

REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW

IN THE MATTER OF:-

ORIGINAL APPLICATION NO. 360/2018

In re: SHREE NATH SHARMA

VERSUS

UNION OF INDIA & ORS.

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**REPORT OF THE OVERSIGHT COMMITTEE IN COMPLIANCE OF THE ORDER OF
HON'BLE NATIONAL GREEN TRIBUNAL PASSED IN O.A. NO. 360/2018 IN RE:
SHREE NATH SHARMA VERSUS UNION OF INDIA & ORS**

1. Introduction

The Hon'ble NGT dealing with the matter of O.A. No. 360/2018 vide order dated 19.03.2020 considered the issue for compliance of directions for preparation of District Environmental Plans and finally National Environment Plan. Such plans will certainly be an aid in environment protection.

2. Orders passed by the Hon'ble NGT

- i. **Vide order dated 19.03.2020**, the Hon'ble Tribunal considered the status report filed by the CPCB on 14.02.2020. The CPCB has also circulated the template for model District Environment Plan covering 7 areas as thematic areas identified by the Hon'ble Tribunal which are as follows:

1. Waste management
 - a) Solid Waste
 - b) Biomedical Waste
 - c) Construction and Demolition Waste
 - d) Hazardous Waste
 - e) Electronic Waste (e-Waste)
 - f) Plastic Waste
2. Water Quality Management
3. Ambient Air Quality
4. Domestic Sewage
5. Industrial Wastewater
6. Mining Activity
7. Noise Pollution

- ii. Further the Hon'ble Tribunal noted that the steps taken for completion of action plans cannot be delayed having regard to implications of steps for protection of environment and public health. The Hon'ble Tribunal also directed the CPCB to ensure the preparation of atleast one model District Environment Plan in every State at first instance which can thereafter be replicated for all the Districts in the State/UTs.
- iii. **Vide order dated 29.01.2021**, the Hon'ble Tribunal proposed a follow up action:
- (i) Since State have already prepared 220 DEPs, it is submitted that, these plans may be implemented by respective States after verification to ensure all the thematic points are adequately covered as per data templates and time-bound action plans are identified with respective agencies at District and State level. These Plans also need to be integrated with State Environment Plans. State may also take help of any expert agency or institution to streamline all DEPs. Adequate budgetary provision may be made by States for preparation of DEPs and SEPs.*
- (ii) 5 selected DEPs for 5 Districts namely Baharaich, UP; Bokaro, Jharkhand; Pune, Maharashtra; Chamrajnagar, Karnataka; and Panchkula, Haryana to be verified and improved by CPCB in 03 months and the same may be shared with every State and UT as model DEPs for information and reference of other Districts.*
- (iii) States namely Andaman and Nicobar Islands, Telangana, Uttarakhand, Arunachal, Mizoram and Sikkim, including the other States who have not yet completed DEPs all Districts may complete the same in time bound manner."*
- iv. The Hon'ble Tribunal directed the Chief Secretaries of all the States/UTs to oversee and monitor compliance by the concerned District Magistrates for preparing the requisite plans and execute the plans already prepared. Further steps for preparation and execution of State and National plans may also be taken in the interest of scientific and effective protection of environment and public health.

- v. **Vide order dated 05.07.2021**, the Hon'ble Tribunal reviewed the report submitted by CPCB mentioning the steps taken by it – preparation of data-template for model plan, indicative template for plan, shortlisting of one district in every States/UTs, meetings with the concerned officers and directions for implementation. CPCB further mentions the need for critical gap analysis and action plan with timelines and financial aspects for addressing such gaps.
- vi. In view of the above, the Hon'ble Tribunal directed as follows:
- a. Chief Secretaries of all the States/UTs may ensure completion of District Environment Plans (DEPs) for all the Districts, in the light of orders of this Tribunal dated 26.9.2019, 19.3.2020. 29.1.2021 and the observations in the present order and upload the same on their respective websites positively by 31.10.2021.
 - b. The DEPs may contain data on each environmental issue covering each city, town and village. Data may show the extent of gap in compliance of laid down norms for
 - i. Waste Management - Municipal Solid, Plastic, BioMedical, Electric and Electronic, Hazardous and Construction and Demolition waste
 - ii. Sewage treatment and utilisation
 - iii. Water quality – Rivers, Water bodies, Ground Water, Coastal waters and Rain water harvesting,
 - iv. Industries Pollution Control including industrial clusters
 - v. Air Quality management includes pollution due to dust
 - vi. Regulating mining/ Sand mining
 - vii. Noise pollution
 - viii. Any other issues significant in the area
 - ix. The DEP must give timelines for accomplishment of tasks backed up with budgetary support and the officers entrusted with the job, with contact details of the nodal officer at various levels in the District.
 - x. Scope for public participation on remedial measures like plantations

- c. DEPs may also contain mechanism for review at different levels.
- d. The District Magistrates may accordingly execute the action plans by reviewing the progress on various targets at least once in a month.
- e. All the States may accordingly consolidate the DEPs and prepare their respective State Environment Plans and upload the same on their respective websites.
- f. CPCB may consolidate the information and file a tabular statement by 30.11.2021.

3. Latest progress:

This Oversight committee held a meeting with concerned administrative officers on 12.11.2021. Various issues as pointed out in the orders of Hon'ble National Green Tribunal were discussed and status of the action taken by the concerned authorities was reviewed.

The progress reported in this meeting are as under:

- i. Out of total 75 districts in the State, UPPCB has received the DEMP from 63 districts. Out of these, the DEMP submitted by 36 districts are in old format, 18 districts have submitted plans as indicative templates without any budgetary information and 9 districts have submitted the complete plan. The remaining 12 districts have not submitted their DEMP at all.
- ii. UPPCB has informed that it is planning to conduct a meeting through video conferencing mode with the regional officers and DFOs of the districts from where the DEMP have not been received.
- iii. The CPCB informed that with regard to the verification and improvement of the selected DEMP, it has conducted a review meeting on 12.11.2021 and the final template will be ready by the end of November.

The detailed Minutes of Meeting is annexed as **Annexure-I**.

4. Recommendations:

In view of the above, we recommend as follows:

- i. The progress of preparation of District Environment Plans is very slow. After more than 6 months of close follow up, out of 75 Districts in the State only 09 Districts have submitted the complete District Environment Management Plan. The Additional Chief Secretary, forest Environment and climate change and Member Secretary, UPPCB may be directed to take stringent measures and direct all the districts to prepare the District Environment Management Plan on priority and also fix the responsibility for inaction on their part.
- ii. With reference to verification and improvement of District Environmental Management Plans submitted by 05 districts namely, Bahraich (UP), Bokaro (Jharkhand), Pune (Maharashtra), Chamrajnagar (Karnataka), and Panchkula (Haryana) by the CPCB, it may be directed to complete this exercise as early as possible so that other districts also get the benefit of it in preparing their DEPs.
- iii. As per the scheme of monitoring of Environment related issues pending before the Hon'ble NGT, the Chief Secretary reviews the progress of such matters every month. He may be directed to ensure timely and effective action in the districts in regard to preparation of DEMPs. Minutes of his meetings may also be shared with this Committee for transmission to the Hon'ble NGT.

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, Government of Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee.

03-12-2021

03-12-2021

X Anant Kumar Singh

Shri Anant Kumar Singh
Member, Oversight Committee
Signed by: ANANT KUMAR SINGH

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

Dated: 03.12.2021
Annexures: As above

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MINUTES OF THE MEETING OF THE OVERSIGHT COMMITTEE, NGT, UP, LUCKNOW,
HELD ON 12.11.2021 AT 11:00 A.M IN OA NO. 360/2018
IN RE: SHREE NATH SHARMA VS UNION OF INDIA & ORS.
THROUGH VIDEO-CONFERENCING

Present: **Hon'ble Mr. Justice S.V.S Rathore, Chairman**
 Hon'ble Mr. Anant Kumar Singh, Member

Other dignitaries present:

1. Shri Ajay Kumar Sharma, Member Secretary, UPPCB
2. Shri Ram Gopal, CEO, UPPCB
3. Dr. D. K. Soni, Additional Director, CPCB

The Oversight Committee reviewed the compliance in O.A. No. 360/2018 in *Re: Shree Nath Sharma vs. Union of UP & Ors.* with regard to the directions of the Hon'ble Tribunal for preparation of District Environment Plans and finally National Environment Plan.

The details of the deliberation are as follows:

1. The Member Secretary, UPPCB informed that there are 75 districts in the State and till date they have received the DEMP from 63 districts. Out of these, the DEMP submitted by 36 districts are in old format, 18 districts have submitted plans as indicative templates without any budgetary information and 9 districts have submitted the complete plan. The remaining 12 districts have not submitted their DEMPs.
2. The Member Secretary, UPPCB also mentioned that they are preparing to conduct a meeting through video conferencing mode with the regional officers and DFOs of the districts from where the DEMPs have not been received. He also informed that they are planning to assign an officer both from the concerned regional office of the UPPCB and

Forest department to look into this matter which according to him will expedite the progress. He assured that the State Environmental Management Plan will be finalized by 12th January 2022 and the Oversight Committee will conduct the next review meeting in this regard after 12th January 2022.

3. The Member Secretary, UPPCB further informed that on 27th September 2021, the ACS has sent letter to all DFOs/DMs in this regard, and they are planning to schedule a meeting with the DFOs/DMs under the chairmanship of ACS. The Committee directed MS, UPPCB to take up this agenda in their next monthly meeting with the Additional Chief Secretary, UP and, if need be, with the Chief Secretary also.
4. With regard to compliance of the order dated 29.01.2021 of the Hon'ble NGT, regarding verification of and improvement in the District Environmental Management Plans submitted by 05 districts namely, Bahraich (UP), Bokaro (Jharkhand), Pune (Maharashtra), Chamrajnagar (Karnataka), and Panchkula (Haryana) by the CPCB, Dr. D. K. Soni, Additional Director, CPCB informed that it has conducted a review meeting on 11.11.2021 with the concerned States whose district plans were selected. In respect to the State of UP, the DEMP of Bahraich district was selected but there were certain shortcomings in the plan for which they have already directed the concerned DFO. He assured that the model template DEMP of Bahraich will be finalized by 30th November 2021 and same shall be available for replication by all the other districts.
5. The Committee is of the view that if the UPPCB gets the DEMP prepared prior to the finalization of the model DEMP of Bahraich district, they will have to redo this in light of the changes made in the model DEMP. Hence, UPPCB was advised to coordinate with the CPCB for early finalization of the model Plan and its timely replication by other districts of the State. The Committee also feels that the progress in regard to preparation of the DEMP has been very slow so far, so, the MS, UPPCB should consider assigning a nodal officer from the UPPCB to handhold and monitor this process closely. UP is a vast state and different regions have distinctly diverse conditions, therefore, the nodal officer should also ensure that this exercise is not carried out mechanically by

blindly following the template/format of the model DEMP, but it should be customized to the local needs of the district.

12-11-2021

12-11-2021

X Anant Kumar Singh

Anant Kumar Singh
Member, Oversight Committee
Signed by: ANANT KUMAR SINGH

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

Nov 12, 2021

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