

Report of the Joint Committee in the matter of OA No. 124 of 2021: Sunaina V/s State of Punjab and Others, in compliance of Hon'ble National Green Tribunal Order dated 04/06/2021

1.0 Background

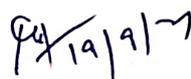
The matter is related to a petition filed by referring to one news item published in the newspaper 'The Tribune' dated 12/02/2020 titled as "Beware! Your veggies come off sewer water". Grievance in this application is against failure of statutory authorities in Punjab and Chandigarh to install necessary Sewage Treatment Plant, resulting in discharge of pollution in the drain originating from Chandigarh and passing through various sectors and villages of Mohali, before merging into Ghaggar River. The pollution is affecting the eco-system, including the aquatic life and also public health. Discharge of untreated sewage into the drain is violation of Water (Prevention and Control of Pollution) Act, 1974 and Constitutional obligation under Article 243W and also citizens' right to clean environment. Further, since the waste water of the drain is used for cultivation of crops and washing of the vegetables which are consumed by the residents, it is affecting the food chain and public health.

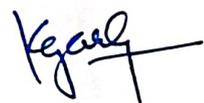
In the order dated 04/06/2021, it was observed by Hon'ble National Green Tribunal as under:

*"Having regard to the above, we find that there is failure of the Authorities in complying with the Environmental Law, including the contempt of the binding order of the Hon'ble Supreme Court dated 22.02.2017 in Paryavaran Suraksha Samiti Vs. Union of India<sup>1</sup> requiring the concerned local bodies and the States to ensure that requisite STPs are installed on or before 31.03.2018 after which the heads of the Department concerned will be liable to prosecution. The Hon'ble Supreme Court also directed this Tribunal to monitor compliance of the said directions. The issue of rejuvenation of river Ghaggar in question was considered by this Tribunal in OA 138/2016, Stench Grips Mansa's Sacred Ghaggar River, inter-alia by order dated 28.10.2020 in the light of factual report of the Monitoring Committee appointed by this Tribunal headed by a former judge of the Punjab and Haryana High Court. The Tribunal noted that one of the sources of*



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*pollution of the river was discharge of untreated sewage in breach of constitutional duty of the concerned States to prevent the same.....”.*

It was further observed by the Hon’ble NGT that:

*“We hope that the States realise their responsibility to function according to the Constitution and take immediate remedial measures in punishing the guilty involved in failing to comply with the law and also take prompt measures instead of repeatedly taking the same plea of being engaged in tender process or DPRs. It should not be difficult at this length of time to overcome such procedural requirements and to effectively prevent discharge of the untreated effluents after 46 years of enactment of Water Act and repeated orders of the Hon’ble Supreme Court and other Courts. For delay and continued violation, realistic compensation has to be recovered from the erring officers, apart from other action or in default, the compensation has to be quantified and recovered. The Executing Committee may make its recommendation in this regard.”*

## **2.0. Directions of Hon’ble National Green Tribunal:**

Hon’ble National Green Tribunal vide its order dated 04/06/2021 (Annexure-1), directed as follows:

*“.....we direct the Chief Secretary, Punjab and the Advisor to the Administrator, UT Chandigarh in coordination with other concerned officers to take further appropriate remedial measures to comply with the mandate of law, including the directions of the Hon’ble Supreme Court and this Tribunal. A joint Committee of CPCB, Punjab PCB and UT PCC may inspect the drain and furnish a status report within two months by e-mail.*

## **3.0. Compliance of the Directions of Hon’ble NGT:**

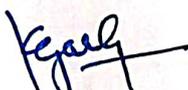
### **A. Constitution of the Joint Committee:**

In compliance of the directions of the Hon’ble NGT, a joint Committee comprising of the following members was constituted:

- i. Er. Krunesh Garg, Member Secretary, Punjab Pollution Control Board
- ii. Dr. Narender Sharma, Additional Director, Central Pollution Control Board.
- iii. Er. Vivek Pandey, Scientist E, Chandigarh Pollution Control Committee

### **B. Meeting of the Joint Committee:**

The first meeting of the Committee was held on 26.08.2021, wherein the following points were discussed:

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i) The remedial actions taken by the Punjab and Chandigarh in compliance of the directions of Hon'ble NGT were shared by the concerned officers, as under:

**Action taken by Punjab:**

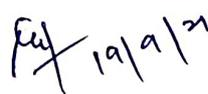
As informed to the Joint Committee, a series of meetings were carried out by the State of Punjab at State level and District Level for review of the progress. The detail is as under:

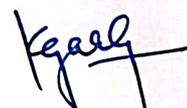
- A meeting with the stakeholder departments was held under the Chairmanship of Chief Secretary, Punjab on 10/6/2021 and the Chief Secretary, Punjab directed as per following:
- Administrator, U.T. Chandigarh and Chairman, CPCB may be requested to nominate their officers for carrying out the inspection of the drain and to prepare status report within 2 months.
- A preliminary survey shall be carried out by a team of officers from PPCB, Local Government, GMADA and Rural Development Department to identify the various sources of pollution into the subject matter drain and submit report to PSSTE within 10 days.
- PSLG and ACS RDP shall take remedial measures for treatment / tapping of respective effluent sources going into the drain within one month.
- ACS HUD shall take measures for containing the pollution sources from Jagatpura village as well as the meat market within one month.

Three review meetings with the different stakeholders' departments Municipal Corporation, SAS Nagar, Greater Mohali Area Development Authority (GMADA), Rural Development & Panchayats, Department of Water Supply & Sanitation, Municipal Council, Banur and Drainage Department were held under the Chairmanship of the Additional Deputy Commissioner (D) on 23.07.2021, 10.08.2021 and 25.08.2021.

Further, it was also informed that GMADA has installed STP of 10 MGD capacity on UASB technology for the treatment of domestic sewage generated from Mohali City. GMADA is also planning to upgrade it to 15 MGD on new SBR technology in order to meet future requirements of sewage generation. MC, Banur has installed STP of 4 MLD capacity on SBR technology to treat the sewage generated from Banur town. MC, Banur is also planning to install 2 more STPs of

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0.15 MLD and 0.5 MLD. MC, Rajpura has also installed STPs of 7 MLD & 10 MLD based on SBR Technology for treating the domestic effluent of Rajpura town and domestic effluent of Focal Point, Rajpura. All the STPs are meeting the prescribed standards of disposal.

**Action taken by Chandigarh:**

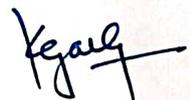
In the NGT matter of OA No. 138/2016 "Stench Grips Mansa's Sacred River Ghaggar" action plan was prepared by the Chandigarh w.r.t. Actions to be taken for the control of pollution in River Ghaggar. In this respect monthly meeting was conducted by the Executing Committee constituted by the Hon'ble National Green tribunal to review the status of action taken by the various departments. Now meetings are conducted under the chairmanship of Adviser to the Administrator where all the action taken by the Chd. Admn. are reviewed. In the action plan it was proposed to stop all the sewage discharge points in N-Choe and all the Existing STPs are to be upgraded to meet with the latest norms of BOD 10 mg/l and F. Coli 100 MPN/100ml. New STPs were also proposed to be constructed to treat 100 % of waste water generation in UT Chandigarh. In compliance to Action plan all the sewage discharge points in N-Choe have been closed and Chandigarh now has the treatment capacity of 248 MLD against the sewage generation of 243 MLD. Upgradation of Existing STPs has already been started and after upgradation, all the STPs will meet with the latest norms of BOD and Fecal Coliform.

In the meeting held on 09.07.21 under the Chairmanship of Adviser to the Administrator matter was discussed in detail with all the stakeholders which includes Commissioner, Municipal Corporation, Chandigarh, Chief Engineer, Engg. Deptt., Chd. Admn. and Member Secretary, Chandigarh Pollution Control Committee. It was informed that as per the action plan submitted to Hon'ble National Green Tribunal, Chandigarh already has developed 100 % treatment capacity as now Chandigarh has treatment capacity of 248 MLD against the waste water generation of 243 MLD. Further upgradation of all the existing STPs has already been started to meet with the latest norms of BOD 10 mg/l and Faecal



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Coliform 100 MPN/100 ml. All the sewage outlets at N-Choe have been plugged. It was also informed that Due to absence of sewer network in Faida village, untreated sewage water is flowing into the Faida choe which ultimately mixes into the N-choe. After detailed discussion Adviser to the Administrator directed that:

- Adequate measures to be taken so that there is no discharge of untreated waste water into drains passing through Chandigarh.
- The work of upgradation of existing STP's should be completed within stipulated timeline.
- The real time water quality monitoring stations at N-Choe should be made to run properly at the earliest.

Further in the meeting held on 16.08.21 under the Chairmanship of Adviser to the Administrator action taken on the matter and current status was discussed in detail with Commissioner, Municipal Corporation, Chandigarh, Chief Engineer, Engg. Deptt., Chd. Admn., Member Secretary, Chandigarh Pollution Control Committee. The Adviser to the Administrator directed that a joint inspection of the remaining outlets may be carried out by MCC, Engineering Department and CPCC to find a way out for resolving the situation. Concerned officers of the Municipal Corporation Chandigarh and Engg. Depttt., Chandigarh were also the part of team during joint inspection by the team of CPCB, PPCB and CPCC.

ii) It was also deliberated in the meeting that the matter is related to the drains originating from Chandigarh and passing through various sectors of Chandigarh and villages of Punjab before meeting the river Ghaggar. Therefore, the drains under reference in the order, were identified as N Choe, Jagatpura Drain and Attwa Choe, the details of which are as follows:

#### **N-Choe Drain**

The drain "N-Choe" originates near Bougainvillea Park and passes through Leisure Valley Sector-10, Chandigarh lawn tennis Stadium Sector-10, Rose Garden Sector 16, Shanti Kunj Park Sector-16, Cricket Stadium Sector 16, Children Traffic Park

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Sector 23, Hibiscus Garden Sector-36, Garden of Fragrance Sector 36, Sector 42, Sector 53, enters Mohali at Phase-3A near Khalsa College, Mohali, Sector-52 again enters Mohali at the intersection of Sec. 51 of UT near Lawrence Public Senior Secondary School. Thereafter, it passes through Sec-63, Sector-64 near Manav Mangal School, near PCA stadium, near hockey stadium Sec-64, Near NIIPER in Sec-67, Village Mauli Baidwan, NABI & CIAB Sec-81, Near STP of MC, Mohali in Village Chilla, Village Manuali. The N-Choe meets Jagatpura drain at village Manauli.

### **Jagatpura Drain**

The Jagatpura Drain originates near Ram Darbar passing through Japanese Garden, near STP of capacity 11 MGD of 3 BRD Air Force Station, Chandigarh, Village Faidan and enters Mohali at village Jagatpura, Amb Sahib, Kambala, Kambali, Papri, Chachu Majra, Sector 82, village Manuali. The Jagatpura drain converges with N-Choe at village Manauli.

### **Attwa Choe (After N-choe drain and Jagatpura drain converges)**

Eventually, Attwa Choe after passing through Village Sainimajra (Prem Nagar), Village Chaumajra, Village Dairi, Village Nagari, Village Giga Majra, Village Kalauli Distt. SAS Nagar enters village Nadiali of the Banur area and further traversing, through various villages of Rajpura converges into river Ghaggar at village Sarala Khurd, Rajpura.

- iii) It was decided by the Joint Committee that the samples to be collected by the Joint Committee in the drains & STPs located in the Chandigarh area and the Punjab Area, shall be analysed in Laboratories of Punjab Pollution Control Board (PPCB) and Chandigarh Pollution Control Committee (CPC) respectively, to eliminate factor of prejudicing, if any.
- iv) It was also decided by the Joint Committee that samples of the various locations in the drain passing through Chandigarh and villages of Mohali to be collected during on-going monsoon period and post monsoon period, to get a



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real picture of the status of the water quality of drains leading to River Ghaggar, as directed by Hon'ble NGT.

**C. Visit to the Drains to verify the status:**

In compliance to the NGT orders dated 04.06.2021, the joint committee visited the N-choe drain, Jagatpura drain and Attwa Choe on 26.08.2021, 02.09.2021 and 03.09.2021

**Visit on 26/8/2021:**

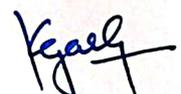
The committee inspected the following points on 26.08.2021 and collected water samples from the drain:

1. N-choe drain passing through Bougainvillea Park, Sector-3, Chandigarh (30.759908, 76.795468). This is the point where the N-choe drain originates from Chandigarh. During visit the drain was almost dry.
2. N-choe drain passing adjoining Punjab State Information Commission, Sec-16, Chandigarh (30.748978, 76.783468).
3. N-choe drain passing Children Traffic Park (30.745073, 76.766688).
4. N-choe drain passing Hibiscus Garden, Sector-36, Chandigarh (30.735605, 76.760451).
5. N-choe drain passing through Fragnance Garden, Sector-36, Chandigarh (30.735271, 76.760091). Sample of water was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee and laboratory of Punjab Pollution Control Board.
6. N-choe passing through Garden of Springs, Sector-53, Chandigarh (30.721792, 76.731800). Sample of water was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee and laboratory of Punjab Pollution Control Board.
7. N-choe drain passing through Park near Gate-5/6 of PCA Stadium, Phase-9, Mohali upstream side(30.692814, 76.736755)-During visit it was observed that sewer from Phase-9, Mohali is being discharged into N-choe drain at upstream side of park near Gate-5/6 of PCA Stadium, Phase-9, Mohali.



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Sample of water was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee and laboratory of Punjab Pollution Control Board.

8. Storm water drain passing through Park near Gate-5/6 of PCA Stadium, Phase-9, Mohali before entering N-Choe (30.692814, 76.736755)-Storm water of Sector-63, Chandigarh is connected with storm water drain of Mohali at Phase-9, Mohali. Sample of water was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee and laboratory of Punjab Pollution Control Board.
9. Jagatpura Drain passing through Village Jagatpura, Mohali (30.684025, 76.760157). Jagatpura drain enters Mohali from Chandigarh at village Jagatpura.

**Visit on 02/09/2021:**

The committee inspected the following points on 02.09.2021 and collected water samples from the drain:

1. **Pachisdhara drain water being used for irrigation purpose at Village Sarala Khurd, Tehsil Rajpura, Distt. Patiala**

This is the last point before the N-choe drain gets mixed with River Ghaggar. During visit it was observed that the farmers are using the water from the drain for irrigation. Sample from the drain was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

2. **Over-bridge near Indus Tower Warehouse, Kharajpur, Tehsil Rajpura**

This is the point where treated water of STP, Rajpura (7 MLD capacity) meets N-choe drain. The MC, Rajpura has provided two outlets in the drain one for the bye-pass and one for the treated effluent. During visit, no effluent was observed coming from bye-pass although just adjacent to drain there was a Hadda Rodi (dead animals thrown after removing the skin) site. Sample of water was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.



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### 3. STP, Rajpura

MC, Rajpura has installed STP of capacity 7 MLD based on SBR Technology for treating the domestic effluent of Rajpura town and domestic effluent of Focal Point, Rajpura. During visit it was observed that STP was in operation. Sample of treated wastewater was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

### 4. STP, Banur

MC, Banur has installed STP of capacity 4 MLD based on SBR Technology for treating the domestic effluent of Banur town. During visit it was observed that STP was in operation. Sample of treated wastewater was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee. The treated waste-water of STP is being used for irrigation purposes. During, no demand period the treated effluent is discharged into N-choe drain.

### 5. Bridge on Banur-Landran Road, Village Dairi, Mohali

Untreated effluent of village Dairi is being discharged into N-choe. During visit, sample of N-Choe was collected, after mixing of untreated effluent of village Dairi, by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

### 6. Village Manauli, Mohali

Untreated effluent of village Manauli is being discharged into N-choe. During visit, sample of N-Choe was collected, after mixing of untreated effluent of village Manauli, by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

### 7. Treated waste-water of STP diggian before meeting Jagatpura drain at Sector-82, Mohali



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MC, Chandigarh has installed STP Diggian of capacity 135 MLD at Sec-66, Mohali for the treatment of waste-water generated from Chandigarh. The treated waste-water is partly recycled back to Chandigarh by MC and remaining treated waste-water is discharged through pipeline laid by GMADA for utilization in irrigation purposes in villages Bari, Patton, Matran, Kurdi, and Sekhanmajra (during demand period) and to Jagatpura drain (during no-demand period). During visit it was observed that treated effluent of STP Diggian is discharged into Jagatpura drain. Sample of water were collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

**8. Jagatpura drain after mixing of treated waste-water of STP diggian at Sector-82, Mohali**

Sample of Jagatpura drain after mixing of treated waste-water of STP diggian at Sector-82, Mohali was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

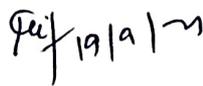
**9. STP, Mohali**

GMADA has installed STP of capacity 45 MLD based on UASB Technology for the treatment of waste-water generated from Mohali city and Focal points of Mohali. The waste-water after treatment in STP is disposed off into N-choe drain. During visit it was observed that the STP was in operation. Sample of treated waste-water of STP, Mohali was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

**10. Village Papri**

Untreated effluent of village Papri is being disposed off into Jagatpura drain. Sample of Jagatpura drain after mixing of untreated effluent of village Papri was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.







### 11. Village Kambali

Untreated effluent of village Kambali is being disposed of into Jagatpura drain. Sample of Jagatpura drain after mixing of untreated effluent of Village Kambali was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

### 12. Amb Sahib Colony, Mohali

Untreated effluent of Amb Sahib Colony is being disposed off into Jagatpura drain. Sample of Jagatpura drain after mixing of untreated effluent of Amb Sahib Colony, Mohali was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee

### 13. Village Jagatpura, Mohali

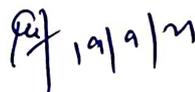
The Jagatpura drain enters Mohali from Chandigarh at Village Jagatpura. Untreated effluent of village Jagatpura is being disposed off into Jagatpura drain. Sample of Jagatpura drain after mixing of untreated effluent of village Jagatpura was collected by joint committee and sent to laboratory of Chandigarh Pollution Control Committee.

#### Visit on 03/09/2021:

The committee inspected the following points on 03.09.2021 and collected water samples from the drain:

1. 3 BRD STP, Chandigarh - Treated effluent of the 3 BRD STP is being discharged into Jagatpura drain. During visit it was observed that the STP was in operation. Sample of treated effluent was collected after Chlorine Contact tank of 3 BRD STP by joint committee and sent to laboratory of Punjab Pollution Control Board.
2. 3 BRD STP, Chandigarh (30.691816, 76.778267)- Sample of treated effluent was collected after polishing tank of 3 BRD STP by joint committee and sent to laboratory of Punjab Pollution Control Board.

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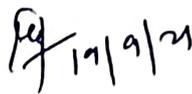
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3. Manhole (Storm water drainage) near Kali bari Mandir, 3 BRD area, Chandigarh mixing into Jagatpura drain (30.697155, 76.776867)-During visit it was observed that industrial effluent was discharged into storm water drainage which mixes with Jagatpura drain. Sample of water was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.
4. Confluence point of Industrial effluent & domestic effluent near Kali Bari Mandir, 3 BRD area, Chandigarh entering into Jagatpura drain (30.697155, 76.776867)- During visit it was observed that industrial effluent from industries located in Industrial Area, Phase-1, Chandigarh and untreated domestic effluent was also being discharged in the Jagatpura drain. Sample of water after confluence of industrial effluent and domestic effluent was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.
5. Storm water drain passing near kali bari Mandir, 3 BRD area, Chandigarh entering into Jagatpura drain (30.697155, 76.776867). Sample of storm water was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.
6. Confluence point of bye pass sewage and treated sewage of STP, Diggian, Sec- 66, Mohali (30.669021, 76.735108). Treated effluent from STP Diggian is partially recycled back to Chandigarh by MC and remaining treated waste-water is discharged through pipeline laid by GMADA for utilization in irrigation purposes in villages Bari, Patton, Matran, Kurdi, and Sekhanmajra (during demand period) and to Jagatpura drain (during no-demand period). During visit, it was observed that the untreated effluent from STP diggian was bye-passed and Sample of confluence of bye pass sewage and treated sewage of STP, Diggian, Sec- 66, Mohali was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.



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7. Treated sewage from outlet of STP, Diggian, Sec-66, Mohali (30.673777, 76.737977). Sample of treated sewage of STP, Diggian, Sec- 66, Mohali was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.
8. Untreated sewage bye passed from STP, Diggian, Sec-66, Mohali (30.670647, 76.730002). Sample of bye pass sewage from STP, Diggian, Sec- 66, Mohali was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.
9. Jagatpura drain passes through village Faidan, Chandigarh (30.673147, 76.738015). This is the last point in Chandigarh after which Jagatpura drain enters Mohali. Untreated domestic effluent from Village Faidan is discharged into Jagatpura Drain. Further, untreated domestic effluent from Village Jagatpura is also discharged into Jagatpura Drain. It was not possible for the Joint Committee to demarcate the boundaries of the village Faidan, Chandigarh and Village Jagatpura, Punjab. Sample of Jagatpura Drain passing through Village Faidan was collected by joint committee and sent to laboratory of Punjab Pollution Control Board. **It was observed by the Joint Committee that neither dedicated STPs are installed for treatment of domestic effluents generating from the Village Faida (Chandigarh) and Village Jagatpura (Punjab) not these villages are connected to any STP located in Chandigarh and Punjab.**
10. N-Choe passing through Sec-42, Chandigarh near Beant Singh Memorial Library (30.723921, 76.733161). Sample of N-choe drain passing through Sec-42, Chandigarh was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.
11. Storm water drain coming from Mohali mixing into N-Choe inside garden of springs, Sec-53, Chandigarh (30.72392, 76.733161). Sample of storm water drain coming from Mohali before mixing into N-Choe was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.

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12. N-Choe passing through village Kajheri, Sec-52, Chandigarh (30.713930, 76.735228). Sample of N-choe drain passing through Sec-52, Chandigarh was collected by joint committee and sent to laboratory of Punjab Pollution Control Board.

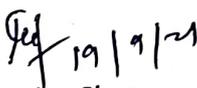
C. **Status of Compliance of the Directions of Hon'ble NGT by the Joint Committee, as on 20/09/2021:**

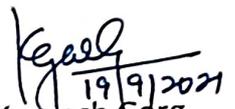
- i) The Joint Committee comprising of members of PPCB, CPCC and CPCB has been constituted and meeting held on 26/8/2021.
- ii) The drains have been visited by the Joint Committee on 26/8/2021, 2/9/2021 and 3/9/2021, to know the status, as directed by Hon'ble NGT.
- iii) The 24 Nos. sampling points in the drain in the Chandigarh and Punjab area related to the matter have been identified.
- iv) The sampling of water/waste water during on-going monsoon season has been completed and analysis reports are under evaluation by the Joint Committee.

**Prayer:**

It is prayed that the above report of the Joint Committee may be considered by the Hon'ble National Green Tribunal, with a request to grant time upto October 31, 2021 to complete the post monsoon sampling and file conclusive report.

  
Er. Vivek Pandey,  
CPCC, Chandigarh

  
Dr. Narender Sharma,  
CPCB, Chandigarh

  
Er. Krunesh Garg,  
PPCB, Patiala

Item No. 02

(Court No.1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 124/2021

Sunaina

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 04.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Sunaina, Applicant in person

**ORDER**

1. Grievance in this application is against failure of statutory authorities in Punjab and Chandigarh to install necessary Sewage Treatment Plant, resulting in discharge of pollution in the drain originating from Chandigarh and passing through various sectors and villages of Mohali, before merging into Ghaggar River. The pollution is affecting the eco-system, including the aquatic life and also public health. Discharge of untreated sewage into the drain is violation of Water (Prevention and Control of Pollution) Act, 1974 and Constitutional obligation under Article 243W and also citizens right to clean environment. Further, since the waste water of the drain is used for cultivation of crops and washing of the vegetables which are consumed by the residents, it is affecting the food chain and public health. The applicant has relied upon news item dated 12.02.2020 in "The Tribune" under the title "*Beware! Your veggies come off sewer water*".

2. Having regard to the above, we find that there is failure of the Authorities in complying with the Environmental Law, including the contempt of the binding order of the Hon'ble Supreme Court dated 22.02.2017 in ***Paryavaran Suraksha Samiti Vs. Union of India***<sup>1</sup> requiring the concerned local bodies and the States to ensure that requisite STPs are installed on or before 31.03.2018 after which the heads of the Department concerned will be liable to prosecution. The Hon'ble Supreme Court also directed this Tribunal to monitor compliance of the said directions. The issue of rejuvenation of river Ghaggar in question was considered by this Tribunal in OA 138/2016, *Stench Grips Mansa's Sacred Ghaggar River*, inter-alia by order dated 28.10.2020 in the light of factual report of the Monitoring Committee appointed by this Tribunal headed by a former judge of the Punjab and Haryana High Court. The Tribunal noted that one of the sources of pollution of the river was discharge of untreated sewage in breach of constitutional duty of the concerned States to prevent the same. Directions were given for remedial action. It may be appropriate to reproduce discussion and directions in the said order :

*“6. The matter was last considered on 15.06.2020 in the light of Fifth Report dated 16.04.2020. In the said order, the Tribunal referred to the gap in the sewage management in Himachal Pradesh, Chandigarh, Punjab and Haryana as per report dated 28.02.2019 as follows:*

*“Himachal Pradesh – Parwanoo and Kala Amb*

*The gap for Parwanno is 569.414 KLD*

*The gap for Kala Amb is 1046.24 KLD*

- (i) With regard to Chandigarh the gap is 23.225 MLD*
- (ii) With regard to Punjab the gap is 75.92 MLD*
- (iii) With regard to Haryana the gap is 42.9 MLD”*

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<sup>1</sup> (2017) 5 SCC 326

7. The Tribunal also considered the deteriorated water quality, status of STPs in Himachal Pradesh, Haryana, Punjab and UT Chandigarh and directed action to be taken by the Himachal Pradesh, Haryana, Punjab and UT Chandigarh to be monitored by the Chief Secretaries and required a further report from the Executing Committee with reference to the status on the ground after six months or as and when considered necessary by the Committee.

8. The Tribunal considered the conclusions in the Fifth Report in all the four States/UT and thereafter observed:

“9. We regretfully note flagrant violation of mandate of the Water (Prevention and Control Pollution) Act, 1974 and the Waste Management Rules framed under the Environment (Protection) Act, 1986 as well as repeated directions given by the Hon’ble Supreme Court and this Tribunal. There is repeated failure by the concerned States and its authorities in performing their constitutional obligation in ensuring that no pollution is discharged into the rivers or drains connected thereto. **The timeline fixed by the Hon’ble Supreme Court in its judgement in Paryavaran Suraksha case, (2017) 5 SCC 326 to ensure treatment of sewage and effluent is by 31.03.2018 which has expired since long.**

10. It may be appropriate to note the directions of the Hon’ble Supreme Court:-

“7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. **We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.**

xxx.....xxx.....xxx

10. **Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health,**

**sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.**

- 11.** Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.**
- 12.** We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.

**13. We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions.** They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional **National Green Tribunal.**

**14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.”**

**(emphasis supplied)**

11. As already noted, this Tribunal has dealt with the matter in O.A. No. 593 of 2017, Paryavaran Suraksha Samiti & Anr. Vs. UOI & Ors., for monitoring the situation in pursuance to the directions of the Hon’ble Supreme Court and noted the disappointment for failure in this regard by almost all the States and Union Territories. Vide order dated 21.05.2020, this Tribunal observed as follows:-

“8. Before proceeding further, we may also note further order of this Tribunal dated 06.12.2019 in O.A. No. 673/2018 directing as follows:

**“XII. Directions:**

47. We now sum up our directions as follows:

- i. 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.**
- ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. Rs. 10 lakhs per month per STP.**
- iii. We further direct that an institutional mechanism be evolved for ensuring compliance of above directions. For this purpose, monitoring may be done by the Chief Secretaries of all the States/UTs at State level and at National level by the Secretary, Ministry of Jal Shakti with the assistance of NMCG and CPCB.*
- iv. For above purpose, a meeting at central level must be held with the Chief Secretaries of all the States/UTs atleast once in a month (option of video conferencing facility is open) to take stock of the progress and to plan further action. NMCG will be the nodal agency for compliance who may take assistance of CPCB and may give its quarterly report to this Tribunal commencing 01.04.2020.**
- v. The Chief Secretaries may set up appropriate monitoring mechanism at State level specifying accountability of nodal authorities not below the Secretary level and ensuring*

*appropriate adverse entries in the ACRs of erring officers. Monitoring at State level must take place on fortnightly basis and record of progress maintained. The Chief Secretaries may have an accountable person attached in his office for this purpose.*

- vi. Monthly progress report may be furnished by the States/UTs to Secretary, Ministry of Jal Shakti with a copy to CPCB. Any default must be visited with serious consequences at every level, including initiation of prosecution, disciplinary action and entries in ACRs of the erring officers.*
- vii. As already mentioned, procedures for DPRs/tender process needs to be shortened and if found viable business model developed at central/state level.**
- viii. Wherever work is awarded to any contractor, performance guarantee must be taken in above terms.**
- ix. CPCB may finalize its recommendations for action plans relating to P-III and P-IV as has been done for P-I and P-II on or before 31.03.2020. This will not be a ground to delay the execution of the action plans prepared by the States which may start forthwith, if not already started.*
- x. The action plan prepared by the Delhi Government which is to be approved by the CPCB has to follow the action points delineated in the order of this Tribunal dated 11.09.2019 in O.A. No. 06/2012.*
- xi. Since the report of the CPCB has focused only on BOD and FC without other parameters for analysis such as pH, COD, DO and other recalcitrant toxic pollutants having tendency of bio magnification, a survey may now be conducted with reference to all the said parameters by involving the SPCB/PCCs within three months. Monitoring gaps be identified and upgraded so to cover upstream and downstream locations of major discharges to the river. CPCB may file a report on the subject before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).*
- xii. Rivers which have been identified as clean may be maintained.”*

**(emphasis supplied)**

13. *The above report shows that some steps have been initiated against non-compliant ETPs/CETPs/STPs while further steps need to be taken. With regard to industries not having ETP or not connected to CETP, pending construction of CETPs as mentioned in the above report, the State PCBs/PCCs may ensure that there is no discharge of any untreated pollutants by the industries and such polluting activities must be stopped and compensation recovered for the non-compliance, if any, apart from any other legal action in accordance with law. As regards non-compliant STPs, further action may be completed by the State PCBs/PCCs and it may be ensured that there is 100% treatment of sewage and till STPs are set up, atleast in-situ remediation takes place. However, on account of Corona pandemic which has affected several on-going activities, the timeline of levy of compensation in terms of order dated 28.08.2019 in O.A. No. 593/2017 read with order dated 06.12.2019 in O.A. No. 673/2018, of 01.04.2020 may be read as 01.07.2020 and 01.04.2021 may be read as 01.07.2021. Further reports may be taken by the CPCB from all the State PCBs/PCCs as per the system evolved by the CPCB from time to time.*

**26. Summary of directions:**

***i. All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.***

***CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.***

***Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.***

***As observed in para 13 above, 100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the deadline of 31.3.2018. This order is without prejudice to the said remedy as direction***

**of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable.**

**ii. The CPCB may study and analyse the extent of reduction of industrial and sewage pollution load on the environment, including industrial areas and rivers and other water bodies and submit its detailed report to the Tribunal.**

**iii. During the lockdown period there are reports that the water quality of river has improved, the reasons for the same may be got studied and analysed by the CPCB and report submitted to this Tribunal. If the activities reopen, the compliance to standards must be maintained by ensuring full compliance of law by authorities statutorily responsible for the same.**

**iv. Accordingly, we direct that States which have not addressed all the action points with regard to the utilisation of sewage treated water may do so promptly latest before 30.06.2020, reducing the time lines in the action plans. The timelines must coincide with the timelines for setting up of STPs since both the issues are interconnected. The CPCB may compile further information on the subject accordingly.**

**v. Needless to say that since the issue of sources of funding has already been dealt with in the orders of the Hon'ble Supreme Court, the States may not put up any excuse on this pretext in violation of the judgment of the Hon'ble Supreme Court.**

**27. The CPCB may furnish its report by 15.09.2020 giving the status of furnishing of action plans and their execution as on 31.08.2020 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image/PDF."**

3. From the above, it is seen that there is hardly any significant improvement. The States of HP, Haryana, Punjab and UT Chandigarh continue to contribute water pollution which is a criminal offence. It is breach of public trust under public trust doctrine. We are left with a feeling that there is no commitment to the rule of law and no concern for

the environment and health of the citizens on the part of the concerned authorities in the States of HP, Haryana, Punjab and UT Chandigarh. As already observed, inspite of enactment of Water (Prevention and Control of Pollution) Act, 1974 making discharge of untreated effluents into a water body a criminal offence, the States are still struggling with preventing untreated sewage from being discharged into the water body **at a huge cost to the environment and health and lives of citizens who have fundamental right to clean environment under the Constitution.** Water pollution is a serious threat to the health of the citizens as well as other living beings who consume the water and also to the food safety for growth of which the water is used for irrigation. After the Hon'ble Supreme Court fixed a deadline of 31.03.2018 in *Paryavaran Suraksha Samiti (supra)* for ensuring that all requisite equipment for treatment of water pollution were in place, there can be no justification whatsoever for the State to have failed in complying with the law. If the State finds that they are unable to manage the sewage directly, there is no bar to other options being explored but there cannot be any justification not to comply with the mandate of law and protecting the health of the citizens in accordance with the Constitutional mandate. No action is being taken against the erring officers and it gives an impression that there is collapse of Environmental rule of law. Who is to pay the cost of damage to the environment and public health of large number of unidentified citizens and other living creatures? Is such cost being calculated. How officers responsible for damage by their inaction or otherwise are being dealt with. Should the State be held liable vicariously for such failure and failure to punish the guilty. This Tribunal has been passing repeated orders and as many as six reports have been submitted by a Monitoring Committee headed by a former High Court Judge and a

former Chief Secretary, clearly recording failure of the State authorities but the higher authorities are also conveniently ignoring their responsibility. Advocates for the authorities only maintain silence before this Tribunal. **If the State itself fails in implementing the law, it is nothing but breakdown of the system itself. Is this Tribunal to just remain silent spectator for such gross failure or hold highest authorities accountable by directing their prosecution for their criminal failure and indirectly being party to the crime against the law of the land? How the law of the land is to be meaningfully enforced. We expect answers to these questions from the States.**

4. We hope that the States realise their responsibility to function according to the Constitution and take immediate remedial measures in punishing the guilty involved in failing to comply with the law and also take prompt measures instead of repeatedly taking the same plea of being engaged in tender process or DPRs. It should not be difficult at this length of time to overcome such procedural requirements and to effectively prevent discharge of the untreated effluents after 46 years of enactment of Water Act and repeated orders of the Hon'ble Supreme Court and other Courts. **For delay and continued violation, realistic compensation has to be recovered from the erring officers, apart from other action or in default, the compensation has to be quantified and recovered. The Executing Committee may make its recommendation in this regard."**

5. In view of above, we direct the Chief Secretary, Punjab and the Advisor to the Administrator, UT Chandigarh in coordination with other concerned officers to take further appropriate remedial measures to comply with the mandate of law, including the directions of the Hon'ble

Supreme Court and this Tribunal. A joint Committee of CPCB, Punjab PCB and UT PCC may inspect the drain and furnish a status report within two months by e-mail.

List for further consideration on 22.09.2021.

A copy of this order be forwarded to the Chief Secretary, Punjab, the Advisor to Administrator UT Chandigarh, CPCB, Punjab State PCB and Pollution Control Committee, Chandigarh by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 04, 2021  
Original Application No. 124/2021  
SN