

Interim report of Joint Committee

(Constituted in compliance to order dated 12.01.2024 passed by the Hon'ble National Green Tribunal in O.A. No. 668/2023 titled as "Prasher Dev Sharma V/s State of Punjab &Ors.")

Background of the Case:

The applicant Mr. Prasher Dev Sharma has filed an application with the Hon'ble National Green Tribunal with grievance that Municipal Council, Jagraon has dumped and filled garbage in pond surrounding Maa Bhadar Kali Mandir. The application was treated as Original Application No. 668/2023 titled as "Prasher Dev Sharma V/s State of Punjab &Ors" by the Hon'ble National Green Tribunal.

After consideration of the matter, the Hon'ble National Green Tribunal had constituted a Joint Committee in the case and called for the factual and action taken report vide order dated 12.1.2024. The relevant part of the order dated 12.1.2024 is reproduced below:

"3. In view of the facts and circumstances of the case we consider it necessary to have the response from (1) State of Punjab, through District Magistrate (DM), Ludhiana, (2) Executive Officer, Municipal Council (MC), Jagraon and (3) Punjab State Pollution Control Board (PSPCB), through its Member Secretary who stand impleaded as respondents No. 1 to 3.

4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 3 requiring them to file their reply/response to the averments made in the application within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the PSPCB, DM, Ludhiana and EO, MC, Jagraon and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.

6. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

Formation of the Joint Committee:

In compliance to the order dated 12.1.2024 passed by the Hon'ble Tribunal, the District Magistrate, Ludhiana has constituted the committee of the following officers to act in accordance with the mandate of the order dated 12.1.2024

1. Sh. Gurbir Singh Kohli
Sub-Divisional Magistrate,
Jagraon.
2. Sh. Sukhdev Singh Randhawa,
Executive Officer,
Municipal Council, Jagraon.
3. Er. Rajpal Gill,
Assistant Environmental Engineer,
Punjab Pollution Control Board,
Regional Office-3, Ludhiana

First meeting of the Joint Committee and visit of site

First meeting of the Joint Committee was held on 20.2.2024. The site under complaint was visited by the Joint Committee members and it was observed that a pond has been established on the Government land belonging to Municipal Council Jagraon and Maa Bhadar Kali Mandir, Kothe Rahla, Jagraon is located in this pond area. Size of the pond is approximately 07 Acres.

The Joint Committee had requested the Hon'ble National Green Tribunal to allow 04-month time to Municipal Council Jagraon to prepare and submit action plan for execution of bio-remediation work of legacy waste lying at site.

Order dated 08.05.2024 passed by the Hon'ble National Green Tribunal

- “3. Request for grant of four months time has been made by the Punjab State Pollution Control Board (PSPCB) for submission of report of the Joint Committee.*
- 4. No ground for grant of four months time is made out and request for grant of four months time is rejected.*
- 5. The report of the Joint Committee be submitted within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.*
- 6. EO, MC, Jagraon and District Magistrate, Ludhiana are directed to take remedial measures for ensuring compliance with Solid Waste Management Rules, 2016 and file separate Action taken Reports within one month by way of e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.*

7. List on for further consideration on 16.07.2024. 8. In view of the facts and circumstance of the case, we also consider personal appearance of the EO, MC, Jagraon and the officer duly authorized by District Magistrate, Ludhiana on the next date of hearing physically or through VC to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.”

Second meeting of the Joint Committee and visit of site

Second meeting of the Joint Committee was held on 26.06.2024 and the site under complaint was also visited by the Joint Committee members and it was observed that total area of the pond is about 07 acres and there is no accessibility to the pond from North side as entire pond area in North side is under the encroachment of Maa Bhadar Kali Mandir committee. Also, there is an encroachment in the form of residential houses on western periphery of the pond. A drain carrying rain water of nearby area is flowing on East side. At present, accessibility of machinery to the pond is possible only from South side but cleaning of the entire pond from South side is not possible as pond is located in an area of 07 acres and is elliptical in shape having major portion in North – South direction and removal of encroachment on North is required for cleaning of the entire pond. It was also observed that the untreated domestic waste water generated from the premises of Maa Bhadar Kali Mandir also flows into the pond which is the main reason for the Eutrophication of the pond in past years. Thus, cleaning of pond will not serve its long term purpose for maintaining the pond in good condition until encroachment is removed along the periphery of the pond on North and West side.

After verifying the physical condition on site, it was decided by the joint committee that cleaning work will be started from South side of the pond till removal of encroachments on the other sides.

Start of Work at Site

The Municipal Committee Jagraon has allotted two tenders for removal of legacy waste from the pond one tender for further cleaning of the pond. Work at site started for removal of legacy waste as well as for cleaning of the pond.

The Joint Committee had submitted its second interim report to Hon'ble National Green Tribunal with request to direct the applicant Sh. Prasher Dev Sharma, President of the Committee of Maa Bhadar Kali Mandir, Kothe Rahlan, Jagraon, District Ludhiana to remove the encroachment from the North side of the pond so as to clean the entire pond.

Order dated 16.07.2024 passed by the Hon'ble National Green Tribunal

"10. We made it clear that in case dumping of solid waste continues illegally and in violations of SWM Rules, 2016, this court will take serious view and may have no option but to proceed for punitive and prohibitory action against such violations including assessment of environmental compensation."

Third meeting of the Joint Committee under the Chairmanship of Additional Deputy Commissioner, Urban Development, Ludhiana

Third meeting was held on 19.07.2024 under the Chairmanship of Additional Deputy Commissioner, Urban Development, Ludhiana. Executive Officer, MC Jagraon informed that about 22 Metric Ton waste is generated per day (MTD), out of which wet waste is 13.2 MTD and dry waste is 8.8 MTD. For handling/processing of wet waste, 78 pits have been constructed in which 8.15 MTD

waste is processed daily, 2.1 MTD bio-degradable waste is sent to Gaushalas, 0.5 MTD waste is processed through home composting and remaining 1.5 MTD wet waste is processed by bulk waste generators. For handling of dry waste 02 MRF centers have been setup with separate compartments for cardboards, papers, plastic bottles and iron. 02 bailing machines are working at MRF centers for bailing of plastic waste.

Executive Officer, MC Jagraon further informed that the MC Jagraon has 08 Mini trucks (Tata Ace), 108 Rickshaw redid, 03 tractor trolleys, 02 C&D waste grinders, 01 horticulture waste shredder, 01 sweeping machine and 01 mechanical separator for handling and processing of Solid Waste and C&D waste. EO, MC Jagraon informed that there is only one site of legacy waste near Bhadar Kali Mandir and total 20,000 Ton legacy waste is available at site. Tender for remediation has been awarded and remediation is going on with Trommel machine, JCB, tractor trolleys and manpower.

The joint committee decided that the EO, MC Jagraon shall ensure the 100% door to door collection of solid waste, segregation and processing as per SWM Rules, 2016 and no fresh waste shall reach the compliant site. The joint committee also decided that legal action against encroachments including by the applicant Sh. Prasher Dev Sharma shall be initiated under section 172-A of the Punjab Municipal Act, 1911.

Compliance by Municipal Council, Jagraon

Municipal Council Jagraon has already stopped completely sending fresh solid waste to the new or old site. MC Jagraon with the help of above mentioned manpower and machinery is complying with the Solid Waste Management rules. Door to Door source segregation is being carried in all the 23 wards. The wet and dry waste are separated at the source of collection. In the MRF centre further segregation is done. The bails are prepared. C&D waste is also dealt with separately. The bulk waste generators has been issued fresh notices to manage their solid waste at their own level. New tenders for further

enhancement of infrastructure for management of Solid Waste have been floated. The strength of manpower is also being enhanced. The citizens of the town are also being educated through various modes. MC Jagraon has also bringing proposal to implement fine/penalty on the repeated violators of SWM rules. MC Jagraon needs more time for further meticulous compliance.

The remediation of legacy waste is in progress and it is being remediated as per the guidelines laid down by the CPCB. All the components are segregated and disposed off according to guidelines.

The notices have been issued to 45 encroachers on the pond site for vacation of the encroached land. There are pecca structures on the site. MC Jagraon has removed some portions of the encroached properties. MC Jagraon has also requested Executive Engineer, PSPCL, Jagraon to disconnect electricity connections from the encroached properties. Keeping in view the circumstance and protests by the occupants MC Jagraon has requested for providing the police help and appointment of Executive Magistrate for further action.

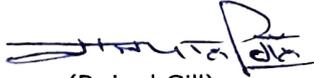
Progress of cleaning of pond near Bhadar Kali Mandir, Jagraon

The Municipal Council Jagraon has started the work for cleaning/restoration of pond. The progress of the work is slow due to the rainy season. Work related to cleaning of pond and remediation of legacy waste recovered from the pond will be completed within 06 months.

Submission of interim report of Joint Committee

The interim report of the Joint Committee is submitted to the Hon'ble National Green Tribunal with request to kindly grant 06 months' time

to Municipal Council Jagraon to complete the work of cleaning of pond and remediation of legacy waste.



(Rajpal Gill)
Assistant Environmental
Engineer, Punjab Pollution
Control Board



(Sukhdev Singh Randhawa)
Executive Officer, Municipal
Council, Jagraon



(Gurbir Singh Kohli)
Sub Divisional Magistrate,
Jagraon