

Factual and Action taken Report

of the

Joint Committee Constituted by

Hon'ble NGT

In

Original Application

No. 51/2024(CZ)

(O.A.No.13/2024 - PB);

Rameshwar Dayal V/s State of

Rajasthan and others

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Report of the Joint Committee in compliance of direction of Hon'ble NGT (National Green Tribunal) (CZ), Bhopal; in the matter of Original Application No. 51/2024(CZ) (O.A.No.13/2024 - PB) vide order dated 01-04-2024; Rameshwar Dayal V/s State of Rajasthan and others.

Sh. Rameshwar Dayal resident of village Khinnot, Tehsil Sarmathura, District Dholpur (Rajasthan) had filed a letter petition dt. 01-08-2023 as Original Application, with grievance about the sewage and drainage system of the sarmathura town (Tehsil Sarmathura, District Dholpur).

The specific issues/objections raised by applicant/complainant: -

- i. That no “ puliya ” and “ nala ” has been constructed along with the roads and sewage and drainage water comes on road causing health hazard to common people in violation of the basic rights.
- ii. It is alleged that in spite of the fact that the complainant had approached the concerned authorities. No action has been taken.
- iii. The petition raises substantial issue relating to compliance of provisions of schedule enactment.

1) Considering the issues raised by the applicant, Hon'ble NGT passed following order on 1st April 2024:

In view of the issues/objections made in the application, *NGT form a Committee consisting of:-*

- i. *District Magistrate Dholpur, Rajasthan.*
- ii. *One representative from Rajasthan Pollution Control Board*

2) Further, the committee was directed :

“ to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.”

3) Accordingly, following officer were appointing from concerned departments for the joint visit-

- i. Sh. Radhey Shyam Meena, Sub Divisional Officer, Sarmathura, Tehsil Sarmathura, District- Dholpur (Rajasthan) (as representative of District Magistrate Dholpur, Rajasthan).
- ii. Sh. Umesh Kumar, Regional Officer, Rajasthan State Pollution Control Board (RSPCB), Regional Office, Bharatpur Rajasthan. **(Copy of nomination letters are enclosed as Annexure -R-1)**

- 4) Looking in to the issue, a meeting cum discussion was convened in the premises of SDO Office, Sarmathura, with the committee members, representatives of Department of PWD and ULB/Nagar Palika and complainant. However, complainant not participated in the meeting despite information has been conveyed to him through letter dt. 12-04-2024. **(List of participants in meeting dt. 16-04-2024 is attached as Annexure – R-2).**
- 5) After deliberations, it was decided *then and there* by the committee to inspect the entire area to assess the status of aforesaid matter. Subsequently, the concerned area was visited by the joint committee along with representatives of Department of PWD and ULB/Nagar Palika Sarmathura. This report is being filed by the aforementioned Committee after conducting the field visit on 16-04-2024.

6) Background

The area under question is a town area known as sarmathura town, tehsil sarmathura, district Dholpur Rajasthan. Total population of this town is 21110 (as per census of 2011), total ward are 25 nos. and total no. of households are about 5000. For management of the local's system ULB/Nagar Palika Sarmathura was constituted by Government of Rajasthan by promoting from gram panchayat on 23-03-2021 and same is working since 2021.

The area under allegation for sewage and drainage problem is related to domestic waste water management associated with the road, nala & puliya construction and its repair & maintenance, and problems occurred due to their improper management in sarmathura town.

7). Factual Observations-

- During the visit of joint committee on 16-04-2024, concerned area of town sarmathura were visited to ascertain the status of sewage, drainage and status of nala & puliya in town.
- During the visit of committee, it is observed that Sarmathura town is situated over rocky/hilly terrain. Height differences in sarmathura town are about 30 ft.
- Entire area of the town Sarmathura comes under the jurisdiction of the urban local body i.e. Nagar Palika, Sarmathura.
- Total area of the Sarmathura town is 16.9 sq. km and total length of roads is around 56 km.

- Roads within Sarmathura town are comes under the jurisdiction of Nagar Palika and PWD Sarmathura, in which about 56 km road length is of Nagar Palika and about 3.5 km road length is of PWD Department.
- Nagar Palika Sarmathura jurisdiction is having all roads of sarmathura town (all internal roads, all roads which connected to main road of Sarmathura).
- PWD Sarmathura jurisdiction is having all main roads of the Sarmathura town.
- Therefore, in alleged area/concerned area, Puliya & nala, road repair and construction management comes under Nagar Palika and PWD department Sarmathura as per their jurisdiction.
- Following locations/sites were visited by committee as under-
 - 1st site/location is Motiyapura Road, Sarmathura.
 - 2nd location/site is Bus stand Bari, Sarmathura.
 - 3rd location Bus Stand Karauli, Sarmathura.
 - 4th location Purana Bus stand, Sarmathura.
 - 5th location, Gandhi Ghat ke paas (dargah ka taal), Sarmathura.
 - 6th location, Maharaj Ka Taal, Sarmathura, etc.,
- Nagar Palika, Sarmathura: - All internal roads and connected roads were found completed along with nali/nala. These nalis/nalas used for drainage of the domestic waste water which generated from the domestic activities of the residents of the Sarmathura town, however some sites of the town were found where repair & maintenance work and remaining work is required to be completed. During visit of joint committee, Executive Officer Nagar Palika Sarmathura Town informed that about 3 Km road length work is required to be completed.
- PWD Sarmathura: - Main roads of the town Sarmathura were found completed, however PWD department is required to complete repair work and construction work of nala along with road to avoid the water flow over road at location no. 1, 2, 3.
- During visit of above locations, water accumulation over road, water accumulation in nearby low-lying areas and water flow across road were found due to –
 - Incomplete repair work of road and nala,
 - No construction of nali/nala along main road of town,
 - No proper cleaning of existing nala,
 - Blockage of nali/nala in downstream,
 - Incomplete nali/nala in downstream,.

- In view of above -
 - i. No proper drainage/sewerage system was observed for domestic waste water/sewage of entire town sarmathura.
 - ii. At many places, sewage accumulated in nalas, over road and in low-lying areas due to improper cleaning of the nalas, incomplete work of road & nala, no construction of nala and blockage of nala in downstream . Due to which flow of sewage was found obstructed and accumulated.
 - iii. Due to improper management of domestic waste water, sewage was found accumulated in low lying areas as nearby land of motiyapura road, nearby railway land of bus stand bari, Sarmathura, dargah ka taal and maharaj ka taal, etc.,
 - iv. Due to improper management of domestic waste water, health hazard to nearby local peoples cannot be denied.
 - v. No management/arrangement regarding handling of the sewage of the town sarmathura has been adopted by the ULB/Nagar palika Sarmathura so far.

8). Details of action taken-

As per direction of committee, letters have been written by RSPCB Bharatpur to PWD dept. Sarmathura, Nagar Palika Sarmathura and SDM, Sarmathura on 16-04-2024 for providing data of action taken in this area in context of above matter. **(Letter is attached at annexure- R-4)**

- It was informed by ULB, Sarmathura that they have proposed FSTP which is pending at their Directorate Office, Jaipur and they have only 3 sweepers against the 100 sanctioned posts of sweepers. Information provided by ULB vide their letter dt. 18-04-2024, received to RSPCB on 29-04-2024 **(ULB, Sarmathura letter is enclosed at annexure-R-5).**
- It was informed by PWD Department that they have forwarded estimation of Rs. 540 lacs to higher officials for construction of nala along with cross drainage. Earlier proposed work has not been completed due to financial approval. Information provided by PWD Department vide their letter dt. 26-04-2024, received to RSPCB on 29-04-2024 **(PWD Department letter is enclosed at annexure-R-6).**

9. Conclusion and Recommendations-

The concerned departments as Nagar Palika/ULB Sarmathura and PWD Department Sarmathura should take proactive steps to provide proper management of sewage of Sarmathura town. Therefore, looking at the seriousness of the issue the joint committee has suggested the following:

1. The Nagar Palika Sarmathura shall complete all remaining work of repair and maintenance of nalis/nalas, completion of remaining nalis/nalas, cleaning of existing nala for proper flow and clear passage of water in downstream.
2. The PWD Department, Sarmathura shall complete all remaining work of repair and maintenance of road and construction of nala along with the main road under jurisdiction of PWD department for proper flow and clear passage of water in downstream.
3. The Nagar Palika Sarmathura is responsible for proper management of sewage of Sarmathura town which generated from the domestic activities of the residents of the Sarmathura town. The Nagar Palika Sarmathura shall take steps for installation of Sewage Treatment Plant (STP) of adequate capacity for treatment of waste water generated from the entire town Sarmathura along with disposal of treated water.
4. In the proposal of STP, diversion of city sewage from low lying areas by installation of pumping stations towards STP to cover entire sewage (as sarmathura town is situated on hilly terrain). ULB shall connect and assess all areas of town where sewage is generated.
5. The Nagar Palika and PWD department shall complete the above work and district administration shall look after in the matter of finance approval for above work.
6. The Nagar Palika and PWD department shall complete the above work under the direction cum supervision of the District Administration and there should be a time line for completion of work.



(Umesh Kumar)
Regional Officer
RSPCB, Bharatpur



(Radhey Shyam Meena)
SDO/SDM, Sarmathura
(as representative of the District Magistrate,
Dholpur)

Photographs with GPS location are enclosed

1. 1st site/location is Motiyapura Road, Sarmathura.



2. 2nd location/site is Bus stand Bari, Sarmathura.





3. 3rd location Bus Stand Karauli, Sarmathura-

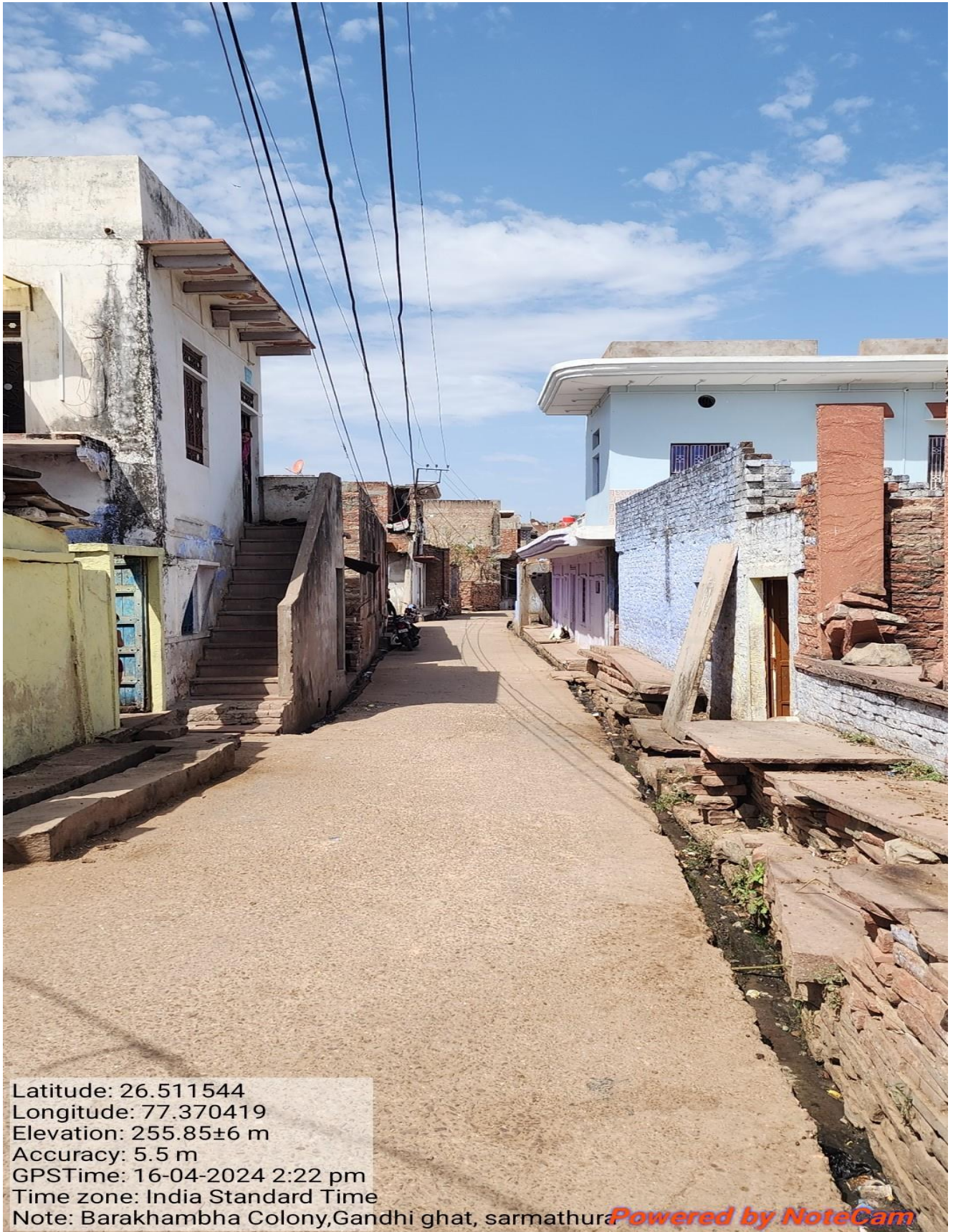


4. 4th location Purana Bus stand, Sarmathura.





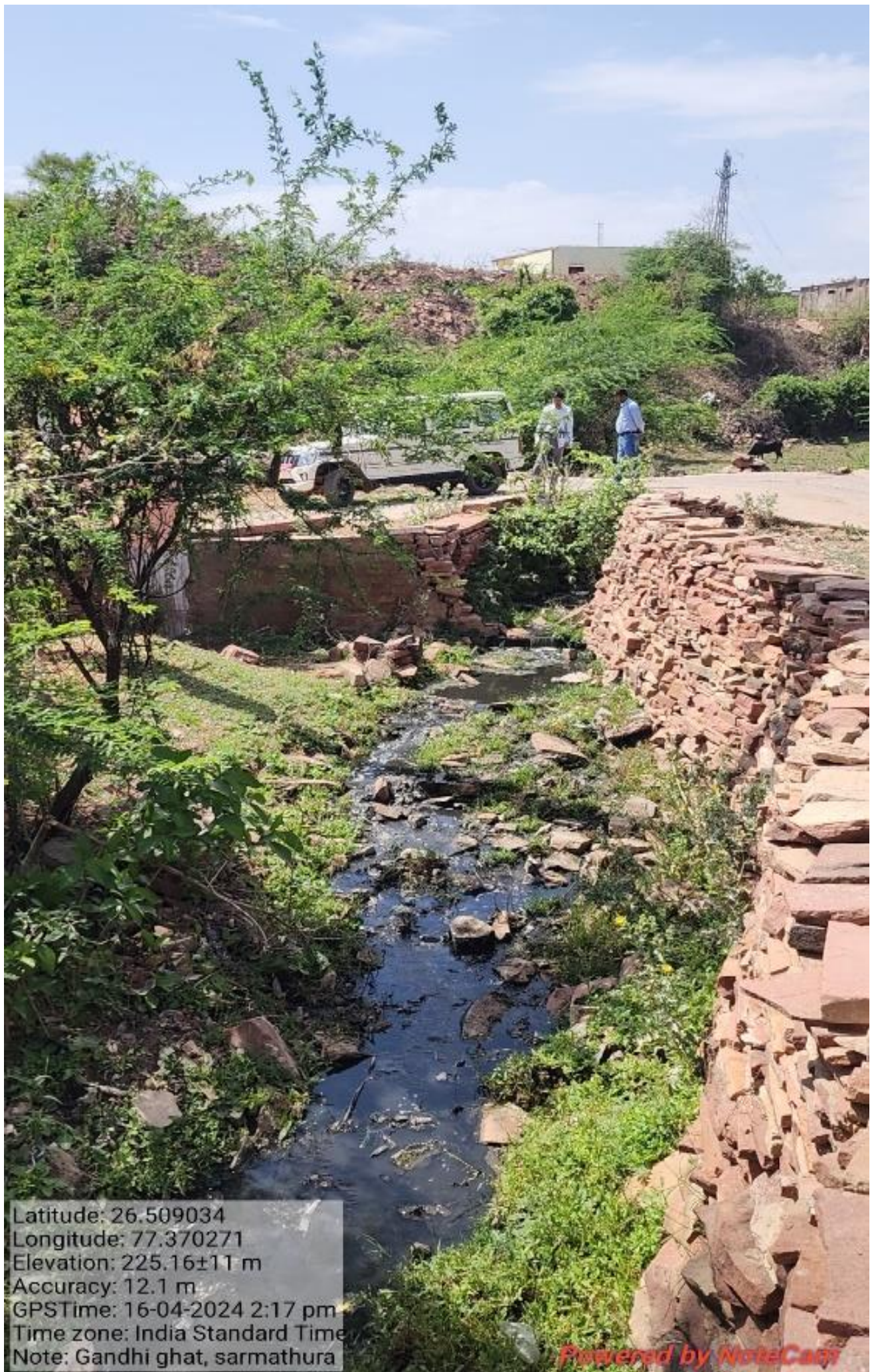
5. 5th location, Gandhi Ghat ke paas (dargah ka taal), Sarmathura.











Latitude: 26.509034
Longitude: 77.370271
Elevation: 225.16±11 m
Accuracy: 12.1 m
GPSTime: 16-04-2024 2:17 pm
Time zone: India Standard Time
Note: Gandhi ghat, sarmathura

Powered by NoteCam



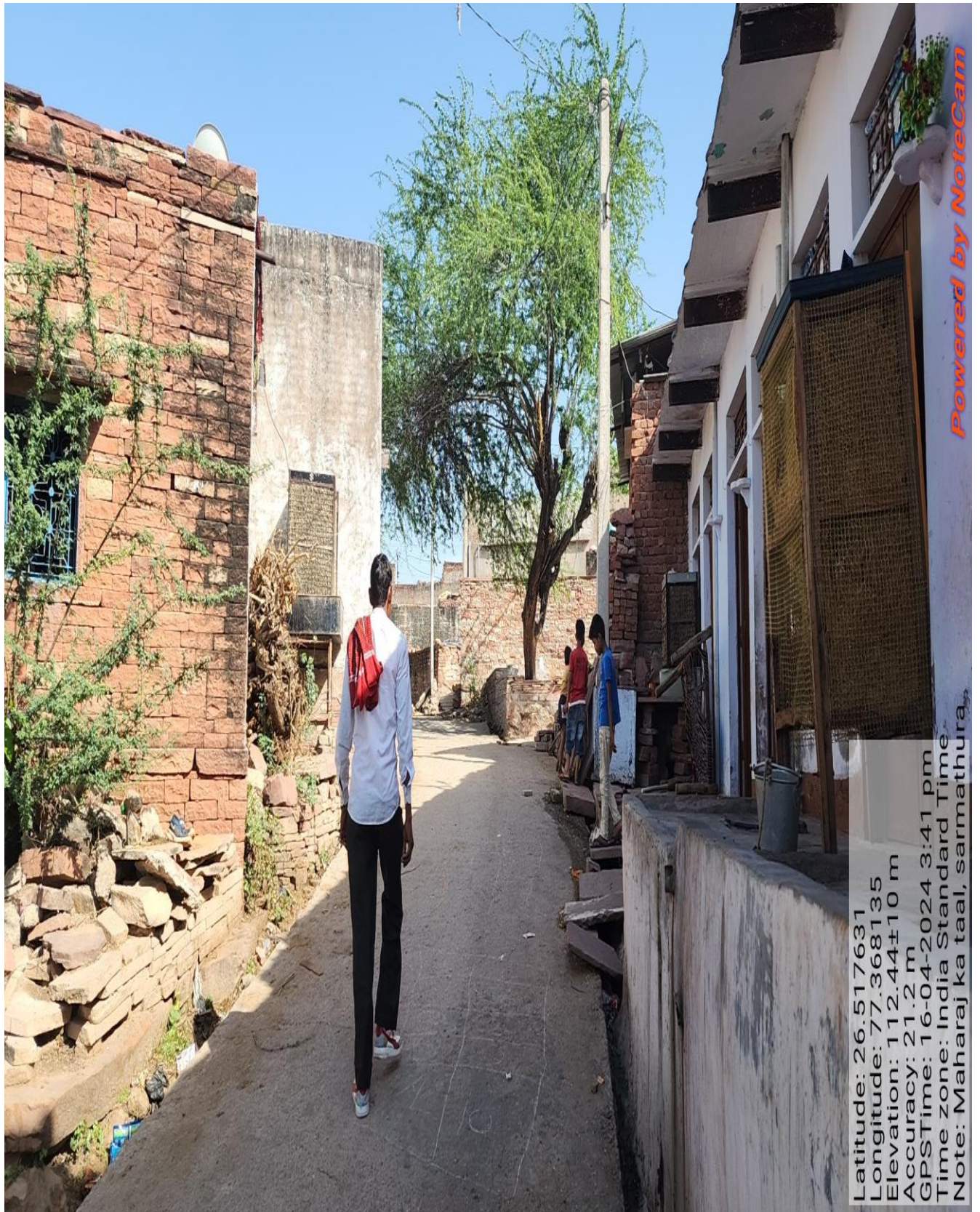
Latitude: 26.509041
Longitude: 77.370282
Elevation: 242.15±8 m
Accuracy: 7.4 m
GPSTime: 16-04-2024 2:17 pm
Time zone: India Standard Time
Note: Gandhi ghat, sarmathura

Powered by NoteCam



6. 6th location, Maharaj Ka Taal, Sarmathura, etc.,





7. Bas Stand Karauli, Sarmathura :







Latitude: 26.516909
Longitude: 77.37175
Elevation: 280.4±4 m
Accuracy: 5.8 m
GPSTime: 16-04-2024 3:13 pm
Time zone: India Standard Time
Note: karauli bus stand , sarmathura

Powered by NoteCam



8. Visit by Members of Joint Committee



कार्यालय जिला कलक्टर एवं जिला मजिस्ट्रेट, धौलपुर (राजस्थान)

क्रमांक:-16(12)/एन0जी0टी0/विधि/2024/420-21

दिनांक:-08/04/2024

आदेश

माननीय एन0जी0टी0 सेट्रल जोन ब्रांच भोपाल के समक्ष लंबित मूल प्रार्थना पत्र 51/24 (सीजेड) उनवानी रामेश्वर दयाल बनाम राजस्थान राज्य व अन्य में माननीय अधिकरण द्वारा पारित आदेश दिनांक 01.04.2024 के द्वारा संयुक्त कमेटी का गठन कर राज्य प्रदूषण नियंत्रण बोर्ड को नोडल ऐजेंसी नियुक्त किया है। माननीय अधिकरण के आदेश की पालना में जिला मजिस्ट्रेट धौलपुर की ओर से उपखण्ड मजिस्ट्रेट सरमथुरा को प्रतिनिधि के रूप में नामित कर निर्देशित किया जाता है कि वह माननीय एन0जी0टी0 के आदेश दिनांक 01.04.2024 में निर्धारित समय अवधि में उक्त कमेटी से समन्वय कर चाही गई रिपोर्ट तैयार कराते हुए कार्यवाही करावें एवं प्रगति से इस कार्यालय को अवगत करावें।

(श्रीनिधि बी.टी.)

जिला कलक्टर एवं मजिस्ट्रेट
धौलपुर

क्रमांक:-16(12)/एन0जी0टी0/विधि/2024/420-21

दिनांक:-08/04/2024

प्रतिलिपि:निम्न को सूचनार्थ एवं आवश्यक कार्यवही हेतु प्रेषित है:-

1. उपखण्ड मजिस्ट्रेट सरमथुरा
2. क्षेत्रीय अधिकारी राजस्थान प्रदूषण नियंत्रण बोर्ड भरतपुर को उनके पत्रांक: 07 दिनांक: 03.04.2024 के क्रम में।
3. आदेश/रक्षित पत्रावली

जिला कलक्टर एवं मजिस्ट्रेट
धौलपुर

Signature valid

RajKai Ref
6322857

Digitally signed by Sheenidhi B T
Designation: Collector & District
Magistrate
Date: 2024.04.08 18:04:00 IST
Reason: Approved



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141- 2716804, 2716800 e-mail : member-secretary@rpcb.nic.in

Helpline No. : 0141-2716877

No. F.10 (569) RPCB/Legal/NGT/2024 / 54-55 Date: 09/04/2024

Regional officer,
Rajasthan State Pollution Control Board,
Bharatpur

Sub: - Hon'ble National Green Tribunal, Bhopal order dated 01.04.2024 in Original Application No. 51/2024 (CZ), Rameshwar Dayal Vs State of Rajasthan & Ors.

Sir,

With reference to above subject, it is to inform that the Hon'ble NGT has passed an order dated 01.04.2024 and directed inter-alia as follow:-

1. Respondent no. 4 has filed the reply. Rest of the respondents have not filed the reply. Rest of the respondents are directed to submit their reply within three weeks. In the meantime, we call a report from the committee consisting: -
 - i. District Magistrate Dhaulpur, Rajasthan
 - ii. One representative from Rajasthan State Pollution Control Board.
2. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

You are hereby nominated as member of the committee as well as Nodal officer on behalf of RSPCB with the direction to ensure compliance of Hon'ble NGT order dated 01.04.2024. The Hon'ble NGT order dated 01.04.2024 is being enclosed for ready reference.

Enclosed-As above

(Vijai N.)

Member Secretary

Copy to following for Information and for further necessary action -

1. District Magistrate , Dholpur, Rajasthan

Member Secretary

RajKaj Ref
6562138



Signature valid

Digitally signed by Vijai
Designation: Member Secretary
Date: 2024.04.09 11:56:03 IST
Reason: Approved



क्षेत्रीय कार्यालय

राजस्थान राज्य प्रदूषण नियन्त्रण मंडल
जिन्दल हॉस्पिटल के पीछे, श्यामा प्रसाद मुखर्जी नगर, भरतपुर (राज.)

उपस्थिति विवरण प्रपत्र

माननीय राष्ट्रीय हरित प्राधिकरण के प्रकरण - मूल आवेदन संख्या 51/2024 (रामेश्वर दयाल बनाम राजस्थान राज्य) को लेकर उप-खण्ड अधिकारी कार्यालय, सरमथुरा में बैठक का आयोजन किया गया। उपस्थिति विवरण प्रपत्र:-

क्र. स.	उपस्थित व्यक्ति का नाम व पद	विभाग	मोबाइल न.	हस्ताक्षर
1	राजेश्वर दयाल	Revenue SDO,	950 30000 10	de
2	Umesh Kumar	PO, RPOB	950 950 8226	Umesh
3	Deepak Goyal	EO SRM	9460292850	
4	Shiv Kumar Sharma	Aen Pwd Smt	9587 061133	Shiv
5	Narendra Singh	JEE, RSPCB, Bharatpur	931566 5199	N Singh
6				
7				
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12				
13				
15				



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
 SHYAMA PRASHAD MUKHARIJI NAGAR,
 BHARATPUR321001(Rajasthan)
 E-mail: rorpcb.bharatpur@gmail.com

Reg. Post

URGENT

RPCB/RO(BTP)/Bharatpur/BTP- 3146-3148

Dated :- 21/03/24

Executive Officer, Nagar Palika Sarmathura
Sarmathura, Tehsil- Sarmathura
District- Dholpur

Sub:- Show Cause Notice for non-compliance under the provisions of the Water (prevention and control of pollution) Act, 1974.

Ref:- NGT order dt. 15-02-2024 in the matter of OA No. 13/2024 (PB) in the matter of Rameshwar Dayal V/s State of Rajasthan -reg

Sir,

This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') to initiate proceeding under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 (hereinafter called as 'the Water Act') for violation of various provisions of the Act here-in-after shown:-

1. And whereas the Water Act came into force in the whole of the State of Rajasthan with effect from 23.03.1974.
2. And whereas the Water Act to provide for the prevention and control of water pollution and for maintaining and restoring the wholesomeness of water.
3. And whereas keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of water pollution.
4. And whereas, Nagar Palika, Sarmathura (District Dholpur) is responsible for management of Sewage for their area.
5. And whereas, the aforesaid Nagar Palika has not obtained any consent for establishment & operation of any facility/system/arrangement for sewage generated from sarmathura town.
6. And whereas, a Hon'ble NGT order in the matter of sewage, sewerage system and construction of puliya, nala in sarmathura town is received at this office on 20-03-2024.



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
SHYAMA PRASHAD MUKHARIJI NAGAR,
BHARATPUR321001(Rajasthan)
E-mail: rorpcb.bharatpur@gmail.com

7. And whereas, you have failed to maintain proper management of sewage which generated from town sarmathura.
8. And whereas, due to the failure of sewerage system, problems of health related & dirtiness, may not be ruled out.
9. And whereas, the above observations indicate that you have failed to comply with the provisions of the Water Act.
10. And whereas above non-compliances have been viewed seriously by the Board.

In view of above, you are hereby advised to show causes as to why appropriate action under the provisions of the Water Act, 1974 shall not be initiated. In case you have any objection against intended action, you may submit your reply to this office within a period of 03 days from the date of issue of this notice, failing which appropriate action under the provisions of the Water Act 1974 shall be initiated without any further notice.

Yours Sincerely


(Umesh Kumar)
Regional Officer

Copy to:-

1. District Collector, Dholpur for information.
2. Master File, RO, RSPCB Bharatpur


Regional Officer

o/c



REGIONAL OFFICE

Rajasthan State Pollution Control Board

Behind of Jindal Hospital, Shyama Prasad Mukharji Nagar, Bharatpur (Raj.)
rorpcb.bharatpur@gmail.com

RPCB/RO/Bharatpur/ 3142-3145

Date: 21/03/24

- ❖ Nagar Palika, Sarmathura, Tehsil sarmathura, District Dholpur.
- ❖ PWD, Sarmathura, Tehsil sarmathura, District Dholpur.

URGENT

Sub:- NGT matter. OA No. 13/2024 (PB) in the matter of Rameshwar Dayal V/s State of Rajasthan
-reg.

Ref:- Hon'ble NGT order dt. 15-02-2024.


Sir,

With reference to above subject, Hon'ble National Green Tribunal, Principal Bench, New Delhi passed order on 15-02-2024 in Original Application No. 013/2024 titled as Rameshwar Dayal V/s State of Rajasthan. As per NGT order " the grievance that no "puliya" and "nala" has been constructed along with the roads and sewage and drainage water comes on road causing health hazard to common people in violation of the basic rights. It is alleged that in spite of the fact that the complainant had approached the concerned authorities, no action has been taken".

Therefore, in the above matter, you are requested to kindly provided information and action taken report in the said area.

Regards

Encl. :- As above


(Umesh Kumar)
Regional Officer

Copy To-

1. District Collector, Dholpur for information.
2. SE, PWD, District Dholpur for information and needful please.


Regional Officer

o/c



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
SHYAMA PRASHAD MUKHARIJI NAGAR, BHARATPUR321001(Rajasthan)
E-mail: rorpcb.bharatpur@gmail.com

Regd. Post

RPCB/RO/BPT- 235/174-176

Date: 29/04/24

M/s Executive Officer, Nagar Palika Sarmathura
Sarmathura, Tehsil- Sarmathura
District- Dholpur

Subject:- Show cause notice for intended directions for depositing of Environmental Compensation under section of the Water (Prevention & Control of Pollution) Act, 1974.

Reference:- 1. EC Imposition Head Office order dt. 08-01-2020 and HO order dt. 23-05-2023,
2. Show cause notice issued by this office letter dt. 21-03-2024.
3. NGT order dt. 15-02-2024 and 01-04-2024 in the matter of OA No. 13/2024 (PB) in the matter of Rameshwar Dayal V/s State of Rajasthan -reg.
4. Visit of Sarmathura town on 16-04-2024.

Sir,

This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') to initiate proceeding under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 (hereinafter called as 'the Water Act') for violation of various provisions of the Act here-in-after shown:-

1. And whereas the Water Act came into force in the whole of the State of Rajasthan with effect from 23.03.1974.
2. And whereas the Water Act to provide for the prevention and control of water pollution and for maintaining and restoring the wholesomeness of water.
3. And whereas keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of water pollution.
4. And Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
5. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
6. And whereas, Nagar Palika, Sarmathura (District Dholpur) is responsible for management of Sewage for their area (i.e., treatment and disposal of sewage).
7. And whereas, a Hon'ble NGT order dt. 15-02-2024 and 01-04-2024 in the matter of sewage, sewerage system and construction of puliya, nala in sarmathura town is received at this office.
8. And whereas, Nagar Palika, Sarmathura (District Dholpur) has not provide any facility/arraignment/STP for handling of the sewage of the town so far.
9. And whereas, the aforesaid Nagar Palika has not obtained any consent for establishment & operation of any facility/system/arrangement for sewage generated from sarmathura town.
10. And whereas, you have failed to maintain proper management of sewage which generated from town sarmathura.
11. And whereas, due to the failure of sewerage system, problems of health related & dirtiness, may not be ruled out.



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
SHYAMA PRASHAD MUKHARIJI NAGAR, BHARATPUR321001(Rajasthan)
E-mail: rorpcb.bharatpur@gmail.com

12. And whereas, no reply of show cause notice has been submitted by you to this office.
13. And whereas above non-compliances have been viewed seriously by the board.
14. And whereas the above observations indicate that the you have failed to comply with the provisions of Water Act and various directions of the Hon'ble Courts and Hon'ble Courts National Green Tribunal (NGT) and/or by making discharge of effluent has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
15. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units/ industries/mines/institution/entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
16. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non-complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
17. And whereas the unit/entity is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
18. And whereas the non-compliance of the Nagar Palika Sarmathura has been observed.
19. And whereas the Board is intended to impose of environmental compensation on you on the basis of Polluter Pays Principle.
20. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions. Further, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and for performance of functions under the Act intends to impose environmental compensation against you as mentioned herein above.

In view of the above, this show cause notice is being issued as to why the environmental compensation as above may not be imposed against you. In case, if you wish to submit any objection/clarification to the above intended imposition of environmental compensation, you may submit your reply along with the evidence based supporting documents in writing/ in person within 15 days of issuance of show cause notice, failing which the procedure for imposition of environmental compensation as mentioned herein above shall be initiated without any further notice in the matter.

Yours Sincerely


(Umesh Kumar)
Regional Officer, o/c

Copy to:-

1. Member Secretary, RSPCB Jaipur (Group-Liquid Waste) for information and with request that the initiation of the legal action against the Nagar Palika Sarmathura Sarmathura, Tehsil- Sarmathura District- Dholpur, in case of non-submission of reply by Nagar Palika to RSPCB.
2. District Collector, Dholpur for information.
3. Master File, RO, RSPCB Bharatpur


Regional Officer
o/c



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
SHYAMA PRASHAD MUKHARIJI NAGAR,
BHARATPUR321001(Rajasthan)
E-mail: rorpcb.bharatpur@gmail.com

Reg. Post

RPCB/RO(BTP)/G-235/171-173

Dated :- 29.04.2024

Executive Officer, Nagar Palika Sarmathura
Sarmathura, Tehsil- Sarmathura
District- Dholpur

Sub:- Show cause notice for initiation of legal prosecution under section, 43, 44 of the Water (prevention and control of pollution) Act, 1974

- Ref:-
1. NGT order dt. 15-02-2024 and 01-04-2024 in the matter of OA No. 13/2024(PB) in the matter of Rameshwar Dayal V/s State of Rajasthan -reg.
 2. Visit of Sarmathura town on 16-04-2024.
 3. Show cause notice issued by this office letter dt. 21-03-2024.

Sir,

This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') to initiate proceeding under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 (hereinafter called as 'the Water Act') for violation of various provisions of the Act here-in-after shown:-

1. And whereas the Water Act came into force in the whole of the State of Rajasthan with effect from 23.03.1974. .
2. And whereas the Water Act to provide for the prevention and control of water pollution and for maintaining and restoring the wholesomeness of water.
3. And whereas keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of water pollution.
4. And whereas, Nagar Palika, Sarmathura (District Dholpur) is responsible for management of Sewage for their area (i.e., treatment and disposal of sewage).
5. And whereas, a Hon'ble NGT order dt. 15-02-2024 and 01-04-2024 in the matter of sewage, sewerage system and construction of puliya, nala in sarmathura town is received at this office.
6. And whereas, Nagar Palika, Sarmathura (District Dholpur) has not provide any facility/arraignment/STP for handling of the sewage of the town so far.
7. And whereas, the aforesaid Nagar Palika has not obtained any consent for establishment & operation of any facility/system/arrangement for sewage generated from sarmathura town.



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD

**SHYAMA PRASHAD MUKHARIJI NAGAR,
BHARATPUR321001(Rajasthan)
E-mail: rorpcb.bharatpur@gmail.com**

8. And whereas, you have failed to maintain proper management of sewage which generated from town sarmathura.
9. And whereas, due to the failure of sewerage system, problems of health related & dirtiness, may not be ruled out.
10. And whereas, no reply of show cause notice has been submitted by you to this office.
11. And whereas, the above observations indicate that you have failed to comply with the provisions of the Water Act.
12. And whereas above stated non-compliances have been viewed seriously by the Board.

In view of the above, this Show Cause Notice is being issued as to why the legal action be not initiated against you under section 43, 44 of the Water Act. In case, if you wish to submit any objection/clarification to above intended legal action, you may submit your reply along with the evidence based supporting document within a period of 15 days from the date of issuance of this notice to the State Board, failing which the Board may proceed further to initiate proceedings against you in accordance with law.

Yours Sincerely

(Umesh Kumar)

Regional Officer

Copy to:-

1. Member Secretary, RSPCB Jaipur (Group-Liquid Waste) for information and with request that the initiation of the legal action against the Nagar Palika Sarmathura Sarmathura, Tehsil- Sarmathura District- Dholpur, in case of non-submission of reply by Nagar Palika.
2. District Collector, Dholpur for information.
3. Master File, RO, RSPCB Bharatpur

Regional Officer



क्षेत्रीय कार्यालय

राजस्थान राज्य प्रदूषण नियंत्रण मंडल
जिन्दल हॉस्पिटल के पीछे, श्यामा प्रसाद मुखर्जी नगर, भरतपुर (राज.)
ई-मेल :- rorpcb.bharatpur@gmail.com
दूरभाष सं. :- 05644-238114

अति-आवश्यक

रा.प्र.नि.मं./क्षे.का. (भरतपुर)/सामान्य/116-119

दिनांक:16/04/2024

1. उपखण्ड अधिकारी, सरमथुरा, तहसील सरमथुरा, जिला धौलपुर
2. अधिशासी अधिकारी नगर पालिका, सरमथुरा, जिला धौलपुर।
3. सार्वजनिक निर्माण विभाग, सरमथुरा, जिला धौलपुर।

विषय :- सीवेज व् ड्रेनेज की समस्या की सूचना के सम्बन्ध में।

संदर्भ :- माननीय राष्ट्रीय हरित प्राधिकरण में ओ.ए. संख्या 51/2024 (सी.जैड.)
रामेश्वर दयाल विरुद्ध स्टेट ऑफ राजस्थान व अन्य, आदेश दिनांक
01.04.2024

महोदय,

उपरोक्त विषयान्तर्गत एवं संदर्भित आदेश के संबंध में लेख है कि माननीय राष्ट्रीय हरित प्राधिकरण में विचाराधीन ओ.ए. संख्या 51/2024 (सी.जैड.) रामेश्वर दयाल विरुद्ध स्टेट ऑफ राजस्थान में संदर्भित आदेश दिनांक 01.04.2024 के अनुसार जिला कलेक्टर धौलपुर एवं राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर की संयुक्त कमेटी का गठन किया गया है। उक्त कमेटी द्वारा आदेश पारित होने की दिनांक से 6 सप्ताह के अन्दर प्रभावित क्षेत्र का संयुक्त निरीक्षण कर निरीक्षण की तथ्यात्मक एवं कार्यवाही की रिपोर्ट माननीय न्यायालय के समक्ष प्रस्तुत करनी है। उक्त संयुक्त कमेटी द्वारा दिनांक 16.04.2024 को मौका निरीक्षण किया गया है। कमेटी द्वारा कस्बा सरमथुरा, जिला धौलपुर में सीवेज व् ड्रेनेज की समस्या के संबंध में आपके विभाग द्वारा की गयी कार्यवाही की सूचना व् मौका निरीक्षण के दौरान विचार विमर्श कर बताये गए बिन्दुओं की सूचना चाही है।

अतः उक्त सूचना शीघ्रताशीघ्र इस कार्यालय को भिजवाने का श्रम करें।

भवदीय, /

(उमेश कुमार)

क्षेत्रीय अधिकारी
रा.प्र.नि.मं. भरतपुर 01c

प्रतिलिपि:- जिला कलेक्टर, धौलपुर को सूचनाार्थ ।

क्षेत्रीय अधिकारी

01c



राजस्थान सरकार

कार्यालय नगर पालिका मण्डल सरमथुरा (धौलपुर) राज0

EMAIL- npsarmathura@gmail.com

कमांक :-न.पा.स./2024/204-06

दिनांक- 18.04.2024

श्रीमान क्षेत्रीय अधिकारी
राजस्थान प्रदूषण नियंत्रण मण्डल
भरतपुर

विषय – माननीय राष्ट्रीय हरित प्राधिकरण में विचाराधीन प्रकरण संख्या 51/2024 (सी.जेड) रामेश्वर दयाल बनाम राजस्थान राज्य में वस्तुस्थिति रिपोर्ट भिजवाने बाबत।

प्रसंग – आपका पत्रांक 116-119 दिनांक 16.04.2024 के सन्दर्भ में।

महोदय,

उपरोक्त विषय एवं प्रसंग के सम्बन्ध में निवेदन है कि माननीय राष्ट्रीय हरित प्राधिकरण में विचाराधीन प्रकरण संख्या **51/2024** (सी.जेड) रामेश्वर दयाल बनाम राजस्थान राज्य में तथ्यात्मक रिपोर्ट निम्नानुसार है –

1. नगर पालिका सरमथुरा का गठन राजस्थान सरकार (स्वायत्त शासन विभाग) की अधिसूचना क्रमांक प.10(न.पा) (गठन) () डीएलबी/20/667 दिनांक 23.03.2021 के द्वारा ग्राम पंचायत से क्रमोन्नत कर किया गया है जिसमें कुल 25 वार्ड बनाये गये हैं। पालिका क्षेत्र का कुल क्षेत्रफल 16.90 वर्गकिमी है तथा सडकों की लम्बाई लगभग 56 किमी है।
2. नगर पालिका सरमथुरा की जनसंख्या जनगणना 2011 के अनुसार 21110 (वर्तमान में लगभग 25000) है जिसमें लगभग 180 KLD गन्दा पानी उत्पादन होता है। जोकि सम्पूर्ण शहर की नालियों के माध्यम से निचले क्षेत्र में बह जाता है। वर्तमान में पालिका क्षेत्र में एफएसटीपी प्लान्ट लगाया जाना प्रस्तावित है। जिसकी स्वीकृति निदेशालय स्वायत्त शासन विभाग जयपुर स्तर पर विचाराधीन है।
3. नगर पालिका सरमथुरा में स्वीकृत पद 100 के विरुद्ध कुल 03 स्थाई सफाई कार्मिक पदस्थापित है। नगर पालिका में प्रमुख पद यथा सफाई निरीक्षक, जमादार एवं अन्य सफाई कार्मिक पद रिक्त है। पालिका द्वारा सम्पूर्ण शहर की सफाई का कार्य सर्वेदक फर्म मैसर्स जय अम्बे कन्स्ट्रक्शन धौलपुर के माध्यम से उपलब्ध कार्मिकों से करवाया जा रहा है।
4. नगर पालिका सरमथुरा क्षेत्र भौगोलिक परिस्थिति अनुसार पहाड है। जिसमें सम्पूर्ण क्षेत्र का लेवल काफी ऊँचा नीचा (साहनी पाडा एवं बाडी रोड लगभग 250 मीटर दूरी में ही 30 फीट से अधिक ऊँचाई के अन्तर पर) है। प्रस्तावित राज्य राजमार्ग में भौगोलिक स्थिति अनुसार नाला निर्माण में समस्या होने के कारण कार्य लम्बित रहा है एवं आंशिक रूप से पानी यदा-कदा सडक पर आ जाता है।
5. परिवादी श्री रामेश्वर दयाल द्वारा वर्णित स्थान (लगभग 3.5 किमी.) राज्य राजमार्ग का भाग है जोकि सार्वजनिक निर्माण विभाग सरमथुरा (खण्ड बसेडी) के क्षेत्राधीन है तथा सडक मार्ग के



भौगोलिक स्थिति अनुसार नाला निर्माण में समस्या होने के कारण दोनों ओर पानी निकासी हेतु नालों का अभाव रहा है एवं वर्तमान में पानी निचले क्षेत्रों में होकर बह जाता है।

6. नगर पालिका सरमथुरा क्षेत्र में सीवर लाईन स्थित नहीं है एवं घरों में सैप्टिक टैंक स्थित है। वर्षाती एवं अन्य सार्वजनिक पानी की निकासी हेतु सम्पूर्ण शहर में नालियां (मुख्य सडक मार्ग के दोनों ओर को छोडकर) बनी हुई है जिनकी आवश्यकता अनुसार मरम्मत एवं रखरखाव नगर पालिका द्वारा किया जा रहा है।
7. नगर पालिका सरमथुरा द्वारा दैनिक रूप से सम्पूर्ण शहर की सडकों एवं नालियों की सफाई कार्य सवेंदक के माध्यम से करवाया जा रहा है एवं उपलब्ध बजट एवं संसाधनों की उपलब्धता के आधार पर प्राथमिकता अनुसार राज्य सरकार के निर्देशानुसार कार्य करवाये जा रहे है।

उक्त प्रकरण में पालिका द्वारा दैनिक रूप से सफाई कार्य करवाया जा रहा है तथा किसी भी रूप में मानव अधिकारों का उल्लघन एवं जनस्वास्थ्य में कोताही नहीं है। रिपोर्ट अग्रिम कार्यवाही हेतु सादर प्रेषित है।

क्रमांक :-न.पा.स./सम/2024/204-06

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित -

1. श्रीमान जिला कलक्टर एवं जिला मजिस्ट्रेट महोदय धौलपुर
2. श्रीमान राजकीय अधिवक्ता राष्ट्रीय हरित अधिकारण सैन्ट्रल जोन भोपाल

o/c

18/04/2024
(दीपक गौरवेल)
अधिसाषी अधिकारी
नगरपालिका सरमथुरा
दिनांक- 18.04.2024

18/04/2024
अधिसाषी अधिकारी
नगरपालिका सरमथुरा

कार्यालय अधिशाषी अभियन्ता सार्वजनिक निर्माण विभाग खण्ड बसेडी (धौलपुर)

कमाक 34-38

दिनांक -26.04.2024

श्रीमान् क्षेत्रीय अधिकारी,
राजस्थान राज्य प्रदूषण नियन्त्रण मंडल,
जिन्दल हॉस्पिटल के पीछे, श्यामा प्रसाद मुखर्जी नगर,
भरतपुर।

बिषय - सीवेज व ड्रेनेज की समस्या की सूचना के सम्बन्ध में।
प्रसंग - आपका पत्र कमाक रा.प्र.नि.मं./क्षे.का (भरतपुर)/सामान्य/116-119
दिनांक 16.04.2024 के सम्बन्ध में।

महोदय,

उपरोक्त बिषय में निवेदन है कि माननीय राष्ट्रीय हरित प्राधिकरण में विचारीधीन प्रकरण ओ ए संख्या 51/2024 (सी.जेड) रामेश्वर दयाल विरुद्ध स्टेट ऑफ राजस्थान व अन्य में संदर्भित आदेश दिनांक 01.04.2024 के अनुसार जिला कलेक्टर धौलपुर एवं राजस्थान राज्य प्रदूषण नियंत्रण मंडल जयपुर की संयुक्त कमेटी का गठन किया गया। उक्त कमेटी द्वारा दिनांक 16.04.2024 को कस्बा सरमथुरा का मौका निरीक्षण किया गया है। कमेटी द्वारा कस्बा सरमथुरा, जिला धौलपुर में सीवेज व ड्रेनेजकी समस्या के संबंध में विभाग द्वारा कार्यवाही चाही गई थी।

अतः इस सम्बन्ध में निवेदन है कि सहायक अभियन्ता सा.नि.वि. उपखण्ड सरमथुरा के पत्र कमाक 22 दिनांक 17.04.2024 द्वारा सरमथुरा में बाडी सरमथुरा करौली सडक एवं सरमथुरा नादनपुर सडक पर नाला मय क्रोस ड्रेनेज कल्वर्ट निर्माण का तकमीना अनुमानित लागत 540.00 लाख का उच्चधिकारीओं को भिजवाया दिया गया है। एवं सहायक अभियन्ता सा.नि.वि. उपखण्ड सरमथुरा के पूर्व पत्र कमाक 95-97 दिनांक 17.03.2023 द्वारा बाडी बस स्टैण्ड पर सडक के नीचे Syphan डालकर पुनः मरम्मत करने के लिये तकमीना भिजवाया गया था। जो कि आज दिनांक तक वित्तीय स्वीकृति प्राप्त न होने के कारण कार्य नहीं कराया जा सका है। वित्तीय स्वीकृति आने के उपरान्त उक्त कार्य का निर्माण कार्य करा दिया जावेगा। सूचना अग्रिम कार्यवाही हेतु प्रेषित है।



(नवीन आनन्द)

अधिशाषी अभियन्ता
सा0नि0वि0 खण्ड बसेडी

दिनांक -26.04.2024

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प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. उपखण्डाधिकारी उपखण्ड सरमथुरा।
2. आयुक्त नगर परिषद धौलपुर
3. सहायक अभियन्ता सा0नि0वि0 उपखण्ड सरमथुरा को उनके पत्र कमाक 22 दिनांक 17.04.2024 के सम्बन्ध में।



(नवीन आनन्द)

अधिशाषी अभियन्ता
सा0नि0वि0 खण्ड बसेडी