

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No.11/2024/EZ

In the matter of:-

Re: Pollution Level is Increasing in
the City Due to Dumping of Garbage
in Dardha River of Jehanabad Bihar

Versus

State of Bihar &Ors.

... Respondents

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Dated: /2/2024

Place:

Filed by

Surendra Kumar

BEFORE THE NATIONAL GREEN
TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

Original Application No.11/2024/EZ

In the matter of:-

Re: Pollution Level is Increasing in
the City Due to Dumping of
Garbage in Dardha River of
Jehanabad Bihar

Versus

State of Bihar &Ors.

... Respondents

AFFIDAVIT FILED BY THE RESPONDENT NO. 1- STATE OF BIHAR
- IN COMPLIANCE WITH THE ORDER DATED 11.1.2024 PASSED
BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH

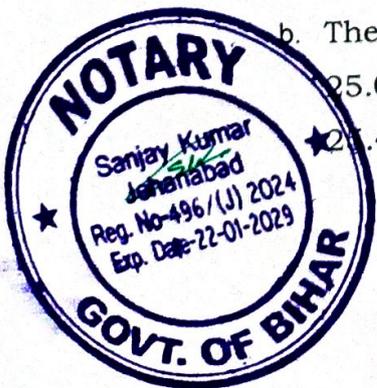
I, Richie Pandey, son of Subhash Chandra Pandey, aged about 35 Years, by
Occupation - Service, working for gain at District Jahanabad, Bihar and
having its residence at Quarter 4, Chajjubagh, Patna, Bihar - 800 001 do
hereby solemnly affirm and state as follows:-

1. I am the District Magistrate of the District Jhanabad, Bihar being the
authorized signatory for the respondent no. 1. I am competent and
have been duly authorized by respondent No. 1 to make and affirm
this affidavit on behalf of respondent No. 1. I am fully acquainted with
the facts and circumstances of the case.
2. I affirm this affidavit in terms of the solemn order dated 11th January,
2024 passed by the Hon'ble National Green Tribunal, Eastern Zone
Bench, Kolkata.



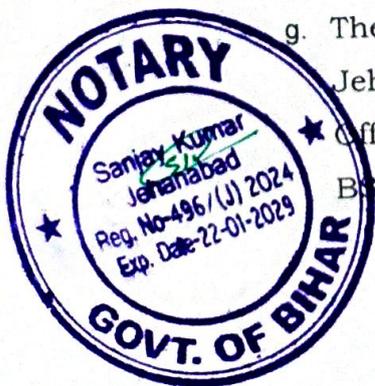
05/02/2024
SL.08 Date.....Time. 1.00 P.M

3. That pursuant to the direction passed by this Hon'ble Court, a joint inspection was carried out on 24th January, 2024 by the Committee appointed by this Hon'ble Court.
4. The Hon'ble Court in its Order dated 11th January, 2024 had mentioned the issues inter alia as stated below:-
 - a. Pollution level is increasing in the city of Jehanabad, Bihar, due to dumping of garbage in Dardha River;
 - b. Dirty water from all the drains of Jehanabad city falls directly into the Dardha River;
 - c. Dumping of garbage at different locations of the city;
 - d. Kachha dam was constructed near Lajo village in Dardha River of Jehanabad;
 - e. Treatment of sewage water of Jehanabad;
 - f. Encroachment of river bank by land mafias and constructed concrete buildings on the bank of Dardha River.
5. A meeting of the Joint Committee was convened before the field visit held on 24.1.2024. The outcome of the meeting is inter alia as follows:-
 - a. The Sub-Divisional Magistrate, Jehanabad and the Circle Officer, Jehanabad reported that encroachers of the river bank have been identified. A total of 189 encroachers have been identified till now. Out of which 137 encroachers are in the category of landless people and remaining 52 encroachers are in the category of landed people.
Out of 52 landed encroachers 32 were removed and the unauthorised constructions have been demolished. The operation of removal of unauthorised construction was still under progress on the day of inspection also. The process of rehabilitation of landless encroachers are under process.\
 - b. The Dardha River originates from the Morhar at GPS location 25.041774, 84.902886 and ends in the Punpun River at GF 25.489676, 85.192995. It is a seasonal river in which only during



monsoon/rainy season. As reported water is not coming in this river from Morhar river because it is not released from the dam.

- c. Presently, there is no Sewage Treatment Plant (STP) in the city of Jehanabad. Two STPS have been sanctioned for the Jehanabad city with a capacity of 17 MLD and 07 MLD under the Amrut 2.0 Project. The land has been identified having an area of 12000 m² near Kako Bridge, Algana More (GPS location- 25° 13' 17.60" N. 28.02" E) respectively. It will be supported with around 161 Km of sewage Network system.
- d. DPRs of the same have been prepared and technical approval has been provided by Chief General Manager, BUIDCO and sent to Principal Secretary, Urban Development and Housing Department for Administrative approval.
- e. Sri Alok Kumar, District Epidemiologist, Jehanabad (representative of Civil Surgeon Jehanabad) reported that there are 10 Hospitals (District Hospital-01,+ Referral Hospital- 02,+ Community Health Centre- 03,+ Primary Health Centre- 04) hospitals in government sector including Primary Health Care Facilities to Sadar Hospital in the district. There are 68 Private Health Care Facilities identified in the district out of which 54 are in operation. Jehanabad City has 49 Health Care Facilities in private sector out of which 43 are in operation. All health care Facilities are tied-up with M/s Synergy Waste Management Pvt. Ltd; New Delhi (Daily collection of Bio-Medical Waste Gaya Plant) a common Bio-Medical Waste Treatment Facility (CBWTF), authorized by the State Society, Bihar, Patna. The aforesaid CBWTF collects and transports the biomedical waste from all Health Care Facilities on daily basis.
- f. Md. Ali Haider, Executive Engineer, PHED reported that there is no contamination/ pollution of iron, arsenic, fluoride etc. in the ground water of Jehanabad district.
- g. There is no identified industrial activity going on in the limits of Jehanabad City as reported by industry department; Executive Officer, Nagar Parishad, Jehanabad and the Regional Officer, Gaya, BPCB.



- h. The Executive Officer, Nagar Parishad, Jehanabad reported that there were 5 garbage dump sites near the bank of Dardha River, where garbage was dumped by the local people for more than 20 years. Out of these five garbage dumps, three dump sites have been cleared and one is under the process of cleaning. The remaining one site would be cleared during in the next summer season because there is no approach to the dump site. It could be cleared only when the river gets completely dry during the summer season.
- i. A landfill site has been identified at village Golakpur in Ghoshi Block of Jehanabad district. It is approximately 13 Km away from Jehanabad City. The total land area is 4.2 Acre. Presently solid waste generation of the city is 50-60 tons per day. The Nagar Parishad, Jehanabad is ensuring 100% collection of solid waste through Door to Door system. Presently the collected solid waste is being dumped near Babhana village including the legacy waste dumped on the bank of the river. A compost pit of ITPD has been developed. One more compost pit of 01 TPD will be developed in 02-03 months and a total 29.4 TPD of compost plant, 25 TPD of MRF cum RDF and 10 TPD capacity of Sanitary landfills have been approved by the State on Swachhatam Portal under SBM U 2.0.
6. After the meeting, the Joint Committee visited the city of Jehanabad and observed the following:
- i. No dump site was observed inside (within) the boundaries of the city of Jehanabad.
 - ii. There was no natural flow of water in the Dardha river. Only sewage water was found flowing from the town/city in patches.
 - iii. Three out of five dump sites of Solid Waste on the bank of Dardha river near the link Bridge (Dardha. Pool) have been cleared and levelled.
 - iv. Cleaning work of dump site near Gaurakshani Devi Mandir area was found in progress.

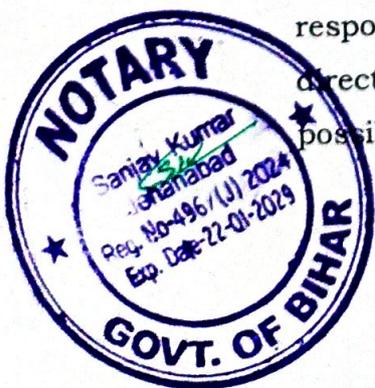
STP sites at Near Kako Bridge, Algana More (17 MLD) and Ward No.- 29 (7 MLD) were visited by the committee. Presently, the area is vacant and no construction work has been done. As per



the proposal, treated water from 17 MLD STP will go to the Dardha River and from 7 MLD STP will go the Jamune River which joins the Dardha River after some distance.

- vi. The site of Jafarganj Pool where the encroachment removal was under progress was also inspected.
 - vii. Proposed landfill site at Golakpur village was also visited by the Joint Committee. The area is demarcated: As reported by Chief Executive Officer, Nagar Parishad, Jehanabad, dumping work will start after completion of the boundary wall construction.
7. The Joint Team also visited the Lajo village to know the status of temporary dam constructed on the Dardha River but no dam was found at the site. However, it was learnt that a temporary embankment has been constructed at another site i.e. Salempur (near Nadaul - Pipra Road) for the construction of Dardha Dam/ Bera Baraj (on Dardha River (GPS location-25.280989, 85.036772). This embankment was opened for the natural flow of water.
 8. That the answering respondent states that upon filed inspection, the Joint Committee has recommended the following:-
 - a. The remaining part of temporary embankment constructed at Salempur near Nadaul-Pipra Road may be removed completely to resume natural flow of the river before the next monsoon season.
 - b. Implementation of the provisions of the Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016 be ensured by the Urban Local Body (Nagar Parishad, Jehanabad)
 - c. Remaining encroachment should be removed from the bank of Dardha River at Jehanabad at the earliest.

The copy of the inspection report is annexed hereto and marked with Letter R/1.
 9. That the answering respondent respectfully shall take necessary steps to implement the recommendation of the committee
 10. That the answering respondent respectfully submits that answering respondent is ready and willing to abide by the order/s and direction/s made by this Hon'ble Tribunal and has and shall take all possible steps to comply the directions of the Hon'ble Tribunal.



11. That the statements made in paragraphs 1 is true to my knowledge and the statements made in paragraph nos. 2 to 8 are information derived from records and the rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me

Sachidana Sharma
Advocate
5/2/2024

Advocate

[Signature] / Deponent
RP
5/2/24.

Deponent



VERIFICATION

I, Richie Pandey, son of Subhash Chandra Pandey, aged about 35 Years, by Occupation – Service, working for gain at District Jahanabad, Bihar and having its residence at Quarter 4, Chajjubagh, Patna, Bihar – 800 001 do hereby verify that the contents of paragraphs 2 to 8 and parts thereof are based on information and/or derived from sources which I verily believe to be true and I have not suppressed any material facts and circumstances and the rest are my humble submissions, before this Hon'ble Tribunal.

[Signature] } Deponent *RP*
5/2/24

Identified by me

Sachida Nand Sharma
5/2/2024
Sachida Nand Sharma
Advocate
E. No-3775/1996
Civil Court Jehanabad

DATE: 05 FEB 2024

PLACE: - Jehanabad



Authorised U/S 2 (D) 01
The Notaries Act (Act No-53of1952)

Sanjay Kumar
05/02/2024
NOTARY PUBLIC
Jehanabad

Joint Committee Inspection Report.

Inspection report of the Joint Committee constituted by the Hon'ble National Green Tribunal (NGT) Eastern Zone Bench, Kolkata vide its order dated-11.01.24 in the matter of O.A. No. 11/2024 (EZ).

Date of inspection: 24.01.2024.

1. The Hon'ble NGT vide its order dated- 11.01.2024 in the matter of O.A. No. 11/2024 (EZ) constituted a Joint Committee comprising of:-
 - a. The Senior Scientist, Bihar State Pollution Control Board;
 - b. The District Magistrate, Jehanabad, Bihar or his representative officers not below the rank of Additional District Magistrate (ADM);
2. The Bihar State Pollution Control Board nominated Sri Arun Kumar, Board Analyst (Senior Scientist) vide Letter No. P/Legal-01/2024/148, dated-19.01.2024 for the said inspection.
3. The Deputy Development Commissioner, Jehanabad has fixed 24.01.2024 for the inspection.
4. Accordingly, the inspection was carried out on 24.01.2024. The following members were present during the inspection:-
 - a. Sri Paritosh Kumar, Deputy Development Commissioner, Jehanabad;
 - b. Sri Arun Kumar, Board Analyst, BSPCB, Patna;
 - c. Sri Zulfequar Ali Payami, Chief Executive Officer, Jehanabad Nagar Parishad, Jehanabad along with his supporting staff;
 - d. Sri Manoranjan Kumar Singh, The Regional Officer, BSPCB, Gaya.
5. The Hon'ble NGT in its order dated 11.01.2024 mentioned the issues related to pollution of Jehanabad city as detailed below:-
 - a. Pollution level is increasing in the city of Jehanabad, Bihar, due to dumping of garbage in Dardha River;
 - b. Dirty water from all the drains of Jehanabad city falls directly into the Dardha River;
 - c. Dumping of garbage at different locations of the city;

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Notary Public
Jehanabad

- d. Kachha dam was constructed near Lajo village in Dardha River of Jehanabad;
 - e. Treatment of sewage water of Jehanabad;
 - f. Encroachment of river bank by land mafias and constructed concrete buildings on the bank of Dardha River.
6. A meeting of the Joint Committee was convened before the field visit. The outcome of the meeting is detailed below:-
- a. The Sub-Divisional Magistrate, Jehanabad and the Circle Officer, Jehanabad reported that encroachers of the river bank have been identified. A total of 189 encroachers have been identified till now. Out of which 137 encroachers are in the category of landless people and remaining 52 encroachers are in the category of landed people. Out of 52 landed encroachers 32 were removed and the unauthorised constructions have been demolished. The operation of removal of unauthorised construction was still under progress on the day of inspection also. The process of rehabilitation of landless encroachers are under process.
 - b. The Dardha River originates from the Morhar at GPS location 25.041774, 84.902886 and ends in the Punpun River at GPS location 25.489676, 85.192995. It is a seasonal river in which water comes only during monsoon/ rainy season. As reported water is not coming in this river from Morhar river because it is not released from the dam.
 - c. Presently, there is no Sewage Treatment Plant (STP) in the city of Jehanabad. Two STPs have been sanctioned for the Jehanabad city with a capacity of 17 MLD and 07 MLD under the Amrut 2.0 Project. The land has been identified having an area of 12000 m² near Kako Bridge, Algana More (GPS location- 25° 13' 17.60" N, 85° 0' 28.02" E) and 5000 m² at Ward No.- 29 (GPS location- 25°

In A

ca. nr.

12' 12.96" N, 84° 59' 34.74" E) respectively. It will be supported with around 161 Km of sewage Network system. DPRs of the same have been prepared and technical approval has been provided by Chief General Manager, BUIDCO and sent to Principal Secretary, Urban Development and Housing Department for Administrative approval.

- d. Sri Alok Kumar, District Epidemiologist, Jehanabad (representative of Civil Surgeon Jehanabad) reported that there are 10 Hospitals (District Hospital- 01,+ Referral Hospital- 02,+ Community Health Centre- 03,+ Primary Health Centre- 04) hospitals in government sector including Primary Health Care Facilities to Sadar Hospital in the district. There are 68 Private Health Care Facilities identified in the district out of which 54 are in operation. Jehanabad City has 49 Health Care Facilities in private sector out of which 43 are in operation. All health care Facilities are tied-up with M/s Synergy Waste Management Pvt. Ltd; New Delhi (Daily collection of Bio-Medical Waste Gaya Plant) a common Bio-Medical Waste Treatment Facility (CBWTF), authorised by the State Society, Bihar, Patna. The aforesaid CBWTF collects and transports the biomedical waste from all Health Care Facilities on daily basis.
- e. Md. Ali Haider, Executive Engineer, PHED reported that there is no contamination/ pollution of iron, arsenic, fluoride etc. in the ground water of Jehanabad district.
- f. There is no identified industrial activity going on in the limits of Jehanabad City as reported by industry department; Executive Officer, Nagar Parishad, Jehanabad and the Regional Officer, Gaya, BSPCB.
- g. The Executive Officer, Nagar Parishad, Jehanabad reported that there were 5 garbage dump sites near the bank of Dardha River,

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where garbage was dumped by the local people for more than 20 years. Out of these five garbage dumps, three dump sites have been cleared and one is under the process of cleaning. The remaining one site would be cleared during in the next summer season because there is no approach to the dump site. It could be cleared only when the river gets completely dry during the summer season.

- h. A landfill site has been identified at village Golakpur in Ghoshi Block of Jehanabad district. It is approximately 13 Km away from Jehanabad City. The total land area is 4.2 Acre. Presently solid waste generation of the city is 50-60 tons per day. The Nagar Parishad, Jehanabad is ensuring 100% collection of solid waste through Door to Door system. Presently the collected solid waste is being dumped near Babhana village including the legacy waste dumped on the bank of the river. A compost pit of 1 TPD has been developed. One more compost pit of 01 TPD will be developed in 02-03 months and a total 29.4 TPD of compost plant, 25 TPD of MRF cum RDF and 10 TPD capacity of Sanitary landfills have been approved by the State on Swachhatam Portal under SBM U 2.0.

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- d. Cleaning work of dump site near Gaurakshani Devi Mandir area was found in progress.

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 Jehanabad

- e. STP sites at Near Kako Bridge, Algana More (17 MLD) and Ward No.- 29 (7 MLD) were visited by the committee. Presently, the area is vacant and no construction work has been done. As per the proposal, treated water from 17 MLD STP will go to the Dardha River and from 7 MLD STP will go the Jamune River which joins the Dardha River after some distance.
- f. The site of Jafarganj Pool where the encroachment removal was under progress was also inspected.
- g. Proposed landfill site at Golakpur village was also visited by the Joint Committee. The area is demarcated. As reported by Chief Executive Officer, Nagar Parishad, Jehanabad, dumping work will start after completion of the boundary wall construction.
- h. The Joint Team also visited the Lajo village to know the status of temporary dam constructed on the Dardha River but no dam was found at the site.
- i. However, it was informed by the local people that a temporary embankment has been constructed at another site i.e. Salempur (near Nadaul - Pipra Road) for the construction of Dardha Dam/ Bera Baraj (on Dardha River (GPS location- 25.280989, 85.036772). This embankment was opened for the natural flow of water.

7. Recommendations:

- a. The remaining part of temporary embankment constructed at Salempur near Nadaul-Pipra Road may be removed completely to resume natural flow of the river before the next monsoon season.
- b. Implementation of the provisions of the Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016 be ensured by the Urban Local Body (Nagar Parishad, Jehanabad)
- c. Remaining encroachment should be removed from the bank of Dardha River at Jehanabad at the earliest.

To A *Shri*

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05/02/2024
Notary Public
Jehanabad

- d. Solid Waste Landfill site at Golakpur village of Ghoshi Block may be made operational as soon as possible.
- e. The Bihar Urban Infrastructure Development Corporation (BUIDCO), Patna should be directed to install STPs and related sewerage network at Jehanabad at the earliest to ensure proper treatment and disposal of sewage/ domestic waste water generated from Jehanabad city.
- f. The treated Sewage water from proposed STPs should be preferably utilized for irrigating plants, road dust suppression, washing government buses, irrigation at public parks, etc.

Accordingly, the Chief Executive Officer, Jehanabad, Municipal Council shall submit an action plan with time line for the completion of STPs and for the utilization of treated sewage water from the proposed STPs.

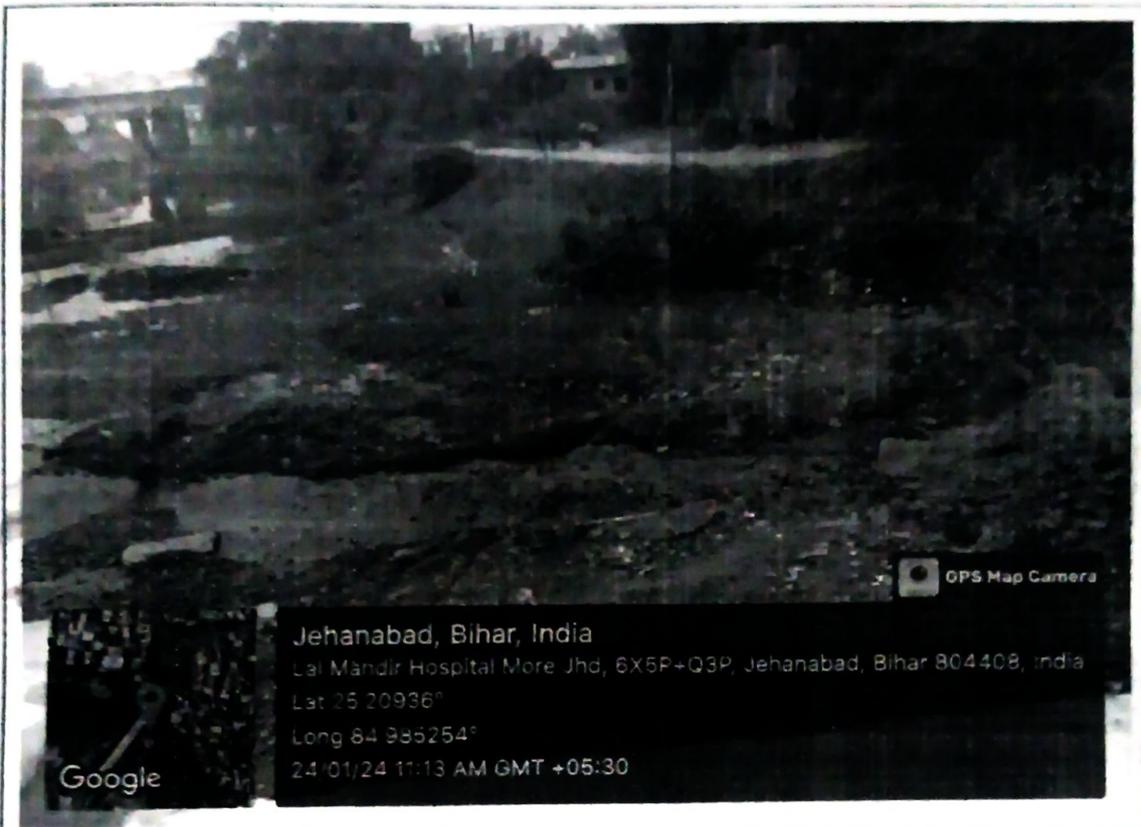
Za
02/02/2024
(Zulfequar Ali Payami)
Chief Executive Officer.
Nagar Parishad,
Jehanabad.

Arun Kumar
02/02/2024
(Arun Kumar)
Board Analyst
BSPCB, Patna

Paritosh Kumar
02.02.24
(Paritosh Kumar)
DDC, Jehanabad.

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05/02/2024
Notary Public
Jehanabad

Photographs captured during visit of the Joint Committee in the matter of O.A. No. 11/2024 (EZ).



Near Dardha Road Bridge



Cleaning work of dump site near Dardha Road Bridge

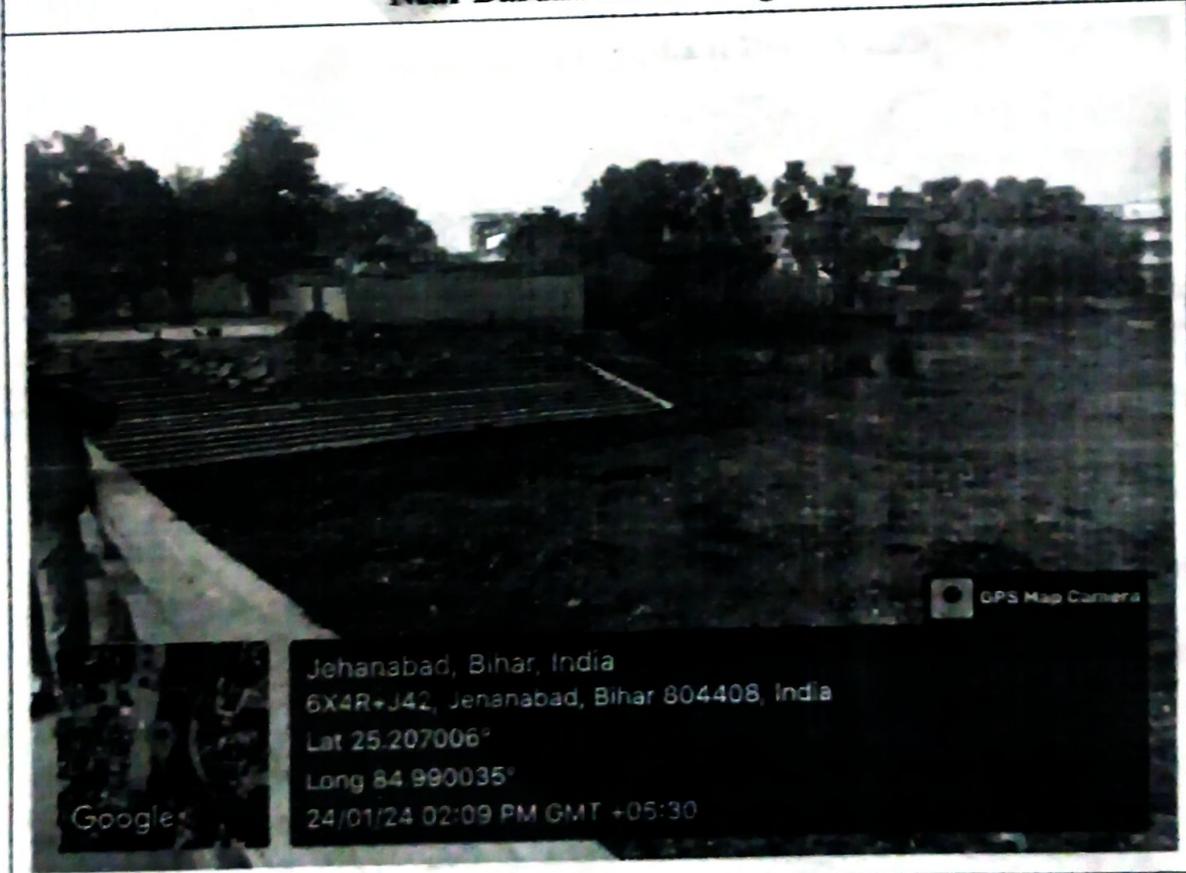
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Near Dardha Road Bridge

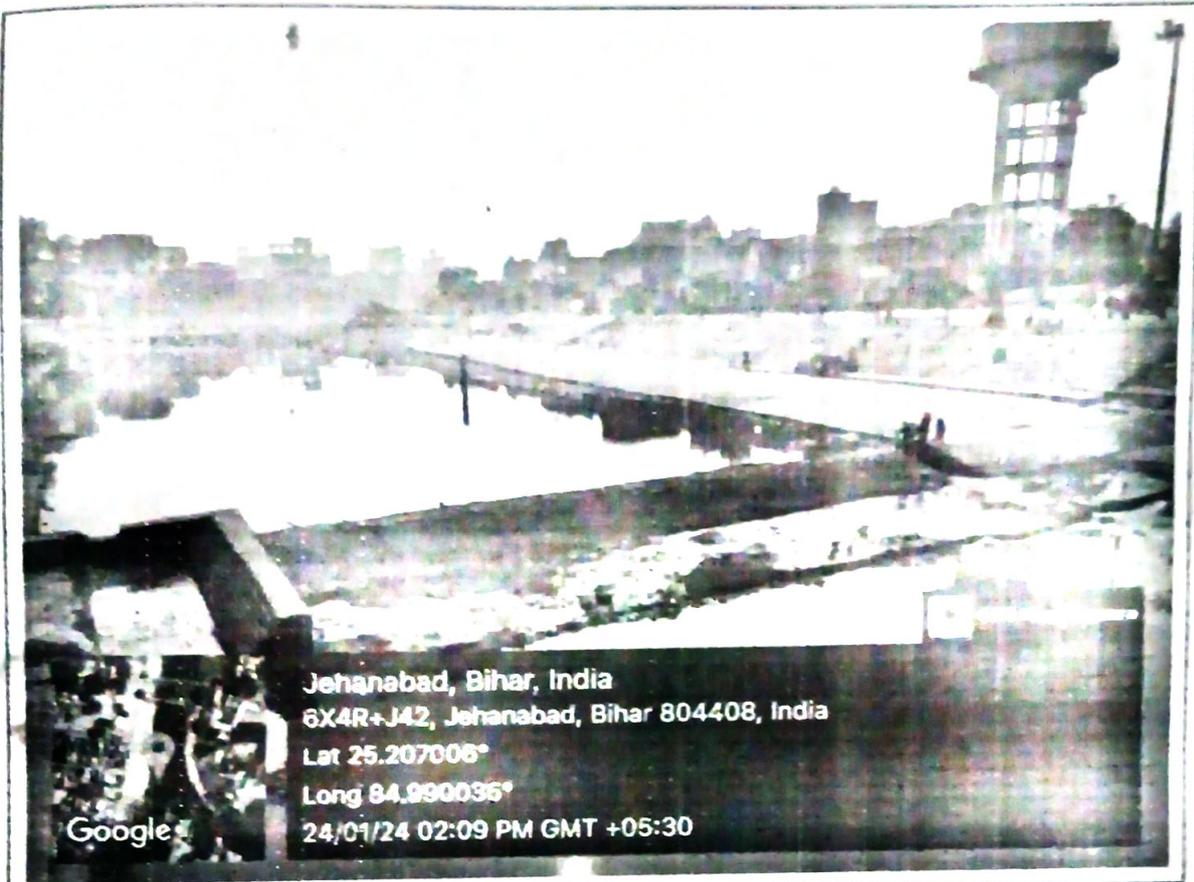


Dardha River near Gaurakshani Devi Mandir

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SW
25/01/2024
Notary Public
Jehanabad

for

20/1/24



Jehanabad, Bihar, India
6X4R+J42, Jehanabad, Bihar 804408, India
Lat 25.207006°
Long 84.990036°
24/01/24 02:09 PM GMT +05:30

Google

Dardh River near Gaurakshani Devi Mandir



Jehanabad, Bihar, India
Golachhani DEVI 012, Near Jafarganj Pull, Jehanabad, Bihar 804408, India
Lat 25.210787°
Long 84.990633°
24/01/24 02:21 PM GMT +05:30

Google

GPS Map Camera

Attested Cleaning work of dump site near Jafarganj Pull
05/02/2024
Notary Public
Jehanabad

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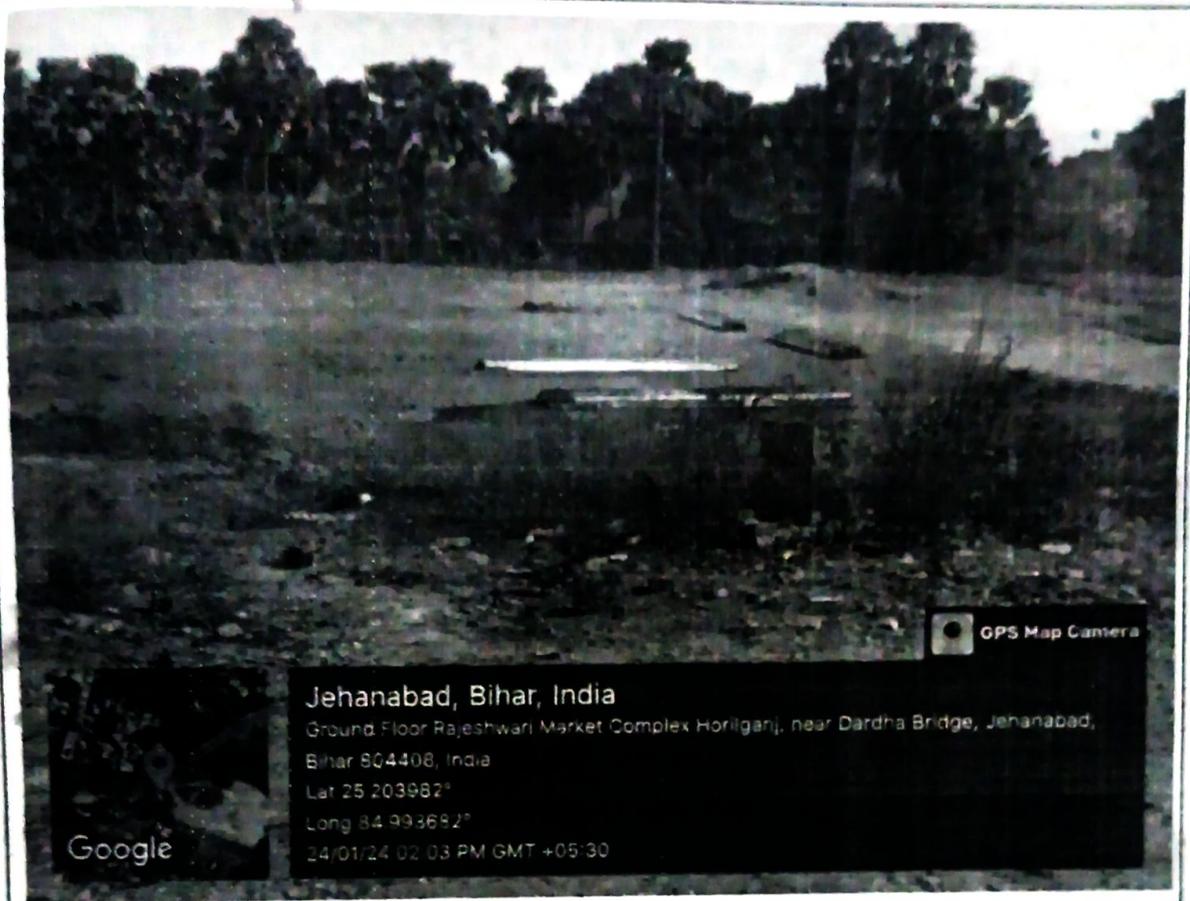


Encroachment removal drive near Jafarganj Pull



Proposed landfill site at Golakpur village

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Notary Public
Jehanabad



Proposed landfill site at Golakpur village



Temporary embankment constructed at Salempur near Nadaul-Pipra Road

Attested
CSW
05/02/2024
Notary Public
Jehanabad

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