



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No .H.27.606 /C-6/Gen-685/O.A. 433/2022/2023

Dated 21/01/2023

To,

The Registrar General,
Hon'ble, National Green Tribunal,
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi- 110001

Sub: Regarding submission of report joint committee in compliance of the order dated 05.09.2022 and 19.12.2022 in OA no. 433/2022, In the matter of Pateshwari Prashad Singh Vs. State of U.P.

Sir,

Kindly refer the subject mentioned above. In compliance of the order dated 05.09.2022 and 19.12.2022 in OA no. 433/2022, In the matter of Pateshwari Prashad Singh Vs. State of U.P., the report joint committee is enclosed herewith and marked as **Annexure No- 1** for your kind perusal and further necessary action.

For the requirement of its consent as per the environmental norms with regard to conveyance system/pipeline network carrying sewage to the STP, it is submitted that in section 25(1)(a) of The Water (Prevention and Control of Pollution) Act, 1974 stated that "*.....establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or.....*".

Copy of the concerned page of section 25(1)(a) of The Water (Prevention and Control of Pollution) Act, 1974 is enclosed herewith and marked as **Annexure No- 2**.

Sincerely Yours,

Enclosures: As above


(R.K. Singh)

Chief Environment Officer
(Circle-6)

Copy to: Following for information and further necessary action.

Shri Pradeep Misra Advocate, Supreme Court, B-235, Sector-XIX, Noida, District-GB Nagar, 201301.


Chief Environment Officer
(Circle-6)

REPORT OF THE JOINT COMMITTEE

**CONSTITUTED BY
HON'BLE NATIONAL GREEN TRIBUNAL
ORDER DATED 05.09.2022**

IN THE MATTER OF

Pateshwari Prasad Singh

VS

State of Uttar Pradesh

[O.A. No. 433/2022]

JANUARY 2023

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Report of Joint Committee constituted as per NGT Order dated 05.09.2022 in the matter of O.A. No. 433/2022

1.0 Background

1.1 Hon'ble NGT Matter of Original Application (O.A.) No. 433/2022

Hon'ble NGT in its order dated 05.09.2022 in the matter of [Pateshwari Prasad Singh Versus State of Uttar Pradesh in O.A. No. 433/2022](#) referenced the previous order dated 31.05.2022 vide which it directed that a Joint Committee of representatives of Regional Office of MoEF, Lucknow, State PCB, Ministry of Jal Sakti, Government of India as well as State of Uttar Pradesh and District Magistrate, Balrampur to meet within four weeks and undertake site visits, look into the grievances of the applicant and take requisite remedial action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance.

The factual and action taken report may include all relevant aspects in particular present status of the river Suav, boundary of Flood Plain Zone (FPZ), status of encroachments on the same and steps already taken or to be taken for removal of the encroachments.

In compliance thereof Mr. R.K. Singh, Chief Environment Officer, Uttar Pradesh, PCB has sent the report of the Joint Committee vide letter dated 30.08.2022 emailed on 01.09.2022.

In the report of the Joint Committee, Suav has been mentioned to be a drain whereas in 1905 Gazetteer of District Gonda the same is referred to as river and, therefore, the fundamental question which arises in the

present case is as to whether Suav is a river or a drain and the questions which arise further relate to the aspects of demarcation of Flood Plain Zone (FZP) in case Suav is a river and the nature and extent of encroachments on the same.

Hon'ble NGT found that the **Joint Committee has addressed the issues pertaining to STP and Community Centre only** and the issues pertaining to status of Suav as river or Nala, demarcation of Flood Plain Zone and encroachments on the same issues **have not been addressed properly by the Joint Committee**. In view of the above facts, we consider it to **appropriate to constitute another Committee** comprising of Chairman of Central Water Commission or his nominee not below the rank of Chief Engineer, representatives of State Remote Sensing Organization, State of Uttar Pradesh, Ministry of Jal Shakti, Uttar Pradesh and State PCB and District Magistrate, Balrampur to undertake field visits and verify factual position by assessing ground reality as well as relevant revenue and administrative record and submit its report specifically addressing the issues as to whether, Suav is a drain (Nala) or River, demarcation of flood plain zone in case Suav is a river and extent/magnitude of encroachments on left and right banks of Suav in urban municipal limits of city Balrampur..

Nominations from the all concerned institutes were completed and following are the members of the Joint Committee constituted in compliance to the Hon'ble NGT order dated 05.09.2022 in the matter of Pateshwari Prasad Singh Versus State of Uttar Pradesh in O.A. No. 433/2022;

1. Shri Anupam Prasad, Chief Engineer, UGBO, CWC
2. Shri Rakesh Kumar, Chief Engineer, Saryu-II, WRD, UP
3. Shri Arjun Singh, Scientist SD, RSAC, UP
4. Shri Rajendra Bahadur, SDM, Tehsil- Sadar, Balrampur

2.0. General description of the District/Area

Balrampur district is surrounded by Bahraich, Siddharthnagar, Gonda and, Basti districts of Uttar Pradesh. In its North lies the country of Nepal. The district has an geographical area of 3.37 lakh hectares out of which about 2.21 lakh hectare is under agriculture.

Rapti is the main river which flows through the district and is known for causing havoc during the monsoon season. The area just below the mountain slopes of Nepal is known as *Terai* and the river and rivulets emerging from the mountain slopes discharge heavily along with silt in the Terai area. During monsoon season with the waters gushing from the hills of Nepal from the north combined with river waters of river Rapti often floods the district. Due to flat terrain, problems associated with drainage of the flood waters from the submerged areas of the district is a major perennial problem.

Balrampur is a small city in expansion mode and with passage of time this expansion is likely to accelerate. At present the construction activities especially those related to construction of new residences/commercial establishment etc. are being undertaken encompassing new areas.

3.0 Field Visit of the Joint Committee

The Joint Committee made visit on 22.11.2022 at the under construction site of STP in Balrampur on the left bank of the so called Suav river/ drain and made a reconnaissance survey along it. The Committee also visited the origin/source of the river/drain.

Detailed discussion were held on various aspect of the Suav river/ drain, irrigation in the area, floods in the district of Balrampur etc. The representative from State Remote sensing Centre, Govt. of UP presented the historical as well as latest satellite images of the Suav river/ drain upto Chande Tal.

4.0. Important points which emerged from the discussion /Field visit

- i. The Gazetteer of Gonda, published in 1906 describes the topography, demography, Agriculture, Rivers in fair detail. The document mentions that there are a number small channels/drains joining River Rapti, which carry water only during wet season and resemble like river. But the only tributary of significance to the river Rapti is Burhi Rapti on its North(left) Bank and River Suawan (Suav) on its South (Right Bank). The Gazetteer says that the river Suav becomes a **river** of considerable proportion before its joining in river Rapti near Rasoolabad in Utaraula pargana .Relevant extract of the Gazetteer is enclosed at **Annexure-I.**
- ii. The Irrigation officials informed that the Suav river/drain in question in their records is named as Gopiyapur drain and is about 38 km in length from its origin from a Jhil/Tal near Gopiyapur village in Balrampur district upto *Chande Tal* (close to right bank of River Rapti). From *Chande Tal* two channels emerge , one with a length of few hundred meters takes a north course and drains directly into river Rapti and another channel (known locally as Suav) emerges from south of *Chande Tal* and takes south-east direction and after traversing a distance of about 82 km merges with river Rapti near Rasoolabad in Uttraula Tehsil close to border of District Siddharthnagar and merges with Rapti . During monsoon season when the Rapti is in spate and rainfall occurs in the area causing the Chande Tal to swell, all of the water is carried by this Channel (River/Drain Suav). The Suav below Chande Tal passes through many Jhils/Tals and at many places the banks are not well defined and during dry season it merges with the adjoining agriculture fields.

- iii. It was surprisingly gathered during the course of discussion that at many places where the channel of the river is not defined, the bed of the Suav is used for agriculture purpose and is also owned by farmers, who have such land in their own name as per land records. During monsoon season the water flows from these fields giving Suav a natural course. It was also informed that during Rabi season the Chande Tal also becomes agriculture field.
- iv. The whole river from its origin up its confluence with Rapti (about 120 Km with drainage of about 235 square kilometres) drains a large tract of land during monsoon and also acts as irrigation drain for the water which flows out from the adjacent agricultural fields. It was further informed that the Suav river/drain is maintained by Irrigation Department from time to time (latest resectioning was done in 2020-21). As per the information provided by Irrigation officials, the design discharge estimated as 568 cusec for Gopiyapur drain and at Tail end of Suav river/drain is 1059 cusec. More details of the river Suav and Gopiyapur Drain is enclosed at **Annexure-II(a)** and **II(b) respectively**.
- v. The officials presented an index map of drainage system in the district of Balrampur and adjoining districts, which is enclosed at **Annexure-III**. It can be seen from the map that the Basti Branch of the irrigation canal irrigates the total area (**Pink colour**) lying between river Rapti and River Kwano in the district of Balrampur through a network of Distributaries and Minors. The Basti branch canal is a ridge canal and the drainage of the major geographical area lying between north of the Basti Branch Canal and river Rapti is taken care by the Suav river, which includes the Balrampur town also.
- vi. The officer from State Remote Sensing Centre, UP presented the satellite imagery of the Gopiyapur drain part of Suav river for the

year 1985, 1995, 2004, 2015, 2020 and 2022 (**Annexure-IV**). In all the imageries the banks of the Suav is clearly defined with an extremely meandering nature (specific to rivers flowing in very flat area). In October 2022 imagery, when there were heavy discharge in the rivers, the *Chande Tal* swelled and the north channel draining into river Rapti became undefined.

- vii. The map showing river Suav from *Chande Tal* to its confluence with river Rapti near Rasoolabad close to Siddharthnagar district border is placed at **Annexure-V**.
- viii. The Committee visited the location where STP is being constructed along the left bank of the Suav river (**Figure 1**). It was observed that the retaining wall is being constructed on the left high bank of the river/drain. The left bank is higher in elevation than the right bank. A heap of litter was found dumped on opposite side (Right Bank) of under construction STP. At the time of visit a flow of the order of 2-3 cumec was observed in the river/drain near under construction STP.

Figure 1. showing STP, Suav river/drain, Balrampur town



- ix. The Committee also visited the location where the river/drain Suav originates. It's a low lying area(Tal/jhil) on NH 730 at Lat - 24.48071⁰ and long.-82.10637⁰ in the district of Balrampur **(Figure 2)**.

Figure 2. Origin of Suav river/drain on NH 730



- x. There is no regular Stage-discharge or water quality monitoring stations on the Suav nor any long term historical data is available.

5.0 Recommendations of the Committee

- i. The Suav has its origin from a Tal/Jhil in the district of Balrampur. Eventually rainfall runoff/Agriculture runoff water from the adjacent fields join it to make it a free flowing natural stream. The Suav carries fresh water and has natural bed with very shallow depth in many places. The Suav especially below Chande Tal is interconnected by many low lying area (Jhil/Tals) and has shallow and undefined banks in many stretches. Agriculture especially during

Rabi season is being carried out on the bed of Suav river below Chande Tal and within Chande Tal. The Suav has well defined banks during the last 45-50 km of its stretch. Suav was having decent flow (continuous) in the visited stretch near STP and was informed that the flow diminishes during the peak summer months and it becomes dry, however stagnant water can be seen in different patches all along the channel even during summer season. The Balrampur town sewage and discharge from the Sugar mills also outfalls in the Suav. At present there is no sewage network in the Balrampur town and the STP under construction will take care of part of the sewage generated from the town.

The Suav, as per Irrigation Department records has been mentioned as a drain (Gopiyapur) till its outfall in Chande Tal. The concept of irrigation drain came after advent of irrigation system in the area. The Gazetteer of Gonda mentions the Suav as a river of significance before its confluence with Rapti.

The basic natural purpose of a river or Nalas or rivulets is to drain out the water falling in its catchment area to a river/Nala/Rivulet of higher order or Sea/Large Lake. Nevertheless, Suav has a natural origin, availability of freshwater due to rains over its catchment and natural curvature of its entire course. However the depth of Suav is very shallow especially in first 60-70 kilometers of its reach and undefined banks at many stretches, which is due to extremely flat topography. Further it directly joins river Rapti, having a length of about 120 km.

It can be concluded the Suav may be considered as river but at the same time its importance as an important Irrigation drain cannot be overlooked keeping in view the large tract of Irrigated area it drains out and its proper section and slope has to be maintained. As on date the most important purpose

of the Suav is to drain out waters from its catchment (including Balrampur City) as quickly as possible to prevent waterlogging in the city and agriculture fields.

- ii. Entire Balrampur district has a flat topography, with a very gentle slope. During the monsoon season the area is susceptible to floods from heavy rains and rising water levels of River Rapti. Even after the rainfall ceases and River water level of Rapti starts receding, a large tract of areas remain water logged due to extremely flat terrain and slow drainage of flood waters in to river Rapti through its tributaries. The Balrampur town is expanding with new residential colonies cropping up along the periphery of the city. Commercial/industrial activities may also rise in near future leading to further influx of population in the city. The Suav river which drains the areas around the Balrampur city is likely to come under stress through encroachment/discharge of solid waste and untreated sewage, which may lead to hindrance in free flow causing drainage congestion thereby increasing the severity of the floods. **The construction activities should be properly planned so as not to interfere with the natural drainage. There should plan for proper storm water drainage network discharging into Suav and sewage network for transporting the domestic sewage to STP in new upcoming as well as old areas of the city. Solid waste management should also be taken up simultaneously.**
- iii. In a very flat terrain rivers tend to meander and over time the meander part gets cutoff and form a water body of shallow depth close to the river and acts as Jhils/Tals and are generally marshy in nature. Many such small water bodies (jhils/tals) can be seen just besides/along the course of the river. These water bodies can be very easy prey to the encroachment. With the construction activities pacing up these water bodies /low lying areas may come under

encroachment(Fig 3). There is urgent need to regulate the construction activity and encroachment in a sustainable way.

Figure 3- River Suav(Red line) and water body (Yellow outline)

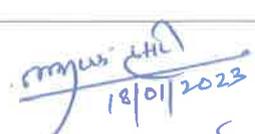
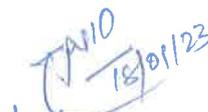


Figure 4- Solid waste



- iv. In the previous paras, it has been described about the flood issues in Balrampur city, which is primarily due to spilling of River Rapti and its backwater effect leading to congestion. The Suav river as such is not responsible for the floods. However, its importance lies in draining out the flood waters from the low lying areas. It is brought out that the Suav river is ungauged i.e there is no long term high frequency observed data of the river pertaining to discharge, water level and back waters data of river Rapti. Hence most of the data has to be generated using various empirical/Statistical methodologies based on which the flood plane zoning studies **(to be more precise no construction zone)** has to be carried out. A scientific study needs to be undertaken using the expertise of well established institutions like one of the IIT. Based on the results of these studies it then may be possible to assess the extent of encroachment made within the municipal limits of Balrampur city and demarcate no construction zone. **The Committee accordingly recommends to nominate expert(s) in the Committee to carry out such study to demarcate no construction along the river Suav within the Municipal Limits of Balrampur town and beyond.**
- v. The Irrigation Department is also carrying out re-sectioning, dredging in river Suav to allow it to allow quick drainage of water from its catchment area including Balrampur city during monsoon period/floods. **It is recommended that regular annual maintainence of the river Suav should be carried out regularly so as to maintain the river regime.**

- vi. It is also recommended to carryout 10-daily Water Quality monitoring of the Suav river by SPCB, UP at various locations especially where sewage/industrial water is being discharged in the river.

Sl. No.	Name of the Officials	Designation	Signature
1.	Shri. Anupam Prasad	Chief Engineer, CWC, Lucknow	 18/01/2023
2.	Shri. Rakesh Kumar	Chief Engineer, Irrigation & WR Deptt, Govt. of UP, Gonda	 18/01/23
3.	Shri Ashutosh Chauhan	Regional Officer, UPPCB, Basti	 18/01/23
4.	Shri. Rajendra Bahadur	SDM, Tehsil Sadar Balrampur	 18/1/23
5.	Shri. Arjun Singh	Scientist SD, Remote Sensing Application Centre, Govt. of UP, Lucknow	 18/1/2023

Suwawan. To the south of the Rapti is the Suwawan, flowing along the extreme southern edge of the *tarai*. It rises near the western border and passes close to the town of Balrampur, thence flowing through the north of the Utraula pargana and eventually joining the Rapti at Rasulabad on the Basti border. The Suwawan is a sluggish stream with an exceedingly tortuous course. In places its bed is ill-defined, and for a short distance to the east of Balrampur its course resembles rather a succession of jhils than a river. Further east the channel is deeper and more clearly marked, and before it joins the Rapti it has become a river of considerable proportions.

Kuwana. The other rivers and streams of the district belong to the Ghagra system and flow through the *uparhar* and *tarhar*. The northernmost is the Kuwana, which rises in Bahraich and after a course of some ten miles enters this district at the extreme north-western corner of pargana Gonda. It thence flows along the northern borders of the pargana as far as the boundary

General Features.

7

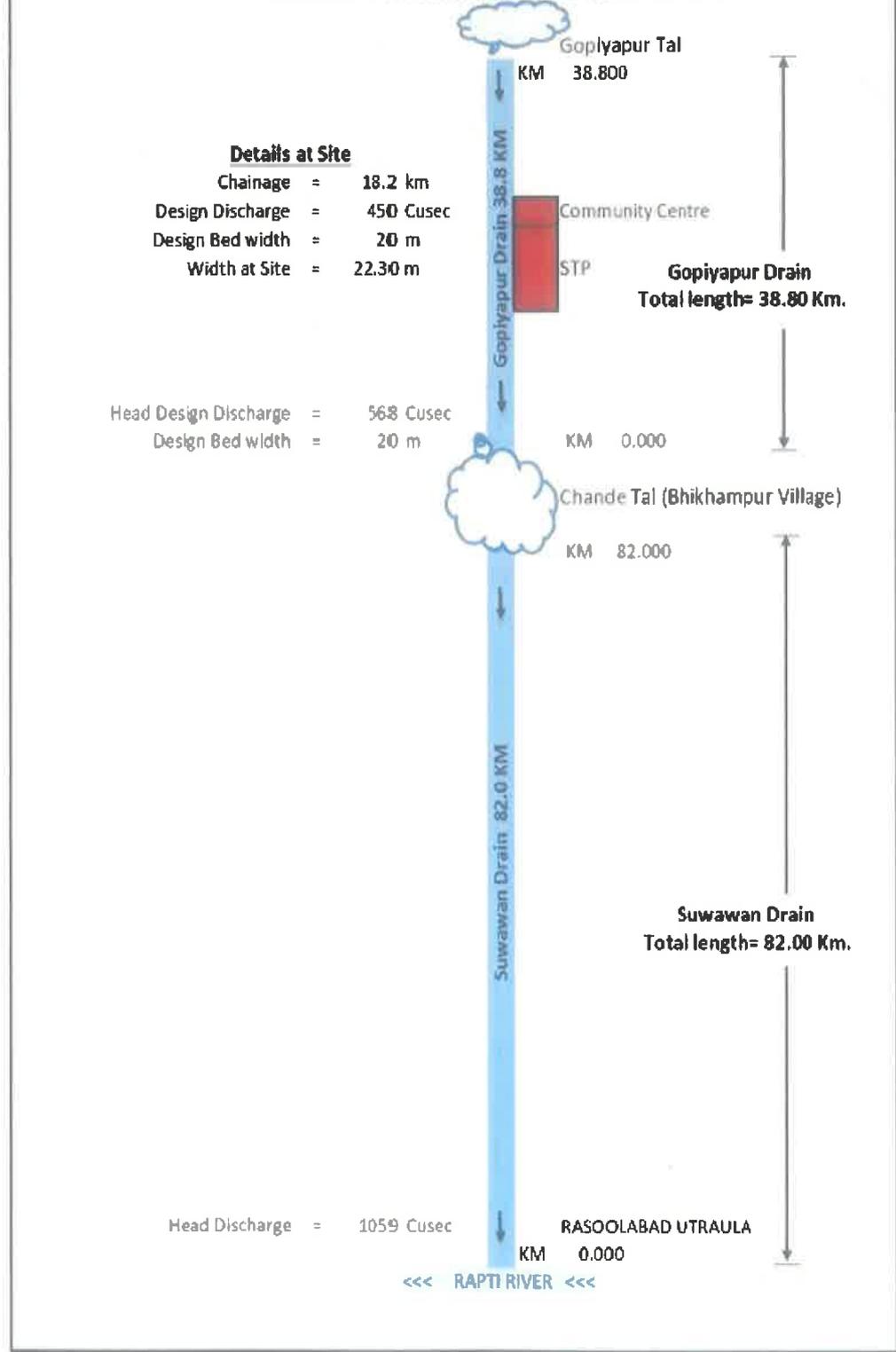
of the Utraula tahsil, and then separates Sadullahnagar from pargana Utraula, afterwards forming the dividing line between Burhapara and the Basti district. The river is fed by a few

Annexure-II(a)**Gopiyapur Drain Details**

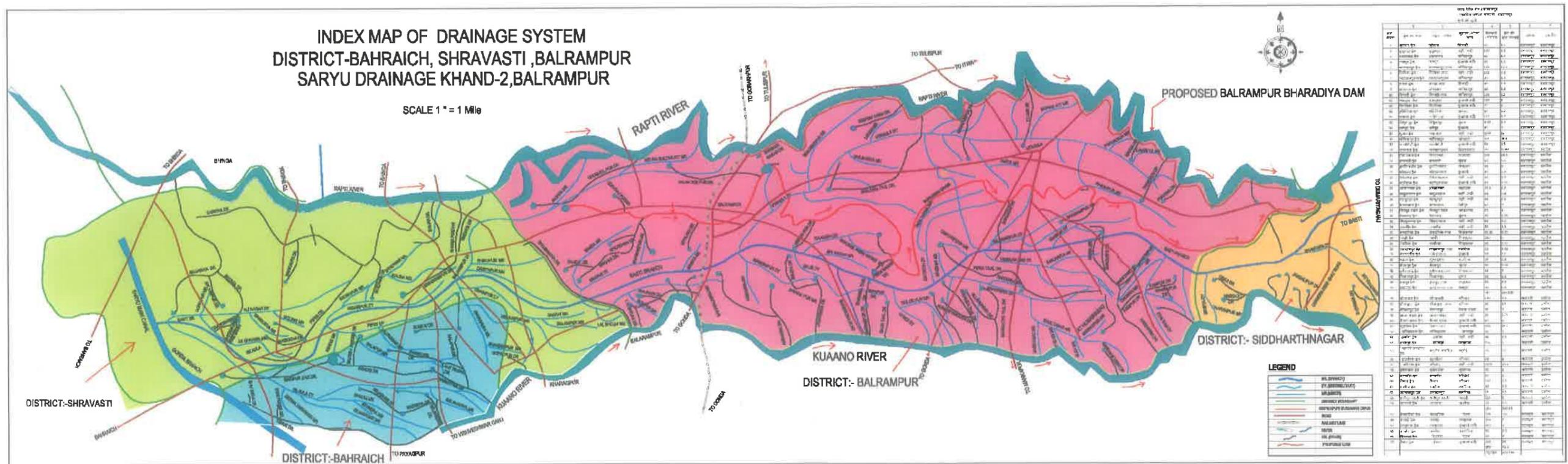
S.No	Description	Qty	Unit
1	Length of Gopiyapur drain	38.800	KM
2	Design Discharge	568	Cusec
3	Bed Width At STP	20	M
4	Catchment Area	85.29	KM2
5	Chainage of STP	18.200	KM
6	HFL (2022-23)	107.52	M
7	Bed Width		
	KM 0.00 To KM 30.00	20	M
	KM 30.00 To KM 33.00	12	M
	KM 33.00 To KM 34.00	9	M
	KM 34.00 To KM 36.00	8	M
	KM 36.00 To KM 38.80	4.5	M
8	Maximum Water level		
	2018-19	106.36	M
	2019-20	106.44	M
	2020-21	106.26	M
	2021-22	106.55	M
	2023-23	107.52	M

(Annexure- 2b)

T-DIAGRAM OF SUWAWAN/GOPIYAPUR TRUNK DRAIN

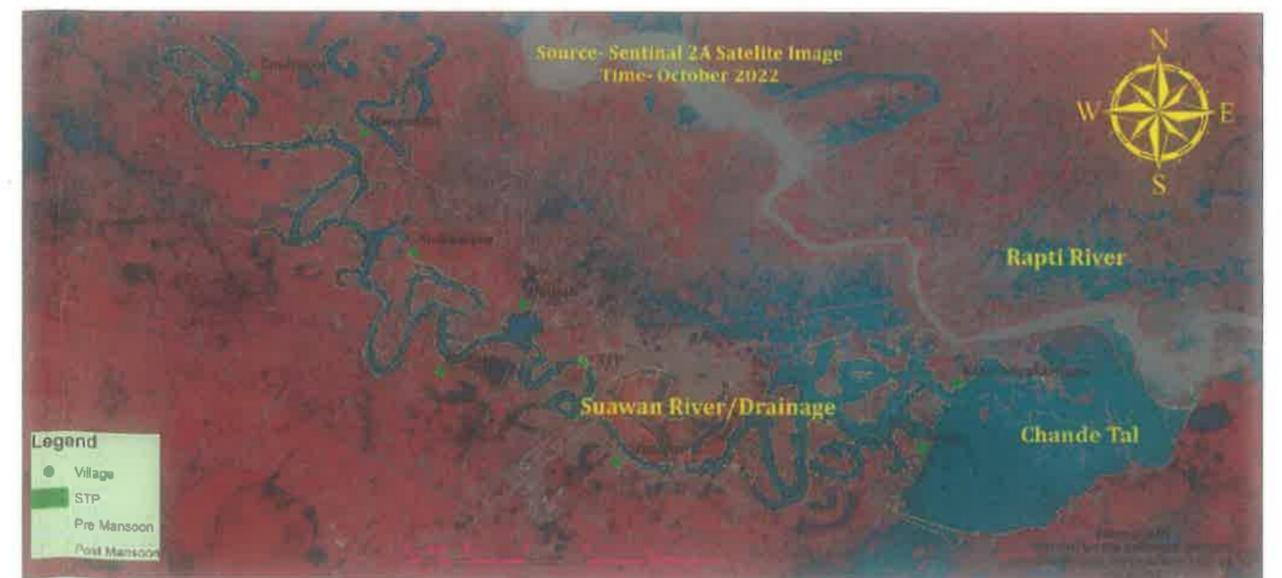
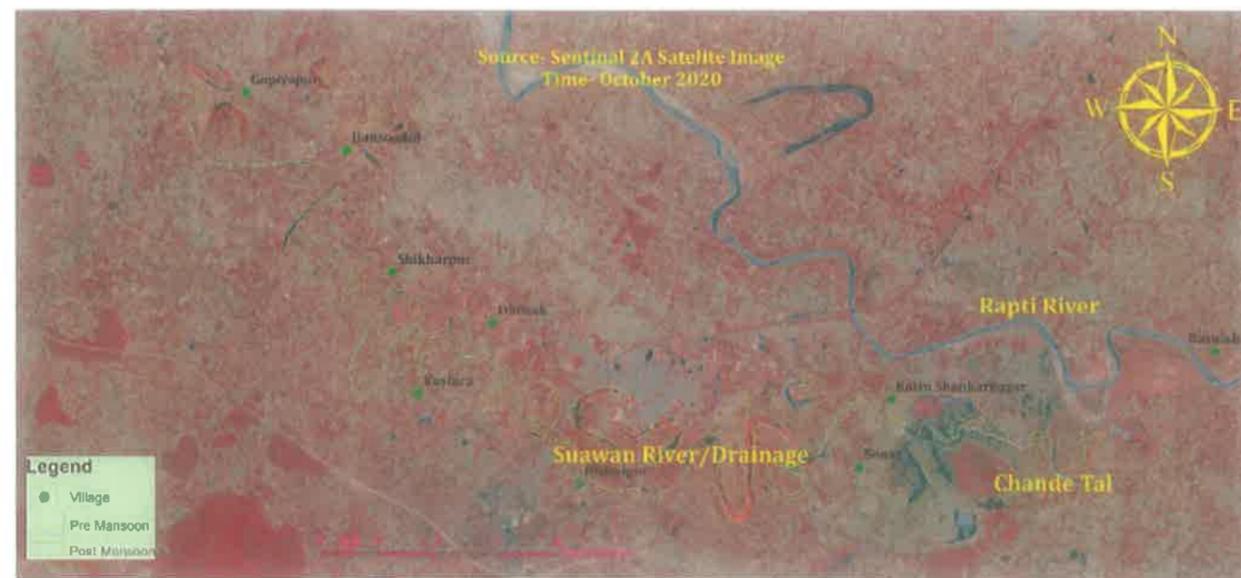
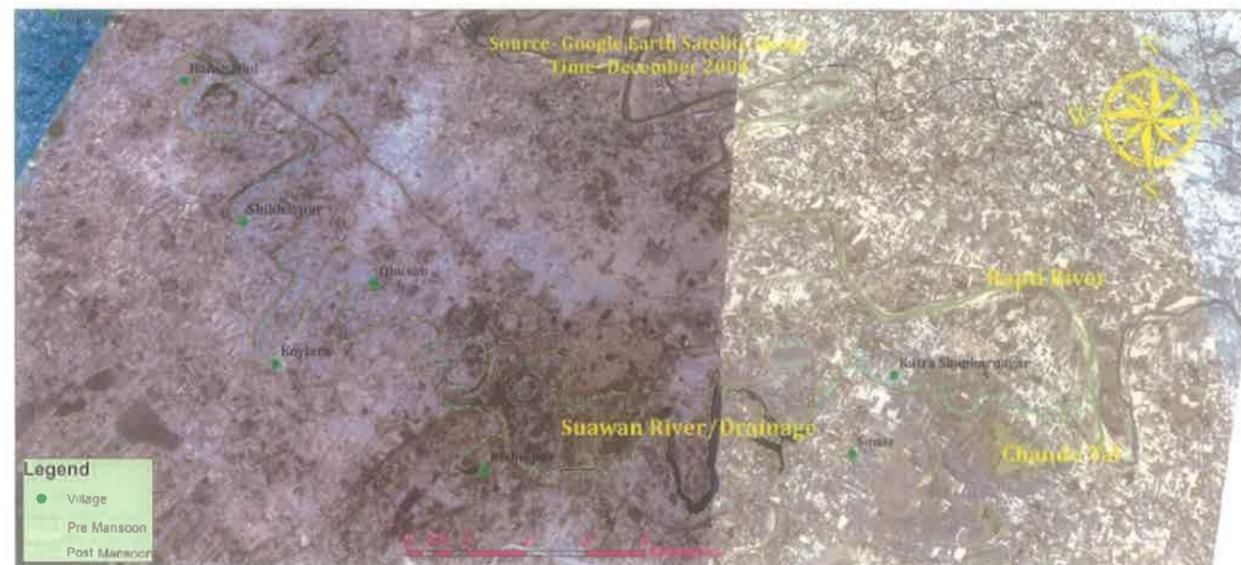


1. Index Map of Drainage system of Balrampur and adjoining district.
2. The drainage system in Balrampur district in between Kwano River and Rapti is shown in Pink colour District (shown in Pink colour).
3. River Suav is shown in Red colour.

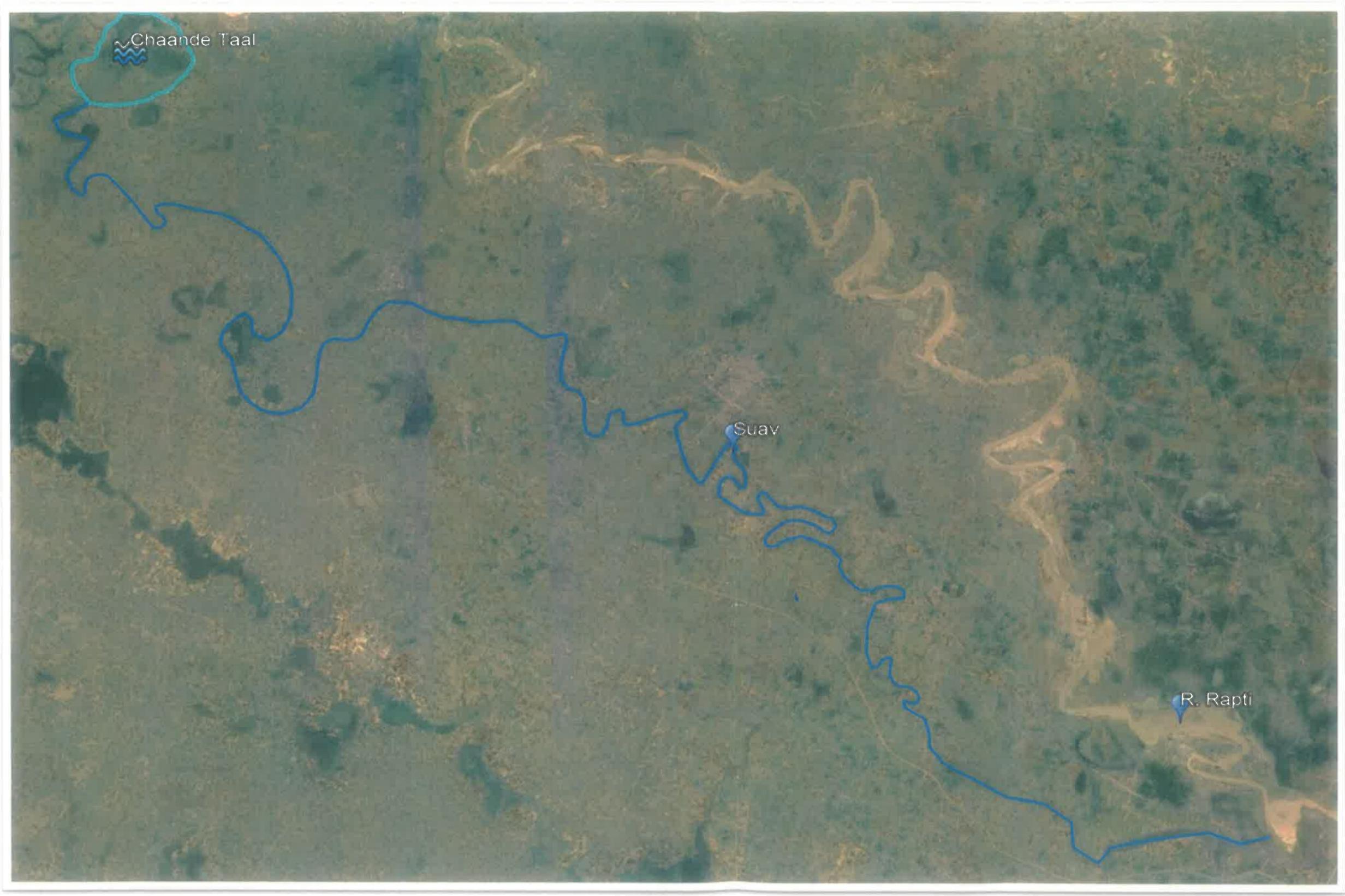


Annexure-IV

FLOOD PLAIN AREA OF SUAWAN RIVER/DRAINAGE IN DIFFERENT YEARS (FROM 1985-2022), DISTRICT BALRAMPUR, UTTAR PRADESH



River Suav below Chaande Taal upto confluence with Rapti



(3) The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

25. Restrictions on new outlets and new discharges.—¹[(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,—

- (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or
- (b) bring into use any new or altered outlet for the discharge of sewage; or
- (c) begin to make any new discharge of sewage:

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or if he has made an application for such consent, within the said period of three months, till the disposal of such application.

(2) An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed.]

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry shall follow such procedure as may be prescribed.

¹[(4) The State Board may—

- (a) grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being—
 - (i) in cases referred to in clauses (a) and (b) of sub-section (1) of Section 25, conditions as to the point of discharge of sewage or as to the use of that outlet or any other outlet for discharge of sewage;
 - (ii) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the discharge or new discharge is to be made; and
 - (iii) that the consent will be valid only for such period as may be specified in the order,

1. Substituted by Act No. 53 of 1988.