

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

**ORIGINAL APPLICATION NO. 134 OF 2015  
(MA No. 757 of 2015 & 477 of 2016)**

**IN THE MATTER OF:**

**FRIENDS THROUGH ITS GENERAL SECRETARY**

..... **APPLICANT**

**Vs.**

**MINISTRY OF WATER RESOURCES & ORS.**

..... **RESPONDENTS**

**COMPLIANCE REPORT ON BEHALF OF MINISTRY OF ENVIRONMENT,  
FOREST & CLIMATE CHANGE, NEW DELHI IN COMPLIANCE OF AN  
ORDER DATED 23.09.2019**

1. That the Hon'ble Tribunal vide its order dated 20.05.2019 directed MoEF&CC as follows:

(i) To issue appropriate notification prohibiting use of RO where TDS in water is less than 500 mg/l and wherever RO is permitted, a requirement is laid down for recovery of water be more than 60%. Further, provision be laid down for recovery of water upto 75% and use of such RO reject water for purposes such as utensil washing, flushing, gardening, cleaning of vehicles and floor mopping.

(ii) The notification/policy to be notified may also provide for a mechanism for public awareness about ill effects of demineralized water on public health and for effective enforcement requiring the concerned local bodies/municipal Corporation/Municipalities/ Panchayats and institutions like Public Health Engineering Department (PHED)/ Jal Nigam/ Jal Boards etc. be required to display water quality at regular intervals, particularly TDS concentration component by an appropriate mechanism.

(iii) Above regulatory regime may ensure regulating consumption and use of low TDS water by requiring manufacturers to maintain minimum TDS concentration to 150 mg/l or the minimum levels of calcium and magnesium.

(iv) Directions be issued for enforcement of Extended Producers Responsibility by the manufacturers for disposal of cartridges and membranes and requiring the manufacturers to provide proper labeling on the purifier specifying that the unit should be used if TDS is more than 500 mg/l.

(v) MoEF&CC may file an affidavit of compliance by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) within one month.

(vi) The Expert Committee constituted by this Tribunal vide order dated 20.12.2018 along with Central Ground Water Authority may collect and provide data with regard to availability of ground water and its usage in 21 cities mentioned in the report of NITI Aayog and furnish a report to this Tribunal within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The said report may be placed in the file of O.A. No. 176/2015 which is listed on 04.07.2019.

2. That in compliance of order dated 20.05.2019 Ministry has requested for 8 months time to delineate the effective compliance of the Hon'ble NGT directions which includes 4 months for Inter-ministerial, stakeholders consultation and finalization of draft notification, 2 months for wide circulation of draft notification for inviting public comments and 2 months for incorporation of public comments and thereafter finalization of the notification.
3. In view of the prayer made by the Ministry before the Hon'ble Tribunal. The Hon'ble Tribunal on 23.09.2019 directed as follows “

(i) The above prayer appears to be unreasonable and delaying the matter to the detriment of public interest. Though the applicant suggests that delay will advance commercial interest of those benefitted by delay, we do not propose to go into such allegation in absence of any clear evidence. The fact remains that order of the Tribunal is based on report of Expert Committee which also comprised representative of MoEF&CC and is enforceable without permission of any other authority with penal consequences. Accordingly MoEF&CC may now issue the necessary notification in the light of direction already issued in accordance with the report of the Expert Committee and cover not only the subject of recovery of RO reject water in domestic and commercial use but also in industrial process.

(ii) With regard to the further direction requiring the Committee, along with Central Ground Water Authority (CGWA), to collect and provide data with regard to availability of groundwater and its usage in 21 cities mentioned in the report of NITI Aayog and furnish a report to this Tribunal, CPCB has, in their letter dated 01.08.2019, stated that CGWA is not furnishing the information inspite of being required to do so. Let the CGWA do the needful positively within one week failing which the Member Secretary of CGWA will be liable to pay Rs. 1 Lakh as costs. Further necessary report by the Expert Committee be furnished to this Tribunal within one month.

(iii) The Member Secretary, CGWA and the concerned Joint Secretary, MoEF&CC may remain present in person along with compliance reports on the next date.”

**4.** In order to ensure the compliance of the directions passed by the Hon'ble Tribunal the Ministry after having consultation with expert institutions like IIT BIS, NEERI, CPCB and examining the legal formalities the Ministry has asked CPCB to frame holistic policy for use of RO Technology in the Country and submit draft notification. However, the draft notification has not been received till date.

5. Further, it is submitted that after receiving the draft notification from CPCB, the same will be further examined by the Ministry on the aspects of Monitoring Mechanism for compliance of the notification, Institutional Framework for monitoring and implementation of the notification, identification of stakeholders and their roles and responsibilities for various functions, legal sanctity, etc. for consideration. As issuing notification is a policy related matter, comprises features of multi-dimensional in character which *inter alia*, include complex geographical spread, varied users i.e. commercial, residential, etc. Hence, region wise detailed consultation will be required before notification.
  
6. It is also submitted that in view of the intricacy of the matter a progress report on monthly basis will be submit by the Ministry before the Hon'ble Tribunal.

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