

Before

**Hon'ble National Green Tribunal,
New Delhi**

In the Matters of:

1. OA No: 32/2014, Kisan Paryavaran Sangharsh Samiti v/s State of Rajasthan and others,
2. OA No 329/2015, Gram Panchayat Araba v/s State of Rajasthan, and others
3. OA No 34/2014 (THC) Digvijay Singh v/s State of Rajasthan & Ors.)

**COMMON FINAL REPORT BY THE CHAIRPERSON, NGT
APPOINTED COMMITTEE
(21st July 2021)**

Hon'ble the National Green Tribunal, New Delhi, constituted three Monitoring Committees vide orders; dated 23/11/2020, 07/12/2020 & another order of the same date 07/12/2020, passed in three matters, namely, 1.O.A No: 32/2014, Kisan Paryavaran Sangharsh Samiti v/s State of Rajasthan and others, 2. OA No 329/2015, Gram Panchayat Araba v/s State of Rajasthan, and others, and 3. OA No 34/2014 (THC) Digvijay Singh v/s State of Rajasthan & Ors.).

Each Committee had five-member (separate for each application).
Composition of the Committees was: -

Chairperson, Justice Prakash Tatia, (in all Committees),

District Magistrate, Jodhpur,

District Magistrate, Pali,

District Magistrate, Barmer, (for their respective district).

Dr. Ajit Partap Singh, Professor, BITS Pilani, (in all Committees)

Shri S. K. Meena, Scientist-D, CPCB, Bhopal, (in all Committees)

Shri Amit Sharma, R.O., Jodhpur,

Shri R. K. Bora, R.O., Pali,

Shri Amit Juyal, R.O. Balotra of SPCB, as per their areas and are the Nodal Officers of the respective Committee.

Chairperson of the committees submits following concluding report: -

- (1) Hon'ble NGT, Principal Bench, New Delhi earlier, pleased to constitute the Special Task Force (STF) for controlling the industrial pollution created by the textile and steel industries in Jodhpur area and

textile industries of Balotra, Pali districts. Pali and Balotra districts, are adjoining districts to the Jodhpur district.

(2) Hon'ble Principal Bench vide orders dated, 23.11.2020 and 07.12.2020, after abolishing the above STF, constituted separate monitoring committees to monitor the pollution created by the above industries running in Jodhpur, Pali and Balotra districts and implementation of the directions given by the Hon'ble NGT. I was appointed as Chairperson in all the three committees with same expert member in view of involvement of same and common issues requiring similar planning and implementation of guidelines required for preventing environmental problems created by above referred industries. As per the directions of Hon'ble NGT, the committees submitted its Common Interim Report dated 20.04.2021 in all above matters. The Report was prepared after taking note of the background facts leading to the filing of the petitions in the Rajasthan High Court, Jodhpur to transfer of the petition to the NGT and filling of Original Application before the Hon'ble NGT. The Committee discussed all aspects of the issues referred to the Committee after good deliberations in the meetings with all stakeholders. The Chairperson and expert members at different places, heard petitioners and the villagers and other stakeholders as well as officials of various departments. Committee Chairperson visited almost all critical points alone or with Expert Member and with representatives of CPCB and the R.O. of respective areas. In the detailed report, the Committee noticed several issues. Those issues require attention and orders from, either Hon'ble NGT or from the government and different departments. Committee also gave recommendations in the report and made observations for consideration of Hon'ble NGT. After touching and observing various issues, the Committee concluded the Report with the following points: -

“After discussions in all the meetings held till now, the Committee is of the view that followings steps be taken by the respective departments: -

1. Gandhipura, Balotra industries resettlement may be considered by the Hon'ble NGT if Hon'ble NGT finds it appropriate.
2. Immediate efforts are to be made to use the full capacity of those CETPs which are under-utilised currently.
3. Till the existing system continues, effluents at the outlet of factory premises are kept within prescribed limits (in terms of both quantity and quality) through strict checks by the respective Trusts and inspection by the RSPCB. Also, installation of SCADA meters (with auto cut arrangement at consented discharge) in all CETP

member units in Jodhpur, Pali & Balotra to be ensured within next three months.

4. Effluents at the outlet of CETP premises be kept within prescribed limits by strict checking by the respective Trusts and inspection by the RSPCB.

5. Treated water at CETP shall not be allowed to mix effluents with any untreated or treated sewage. CETPs shall not be allowed to mix their treated effluents in any stormwater drain of, and municipal drains. Duty is of the respective CETP Trust, authorities, and Municipal Bodies.

6. Municipal Bodies should have strict supervision of their respective drains and manholes and shall not allow any industrial effluents and sewage in their drains and manholes. If this is violated by the trust or industrialists, a complaint be filed in court U/S 133 Cr.P.C. and before the concerned RSPCB.

7. If or local body is mixing storm or sewage, as the case may be, in CETP's treated effluents, the CETP Trust shall file a complaint to RSPCB who shall take action against the erring officer.

8. Points No. 1 to 7 shall apply mutatis mutandis to STPs and Municipal Body managing the STPs and in STP plants, where chlorination treatment is not provided to the effluents the Municipal Corporations should install Chlorination plants immediately.

9. SPCB shall have the responsibility to check all defaults, referred above, irrespective of the initial responsibility of any individual or body.

10. The Policy of Zero Liquid Discharge (ZLD) is for all. Therefore, all the stakeholders, including municipal bodies should be asked to furnish written undertaking by what time they will fully obey this policy and they be directed not to discharge untreated, chemical or dyes or any effluents mixed water in any river to take other and others effluents to hundreds of kilometres.

11. R.O., RSPCB of the area shall furnish details of all endpoints/checkpoints of their area where at the end effluents enters public properties. All such critical locations/spots where effluents are being discharged into the river should be identified and the list be submitted on or before May 7, 2021. From these points samples are to be taken every month and at any time as a surprise check which may substantially prove that the public and aggrieved persons got, or situation is

improving. Therefore, the R.O., RSPCB, after identifying the spots, shall take samples every month and shall conduct random surprise checks and take samples and shall keep records readily available for inspections of RSPCB's higher authorities. R.O., RSPCB shall produce monthly inspection reports before this or any Committee as per direction of NGT. Also, the respective R.O., RSPCB should develop a mechanism to upload the test results of the samples which are collected at these critical points on regular basis at the RSPCB website without any delay so that they are available to public. The monitoring and sharing of test results shall continue till this direction is modified.

12. R.O., RSPCB of the area shall take stern action against industry which found discharging effluents in any public drain, RIICO drain, or in any public place or in river etc.

13. The municipal bodies, who were directed to submit any better planning for better sewage management, uninfluenced by financial requirements have not come out with any proposal even after three months, may now submit plan if they have any.

14. There are two sets of industrial areas in Rajasthan, one developed by the RIICO and another as earmarked in the Master Plan for the city. In our opinion, both are "industrial use confirming area". The state government should take a policy decision to demarcate areas earmarked for "non-polluting industries" and "polluting industries". (We came to know that in non-confirming area, several industries have been given 'Consent to Establish' and 'Consent to Operate' textile and Steel industries and they are running for the last decades). By separate and earmarked areas for polluting industries, the effluents management will be better and shall be less expansive for the state, local administration and shall be under better control of RSPCB. It is essential, otherwise, large number of polluting industries with Consent orders from RSPCB would be under impression that the land holder/ owner has Pattas for industrial land, duly issued by the state government or by authorised body of the state.

15. Provisions of Sec. 133 Cr. P.C. is not in use for immediate removal of public nuisance from public places when effluents are continuously running. Local administration should use this provision in congested

areas also so that polluters (both small and large pollutant sources) can be prevented to cause pollution in public places.

16. Hon'ble NGT, if thinks appropriate to consider may consider, whether CETP may be considered as extended part of the industry's premises? The industry is taking effluents to the CETP, in conduit pipes, if without exposing the effluents to public, public places like, public drain or river or exposing effluents to environment. Effluents generation is not prohibited. Prohibition is against its discharge out of industries premises without treatment. Therefore, the processing at CETP is a process which, due to practical purpose cannot be completed within industries premises. Therefore, a place has been taken by the industries and provided by the government or local body is solely used for the only process which cannot be completed within industry premises. Whether, in these circumstances, CETP may be an extended premise of industry. It appears from the judgment of the Hon'ble Supreme Court delivered in the case of Paryavaran Suraksha Samiti this issue was not considered as it was not raised. The issue has other aspects therefore, views of industries and pollution control Board will be relevant.

17. All government departments, specifically, Industries department, Revenue department, PHED, Electricity Companies, SPCB, Local Bodies, local administration shall continue to discharge all their legal duties during all times uninfluenced by the monitoring by the Committee as the Committee is to supplement the work to prevent pollution and the Committee's working is not in supersession of anyone's statutory functions."

Soft copy of the Report was sent to the Chief Secretary, Government of Rajasthan, Chairperson RSPCB, the Member Secretary, RSPCB, the District Collectors; Jodhpur, Pali, Balotra, the Committee's other members.

(3) The Committee specifically made it clear in para-No. 17 of the Interim Report, that all connected and responsible for enforcing the environmental laws and duty-bound to prevent the pollution shall continue to discharge their statutory duties and implement the pollution laws and orders even during the working of the Committee. The working of the Committee may not be used as a pretext to abdicate duties.

(4) Immediately after submitting of the interim report by the committee dt. 20.04.2021, a second wave of pandemic erupted. The Committee's proposed meetings as well as the meeting with Industrialists of Jodhpur on 30th April was required to be cancelled due to an administrative meeting fixed by the government involving Districts Collectors, Jodhpur, Pali and Balotra. The state government already imposed more lockdown restrictions from 30th March 2021 and thereafter, the situation became bad to worst due to widespread COVID- 19 infections and continued increased infections and deaths consequentially, the governmental Rajasthan issued more guidelines time to time, till June 2021. During this period of lockdown, the term of the Committee, which was six months, ended on 11.06. 2021. The more stringent lockdown was imposed than as was in the first lockdown. It was neither appropriate nor feasible to have second sites visits though, some were especially important, particularly, in the known areas where illegal industries are running in large numbers. These inspections were very essential because of the serious allegations of the running of totally uncontrolled illegal industries in a large number in the number of villages in the Jodhpur district area. It was alleged by the villagers and also by the industrialists that, these illegal industries are discharging untreated chemical effluents and dyes in the Jojari river in huge quantities. **Chairperson was also shown these illegal industries on google map.** Some other inspections, like of steel industries were also not possible. The administration, particularly, the district Collectors were too busy with pandemic control duties. R.O., Balotra and his family, Shri Ashish Kumar Baurasi, Asst Environment Engineer, Shri Devendra Singh Bikhunidia, JSO and got infected and tested positive for Covid 19. Brother of R.O., Jodhpur unfortunately died during this period and expert member, Committee, could not have come to visit sites. Further, Expert Member, Prof. Dr Ajit Pratap Singh could not submit his report due to his sickness as lastly informed by him to the Chairperson vide mail dated 16.06.2021. However, Chairperson called reports from the R.O. Jodhpur, Pali and Balotra which were also submitted to the Chairperson only on 29.06.2021, that is after the end of the term of the Committee. In these circumstances, pandemic and administrative exigencies, it was not appropriate to convene any meeting of the Committees, that too after end of the Committee's term.

(5) **Because of the above and unavoidable situations, the Chairperson, Committee deems it proper to conclude the Committee's proceedings with Chairperson's concluding note of the proceedings.**

(6) ***The Interim Report dated 20.04.2021 with this concluding report may be taken as the final report*** in view of the fact that the Committee gave a detailed interim report after visiting all the sites and critical points and after hearing all the stakeholders including the petitioners, villagers and affected persons who came in large number at all places particularly, at Araba, Balotra, Khed, Jasol, Pali and also at Jodhpur. Committee also heard the industrialists, CETP Trust and its

officers and members at all places. The Committee also had detailed discussions with the officers of the RSPCB, Commissioners of both the Municipal Corporations, Jodhpur, the Commissioner, JDA, Jodhpur, RIICO Officers at Jodhpur, Balotra and Pali. The Committee Chairperson, with expert Member and PCB officers, visited all critical spots and effluent's. The Committee already submitted in the report, the fact situation as it was available at all sites at the time of the inspections by members of the Committee. Samples were taken on spots in the presence of the Chairperson and expert member.

(7) Before the end of the term of the Committee and during the lockdown period, the Chairperson sought implementation and progress reports from the R.O. Jodhpur, Pali and Balotra which were submitted to the Chairperson only on 29th June 2021. Additional information as sought was provided to the Chairperson by the R.O., Jodhpur on 08.07.2021.

Progress reports submitted by the R.O., Jodhpur, Pali and Balotra:

(A) Progress and implementation Report by R.O. Jodhpur

1. Common Effluent Treatment Plant (CETP) is not achieving the prescribed norms of effluent discharge and Monitoring, Operation & Maintenance (O & M) of the plant requires further improvement. Further, the revamping work of CETP was initiated long back but the pace of work was very slow, and it has not been completed for long. Therefore, a review meeting was conducted with the Management of Jodhpur Pradushan Nivaran Trust (JPNT) on dated 24-12-2020 at the level of Regional Officer. During the meeting, the status of the Operation, Maintenance, and revamping works of CETP was reviewed for further expedition. To monitor the status of effluent discharge from member units and effluent being received at CETP, the SCADA system is an essential tool because with help of this system the discharge from member units may easily be monitored at the server of CETP or by State Board if connected with the server of State Board.

2. During the meeting it was noticed that out of 378 member units, the data of only 213 units was fetched by the SCADA server at CETP and the SCADA was not connected with the server of the State Board and therefore, status of discharge from the remaining unit was not under the surveillance of JPNT. Further, looking at the status of effluent discharge into river Jojari through RIICO drain possibility of excess/illegal discharge from member units could not be denied. Further, the progress of

revamping works was also observed to be very slow. **The Management Trustee of CETP was directed to complete both works in a time-bound manner. (Minutes of Meeting attached). Due to this, the trust has started updating of SCADA and the pace of revamping works was increased for the early expedition.**

3. The CETP was not disposing of the Hazardous sludge as per prescribed norms and the sludge was being stored in violation of provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. In order to streamline the storage & disposal of Hazardous sludge, a meeting was organised with Cement Manufactures and CETP Trust. The objective of this meeting was to streamline storage & disposal of Hazardous waste as per provisions of. Rules, 2016.

4. **As a result of this meeting the hazardous waste generated from the CETP could be channelized to cement plants for co-processing. The disposal of hazardous waste was expedited and CETP has disposed of 21001.6 MT of sludge during the period December 2020 to March 2021. At present, the CETP is disposing of the sludge regularly, as per provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.**

5. In order to take up different issues of CETPs and Textile sector & to ensure operation as per norms, a stakeholder meeting of CETP & Textile sector was organised under the chairmanship of the Chairperson of the State Pollution Control Board on dated 03/02/2021. In this meeting different issues related with effective monitoring of textile industries and CETP i.e., installation & operation of SCADA meters, up gradation of SCADA software, Connectivity of SCADA with server of State Board, Thumb rule to assess the discharge from textile industries, status of revamping of existing CETP etc. were discussed. Further, in order to cope up with problem of illegal discharge into river Jojari through RIICO drain, status of installation of new CETP was also reviewed.

Due to consistent pursuance of the Board the work SCADA meter installation in all 86 member units of Steel sector has now been completed. The access to SCADA system of Steel sector has been provided to State Board and now data of all these units is being received and monitored at servers of CETP & State Board.

6. The work of up gradation of SCADA system in member industries of Textile sector is likely to be completed by 15-06-2021. Further, calibration of SCADA meters installed in individual industries is likely to be completed by 30/06/2021.

7. After completion of above works the CETP & State Board could effectively monitor the CETP member industries in terms of quantum of effluent discharge and effluent reaching at CETP.

8. Similarly, the revamping work of CETP for the treatment of Steel sector effluent has been completed and commissioned in June 2021. The revamping work of CETP for the treatment of textile industry effluent is expected to be completed by 30-06-2021.

9. After completion of this revamping works, it is expected that CETP may be able to treat the effluent of Steel and Textile sectors up to prescribed norms.

10. Due to the pursuance of the Board, the JPNT has now initiated proceedings for the construction of additional CETP of Capacity 25 MLD. A separate agency (SPV) for monitoring and implementation of different works related to this new CETP has been constituted in name of M/s Marwar Pollution Control and Research Foundation. The agency has initiated proceedings for the preparation of DPR for this plant.

11. It is important to mention that, in compliance with the order passed by Hon'ble NGT, the land for this new plant was allotted by M/s RIICO Limited in the year 2018 however; the construction of the plant is not initiated till now.

12. Action taken to control water pollution in river Jojari due to discharge of domestic sewage of town. The State pollution control board is regularly pursuing the Municipal Corporation Jodhpur for up-gradation of existing Sewage Treatment Plant (STP) and to provide additional STP so that total sewage of the city may be treated and utilised back for gainful usages and water pollution if river Jojari may be controlled.

13. Following the instructions of the Board, the Municipal Corporation Jodhpur has planned and started up the gradation of the Sewage Treatment system (Waste Stabilisation Pond) at Nandri. The pond is now being upgraded on Phytocide Technology. The work is expected to be completed by December 2021.

14. Similarly, **Municipal Corporation has also restarted construction work of 40 MLD STP at Basni Baina. The construction of this plant was stopped two years back due to financial crises. The work is presently in progress.**

15. **The Jodhpur development authority has also started the construction of two additional Sewage Treatment Plants at the Vivek Vihar & Uchiada area of the city. Foundation Laying of these projects was done by Hon'ble Chief Minister of Rajasthan on dated 03/06/2021. The capacity of these plants shall be 15 MLD at Vivek Vihar and 06 MLD at Uchiada.**

16. After completion of these works, the problem of water pollution in river Jojari due to discharge of Sewage may be significantly controlled. A

17. Action taken by the Board for compliance of orders issued by Hon'ble NGT in the matter of OA 329/2015 for stakeholder Department/CETP Trust.

18. The Board is regularly pursuing different stakeholder departments for their respective works in the matter of compliance of orders passed by Hon'ble NGT from time to time.

19. Regulatory actions by the State Pollution Control Board for compliance of provisions of the Water (Prevention and Control of Pollution) Act, 1974 and orders passed by Hon'ble NGT in the matter of OA 329/2015.

20. In order to fulfil its regulatory obligation, the State Board is regularly identifying the defaulting CETP member industries of Textile & Steel Sectors responsible for the malfunctioning of CETP in terms responsible for water pollution in river Jojari.

21. During the month of Feb-March 2021, the State Board has issued notices to 91 textile industries for non-compliance of conditions of consent to operate. The replies of the units have been received and are under examination. The action got delayed due to the outcome of the COVID 19 pandemic during April & May 2021.

(B) Progress and implementation Report by R.O., Pali

1 CETP VI Progress- CETP is submitting weekly progress to the weekly meeting chaired by the District Collector.

At present (as per the last report dated 02.05.2021) CIVIL work of the ZLD plant is ongoing. PCC work of RO and ESR Tank has been completed. UF, RO tank and pump house construction is ongoing. ZLD work of CETP-06 was to be expected for completion is upto December-2021.

River drazzing was carried out from CETP-6 to Bandi River Bridge.

2 CETP IV Progress EOI for up-gradation of CETP-4 is issued and after completion of tender, work of up-gradation is going to start.

Cleaning around the plant has been done.

Plantation increased.

3 STP Municipal Corporation Pali has submitted their progress vide letter no. 512 dated 02-06-2021.

a. That the inlet of STP is increased upto 7 MLD and 2 MLD are using by industries. Trust and MCP are directed to develop the method to increase the use of treated waste in STP and efforts to be made to reach zero discharge in River.

b. Total household connection of sewage is 48300 and 12247 connections has been done.

4 Action taken by Board against defaulter units.

a. Letter to CETP Trust by Board. A Monthly sampling of STP and CETP has been carryout.

5 Ro-RSPCB-Pali has conducted a meeting with Board of Director and Chairman/Secretary of Association on dated 16-03-2021 and directed that-

a) Dress is to be given to the person employee, involved in working with trust receiving of wastewater from unit to CETP/ Open and close valve.

b) CCTV camera is to be installed at the main gate of the unit to watch on lock (valve).

c) The Trust should make separate rooms in CETP units I & II for the MRIA unit and at CETP VI for PIA units and keep all the keys & maintained records.

d) Trust will start working automatic SCADA System within 3 months (i.e., no manual work as the opening of valve etc. required).

Letters to CETP dated 05.03.2021 & 06.04.2021 were also issued for compliances.

6. Survey has been conducted by the team of RSPCB, municipality & District ADM to the units established and

operated along the riverbed to stop the possibility of discharge in the river.

Based on the inspection report, total 35 units have been directed to -:

- a. Close all the outlets towards the river side and in the RIICO drain.
- b. Do whitewash/paint on the back side wall of the unit (towards riverside)
- c. Clean the river just the backside of industrial premises.

One matter of defaulter unit has been forwarded to HO for closure of the unit and has confirmed the direction of closure under the provision of Water Act, 1974.

(C) Progress and implementation Report by R.O., Balotra: -

(a) Action Taken/up-gradation works by CETPs and Municipal Council, Balotra (CSTP) after Hon'ble NGT Committee visit of Balotra Textile Cluster constituted under the Chairmanship of Hon'ble Justice PC Tatia Ji

(b) Balotra CETP Up-gradation Work Status-

Trial runs for 18 MLD RO Plant of 18 MLD ZLD project has been completed. Work of installation of 1 MLD MEE (2 nos. x 500 KLD) is underway and is informed to be completed by end of June 2021. Civil construction work of the Solar Evaporation Pond (SEP) of 1.7 MLD capacity has not started yet. This is reported to be completed by Sept 2021. Up-gradation of the existing 18 MLD CETP is underway and is reported to be completed by end of June 2021.

(c) However, considering the slow pace of ongoing work due to lockdown it is expected that installation of 1 MLD MEE (2 nos. x 500 KLD) and up-gradation of the existing 18 MLD CETP may get delayed by one month (i.e., till 31/07/2021). Construction of Solar Evaporation Pond (SEP) of 1.7 MLD capacity may take another 6 months (i.e., 31/12/2021)

Bithuja CETP Upgradation Work Status-

(d) Construction of 30 MLD chemical treatment (Chemical House, Flash Mixer, Clariflocculater, Thickener, etc) under up-gradation of 30 MLD CETP has been completed. Centrifuges for de-watering of sludge that would be generated due to chemical treatment have not been installed as yet. This

chemical treatment has not been commissioned as yet.

Jasol CETP Up-gradation Work Status

(e) I stage of 2.5 MLD capacity RO plant has been installed and work of electrical fitting is underway. I stage is reported to start working at end of June 2021. Work of installation of II Stage, III Stage RO plant and 250 KLD capacity MEE is reported to be completed by 31/10/2021.

Balotra STP Up-gradation Work Status

(f) An electronic water meter has been installed at the inlet and outlet of STP, Chlorine gas cylinder for disinfection of treated water. However, during the inspection on 09/06/2021 for verification of up-gradation works, STP was found non-operational due to maintenance, **Chlorine gas cylinders were not connected to pump, repairing work of secondary aeration tank and sludge thickener was observed underway.**

(8) I considered the factual and progress reports submitted by the R.O., Jodhpur, Pali and Balotra. It appears from the reports referred above that, R. O. Jodhpur, Pali and Balotra followed the CETP Trust and STP management and monitored the progress of pending works to ensure the implementation of the directions given by the Hon'ble NGT. **At present progress at Balotra and Pali is in place but at Jodhpur, the CETP and the STP management was very slow and at the time of submission of the report by the R.O., Jodhpur, the progress was not visible.** However, after that, **number of announcements came from the state government about establishing new STP and reconstitution of the CETP Jodhpur which topic will also be discussed in this report.**

(9) First of all, it was a matter of concern that the industrial effluents and sewage problems are under consideration of Hon'ble NGT and before that, the issues were under consideration of Hon'ble Rajasthan High Court and by this time one and a half decades passed and petitioners, villagers and the affected persons were very much agitated till today. After taking stock of things relating to the issues involved, the **Chairperson believes that it will be another futile exercise if the Committee will proceed to just ensure the implementation of the orders and directions without noting the hurdles came and coming in the way of the effective implementation. Therefore, along with getting the pending things done, The Chairperson took notes of the challenges which are required to be met with by the different stakeholders. Therefore, this concluding report is incorporating the**

challenges which are required to be dealt with appropriately. Therefore, challenges and hurdles have been discussed in this concluding part of the report in some detail. This part also points out, where corrections are required for the implementation of environmental laws and the orders of the Hon'ble NGT effective.

(10) Looking to the nature of pollution problems, time since it is going on, involvement of large number of industries and big sewage management problem of Rajasthan's second-biggest city, Jodhpur, and more serious problem created by the illegal textile industries, even after strong monitoring by the Hon'ble NGT itself, yet the petitioners, residents of the village of Araba, Balotra, Pali are very much agitated till this time. The objections raised by the petitioners including the petitioner, Shri Digvijay Singh (O.A. 34/2014THC) about the HRTC and solid industrial waste management requires in-depth study and if needed, immediate correction is required. At the same time, because of very strong orders only, several steps are taken, particularly, at Balotra and Pali and by the industrialists independently and through CETP heading to reach the target of Zero Liquid Discharge (ZLD) policy. **Some progressive steps, like, using SCADA system and online monitoring is in good progress at Pali and Balotra but it is not implemented up to the mark at Jodhpur.** At Jodhpur, the ZLD may be a plan in dreams only. **There cannot be different planning and different schemes for the same types of industries merely because they are situated at a distance of less than or about a hundred kilometres from each other and situated in three different but adjoining districts of the one state.** Even, then it is better to have one scheme for Jodhpur's industrial effluents, where two types of polluting industries are running. The reason for it is, that the effluents from Textile and Steel Industries in Jodhpur are treated by the same CETP at one place. The process for treatment of these two separate effluents are different but completed at one premise and the end product is produced and passes out in one drain only. This is going on since inception of the CETP and is convenient also. Therefore, all steps are required to be the same. Hence, the interim report was given as a common report for all matters and this concluding remark for all three matters will avoid multiplication because different reports may create confusion.

(11) **Challenges and Hurdles in implementation of Environment Laws and NGT directions: -**

Re-look in industrial planning policy required.

RIICO industrial area and private industrial are, confirming and non-confirming area: -

(A) The Committee is of the view that the state should re-look industrial development policy. There are two types of industrial areas in Rajasthan. One is known as RIICO industrial area. This industrial area is developed, managed and is under the administrative control of the RIICO. The RIICO gives land by executing lease deeds in favour of the industrialists. The lease deed contains several conditions which are required to be obeyed by the lessee. Violations of conditions entail forfeiture of the lease. Other industries are the industries for which Pattas/Lease deeds are given by the state through competent authority. In such Pattas and lease deeds also, the right to forfeit lease rights are vesting in the lessor/state/ competent authority. This second industrial area is called a private industrial area. **The issues that required immediate consideration by the state have several reasons.** First, the competent authority gives Patta/lease for industrial land. In the Pattas/Lease, a specific condition is there that the lease or Patta has been granted for establishing only non-polluting industry. But I found, in most or may even in all cases, this condition was not noticed, nor brought to notice of the Pollution Control Board and PCB gave consent-to-establish and consent-to-operate Textile and Steel Industries in Jodhpur, Balotra and Pali Districts despite the prohibitor condition in the lease or Patta. This fact was admitted in almost all meetings taken by the Committee. Due to paucity of time with the Committee and due to pandemic situations documentary evidence could not be placed on record by the Committee. **Therefore, specific reports may be called from JDA, Jodhpur and the Municipal Bodies of the Pali and Balotra that whether every lease and Patta for industrial land is given with the prohibitor condition that the land shall not be used for establishing polluting industries. The report may also be called from the R.O., Jodhpur, Pali and Balotra that whether, in private Industrial areas, consent to establish and consent to operate permissions have been given to those applicants in whose deeds there is specific condition incorporated that the land shall not be used for establishing polluting industries.** Textile and Steel Industries are in the category of polluting industries. If it is found that, for private industrial lands, without noticing conditions to establish only non-polluting industries, the permissions have been granted to establish Textile and Steel Industries in Jodhpur, Pali and Balotra and by now if large number of these industries are established on these private industrial plots than they may be regularised by framing One Time Scheme (OTS) for regularisation of such industries. By this time, the situation may have become irreversible, therefore, the One Time Regularisation scheme has been suggested. This regularisation is suggested because of the reason that establishing

Textile and Steel Industries is not prohibited totally. Such industries can be established and, but the industrialists are required to follow the laws and not allowed to discharge any effluents which do not meet the standards prescribed for these effluents.

In future, an undertaking be obtained by the PCB from the applicants that the land for which permission to establish Textile and Steel Industry is being sought has no restrictions against such use.

(B) Scattered polluting industries

Secondly, as is found from the fact situation and mentioned above, there are no total restrictions against establishing Textile and Steel Industries and permission to establish such industries can be given upon compliance of norms prescribed under the Environment Act and any other Laws, Rules and Regulations etc. Then, while declaring any area earmarked for industrial purposes, whether it is RIICO Industrial Area or the private industrial area, **the plan itself should show the area, within the RIICO/private industrial area, that where, in clusters, Patta/lease for similar polluting industries are to be given. Scattered Textile and Steel Industries in RIICO and private Industrial areas are unmanageable for implementation of pollution control laws. Scattered industries are an unnecessary financial burden upon the state exchequer and also upon the industrialists. It is also an unnecessary burden upon the PCB, unnecessary losses to manpower, a burden upon resources, unnecessarily long and unnecessary bending and turning pipelines and drains resulting in mixing of polluting effluents with non-polluting discharge, like, rainwater and sewage, whereby, the industrial effluents increase in volume and covers and damaging more area than which could have been damaged by the only industrial effluents. This problem may be an eye-opener of all working to control pollution.**

(C) Sewage management, uncontrolled and unnoticed area, Pollution Generation and Pollution Spreaders-

We take a glaring example from Jodhpur which appears to be the most serious matter. **A comparatively very smaller quantity of treated industrial effluents from CETP, Jodhpur, about maximum, 20 MLD is mixing with about 110 MLD (But in my opinion it may be 180 MLD to 300 MLD) sewage of Jodhpur. This huge quantity is falling in the Jojari river. Not only this**

but in this, illegally established industries' effluents mixing in the same Jojari river! And this is the entire problem of the not only villagers of Araba, but it is the serious environmental problem for hundreds of acres of Barmer and Jodhpur Districts. One seasonal river which was flowing in the only very short rainy season and was rare source for drinking water and for irrigation is now an effluent's river, running round the clock, round the year and destroying the entire area in the reach of this river liquid. This is only because of the quantity of sewage that the effluents are reaching to Araba after damaging the entire area coming in contact with these mixed industrial effluents with city sewage, treated or untreated! But no action was taken against the Municipal Corporation Jodhpur in the last several decades. The facts demonstrate that problem of industrial effluents was not much serious as compared to the problem created by the Municipal Corporation, Jodhpur. If private industries would have discharged 100 to 300 MLD chemicals and dyes mixed sewage in any river, what would have been the consequences, one can easily imagine. The Committee missed the opportunity to collect exact data of sewage and storm which is going into the river Jojari, yet the Committee has reasons to believe that total discharge of sewage and other water, storm mixed with chemicals and dyes, slight or more may be up between 180 MLD to 300 MLD! The approach of all stakeholders may have been different in the handling of the pollution in question problems if effluents and storm discharge of Jodhpur city, Jodhpur Industrial Area, and the effluents of illegal industries would have been noticed.

Not only that the sewage problem contributed to spreading effluents only from Jodhpur area. The problem of Jodhpur sewage is found to be most alarming because Jodhpur is the second biggest city of the state of Rajasthan and it's pollution maybe 15-20 lacs. We may look the facts of another comparatively very small city, Pali. **The Pali sewage also is reaching into the Jojari river.** As submitted by the R.O., Pali, the following is the status of sewage pollution-

1. Pali City (sewerage) discharge - 25 to 30 MLD
2. STP- Present discharge -5 MLD (2.5 MLD Re-Use in Industry)
Future discharge -22.5 MLD (7.5 MLD++ 15 MLD capacity of STP)
3. Wastewater discharging from Pali (Bandi river) to reaching Diwandi village (app. 42 km) thereafter at

- village Dhundara (District- Barmer) and meets with river Jojari.
4. Analysis of STP- beyond the limit (colour, BOD, COD, TSS,TDS)
Analysis of CETP- beyond the limit (colour, BOD, COD, TSS,TDS)
 5. Total discharge reaching at Nehda dam-30 MLD
Analysis of Nehda Dam-beyond limit (colour, BOD, COD, TSS,TDS)
 6. At Diwandi, village (RO, Pali): Analysis- beyond the limit (colour, BOD, COD, TSS,TDS)

The wastewater discharging from Pali (Bandi river) to reaching Diwandi village (app. 42 km)! Thereafter, at village Dhundara (District- Barmer) and meets with river Jojari.

The Committee wished to go to the endpoint, up to which point, this total effluent is reaching in the river to find out the total distance covered by the effluents of Jodhpur, Pali and Balotra but it could not be done because of the reasons mentioned earlier.

The state, has now, declared some corrective sanction of funds for Jodhpur city sewage and for establishing STPS etc. **From the past long experience from almost all sanctions of projects and their delays in their implementation, the task be assigned to SPCB to monitor the progress of these projects and SPCB be directed to submit a quarterly report to the Hon'ble NGT with clear comments, whether the time schedule is maintained or not.** If there is little delay also, the reasons for the delay be placed before Hon'ble NGT. without which the damages to environment, land, water, crops, human and cattle are not possible.

(12) **Pollution generation and spreading**

(A) **Pollution generation and spreading of pollution are two separate issues. There are many directions for pollutions generating industries. But pollution speeders are yet to be dealt with.** From the facts considered while considering the sewage management of Jodhpur City, we found the volume of liquid discharged from the Jodhpur city and it's nearby areas that the spreader of the pollution, in the case before us is the Jodhpur Municipal Corporation for both, legal and illegally established Textile and Steel Industries.

(13) **Special Case-**

(A) **I would prefer to request to the Hon'ble NGT to take special note of the facts of one case of alleged ONE illegal industry situated on agricultural land Khasra No. 149/1, Village Bhandu, Tehsil Luni, Dist. Jodhpur!** This "industry" as mentioned in the order passed by the RSPCB, dt. 08.08.2016, this industry was running by one Bhanwar Singh in the year 2016 **without obtaining Consent to Establish and Consent to Operate from the Board under the Water Act, it was running without environmental permissions, without installation of the tamper-proof electronic meter, without depositing Rs. 5 lakhs, without installation of adequate treatment facilities for treatment of wastewater, like, effluents treatment plant and R.O. Plant and was not connected to any Common Treatment plant to achieve zero discharge of liquid.** Therefore, SPCB passed the order directing to close the industry run by said Bhanwar Singh. **Despite all defaults by the said Bhanwar Singh and closer order against him by the SPCB dt. 08.08.2016, said Bhanwar Singh was found continuing the industrial activities on the land in question in the year 2019.** The premises was inspected on 08.05.2019. **What was found on the spot, i.e., at the time of the inspection on 08.05,2019 tells the magnitude of the industrial activities on one piece of agricultural land alleged to have been one person only?** We may look at the list of the seized articles. Following articles found on the spot: -

Jiggers -436,
Jumbo Jiggers- 46
Continuous mercerising padding machine -13,
Continuous washer 9,
Jet Dyeing machine 7,
Hydro Dryer -02,
Kier -4,
Boiler 4 – 1.5 TPH,
Washing tanks 33,
Silicate washer 6
Silicate padding 8,
D.G. set 2 Nos. each – 15 kVA and
Caustic padding 18.
Cloth -16000 *thans* were seized from the premises.

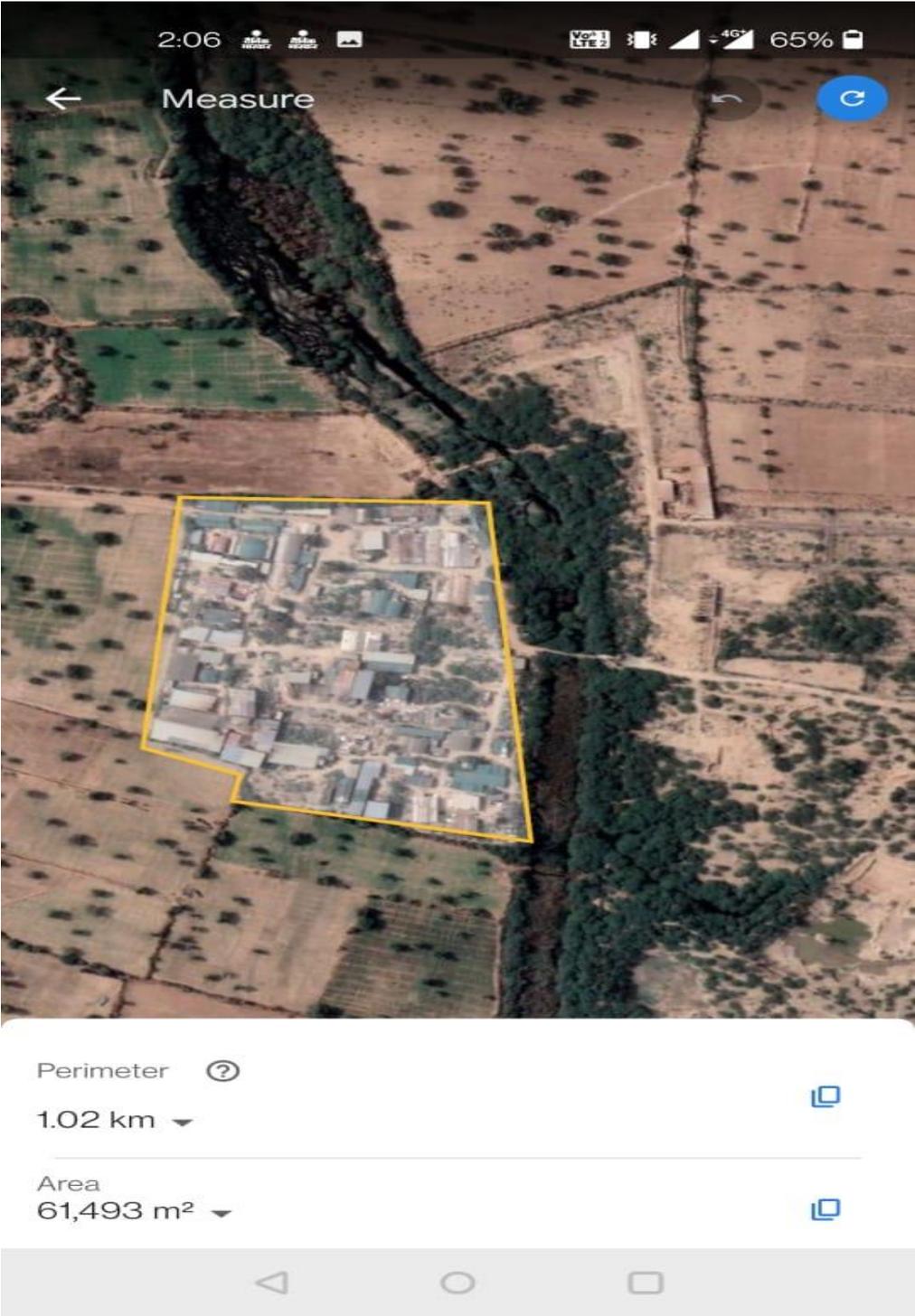
(B)Location of Industry- just near the river in question, Jojari river, very convenient for dumping the effluents in the Jojari river.

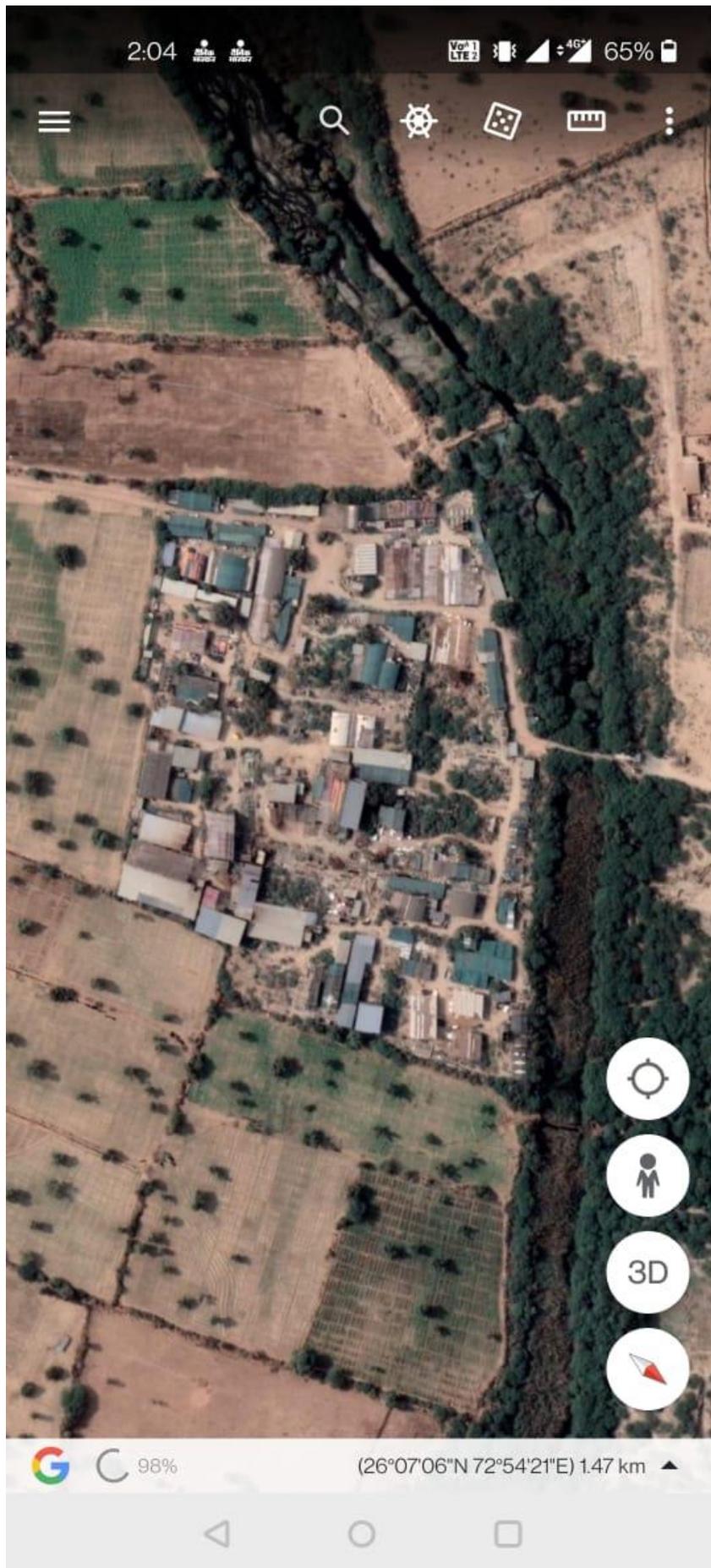
Location is advantageous for getting support from all textile industries of all areas of Jodhpur, Balotra, Bithuja, and Jasol and all legal and illegally established industries can support each other from this industry at Bhandu.

(C) Road distances from Bhandu Industry to other industrial areas-

- (a) Only about 20 km away from Jodhpur industrial area,
- (b) Only about 90 km away from Jasol industrial area, near Balotra,
- (c) Only about 85-87 km away from Bithuja industrial area, near Balotra,
- (d) Only about 80 km away from Balotra industrial area.

Google Photos of the Industry on agriculture land Khasra No. 149/1, Village Bhandu, Tehsil Luni, District Jodhpur are inserted in this report, here: -





(14). **Therefore, there are all possibilities of support of several legally established textile industries to the illegally established industries. Such nexus can be broken by taking the help of other departments after collecting the evidence of business of these illegal industries.** For such actions, before inspections, a careful survey of industries is required in suspected cases of large establishments. In the inspection of such surveyed industries, the help of officials of the Income Tax department may be taken. The seized business documents may be handed over to the Income Tax Department for their action, if found necessary by the IT department. It appears from the order passed against the Shri Bhanwar Singh that despite finding such large number of the machinery on the spot where illegal activities were going on and where Shri Bhanwar Singh was liable to be prosecuted yet relevant articles were not seized, he was asked to remove articles from the spot. The procedure required to be re looked.

Industry is still running industry, as told by all villagers. The Committee could not verify the fact by visiting the spot due to Corona lockdown from April 2021 till the end of the term of the Committee.

The area of the industry is- 1.02 kilometres! And equivalently 61,493 sq. Meters! (As shown by google on 13.07.2021. Google photos are annexed with this report.)

The facts speak louder than the report and action were taken. From the above machines, only a big industrial business is possible. It is difficult to believe that, in one industry such number of machineries can be (though in the report, it has been shown as industry of one person)! However, orally villagers and others told me that, *Modus Operandi* for these industrial activities is that the different industrialists are permitted to install their machines on payment of rent by them to the Khatedar Tenant of the land. But it is only heresy, and the fact should have been made clear after obtaining all material facts. Looking to facts mentioned in the report, cupelled with the information received from the different set of people, allegations cannot be brushed aside easily. Because of lack of vision or because of any other, the seizer report may have saved several other persons, other than named, who were running their independent industries by taking part of the land from the landholder, the Khatedar Tenant of the agricultural land in question.

I believe, the actions were not adequate. The facts were not taken note of. **Appropriate actions were not taken in such a rampant violations of environment laws, endangering the health and lives of human, cattle, causing harm to the land and water, crops and vegetation etc. The government servants have to cooperate and inform all concerns about any violations of law by such environmental player so that they may, take appropriate actions.**

Following facts should have been made clear with documents relevant to, to find out the real persons: -

1. Who is Khatedar Tenant of the land Khasra No. 149/1, whether it is of one person or of more persons?
2. In what name the industrial activities were going on?
3. Who were the persons running the industry/industries on this land?
4. Since when the activities were going on as it was and is essential to assess the environment compensation?
5. Whether any other person's job work was going on the spot? Then those other persons are also liable for violations of environment laws. Therefore, the business documents should have been sieged to identify the persons whose work was going on the spot.
6. Looking at the volume of the business, matter should have been informed to the appropriate Income Tax authorities for verification of the persons involved in the business activities on the spot as well as, if necessary, the IT department could have taken appropriate actions in accordance with the law.
7. Appropriate application of cancellation of *Khatedari* Tenancy rights of the *Khatedar Tenants* should have been moved before the Tehsildar of the area, who himself was legally bound to initiate such proceedings even before actions by the Pollution Control Board officers.
8. Appropriate Labour Departments should have been informed so the departments could have taken as could have been essential in accordance with laws, particularly, labour beneficial laws.

These actions were essential looking to the very special facts of this particular case on the principle, *the extraordinary disease needs extraordinary treatment*. **These actions can be taken and required to be taken immediately to give the strongest message to all polluters to the persons playing with the environment, public and cattle in the country.** The Tehsildar of the said time and if, the industrial activities are going on (which I believe is running), the same Khasra No. 149/1 of the village Bhandu, Teh. Luni, Dist. Jodhpur, strong departmental action may be recommended.

(15) **Illegal Industries in General:** -Illegal industries compete in destroying the environment with the legally established industries. **The legally established textile industries and Steel industries started correction after the close monitoring by the Hon'ble NGT. But the illegal industries, which may be small industries to big industries**

and their effluents may be less in quantity but not less bad. The undermentioned facts will reveal that these illegally established industries have no fear of authorities and administration. The industries which were closed by the orders of the SPCB, were not established and were running from the day of their closer orders. **Therefore, these illegally established textile industries have not got any deterrent message even from the actions of STF.** A further study is required to find out more effective ways to control illegal industrial activities. **The most suitable place for such illegal industries is agricultural land. The most effective preventive action can be by the cancellation of the Khatedari rights of the Khatedar Tenants of such Khatedar.** Cancellation of the *Khatedari* rights is not an extraordinary step. But the law requires that if one uses or permit others to use his agricultural land for any purposes, other than the agricultural, the Tehsildar should initiate the proceedings for the cancellation of such Khatedar Tenant's Khatedari Tenancy rights and resume the land in favour of the State. So, the government servants, who are bound to act in addition to the implementation of the law will be discharging their duty in preventing illegal activities and will do more pious work by saving the environment and consequential damages to health and hygiene.

A. Illegal industries in Jodhpur for which closer orders were passed: -

Petitioner Gram Panchayat Araba is aggrieved due to pollution generated by the industries at Jodhpur and Villages of Jodhpur District. In Jodhpur industrial area, RIICO and private industrial area, total CETP connected industries are 378, Textile and Steel Industries. Whereas illegally established industries for which closer orders were passed from the year 2015 to 2020 are 242. Year-wise details orders passed for illegally established is as under: -

- 115 industries in the year, 2015
- 89 industries, in the year 2016
- 04 industries, in the year 2017
- 02 industries, in the year 2018
- 10 industries, in the year 2019 and,
- 24 industries, in the year 2020.

Total 242 illegal industries vs legally running industries are 378.

Environment Compensation recovery orders were passed for Rs. 2,64,50,000/- (in total against all industries in the same year. i.e., only in the year, 2019). **It will be relevant to recapitulate here again that this figure includes the environment compensation of Rs. 2 Crores has been awarded against only one Industry, the industry running at Bhandu.**

B. Illegal industries in Pali for which closer orders were passed:

-

Total from the year, 2015 to 2020 total closer orders passed- 174.

Industries closed in confirming areas- (Total- 93)

18 industries in the year 2017

06 industries in the year 2018

68 industries in the year 2019

01 industry in the year 2020

Total 93 industries in confirming area, closed.

Industries closed in non-confirming areas-

71 industries in the year, 2015

05 industries in the year 2017

03 industries in the year 2018

02 industries in the year 2019

Total 81 illegal industries-81+93= 174

C. Illegal industries in Balotra, Jasol and Bithuja, District Barmer for which closer orders were passed: -

85 illegal industries in the year 2017

33 illegal industries in the year 2018

106 illegal industries in the year 2019

19 illegal industries in the year 2020

04 illegal industries in the year 2021

Total 247 illegal industries

In three districts, in nearby areas to each other, a Total of 663 illegal industries were ordered to be closed in the last five years out of which most of the industries were running on agricultural land! It appears that the Revenue Department of these three districts, the Tehsildar and Patwari of the area, as well as the local bodies including the village Panchayat, believe that illegal conversion of land from agricultural purposes to industrial purposes and generation of pollution and its spreading is the subject matter assigned to the only SPCB and these bodies are not supposed to enforce laws against the persons who violate the laws. This abdication of statutory duties by the bodies and the government officials required to be dealt with sternly. This is, in fact, an unnecessary burden upon the SPCB because of faults and serious inactions on the part of the said officials.

There are laws to terminate rights of the persons holding the agricultural land if it is put to use for the purposes other than agricultural under the Rajasthan Land Revenue Act, 1956, the Rajasthan Tenancy Act, and the rules framed their under. But all laws dispensed with by the local revenue officers, Local Bodies bodies, the Municipal Bodies. The role of the SPCB WAS TO COME IN THE LAST WHICH MADE THE ONLY RESPONSIBLE BODY TO ACT! If the revenue officers of lower level, like Patwari and Tehsildar would have enforced the against these Khatedar Tenants who are using the agricultural land for industrial purposes immediately, which action is part of their statutory duty, the public may not have sacrificed their environment, livelihood, health and cattle. Shocking is that all illegal activities are in the knowledge of these officers and the higher authorities! ONLY ONE CANCELLATION OF KHATEDARI RIGHT OF ONE PERSON WOULD HAVE MADE SEA CHANGE IN THE IMPLEMENTATION OF ENVIRONMENTAL LAWS AND THE ORDERS PASSED BY THE HON'BLE NGT. ALL LAWS AGAINST ILLEGAL LAND CONVERSION AND ILLEGAL USE OF LAND AND ILLEGAL CHANGES OF LAND USE OR ON HOLD SINCE DECADES! TOTALLY UNNECESSARY BURDEN CREATED FOR THE SPCB AND THE HON'BLE NGT. The relevant laws are, the Rajasthan Land Revenue Act, 1956, the Rajasthan Tenancy Act, 1955, the Rajasthan Gram Panchayat Act, 1994, the Rajasthan Municipality Act 2009, the Jodhpur Development Authority Act 2009, the Land Conversion Rules, 1981 राजस्थान भू राजस्व (रंगाई, छपाई, विरंजन और धुलाई उद्योग के प्रयोजनों के लिये भूमि का संपरिवर्तन और नियमितकरण और कुओं का उपयोग) नियम १९९१. Since the Committee was assigned the work of monitoring of the implementations of the orders of the Hon'ble NGT, therefore, it was duty of the Committee to find out why the orders of the Hon'ble NGT could not implement even after so many orders of the Hon'ble NGT which the Committee noted in it's Interim Report submitted to the NGT. Relevant part from report is quoted here: -

“The pollution going on for several decades is the fact on record of these case files. A good number of detailed orders and directions were given to the State, SPCB, CPCB, Local Bodies. High officers were called to appear in person on several occasions. Compensations were awarded against wrongdoers; some amounts were recovered, and some amounts are yet to be recovered. Some compensation was paid to victims. Some prosecutions were launched. A Special Task Force (STF) was also constituted to check illegal industries and illegal dumping of

effluents in the rivers and drains. Hundreds of illegal industries were closed and even demolished in the past several years.”

The Committee Chairperson after taking in to account all the relevant facts of cases was of the view that, first it to be found out that why if last about fifteen years the vigilante people could not get the results despite the fullest support from the Hon’ble NGT and therefore, the Chairperson himself visited all the critical points of the sites and observed in Interim Report: -

“The Committee proceeded to find out reasons why the desired results could not be achieved as wished by the public and as desired in the orders passed by the Hon’ble NGT. For this, Chairperson with different officials of SPCB and at Balotra representative member from CPCB and with Dr. Ajit Pratap Singh visited the almost all critical spots relevant for our purpose. On every relevant point, we found the industrial effluents too high.”

It is alleged that the beneficiaries of these illegal textile industries are not only owners and businessmen involved in these illegal industries, but the beneficiaries are some of the industrialists who are running legally established industries. Some industrialists are giving job work to these illegally running industries. It was common in the private talk that the number of legally established industries are the backbone of these illegal industries and giving job work to these illegally established textile industries which are good financial gain for the legally established industries as well as, by this way some of the industries escape from the rigour of not only pollution laws but avoiding obeying the labour laws and thereby, denying the legal benefits to the poor labours. During our visits, several industrialists themselves complained against such industrialists but no one wanted to name any wrongdoers. Furthermore, the villagers are also engaged in these illegally established industries and therefore, some villager’s families are also sympathetic to these illegal industries. The political support cannot be proved by direct evidence but cannot be denied looking at the total number of the industries, the area covered by these industries, the silence of all the departments. Therefore, these illegal industries are not the only problem for the Pollution Control Board but, it is a big challenge for bona fide and law-abiding textile industrialists. **The illegal industries are running parallel to the legally established industries with a huge advantage over the legal industries. All blame for the pollution created by the illegal industries is required to be answered by the legally established textile industries.** Only legally established industries are asked to explain the reasons for pollution at all endpoints. If in place of only closing these illegal industries, their accounts

and business deals are scrutinised to find out the industries whose work these illegal industries are doing, more culprits can be identified. **Unless this supply of business is checked the big fishes will be always out of the net. If these big fishes are caught, the backbone of illegal industries may break.**

Only one effective step to stop illegal industries established on agricultural land is, to initiate and cancel the Khatadari Rights of the persons, whose land is used for non-agricultural purposes. It may one of the effective steps to prevent running and stopping illegal industries in future.

The above number of illegal industries is the only number of industries against which the pollution control board took actions. This is in common knowledge, and anyone can without many efforts walk into illegal industries. Illegal industries were not established in one day nor were noticed on any one day. They were established from time to time and are running since last several years. **The first duty was of the Revenue Officers of the area, like, Patwari and the Tehsildar of the area. But none of the revenue officer took any action against these illegal industries established on the agricultural land.** In the state of Rajasthan, as per land revenue laws, if agricultural land is used for any purposes, other than for agricultural purposes, the land may be resumed in favour of the state. It is to be noted that in any village or city, not a single case was registered for resumption of the agricultural land against such rampant violations of the Land Revenue Laws.

So, the revenue officers, made the stringent law totally redundant. This action of resumption of agricultural land was and is not dependent upon the action by the SPCB. This action is absolutely independent and within the statutory duty cast upon the only revenue officers.

These industries have not come up in a day. These industries are those industries that were found in a day when the site was visited. All villagers told very clearly that the village Bhandu in Jodhpur district is, in fact, well established private industrial area, for several years and successfully running illegal industrial area. After completion of the first part of the work, the Chairperson had a plan to visit this place secretly and then with Committee members and the appropriate team. This important work could not be done because of the imposition of the COVID-19 lockdown restrictions immediately after the first task completion by the Committee.

Chairperson is of the opinion that, an aerial survey report may be obtained of the entire area of villages, specifically, Bhandu, Salawas, Tanawada, and other areas up to Araba from Jodhpur to know the actual working of illegal industries and thereafter, stern action is required. Then, if any illegal industry is found in the area, the Tehsildar, Patwari, and

officers of the Gram Panchayat be proceeded departmentally for disciplinary actions.

(H) Pollution generation vs pollution spreading

The facts mentioned above in detail about the discharge of treated and untreated sewage and stormwater in the river is one of the main reasons for reaching the effluents in very long and wide areas. **The Municipal Bodies and RIICO, since more than one and half decades discharging sewage and city's industrial effluents in the rivers and carrying the industrial effluents of legally and illegally established industries to 40-50 or much more kilometres from the place of origin of the effluents. The SPCB did not take any action against these Municipal Bodies and the RIICO officers for the reasons best into the SPCB but one of the reasons appears to be departmental brotherhood. Breaking of this nexus may generate pressure upon the officers to complete the sectioned project in time.** Hon'ble NGT may direct that the SPCB, should not hesitate in taking actions against the officers of the Municipal Corporation and RIICO and why no actions were ever taken against the Municipal Corporation, Jodhpur and RIICO officers of Jodhpur when these two bodies admittedly spreaded the sewage and industrial effluents in river Jojari, that too in several kilometres area. **It is pertinent to note that Municipal Corporation, Jodhpur and RIICO officials of Jodhpur, in their written reports submitted to the Committee, admitted that they failed to, not only stop the discharge of effluents in the river Jojari and did not follow the ZLD and discharging the treated and untreated sewage in more than hundred MLD in Jojari river.**

(I) Implementation of pollution control laws: -

From the totality of the facts mentioned above, it is clear that, if there are no orders from the NGT, there are no effective actions for environmental laws violations. None of the actions worked. Environment compensation is awarded by the SPCB. It may be enquired from SPCB that, **from how many polluters compensation amounts have been recovered by the Board? How and where such compensation amounts have been utilised? How much amount has been utilised for reclamation of the environment? And how much compensation has been paid to the victims? It may be enquired; how many offenders are prosecuted?** There appears that no prosecution yet has resulted in the conviction of any offenders. **Till the laws and law enforcement are brought in order, till then, there is strong need of the NGT and it's orders.**

(J) Despite separate jurisdictions and power of authorities and despite administrative instruction fixing responsibilities for taking actions by the RIICO, PCB, Tehsildar, SDM, local bodies still all

are shifting responsibilities. Therefore, periodical administrative meetings should be convened of all the above departments to record facts and reasons, for which violation of environmental law by the industries and the local bodies, which department or body did not take action and who is responsible for the lapses.

The serious matter is that, for taking actions against illegal industries in cities or villages, there are broadly two fact situations. One, industries situated on urban land and another, on revenue land i.e., upon agricultural land. When the industry is on agricultural land and is within the jurisdiction of Municipal Corporation or Local Development Authority, there is the involvement of three parties in the matter for taking action. The Tehsildar has jurisdiction to cancel the Khatedari Tenancy rights of the Khatedar tenant whose land is involved. Probably, this action was never taken by the tehsildar. In case of violations of conditions of lease or Patta, relating to environment protection laws, probably, no leases or Pattas were cancelled ever by the JDA, Municipal Bodies, RIICO or by the state, whoever has given Patta or lease. The power to stop and close illegal industries is rarely used by the local bodies. Even in the cases where, the PCB closed the industries involving non-following the conditions of the Patta or lease deed, yet no other consequential legal action was taken against these civil, municipal and environmental law breakers by the Land Revenue Officers and Local Bodies.

If we look at the number of industries which were closed, it is not indicting only that the actions were taken. It also indicates that lawbreakers are not afraid of the actions taken against them. These actions have not given desired results of preventing such huge pollution by the industries in the long area of several kilometres. If some actions here and there are taken, those actions have not given desired results is apparent from the running of a large number of illegal industries on every type of land in these areas. The prosecutions virtually failed. The system requires strict monitoring by the administration of every concerned stakeholder.

(K) Rajasthan State Pollution Control Board

State Pollution Control Board unnecessarily suffered because others did not discharge their statutory duties at all as discussed in this Report. Another matter that requires consideration is, SPCB is required to be made more active. The first hurdle is the very poor cadre strength and then vacancies. The existing even full strength cannot monitor these Textile and Steel industries.

(M) Administrative efficiency

Vision, administrative efficiency and proactive actions are essential for any system's working. Many plants established at Balotra, CETP I, II, III are not used for the purposes for which they were constructed. That may be due to faulty planning or lack of

foresight. At Jodhpur, ZLD work has not even at the planning stage whereas private individual industries at Pali and Balotra established their plants and common plants through CETPs.

Different target, like, ZLD was fixed for same industries at Pali and Balotra vis a vis Jodhpur there is no planning, therefore, ZLD policy is a distant dream for Jodhpur.

Different treatment to industries of Pali and Balotra at one side and Jodhpur industries at another side. In Jodhpur preliminary treatment plants at Industries site is the same irrespective of effluents discharge quantity from industries whereas, at Pali and Balotra, preliminary treatment plants are different for industries having less than 50 KLD effluents discharge and different for the industries discharging more than 50 KLD effluents. **No one could give a logical reason for a different types of treatment plants at Pali and Balotra based on the quantity of discharged effluents. Detailed consideration is mentioned in the Interim Report submitted by the Committee to the Hon'ble NGT.**

Since the different treatment plants are established in view of the orders/ observations made by the Tribunal, therefore, this issue can be settled by the judicial order and not by administrative decision unless permitted by the Hon'ble Tribunal.

Similarly, whether the HRTC and water evaporation system are the right way to address the elimination of effluents is required reconsideration. Whether it is removing effluents and making land under the projects useless? Why millions of litres of water be allowed to be evaporated? and whether, the water and the land, both can be saved is the question? The Committee could not examine in depth because of the end of the term of the Committee during the COVID-19 pandemic. The issue may be considered by the Hon'ble NGT.

Conclusion- Role of the SPCB was to come in last but the PCB was held the first and the last responsible for all environmental problems. The first the duty was of the revenue officers to check the illegal land conversion from agricultural land to industrial land under the Sec. 90 A of the Raj. Land Revenue Act, 1956 but the laws have been made redundant. Probably, not in a single case of illegal land conversion, Khatedari Rights were cancelled nor the khatedar was evicted. Probably, not in a single cases Jodhpur Development Authority or Municipal Body or RIICO has cancelled the lease or Patta because of illegal land conversion to industrial purposes or because of breach of conditions of the lease by the lessee or Patta holder despite having condition of forfeiture of rights in the law and in the lease deed or in Pattas.

Further Recommendations (by the Chairperson)

At present neither the STF nor any Monitoring Committee is working. In addition to continue monitoring over the industrialists and CETP Trusts, corrections are required to make system working as it was found that, all the stakeholders did not took legal actions against the polluters and pollutions spreaders, like, (1) revenue authorities did not took actions against the persons who used the agricultural and for non-agricultural purpose for several years, (2) the local bodies granted lease but even when lease condition was violated and the land marked for non-polluting industry was used for polluting industry, (3) the PCB took no action against the RIICO and Municipal Bodies even when these bodies did not handled the sewage and drainage of large quantity which may be more than 100-300MLD and continuously, since decades discharging polluted and treated and untreated effluents in the rivers and carrying effluents of legal or illegally established industries in rivers. The PSB did not take any action against the Municipal Corporation for discharging STP treated or poorly treated effluents in the river Jojari. The RIICO could not prevent Municipal Corporation, Jodhpur and the CETP from using RIICO storm drain for their sewage and effluents discharge.

For the petitioners and the public, pollution at the only endpoints are relevant which covers entire in between areas. Rest all issues are relating to the pollution management. All most at all places, in the river Jojari, the liquid (better not to say water) was polluted with chemicals and dyes. The river was flowing because of effluents only therefore, it is not river but only effluent's huge Nallah. The relief to the public is still a dream even after so many serious actions taken by the Hon'ble NGT (orders and actions are mentioned in the interim report of the Committee).

Therefore, following are the recommendations by the Chairperson for kind consideration: -

1. SPCB and the state should consider increasing the cadre strength of SPCB and meanwhile, fill all vacancies
2. Laws and laws enforcement system require to be reviewed to make it effective and data be obtained that how much law violator's agricultural land was resumed and how many Pattas and leases of these violators were cancelled. If such actions were not taken, State Government may be asked, why authorities failed in enforcing laws and terms of conditions of the leases and Khatadari Rights?

3. All R.O., be directed to give details of all illegally established industries found on agricultural land in their area till date, to the Tehsildar and Jodhpur Development Authority, Municipal Corporations, Jodhpur, Municipal Bodies of Pali and Balotra of the area concerned for appropriate legal action.
4. For future, all R.O., may be directed to give details of the cases, immediately upon finding any industry established illegally on agriculture land, to the Tehsildar and Jodhpur Development Authority, Municipal Corporations, Jodhpur, Municipal Bodies of Pali and Balotra of the area concerned for appropriate legal action.
5. All Tehsildar may be directed to register cases against persons who used or are illegally using the agriculture land for industrial purpose in their jurisdiction and the give details of such cases registered to the R.O., RSPCB without any delay.
6. Tehsildar concerned be directed to give a copy of the final order passed in such cases to the R.O., concerned immediately upon passing the final order by the Tehsildar.
7. The R.O. concerned, in the cases where Khatedari rights have not been cancelled and land in question has not been resumed, be directed to send a copy of the order to the Member Secretary, RSPCB, who in turn examine or shall get examined the reasons for not resuming the land in question and if finds the order of the Tehsildar should be challenged, the Member Secretary may send opinion to the District Collector, concerned within fifteen days from receiving the copy of the order from the R.O.
8. Monitoring Committee be constituted to oversee the progress of the projects CETPs and construction of new STP, sewage lines/system/connections, construction of sewage Nallahs, storm drainage. Because the past all projects were delayed inordinately due to not releasing of finances in time and due to other administrative reasons, which caused not only delays but increased the cost of projects resulting in unnecessary financial burden upon the public's money.
9. Gram Panchayats are responsible to maintain the drainage, well, water bodies, catchment areas, pastureland, etc. It is not the only duty of the SPCB to work as a watch dog. The first duty to prevent pollution in any public place within the jurisdiction of the Gram Panchayat is of the Revenue Officers and the Gram Panchayat. Therefore, if any industry is established on any agricultural land within the jurisdiction of the Gram Panchayat, the Revenue Officer, the Tehsildar of the area and the Gram Panchayat be directed to take action immediately and their accountability be fixed in cases of their failure.
10. **To solve the problems of villagers of Araba and all nearby areas of about 40 kilometres, directions are needed against the Municipal Corporation, Jodhpur, Pali and Balotra,**

the RIICO and the State to give the highest priority to the sewage management to maximum reuse of water after treatment and proper disposal of water which can't be reused.

The Chairperson, Hon'ble National Green Tribunal, Principal Bench, New Delhi is humbly submitting this concluding report of the Chairperson, Committee for kind consideration of Hon'ble Tribunal.

Dt. 21st July 2021

Justice Prakash Tatia
Chairperson,
Hon'ble Tribunal Constituted Committee