

Report of Oversight Committee constituted by Hon'ble National Green Tribunal vide order dated 21.10.2019 in O.A.No. 670/2018 Atul Singh Chauhan Vs. MoEF &Ors. on Status of Compliance of Directions of Hon'ble NGT in O.A.No.231/2014 & 66/2015 (Doaba Paryavaran Samiti Vs. State of UP &Ors.)

1. Hon'ble National Green Tribunal in O.A. No.-231/2014 & 66/2015 (Doaba Paryavaran Samiti Vs. State of UP &Ors.) while considering the application of Doaba Paryavaran Samiti in the matter of industrial or other pollution in Kali Nadi, Krishni and Hindon Rivers, resulting in diseases and deaths of inhabitants of the area, had noted that more than 71 persons died from cancer and more than 47 persons were bed-ridden in village Gagnoli, District Baghpat in Uttar Pradesh. The Hon'ble NGT vide order dated 21.10.2019 directed the Chief Secretary, Uttar Pradesh to look into the matter and do the needful. Further direction has been given for water supply through tankers to all the affected areas till the safe drinking water is made available.
2. The Member of Oversight Monitoring Committee constituted by Hon'ble Tribunal carried out site inspection of Sewage Treatment Plants in Indirapuram area of District Ghaziabad and held a meeting with administrative officers and implementing agencies from District Saharanpur, Shamli, Muzaffarnagar, Baghpat, Meerut, Ghaziabad and Gautam Buddha Nagar which lie in River Hindon catchment at Collectorate, Ghaziabad on 29.11.2019.
3. During the said meeting, all present were categorically instructed that directions of Hon'ble Tribunal, primarily with regards to providing potable water by means of pipeline and carrying out health surveys in affected areas and providing adequate medical facilities to patients have to be taken on priority as life of people is at stake and urgency needs to be shown and deadline for works related to supply of piped water supply be completed by March. 2020.
4. The Oversight Committee constituted by Hon'ble NGT held meeting with concerned administrative officials on 05-12-2019 and 16-12-2019. The compliance report submitted by concerning departments has been taken into consideration and the

status of compliance vis-a-vis directions of Hon'ble NGT and the suggestions of Oversight Committee for achieving the compliance are as illustrated below:-

1. **Directions of Hon'ble NGT:**With regard to tender process/DPR, the procedures may be curtailed by using the GeM portal to the extent possible. More goods and services required for the purpose may be got incorporated on the GeM portal or any other similar portal as the State Government may decide.

Action taken for Compliance: Nothing has been communicated by the Urban Development Department of Govt of UP with regard to use of GeM portal.

2. **Directions of Hon'ble NGT:**With regard to land, use of land covered by the legacy waste may be explored for STPs/waste processing plants/green belts/bio-diversity parks if the use is otherwise permissible under the relevant environmental law. A part of the cost of the project may be used for clearing the waste from the land.

Action taken for Compliance: Nothing has been communicated by the Department of Urban Development, Govt of UP with regard to use of land covered by the legacy waste. The Department of Urban Development may be directed to finalise the process of tendering and identify the land.

3. **Issues covered in Directions of Hon'ble NGT:** Piped water supply in 148 villages.

Action taken for Compliance:43 villages have been covered by piped water supply scheme (PWS).In 76 Villages the work of PWS is in progress. Retendering/tendering is under progress for 27 villages. Estimate of Rs. 888.94 Lakh has been provided to Nagar Vikas Vibhag on 13-09-2019 for Harra in District Meerut (Town Area Committee). DPR for PWS in village-Biral, District-Baghpat could not be prepared due to non-availability of Land and efforts are ongoing. Rural Development Department has been directed to ensure

the compliance of order of Hon'ble NGT regarding supply of safe drinking water through tankers as intermediate arrangement.

- 4. Issues covered in Directions of Hon'ble NGT:** Health camps were organized by Medical and Health Department and medical treatment has been provided to serious patients in affected areas. A total of 169 cancer patients were found in the health camps organized in the year 2019 and 112 patients are under treatment in specialized higher hospitals. 01 patient has been cured and 32 cancer patients have died.

Action taken for Compliance: The Chief Secretary, Uttar Pradesh has issued directions for organizing health camps periodically and ensure the treatment of all the patients in the higher referral specialized hospitals. As informed by concerned CMO's representatives during the meeting held on 29.11.19, 21 camps have been organized in 58 villages and 07 cases of cancer have been reported, similarly in Baghpat, around 70 health check-up camps have been organized and 92 cases of cancer have been reported. 91 cases of cancer have also been reported in District Shamli. They have been directed to ensure proper treatment to the patients.

- 5. Issues covered in Directions of Hon'ble NGT:** Establishment of 03 STPs (Saharanpur- 93.65 MLD, Budhana-10 MLD and Muzaffarnagar-22 MLD) for the treatment of sewage gap in River Hindon.

Action taken for Compliance: As reported by UP Jal Nigam, 10 MLD STP at Budhana and 22 MLD STP at Muzaffarnagar shall be completed within the prescribed timeline (24 Months from date of sanction of DPR). In both of the STPs, the work has not been started. As reported by the Department of Urban Development, in Budhana and Muzaffarnagar, DPR was sanctioned, but later on it was found that the land, which was made available, was insufficient and process to make the land available is again under consideration before the concerned District Magistrates/local authorities.

DPR of the proposed 93.65 MLD STP at Saharanpur is not yet prepared.

In all the three places i.e. Budhana, Muzaffarnagar and Saharanpur, the work has not started due to land issue. **The concerned District Magistrates be directed to expedite the matter within a reasonable time, say, within three months positively.**

6. **Issues covered in Directions of Hon'ble NGT:** "Interim arrangement of phyto-remediation/ bio-remediation be ensured failing which EC is liable to be paid for such failure".

Action taken for Compliance: A perusal of the Action Taken Report shows that no step has been taken for compliance of the order with regard to phyto-remediation/bio-remediation.

7. **Issues covered in Directions of Hon'ble NGT:** Recovery of Environmental Compensation.

Action taken for Compliance: Environment compensation of Rs. 9.40 Crore has been assessed against 230 defaulting water pollution sources. As on date Rs. 3.52 Crore has been recovered. UPPCB is issuing the show cause notices against the defaulters of EC. Consent to Operate will be withdrawn/refused in case the EC default. EC will be recovered as arrears of land revenue by way of attachment of properties. The UPPCB be directed to initiate the process of realisation of EC and report within three months.

8. **Suggestions of Oversight Committee:**

- i. The Constructing Agency for supply of water in Bagpat district has submitted the fact that after sanction of budget, it needs atleast 11 months for construction of Water Tank and after that, water supply from the Water Tank may be ensured. During the meeting, the authorities were suggested to supply the water through direct pipe-line till the

construction of Water Tank. The authorities concerned shall ensure supply of water in sufficient quantity to the affected areas through tankers, as stated by them before the Hon'ble NGT. The status of water supply through pipe-line in 148 villages, as submitted by the UPPCB, is attached with the report.

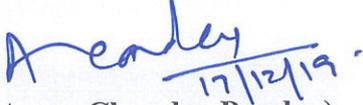
- ii. Rural Development Department be directed to supply safe drinking water through tankers as intermediate arrangement.
- iii. Estimate for Harra Town Area Committee and DPR for PWS in village-Biral, District-Baghpat be prepared within a specified time-line/ or within three months.
- iv. Directions be issued for organizing health camps in the affected area at regular intervals and treatment of all patients in the high referral specialized hospitals.
- v. Although the patients detected with cancer are being sent to specialized facilities, it is important that a micro plan be prepared to cover the entire stretch and identify cause of ailments like skin diseases, jaundice, cancer etc in the population in concerned region.
- vi. The work on 10 MLD STP at Budhana and 22 MLD STP at Muzaffarnagar has not been started, DPR of 93.65 MLD STP at Saharanpur is not yet prepared. State be directed to take action for setting up of STPs in a time bound manner as already laid down in Hon'ble NGT order passed in O.A. No.-593 of 2017 Paryavaran Suraksha Samiti Vs. UOI. Also the State be directed to identify erring officers for suitable action.
- vii. Apart from above mentioned STPs, it has come to notice that there is a gap in sewage generation and treatment capacities in other districts of the region as well. In view of this, it is pertinent that agencies and corporations identify untapped drains and should prepare a plan with timelines and completely tap these drains at earliest. In the mean time, they should carry out in-situ treatment in drains to reduce the pollution load. All those who fail to control inflow of untreated sewage into the

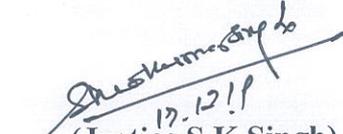
river should be penalised on basis of 'Polluter Pays' principle and prosecutions may be initiated against officials in districts where timelines are not adhered to.

- viii. The State be directed to immediately start Bio-remediation of Saharanpur and Muzaffarnagar drains for the treatment of sewage gap in River Hindon. UPPCB to carry out monitoring to ascertain effectiveness of bio-remediation within 30 days.
- ix. The State be directed to ensure deposition of Rs. 9.40 Crore of Environment Compensation imposed upon 230 defaulting water polluting industries and in case of default, to initiate recovery of Environment Compensation as arrears of land revenue by way of attachment of properties.
- x. All activities for control and abatement of pollution in the region and providing potable water to those affected should be taken up as priority schemes by the State and stringent timelines be set to ensure compliance.
- xi. In order to stop effluent discharged from illegal industries, it is suggested that a joint committee of District Administration, Land owning agency, Pollution Control Board, Electricity Department and Police be setup. It shall be duty of concerned land-owning agency to do area survey to identify illegal operations, inventorize it and map it. The joint committee should ensure sealing of the industry and disconnection of electricity. Environmental compensation be levied upon the owner of the premises on whose plot/land the illegal industrial/commercial activities are being carried out. It shall be responsibility of concerned officer of land-owning agency and police that industry once sealed should not operate again. Electricity department should ensure that electrical connection once disconnected should be restored only after permission from concerned land-owning agency.
- xii. Electricity Department should not give any industrial/commercial connection in residential areas.



The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Govt of UP for necessary action.


17/12/19
(Dr Anup Chandra Pandey)
Member, Oversight Committee


17-12-19
(Justice S.K.Singh)
Chairman, Oversight Committee

Dec 17, 2019

Issues :

1 Piped water supply in 148 Villages :

- 43 villages have been covered by piped water supply schemes (PWS).
- In 76 Villages the work of PWS is in progress.
- Tendering is under progress for 27 villages.
- For Harra in District Meerut (Town Area Committee) estimate prepared.
- DPR for PWS in village-Biral, District-Baghpat could not be prepared due to non availability of Land and efforts are ongoing.
- Rural Development/Panchayati Raj Department has been directed supply of safe drinking water through tankers as intermediate arrangement.



Updated 17/12

Status of Piped Water Supply in 148 Villages

S.N.	District	No. of villages	covered with PWS	Ongoing PWS	Re-tendering/tendering process	Remark
1	Saharanpur	1	0	1	-	
2	Meerut	10	4	5	-	Estimate for Harra Nagar Panchayat Meerut amounting Rs. 888.94 lacs sent to Nagar Vikas Vibhag vide letter no. 470/1009/072-001/PPBRD/19 dt. 13.09.2019.
3	Ghaziabad	1	0	1	-	
4	Shamli	29	7	19	3	
5	Muzaffarnagar	56	10	30	16	
6	Baghpat	51	22	20	8	Land of village Biral not available expected in Dec 2019
	Total	148	43	76	27	

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CEO