setting up Material Recovery Facility with sorting mechanism for further recycling or reuse. It is necessary that District Headquarters and Semi Urban and Rural Areas after segregation of waste and the waste which is recyclable, need to be properly coordinated for utilization like in cement kilns and by the authorized scrap dealers/recyclers.

Similarly, the sewage after necessary treatment

can be utilized for agriculture or other non-potable purposes. The decentralized technology or traditional technologies may also be explored. It would also be necessary to address issue about continuation of septic tanks and soak pit methods as acceptable methodologies approved for bridging the gap and perspective in terms of environmental aspects. Our further observations follow.

Solid Waste Management

29. Collection, Segregation, transportation and processing of waste has to be as per SWM Rules 2016. Thus, for addressing the issue of bridging the gap in management of MSW (which is 252.60 TPD), segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. The available potential sites for waste processing need to be identified. The data presented shows gap in solid waste processing in urban and for rural areas no status has been reported. In particular, adequate composting/vermicomposting/ bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste and listing people's involvement. Use of wet biodegradable waste as animal feed for Piggeries etc. can also be explored without causing environmental nuisance. This may also require establishing decentralized and centralized waste processing facilities. In the name of pit composting, the waste should not be just dumped causing environmental havoc. Waste generators can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers and such details may be posted on State's/Center's GeM portal. This may perhaps reduce planned expenditure. Composting and bio- methanation has to be undertaken considering the

climatic conditions. Quality of compost so produced may be periodically verified. Keeping these aspects in view, the State needs to strengthen and augment waste processing/treatment facilities at SWM centres and at the point of waste generation. Setting up SWM centres may be considered for all the district headquarters and semi-urban and rural areas as per geographical/regional needs or improved version of waste processing be adopted at the point of generation to effectively utilize 100% segregated waste.

30. In the context of Uttarakhand, specific actions are required to discourage valley dumping particularly by roadside dhabas/restaurants and house dwellers. For such establishments, awareness and punitive actions need to be taken. Further, tourists visiting the State need to be made aware for prohibiting 'use and throw' of non-biodegradable waste.

The Tribunal, vide order dated 08.02.2023 in OA No. 561/2022, Urvashi Shobhna Kachari vs. Union of India & Ors., while dealing the issue relating to violation of environmental norms along the pilgrim tracks of Kedarnath, Hemkund Sahib, Yamunotri and Gomukh has observed and directed on management of waste and the relevant part of the order is reproduced below:

"6. ... The action plan may also include discouraging use of food and products packed in non-biodegradable packaging material, encouraging depositing waste at designated places, involving citizens – the youth, housewives and senior citizens in guiding tourists in maintaining cleanliness and hygiene. The taxi drivers and bus drivers may also be involved in creating awareness among the tourists. The execution of action plan may be duly monitored in the light of experience gained, the plan may be revised periodically every seasons or as per need. Waste processing/management facilities for biodegradable and non-biodegradable waste may be set up at appropriate locations which may be set up on contract basis or otherwise, using best practices on the subject. Requisite funds be allocated at district and gram panchayat

level for execution of action plan which may be monitored at District Magistrate level and finally supervised by the Chief Secretary.”

31. It is observed that there is 15.75 lakh MT of legacy waste at 9 sites and 4 sites have been remediated. It is necessary to remediate legacy waste ensuring that no such sites are created at any other locations and waste is continuously processed instead of being stored. Technical assistance of CPHEEO of MoHUA and CPCB may be sought about the way forward to remediate the sites in question. Suitable service providers or other consulting technical institutions may be consulted if necessary and thereafter execution can be done departmentally. This aspect may be considered in next four months. Legacy waste site(s) must be maintained free from fires and safety of workers engaged should be ensured. Such sites may be fenced with row of trees or wall, as may be viable, for aesthetics, preventing foul smell and safety. Provisions of Schedule-I of the SWM Rules, 2016 may be strictly followed. Water quality in the vicinity of legacy waste dump sites may be periodically monitored. If any contamination is found, remedial action may be taken. Environmental safety aspects associated with legacy waste dump sites be complied with as specified in Schedule I of MSW Rules, 2016. All efforts may be made that towns/villages located on hilly terrain, do not dispose waste on sloppy terrain thereby affecting streams and rivers. Such hilly towns need to follow MSW Rules, 2016. Disposal of waste, particularly plastics, metallic containers, etc., at hill slopes and in forests has to be checked. Composting and bio-remediation of legacy waste may be done simultaneously. The Tribunal has disposed the matters relating to SWM and directing to take remedial actions and these are to be complied with.

Use of reclaimed land occupied by legacy waste sites

As already mentioned earlier, legacy waste dump sites have resulted in huge damage to the environment and population residing in the vicinity of such dump sites who have suffered in safety, health and comfort. For compensating them for such damage, particularly at flat terrain, one third of land occupied by legacy dump sites (on reclamation) needs to be reserved for dense forest and in the process of afforestation, Campa Funds can be utilized in accordance with the provisions of Compensatory Afforestation Fund Management and Planning Authority Act, 2016 (CAMPA Act). One third of reclaimed land out of the said dump site needs to be reserved for integrated waste management facilities. Remaining one third can be used for any other purpose, consistent with the above purposes, including a part of it being utilized for monetizing, if funding is required for tackling the legacy waste. Legacy waste clearance has to be in minimum further time as laid down statutory timelines have already expired and serious damage is taking place. It may be noted that remediation of legacy sites may be one time affair and such situations should not arise in future. User of land, to be reclaimed, needs to be declared in advance so that further steps can be taken in that direction. This is in line with order of this Tribunal dated 11.10.2022 in OA No. 300/2022, In re: News item published in News 18 dated 26.04.2022 titled "Delhi: Massive Fire at Bhalswa Dump Yard, Fourth This Year; 13 Fire Tenders on Spot".

33. To summarize the foregoing observations, the execution plan for solid waste management would include setting up of requisite waste processing plants (centralized and decentralized) to bridge the gap of 252.60 TPD and remediation of 15.75 lakh MT left out legacy waste. Bio-remediation/bio-mining process need to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down

specifications. Other material recovered during such processes is to be put to use through authorized dealers/handlers /users. Instead of creating more dumping sites for waste generated on day-to-day basis, waste processing plants of adequate capacity should be set up so that no further legacy waste is generated. It may be worthwhile to take into consideration guidelines on the subject issued by the Ministry of Urban Development, GoI titled “Waste to Wealth” on 2.10.2017 under Swachh Bharat Mission.

Sewage Management

34. As already observed earlier, data presented by Chief Secretary that entire installed sewage treatment capacity of 425 MLD is functional needs verification and remedial action taken, apart from bridging the acknowledged gap in generation and treatment. Estimation of sewage generation and gap must be realistic. Compliance status of laid down standards at the outlets of STPs has to be ensured. Timeline for the establishing requisite treatment systems in terms of judgment of Hon’ble Supreme Court in Paryavaran Suraksha vs. Union of India, supra has long expired, speedy further action has to be ensured.

36. Sewage can be processed by cost-effective methods at least at several identified locations with least expenses. Decentralized and the prefabricated/modular treatment plants can be explored, apart from imposing condition of ZLD on industries (as per applicability in the State), Group Housing Societies, Hotels and Resorts, etc. Reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State’s financial burden can be reduced.

In the context of Hotels and Dharamshalas, it is important that these establishments provide proper solid waste management systems and sewage

treatment facilities and such waste is not disposed into streams/rivers. The Tribunal vide order dated 21.04.2023 in OA No. 353/2022, Kartik Sharma vs. State of Uttarakhand observed and directed as follows:

“12. Hotels/ resorts and other establishments are having water supply from the State Pay Jal Sansthan for some quantity but since such quantity is inadequate, additional/ excess requirement of water is taken through tankers in unauthorized manner. There is no clear account for extent of such illegal drawal. Hotels are consented under the Water Act and are required to have individual or cluster STP but commercial activity cannot be allowed without arrangement for treatment of waste as appears to be happening at the cost of public interest. Hotels/ resorts must be required to provide STPs (with modular designs or otherwise) and retrofitted disinfection system without which their operations are illegal. Such unsatisfactory state of affairs needs to be remedied on war footing with involvement of higher authorities in the interest of good governance and environment protection.”

Maintaining sources of clean water (rivers, storm water drains and water bodies – lakes, wetlands etc.) free from treated or untreated sewage, channelizing treated sewage for non potable purposes

37. We also find that sanctity and significance of natural streams, rivers and storm water drains needs to be maintained. Storm water drains, if left unpolluted, can be source of drinking water for humans, birds, animals or aquatic life and discharge of sewage or even treated water which is not of standard of drinking water, seriously affects such drinking water resource

adversely affecting their health. They are not to serve as sewage carrier. The Tribunal has comprehensively dealt with this issue on 03.08.2022 in OA No. 1002/2018, Abhisht Kusum Gupta vs. State of Uttar Pradesh &Ors. Thus, in the State rivers and streams/Jhoras should be maintained for their pristine quality.

We find that many STPs set up are discharging treated waste water into river Ganga and its tributaries or in other streams. It is essential to restrain such discharges and if not possible, then such effluents be treated to highest level and no fecal contaminated bacteria be so discharged. PCB needs to review this aspect and action taken in this regard be included in next status report which is being directed to be filed.

38. Efforts are also required on utilization of treated sewage such as by establishments like malls, industrial estates, automobile establishments, power plants, playgrounds, railways, bus stands, local bodies, universities, utilizing treated sewage by fire service stations, suppression of dust, construction activities, etc. to save potable water for drinking. The treated sewage can be utilized for industrial/agricultural/other non-drinking uses like washing railway wagons/yards, buses, roads, water sprinkling and several such models reportedly exist¹⁵. The State may contemplate with prospective plan to utilize treated sewage rather than discharging into natural water courses which are very precious. The State PCB and the Public Health Department need to check and ensure that water in the said water bodies is maintained at 'A' and 'B' class category and not contaminated by organic and fecal bacteria.

39. As already observed, there is need for planning to prevent sewage (treated or untreated) entering the potable water resources. Instead, the same is to be suitably treated and channelized for non- potable

purposes – agriculture, industrial or others. By way of illustration, we may refer to certain models which can be considered at appropriate locations particularly in rural and flat terrain. The same have been mentioned in order of this Tribunal dated 11.10.2022 in M.A. No. 43/2022 in OA No. 41/2020, Pushpendra Kumar vs. Nagar panchayat, Kadaura & Ors., as follows:

“5. In this regard, we have drawn their attention to Seechewal Model¹⁶, 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 (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.

- *The above models may help in planning that medium and small towns and the Rural areas which need not to focus on high-cost technology in the first instance. Central Public Health and Environment Engineering Organization (CPHEEO), Ministry of Housing and Urban Affairs dealt with the matter in its instructions titled “Municipal Used Water Treatment Technology for Medium and Small Towns”¹⁷ in September 2022.*

40. The restoration measures with respect to sewage management *include identifying sites for setting up of sewage treatment and utilization systems, upgrading systems/operations of existing sewage treatment facilities to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. STPs need to have co-treatment facilities of septage rather than having isolated FSTPs. Guidelines of SBM - U2.0 (October 2021) may be referred to in this respect. For urban areas, SBM-U 2.0 provides co-treatment of fecal sludge at STPs with sewage for which funding provisions are made.*

41. *Sewage treatment facilities adopted in terms of septic tank/soak pit/FSTP particularly for rural areas and villages may be reviewed in view of health, hygiene and following the guidelines of MoUD, Swachh*

Bharat Mission (Grameen), Phase-II, Operational Guidelines, 2020.

Need to consider change in approach for administrative processes

42. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period nor loose ended time lines without accountability can be a solution. Responsibility of the State is to have comprehensive time bound plan with tied up resources to control pollution which is its absolute liability. If there is deficit in budgetary allocations, it is for the State alone to have suitable planning by reducing cost or augmenting resources. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates breach of which has taken place frequently in the past without accountability is not a convincing solution. It is poor substitute for compliance within laid down timelines for long past. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps.

43. It is the mindset and determination to act in a mission mode which can produce results.

44. Thus, it may be necessary to brain storm with available experts and other stake holders in the State at different levels, evolve models for both solid and sewage management which can be fast replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community

involvement may result in reducing the financial and administrative load on the administration. It would be better to replicate the efforts made in maintaining cleanliness including enhancing public contribution and utilizing for sewage and solid waste management.

45. Compliance of environmental norms on the subject of waste management has to be on high on priority. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level.”

9. Further observations to explore implementation mechanism:-

*“48. In the light of above observations, it appears that there is need for paradigm shift in handling of the situation. The nagging problem of waste management stares the administration in the face and remains unresolved to the detriment of environment and public health. First change required is to set up a **centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level**. Of course, local authorities have to do their duty and stocktaking at the district levels may continue but subject to supervision and control of such mechanism. **It should be headed by an officer of the rank of Additional Chief Secretary with representation from concerned departments – Urban Development, Rural Development, Environment and Forest, Agriculture, Water Resources, Fisheries and Industries**. The mechanism should be working on fulltime basis. Its functions should include preparing a comprehensive blue print, periodic review of progress in bridging the gaps in sewage and solid waste management and establishing, continuous interaction with the stakeholders, including experts and institutions, concerned*

departments, community members and all other stakeholders. There must be a continuous training programme for those involved in execution of waste management projects. It should be responsible for selecting service providers and simplifying procedures for fixing terms of engagement. Best practices are to be evolved and followed. The State may interact with the municipal agencies like Indore Municipal Corporation, Punjab Pollution Control Board and Bhubaneswar Municipal Corporation to have more feedback and teams may undertake field visits.

49. Mechanism be considered to engage service providers by due diligent process who may execute work relating to solid and sewage management simultaneously throughout the State – all districts, cities and towns. Selection of service providers may be done taking into account of his past performance and number of projects and capacity to handle successfully. As applicable, consultancy may be sought initially and thereafter execution done with departmental efforts under due supervision.

Need for compliance of statutory duties by specified authorities under SWM Rules and monitoring by NMCG and MoUD for centrally assisted/sponsored schemes

50. Under the Solid Waste Management Rules, 2016, statutory authorities for various actions have been specified. **Under Rule 5**, a Central Monitoring Committee (CMC) is to be constituted headed by the Secretary, MoEF&CC with representation from Ministries of Urban Development, Rural Development, Chemicals and Fertilizers, Agriculture, CPCB, State PCBs/PCCs, Urban and Rural Development

Departments, Urban Local Bodies and Towns from the of the States, FICCI, CII and subject experts. The CMC is to meet once in a year. The Ministry of Urban Development has to coordinate with the States/UTs **under Rule 6** for periodic review and formulation of National Policy and strategies and taking other measures. **Under Rule 7**, the Department of Fertilizers, Ministry of Chemical and Fertilizers (MoCF) have to provide market development assistance for compost and promote marketing of such compost. MoCF has to comply with Hon'ble Supreme Court's order dated 1.9.2006 in WP(C) No. 888/1996 and ensure that instructions given to the fertilizer companies on 2.6.2008 and 18.6.2012 on co-marketing of compost from city garbage with chemical fertilizers as a 'Basket approach' be complied with. Further, MoCF may review its subsidy fertilizer policy considering Rule 8(g) of the Solid Waste Management Rules, 2016 and the media report.¹⁸ **Under Rule 8**, Ministry of Agriculture has to evolve mechanism for utilization of compost. **Under Rule 9**, Ministry of Power has to decide compulsory purchase and tariff issues. **Under Rule 10**, Ministry of New and Renewable Energy Sources has to facilitate infrastructure creation and provide for subsidy. **Under Rule 11**, the concerned Secretaries of Urban Development have to prepare State Policy and Management strategies and the Town Planning Department has to ensure setting up waste processing and disposal facilities and take other enumerated actions. **Under Rule 12**, the District Magistrates have to identify suitable lands and review performance of local bodies. **Under Rule 13**, the Secretaries of Panchayats have also to perform similar duties. **Under Rule 14**, CPCB is to coordinate with State PCBs and formulate standards of ground water, ambient air

quality, noise, etc. **Under rule 15**, local authorities have to prepare solid waste management plans, collection of waste and coordination with the other stakeholders for enumerated steps. **Under Rule 16**, the SPCBs/PCCs have to enforce the rules and monitor compliances. **Under Rule 17**, there are duties of private bodies, including the manufacturers to be monitored by the State Bodies. **The timelines are provided in Rule 22** for various steps. Last timeline of 5 years from the Rules expires on 7.4.2021. There is also provision for audit and submitting of annual report **under Rule 24**. Since there has been large scale non-compliances of the said rules, all the concerned authorities need to review the progress and perform their responsibility in accordance with law. The MoEF&CC has to finally monitor compliance, as already mentioned.

51. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Development (MoUD) and National Mission for Clean Ganga (NMCG) who have programmes like Swachh Bharat Mission (SBM – Urban 2.0)¹⁹, AMRUT 2.0²⁰, Swachh Bharat Mission (Grameen)²¹ and River Cleaning, appropriately monitor compliance of waste management norms by concerned States/UTs and take remedial action on their part. Central Funding and State budgetary provisions need to be adequately allocated and apportioned keeping in view of environment compensation which is based on the restoration work estimate. While granting/disbursing funds to States/UTs, execution mechanism for centralized tendering at the State level to overcome delays at each city/town level may be considered. This may facilitate timely utilization of funds. MoEF&CC and CPCB may continue monitoring as per MSW Rules

and the Water Act. MoUD and NMCG may also note the gaps reported by the States and UTs in solid and liquid waste management. MoUD may further consider to render proper financial and technical support to States and UTs.

52. In view of unique problems of States like Uttarakhand and perhaps other hill States (North East, J&K and H.P.) in management of sewage and solid waste, MoUD, NMCG, Department of Drinking Water and Sanitation and CPCB need to provide safe methods for sewage and solid waste management suiting the climatic and topographical conditions. This involves reaffirmation of sewage management through septic tanks/soak pits and FSTPs in urban and rural hilly areas and carrying out processing of wet solid (degradable) waste by appropriate means including remediation of legacy waste. MoUD needs to coordinate this activity for which the State may also take initiative. MoUD may also assist such State for identifying execution of projects or identifying consulting agencies giving designs etc. and execution is done by State departments at local level.”

10. The above observations are by and large common to all States/UTs with few exceptions. Unless adequate waste processing facilities are set up, the legacy waste will keep mounting and occupy huge area of land. It is source of degradation of environment, threat to human health and has potential for fires and explosions. Quality of compost has to meet standards and rejects/residue emerging out from waste processing facilities needs to be properly routed to end users with due authorization. The Tribunal emphasized need for setting up of

decentralized waste processing plants and standardizing plants for compost for rural areas and empaneling the service providers.

With regard to sewage management, the Tribunal noted that installed treatment capacities have not been fully utilised and treated sewage is discharged without putting to secondary uses. Tribunal flagged need for adopting low cost options like oxidation ponds for towns having population less than one lakh and utilizing treated sewage for irrigation and pisciculture.

Tribunal concluded the proceedings with expectation of continuous monitoring by Administrative machinery, at National level, State level and District level as per District Environment Plans, with public participation. Central Ministries like MoHUA, MoEF&CC, MoJS, NMCG, MNRE have to synchronize their ongoing programs with State's efforts on solid and sewage management. The guidelines and manuals brought out by the Ministries need to be put into practice. Accordingly, States and UTs and Central Ministries need to refer orders²² of this Tribunal (in respect of all States/UTs) for compliance.

K. Further order of Hon'ble Supreme Court dated 20.3.2023

11. At this stage, we may also refer the recent order of the Hon'ble Supreme Court dated 20.03.2023 in M.A. No. 356 of 2023 in Writ Petition (Civil) No. 375 of 2012, Paryavaran Suraksha Samiti vs. Union of India & Ors. on the subject of extending timeline for setting up requisite sewage treatment plants and supplementary directions. As noted earlier vide judgment dated 22.02.2017, the Hon'ble Supreme Court fixed deadline of three years for

commissioning such plants which expired on 22.02.2020. After such expiry, further three years have expired and still gaps have been continued. The State of UP approached Hon'ble Supreme Court for extension of time. Thereupon, It was observed by the Hon'ble Supreme Court that apart from setting up of STPs, maintenance and performance of such STPs was also required to be duly scrutinized and monitored. The issue is of utmost concern. Untreated sewage waste discharging to rivers and drains pollutes sources of water upon which survival of population and bio-diversity depends. Accordingly, the Hon'ble Supreme Court issued supplementary directions to that effect with the further observation that any extension of time could be considered by this Tribunal on the basis of material placed before it showing bonafide steps taken to comply with the order of the Hon'ble Supreme Court and genuine hindrances, if any. Relevant observations are quoted below:

“xxxxxx.....xxx

*9. Apart from the above, the mere setting up of STPs is not enough. The maintenance of the STPS and their performance and capacity to deal with sewage which is generated is another matter which has to be duly Scrutinized and monitored. The treatment of sewage which is generated in the villages, towns and cities is a matter of utmost concern. **Untreated sewage waste is discharged into rivers and naalas polluting the very sources of water upon which the survival of the population and bio diversity depends.***

*10. While this Court had in its judgment laid down time lines for the construction of STPS and CETPS, **of equal importance is the need to ensure that:***

- i. The CETPs with the requisite technology and capacity are duly commissioned;**
- ii. After the commissioning of the CETPS/STPS, they continue to remain operational;**
- iii. The CETPs/STPs are duly maintained and upgraded as the need may arise;**
- iv. There is due monitoring at the administrative level on a real time basis of the performance of the CETPS, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and**
- v. Entrustment to an authority which would be accountable for the due performance of the CETPs.**

11. The above aspects are necessary to be borne in mind to supplement the directions of this Court. It is only if all other consequential steps are taken as adverted to above that the object and purpose of the order of this Court would be duly met.

12. We accordingly permit the applicant to move the National Green Tribunal with an application in that regard. The National Green Tribunal shall duly monitor compliance with the directions including the time-lines which have been spelt out in the order of this Court. It would be open to the applicant to place on the record of the Tribunal all material to indicate the bonafide steps which were taken to comply with the order of this Court and, if there were any genuine hindrances in doing so, the nature of the hindrances. The Tribunal would be at liberty in the exercise of its discretion to consider any request for a further extension of time.

13. The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be

satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPs, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.”

12. In the light of above, way forward has to be in according high priority to the subject and strict monitoring and higher levels of the Administration in the States as well as in Central Government by constituting specialised monitoring cells fixing accountability for deviation from laid down timelines. As already noted, issue of solid waste management has been monitored from 1996 to 2014 by the Hon'ble Supreme Court and by this Tribunal for the last nine years. There are statutory Rules and policies like swachh bharat but action on the ground is inadequate. There are mountains of garbage generating methane and other gases which are source of diseases and deaths, apart from occupying huge valuable public resource. Our conclusion is that enacting laws and directions of Courts/Tribunals are not substitute for good governance and unless the Administration accords high priority of the subject, undesirable situation as found may not be remedied. Taking people on board and change of mindset is need of the hour. Similarly, preventing sewage discharge into the sources of drinking water is offence under the criminal law as well as under the Water Act, 1974. Discharge of sewage into drains/rivers/water bodies results in scarcity of drinking water for all living beings apart from degradation of environment and damage to public health. Large number of persons suffer due to

water pollution. The matter has been monitored by the Hon'ble Supreme Court in the context of pollution of Ganga and Yamuna for several decades and lastly passed order dated 22.2.2017 in Paryavaran Surakhsha fixing deadline which has been monitored by the Tribunal in the last six years. Gaps in compliance have been noted earlier. Water quality of large number of rivers (including Ganga and Yamuna), lakes, coastal areas and other water bodies are receiving such pollution. This needs to be addressed on war footing, using indigenous technology wherever viable or such other technology but no drop of sewage can be allowed to be mixed in drinking water. Timelines are deviated without accountability. There is no justification for delay in remedial action having regard to adverse impact on biodiversity and citizens' right of access to drinking water. We need not repeat the steps for remedial action which are mentioned in detail in each of the orders of the subject passed separately for all the States and available on the website of this Tribunal. Meaningful implementation of citizens right to clean environment, which is part of right to life, and which is one of the significant facets of sustainable development cannot be wished away. Apart from concerned States/UTs who are responsible for executing plans for waste treatment under the Solid Waste Management Rules, 2016, Central Ministries – MoEF&CC, Urban Affairs, Rural Development, Chemicals and Fertilizers and Agriculture have also to play their role as pointed out in the orders of the Tribunal. With regard to liquid waste management also, the Central Government Ministries such as Jal Shakti, MoEF&CC, Urban Development also have role. We hope that the said Ministries of Central Government will perform their statutory obligation under the rules, apart from monitoring compliance by the concerned States/UTs. We expect the

concerned Ministries of Central Government to file their respective action taken reports in the matter within three months with the Registrar General of this Tribunal 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. If found necessary, the Registrar General, NGT may place the matter before the bench for further directions.

13. The perusal of the report and the facts as narrated by the applicant that the residential colonies have been established without any planned infrastructure development and there is no drainage system or open nalas and some colonies are located in low-lying areas and there is no sewerage system in some of the colonies. The problems which have been raised by the applicant in the letter petition which was found correct in the report of the Joint Committee, it reveals that there is not arrangement to tackle the rainy water in the rain seasons and there is no proper arrangement for disposal of domestic waste water/sewage water. Sewage was found accumulated in nala on the roads and in low-lying areas due to improper cleaning of nalas. Accordingly, the Municipal Council is directed to take care of all the facts which have been narrated in the report.
14. It is the responsibility of local self-government/our district administration consisting Nagar Parishad/Urban Local Body (ULB), Dholpur, PWD Dholpur, PHED, Dholpur, Irrigation Department, Dholpur, National Highway Authority, Dholpur and they have to take proactive steps to ensure the proper management of sewage and the sewerage system in Dholpur city. The local self-government, local body, Municipal Council, Dholpur being the primary authority responsible for civic infrastructure and sanitation has failed to fulfil its obligation to provide essential services to the residents of

colonies within its jurisdiction and thereby contributing to the present situation.

15. In view of the above facts as narrated above, we direct the Principal Secretary, Environment and Member Secretary, State Pollution Control Board and Collector, Dholpur to constitute a committee consisting all the departments concerned and to direct them to implement the short-term measures and the long-term measures immediately on an urgent basis to mitigate the current sewage and water logging issues as follows :-

A. "Sewage and Waterlogging issues:

- i. Immediate cleaning and de-silting of all existing nalas, drains, and sewer lines to restore flow and prevent further blockages.*
- ii. Construction of temporary drains (kaccha nalas) in severely affected low-lying areas to facilitate the quick discharge of accumulated rainwater and domestic wastewater.*
- iii. Deployment of mobile pumps in severely waterlogged areas to remove stagnant water.*
- iv. Creation of temporary rainwater diversion channels using sandbags, PVC pipes to redirect flow away from residential pockets.*
- v. Intensive cleaning of municipal solid waste (MSW) from affected colonies, especially where waste is mixed with stagnant water or blocking drains, to avoid further environmental and health hazards.*
- vi. Emergency chlorination and disinfection of stagnant water zones to reduce the risk of vector-borne diseases.*

- B.** *The Urban Local Body (ULB) shall prepare and submit a detailed, timebound action plan for implementing long-term measures in the colonies of Dholpur city that are chronically affected by waterlogging. The plan should include proposals for permanent drainage infrastructure, sewer network expansion, elevation of low-lying areas, and other sustainable solutions to prevent recurrence of such issues.*
- C.** *The Urban Local Body (ULB) shall execute the aforementioned works under the overall direction and supervision of the District Administration. The District Administration shall facilitate and monitor financial approvals required for the timely execution of the proposed measures. A well-defined timeline shall be prepared for each component of the work, and a system of regular monitoring and review shall be put in place to ensure accountability and adherence to deadlines.*
- D.** *The National Highways Authority of India (NHAI) shall, in coordination with the Urban Local Body (ULB) and under the supervision of the District Administration, complete the construction of the incomplete drains, carry out necessary repairs, and ensure proper connectivity of the drainage system to facilitate the smooth flow of rainwater and prevent water accumulation in nearby colonies. It is also necessary to remove all encroachments on the NHAI drains to restore the natural flow of rainwater and ensure the effectiveness of the drainage infrastructure. The District Administration shall take appropriate action to identify and remove such encroachments in a time-bound manner.*

E. *The Public Works Department (PWD) shall complete and construct all roads and drain works falling under its jurisdiction to prevent waterlogging in the affected colonies. The work shall be carried out in consultation with the Urban Local Body (ULB) and under the direction of the District Administration.*

F. *The Public Health Engineering Department (PHED) shall ensure the completion and repair of all freshwater pipelines in the affected colonies to prevent contamination. Furthermore, PHED shall establish dedicated and responsive monitoring and grievance redressal system to identify, track, and immediately resolve incidents involving the mixing of potable water with sewage, thereby safeguarding public health.*

G. *The Irrigation Department, Dholpur, shall complete the restoration work of the old and existing irrigation canal and submit detailed information regarding encroachments along the canal to the District Administration. The District Administration, with the necessary assistance from the Police Department, shall take appropriate action to remove such encroachments in a time-bound manner. This is essential to ensure the free flow of rainwater through the canal and to prevent waterlogging in nearby colonies during the rainy season.”*

16. A copy of the order be forwarded to Chief Secretary, Rajasthan, Principal Secretary (Environment), Principal Secretary (Urban Development), Member Secretary (State Pollution Control Board, Rajasthan), Collector, Dholpur,

Chief Executive Officer, Municipal Council, Dholpur, State of Rajasthan, for information and necessary compliance.

17. With these directions and observations, the **Original Application No. 83/2025** stands **disposed of**.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

16th July, 2025,
O.A. No.83/2025(CZ)
AK