

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH CHENNAI

ORIGINAL APPLICATION NO. 237 OF 2024 (SZ)

(Earlier O.A. No. 822 of 2024(PB))

IN THE MATTER OF:

Suo Moto matter In re: News item titled "OUR TUNGA RIVER IS IN
DESPERATE NEED OF ATTENTION AND CLEANING: ANIRUDDHA
JHATKAR " The Times of India dated 29.06.2024

Versus

Karnataka State Pollution Control Board & Ors.

.... Respondents

INDEX

S. No	Particular	Page No.
01	Affidavit on Behalf of the Respondent No. 2, The Central Pollution Control Board (CPCB)	01-07
02	Annexure I – A copy of the Primary Water Quality Criteria for Outdoor Bathing' was notified by the Ministry of Environment Forest and Climate Change (MoEF&CC) vide G.S.R. 742(E) notification dated 25th September 2000 under the Environment (Protection) Amendment Rules, 2000	08-11

Signed and verified on this 24th day of February, 2025 at Bengaluru

Counsel for
2nd Respondent

DEPONENT

J. Chandra Babu

REGIONAL DIRECTOR

CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868276903



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**REPLY ON BEHALF OF THE RESPONDENT NO. 2, THE CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

1. That, a case has been registered Suo Motu by the Principal Bench of the Hon'ble National Green Tribunal, New Delhi as Original Application No.822 of 2024(PB) based on the news item published in News Paper 'The Times of India' dated 29.06.2024 titled "Our Tunga River is in desperate need of attention and cleaning: Aniruddha Jhatkar" which has been transferred to this Bench and renumbered as Original Application No.237 of 2024(SZ). As per the petition (News Item appeared in The Times of India dated 29th June, 2024), it is alleged that the quality of River Tunga in Shivamogga District, Karnataka State is degrading due to the discharge of untreated sewage. The said article also says that construction of Sewage Treatment Plant (STP) is the only solution to address the issue.




24/7/2024
J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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BENGALURU - 560 079. MOB: 9868278903

In the said article it states that Sh. Anuirudha Jathkar, famous film artist in Karnataka State has wrote to the Hon'ble Chief Minister of Karnataka to address the issue on priority and Hon'ble Chief Minister has responded to his grievances and directed authorities to do the needful on priority. The entire article summarizes that; everyone has to contribute to make our environment better.

2. The Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai vide order dated 12.11.2024 issued notices to all the Respondents. Thereby, the reply on behalf of Answering Respondent No.2 i.e, Central Pollution Control Board (hereinafter referred as CPCB), herein, is made in succeeding paragraphs.
3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
4. That, it is humbly submitted that 'Primary Water Quality Criteria for Outdoor Bathing' was notified by the Ministry of Environment Forest and Climate Change (MoEF&CC) vide G.S.R. 742(E) notification dated 25th September 2000 under the Environment (Protection) Amendment Rules, 2000 (**Annexure-I**). These criteria include Fecal Coliform (500 MPN/100 ml (desirable), 2500 MPN/100ml Maximum Permissible), Fecal Streptococci (100 MPN/100 ml (desirable), 500 MPN/100 ml Maximum Permissible), pH (6.5-8.5) Dissolved Oxygen (5 mg/l or more), and Biochemical Oxygen Demand (3 mg/l or less).



J. Chandra Babu
24/11/2024

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REGIONAL DIRECTOR
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5. That, it is humbly submitted that, the CPCB in association with the State Pollution Control Boards (hereinafter referred as SPCBs) in the States and Pollution Control Committees (hereinafter referred as PCCs) in Union Territories (hereinafter referred as UT) has established Water Quality Monitoring Network under National Water Quality Monitoring Programme (hereinafter referred as NWMP) to assess water quality of water resources in the respective States/UTs to facilitate prevention and control of pollution in the water bodies. Under NWMP, Karnataka Pollution Control Board (KSPCB) is monitoring water quality of river Tunga at two locations i.e (U/s Shivamogga City, D/s of Shivamogga Town) in Karnataka on monthly basis. The water quality of River Tunga monitored in the year 2023 is given in the Table below:

Name of Monitoring Location	Dissolved Oxygen (mg/L)		pH		BOD (mg/L)		Fecal Coliform (MPN/100ml)	
	Min	Max	Min	Max	Min	Max	Min	Max
Primary Water Quality Criteria for Outdoor Bathing	>5 mg/L		6.5-8.5		<3 mg/L		<2500 MPN/100 mL	
Water Quality of RIVER TUNGA U/S SHIVAMOGGA CITY	5	9.7	6.5	8.12	1	2.5	17	46
Water Quality of RIVER TUNGA AT D/S OF SHIMOGA TOWN	0.5	9.3	6.5	7.7	1.2	8	110	940

6. The water quality data of River Tunga monitored in the year 2023 reveals that at upstream of Shivamogga City, the pH ranged from 6.5 to 8.12, DO ranged from 5 mg/L to 9.7 mg/L, BOD ranged from 1 mg/L to 2.5 mg/L and Fecal Coliform ranged from 17 MPN/100 mL to 46 MPN/100 mL.




 Chandrababu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
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7. At D/s downstream of Shivamogga Town, water quality of River Tunga showed that pH ranged from 6.5 to 7.7, Dissolved Oxygen (DO) ranged from 0.5 mg/L to 9.3 mg/L. The Biochemical Oxygen Demand (BOD) ranged from 1.2 mg/L to 8 mg/L, exceeding the limit of 3 mg/L. The Fecal Coliform levels ranged from 110 MPN/100 mL to 940 MPN/100 mL.
8. That it is humbly submitted that, as per the Central Pollution Control Board's reports on **"POLLUTED RIVER STRETCHES FOR RESTORATION OF WATER QUALITY-2018 & 2022"**; the stretch of River Tunga along Shivamogga district is one of the Polluted River Stretches identified in Karnataka state, detailed in the Table below:

River	River Stretch	BOD Value (Max value in mg/L)		Priority	
		2018	2022	2018	2022
Tunga	ALONG SHIVAMOGGA	4.3	6.0	P-V	P-V

Note: The polluted river stretches (PRS) have been categorized into 5 priority classes, based on BOD levels in milligram per litre (mg/l) as Priority (P) - I (BOD > 30 mg/l), P - II (20 to 30 mg/l), P - III (10 to 20mg/l), P - IV (6-10 mg/l) & P - V (3 to 6 mg/l).

9. That it is humbly submitted that, in compliance to the Hon'ble NGT (PB) directions in OA No. 673/2018, action plans were prepared by State Governments and UT Administrations for rejuvenation of 351 Polluted River stretches identified by CPCB, including the polluted river stretch of River Tunga in Karnataka State. Concerned State/ UT Government departments are implementing the action plans and the action plans implementation progress is reviewed periodically by the River Rejuvenation Committee (RRC) at State



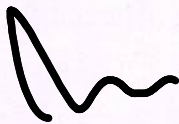

 J. Chandra Babu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
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Level and by Central Monitoring Committee (CMC) constituted under the Chairmanship of Secretary, Ministry of Jal Shakti at Central Level.

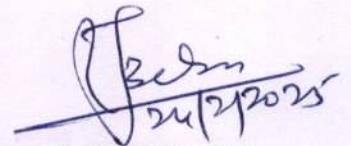
10. Therefore, this answering respondent craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.

11. That in light of the above submission, it is respectfully submitted that this Answering Respondent No. 2 i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA.

Dated at Bengaluru on this the 24th day of February 2025.



**COUNSEL FOR
2nd RESPONDENT**



DEPONENT

J. Chandra Babu

REGIONAL DIRECTOR

CENTRAL POLLUTION CONTROL BOARD

REGIONAL DIRECTORATE - BENGALURU

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AFFIDAVIT

I, J Chandra Babu, son of late Shri. J Balaramaiah, aged 57 years, having office at the Regional Directorate (Bengaluru), Central Pollution Control Board (CPCB), 1st & 2nd Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079, Karnataka, do hereby solemnly affirm, declare on oath and state as under:

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.




24/7/2024

**J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT

J. Chandra Babu

REGIONAL DIRECTOR

CENTRAL POLLUTION CONTROL BOARD

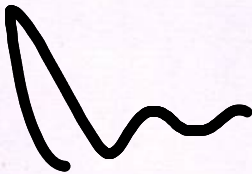
REGIONAL DIRECTORATE - BENGALURU

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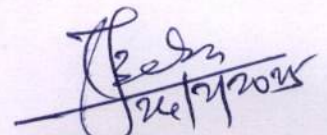
BENGALURU - 560 079. MOB: 9868278903

VERIFICATION

Verified at Bengaluru on this 24th day of February 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed there from or mis-stated.



**COUNSEL FOR
2nd RESPONDENT**



DEPONENT

J. Chandra Babu

REGIONAL DIRECTOR

CENTRAL POLLUTION CONTROL BOARD

REGIONAL DIRECTORATE - BENGALURU

(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)

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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 25 सितम्बर, 2000

सा. का. नि. 742(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1996 (1996 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) नियम, 1996 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2000 है।

(2) इस अधिसूचना में अन्यथा जैसा उपबंधित है उसके विवाय, वे राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पर्यावरण (संरक्षण) नियम, 1986 में,—

(1) अनुसूची 1 में पटाखों के लिए शोर मानकों से संबंधित क्रम संख्याक 89 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्याक और उनसे संबंधित प्रविष्टियां अन्तःस्थापित की जाएंगी, अर्थात् :—

"90. कोयला खानों के लिए मानक

1. वायु क्वालिटी मानक

निम्नलिखित धूल उत्पादक स्रोतों से 500 मीटर की दूरी पर प्रबल हवा की दशा पर विचार करते हुए नीचे की ओर हवा की दिशा में निलंबित कणिकीय पदार्थ (एस. पी. एम.), अन्तः श्वसनीय कणिकीय पदार्थ (आर. पी. एम.), सल्फर डाईआक्साइड (एस ओ₂) और नाइट्रोजन आक्साइड (एन ओ₂) का संकेन्द्रण नीचे दी गई मारणी-1, और II, और III में विनिर्दिष्ट मानकों से अधिक नहीं होगा।

धूल उत्पादन के स्रोत

लदाई या उतराई, कर्पण मड़क, कोयला परिवहन मड़क, कोयला हथालने का संयंत्र (मी. एच. वी.) रेल सरकवां, विस्फोट, छेदन, अधिक ऊंचे ढेर या कोई अन्य धूल उत्पादन के बाहरी स्रोत जैसे, कोक भट्टी (कठोर तथा मुलायम), इष्टिका उद्योग, पास की मड़क आदि।

- टिप्पण :—1. जहां उपचारित बहिस्त्राव ऐसे नगर सीवर में डाला जाता है जो अंतिम उपचार संयंत्र में जाता है, वहां जैव-रसायन आक्सीजन मांग (बी ओ डी) की 100 मि.ग्रा./लि. तक और रसायन आक्सीजन मांग (सी ओ डी) की 400 मि.ग्रा./लि. तक छूट दी जा सकेगी।
2. बहिस्त्राव की क्वालिटी (एक लिटर प्रति किलोग्राम उत्पाद) संयुक्त सूती वस्त्र उद्योग संयुक्त ऊनी वस्त्र उद्योग और टैक्सटाइल प्रसंस्करण उद्योग में क्रमशः 100, 250 और 80 होगी।

93. स्नान-जल के लिए प्राथमिक जल क्वालिटी मानदंड

जलाशय या उसके भाग में के जल का कई प्रकार से उपयोग किया जाता है। जल के उपयोगों और क्रियाकलापों के प्रकार पर निर्भर रहते हुए जल क्वालिटी की कसौटी किसी विशिष्ट प्रयोजन के लिए उसकी उपयुक्तता अवधारित करने के लिए विनिर्दिष्ट कर दी गई है। विभिन्न प्रकार के उपयोगों में एक उपयोग यह भी है जो जल के उच्चतर स्तर की क्वालिटी या शुद्धता की मांग करता है और उस जलाशय के विस्तार में उसे "अभिहित सर्वोत्तम उपयोग" के रूप में जाना जाता है। इस पर आधारित प्राथमिक जल क्वालिटी की कसौटी के निबंधनों के अनुसार विभिन्न उपयोगों के लिए जल क्वालिटी अपेक्षाएं विनिर्दिष्ट की गई हैं। सारणी 1 में स्नान-जल के लिए प्राथमिक जल क्वालिटी की तर्कयुक्त कसौटी विनिर्दिष्ट की गई है।

सारणी 1

स्नान-जल के लिए प्राथमिक जल क्वालिटी मानदंड

(संगठित बाह्य स्नान के लिए प्रयुक्त जल)

मानदंड		तर्कआधार
1. फिकल	500 (वांछनीय)	निम्न मल जल संदूषण सुनिश्चित करने के लिए,
कोली फॉर्म	2500 (अधिकतम अनुज्ञेय)	फिकल कोलीफॉर्म और फिकल स्ट्रेप्टोकोक्का के
एम. पी. एन./100 मि.लि.	..	बारे में यह माना गया है कि वे जीवाणु रोगोत्पादकता
2. फिकल स्ट्रेप्टोकोक्की	100 (वांछनीय)	को दर्शित करते हैं। वांछनीय और अनुज्ञेय मंगमाएं
एम. पी. एन./100 मि.लि.	500 (अधिकतम अनुज्ञेय)	पर्यावरणिय दशाओं में उतार-चढ़ाव
		को अनुज्ञात करने के लिए मुझाव देती हैं जैसे कि
		मौसमी परिवर्तन, बहाव की दशाओं में परिवर्तन
		आदि।
2. पी. एस.	6.5 से 8.5 के बीच	यह रेंज त्वचा और आँख, नाक, कान आदि जैसे
		कोमल अंगों को संरक्षण प्रदान करती है जो बाह्य
		स्नान के दौरान सीधे प्रभावित होते हैं।
3. घुली हुई आक्सीजन		5 मि.ग्रा./लि. के न्यूनतम घुली हुई आक्सीजन
		संकेन्द्रण ठीक ऊपरीधारा में आर्गनिक प्रदूषण युक्त
		आक्सीजन लेने से युक्तियुक्त मुक्ति सुनिश्चित करते
		हैं जो तलछट से अनाइरोबिक गैसों (आबनोक्सीयस
		गैसों) के उत्पादन को निवारित करने के लिए
		आवश्यक है।
4. जैव-रसायन		3 मि.ग्रा./लि. या इससे कम जल की जैव रसायन
आक्सीजन मांग (बी ओ डी)		आक्सीजन मांग आक्सीजन डिमांडिंग प्रदूषकों
(27° से. पर 3 दिन)		से युक्तियुक्त मुक्ति सुनिश्चित करती है और
		आबनाक्सीयस गैसों के उत्पादन को रोकता है।"
(2) अनुसूची 6 के शोर मान दंडों से संबंधित भाग ड में, मोटरगाड़ियों के लिए शोर सीमा से संबंधित भाग क के पश्चात् निम्नलिखित अन्तः		
स्थापित किया जाएगा :—		

"कक. 1 जनवरी, 2003 से मोटर यानों के लिए शोर सीमा

मोटर यानों के लिए निम्नलिखित शोर सीमा 1 जनवरी, 2003 से लागू होगी। अनुसरण किए जाने वाली परीक्षण पद्धति भा मा.

MINISTRY OF ENVIRONMENT AND FORESTS**NOTIFICATION**

New Delhi, the 25th September, 2000

G.S.R. 742(E).— In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely.

1. (1) These rules may be called the Environment (Protection) Amendment Rules, 2000.
(2) Save as otherwise provided in this notification, they shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986,—
 - (1) In Schedule I, after serial number 89 relating to Noise standards for fire crackers and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:—

“90. Standards for coal mines**1. Air Quality Standards**

The Suspended Particulate Matter (SPM), Respirable Particulate Matter (RPM), Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) concentration in downwind direction considering predominant wind direction, at a distance of 500 metres from the following dust generating sources shall not exceed the standards specified in the Tables I, II and III given below:

Dust Generating Sources

Loading or unloading, Haul road, coal transportation road, Coal handling plant (CHP), Railway sliding, Blasting, Drilling, Overburden dumps, or any other dust generating external sources like coke ovens (hard as well as soft), briquette industry, nearby road etc.

93. Primary Water Quality Criteria for Bathing Waters.

In a water body or its part, water is subjected to several types of uses. Depending on the types of uses and activities, water quality criteria have been specified to determine its suitability for a particular purpose. Among the various types of uses there is one use that demands highest level of water quality or purity and that is termed as "Designated Best Use" in that stretch of water body. Based on this, water quality requirements have been specified for different uses in terms of primary water quality criteria. The primary water quality criteria for bathing water are specified along with the rationale in table 1.

Table 1.

**PRIMARY WATER QUALITY CRITERIA FOR BATHING WATER
(Water used for organised outdoor bathing)**

CRITERIA		RATIONALE
1. Fecal Coliform MPN/100 ml:	500 (desirable) 2500 (Maximum Permissible)	To ensure low sewage contamination. Fecal coliform and fecal streptococci are considered as they reflect the bacterial pathogenicity.
2. Fecal Streptococci MPN/100 ml:	100 (desirable) 500 (Maximum Permissible)	The desirable and permissible limits are suggested to allow for fluctuation in environmental conditions such as seasonal change, changes in flow conditions etc.
2. pH:	Between 6.5 –8.5	The range provides protection to the skin and delicate organs like eyes, nose, ears etc. which are directly exposed during outdoor bathing.
3. Dissolved Oxygen:	5 mg/l or more	The minimum dissolved oxygen concentration of 5 mg/l ensures reasonable freedom from oxygen consuming organic pollution immediately upstream which is necessary for preventing production of anaerobic gases (obnoxious gases) from sediment.
4. Biochemical Oxygen demand 3 day, 27°C:	3 mg/l or less	The Biochemical Oxygen Demand of 3 mg/l or less of the water ensures reasonable freedom from oxygen demanding pollutants and prevent production of obnoxious gases";

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL SOUTHERN BENCH,
CHENNAI**

O A NO. 237 OF 2024 (SZ)

Suo Moto matter In re: News item titled "OUR TUNGA RIVER IS IN
DESPERATE NEED OF ATTENTION AND CLEANING: ANIRUDDHA
JHATKAR " The Times of India dated 29.06.2024

Versus

Karnataka State Pollution Control Board & Ors..

.... Respondents

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) i.e. RESPONDENT NO. 2**

**M/s.N. Nathami
Counsel for the 2nd Respondent
CPCB
M-9962825131**