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Central Pollution Control Board Regional Directorate, Lucknow

Report on Inspection of Tihura Nalla near M/s Yash Paper Mills Ltd & Rajepur village Darshan Nagar at, Ayodhya, Faizabad UP)

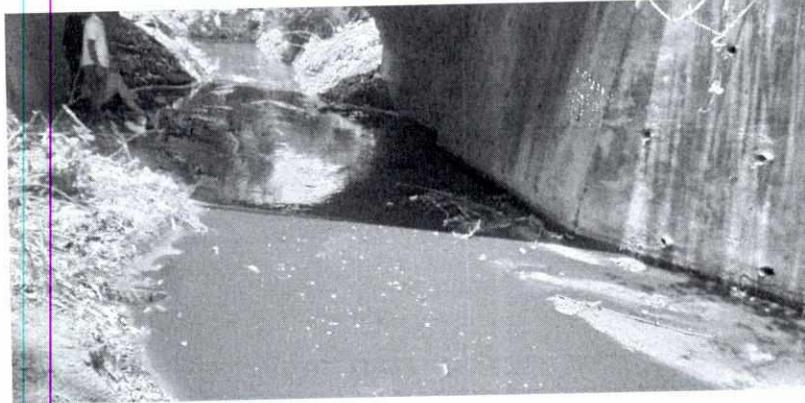
1.0 Background

Pursuant to the directives of the Chairman, Eastern U.P. Rivers & Water Reservoir Monitoring Committee, Lucknow constituted by Hon'ble NGT, Delhi vide order dated 23.08.2018 in the matter of OA No.116/2014 a team comprising Justice Devi Prasad Singh, former Judge Allahabad High Court and Chairman of the committee along with Sh. Rajendra Singh, former District Judge & Secretary Eastern U.P. Rivers & Water Reservoir Monitoring Committee, Lucknow, official from CPCB, RD(N), Lucknow and Regional Officer, UPPCB, Faizabad, inspection of Tihura Nalla, adjacent to M/s Yash Paper Ltd. and Rajepur Village located in Darshan Nagar, Faizabad carrying untreated industrial effluent and domestic waste water confluence to River Saryu, was carried out on 17.05.2019.

2.0 Introduction:

About Tihura Nallah:

Tihura Nalla Originates from Village Parakhan and flow through premises of M/s Yash Paper Mills, Darshan Nagar, District Ayodhya(Faizabad) carrying partial amount of treated effluent, further traverses 10 Kms through industry & villages Chakiya, Tihura, Rampur Halwara, Laldas ka Purwa, Sarayrasi, Tihura Manjha, Rajepur, Moorah Deeh and Pura Bazar Block in Ayodhya (Faizabad) District of Uttar Pradesh State. The drain passes through Rajepur Channel/Gate and finally discharges in River Saryu. Tihura village is surrounded by Faizabad Block towards west, Vikram Jot Block towards East, Masodha Block towards west, Maya Bazar Block towards South. Major industries present along Tihura Drain include M/s Yash Paper Mills Ltd., Darshan Nagar Ayodhya(Faizabad). M/s Yash Paper Mills Ltd. is engaged in production of Bleached/unbleached Machine Glazed Kraft Paper, Bleached Poster Paper using Wheat Straw, bagasse, gunny bags and soft wood (imported pulp) as major raw material with reported installed capacity of 120 TPD, which is established /operational since 1983.



Tihura Nallah near Yash Papers Ltd., Darshan Nagar Faizabad, (UP)

3.0 Water Quality of Tihura Nallah:

Sample collection:

Grab samples of Tihura Nallah from following locations were collected and analyzed for physio-chemical parameters such as pH, SS, Colour, TDS, TKN, BOD, COD, Total coliforms & F- coliforms ,SAR etc.

1. Tihura Nalla, near Yash Paper Ltd, Darshan Nagar, Ayodhya, Faizabad (UP).
2. Tihura Nalla, near Rajepur Village, Darshan Nagar, Ayodhya, Faizabad(UP).

Table-2 Tihura Nalla, Darshan Nagar, Faizabad (UP)

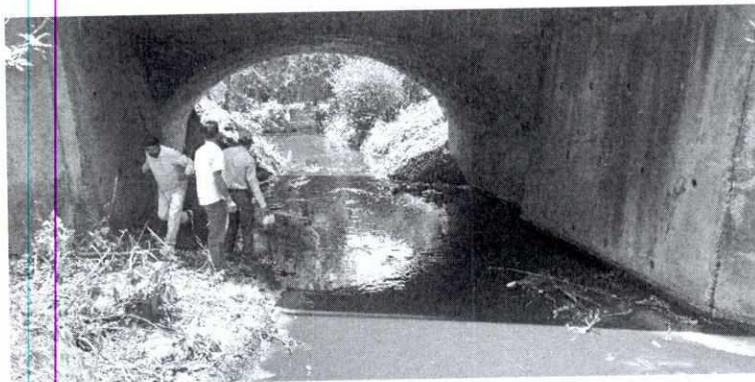
| Sr. No. | Sampling Location | Co-ordinates | Catchment area/ Near Tihura Drain/ R.Saryu |
|---------|--|--|---|
| 1. | Tihura Nalla, near Yash Paper Ltd, Darshan Nagar, Ayodhya, Faizabad (UP) | 26 ⁰ 44' 29" 82 ⁰ 13' 42" | Mubarak Ganj Purwa, Village-Parakhan, Pura Bazar, Darshan Nagar. Rampur Halwara (1 KM), Sarethi (3 KM), Samaha Kala (3 KM), Baisingh (4 KM), Pura Bazar |
| 2. | Tihura, near Rajepur Village, Darshan Nagar, Ayodhya, Faizabad (UP) | 26 ⁰ 43' 36" 82 ⁰ 15' 29" | Rajepur Village, Pura Bazar, Ayodhya |

Table-1 Analysis Results Tihura Nallah discharging in Saryu River at Faizabad (UP)

| Sr. No. | Parameters | Tihura Nalla, near Yash Paper Ltd, Darshan Nagar, Ayodhya, Faizabad (UP) | Tihura Nalla, near Rajepur Village, Darshan Nagar, Ayodhya, Faizabad (UP) |
|---------|-------------------------|--|---|
| 1. | pH | 6.81 | 7.51 |
| 2. | Colour (Hazen) | 375 | 375 |
| 3. | SS (mg/L) | 2474 | 51.2 |
| 4. | TDS (mg/L) | 1597 | 2035 |
| 5. | TKN (mg/L) | - | 0.840 |
| 6. | BOD (mg/L) | 560 | 29.2 |
| 7. | COD (mg/L) | 1404 | 142 |
| 8. | T-Coliform (MPN/100 ml) | - | 1.1 x10 ⁵ |
| 9. | F-Coliform (MPN/100 ml) | - | 4.5 x10 ⁵ |
| 10 | SAR | 1.06 | 1.03 |

Observations:

1. It is evident from the results that Tihura Nallah is major untapped drain of Darshan Nagar area of Faizabad city carrying untreated domestic waste water from nearby area and industrial effluent in Catchment area of River Saryu, Ayodhya. The presence of high level of **BOD: (560 mg/L), COD (1404 mg/L) & Color: (375 Hz.)**, which shows possibility of discharge of untreated Effluent from adjacent Industry i.e. M/s Yash Papers Mills Ltd., Faizabad to Tihura Nalla.
2. During inspection and monitoring of Tihura Nallah, the team noticed that drain has flow of coloured effluent at downstream near M/s Yash Paper Mills Ltd., Faizabad (Photo Gallery).



Tihura Nalla, Darshan Nagar at Yash Paper Ltd, Faizabad

3. During inspection, it was observed that to discharge of Untreated industrial waste water may causes damage to crops of nearby farmers agriculture lands in nearby Villages Rajepur located on Tihura Drain and health hazards to residents of nearby areas and impact to water quality of River saryu.
4. During inspection monitoring team noticed that, in Rajepur Village the farmers constructed a temporary bandh to check the flow of untreated waste water discharge from nearby industry (M/s Yash Paper Mills Ltd.) in their fields, it is informed by villagers that during rainy season the effluent from the drain overflows and submerged by effluent and rain water , which causes damage of their crops at presently the area in which waste water is collected has water hyacinth near Rajepur Village, Pura Bazar, Ayodhya.



Tihura Drain near Village Rajepur, Pura Bazar, Ayodhya

Recommendations:

1. In view of the severe pollution in agriculture lands of farmers along Tihura drain in Village Rajepur, which will result in damage to crops of nearby farmers located on Tihura Drain and health hazards to residents of nearby areas and impact to water quality of River Saryu.
2. During Visit of Joint Committee of CPCB & UPPCB and other members of Committee, to the unit M/s Yash Papers Mills Ltd., Darshan Nagar, Ayodhya (Faizabad). It was noticed that the unit was contributing to pollution. The unit also not installed STP. In view of deficiencies and Environmental Damage to farmers cultivator lands/crops

Environmental Compensation was recommended.

3. M/s Yash Paper Mills was directed by Hon'ble NGT vide order O.A.No.116/2014 dated 17.12.2018 in the matter of Meera Shukla Vs Municipal Corporation, Gorakhpur & Ors to install a pipeline for flow of polluted water from the mill to River Saryu within three months so that the farmers land may not be damaged. However, Unit has not installed pipeline from its premises to R. Saryu.
4. Industrial effluent causes pollution in Catchment area of River Saryu, Ayodhya polluting the Agriculture lands of farmers at Rajepur Village, Ayodhya(Faizabad), UP.
5. The M/s Yash Paper Mills Ltd. shall ensure not to discharge untreated effluent from its premises to Tihura Nallah. Considering the above violation and discharge in the Tihura Nallah having high level of pollutant due to discharge from M/s Yash Paper Mills.

Heavy Environmental Compensation may be imposed on M/s Yash Papers Ltd., Darshan Nagar, Ayodhya (Faizabad).

INSPECTION TEAM:

1. Sh. Swaminath Ram, Regional Officer, UPPCB, RO, Faizabad
2. Sh. A.K. Tripathi, Sc. 'B', CPCB, RD, Lucknow
3. Sh. Shivam Singh, RA, (NGRBA),CPCB,RD,Lucknow

Photo Gallery: Tihura Nallah, Darshan Nagar District Ayodhya, (Faizabad) Uttar Pradesh



Photo1: TihuraNalla flowing through Yash Paper Ltd.

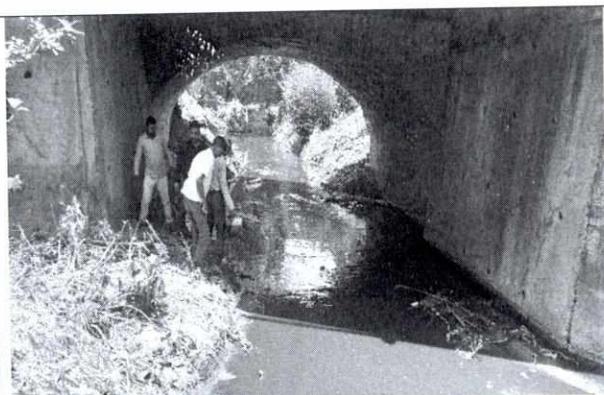


Photo2: TihuraNalla near Yash Paper Ltd.

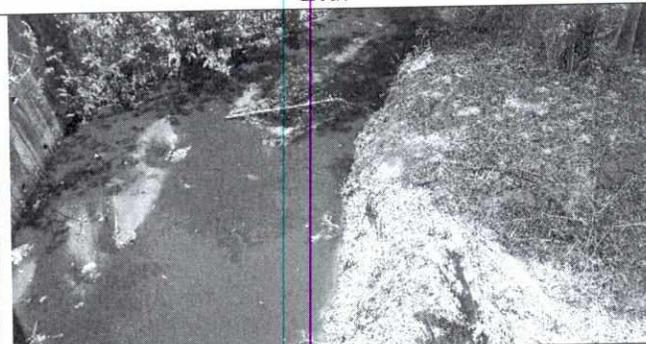


Photo3: TihuraNalla carrying untreated industrial effluent at Darshan Nagar



Photo4: TihuraNalla in U/s before entree in Yash Paper Ltd.near Para khan Village

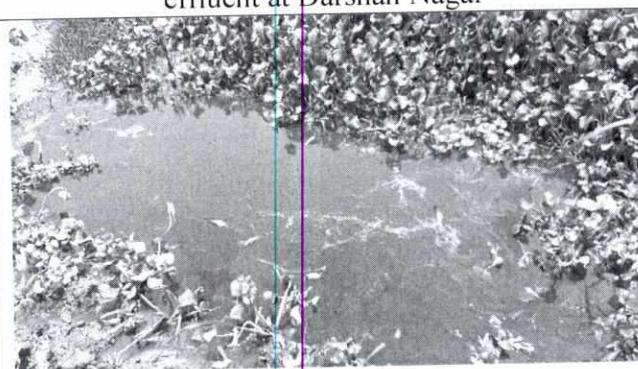


Photo3: Ponding at Rajepur Village due to Blockage of flow of waste water from Tihura Darin



Photo4: Temporary Bandh near Rajepur Village on Polluted Tihura Nalla

Justice D.P. Singh
Former Judge Allahabad High Court
Chairman, Eastern UP Rivers
and Water Reservoirs Monitoring Committee
(Constituted by National Green Tribunal
Principal Bench, New Delhi Dtd. 03.10.18
in OA No. 116/2014)



Environment Directorate, UP
Vineet Khand-1, Gomti Nagar
Lucknow -226010
Email- monenv.2018@gmail.com
Mob- 8005498811

Ref: No. /UPSWMMC-2018

Date: August 03 , 2019

In Re: M/s Yash Paper Mills Ltd & Rajepur village Darshan Nagar, Ayodhya, Faizabad, U.P.

(Additional report)

1. The Eastern U.P. River and Water Reservoirs Monitoring Committee has been constituted under the orders of Hon'ble NGT dated 23.08.2018 passed in OA No. 116 of 2014 in re: *Meera Shukla versus Municipal Corporation, Gorakhpur* with a view to check pollution in certain rivers and water reservoirs in Eastern Uttar Pradesh. The present report is an additional report in pursuance to an earlier report sent to NGT in the matter of M/s Yash Paper Mills dated 23.11.2018. Officials from CPCB, RD(N), Lucknow and Regional Officer, UPPCB, Faizabad carried out the inspection of Tihura Nalla, adjacent to M/s Yash Paper Mills Ltd. and Rajepur Village located in Darshan Nagar, Faizabad carrying untreated industrial effluent and domestic wastewater confluence to River Saryu, on **17.05.2019**. Shri. Rajendra Singh, former District Judge & Secretary Eastern U.P. Rivers & Water Reservoir Monitoring Committee, Lucknow monitored and observed the performance.

Since the industrial unit in question is polluting river Saryu and damaging the agricultural land and crops of farmers thereon substantially, in addition to discharging its effluent in river Saryu, it falls within the jurisdiction of the present Monitoring Committee.

FACTS

CHRONOLOGY OF EVENTS

2. M/s Yash Paper Mills Ltd. is engaged in production of Bleached/unbleached Machine Glazed Kraft Paper, Bleached Poster Paper using Wheat Straw, bagasse, gunny bags and soft wood (imported pulp) as major raw material with reported installed capacity of 120 TPD, which is established /operational since 1983.
3. On **25.10.2018 in Original Application No. 116/2014**, NGT dealt with a report regarding Yash Paper Mills, on the basis of letters sent by Chairman Monitoring Committee, with regard to conduct

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of an officer Shri Madhusudan Nagraj, Sub Divisional Magistrate, Sadar, Faizabad. The **letter dated 09.10.2019** stated that Shri Madhusudan Nagraj, Sub Divisional Magistrate, Sadar, Faizabad misconducted himself by colluding with the Yash Paper Mill and instead of taking steps to control pollution, the said officer was acting for the polluters and also acting against the victims who were the inhabitants of the village. The said officer demolished the clay barriers to check the flow of polluted water with the use of JCB machines and the police force. He also lodged FIRs against the villagers who had obstructed the flow of polluted water. Statements to this effect were recorded through video and audio tape. The officer was required to send a letter addressed to the DIG, Faizabad for a report but instead of doing so, the officer handed over the letter to the District Magistrate, who was not the concerned person to whom letter was to be given.

The **next letter dated 10.10.2018** stated that land of the farmers was being illegally used by the Yash Paper Mill for the flow of polluted water for the last three decades. The DIG, Faizabad got an inquiry conducted through Dr. MeenakshiKatyayan, IPS and found the allegations to be correct. It was also found that as per sample test report, the groundwater was contaminated and not fit for human consumption. It is required to be considered whether a case is made out for payment of compensation to the farmers and prosecution of the Yash Paper Mill as well as the SDM.

In view of the above, the letters dated 09.10.2018 and 10.10.2018 were directed by NGT to be forwarded to the Chief Secretary, U.P. for further action.

4. On the report of the Committee, NGT regarding M/s Yash Paper Mills dated **29.11.2018**, NGT passed the following order on **17.12.2018 in Original Application No. 116/2014** –

“ v. Pollution by M/s Yash Paper Mills, Darshan Nagar, Ayodhya

The report dated 29.11.2018 is with regard to Yash Paper Mills, Darshan Nagar, Ayodhya, (Faizabad), UP. The Committee visited the unit and noted that Manganese concentration in the ground water sample was more than permissible limit in the discharge from the factory. The unit was polluting the water. STP was not installed. Though, it is not clear whether the unit in question is within the scope of the Committee, the fact remains that inspection has been carried out by the CPCB, UPPCB and other Members of the Committee and deficiencies have been found.

The recommendations of the Committee are as follows:

“In view of above, we recommend as under: 1. The unit may get its OCEMS checked and calibrated monthly especially in view of the variation in BOD value. 2. Alternate potable water sources should be identified for provision of hand pumps and in case the problem of ground water quality persists at source, iron removal technologies should be adopted before supplying water to be community. 3. Cost and damages to the tune of Rs. 15 lakhs or more be

awarded against M/s Yash Paper Mills, out of which if the Hon'ble NGT may desire, a substantial portion of it may be distributed proportionately amongst the farmers whose cultivatory lands have been damaged. 4. M/s Yash Paper Mills may further be directed to apply the environmental norms within a prescribed period positively and thereafter, with due communication. 5. Till alternative arrangement is made, the State Government, who owes responsibility to provide clean water to its citizens and also because pollution in underground water has taken place because of commission and omission of its officials, instrumentality may make necessary arrangements for supply of clean water to the villages referred to herein above. 6. M/s Yash Paper Mills may further be directed to install a pipeline for flow of polluted water from the mill to river Saryu within a specified period, say within 3 months, so that the farmer's cultivator) land may not be damaged. 7 M/s Yash Paper Mills may also be directed to install STP within a specified period, say within 3 months."

"7. We have heard Shri Pradeep Mishra, learned Counsel for the UPPCB and considered the matter. As regards the issue of taking action under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 by way of coercive measures against the industrial units/medical college for violation of statutory provisions and conditions for Consent to Operate, we direct the UPPCB to take appropriate action to ensure compliance and recover damages for the past violations. The amount suggested by the Committee may be treated as a proposal and final amount may be determined after following due procedure within one month. Steps for closure may be considered on merits. A report of compliance in this regard may be furnished to this Tribunal by email at nqt.filing@gmail.com.

8. With regard to encroachments, the recommendations of the Committee may be treated as a proposal and on that basis appropriate action taken by the Principal Secretary, Urban Development, Government of Uttar Pradesh within two months and report furnished to this Tribunal by e-mail at nqt.filing@gmail.com."

At ground level, in view of earlier recommendations made by the Monitoring Committee and the orders passed by the Hon'ble NGT, no action has been taken; rather M/s Yash Paper Mill is releasing more untreated effluent into the drainage, which spills in substantial area of agricultural fields of farmers and is causing pollution in environment, as is evident from the report of inspecting team.

PRESENT CAUSE OF ACTION

5. A complaint was received from Mrs. Shanti Singh from Rajepur village Darshan Nagar, Ayodhya, Faizabad, U.P. dated **18.04.2019** regarding pollution caused by M/s Yash Paper Mills Ltd based on which an inspection by scientists of CPCB and UPPCB was ordered by Chairman Monitoring Committee. The complaint letter is reproduced below –

(10)

सेवा में,

माननीय न्यायमूर्ति
श्री देवी प्रसाद सिंह जी,
(विशेष गठित समिति राष्ट्रीय हरित अधिकरण),
पर्यावरण निदेशालय, उ०प्र०।

महोदय,

सानुरोध अवगत कराते हुए निवेदन है कि दर्शन नगर फैजाबाद में स्थापित मे० यश पेपर लिमिटेड के द्वारा बड़ी मात्रा में विषैला जल व अन्य प्रदूषित हानिकारक तत्व उत्सर्जित होता है तथा उसकी उचित निकासी का प्रबन्ध यश पेपर लिमिटेड द्वारा नहीं किए जाने के परिणाम स्वरूप समस्त प्रदूषित व हानिकारक जलीय प्रवाह किसानों के खेतों में फैला रहता है, जिससे क्षेत्रीय किसानों की फसलों तथा उनके स्वास्थ्य पर प्रत्यक्ष व परोक्ष नकारात्मक प्रभाव पड़ता होता है तथा भविष्य में बहुत बड़ी महामारी फैल सकती है।

महोदय मे० यश पेपर लिमिटेड का संचालन पर्यावरण के स्थापित मानकों के विपरीत पूर्व कई वर्षों से किया जा रहा है। माननीय राष्ट्रीय हरित अधिकरण (N.G.T.) ने भी उपर्युक्त मामले में संज्ञान लेते हुए उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड को कई बार मे० यश पेपर लिमिटेड के निरीक्षण के लिये आदेशित किया। माननीय राष्ट्रीय हरित अधिकरण (N.G.T.) के आदेशों के अनुपालन में मे० यश पेपर लिमिटेड का निरीक्षण दिनांक 23.07.2018, 01.09.2018, 04/05.10.2018 और 04.01.2019 को किया गया। प्रत्येक निरीक्षण में यह पाया गया कि मे० यश पेपर लिमिटेड का संचालक पर्यावरण मानकों के अनुरूप नहीं हो रहा है फिर भी श्री आशीष तिवारी सदस्य सचिव उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड लखनऊ की छत्रछाया होने के कारण आज तक मे० यश पेपर लिमिटेड को न तो कोई जुर्माना लगाया गया, न ही कोई बन्दी की गई और न ही मे० यश पेपर लिमिटेड को दण्डित किया गया।

*Call for
meets from
UPPC B within
in 7 days
JPL
14/5/2019*

महोदय मे० यश पेपर लिमिटेड की सहमति दिनांक 13.12.2018 को समाप्त हो चुकी है। उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड के निरीक्षण में दिये गये निर्देशों तथा राष्ट्रीय हरित अधिकरण (N.G.T.) द्वारा दिये गये आदेशों तथा पर्यावरण मानकों के सतत् उल्लंघन के कारण मे० यश पेपर लिमिटेड को सहमति नियमानुसार नहीं दिया जा सकता। इसी कारण से मे० यश पेपर लिमिटेड द्वारा

सहमति (दिये जाने के लिये दिये गये प्रार्थना पत्र को उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड के सदस्य सचिव श्री आशीष तिवारी के इशारे पर निस्तारित नहीं किया जा रहा है। बल्कि पिछले कई महीनों से लम्बित रखा गया है, ताकि मे0 यश पेपर लिमिटेड को अवैध और मनमाने तरीके से सहमति प्रदान कर दिया जाये। आपके संज्ञान में यह तथ्य भी लाया जाना भी आवश्यक है कि यदि सहमति के प्रार्थना पत्र का निस्तारण एक निश्चित समय सीमा के भीतर नहीं कर दिया जाता तो नियमानुसार आवेदक को Deemed Consent मिल जाती है। मे0 यश पेपर लिमिटेड को नियमानुसार सहमति नहीं दी जा सकती है क्योंकि मे0 यश पेपर लिमिटेड का संचालन कई वर्षों से पर्यावरण मानकों के विपरीत किया जा रहा है तथा राष्ट्रीय हरित अधिकरण (N.G.T.) के आदेश के अनुपालन में कराये गये निरीक्षणों से भी यह तथ्य स्पष्ट होता है कि मे0 यश पेपर लिमिटेड लगातार पर्यावरण विधियों का उल्लंघन कर रही है। सदस्य सचिव श्री आशीष तिवारी इस तथ्य से पूर्णतया परिचित हैं कि पर्यावरण मानकों के उल्लंघन के कारण मे0 यश पेपर लिमिटेड के नियमतः सहमति नहीं दी जा सकती है इसलिए जान बूझकर श्री आशीष तिवारी के इशारे पर मे0 यश पेपर लिमिटेड द्वारा दी गई सहमति का प्रार्थना पत्र का निस्तारण नहीं किया जा रहा है ताकि सहमति प्रार्थना पत्र निस्तारित होने की समय सीमा समाप्त होने पर मे0 यश पेपर लिमिटेड को स्वतः Deemed Consent मिल जाये।

अतः आपसे विनम्र निवेदन है कि मे0 यश पेपर लिमिटेड द्वारा सदस्य सचिव श्री आशीष तिवारी उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड के संरक्षण में पर्यावरण मानकों के विरुद्ध किये जा रहे समस्त कार्यों को संज्ञान में लेते हुए उचित आदेश पारित करने की कृपा करें तथा उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड सदस्य सचिव श्री आशीष तिवारी एवं अन्य विभागीय अधिकारीगण जो कि मामले में दोषी पाये जायें उनके विरुद्ध सख्त कार्यवाही की जाय, आपकी अति कृपा होगी।

दिनांक : 18/11/2019

—: जांच निरीक्षण रिपोर्ट संलग्न है।

प्रार्थी
शान्ति सिंह
शान्ति सिंह
पत्नी श्री राधे श्याम सिंह
पता : ग्राम-राजेपुर, पोस्ट-पूरा बाजार,
तहसील-सदर, जनपद-अयोध्या,
पिनकोड-224171

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GEOGRAPHY

6. About TihuraNallah:

TihuraNalla Originates from Village Parakhan and flow through premises of M/s Yash Paper Mills, Darshan Nagar, District Ayodhya(Faizabad) carrying partial amount of treated effluent ,further travers 10 Kms through industry & villages Chakiya, Tihura, Rampur Halwara, LaldaskaPurwa, Sarayrasi, TihuraManjha, Rajepur, MoorahDeeh and Pura Bazar Block in Ayodhya (Faizabad) District of Uttar Pradesh State. The drain pass through Rajepur Channel/Gate and finally discharge in River Saryu. Tihura village is surrounded by Faizabad Block towards west, Vikram Jot Block towards East, Masodha Block towards west, Maya Bazar Block towards South. Major industries present along Tihura Drain include M/s Yash papers Mills Ltd., Darshan Nagar Ayodhya (Faizabad).



TihuraNallah near Yash Papers Ltd., Darshan Nagar Faizabad, (UP)

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JOINT INSPECTION REPORT OF CPCB AND UPPCB

7. Water Quality Report of TihuraNallah from following locations were collected and analyzed for physio-chemical parameters such as pH, SS, Colour, TDS, TKN, BOD, COD, Total coliforms & F-coliforms, SAR etc -

TihuraNalla, Darshan Nagar, Ayodhya (UP)

| Sr. No. | Sampling Location | Co-ordinates | Catchment area/ Near Tihura Drain/ R.Saryu |
|---------|--|------------------------------|--|
| 1. | TihuraNalla, near Yash Paper Ltd, DarshanNagar, Ayodhya, Faizabad (UP) | 26° 44' 29'' 82° 13' 42'' | Mubarak GanjPurwa, Village-Parakhan, Pura Bazar, Darshan Nagar. Rampur Halwara (1 KM), Sarethi (3 KM), Samaha Kala (3 KM), Baisingh (4 KM), Pura Bazar |
| 2. | Tihura, near Rajepur Village, DarshanNagar, Ayodhya, Faizabad (UP) | 26° 43' 36'' 82° 15' 29'' | Rajepur Village, PuraBazar, Ayodhya |

Analysis Results TihuraNallah discharging in Saryu River at Ayodhya (UP)

| Sr. No. | Parameters | TihuraNalla, near Yash Paper Ltd, DarshanNagar, Ayodhya, Faizabad (UP) | TihuraNalla, near Rajepur Village, Darshan Nagar, Ayodhya, Faizabad (UP) |
|---------|-------------------------|--|--|
| 1. | pH | 6.81 | 7.51 |
| 2. | Colour (Hazen) | 375 | 375 |
| 3. | SS (mg/L) | 2474 | 51.2 |
| 4. | TDS (mg/L) | 1597 | 2035 |
| 5. | TKN (mg/L) | - | 0.840 |
| 6. | BOD (mg/L) | 560 | 29.2 |
| 7. | COD (mg/L) | 1404 | 142 |
| 8. | T-Coliform (MPN/100 ml) | - | 1.1 x10 ⁵ |
| 9. | F-Coliform (MPN/100 ml) | - | 4.5 x10 ⁵ |
| 10. | SAR | 1.06 | 1.03 |



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8. The analysis report indicates that color of TihuraNalla, near Yash Paper Ltd and near Rajepur Village, Ayodhya is 375hz as opposed to the standard of aggregable limit of 5-25 hz. SS near Yash Paper Ltd has been found to be 2474 mg/L as opposed to 100 mg/L. BOD at TihuraNalla, near Yash Paper Ltd has been found to be 560 mg/L as opposed to 30 mg/L. COD at TihuraNalla, near Yash Paper Ltd has been found to be 1404 mg/L as opposed to 250 mg/L.

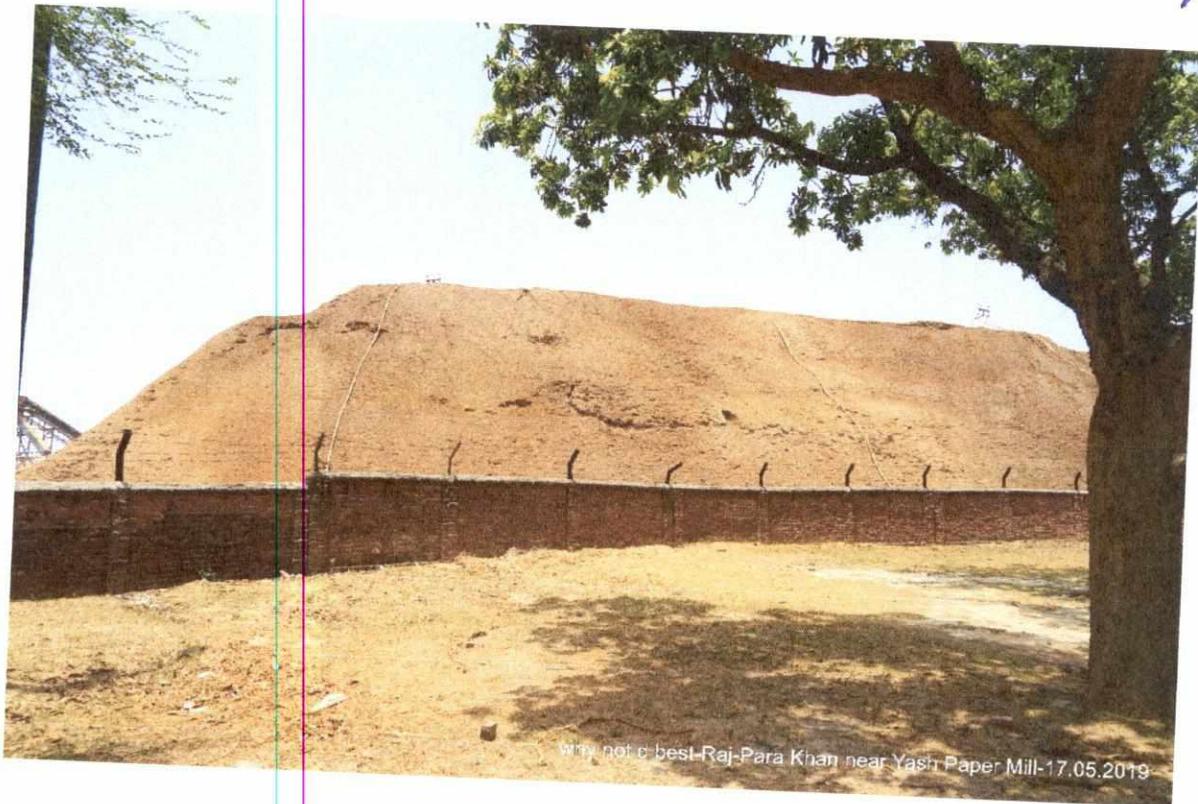
Based on the above, the joint inspection team of CPCB and UPPCB made the following observations –

“Observations:

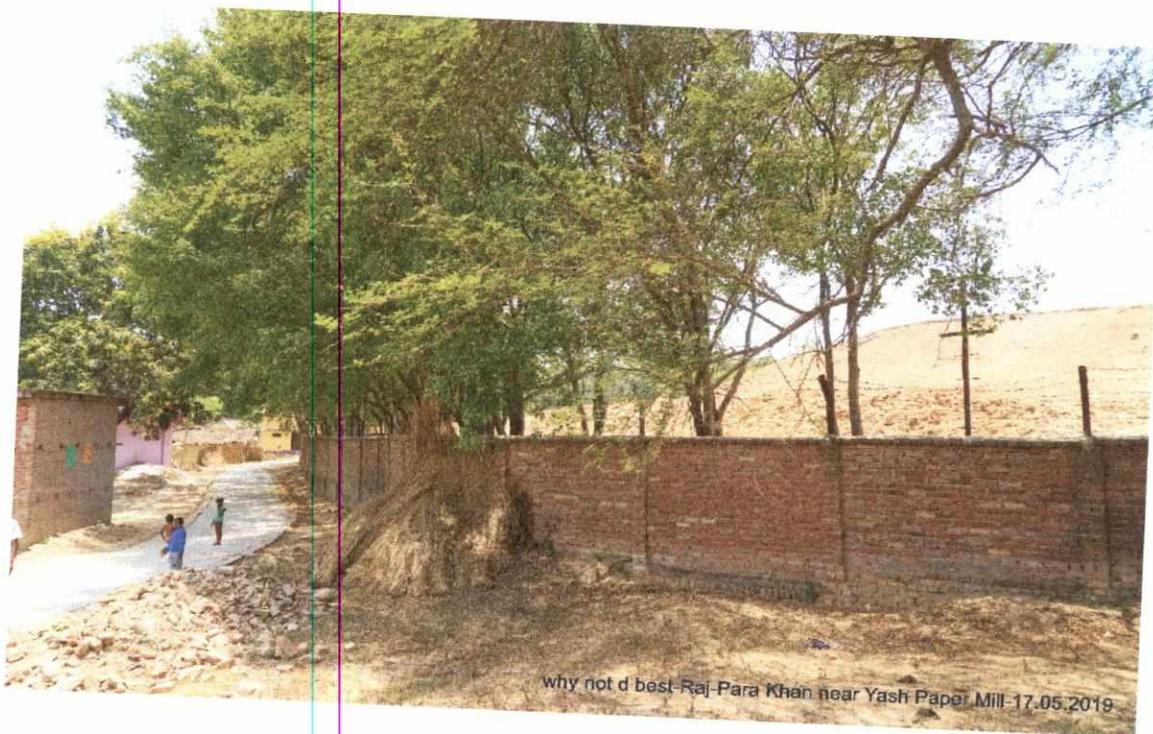
1. It is evident from the results that TihuraNallah is major untapped drain of Darshan Nagar area of Faizabad city carrying untreated domestic wastewater from nearby area and industrial effluent in Catchment area of River Saryu, Ayodhya. The presence of **high level of BOD: (560 mg/), COD (1404 mg/L) & Color: (375 Hz.)**, which shows **possibility of discharge of untreated Effluent from adjacent Industry i.e. M/s Yash Papers Mills Ltd., Faizabad to TihuraNalla.**
2. During inspection and monitoring of TihuraNallah, the team noticed that **drain has flow of coloured effluent at downstream near M/s Yash Paper Mills Ltd., Faizabad.**
3. During inspection, it was observed that to **discharge of untreated industrial waste water may cause damage to crops of nearby farmers agriculture lands in nearby Villages Rajepur located on Tihura Drain and health hazards to residents of nearby areas and impact to water quality of River saryu.**
4. During inspection monitoring team noticed that, in Rajepur Village **the farmers constructed a temporary bandh to check the flow of untreated waste water discharge from nearby industry (M/s Yash Paper Mills Ltd.) in their fields, it is informed by villagers that during rainy season the effluent from the drain overflows and submerged by effluent and rain water , which causes damage of their crops at presently the area in which waste water is collected has water hyacinth near Rajepur Village, Pura Bazar, Ayodhya.”**

It was also noticed at the time of inspection that the boundary wall of Yash Paper Mill towards village Parakhan is at places less than 5 ft and at other places about 15-20 ft. There was a mountainous heap of sugarcane husk inside the Mill which upto a height of almost 100 ft and sprinklers were not functional. Consequently, the husk was coming to the village side through air current causing health hazard to the villagers.

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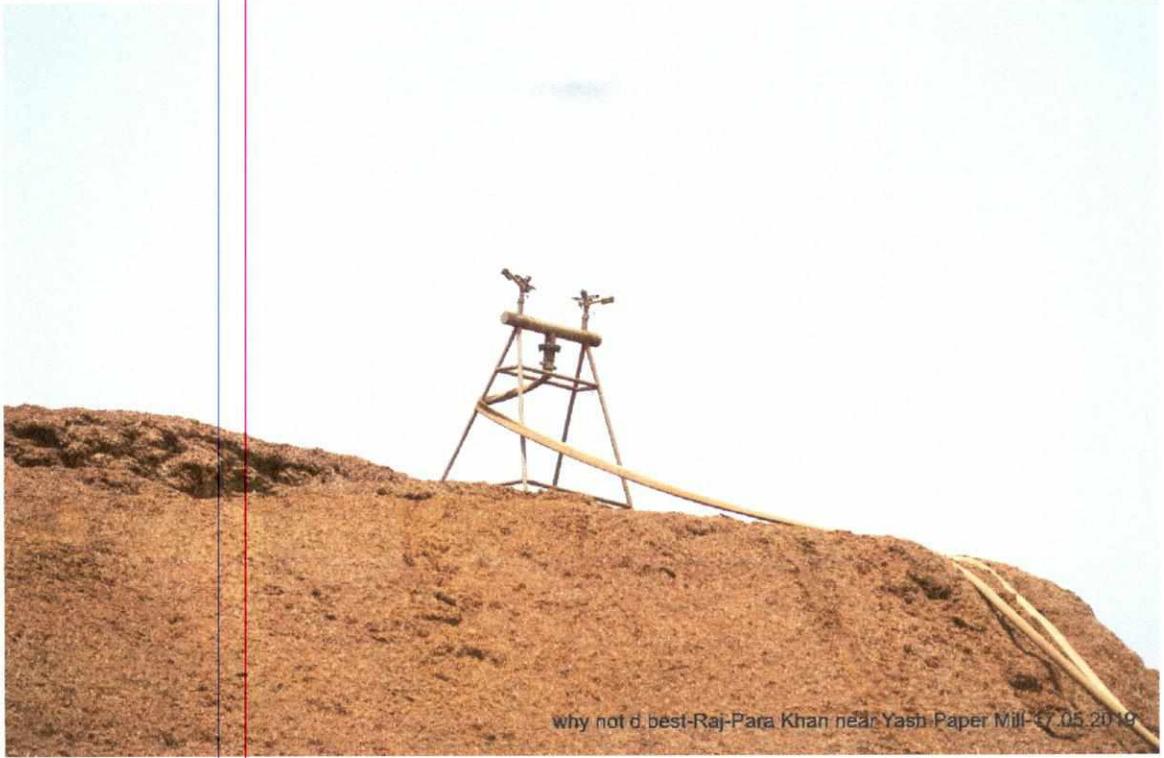


Uncapped mountain of sugarcane husk at Yash Paper Mill causing air pollution



Villages adjacent to the industry and mountain of sugarcane husk with a low boundary wall causing health issues and air pollution

2455



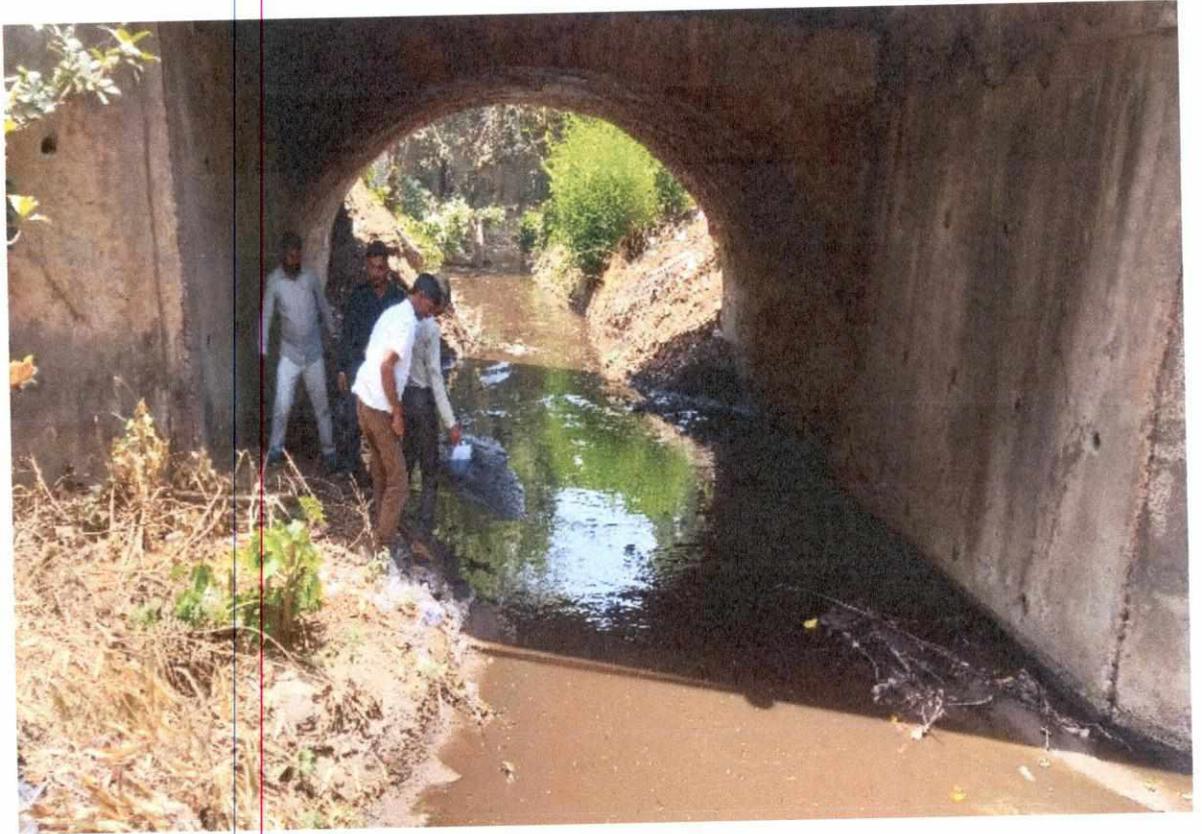
Non- functional sprinklers at the top of mountain of sugarcane husk



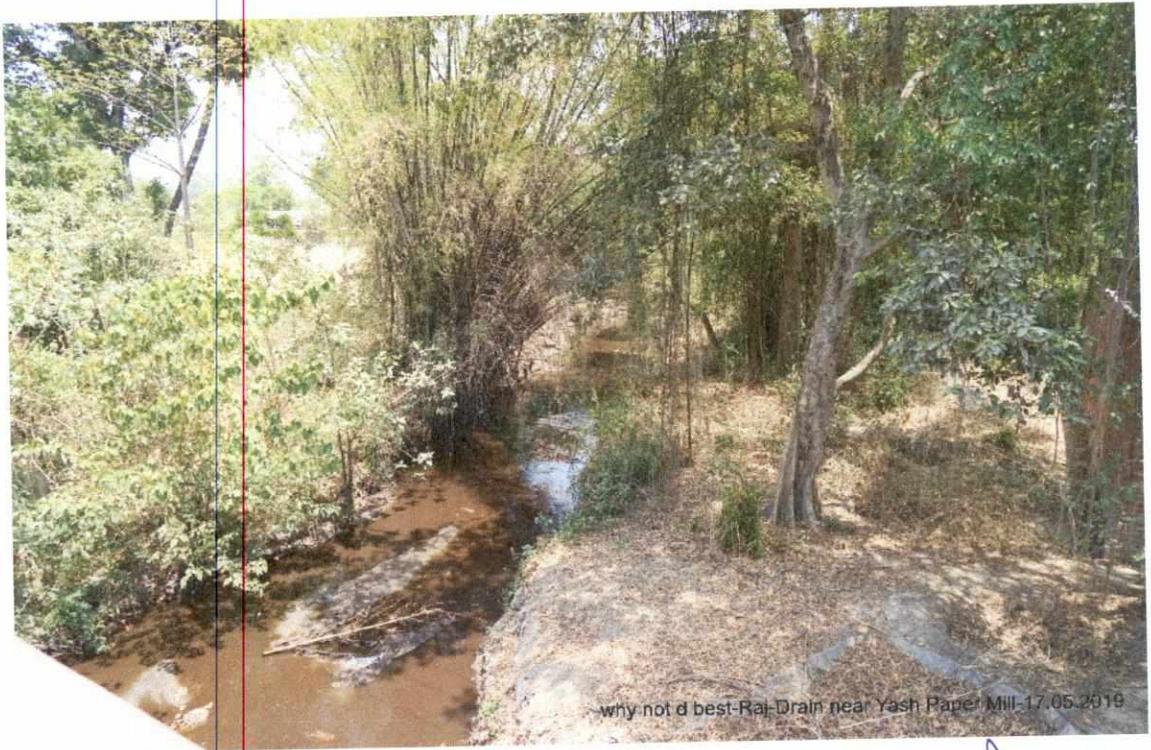
Tihura Nalla flowing through Yash Paper Ltd.

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TihuraNalla near Yash Paper Ltd.



TihuraNalla near Yash Paper Ltd.

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TihuraNalla carrying untreated industrial effluent at Darshan Nagar



Tihura Nalla in U/s before entre in Yash Paper Ltd.near Para khan Village

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Ponding at Rajepur Village due to Blockage of flow of wastewater from Tihura Drain



Temporary Bandh near Rajepur Village on Polluted Tihura Nalla

9. In view of the above, the inspection team has made the following recommendations –

“Recommendations:

- 1. *In view of the severe pollution in agriculture lands of farmers along Tihura drain in Village Rajepur, which will result in damage to crops of nearby farmers located on Tihura Drain and health hazards to residents of nearby areas and impact to water quality of River Saryu.*
- 2. *During Visit of Joint Committee of CPCB & UPPCB and other members of Committee, to the unit M/s Yash Papers Mills Ltd., Darshan Nagar, Ayodhya (Faizabad). It was noticed that the unit was contributing to pollution. The unit also not installed STP. In view of deficiencies and Environmental Damage to farmers cultivator lands/crops Environmental Compensation was recommended.*
- 3. *M/s Yash Paper Mills was directed by Hon’ble NGT vide order O.A.No.116/2014 dated 17.12.2018 in the matter of Meera Shukla Vs Municipal Corporation, Gorakhpur & Ors to install a pipeline for flow of polluted water from the mill to River Saryu within three months so that the farmers land may not be damaged. However, Unit has not installed pipeline from its premises to R. Saryu.*
- 4. *Industrial effluent causes pollution in Catchment area of River Saryu, Ayodhya polluting the Agriculture lands of farmers at Rajepur Village, Ayodhya(Faizabad), UP.*
- 5. *The M/s Yash Paper Mills Ltd. shall ensure not to discharge untreated effluent from its premises to TihuraNallah. Considering the above violation and discharge in the TihuraNallah having high level of pollutant due to discharge from M/s Yash Paper Mills. Heavy Environmental Compensation may be imposed on M/s Yash Papers Ltd., Darshan Nagar, Ayodhya (Faizabad).”*

10. It must be observed that in accordance to the NGT order 17.12.2018 in consonance with the report of Monitoring Committee, one of the recommendations was “M/s Yash Paper Mills may further be directed to install a pipeline for flow of polluted water from the mill to river Saryu within a specified period, say within 3 months, so that the farmer’s cultivatory land may not be damaged.” However, UPPCB has not penalized the industry till date regarding the continuing offence of polluting the agricultural lands of farmers/villagers by discharging industrial effluents, in violation of NGT orders. The second inspection done on 17.05.2019 shows that the Mill has not installed any pipeline in accordance with the recommendations.

11. As per Article 300 A of the Constitution of India, since the farmer's lands are cultivable bhumidari lands, they have a right to peaceful possession and the right to use the property in accordance to law as it stands at a particular time (vide Chairman Indore Vikas Pradhikaran v Pure Industrial Coke and Chemicals Ltd. (2007) 8 SCC 705). The human rights are considered to be in the realm of individual rights and are gaining an even greater multifaceted dimension. The right to property is considered very much to be a part of such new dimension (vide Tukaram Kana Joshi v M.I.D.C., AIR 2013 SC 565: (2013) 1 SCC).

12. From the earlier inspection note dated 17.05.2019, it is evident that the untreated effluent of M/s Yash Paper Mills is still causing damage to cultivatory land and crops of farmers and pollution in river Saryu. No pipe-line has been installed straightway from the industrial unit to river Saryu in terms of earlier recommendation (supra) so that the cultivatory land of farmers and crops standing thereon may not be damaged. M/s Yash Paper Mills is, thus, guilty of violating the environmental law.

13. It appears that M/s Yash Paper Mills is a habitual offender. The industry repeatedly and persistently breaks the law and is liable to be severely punished apart from providing damages to the farmers under the Polluter Pays Principle. Ayub v S.N. Sinha (1990) 4 SCC 554: 1990 SCC 664 defines that a person is said to be a habitual criminal who by force of habit or inward disposition is accustomed to commit crimes. It implies commission of such crimes repeatedly or persistently and prima facie there should be a continuity in the commission of those offences.

STATUORY PROVISIONS

14. M/s Yash Paper Mills is repeatedly committing offence under the Environment Protection Act 1986. Section 15 and 16 provides for the penalty. The relevant provisions are reproduced as under:

"15. Penalty for contravention of the provisions of the act and the rules, orders and directions - (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

16. Offences by companies - (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation-For the purpose of this section,

(a) "company" means anybody corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm."

FINDINGS IN NUTSHELL

15. In view of above and from material on record we sum up our finding as under:

1. It is evident from the results that TihuraNallah is major untapped drain of Darshan Nagar area of Faizabad city carrying untreated domestic wastewater from nearby area and industrial effluent in Catchment area of River Saryu, Ayodhya. The presence of **high level of BOD: (560 mg/), COD (1404 mg/L) & Color: (375 Hz.)**, which shows **possibility of discharge of untreated Effluent from adjacent Industry i.e. M/s Yash Papers Mills Ltd., Faizabad to TihuraNalla.**
2. During inspection and monitoring of TihuraNallah, the team noticed that **drain has flow of coloured effluent at downstream near M/s Yash Paper Mills Ltd., Faizabad.**
3. During inspection, it was observed that to **discharge of untreated industrial wastewater may cause damage to crops of nearby farmers agriculture lands in nearby Villages Rajepur located on Tihura Drain and health hazards to residents of nearby areas and impact to water quality of River saryu.**
4. During inspection monitoring team noticed that, in Rajepur Village **the farmers constructed a temporary bandh to check the flow of untreated waste water discharge from nearby industry (M/s Yash Paper Mills Ltd.) in their fields, it is informed by villagers that during**

rainy season the effluent from the drain overflows and submerged by effluent and rain water, which causes damage of their crops. Presently the area in which waste water is collected has water hyacinth near Rajepur Village, PuraBazar, Ayodhya.

5. M/s Yash Paper Mill has not installed pipe-line from mill to Saryu river in terms of the recommendations (supra) made by the Monitoring Committee, hence the agricultural land of the farmers is suffering a set back.

Thus, based on the above observations and willful disobedience of the orders of NGT, directions may be issued under Section 05 of Environment (Protection) Act, 1986 to sugar unit and suitable environmental compensation may be charged for each non-complying day.

Some photographs and video clips with testimony of villagers are enclosed with the report.

Assessment of Environment Compensation

15. Accordingly, on account of the continuous offence, M/s Yash Paper Mill maybe saddled with environment compensation. The compensation assessed on the formula evolved for assessing the amount of compensation for polluting industries is-

"Criteria considered for calculation of Environmental Compensation (EC)

$$EC = PI \times N \times R \times S \times LF$$

PI= Pollution Index of industrial sector - 80

N= Number of days of violation took place

Past 5 yrs upto the date of inspection on 17.05.2019 – 1826 days

R= A factor in Rupees (₹) for EC - 250

S= Factor for scale of operation – 1.5

LF= Location factor – 1.5"

Thus, Environmental Compensation for the past five years is calculated as Rs.8,21,70,000. However, considering the last Environment Compensation imposed on M/s Yash Paper Mill Ayodhya of Rs. 15,00,000 in view of Monitoring Committee report and NGT order dated 17.12.2018, the said amount is deducted, and Environment Compensation is assessed at Rs. 8,06,70,000 (Eight crores six lakhs and seventy thousand).

PROPOSAL/RECOMMENDATION

16. In view of above, we propose and recommend as under:

- (1) M/s Yash Paper Mill Limited be saddled with environment compensation of Rs. 8,06,70,000 (Eight crores six lakhs and seventy thousand) which may be used for the welfare of the villagers residing near the Mill whose agricultural land have been affected due to continuing discharge of industrial effluents in violation of NGT orders.
- (2) M/s Yash Paper Mill Limited within a period of one month shall remove all treated/untreated industrial effluent discharged and stored in agricultural land.
- (3) M/s Yash Paper Mill be directed to install pipe-line from mill to Saryu river so that the agricultural land of the farmers may not suffer a set back in terms of the earlier recommendations made by the Monitoring Committee in its report dated 29.11.2018.
- (4) District Magistrate Faizabad be directed to assess the damages caused to the agricultural land of the villagers of Rajepur showing their area of land and loss incurred due to discharge of effluent from M/s Yash Paper Mill Limited and recover the compensatory amount from Yash Paper Mill as arrears of land revenue in case not deposited and pay the same to the farmers who are affected by untreated effluents within two months, forwarding its copy to the Eastern UP Rivers and Water Reservoirs Monitoring Committee/NGT within a period of one month.
- (5) M/s Yash Paper Mill Limited be directed to cover and cap the mountainous heap of dry sugarcane husk to avoid air pollution within a period of two months.
- (6) Chief Medical Officer (Ayodhya) is directed to send a team of doctors including physicians and eye surgeons to check the infected eyes/pupils of villagers in the vicinity of the M/s Yash Paper Mill Limited and submit a report within a period of one month and assess the compensation.
- (7) Scientists of CPCB and RO UPPCB (Ayodhya) be directed to inspect the premises of M/s Yash Paper Mill Limited within fifteen days.
- (8) Any other order or direction as the Hon'ble NGT pleases may be passed.



(Justice D.P. Singh)
Chairman
Eastern UP Rivers and Water Reservoirs
Monitoring Committee

Date: 03.08.2019

- Encls: 1. Inspection Report of CPCB and UPPCB dated 17.05.2019.
2. Pen drive with photos and videos.