

Significant interventions of the National Green Tribunal in January 2019

1. Case: ***Aryavart Foundation Versus Vapi Green Enviro Ltd. &Ors.*** (O.A.No. 95/2018)
Issue: Discharge of effluents by Common Effluent Treatment Plant (CETP) in Vapi industrial cluster in Gujarat.
Date: 11.01.2019

Impact: The Tribunal was considering up-gradation of CETP set up in 1997 in Vapi industrial cluster in Gujarat, restraining the CETP from receiving effluents from member units not conforming to the norms, recovering cost of damage to the environment. Significantly, the Tribunal held that the performance audit must be done of all the Pollution Control Boards and Pollution Control Committees in the country and to identify remedial steps required in manning and functioning of SPCBs and PCCs or otherwise. CETP operator and the concerned industrial units have failed to comply with the pollution norms and are required to be made accountable for their failure. The Tribunal directed CPCB to constantly monitor CETPs across the country. Apart from appointing a joint committee to look into the issue, the Tribunal directed that (apart from those in white and green category) to pay an interim compensation to CPCB.

2. Case: ***Compliance of Municipal Solid Waste Management Rules-2016*** (O.A. No. 606/2018)
Issue: Compliance of Municipal Solid Waste Management Rules, 2016.
Date: 16.01.2019

Impact: To ensure compliance of Municipal Solid Waste Management Rules, 2016, the Tribunal passed a comprehensive order summoning chief secretaries of all states and union territories to personally appear and update the status of identification and development of Model Cities and Towns in the state in the first phase and be replicated later for other cities and towns of the state. Apart from forming oversight committees comprising of former High Court judges for each state, every state and union territory is directed to constitute a Special Task Force in every District of 3 members one each nominated by District Magistrate, Superintendent of Police, Regional Officer of the State Pollution Control Boards in concerned Districts and one person to be nominated by the Chairman of the District Legal Services Authority (DLSA) for awareness about the SWM Rules, 2016 by involving educational, religious and social organizations including local Eco-clubs.

3. Case: ***Threat to life arising out of coal mining in south Garo Hills district Versus State of Meghalaya & Ors*** (O.A. No. 110(THC)/2012)
Issue: Rat hole mining in Meghalaya.
Date: 04.01.2019

Impact: The Tribunal directed the expert committee headed by former High court judge Justice B.P. Katakey and comprising of representatives from of CPCB and Indian School of Mines, Dhanbad to expedite efforts to identify victims of rat hole mining in Meghalaya since 2012. The committee's interim report has found that mining activity has been going on for a long time in unplanned and unscientific manner resulting in huge ecological disturbance and negative impact on the environment. It will continue to make field trips across the state to formulate a comprehensive restoration plan of the affected region by 31 March 2019. In order to ensure better compliance, the Tribunal has now also redirected its approach on the issue and has imposed an interim penalty of Rs. 100 crores on the government of Meghalaya. Further, the Tribunal also laid down that the state can be made liable for colluding with the polluters apart from non-compliance.

4. Case: ***Manoj Mishra versus Union of India &Ors.*** (O.A. No 6/2012)

Issue: Cleaning of River Yamuna.

Date: 29.01.2018

Impact: Taking note of recommendations by the Expert Committee constituted by the Tribunal for execution of directions issued for abatement of pollution in river Yamuna, directions were issued to three states- Delhi, Haryana and Uttar Pradesh to furnish a performance guarantee of Rs 10 crores within a month to ensure compliance. The Delhi Development Authority (DDA) was directed to furnish a similar guarantee of Rs 50 lakhs. The Tribunal also made it clear that the chief secretaries of the states will be personally responsible for ensuring compliance while Vice Chairman will be responsible in the case of DDA.

5. Case: ***Mayank Manohar & Paras Singh, Reporter Times of India Versus Govt. of NCT of Delhi &Ors.*** (O.A. No. 601/2018)

Issue: Closure of unauthorized industrial activates in Delhi in residential/non-conforming areas.

Date: 24.01.2019

Impact: The Tribunal took note of an Expert Committee report that compiled a list of industries in nonconforming/residential areas against the provisions of the Master Plan of Delhi, 2021 which stated that 29,877 industries were not eligible for allotment and were liable to be closed. Since industries are illegally operating in non-confirming areas even after 15 years since the Supreme Court intervened, a fresh oversight body headed by former High court judge was constituted.

6. Case: ***Social Action for Forest and Environment (SAFE) Versus Union of India &Ors.*** (O.A. No. 306/2016)

Issue: Solid Waste Management in Agra city and areas under the Agra Cantonment Board, and eco-sensitive Taj Trapezium Zone.

Date: 29.01.2019

Impact: The Tribunal having dealt with the issue of compliance with solid waste management rules in regard to the grave situation in Agra which is affecting public health, directed that the state deposit a performance guarantee of Rs. 25 crores to the satisfaction of the Central Pollution Control Board to comply with the timelines in the action plan to be submitted within one month.

7. Case: *Saloni Singh &Anr. Versus Union of India &Ors.* (O.A. No. 141/2014)

Issue: Compliance of Plastic and Solid Waste Management Rules, 2016 at the railway compartments, stations and railway tracks.

Date: 22.01.2019

Impact: The Tribunal considered the report of the Comptroller and Auditor General of India (CAG) called “Environment Management in Indian Railways” based on study of the major railway stations and the 83rd report of the Public Accounts Committee and found unsatisfactory handling of waste generated and dumped on the railway tracks, open defecation on the tracks, leading to unhygienic conditions and health hazards. The Tribunal directed that 36 railway stations, i.e. 5% of all stations achieve the target of achieving environment standard ‘14001’ laid down by BIS for selected railway stations in the form of Environment Management System within three months. The Eco-smart stations’ are to be replicated in phases in rest of the country.

8. Case: *Sri Om Tyagi Versus Ministry of Environment & Forest &Ors* (O.A. No. 412/2018)

Issue: Environmental damage by marriage halls in Ghaziabad.

Date: 24.01.2019

Impact: Reaffirming its holding in *In Westend Green Farms Society Versus UOI &Ors.* (O.A. No.400/2017) the Tribunal held that environmental norms are required to be read into every activity adversely affecting environment including functioning of marriage halls and ensure compliance of rules for rain-water harvesting, traffic regulation, drawing of ground water, regulating use of DG sets, management of municipal solid waste. The Tribunal constituted an oversight committee for Delhi to look compile data of places where marriages and functions take place in Delhi, regulate noise caused by DJ’s and crackers etc., ensure compliance of Solid Waste Management Rules, 2016 among other things.

9. Case: ***Ashwani Kumar Dubey Versus Union of India &Ors.*** (O.A. No. 164/2018)
Issue: Air pollution by Thermal Power Stations in Districts of Singrauli, Madhya Pradesh and Sonbhadra in Uttar Pradesh.
Date: 03.01.2019

Impact: The Tribunal directed the polluting units to take steps within prescribed timelines furnish Performance Guarantees CPCB to the extent assessed by the oversight Committee headed by former high court judge. The Tribunal directed the Health Secretaries of MP and UP to report on health status of the citizens of the affected areas and the trends of diseases relating to pollution within two months and on priority identify long term plan for providing potable water through pipelines etc. be executed with firm timelines.

10. Case: ***K. Chidambaram Versus Krishna Limited Unit II &Ors.*** (Appeal No. 141/2018)
(Earlier Appeal No. 123/2013 (SZ))
Issue: Pollution caused by drug manufacturing units in Patancheru and Bollaram industrial clusters in Telangana State.
Date: 21.01.2019

Impact: A 2012 order of the Appellate Authority (AA) under the provision of Water (Prevention and Control of Pollution) Act, 1974 was challenged by a batch of pharma companies in the region that placed restrictions on the industries so as to maintain the environmental norms and to furnish bank guarantee to ensure that the norms are not violated. In light of the Andhra Pradesh government intervention and Southern Bench of the National Green Tribunal vide a detailed judgment of 24.10.2017, the Tribunal disposed of the appeals and shifted the concerns on pollution to another case in O.A. 1038/2018 where the Tribunal is seized on the remedial action in 100 critically polluted industrial clusters in the country, categorized as such by Central Pollution Control Board.

11. Case: ***Suo Motu proceedings initiated based on the representation received from Justice R. Bhaskaran Former Judge Versus State of Kerala & Ors.***(Original Application No. 585/2018) (Earlier O. A. No. 395/2013 (SZ) (THC))
Issue: Cleaning of River Periyar.
Date: 25.01.2019

Impact: The issue of cleaning up of the Periyar River was taken up on account of transfer of a pending Writ Petition by the Kerala High Court to the Tribunal. On inspection, rampant dumping of waste by hospitals and slaughter houses waste into the river Periyar was noted by the Tribunal. The Tribunal constituted a Joint Committee of CPCB, Kerala SPCB and District Magistrate to forthwith prepare an action plan for compliance of law particularly the biomedical waste and solid waste management Rules and furnish an

action taken report within one month. The committee will also assess the damages caused to the environment and the persons from whom the same are to be recovered.