Joint Inspection Report of the Committee

Submitted in Reference to

Hon'ble National Green Tribunal (NGT) Order Dated 24.9.2020

In the Matter of

Original Application No. 07/2018 (CZ)

M. Y. Chaudhary

Vs.

BMC & Ors.

Members of the Team

1. Shri Alok Singhai, Regional officer , M.P. Pollution Control Board, Bhopal.
2. Dr.Yogendra Kumar Saxena, Scientist-B, Regional Directorate, Central Pollution Control Board, Bhopal.
3. Dr. S. S. Pandya, Scientist, M.P. Pollution Control Board, Bhopal.
4. Dr. T. Soofi, Scientist, M.P. Pollution Control Board, Bhopal.

Joint committee report on Computation of Environmental Compensation (EC) in compliance of Hon'ble National Green Tribunal Order dated 24/09/2020 in the OA No. 07/2018 (CZ)

In compliance of the Hon'ble National Green Tribunal order dated 24.9.2020 in Original Application No. 07/2018 (CZ) in the matter of M. Y. Chaudhary Vs BMC & Ors.; a joint committee was constituted vide Madhya Pradesh Pollution Control Board (MPPCB) office order no. 847/विधि/NGT (CZ)/प्रनिबो/20, dated 01/10/2020 and Central Pollution Control Board (CPCB), Regional Directorate (RD), Bhopal Office Order No.क्षे.नि.भो. /एन.जी.टी.ओ.ए.-7/2018/637-639, dated 28/09/2020. Copy of the Hon'ble National Green Tribunal order dated 24.09.2020 is enclosed as **Annexure I.**

The committee of following officers of MPPCB & CPCB was constituted:

1. Shri Alok Singhai, Regional officer , M.P. Pollution Control Board, Bhopal.
2. Dr.Yogendra Kumar Saxena, Scientist-B, Regional Directorate, Central Pollution Control Board, Bhopal.
3. Dr. S. S. Pandya, Scientist, M.P. Pollution Control Board, Bhopal.
4. Dr. T. Soofi, Scientist, M.P. Pollution Control Board, Bhopal.

The joint committee of CPCB & MPPCB conducted inspection on 8th Oct 2020.

Estimation of Environmental Compensation (EC):-

1. Methodology for estimation of EC for discharge of untreated/partially treated sewage

Under Hon'ble NGT order dated 24.9.2020 in O.A. 7/2018 (M Y Chaudhary Vs BMC & Ors.) under Para 6 the following formulas for the estimation of EC for untreated/partially treated sewage discharge are given as:

EC (Lacs Rs.)= [17.5 {Total Sewage Generation -Installed Treatment Capacity)+ 55.5{Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) X N

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority. Quantity of Sewage is in MLD"

2. **Methodology for estimation of EC to be Levied on Concerned Individual/Authority for Improper Solid Waste management:**

Under Hon'ble NGT order dated 24.9.2020 in O.A. 7/2018 (M Y Chaudhary Vs BMC & Ors.) under Para 6 the following formulas for the estimation of EC to be Levied on Concerned Individual/Authority for Improper Solid Waste management is given as:

EC (Lacs Rs.) = 2.4 (Waste Generation – Waste Disposed as per the Rules) + 0.02 (Waste Generation Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation – Waste Disposed as per the Rules) x N

The committee after study of the guidelines and order draw out the following parameters for assessment of the environment compensation:-

1. Total Sewage Generation.
2. Installed Treatment Capacity.
3. Operational Capacity.
4. N= Number of days from the day of Joint inspection of Collector Bhopal/Chief Medical Officer/MPPCB upto 19.10.2020 *(the date of this report submission by the joint committee in compliance of Hon'ble Tribunal order dated 24.9.2020 in O.A. No. 07/2018 (CZ))*
5. Marginal Cost of Environmental Externality.
6. Solid Waste Generation.
7. Solid Waste Disposal.
8. Solid Waste Management Capacity Gap.

The information required for the assessment of the environment compensation is as follows:-

1. The Following information was received by the Nagar Nigam (office Latter No. 920 नगर यंत्री /सीवेज प्रको./नगर निगम/भोपाल, Dated 15.10.2020) , (Nagar Palika Nigam Bhopal , Latter No. 59/BMC/2020, Dated 14/10/2020) . Copy of the Nagar Nigam letters is enclosed as **Annexure – II.**

   Sewage/ Untreated Water:-

   - Total Sewage Generation of Taj Colony and Ashok Colony = 0.3 MLD.
   - Total Sewage mix in Nawab Siddiqui Hussain Khan Talab from Motia Talab= 0.45 MLD.
   - Total Sewage mix in Nawab Siddiqui Hussain Khan Talab from Taj Colony, Ashok Colony , Motia Pond and other area = 0.75 MLD.
   - Installed Treatment Facility = Nil
   - Installed Operational Capacity= Nil

   Solid Waste:-

   - Total Solid Waste Generation of Taj Colony and Ashok Colony = (5.4 + 0.60) = 6 TPD.
   - Total Solid Waste Disposal of Taj Colony and Ashok Colony = (4.30 + 0.45) = 4.75 TPD.

2. N= The number of days for untreated sewage water discharge was calculated from
   i. Date of first joint inspection of Collector Bhopal, Chief Medical Officer & MPPCB in the Tribunal O.A. 07/2018 (CZ) order dated 9.6.2020 i.e. 11/07/2020 .
   ii. To the date of this report submission by the joint committee in compliance of Hon'ble Tribunal order dated 24.9.2020 in O.A. No. 07/2018 (CZ)) i.e. 19/10/ 2020.
   iii. The number of days of untreated sewage water discharge is 101 days (from 11.7.2020 to 19.10.2020).

3. **Marginal Cost of Environmental Externality for untreated discharge of sewage:**

As per the guidelines of CPCB for calculation of environmental compensation for "Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority" and the Marginal Cost of Environmental Externality is taken as minimum 0.05 and maximum 0.10 for sewage up to 200 MLD. Hence for calculation of the environmental compensation Marginal Cost of Environmental Externality is taken as **0.05 Lacs/day.**

4. The earlier report of joint committee consisting Collector Bhopal, Chief Medical Officer & MPPCB, constituted in compliance of Hon'ble National Green Tribunal order dated 9.6.2020 in O.A. 7/2018 (CZ) stated that most of the hospitals situated near Nawab Siddique Hasan Khan Talab has installed Effluent Treatment Plant (ETP) and rest of the nearby Institutes has a system of disinfection. The treated effluent of institutions is discharge in the municipal sewer pipe line. This municipal sewer pipe line is further connected to the Kolua pump house. The sewage pumped from Kolua pump house to Moholi Damkheda STP for treatment. The Biomedical Waste is disposed by Common Biomedical Waste Treatment facility authorized by MPPCB. The sewage of the Taj colony, Ashok colony and over flow of Motiya Talab is found to be mixed in the Nawab Siddique Hasan Khan Talab.

5. **Marginal Cost of Environmental Externality for improper solid waste management :**

As per the guidelines CPCB for calculation of environmental compensation for "Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management" and the Marginal Cost of Environmental Externality is taken as minimum 0.01 and maximum 0.05 for Solid Waste Management Capacity Gap up to 200 TPD. Hence for calculation of the environmental compensation Marginal Cost of Environmental Externality is taken as **0.01 Lacs/day.**

6. Photographs of the site visit dated 08.10.2020 are enclosed as **Annexure – III.**

Calculations of Environmental Compensation (EC):-

The committee calculates EC for Sewage/Untreated Water disposal. The details are as follows:-

1. Environmental Compensation (EC) for sewage/ Untreated Water treatment

Calculation for EC to be levied for discharge of untreated/partial treated Sewage is as tabulated below:

1.	**Class**	Other
2.	**Sewage Generation (MLD)**	0.75 MLD
3.	**Installed Treatment Capacity (MLD)**	0 MLD
4.	**Operational Capacity (MLD)**	0 MLD
5.	**Treatment Capacity Gap (MLD)**	0.75 MLD
6.	Calculated EC (capital **cost component for STPs) in Lacs Rs.**	13.125 Lacs
7.	**Calculated EC (capital cost component for Conveyance System) in Lacs Rs.**	41.625 Lacs
8.	**Calculated EC (Total capital cost component) in Lacs Rs.**	54.75 Lacs
9.	**Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)**	Min- 100 Lacs Max- 1000 Lacs
10.	**Final EC (Total Capital Cost Component) in Lacs Rs.**	100 Lacs
11.	**Calculated EC (O & M Component in Lacs Rs./day**	0.15 Lacs/Day
12.	**Minimum and Maximum values of EC (O & M Cost Component recommended by the Committee (Lacs Rs./day**	Min- 0.5 Lacs/Day Max- 5 Lacs/Day
13.	**Final EC (O & M Component) in Lacs. Rs./Day**	0.5 Lacs/Day
14.	**Calculated Environmental Externality (Lacs Rs. Per Day)**	0.00056 Lacs/Day
15.	**Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)**	Min- 0.05 Lacs/Day Max- 0.10 Lacs/Day
16.	**Final Environmental Externality (Lacs Rs. Per Day)**	0.05 Lacs/Day

EC (Lacs Rs.)= 17.5(Total Sewage Generation -Installed Treatment Capacity) + 55.5(Total Sewage Generation-Operational Capacity) + 0.2 (Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) X N

EC (Lacs Rs.) = Final EC (Total Capital Cost Component) in Lacs Rs. + Final EC (O & M Component) in Lacs. Rs./Day X N (Days) + Final Environmental Externality (Lacs Rs. Per Day) X N (Days)

EC (Lacs Rs.) = 100 + (0.5 X 101) + (0.05 X 101)

EC (Lacs Rs.) = 100 + 50.5 + 5.05

EC (Lacs Rs.) = 155.55 Lacs

2. **Environmental Compensation (EC) for Solid Waste Management**

EC to be levied for improper management of Municipal Solid Waste

	Class	Other
1.	**Waste Generation (TPD)**	06 TPD
2.	**Waste Disposal as per Rules (TDP)**	4.75 TPD
3.	**Waste Management Capacity Gap (TPD)**	1.25 TPD
4.	**Calculated EC (capital cost component) in Lacs Rs.**	03 Lacs
5.	**Minimum and Maximum Values (Capital Cost Component) recommended by the committee Lacs Rs.**	Min- 100 Lacs Max- 1000 Lacs
6.	**Final EC (Capital Cost Component) in Lacs Rs.**	100 Lacs
7.	**Calculated EC (O & M Component) in Lacs Rs./Day**	0.025 Lacs/Day
8.	**Minimum and Maximum values of EC (O & M Cost Component) recommended by the Committee/Lacs Rs/day)**	Min- 0.1 Lacs/Day Max- 1 Lacs/Day
9.	**Final EC (O & M Component) in Lacs Rs./Day**	0.1 Lacs/Day
10.	**Calculated Environmental Externality (Lacs Rs. Per Day)**	0.0001875 Lacs/Day
11.	**Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)**	Min- 0.01 Lacs/Day Max- 0.05 Lacs/Day
12.	**Final Environmental Externally (Lacs Rs. Per Day)**	0.01 Lacs/Day

EC (Lacs Rs.) = 2.4 (Waste Generation – Waste Disposed as per the Rules) + 0.02 (Waste Generation - Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation – Waste Disposed as per the Rules) x N

EC (Lacs Rs.) = Final EC (Capital Cost Component) in Lacs Rs. + Final EC (O & M Component) in Lacs Rs./Day X N (Day) + Final Environmental Externally (Lacs Rs. Per Day) X N (Day)

EC (Lacs Rs.) = 100 + (0.1 X 101) + (0.01 X 101)
EC (Lacs Rs.) = 100 +10.1 + 1.01
EC (Lacs Rs.) = 111.11 Lacs

Recommendations:

The committee recommend to impose the EC on Bhopal Municipal Corporation; calculated by the committee in compliance of Hon'ble Tribunal order dated 24.9.2020 as

i. Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority = **Rs. 155.55 Lacs**
ii. Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management **=Rs. 111.11 Lcs.**

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Regional Directorate
Central Pollution Control Board
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Shri Alok Singhai
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Item No. 02(Bhopal Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 07/2018 (CZ)

M.Y. Chaudhary — Applica...

Versus

BMC & Ors. — Respondent(s)

Date of hearing: 24.09.2020

CORAM: **HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER**
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s) :

For Respondent(s): Ms. Parul Bhadoria, Advocate

ORDER

1. This Tribunal vide order dated 09.06.2020 directed the authorities as follows:-

> *"This application has been preferred by the applicant to stop the indiscriminate flow of sewage which includes both municipal and bio-medical waste in Nawab Siddique Hasan Khan Talab, Ward No. 09, from the hospital located on Taj-ul-Masjid road situated in the city of Bhopal and to urge restoration of the environment which is being degraded by haphazard disposal of the Municipal Solid Waste and Bio Medical Waste in contravention of Municipal Solid Waste and Bio Medical Waste Rules.*

The residents of the area are suffering from diseases due to the water pollution being caused by the dumping of the bio medical and municipal waste by the respondent hospitals in the area.

Before passing an order, we deem it just and proper to call a report from a Joint Committee consisting of:-

1. *Collector Bhopal MP;*
2. *Chief Medical Officer, Bhopal;*
3. *MPPCB and to direct them to either visit themselves or send the representative not below the rank of Sub-Divisional Magistrate/ District Collector.*

The Committee is directed to submit a factual and action taken report with reference to the allegations made in the application. The PCB will be the nodal agency for coordination and logistic support.

Let a report in the matter be filed by the Committee 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. Report be filed within four weeks.

List on 11th August, 2020."

2. In compliance thereof the Committee submitted the report as follows:-

"

i. *The untreated water of the hospitals as alleged are discharged in the drainage of the municipal sewer pipeline which is situated in front of the hospitals below the footpath.*

ii. *It was informed by the officers of the Nagar Nigam that this municipal sewer line is connected with the pump house but the*

Committee has not visited and not inspected the site as to whether actually untreated water is being pumped or not.

iii. *It is further reported that in front of the hospitals there is separate storm water drain which goes towards Siddique Hasan Pond which means the untreated water is being discharged in the ponds.*

iv. *The untreated water is directly over-flowed and automatically discharged under the Motia Talab Bridge.*

v. *The officers found that the untreated water which is being discharged directly was of bad smell.*

vi. *The untreated water of residential area and the above mentioned untreated water coming from the upper stream comes to Motia Talab and thereafter by way of overflow it is discharged Hasan Khan Pond.*

vii. *It is further reported that the solid waste of residential area is directly thrown into the ponds even during the day time.*

viii. *It is further reported that the bio-medical waste is being disposed by the authorised agency CBWTF and municipal solid waste is disposed by the Nagar Nigam Bhopal.*

ix. *The untreated water/sewage water of residential colonies of Taj Colony and Ashok Colony is directly being discharged in the Siddique Hasan Khan Pond.*

x. *This is in the capital city of Bhopal that untreated water of the hospitals are being discharged in the municipal sewer line and it is alleged that it is being treated though there is no proof that this*

untreated water are being discharged through channelize way and being treated.

xi. No action has been taken by the municipal corporation for the passage of untreated water, management of the untreated sewage water or to treat this water."

3. The facts as narrated by the committee though it is half hearted report and no clear picture has been given as to what is the procedure for treatment of the bio-medical waste, solid waste or the untreated sewage water but it reveals the working conditions of the Municipal Corporation and Nagar Nigam with regard to the management of solid waste and liquid waste.

4. The perusal of the photographs reveals that there are encroachments in the water bodies and ponds, we direct the Municipal Corporation to survey the land according the revenue records. The total area be measured, demarcated and, if there is any encroachment, the encroachment must be removed immediately, according to law.

5. The Principal Bench of this Tribunal directed the authorities concerned not to discharge the untreated or sewage water into the water bodies or ponds. Any violation of this order should be taken seriously in accordance with the order passed by the Principal Bench of this Tribunal in *O.A. No. 148/2016: Mahesh Chandra Saxena v. South Delhi Municipal Corporation & Ors. vide order dated 21.05.2020, the relevant paras are quoted below for compliance:-*

> *"3. Vide order dated 03.08.2018, the matter was reviewed and after noting that in absence of functional ETPs/CETPs/STPs, untreated effluents were being discharged in water bodies leading*

to contamination of surface and ground water which causes various diseases and also has adverse consequence on aquatic organism due to decreased level of oxygen. The Tribunal directed the CPCB to prepare an action plan. Direction was also given for monitoring by a Committee of two officers – one each representing MoEF&CC and CPCB at least once in every month. CPCB was required to place the progress report every three months on the website and take penal action for failure by way of recovery of compensation for damage to the environment, apart from other steps.

4. Vide order dated 19.02.2019, after considering the status report furnished by the CPCB, based on the reports furnished by the States/UTs, this Tribunal after referring to orders passed in O.A NO. 673/2018 for remedial action in respect of 351 polluted river stretches, which had direct nexus with the steps for ETPs/CETPs/STPs and order passed in O.A No. 606/2018 requiring Chief Secretaries to monitor progress inter alia on the subject of control of pollution of the river stretches, directed that the Chief Secretaries may look into the subject of setting up and proper functioning of ETPs/CETPs/STPs in their respective States/UTs. Further direction issued was to prepare a report on assessment of compensation on account of discharge of untreated sewage and dumping of solid waste, loss to ecological services due to illegal mining, deforestation, after taking inputs from expert bodies. The Tribunal also directed the CPCB to compile its monitoring report with regard to 97 CETPs (assuming the total number of CETPs in the country to be 97) installed in different States. CPCB was also directed to furnish its report in O.A. No. 95/2018, Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors. which concerned the issue of inadequate functioning CETP leading to water pollution.

5. In the light of directions of this Tribunal dated 19.02.2019, the CPCB furnished reports dated 30.05.2019 updated on 19.07.2019 and 14.08.2019 giving the status of setting up of ETPs/CETPs/STPs with regard to methodology for assessment of environmental compensation and monitoring of CETPs. The reports were considered exhaustively vide order dated 28.08.2019. Before we advert to the observations of this Tribunal with regard to the reports, we may refer to the observations on the main issue:

> 1.The issue for consideration is establishment and functioning of ETPs/CETPs/STPs to prevent untreated sewage/effluents being discharged in water bodies, including rivers and canals meeting such rivers or otherwise. The magnitude of the problem is well acknowledged. In the year 1962 GoI set up a Committee for prevention of water pollution. The recommendations led to enactment of the Water (Prevention and Control of Pollution) Act, 1974 ("Water Act") in pursuance of Article 252 of the Constitution. The Water Act provides for the constitution of a Central Board and State Boards/Committees. No polluted matter can be discharged into a stream or well or on land, and no industry, operation or process can be established and no out-let for discharge of sewage used without consent of the State Board. The Water

Act provides powers to give directions for closing any such activity as well as for prosecution. Power to give directions implicitly includes recovery of compensation on 'Polluter Pays' principle.

2. Inspite of above statutory regime we are faced with serious problem of water pollution. The Hon'ble Supreme Court noted[1] *that the water pollution caused serious diseases, including Cholera and Typhoid. Water pollution could not be ignored and adequate measures for prevention and control are necessary. Polluting industries were directed to be shifted on 'Precautionary' principle. It is not necessary to refer to all the judgments of the Hon'ble Supreme Court dealing with the significance of water and need to prevent pollution of water. We may only refer to the observations that everyone has right to have access to drinking water in quantum and equality equal to the basic needs. This is fundamental to life and part of Article 21.*[2]

4.We may note that discharge of untreated effluents and sewage is the principal cause of water pollution in the country as noted in cases relating to pollution of rivers.[3] ***Similarly, in the case of 100 polluted industrial clusters being dealt with by this Tribunal***[4]***, water pollution is one of the factors polluting the said industrial clusters. As already noted, official data of CPCB is to the effect that 351 river stretches in the Country are polluted.*** *The Tribunal held that remedial action for restoration of the said river stretches is necessary.*[5] *In the said order, it was observed:*

> *"As already noted, well known causes of pollution of rivers are* ***dumping of untreated sewage and industrial waste, garbage, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters, encroachments of catchment areas and floodplains, over drawl of***

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[1](1988) 1 SCC 471

[2]APPCB vs. Prof. M.V Nayudu (2001) 2 SCC 62 at para 3, 4, State of Orissa Vs. Government of India (2009) 5 SCC 492, at para 58 "**Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting overpumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels.**"

[3]O.A No. 673 of 2018 this Tribunal is considering remedial action to rejuvenate 351 polluted river stretches. Therein, other cases of river pollution are mentioned thus "This Tribunal also considered the issue of pollution of river Yamuna, in Manoj Mishra Vs. Union of India, river Ganga in M.C. Mehta Vs. Union of India, river Ramganga which is a tributary of river Ganga in Mahendra Pandey Vs. Union of India & Ors., rivers Sutlej and Beas in the case of Sobha Singh & Ors. Vs. State of Punjab & Ors., river Son in Nityanand Mishra Vs. State of M.P. & Ors., river Ghaggar in Stench Grips Mansa's Sacred Ghaggar River (Suo-Moto Case)", river Hindon in Doaba Paryavaran Samiti Vs. State of U.P. & Ors., river Kasardi in Arvind Pundalik Mhatre Vs. Ministry of Environment, Forest and Climate Change & Ors., River Ami, Tapti, Rohani and Ramgarh lake in Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors., rivers Chenab and Tawi in the case of Amresh Singh Vs. Union of India & Ors. and Subarnarekha in Sudarsan Das Vs. State of West Bengal & Ors. and issued directions from time to time"

[4]O.A No. 1038/2018

[5]O. A No.673/2018, order dated 08.04.2019

groundwater, river bank erosion on account of illegal sand mining. In spite of directions to install Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), and adopting other anti-pollution measures, satisfactory situation has not been achieved. Tough governance is the need of the hour. If pollution does not stop, the industry has to be stopped. If sewage dumping does not stop, local bodies have to be made accountable and their heads are to be prosecuted. Steps have to be taken for awareness and public involvement."

6. *We now refer to the observations of this Tribunal while considering the reports dated 30.05.2019 updated on 19.07.2019 and 14.08.2019:*

"I.**Report dated 30.05.2019updated on 19.07.2019**

13. *According to updated report dated19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying 73 CETPs in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.*

14. *A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:*

"I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated

based on the formula "EC= Pl x N x Rx S x LF", wherein, Pl may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. Sand LF may be taken as prescribed in the preceding paragraphs

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3 The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition {Civil) No. 375 of 2012), directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.
1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II.Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	*State Of Air Quality*	*Environmental Compensation ()*
Industrial Emissions	*Severe +/Emergency*	*Rs 1.0 Crore*
	Severe	*Rs 50 Lakh*
	Very Poor	*Rs 25 Lakh*
	Moderate to Poor	*Rs 10 Lakh*
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Notin stalled	*Target Date*	*Rs 1.0 Crore*
ii. Non functional	*Very poor to Severe +*	*Rs 50.0 Lakh*
	Moderate to Poor	*Rs 25.0 Lakh*
Construction sites	*Severe +/Emergency*	*Rs 1.0 Crore*
	Severe	*Rs 50 Lakh*
(Offending plot more than 20,000 Sq.m.)	*Very Poor*	*Rs 25 Lakh*
	Moderate to Poor	*Rs 10 Lakh*
Solid waste/ garbage dumping in Industrial Estates	*Very poor to Severe +*	*Rs 25.0 Lakh*
	Moderate to Poor	*Rs 10.0 Lakh*
Failure to water sprinkling on unpaved roads		
a) Hot-spots	*Very poor to Severe +*	*Rs 25.0 Lakh*
b) Other than Hot-spots	*Very poor to Severe +*	*Rs 10.0 Lakh*

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

Class of the City/Town	Mega-City	Million-plus City
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority:

BIS 15-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013), may be considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume

capital cost for STPs as Rs. 1.75 Cr/MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

Cost for Treatment Facility x (Total Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility x (Total Generation -Operational Capacity)]+ O&M Cost Factor x Marginal Average O&M Cost
x (Total Generation- Operational Capacity) x No. of Days for which facility was not available
+ Environmental Externality x No. of Days for which facility was not available

Alternatively;

EC (Lacs Rs.)= [17.S{Total Sewage Generation - Installed Treatment Capacity)+ 55.S{Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) X N

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

Table No. 3.5: Sample calculation for EC to be levied for discharge of untreated/partial treated Sewage

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Sewage Generation (MLD) *(as per the latest data available with CPCB)*	4195	381	486	37
Installed Treatment Capacity (MLD) (as per the latest data availablewith CPCB)	2500	220	404	45.5

Operational Capacity (MLD) (as per the latest data available with CPCB)	1900	140	300	24.5
Treatment Capacity Gap (MID)	2295	241	186	12.5
Calculated EC (capital cost component for STPs) in Lacs Rs.	29662.50	2817.50	1435.00	0.00
Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.	127372.50	13375.50	10323.00	693.75
Calculated EC (Total capital cost component) in Lacs Rs.	157035.00	16193.00	11758.00	693.75
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (Total Capital Cost Component) in Lacs Rs.	**20000.00**	**10000.00**	**1000.00**	**693.75**
Calculated EC (O&M Component in Lacs Rs./day	459.00	48.20	37.20	2.50
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5	Min. 0.5 Max. 5
Final EC (O&M Component) in Lacs. Rs./Day	**20.00**	**10.00**	**5.00**	**2.50**
Calculated Environmental Externality (Lacs Rs .Per Day)	2.0655	0.2049	0.1395	0.0094
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)	Min. 0.60 Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.05 Max. 0.10	Min. 0.05 Max. 0.10
Final Environmental Externality (Lacs Rs. Per day)	**0.80**	**0.25**	**0.10**	**0.05**

3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) +0.02 (Waste Generation Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N

Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Waste Generation (Kg. per person per day)	0.6	0.5	0.4	0.4
Waste Generation (TPD)	9809.90	880.14	350.79	200.31
Waste Disposal as per Rules(TPD) (assumed as 25% of waste for sample calculation	2452.47	220.04	87.70	50.08

Waste Management Capacity Gap(TPD)	7357.42	660.11	263.09	150.23
Calculated EC(capital cost component) inLacs. Rs.	17657.82	1584.26	631.42	360.56
Minimum and Maximum values(Capital Cost Component) recommended by the committee (Lacs. Rs.	Min. 1000 Max.10000	Min. 500 Max.5000	Min. 100 Max.1000	Min. 100 Max.1000
Final EC (Capital Cost Component) in Lacs. Rs.	**10000.00**	**1584.26**	**631.42**	**360.56**
Calculated EC(O&M Component) in Lacs. Rs./Day	147.15	13.20	5.26	3.00
Minimum and Maximum values of EC(O&M Cost Component) recommended by the Committee)Lacs Rs/Day)	Min. 1.0 Max.10.0	Min. 0.5 Max.5.0	Min. 0.1 Max.1.0	Min. 0.1 Max.1.0
Final EC(O&M Component) inLacs.Rs. /Day	**10.00**	**5.00**	**1.00**	**1.00**
Calculated Environmental Externality (Lacs Rs .Per Day)	2.58	0.18	0.03	0.02
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)	Min. 0.80	Min. 0.25 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. Per day)	**0.80**	**0.25**	**0.03**	**0.02**

IV. Environmental Compensation in Case of Illegal Extraction of Ground Water

4.5 Formula for Environmental Compensation for illegal extraction of ground water

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental

Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation (ECGw)

EC_{OW} = Water Consumption per Day x No. of Days x Environmental Compensation Rate for illegal extraction of ground water (ECR_{Gw})

in Rs./ m^3

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in ***Annexure-VI.***

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of EC_{Gw}.

4.6 Environmental Compensation Rate (ECRGw) for illegal use of Ground Water:

The committee decided that the Environmental Compensation Rate (ECR_{Gw}) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further, ECR_{Gw} are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/Categorization0fAssessmentUnits.pdf#ZOOM=150.

Environmental Compensation Rates (ECR_{GW}) for illegal use of ground water (ECR_{GW}) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

4.6.1 ECRGw for Drinking and Domestic use:

Drinking and Domestic use means uses of ground water inhouseholds, institutional activity, hospitals, commercial complexes, townships etc.

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<2	2 to <5	5 to <25	25 & above
		Environmental Compensation Rate (ECRGw) in Rs./m^3			

1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
Minimum EC_{GW}=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

4.6.2 ECRGw for Packaged drinking water units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 &&
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.3 ECR_{Gw} for Mining, Infrastructure and Dewatering Projects

Sl. No	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 &&
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over-exploited	60	90	120	150
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.4 ECRGw for Industrial Units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 &&
		Environmental Compensation Rate (ECRGw) in			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over-exploited	80	120	160	200
Minimum EC_{GW} = Rs 1,00,000/-					

4.8 Recommendations

The committee has given following recommendations:

- *The minimum Environmental Compensation for illegal extraction of ground water for domestic purpose will be Rs. 10,000, for*

institutional/commercial use will be 50,000 and for other uses will be 1,00,000.

- In case of fixation of liability, it always lies with current owner of the premises where illegal extraction is taking place.
- Time duration may be assumed to be one year in case where no evidence for period of installation of bore well could be established.
- For Drinking and Domestic use, where metering is not present but storage tank facility is available, minimum water consumption per day may be assumed as similar to the storage capacity of the tank.
- For industrial ground water use, where metering is not available, water consumption may be assumed as per the consent conditions. Further, where in case industry is operating without consent, water consumption may be calculated based on the plant capacity (on the recommendation of SPCB/PCC, if required). SPCB/PCC may bring the issue of illegal extraction of ground water in industries in to the notice of CGWA for appropriate action by CGWA.
- Authorities assigned for levy EC and taking penal action are listed below:

S. No.	Actions	Authority
1.	To seal the illegal bore-well/tube-well to stop extraction of water and further closure of project	District Collector
2.	To levy EC_{Gw} as per prescribed method	District Collector,
3.	To levy EC on water pollution, as per the method prescribed in report of CPCB- "EC on industrial pollution"	CPCB/SPCB/PCC
4.	Prosecution of violator	CGWA under EP Act
		SPCB/PCC under Air and Water Act

- CGWA may maintain a separate account for collection and utilization of fund, collected through the prescribed methodology in this report."

"Discussion on the report dated 30.05.2019 updated on 19.07.2019

15. It is clear from the order of the Hon'ble Supreme Court[6] that the responsibility of operating STPs under Article 243W and item 6 of Schedule XII to the Constitution is of local bodies who have to evolve norms to recover funds for the purpose which is to be supervised by the States/UTs. The norms were to be finalized upto 31.03.2017 to be implemented from the next year, i.e 01.04.2018. In absence thereof, the States/UTs have to cater to the financial requirement from its own resources.

[6]Para 10-13 in *Paryavaran Suraksha Samiti Vs. Union of India, Supra*

The States/UTs are to prioritize the cities, towns, villages discharging effluents/sewage directly into the water bodies. Industrial activity without proper treatment plants (ETPs and CETPs) is not to be allowed by the State PCBs and the Secretaries, Environment of the States/UTs are to be answerable. Thus, the source for financial resources for the STPs, stands finalized under the binding judgment of the Hon'ble Supreme Court. Authorities and persons accountable are identified. Rigid implementation has been laid down. This Tribunal has been required to monitor compliance of the directions and timelines.

16. It is in this background that the present report needs to be appraised and further directions given. As regards the Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water is accepted as an interim measure. With regard to setting up of STPs, while we appreciate the extensive work of the CPCB based on information furnished by States/UTs, the challenge remains about verification of the said data on the one hand and analysis of the steps taken and required on the other. There is already a database available with the CPCB with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites. This needs to be collated and river basinwise macro picture needs to be prepared by the CPCB in terms of need for interventions, existing infrastructure and gaps therein. The States have given timelines which need to be effectively monitored both by the CPCB and the Chief Secretaries in terms of its execution.

17. As already noted, prevention of pollution of water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. 'Precautionary' principle of environmental law is to be enforced. Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage. There is no reason why this direction be not followed, so as to control pollution of all the river stretches in the country. The issue of ETPs/CETPs is being dealt with by an appropriate action against polluting industries. Setting up of STPs and MSW facilities is the responsibility of Local Bodies and in case of their default, of the States. Their failure on the subject has to be adequately monitored. Recovery of compensation on 'Polluter Pays' principle is a part of enforcement strategy but not a substitute for compliance. It is thus necessary to issue directions to all the States/UTs to enforce the compensation regime, latest with effect from 01.04.2020.

We may not be taken to be condoning any past violations. The States/UTs have to enforce recovery of compensation from 01.04.2020 from the defaulting local bodies. On failure of the States/UTs, the States/UTs themselves have to pay the requisite amount of compensation to be deposited with the CPCB for restoration of environment. The Chief Secretaries of all the States may furnish their respective compliance reports as per directions already issued in O.A. No. 606/2018."

"II. Report dated 14.08.2019 with regard to monitoring of CETPs

18. *The Committee inspected 127 CETPs in 14 States. Figure of CETP assumed to be 97 was not correct. 66 CETPs were found to be non-compliant. CPCB directed SPCBs to take following steps:*

"1. SPCBs shall direct non-complying CETPs to take immediate corrective actions to comply with the environmental standards.
2. CETP should be directed to take action as per the recommendations provided at Annexure A-N within a time frame.
3. In case of non-complying CETPs, action as deemed fit including levying of environmental compensation may be taken.
4. In case, OCEMS are not connected with CPCB & SPCB servers, ensure a robust system of physical inspections to verify compliance by drawing samples."

"Discussion on the report dated 14.08.2019

19. *We accept the recommendation of the CPCB and direct the Chief Secretaries, State Governments, Union Territories and the SPCBs/PCCs to take further action accordingly and furnish an action taken report accordingly. The CPCB to meanwhile compile and collate information with regard to ETPs, CETPs, STPs, MSW Facilities, Legacy Waste dump sites and complete the pending task on the subject before the next date and furnish a report.*

20. *The environmental compensation regime for CETP not meeting the prescribed norms need to be evolved by the CPCB."*

(emphasis supplied)

6. India is endowed with extraordinarily diverse and distinctive traditional water bodies found in different parts of the country, commonly known as ponds, tanks, lakes, *vayalgam*, *ahars*, *bawdis*, *talabs* and others. They play an important role in maintaining and restoring the ecological

balance. They act as sources of drinking water, recharge groundwater, control floods, support biodiversity, and provide livelihood opportunities to a large number of people. Currently, a major water crisis is being faced by India, where 100 million people are on the frontlines of a nationwide water crisis and many major cities facing an acute water shortage. The situation will worsen as United Nations and NitiAyog reports say that the demand for water will reach twice the available supply, and 40 per cent of India's population will not have access to clean drinking water by 2030. One of the reasons is our increasing negligence and lack of conservation of waterbodies. Since independence, the government has taken control over the waterbodies and water supply. With a colonial mindset, authorities move further and further away in the quest of water supply, emphasing more on networks, infrastructure and construction of dams. This, over time, has led to the neglect of waterbodies and catchments areas. As a result, we have started valuing land more than water. In the last few decades, waterbodies have been under continuous and unrelenting stress, caused primarily by rapid urbanisation and unplanned growth. Encroachment of waterbodies has been identified as a major cause of flash floods in Mumbai (2005), Uttarakhand (2013), Jammu and Kashmir (2014) and Chennai (2015). Further, waterbodies are being polluted by untreated effluents and sewage that are continuously being dumped into them. Across the country, 86 waterbodies are critically polluted, having a chemical oxygen demand or COD concentration of more than 250 mg/l, which is the discharge standard for a polluting source such as sewage treatment plants and industrial effluent treatment plants. In urban India, the number of waterbodies is declining rapidly. For example, in the 1960s Bangalore had 262 lakes. Now, only 10 hold water.

Similarly, in 2001, 137 lakes were listed in Ahmedabad. However, by 2012, 65 were already destroyed and built upon. Hyderabad is another example. In the last 12 years, it has lost 3,245 hectares of its wetlands. The decline in both the quality and quantity of these waterbodies is to the extent that their potential to render various economic and environmental services has reduced drastically. Although there are sufficient polices and acts for protection and restoration of waterbodies, they remain insufficient and ineffective.

7. Realizing the seriousness of the problem confronting waterbodies, the Centre had launched the Repair, Renovation and Restoration of Water Bodies' scheme in 2005 with the objectives of comprehensive improvement and restoration of traditional water bodies. These included increasing tank storage capacity, ground water recharge, increased availability of drinking water, improvement of catchment areas of tank commands and others. However, in this regard, not much has been seen on the ground.

8. It is of utmost importance for meeting the rising demand for water augmentation, improving the health of waterbodies as they provide various ecosystem services that are required to manage microclimate, biodiversity and nutrient cycling. Many cities are working towards conservation of waterbodies like the steps initiated in the capital city of Delhi for instance. In turning Delhi into a city of lakes, rejuvenation of 201 waterbodies has been finalised. Of these, the Delhi Jal Board (DJB) plans to revive 155 bodies while the Flood and Irrigation Department will revive 46. DJB claims that the aim is to achieve biological oxygen demand or BOD to 10ppm and total suspended solids to 10mg/l. Also the

establishment of the Wetlands Authority by the Delhi government is a welcome step towards notifying and conserving natural waterbodies. In order to achieve the goal of revival of waterbodies, it is important to understand that one solution may not fit all the waterbodies. Depending on the purpose, ecological services, livelihood and socio-cultural practices, the approach will vary from one waterbody to another. However the issues with regard to lack of data and action plans, encroachments, interrupted water flow from the catchment, siltation, violations of laws, solid waste deposit and polluted water, involvement of too many agencies, etc have to be taken into consideration.

9. Action needs to be taken towards:

1. Attaining sustainability. Thus, emphasis on long-term goals, operation and maintenance should be included along with the allocation of budget.

2. Success of the lakes should be tested on all three fronts namely economic, environmental and social. Many studies point that a deliberate effort has to be made on the social front for which better publicity of the environmental benefits of the project and enhancing environmental awareness, especially among the local community is required.

3. Encouraging local people to collaborate with other stakeholders to successfully utilise resources and ensure the protection and conservation of waterbodies.

4. Traditionally, water was seen as a responsibility of citizens and the community collectively took the responsibility of not only

building but also of maintaining the water bodies. This needs to be brought back into the system.

5. Thus, an integrated approach taking into account the long-term sustainability, starting from the planning stage where looking at every waterbody along with its catchment, is required.

10. The natural source of air, water and soil cannot be utilized, if the utilization results in irreversible damage to environment. There has been accelerated degradation of the environment primarily on account of lack of effective enforcement of environmental laws and non-compliance with statutory norms. It has been repeatedly held by the Supreme Court that the right to live is a fundamental right under Article 21 of the Constitution and it includes the right to enjoyment of pollution free water and air for full enjoyment of life. The definition of sustainable development which gave more than three decades back still holds goods. The phrase covers the development that meets the need of the present without compromising the availability of future generation to meet their own needs. Sustainable development means the type or extent of development that can take place and which can be sustained by nature / ecology with or without mitigation. In these matters the required standards now is that the risk of harm to the environment or to human health is to be decided in public interest according to a reasonable person test. Life, public health and ecology has priority over unemployment and loss of revenue.

11. The report and the other original applications pending in this Tribunal reveals that the Municipal Corporation/Nagar Nigam Bhopal is not properly functioning and in various colonies untreated sewage water is

being discharged in the water bodies causing pollution and health hazard to the public.

12. There is a provision and direction that the hospitals must have ETP and in violation of the conditions the environmental compensation is required to be calculated and imposed according to the Principle of Polluter Pays.

13. Accordingly, we constitute a Committee consisting one representative from Central Pollution Control Board and one representative from Madhya Pradesh Pollution Control Board to visit the site and calculate the environmental compensation for discharging untreated water into the water bodies and throwing municipal waste into the ponds. The report be submitted within three weeks.

14. We further direct the Municipal Corporation to take remedial measures and ensure that no untreated sewage water be discharged into the water bodies and there must be solid waste management and not to be thrown into the open place or water bodies.

15. The further action taken report be submitted before the date of listing 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.

16. List it on 04.11.2020.

Justice Sheo Kumar Singh, JM

Dr. S.S. Garbyal, EM

JG
Original Application No. 07/2018 (CZ)

(21)

कार्यालय नगर पालिक निगम, भोपाल
(सीवेज प्रकोष्ठ)

कमांक– 920 /नगर यंत्री/सीवेज प्रको./नगर निगम/भोपाल, दिनांक– 15/10/2020

प्रति,

क्षेत्रीय अधिकारी
म.प्र. प्रदूषण नियंत्रण बोर्ड,
पर्यावरण परिसर ई–5 अरेरा कालोनी
भोपाल

R.O.M.P.P.C.B. 3129 19/10/2020

विषय :– माननीय एन.जी.टी. प्रकरण कमांक 07/2018 के पालनार्थ वार्ड कमांक 09, भोपाल की जानकारी बावत्।

संदर्भ :– आपका पत्र कमांक 2737/क्षेका/प्रनिबो/2020 भोपाल दि. 13/10/2020।

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उपरोक्त संदर्भित विषयांतर्गत लेख है कि माननीय एन.जी.टी. प्रकरण कमांक 07/2018 के परिप्रेक्ष्य में आपके द्वारा चाही गई जानकारी संलग्न प्रपत्र में भरकर अग्रिम कार्यवाही हेतु प्रेषित की जा रही है।

संलग्न :– उपरोक्तानुसार

नगर यंत्री
सीवेज प्रकोष्ठ
नगर निगम भोपाल

Sc(S)

AS

REQUIRED INFORMATION

S.N.	Required Information (Qty. in MLD)	Status
1.	Total sewage water generation of Taj Colony and Ashok Colony (MLD)	0.3 mld
2.	Total sewage water generation of ward-09	2.8 mld
3.	Total sewage mix in nawab siddiqui hussain talab from motia talab	0.45 mld
4.	Total sewage mix in nawab siddiqui hussain khan talab from taj colony, ashok colony, motia pond and other area	0.75 mld
5.	Total population of taj colony and ashok colony	2477
6.	Total population of ward -09	26365
7.	Installed treatment facilities	No
8.	Installed operational capacity	No
9.	Details of Hospital Sewage/waste water drain out details	Hospital sewage / Waste water → Sewage line → Kolua pump house → Maholi damkheda

R.K. GUPTA
DY. CITY ENGINEER (SEWAGE)
MUNICIPAL CORPORATION, BHOPAL

City Engineer
Signature & Seal
Municipal Corporation, Bhopal

(Point 1,2,5&9)
SHALINI SINGH
ASSISTANT ENGINEER (SEWAGE)
MUNICIPAL CORPORATION, BHOPAL

कार्यालय नगर पालिक निगम, भोपाल

स्वच्छ भारत मिशन (यांत्रिक विभाग)

बी–बिंग, द्वितीय तल, पासपोर्ट कार्यालय के ऊपर, कुशाभाऊ ठाकरे इन्टरस्टेट बस टर्मिनल (आईएसबीटी) परिसर, अम्बेडकर मार्ग, चेतक ब्रिज के पास, भोपाल (म.प्र.) –462011

15 YEARS OF CELEBRATING THE MAHATMA

क्रमांक 59 /BMC/2020 भोपाल, दिनांक 14/10/2020

प्रति,

श्री आलोक सिंघई,
क्षेत्रीय अधिकारी,
म0प्र0 प्रदूषण नियंत्रण बोर्ड,
पर्यावरण परिसर, ई–5, अरेरा कॉलोनी,
भोपाल, पिन– 462016

R.O. M.P.P.C.B. 3128 19/10/2020 BHOPAL

विषयः– माननीय एन.जी.टी. प्रकरण क्रं. 07/2018 के पालनार्थ वार्ड क्रं. 09, भोपाल की जानकारी के संबंध में।

संदर्भः– आपका पत्र क्रं. 2738 /क्षेका/प्रनिबो/2020 दिनांक 13/10/2020

उपरोक्त विषयांतर्गत, संदर्भित पत्र के माध्यम से आपके द्वारा माननीय एन.जी.टी. क्रं. 07/2018 के परिपेक्ष्य में वार्ड क्रं. 09 में स्थित सिद्दीक हसन खाँ तालाब एवं उसके किनारे स्थित अस्पतालो इत्यादि के संबंध में नगरीय ठोस अपशिष्टों की मात्रा एवं उसके डिस्पोजल के संबंध में चाही गई जानकारी जोन क्रं. 02 एवं 03 से प्राप्त कर संलग्न कर मूलतः आपकी ओर प्रेषित है।

संलग्न : पृष्ठ 01 से 02 तक

नगर यंत्री
स्वच्छ भारत मिशन
नगर पालिक निगम, भोपाल

S2(5)

Required Information

S.no	Required Information (Qty. in TPD)	Status
1.	Total solid waste generation of Ward No-9	-
2	Total solid waste disposal of Ward No-9	-
3.	Total solid waste generation of Ashok colony & Taj Colony near Nawab Siddiqui Hussain Khan Talab	Zone-02 (Taj Colony and Sounding) 5.4 TPD
4.	Total solid waste disposal of Taj colony & Ashok Colony near Nawab Siddiqui Hussain Khan Talab	4.30 TPD (Taj Colony & Sounding)
5.	Total solid waste generation of hospital situated near Nawab Siddiqui Hussain Khan Talab	-
6.	Total solid waste disposal of hospitals situated near Nawab Siddiqui Hussain Khan Talab	-

Signature & Seal

जोन क्र.02
नगर निगम, भोपाल

(25)

Required Information

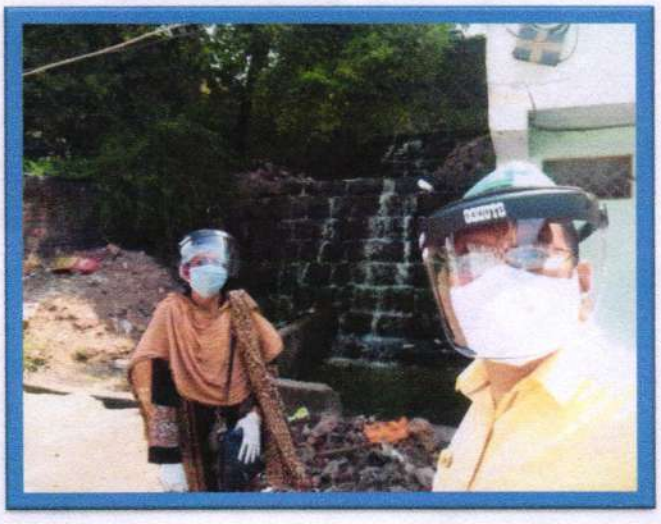
S.no	Required Information (Qty. in TPD)	Status
1.	Total solid waste generation of Ward No-9	4.20 TPD
2	Total solid waste disposal of Ward No-9	3.30 TPD
3.	Total solid waste generation of Ashok colony & Taj Colony near Nawab Siddiqui Hussain Khan Talab	0.60 TPD (Ashok Colony & Sounding)
4.	Total solid waste disposal of Taj colony & Ashok Colony near Nawab Siddiqui Hussain Khan Talab	0.45 TPD (Ashok Colony & Sounding)
5.	Total solid waste generation of hospital situated near Nawab Siddiqui Hussain Khan Talab	Nil
6.	Total solid waste disposal of hospitals situated near Nawab Siddiqui Hussain Khan Talab	Nil

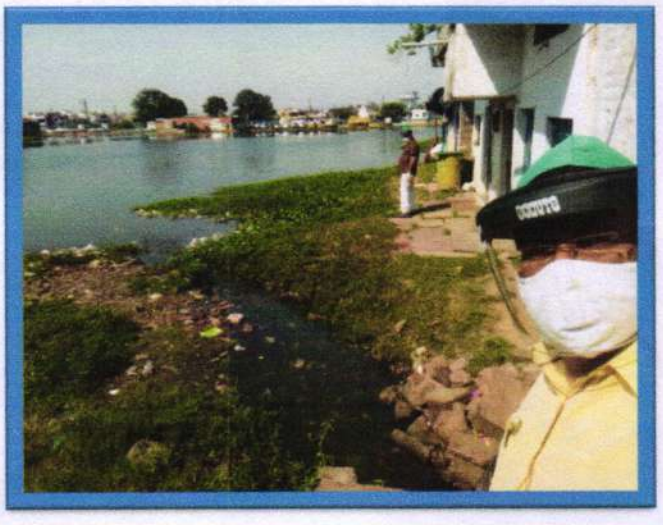
Signature & Seal

स्वच्छता प्रभारी
जोन क्र.03
नगर निगम, भोपाल

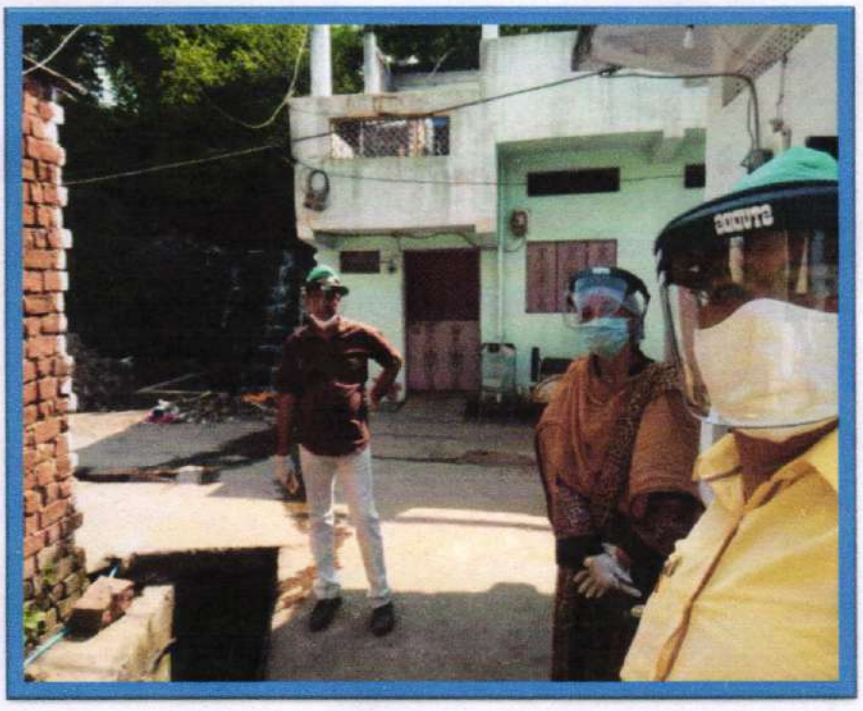
Annexure –III

(Visit the Site for Calculate the Environmental Compensation)

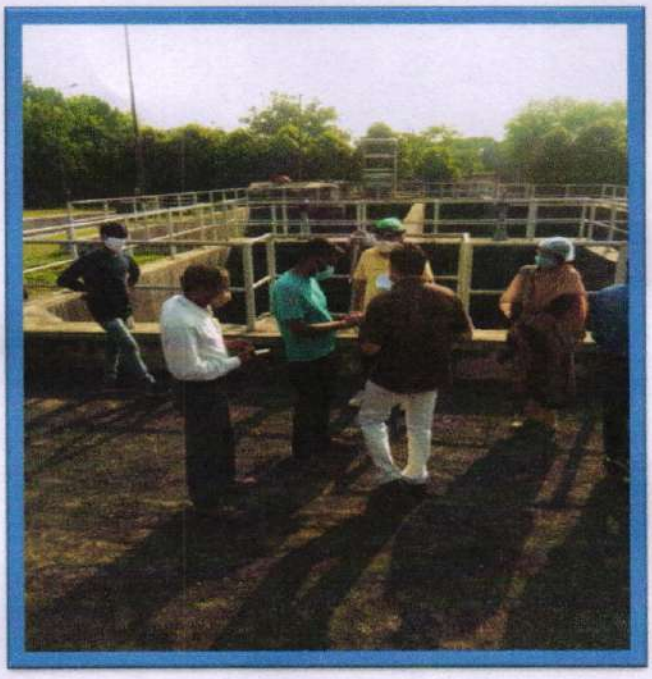


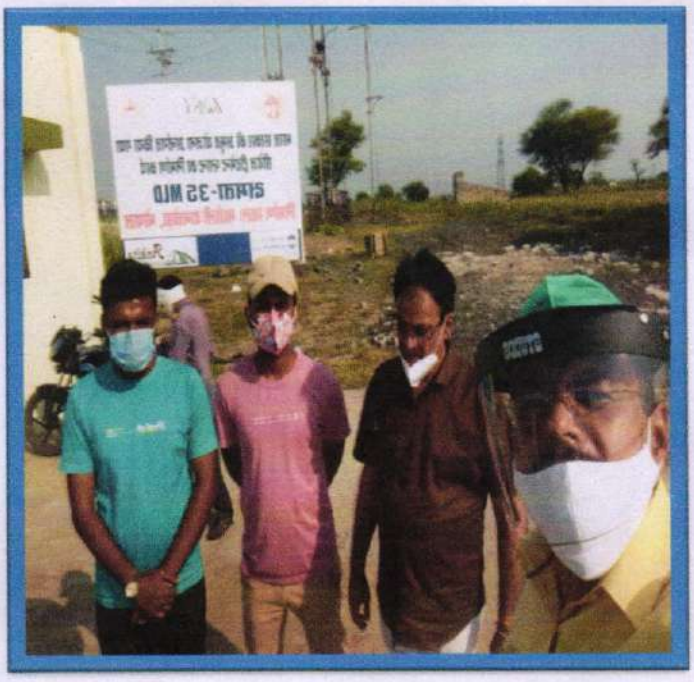


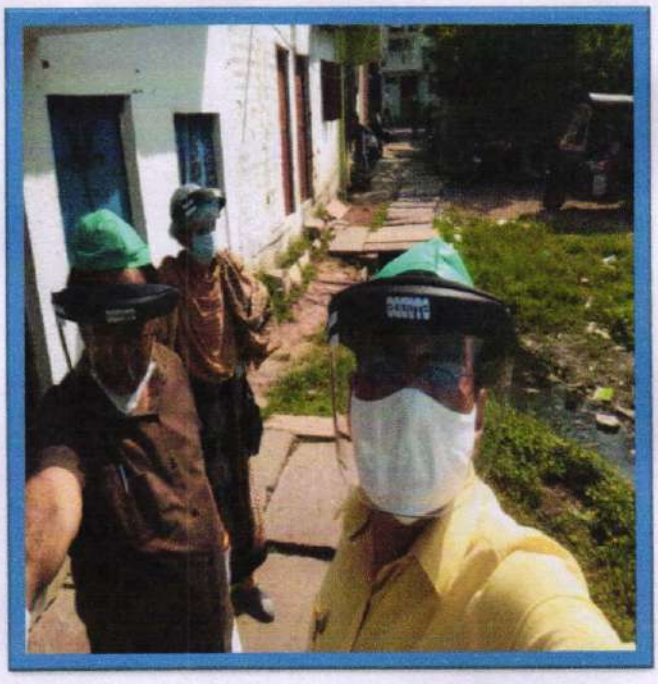
(Visit the Site for Calculate the Environmental Compensation)



(Visit the Site for Calculate the Environmental Compensation)







(Visit the Site for Calculate the Environmental Compensation)