

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

Original Application No. 685/2019

In the matter of:

Rakesh Kumar ...Applicant

Versus

Govt. of NCT of Delhi. ...Respondents

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Filed by:

(Delhi Pollution Control Committee)
Respondent

New Delhi:
Dated: 11.07.2020

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**STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER
DATED 15.05.2020.**

1. That this Hon'ble Tribunal in above referred matter vide its order dated 15.05.2020 pleased to direct to the Chief Secretary, Delhi to take a meeting within one month and oversee preparation of an appropriate SOP for preventing extraction of ground water by way of unauthorized tubewell and wherever such illegal found, prompt coercive measures must be taken.
2. That the Environment Department, Government of Delhi, has prepared a draft SOP titled as "Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells/tubewells" for laying out an effective mechanism for prevention of illegal extraction of ground water and the same was circulated to all the concerned authorities i.e. Municipal authorities, Delhi Jal Board and District Magistrates of Delhi for their comments/ suggestions.
3. That, in compliance of the order of this Hon'ble Tribunal, a meeting was taken by the Chief Secretary, Delhi on 12.06.2020



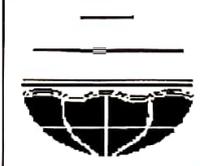
through video conferencing. The meeting was attended by Municipal authorities, Delhi Jal Board, DPCC and District Magistrates of Delhi. In the meeting it was decided that all concerned departments may go through the draft SOP prepared by Environment Department and offer their comments/ suggestion on it. Copy of the minutes of the meeting held on 12.06.2020 is enclosed as **Annexure-I**.

4. The SOP has since been finalized and has been brought into effect. In the SOP clear responsibilities have been assigned to various agencies as DJB/local bodies and block development officers for identification of illegal borewells depending on nature of use and Deputy Commissioners (Revenue) of the districts have been assigned the role of supervision of checking the violation and closure of illegal borewells. An inter departmental advisory committee has been constituted for each district to assist the Deputy Commissioners. It has been observed that often the drilling machines/rigs are used to dig illegal borewells the mechanism for their regulation including registration and prior permission for movement and deployment has also been incorporated in the SOP. The mechanism for levying of environmental compensation has also been incorporated in the SOP. A copy of the SOP is enclosed as **Annexure-II**.

5. That during meeting it was informed that Delhi Jal Board has already identified 19661 illegal borewells on which action is being taken and 7248 units have already been closed down by the district authorities. The remaining units to be closed down on priority as these have been already identified and the process to be completed within a period of three months.


(Mohd. Arif)
Sr. Env. Engineer, DPCC

NGT MATTER/ MOST URGENT



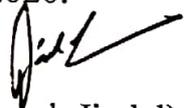
DELHI POLLUTION CONTROL COMMITTEE
An Autonomous Body Under Administrative Control Of
DEPT. OF ENVIRONMENT, GOVT. OF N.C.T. DELHI
4TH & 5TH FLOOR, ISBT BUILDING, KASHMERE GATE,
DELHI-06.

F. No. DPCC/(10)/(10)(12)/Leg-20/368

Dated: 19.06.2020

Sub:-Minutes of Meeting held under Chairmanship of Chief Secretary, Delhi on 12.06.2020 at 5.30 PM through video conferencing in connection with Hon'ble NGT matter OA No. 685/2019 titled as "Rakesh Kumar Vs. Govt. of NCT of Delhi.

Please find enclosed herewith minutes of meeting held under chairmanship of Chief Secretary, Delhi on 12.06.2020 at 5.30 PM through video conferencing in connection with Hon'ble NGT matter OA No. 685/2019 titled as "Rakesh Kumar Vs. Govt. of NCT of Delhi regarding Hon'ble NGT order dated 15.05.2020.


(Dinesh Jindal)
Asst. Law Officer

Encl:- As above

To

1. Chairperson, New Delhi Municipal Council,
2. Division Commissioner Delhi, Delhi 110054.
3. Pr Secretary UD, Government of NCT Delhi.
4. Commissioner, South Delhi Municipal Corporation.
5. Commissioner, North Delhi Municipal Corporation.
6. Commissioner, East Delhi Municipal Corporation.
7. CEO, Delhi Jal Board
8. All District Magistrates.

Copy to:-

1. OSD to Chief Secretary- For information pl.
2. PA To Chairman, DPCC- For information of Chairman, pl.

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Minutes of meeting taken by Chief Secretary, Delhi through video conference on 12.06.2020 at 5:30 PM in OA no. 685 /2019 "Rakesh Kumar vs Govt. of NCT of Delhi"

The meeting was attended by Principal Secretary (Environment), CEO, Delhi Jal Board, Commissioners of Municipal Corporations, Member Secretary, DPCC and the Deputy Commissioners (Revenue).

The following are the records of discussions:

1. At the outset, Principal Secretary (Environment) informed that while hearing a complaint regarding operation of illegal borewells in the areas of Chandni chowk, Kashmiri Gate and other colonies in the jurisdiction of North DMC and after going through the reports filed, the Hon'ble NGT observed that there is inadequate action by the regulatory authorities resulting in illegal extraction of ground water. Accordingly, Hon'ble NGT has directed for devising suitable effective mechanism for preventing extraction of ground water by unauthorized tubewells and wherever such illegalities are found, prompt coercive measures must be taken. The Hon'ble NGT vide its order dated 15.05.2020 has further directed the Chief Secretary, Delhi to call a meeting of all concerned within one month and oversee the preparation of an appropriate SOP for fixing responsibility.
2. Principal Secretary (Environment) also informed that pursuant to the aforesaid order of the Hon'ble NGT, draft SOP has been circulated to CEO, Delhi Jal Board and office of Divisional Commissioner for their inputs. CEO, DJB suggested that he has gone through the SOP prepared by Environment

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Department, which has been prepared on the basis of notification dated 18.05.2010 and 10.01.2014 issued by the Environment Department whereby the mechanism for giving approval to authorized connections and taking action against unauthorized tubewells has been laid down. However, both the Divisional Commissioner as well as CEO, DJB were of the opinion that the present SOP needs to be further modified by the inclusion of identification of illegal borewells at the ground level i.e. at the level of Tehsildar/SHO and ensuring their effective closure, making the concerned SHOs responsible to ensure that the bore wells which have been sealed by concerned DMs are not started again. The responsibility should also be fixed on the ground level functionaries to ensure that the closure is effective and not tampered with.

3. In view of the above suggestions, it was decided that all concerned departments may go through the draft SOP prepared by Environment Department and offer their comments to Environment Department by Monday evening i.e. 22.06.2020 so that the final SOP may be sent to Chief Secretary for his approval.

The meeting ended with vote of thanks to the chair.

**Department of Environment
Govt. of NCT of Delhi**

Standard Operating Procedure

Subject: Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells/tubewells in NCT of Delhi.

1. The Hon`ble National Green Tribunal in Original Application No. 685/2019 entitled as, "Rakesh Kumar Versus Govt. of NCT of Delhi vide its order dated 15.05.2020 directed as under:

"In view of the above, we reiterate our directions for devising suitable effective mechanism for preventing extraction of ground water by way of unauthorized tubewells and wherever such illegalities found, prompt coercive measures must be taken. Illegal extraction of ground water is a criminal offence under the EP Act. Compensation must be recovered on the formula already laid down. It will be appropriate that Chief Secretary, Delhi calls a meeting of all concerned within one month from today and oversees preparation of an appropriate SOP for fixing responsibility on the subject. Ministry of Jal Shakti may also take necessary steps in the matter."

2. As far as the various districts of NCT of Delhi are concerned, the CGWA vide its notification of March, 2006 has notified all districts of Delhi as over exploited areas, needing regulation, and registration of ground water abstraction structures mandatory. Regarding regulation of extraction of ground water and to provide procedure for closure /prohibition of illegal activities regarding operation of

borewells/tubewells, directions under Section 5 of the Environment (Protection) Act, 1986 have been issued with the approval of Hon'ble Lt. Governor on 18th May, 2010 and on 10th January, 2014. In the aforesaid directions the authorities and the procedure to permit use of ground water and to prevent misuse have been detailed along with the responsibilities of various authorities. The SOP has been devised based on the detailed procedure provided in the aforesaid directions dated 18.05.2010 and 10.01.2014.

3. Standard Operating Procedure (SOP):

- 1) Drawing ground water through borewell or tubewell for domestic, commercial, agricultural or industrial uses without the prior permission of the "Competent Authority" will be considered illegal and without authority of law. The Competent Authority is Delhi Jal Board in the entire NCT of Delhi except areas under the New Delhi Municipal Council (NDMC) and Delhi Cantonment Board (DCB). For borewells/tubewells for agricultural uses, the information on illegal extraction of ground water will be provided by the BDO to the Advisory Committee.
- 2) The Deputy Commissioner (Revenue) of each district, who is the Authorised Officer under the direction dated 18.05.2010 is required to supervise checking violation i.e. detection of illegal wells and closure thereof through the SDMs.
- 3) An Advisory Committee in each of the revenue districts with representatives from DJB, CGWB, ULBs, DPCC, reputed NGO has been constituted to assist the DC in detecting illegal borewells for

taking action. Accordingly, the advisory committee will prepare a list of such illegal borewells every month by taking information from all available sources including Revenue Officers, representatives of Delhi Jal Board, ULBs, DPCC, NGOs and other relevant sources. Proactive action needs to be taken by the above representatives in detection of illegal extraction of ground water and furnishing the same to the Advisory Committee promptly. Superintending Engineer (SE), DJB is the Member Secretary of Advisory Committee, and he is required to ensure timely conduct of the meeting and also to record the proceedings.

- 4) The Delhi Jal Board has already identified 19661 such illegal borewells on which action is being taken and 7248 units have already been closed down by the district authorities. The remaining units to be closed down on priority as these have been already identified and the process to be completed within a period of three months. A weekly progress report district wise will be submitted to the Divisional Commissioner for monitoring. The illegal borewells/tubewells other than the list provided by DJB will be taken up for closure thereafter. Further, in the first phase, action against borewells/tubewells engaged in commercial exploitation of ground water will be taken.
- 5) In case the illegal borewell/tubewell is already constructed/operating, the same will be closed and the electricity supply to the energized tubewell will be disconnected even if it is through DG sets. In case of the illegal borewell/tubewell is under construction, then the drilling rig will also be sealed.

- 6) For the purpose of closure of illegal borewells/tubewells, joint action teams under the supervision of the concerned SDM will be formed for ensuring effective coordination. The joint team will comprise field functionaries from DJB, DISCOMs and Local Police.
- 7) The Deputy Commissioner who is the chairperson of the Advisory Committee will forward the details of illegal borewells to the DPCC for levying Environmental Compensation (EC) for illegal extraction of ground water.
- 8) The DPCC will assess EC as per the methodology devised by CPCB in its report dated 26.06.2019. After assessment of the EC, demand will be raised and in cases of non-recovery, SDM to recover EC as arrears of land revenue.
- 9) All the drilling machines/rigs utilized for boring purposes in Delhi are required to obtain registration from the offices of Deputy Commissioners of the concerned districts. The movement of drilling machines/rigs will be allowed for authorised drilling to the identified location and for specified duration by the concerned Deputy Commissioner.
- 10) The Delhi Police and Transport Department of Govt. of NCT of Delhi will allow movement of the drilling machines/rigs having the prior permission for such movement from the concerned Deputy Commissioner. The concerned Deputy Commissioner (Revenue), Deputy Commissioner of Police and Deputy Commissioner, Enforcement of Transport Department will be responsible for strict compliance of the guidelines regarding movement of drilling machines/rigs.

- 11) As provided in the direction dated 18.05.2010 issued under Section 5 of the Environment (Protection) Act, 1986 the Deputy Commissioner of each district will launch prosecution against the offenders related to ground water extraction on the recommendations of the Advisory Committee.

- 12) The concerned Advisory Committee of each district is responsible to ensure that there is no illegal extraction of ground water in the district.

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