

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No. 861 of 2022

Kuldeep Singh Khaira & Ors.

.....Applicant(s)

Versus

State of Punjab and Ors.

.....Respondent(s)

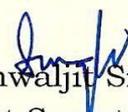
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Submitted by:

Place: Chandigarh

Dated: 15 JUL 2024


 (Kanwaljit Singh)
 Joint Secretary to Government
 of Punjab, Department of
 Water Resources

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Reply by way of affidavit of Kanwaljit Singh, Joint Secretary to Government of Punjab, Department of Water Resources, Chandigarh on behalf of Respondent No. 1,2,5 & 6.

RESPECTFULLY SHOWETH:-

I, the above named deponent do hereby solemnly affirm and declare as under:-



1. That the present Original Application is pending adjudication before this Hon'ble Tribunal and is listed for hearing on 22.08.2024.
2. That through the present Original Application, the applicants has raised the grievance that the Sidhwan Canal passing through Ludhiana is getting highly polluted due to dumping of waste like plastic bags, polyester cloths waste and other non-biodegradable

waste etc. alongwith huge encroachment on the sides of the canal.

3. That the present Original Application was listed for hearing before this Hon'ble Tribunal on 14.05.2024 and the Tribunal was pleased to pass the following operative orders :-

"5. As against the stand of Municipal Corporation, Ludhiana that this stretch of 1.7 km as also the bed of the canal is required to be cleaned by the Irrigation Department, the stand of Counsel for the State/Irrigation Department initially was that it is the responsibility of the Municipal Corporation, Ludhiana but later changing the stand, learned Counsel for the State has submitted that he will obtain instructions in this regard.

6. We are surprised the matter is pending since 2022 and it has repeatedly listed, yet the Counsel for the State has no instructions in the matter nor any reply has been filed by Respondent No. 1, State of Punjab through the Chief Secretary, Respondent No. 2, Deputy Commissioner, Mini Secretariat, Responding No. 5, Executive Engineer, Canal Officer, Sidhwan Canal Division."

7. It appears that the above respondents are not serious about remediating the problem and wasting time in inter-departmental conflicts. Considering the circumstances of the case, we give one last opportunity to the above respondents to file their response within six weeks, failing which Respondent No. 1 will appear virtually before the Tribunal on the next date of hearing.



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8. List on 22.08.2024."

4. That earlier, the Hon'ble Tribunal on 20.02.2023 had took cognizance of the Joint Committee Report submitted on 03.02.2023. During the course of hearing, the Hon'ble Tribunal observed that solid waste collection of Municipal Corporation is one of the reason of dumping of garbage into the canal and thereby, directed *Municipal Corporation to file specific reply in regards to proposed time which is to be taken for completion of garbage removal from bed of Canal and shifting of Secondary Collection site nearby canal to some other place.* Alongwith, the Hon'ble Tribunal also directed Irrigation Department (Now Water Resources Department) to demarcate and notify 'No Development Zone' on both sides of the canal.

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5. That in compliance of the aforesaid directions, Water Resources Department while examining the matter in light of provisions contained in Sub Section 11 of Section 70 of the Northern India Canal & Drainage Act, 1873, issued a notification vide Memo No. WR-IRWR09/130/2023-1W2/251 Dated 21.07.2023 made applicable the above provisions under Section 70 of the Act on the Sidhwan Canal(waterway) and on its both sides to prevent any illegal encroachment activity. The copy of aforesaid notification is annexed as **Annexure R-1**.



6. That it is submitted that the Water Resources Department is fully committed to comply with the provisions for the protection and conservation of the environment as well as water being a depleting natural resource. It is also submitted that Department of Water Resources is striving hard, to keep the Sidhwan canal clean and safeguard the canal from pollution. The canal is being cleaned periodically during the period of canal closure when there is lesser demand of water for irrigation in the fields. Also, efforts are being made to generate public awareness regarding prevention of pollution of Sidhwan Canal by way of installing Information Boards at Bridge locations.

Amrinder

7. That it is respectfully submitted that in order to resolve the pending grievance of the applicants, a joint meeting was conducted by Deputy Commissioner, Ludhiana (Respondent No. 2) to co-ordinate and put in interdepartmental efforts for remediating the problem and the meeting was attended by Municipal Commissioner, Ludhiana and Executive Engineer, Sidhwan Canal Division now Ludhiana Canal and Ground Water Division, Water Resources Department, Ludhiana on 12.06.2024. The copy of the minutes of meeting is annexed as **Annexure R-2**. During the course of this meeting, it was decided mutually amongst both departments that the pending cleaning/removal of



garbage along the banks of the canal will be done by Municipal Corporation, Ludhiana and the bed of the canal will be cleaned by the Department of Water Resources, Punjab.

8. That in view of above, it is submitted that the pending work of cleaning/removing the garbage lying in the bed of Sidhwan Canal from RD 50184 to RD 88000 shall be taken up during the next canal closure likely in month of October, 2024 keeping in view of the fact that it is not feasible to stop flow of water in the canal currently due to high demand of water during ongoing paddy season. The tenders for execution of the cleaning work will be floated by the answering respondent.

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9. That it is further respectfully submitted that deponent holds this Hon'ble Tribunal in the highest esteem and cannot even think of disobeying or flouting any order or direction of this Hon'ble Tribunal or any other courts of law. For any lapse on the part of the deponent, the deponent tenders an unconditional apology for the same and is ready to take any other such corrective measures as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present matter.

In view of the submissions made herein above, it is respectfully submitted that the above information may kindly be taken on record and this Hon'ble Tribunal may



kindly pass the suitable directions in the interest of justice.

Place: Chandigarh

Dated:

15 JUL 2024

Singh
Deponent
(Kanwaljit Singh)
Joint Secretary to Government
of Punjab, Department of
Water Resources

VERIFICATION:-

Verified that the contents of para No. 1 to 9 of the above affidavit are true and correct to my knowledge as per information derived from the official record. No part of it is false and nothing material has been kept concealed therein.

I identified the deponent who has signed/thumb marked in my presence

Arora
Signature

Place: Chandigarh

Dated:

15 JUL 2024

Singh
Deponent
(Kanwaljit Singh)
Joint Secretary to Government
of Punjab, Department of
Water Resources



Certified That above Statement made on Oath/S.A. before me at Chandigarh by..... *Kanwaljit Singh*
Son/Daughter.....
Resident of.....
Teh.....
Identified by..... *Arora*
who is personally know to me. *Arora*
Date..... *15/7/24*
3052
Oath Commissioner *Arora*
Chandigarh

GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
(IRRIGATION WORKS BRANCH)

NOTIFICATION

No. WR-1RWRO9/130/2023-1W2/251

Dated, Chandigarh, the: 21/07/23

1.0 Sh. Kuldeep Singh Khara and others filed Original Application No. 861 of 2022 before the National Green Tribunal, inter-alia, raising a grievance that there is a Canal i.e. Sidhwan Canal passing through Ludhiana and that is highly polluted due to dumping of the plastic bags, polyester cloths waste, other non-biodegradable material etc. and there is huge encroachment also in its side. In the aforesaid matter, the Principal Bench of the National Green Tribunal, New Delhi passed various directions vide order dated 20.2.2023. Para 9 of the aforesaid directions reads as under:-

"9. Municipal Corporation shall also mention specifically in its reply as to what time it will take in completion of the work of removal of garbage from the bed of Sidhwan canal and also for shifting of the said waste collection site to another place for preventing disposal of waste into canal and regulate encroachment of any on both sides of the canal. The Irrigation and Flood Canal Department may demarcate and notify no Development Zone on both sides of the canal".

2.0 In order to make compliance of the aforesaid directions of the National Green Tribunal, the matter has been examined in the light of provisions contained in the Northern Canal and Drainage Act 1873. According to sub section 11 of Section 70 of the said Act, trespassing is an offence and contents of section are reproduced below:-

"Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:-

(1) passes or causes animals or vehicles to pass, on or across any of work's banks or channels of a canal or drainage work contrary to rules made under this Act after he has been desired to desist therefrom:

Shall be liable on conviction before a Magistrate of such class as the State Government directs in this behalf, to a fine not exceeding (one hundred) rupees or to imprisonment not exceeding on month, or to both.

3.0 In order to prevent unlawful activities around the Sidhwna Canal flowing in the State of Punjab, it is hereby declared that the provisions of sub section 11 of Section 70 of the Northern Canal and Drainage Act 1873 shall be applicable on

Attested

Executive Engineer/Legal,
Water Resources Department, Punjab,
Chandigarh.

Sidhwan Canal (water way) and its both sides (left and right) from RD 50184 to 88000 from coping of canal till dowel 5.91 feet width. It is further declared that the violators, if any, are liable to be dealt with in accordance with the aforesaid provisions of the said Act of 1873.

4.0 It is further declared that no developmental or other kind of activities upon the land around the Sidhwan Canal as specified in para 3.0 of this notification shall be carried out by any individual, builder or any government/ non-government organization without prior permission of this Department failing which it shall be presumed to have violated the above said provisions as contained in sub section 11 of section 70 of the Act *ibid* and such violators shall be liable to be proceeded against accordingly.

5.0 The concerned Canal Officer (concerned Executive Engineer) shall ensure compliance of the directions of the National Green Tribunal. The said Canal Officer is authorized to lodge necessary complaints against the violators of these directions before the competent court of law

LD

(Krishan Kumar)

Principal Secretary to the Government of Punjab,
Department of Water Resources.

A copy of the above is sent to the following for necessary information:-

Endst/WB:IRWR09/130/2023-1W2/PSI/1-5 Dated, Chandigarh, the: 21/07/23

1. Principal Secretary to the Government of Punjab, Department of Local Bodies.
2. Deputy Commissioner, Ludhiana
3. Commissioner, Municipal Corporation, Ludhiana
4. Chief Engineer(Canal), Water Resources Department, Punjab, Chandigarh.
5. Executive Engineer, Sirhind Canal Circle, Ludhiana

LD

Principal Secretary Water Resources.

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Executive Engineer/Legal,
Water Resources Department, Punjab,
Chandigarh.

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Minutes of meeting regarding reviewing the NGT Cases dated 12.06.2024

Annexure-2-2

In reference to above, a meeting was chaired by the DC Ludhiana regarding NGT cases at DC office Ludhiana on 12.06.2024 at 12.30 pm. In this meeting the officers from various concerned departments were present:

1. Commissioner, Municipal Corporation, Ludhiana.
2. Additional Deputy Commissioner, Ludhiana (Rural Development)
3. Sub Divisional Magistrate, Payal.
4. District Development and Panchayat officer, Ludhiana
5. Xen, Canal Division Ludhiana.
6. Xen, Punjab Pollution Control Board, Ludhiana.
7. SDO, Improvement Trust, Ludhiana.

In Compliance of the National Green Tribunal O.A No. 861 of 2022 titled as Kuldeep Singh Khaira vs State of Punjab order dated 14.05.2024, during the interdepartmental coordination meeting held, it was decided that the bed of the canal would be cleaned and maintained by XEN Canal, whereas the banks would be cleaned & maintained by the commissioner, municipal corporation .

Under no circumstances shall the refuse of bed of canal be stocked on the bank of the canal.

It was informed by Xen, canal that tenders for the same would be floated and work execution would be started by September end/October beginning after the closure of canal.

Commissioner Corporation has informed that the regular cleaning of banks is ongoing and compactor sites are functional.

~~At 12.30~~ meeting ended with the vote of thanks.


Deputy Commissioner
Ludhiana

Endst No :- 11821-28 /M.A

Dated- 14.06.2024

A Copy is forwarded to following departments for information and necessary action please:

1. Commissioner, Municipal Corporation, Ludhiana.
2. Additional Deputy Commissioner, Ludhiana (Rural Development)
3. Sub Divisional Magistrate, Payal.
4. District Development and Panchayat officer, Ludhiana
5. Xen, Canal Division Ludhiana.
6. Xen, Punjab Pollution Control Board, Ludhiana.
7. SDO, Improvement Trust, Ludhiana

Attested



**Executive Engineer Legal,
Water Resources Department, Punjab,
Chandigarh.**


Deputy Commissioner
Ludhiana