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KSPCB/NGT/NEIA/CEO-2/19/ 1347

27 MAY 2019

To,

The Registrar,  
National Green Tribunal,  
Faridkot House, Copernicus Marg,  
Near India Gate, New Delhi,  
Delhi -110 001.

OAN-125/2017  
am 217/2017-2d-RC  
31.05.19  
RC(J)

Sir,

**Sub:** Interim report of the Committee set up by the National Green Tribunal to oversee the performance of the directions issued by in regard to the Bellandur, Varthur, Agaram Lakes – reg.

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In compliance with the directions issued by the National Green Tribunal (NGT) in its order dated 06.12.2018, the Committee headed by the undersigned met for the first time on 7.1.2019. In the said meeting, as permitted by the National Green Tribunal, Dr. U.V.Singh IFS (Retd.) has been co-opted as a Member of the Committee. In its performance of implementing the directions of the National Green Tribunal, the Committee has met 12 times so far. During these meetings, the concerned authorities who had not complied with/and is slow is compiling with the directions issued by the National Green Tribunal have been directed from time to time to complete the directions of the NGT. The Committee has also reminded the concerned authorities about the need for immediate implementation of the directions of the National Green Tribunal.

The Committee has also made spot visit to Bellandur, Varthur, Agaram lakes, STPs, buffer/catchment areas & have examined the prevailing conditions in these lake side. In the background of the directions issued by the National Green Tribunal, this Committee observes that while a part of the directions issued by the National Green Tribunal has been implemented a large part remains to be implemented i.e de-silting, de-weeding, eviction of encroachments etc., The Committee has cautioned the concerned authorities about need to the speedy implementation of the directions before a final report is submitted to the National Green Tribunal.

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The Committee however observes that following directions have been complied/with either fully or partly.

1. The State of Karnataka has transferred a total sum of Rs.500 Crores towards the Escrow Account for execution of the action plan as per the directions of the National Green Tribunal (para viii) Annexure 'A'.
2. The State Government has also transferred Rs.50 Crores to BBMP with a direction to transfer to CPCB. The BBMP in turn deposited this amount to CPCB for way of interim compensation for restoration of environment (para ix). The direction to pay the interest may not arise since payment has been made on time.
3. The National Green Tribunal has also directed BBMP to deposit a sum of Rs.25 Crores with CPCB separately as required in Para ix of the directions of the NGT which has not been complied with. *The ACS, UDD submits that the BBMP is challenging the said order of the Hon'ble NGT in Supreme Court since BBMP is not a party in this said case. However, this Committee has given directions in consonance with the NGTs directions.*
4. Out of Rs.50 Crores received by the CPCB, Rs.10 Crores has been transferred by it to the Karnataka State Pollution Control Board as directed by the National Green Tribunal. This Committee is pursuing the action taken by the State of Karnataka/BBMP to recover the said amount from the polluters and erring officers but has not been able to recover the said amount as yet.
5. The State of Karnataka has not yet furnished the performance guarantee to the CPCB to execute the action plan in a time bound manner. In this regard the ACS, UDD submits that *"a government order has been issued vide no.LAW 01 VHC 2019 dated 06.03.2019 to prefer an appeal before the Hon'ble Supreme Court of India against the judgement dated 06.12.2018 and 30.01.2019 passed in review application no.5/2019 of the Hon'ble NGT. The state is challenging this direction in Supreme Court with a prayer that the Committee constituted by the Hon'ble NGT may be entrusted with the task of execution of the action plan on such terms as it may deem fit and appropriate. It is further submitted that in*

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*the current circumstances, it is not possible to fix the date as 30.06.2019 for entire gamit of activities required for the cleaning of the lake whilst some of the measures suggested are being immediately implemented and other long term measures such as construction of STP cannot be undertaken within the time limit of 30.06.2019.”*

6. The State of Karnataka has identified and declared the officers responsible for executing the action plan as directed by the NGT in para 26(xiv). Annexure 'A'
7. However, the State of Karnataka has not identified the officers responsible for non-execution of works in the past. As required in para 26(xv) *“The ACS Urban Development Department submits as under. In GO No.UDD 212 MNJ 2016, dated 10.05.2016 Government have constituted an Expert Committee under the Chairmanship of the Additional Chief Secretary, Urban Development Department comprising the officers of BDA, BBMP, WSSB, Karnataka Lake Development Authority, Karnataka State Pollution Control Board and with Experts and NGO's to conduct scientific study regarding rejuvenation and comprehensive development of Bellandur Lake. The said Committee after detailed consideration of pertinent issues have made recommendations and suggested Short Term and Long Term measures for immediate rejuvenation of the said lake. Based on the recommendation of the Expert Committee report an Action Plan has been drawn assigning certain responsibilities to the various Authorities/ Boards/ BBMP and Government for executions of the works. Various meetings have been held under the chairmanship of the Additional Chief Secretary, Urban Development Department, Government of Karnataka and reviewed the progress made by the cash of these agencies from time to time to rejuvenate the Bellandur Lake in a time bound manner. The concerned Agencies are working together to rejuvenate the said lakes as per the Action Plan laid down by the Expert Committee. Based on the inputs provided by the various state holders an Action Plan was prepared and submitted to the Hon'ble NGT and the same was reviewed from time to time. As per the directions of the Hon'ble NGT in its order dated 06.12.2018 the Action Plan for the each Agency has been reviewed and submitted to the Committee constituted under the Chairmanship of Hon'ble Justice Santhosh Hegde by the Hon'ble NGT. Hence, it is not possible to identify the agencies for any failure at this point of time”*



8. The direction issued in para xvi and xvii by the NGT has been stated in Annexure 'A'.
9. In regard to the observations made by the NGT in para 19 of its order dated 06.12.2018, the concerned departments have submitted their plans/comments. A copy of comments prepared based on the submissions made by the departments is produced and marked as Annexure 'A'. This Committee is examining the correctness of the response given by the concerned departments and will separately submit its report to the NGT in due course.
10. It was brought to the notice of this Committee that certain groups of persons who have encroached the lake bed area (Ambetkar colony) were sought to be evicted/translocated by the concerned departments but aggrieved persons have approached the Civil Court and have obtained the injunction against their evictions even though alternate housing arrangements have already been made for such persons. This Committee has advised the concerned to bring it to the notice of the counsel (representing the department) about the alternate arrangements having been made for their settlement and to get the injunction vacated. This Committee has been informed that the case is listed for hearing in the month of June 2019 and the Committee is hopeful that in view of the admitted facts of the case, the injunction may be vacated & followed by action of eviction of encroachment.
11. It has been brought to the notice of the Committee that certain directions issued by the NGT in regard to Buffer zone to the Rajakaluve (storm water drain), the Supreme Court has revised the directions of the NGT and this Committee has asked the concerned departments to approach the NGT for its opinion in regard to the said order of the Supreme Court. Further, the concerned department, (Environment) is required to identify that the violators within the limits as approved by the Hon'ble Supreme Court & to take action as per the order of the NGT.
12. This Committee was informed that in regard to Varthur lake, the Government has given certain fishing rights to some people for specific period which continues up to the year 2020. This Committee notices that such fishing rights



is likely to hamper the activities of de-silting clubbed with de-weeding of Varthur lake leading to unwanted delay. Hence, this Committee has asked the concerned officials to persuade the right holders to accommodate the Government to undertake the above activities. This Committee is happy to report to NGT that the lessee has considered the suggestion & submitted an affidavit in this regard, subject to extension of period of right of fishing after the works are over. Government is also willing to extend the lease period after the cleansing activities are completed. This will help the Government to take up the work of de-silting clubbed with de-weeding without any hindrance by the lease holder.

13. Further, progress in the supervisory activities of this Committee will be reported to the NGT in due course. The Committee encloses an Annexure 'A' showing the compliance of the order of the Hon'ble NGT till date.
14. The undersigned would like to make a request to the NGT, in view of his personal commitment he will be out of India for one month starting from 27<sup>th</sup> of May to 30<sup>th</sup> of June 2019. Hence, requests the NGT to extend the period of the Committee by one more month till 31<sup>st</sup> July 2019 for filing the final report of this Committee.



**(N.Santhosh Hegde)**

Former Judge, Supreme Court of India  
& Chairman, Committee constituted by the  
National Green Tribunal.

**Encl: Annexure 'A'**

**ANNEXURE-A**

Sl. No	Particulars as per NGT order dated 06.12.2018	Compliance as on 17-05-2019
1	2	4
i	<p>Recommendations of the Committee dated 31.05.2018 may be carried out with a view to ensure that no polluted waste water is discharged into the water bodies and no solid waste is dumped therein. The encroachments from catchment areas must be removed. Karnataka SPCB in consultation with the CPCB may setup Real Time Water Quality Monitoring Systems in three lakes at appropriate locations to monitor parameters which are critical like Dissolved Oxygen, Ammonia and others. The online data may be displayed for information. The activities around the three lakes may also be monitored by using drones and satellite imageries</p>	<p>There is no change in inflow status of incoming of polluted water into the three lakes. The existing STPs are not running to their capacity. One of the reasons is that the required quantum of sewage is not being fed to them. The online display of quantity of treated water is not at place for transparent measurements. (Action BWSSB).</p> <p>Dumping of Solid waste is in check at the Bellandur lake but there is no stoppage of dumping in Varthur lake. The marshals (watchmen) have not been deployed at Varthur lake. Hence, it is observed that there is no control on dumping of C &amp; D &amp; other waste. (Action BBMP).</p> <p>The encroachment in regard to the Slum Colony (Dr.Ambetkar Colony) at Bellandur lake is not removed due to stay order of City Civil Court against shifting of the encroachers. (Action BDA, Revenue &amp; Slum Board).</p> <p>Real time water quality monitoring system has not been installed at all three lakes. (Action CPCB &amp; KSPCB).</p> <p>As regard the de-silting &amp; de-weeding the work is not yet started. Further, it is also observed that the completion of STP works &amp; de-silting should go simultaneously. The completion of construction work of 150 MLD STP would likely to be completed by July 2020.</p>
ii	<p>Overall responsibility to carry out these directions will be of the Additional Chief Secretary, Urban Development (UD), Karnataka and the BBMP. An action plan is prepared by the State/BBMP forthwith, within one month from today, indicating the timelines for the actions including the budgetary provisions and same should be placed on the website of State UD and BBMP. Execution of such plan may be completed by <b>30.06.2019</b></p>	<p>The action plans have been prepared &amp; submitted to the Committee with tentative period &amp; budgetary requirement. It is observed that the de-weeding, de-silting &amp; construction of STPs are likely to go beyond the due date i.e. 30.06.2019.</p>
iii	The compliance of the above	Not applicable



	<p>directions will be overseen by a Committee as follows</p> <p>A. Justice Santosh Hegde, former Judge, Supreme Court of India – Chairman</p> <p>B. Professor T.V. Ramachandra, Indian Institute of Science, Bangalore- Member</p> <p>C. Nominee of Central Pollution Control Board who should be a senior level officer-Member</p> <p>D. Nominee of the Karnataka Pollution Control Board-Member</p>																																			
iv	KSPCB may provide logistics support to the Committee and coordinate as per directions of the Chairman of the Committee	Logistics support to the Committee is in place.																																		
V	<p>The Committee will have such powers as are necessary to ensure execution of this order <b>within reasonable time</b>. The State and all concerned Authorities will cooperate and provide all assistance as may be necessary. The Committee may issue necessary instructions to the authorities from time to time for the purpose. The Committee will be at liberty to co-opt any other expert or take assistance from such person or persons as may be deemed necessary</p>	<p>To monitor the action plans &amp; related matters, following meetings &amp; visits to lakes have been Conducted by the Committee</p> <p style="text-align: center;"><b>Meetings</b></p> <table border="1"> <thead> <tr> <th>Date</th> <th>Departments</th> </tr> </thead> <tbody> <tr> <td>07-01-2019</td> <td>All Departments</td> </tr> <tr> <td>30-01-2019</td> <td>All Departments</td> </tr> <tr> <td>01-03-2019</td> <td>Presentation by NGO</td> </tr> <tr> <td>07-03-2019</td> <td>BDA</td> </tr> <tr> <td>11-03-2019</td> <td>BBMP, Slum Board &amp; Revenue</td> </tr> <tr> <td>18-03-2019</td> <td>BWSSB &amp; KSPCB</td> </tr> <tr> <td>22-03-2019</td> <td>BDA, Revenue, Minor Irrigation, BBMP &amp; Slum Board</td> </tr> <tr> <td>03-04-2019</td> <td>BWSSB, Minor Irrigation, KSPCB, BBMP, BDA, Revenue Department &amp; Slum Clearance Board</td> </tr> <tr> <td>11-04-2019</td> <td>BWSSB &amp; BDA</td> </tr> <tr> <td>20-04-2019</td> <td>Meeting with all departments</td> </tr> <tr> <td>09-05-2019</td> <td>All departments</td> </tr> </tbody> </table> <p style="text-align: center;"><b>Visits</b></p> <table border="1"> <thead> <tr> <th>Date</th> <th>Place of Visit</th> </tr> </thead> <tbody> <tr> <td>22-02-2019</td> <td>Bellandur Lake &amp; Sewage Treatment Plans</td> </tr> <tr> <td>12-03-2019</td> <td>Varthur Lake</td> </tr> <tr> <td>19-03-2019</td> <td>Varthur Lake</td> </tr> <tr> <td>30-04-2019</td> <td>Agara Lake</td> </tr> </tbody> </table>	Date	Departments	07-01-2019	All Departments	30-01-2019	All Departments	01-03-2019	Presentation by NGO	07-03-2019	BDA	11-03-2019	BBMP, Slum Board & Revenue	18-03-2019	BWSSB & KSPCB	22-03-2019	BDA, Revenue, Minor Irrigation, BBMP & Slum Board	03-04-2019	BWSSB, Minor Irrigation, KSPCB, BBMP, BDA, Revenue Department & Slum Clearance Board	11-04-2019	BWSSB & BDA	20-04-2019	Meeting with all departments	09-05-2019	All departments	Date	Place of Visit	22-02-2019	Bellandur Lake & Sewage Treatment Plans	12-03-2019	Varthur Lake	19-03-2019	Varthur Lake	30-04-2019	Agara Lake
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vi	The Committee may set up its own website for receiving and disseminating information and suggestions, including inviting volunteers, as may be deemed	An exclusive website has been activated with certain information.																																		

	proper. Achievements may be put on website so that the same can be replicated wherever relevant	
vii	The Committee may oversee the timelines in the action plan to be prepared by the State UD of Karnataka/BBMP	The Committee is reviewing the progress as stated in para (v).
viii	The State of Karnataka will transfer an amount of Rs. 500 Crores in an Escrow Account for execution of the action plan within one month from today	By a Government order No.UDD 280 MNY 2018, dated 05.01.2019 an amount of Rs.500.00 Crores have been released to BBMP to deposit in Escrow Account as per NGT order.
ix	The State of Karnataka will deposit a sum of Rs. 50 Crores by way of interim compensation for restoration of the environment with the CPCB. For delay, an interest @ 12% will be payable	An amount of Rs.50.00 Crores have been deposited by Government through BBMP to CPCB.
x	The BBMP will be required to deposit a sum of Rs. 25 Crores in this regard to CPCB separately in the same manner as(ix)	The ACS, UDD submits that the BBMP is challenging the said order of the Hon'ble NGT in the Supreme Court since; BBMP is not a party in the said case. It is observed that there is already unreasonable delay in preferring the appeal in the matter.
xi	Out of the amount so deposited, a sum of Rs. 10 Crores will be transferred by CPCB to the Karnataka PCB. The SPCB will defray all expenses of the Committee to provide logistics or otherwise	An amount of Rs.10.00 Crores have been transferred by the CPCB to KSPCB as submitted by Member Secretary.
xii	The amount can be recovered by the State/BBMP from polluters and the erring officers	Details are not furnished to the Committee.
xiii	The State of Karnataka will furnish a Performance Guarantee to the CPCB to execute the action plan in a time bound manner, subject to the timelines being approved by the above Committee. The Performance Guarantee will undertake to pay amount of Rs. 100 Crores for the failure in the execution of the action plan before 30.06.2019	The performance guarantee to pay amount of Rs.100 Crores have not been furnished by the State Government. The ACS, UDD submits that a Government order has been issued vide No.LAW 01 VHC 2019 dated 06.03.2019 to prefer an appeal before the Hon'ble Supreme Court of India against the judgment dated 06.12.2018 and 30.01.2019 passed in review application No.5/2019 of the Hon'ble NGT. The state is challenging this direction in Supreme Court with a prayer that the Committee constituted by the Hon'ble NGT may be entrusted with the task of execution of the action plan on such terms as it may deem fit and appropriate. It is further submitted that in the current circumstances, it is not possible to fix the date as

		30.06.2019 for entire gambit of activities required for the cleaning of the lake whilst some of the measures suggested are being immediately implemented and other long term measures such as construction of STP cannot be undertaken within the time limit of 30.06.2019.
xiv	The State of Karnataka must identify and declare the persons responsible for executing the action plan and any failure in their performance should be recorded and considered favorably or otherwise for their career progression	State of Karnataka has identified Commissioner, BDA, Commissioner, BBMP, Chairman, BWSSB, Member Secretary, KSPCB, Secretary, Minor Irrigation Department and Revenue Department as stakeholders for executing the Action Plan. The ACS, FEE has to submit the name of the officer responsible for implementation of compliances in this order.
xv	Similar exercise as (xiv) may be undertaken to identify officers responsible for failure in the past. Such exercise may be completed within three months from today	<p>The ACS Urban Development Department submits as under.</p> <p>In GO No.UDD 212 MNJ 2016, dated 10.05.2016 Government has constituted an Expert Committee under the Chairmanship of the Additional Chief Secretary, Urban Development Department comprising the officers of BDA, BBMP, WSSB, Karnataka Lake Development Authority, Karnataka State Pollution Control Board and with Experts and NGO's to conduct scientific study regarding rejuvenation and comprehensive development of Bellandur Lake.</p> <p>The said Committee after detailed consideration of pertinent issues, have made recommendations and suggested Short Term and Long Term measures for immediate rejuvenation of the said lake.</p> <p>Based on the recommendation of the Expert Committee report an Action Plan has been drawn assigning certain responsibilities to the various Authorities/ Boards/ BBMP and Government for executions of the works.</p> <p>Various meetings have been held under the chairmanship of the Additional Chief Secretary, Urban Development Department, and Government of Karnataka and reviewed the progress made by the cash of these agencies from time to time to rejuvenate the Bellandur Lake in a time bound manner.</p> <p>The concerned Agencies are working together to rejuvenate the said lakes as per the Action Plan</p>

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		<p>laid down by the Expert Committee.</p> <p>Based on the inputs provided by the various stake holders an Action Plan was prepared and submitted to the Hon'ble NGT and the same was reviewed from time to time.</p> <p>As per the directions of the Hon'ble NGT in its order dated 06.12.2018 the action plan for the each Agency has been reviewed and submitted to the Committee constituted by the Hon'ble NGT.</p> <p>Hence, it is not possible to identify the agencies for any failure at this point of time.</p>
xvi	<p>Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/ authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided</p>	<p>The KSPCB is in the process of framing certain guidelines based on the CPCB drafts placed before the NGT &amp; as approved in the Conference of CPCB. The said guidelines are placed before the Board (KSPCB). It is required to submit to State Government for framing rules/guidelines for the Environmental Compensation. The process is progressing.</p>
xvii	<p>MoEF&amp;CC may specify limit for phosphorus in soaps and detergents to prevent damage to the environment and public health</p>	<p>The matter is pending before the MoEF&amp;CC.</p>

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*Thank you*