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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. No 116/2014

IN THE MATTER OF:

Meera Shukla

...Applicant

Versus

Municipal corporation, Gorakhpur & Ors.

...Respondent(s)

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New Delhi

Dated: 07.02.2020

Through

Priyanka

PRIYANKA SWAMI

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SIDDHARTHANAGAR,
U.P.

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**THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O.A. No 116/2014

IN THE MATTER OF:

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**STATUS REPORT IN THE FORM OF ACTION TAKEN REPORT
IN O.A NO.116/2014 ON BEHALF OF DIVISIONAL FOREST
OFFICER, SIDDHARTHANAGAR, U.P.**

MOST RESPECTFULLY SHOWETH:

1. That vide order dated 17.12.2018 this Hon'ble Tribunal in the above O.A. No.116/2014 had directed to file an ATR/Status report on the issues on which directions have been issued by the Hon'ble Tribunal. The copy of order is annexed herewith as **Annexure-A**.
2. That the matter pertains to, Inter alia, pollution of Ami River due to sewage generated in Gorakhpur. That the Pollution of the Ami river has been noticed and the Hon'ble Tribunal had also directed for the plantation of indigenous trees on both sides of Ami River and the water reservoir to be restored by the district authorities.
3. It is respectfully submitted that in compliance of the order dated 28.09.2019 of the Hon'ble Tribunal the Divisional Forest Officer, Siddharthnagar, U.P. is filing the present status in the form of action taken report.
4. It is respectfully submitted that the Divisional Forest Officer, Siddharthnagar, U.P. has taken the followings steps to comply the directions of the Hon'ble Tribunal:

Handwritten signature

- That, as advised by the experts including Forest Department. Plantation of indigenous trees to be done on both sides of Ami River upto a distance of 5Kms and water reservoirs to be restored by district authorities. That a project for the same has been prepared by the Siddharthnagar Forest Division and been sent to the Conservator of Forest, Basti Circle which has been forwarded to the Additional Principal Chief Conservator of Forests, Social Forestry, Uttar Pradesh Forest Department, Lucknow for sanctioning and approval. The copy of the proposal is annexed herewith as **Annexure-B**.
 - That the aforementioned project is currently being scrutinized and studied at the office of the Additional Principal Chief Conservator of Forests, Social Forestry, Uttar Pradesh Forest Department, Lucknow. That it is likely to take another 3 months time to get approval on the same.
 - That plantation of indigenous plants suitable to the geomorphology and the climatic conditions of the area has been undertaken by the Siddharthnagar Forest Division.
 - That plantation on an area of 19.80 hact. has been carried out wherein 21780 plants have been planted in 2019-2020. The copy of the same is annexed herewith as **Annexure-C**.
5. It is respectfully submitted that the Environment, Forest and Climate Change Department of Uttar Pradesh is seriously concerned to make compliance as per the directions passed by this Hon'ble Tribunal in the above subjected matter & committed to overcome the challenges of pollution and environmental hazards due to pollution caused in the Ami River.
6. It is respectfully submitted that, since the project for plantation alongwith the entire 5Kms stretch of the Ami River would take time

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in approval from the concerned authorities. That the undersigned would like to pray for an additional 3 months time (the next planting season) before the full compliance of the order passed by the Hon'ble Tribunal in the above captioned matter.

PRAYER

It is respectfully submitted that the Status Report in the form of Action Taken Report be taken on record.

New Delhi


DIVISIONAL FOREST OFFICER,

Dated: 07.02.2020

Siddharthnagar, U.P.

Through



PRIYANKA SWAMI

Standing Counsel, State of U.P

Email: advpriyankaswami@gmail.com

Cont: 8800656660

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O.A. No 116/2014

IN THE MATTER OF:

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Municipal corporation, Gorakhpur & Ors.

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AFFIDAVIT

I, NAVIN PRAKASH SHAKYA S/o Sh. RAM PRAKASH SHAKYA, aged about 32 Yrs, presently posted as Divisional Forest Officer, Siddharthnagar, U.P. presently at New Delhi do hereby solemnly affirm and state as under:

1. That I, the above named deponent, am well conversant with the facts of the present case based on official records and I am duly authorized to swear the present affidavit.
2. That the accompanying status report has been drafted under my instructions and the contents thereof are true and correct to my knowledge based on official records. The annexures are true copies of their respective originals.

That the contents of the accompanying status report are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been therefrom.

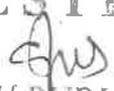

DEPONENT

VERIFICATION

10 FEB 2020

Verified and signed at New Delhi on this 10th day of February, 2020, that the contents of the above affidavit are true and correct to the best of my Knowledge. No part of it is false and nothing material has been concealed.

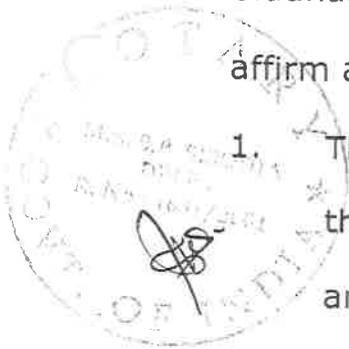
ATTESTED


NOTARY PUBLIC

10 FEB 2020


DEPONENT


I identify the deponent who
has signed in my presence



Item No. 01

Court No. 1

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 116/2014

Meera Shukla

Applicant(s)

Versus

Municipal Corporation, Gorakhpur & Ors.

Respondent(s)

Date of hearing: 17.12.2018

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

For Respondent(s):

Mr. Pradeep Mishra and Mr. Daleep Kr.
Dhyani, Advocates for UPPCB
Mr. I.K. Kapila, Advocate for Jal Nigam
Ms. Priyanka Swami, Advocate for State of
U.P.

REPORTS OF THE COMMITTEE FOR CONSIDERATION

ORDER

1. The matter has been put up for consideration of the reports received from the Committee appointed by this Tribunal vide order dated 23.08.2018.
2. By order dated 23.08.2018, this Tribunal found that Ramgarh Lake, Ami River, Rapti River and Rohani River in and around District Gorakhpur were severely polluted on account of discharge of untreated sewage and industrial effluents. Steps required to prevent contamination of water bodies and groundwater were not being taken. This was affecting the farmers and inhabitants, flora, fauna and ecology of area and causing degradation of the environment.

103 water bodies are under threat. There is no proper management of solid waste and no designated scientific sanitary landfill. There are encroachment of the Ramgarh Taal. CETP had not been set up. Industries are not complying with the environmental norms. There is high organic load in River Ami and Rapti and Sugar industries and Distillery units are causing pollution. Under ground water is contaminated. 557 persons died in the year 2012. About 50,000 persons died in the last 30 years.

3. The Tribunal appointed a Joint Inspection Committee and on consideration of report dated 19.03.2018, the Tribunal found failure of municipal waste management, absence of adequate ETPs, STPs and CETP. Failure of the authorities was required to be remedied and steps taken to prevent further damage and to reverse the damage already done. This required planning and execution of steps and proper oversight.
4. Accordingly, the Tribunal constituted a Monitoring Committee headed by Justice Devi Prasad Singh, former Judge, Allahabad High Court with representatives from CPCB, SPCB and Uttar Pradesh Jal Nigam to carry out inspection of the industries and ETPs, STPs, CETP and SMW sites. Action plan was required to be submitted for solid waste treatment plant, ETP and CETP and also for making available potable water to the inhabitants apart from undertaking **rehabilitation program** for compensating the victims who had suffered. The Committee was to furnish a report to this Tribunal for further action.
5. On 25.10.2018, this Tribunal dealt with a report regarding Yash Paper Mills with regard to conduct of an officer. The letters dated 09.10.2018 and 10.10.2018 were directed to be forwarded to the Chief Secretary, U.P. for further action.

6. Accordingly, the Committee has furnished the following reports:-

i. **Reports re: Damage to Forest land**

- A. Report dated 23.11.2018 which refers to report from the Chief Conservator of Forests, Uttar Pradesh for damage to the forest land by Bajaj Sugar Mill, Golagokaran Nath, District Lakhimpur, UP. The report from the Chief Conservator of Forests is to the effect that forest land was given to the said Sugar Mill on lease basis. The mill dumped untreated effluents adversely affecting the forest land. The Cost of damage was assessed at Rs. 21.29 Lakhs for restoration of 5 hectare of land.
- B. Report of the Committee dated 19.11.2018 to the effect that the Committee visited the site and also confirmed the fact of forest land was being affected by pollution. The Committee recommended as follows:

"In view of above, we recommend as under:

1. *Order dated 23.08.2009 be modified to the extent that apart from other rivers, Gomti River may also be added so that it's pollution may also be looked into by the Monitoring Committee.*
2. *No renewal of lease of forest land be done by the State/Central Government because of the damage caused to the forest land on account of spent wash of the industry in question.*
3. *Cost of Rs. 25 lakhs or more be imposed on Bajaj Hindustan Ltd. Distillery Unit, Golagokaran Nath, Lakhimpur Kheri, U.P. under the polluter pay principle and the said amount be given to the U.P. Forest Department to rejuvenate the forest land that has been damaged because of spent wash, by plantation of indigenous plants and soil rejuvenation.*
4. *Appropriate measures be adopted to ensure that the spent wash be disposed of in accordance to environmental norms, without damaging or encroaching upon the forest land."*

The Committee has mentioned that discharge was also going into the river Gomti which job had not been assigned to the Committee.

ii. Pollution by M/s Gallant Ispat Limited, Gorakhpur

The Report dated 17.11.2018 is with regard to M/s. Gallant Ispat Limited GIDA, Gorakhpur, UP. The team comprising of the CPCB, UPPCB alongwith the Chairman of the Monitoring Committee inspected the effluents discharged on 01.11.2018. The team found that there was an open channel for discharging effluent near a railway track which was going into water body and ultimately joining Ami river. Unit was not operating as ZLD as required in terms of the Consent to Operate. Huge amount fugitive emissions were observed from induction furnace plant. Disposal of iron slag was not satisfactory. Ash was not being disposed of scientifically. Green belt was not developed as per norms. Ambient air quality was not satisfactory. Citizens in the vicinity complained that roof tops are covered with fly ash causing bronchitis, asthma, etc. There was noise pollution. The Committee recommends recovery of Rs. 50 Lakhs on "Polluter Pays" principle as cost for damage to the environment apart from requisite compliance. The recommendations of the Committee are as follows:

"In view of above, we recommend as under:

- (i) *M/s Gallant Ispat Ltd (Integrated Steel Plant), Gorakhpur may be saddled with exemplary cost of Rs. Fifty lakhs or more for having failed in following the norms provided by law (supra) while running the industry.*
- (ii) *M/s Gallant Ispat Ltd (Integrated Steel Plant), Gorakhpur be directed to ensure the compliance of all norms prescribed by law while running the industry within a month so that the citizens of the locality may not suffer any further from variety of problems and health hazards.*
- (iii) *A team from the Directorate of Medical Health Services, Government of UP may visit M/s Gallant Ispat Ltd (Integrated Steel Plant), Gorakhpur to make a survey of health problems of the citizens residing within 2 kms surrounding area of the industry and take remedial measures.*
- (iv) *The ground water of 2 kms surrounding area of M/s Gallant Ispat Ltd (Integrated Steel Plant), Gorakhpur be tested by Ground Water Department of Government of India to find out the level of contamination, if any, within two months and the U.P. Government may take remedial measures as required.*

- (v) *M/s Gallant (spat Ltd (Integrated Steel Plant), Gorakhpur be directed to install an ambient air quality monitoring station expeditiously, say within two months.*
- (vi) *Let the District Level Environmental Impact Assessment Authority as well as the District Level Expert Appraisal Committee constituted as mentioned in 3(A) of the Notification dated 14.09.2006 as amended by Notification dated 15.01.2016 expeditiously within 3 months, if already not constituted."*

iii. **Pollution by M/s Rungta Industries Pvt. Ltd., Gorakhpur**

Report dated 19.11.2018 is with regard to M/s. Rungta Industries Pvt. Ltd. GIDA, Gorakhpur, UP. The Committee visited the site on 01.11.2018 and noted that operation and maintenance of ETP was not satisfactory. A by-pass line was seen. It was apprehended that untreated sewage was going into GIDA drain. Other deficiencies were also noticed. The Committee recommended as follows:

"Accordingly, we recommend as under:

1. *Under the polluter pay principle, M/s Rungta Industries Pvt. Ltd, Gorakhpur be imposed costs/damages the tune of rupees 50 lakhs or more.*
2. *The industry may be directed to fulfill the environmental norms (supra) within two months. In case the industry fails to do so, it may be closed or any appropriate order may be passed by Hon'ble NGT.*
3. *No polluted water of the industry be permitted to flow outside it unless the same is cleaned and treated by appropriate procedure."*

iv. **Pollution by M/s Crazy Snacks Ltd., Gorakhpur**

The report dated 19.11.2018 is with regard to M/s Crazy Snacks Ltd. GIDA, Gorakhpur, UP. The Committee during its inspection on 01.11.2018 noted that a by-pass drain near sludge tank was observed leading to an apprehension that untreated effluent was being by-passed to GIDA Drain. Operation and maintenance of ETP was not satisfactory. The recommendations of the Committee are as follows:

"Accordingly, we recommend as under:

1. *Under the polluter pay principle, M/s Crazy Snacks Ltd., GIDA, Gorakhpur be imposed costs/damages the tune of rupees 50.lakhs or more.*

- 2. *The industry may be directed to fulfill the environmental norms (supra) within two months. In case the industry fails to do so, it may be closed or any appropriate order may be passed by Hon'ble NGT.*
- 3. *No polluted water of the industry be permitted to flow outside it unless the same is cleaned and treated by appropriate procedure."*

v. **Pollution by M/s Yash Paper Mills, Darshan Nagar, Ayodhya**

The report dated 29.11.2018 is with regard to Yash Paper Mills, Darshan Nagar, Ayodhya, (Faizabad), UP. The Committee visited the unit and noted that Manganese concentration in the ground water sample was more than permissible limit in the discharge from the factory. The unit was polluting the water. STP was not installed. Though, it is not clear whether the unit in question is within the scope of the Committee, the fact remains that inspection has been carried out by the CPCB, UPPCB and other Members of the Committee and deficiencies have been found.

The recommendations of the Committee are as follows:

"In view of above, we recommend as under:

- 1. *The unit may get its OCEMS checked and calibrated monthly especially in view of the variation in BOD value.*
- 2. *Alternate potable water sources should be identified for provision of hand pumps and in case the problem of ground water quality persists at source, iron removal technologies should be adopted before supplying water to be community.*
- 3. *Cost and damages to the tune of Rs. 15 lakhs or more be awarded against M/s Yash Paper Mills, out of which if the Hon'ble NGT may desire, a substantial portion of it may be distributed proportionately amongst the farmers whose cultivatory lands have been damaged.*
- 4. *M/s Yash Paper Mills may further be directed to apply the environmental norms within a prescribed period positively and thereafter, with due communication.*
- 5. *Till alternative arrangement is made, the State Government, who owes responsibility to provide clean water to its citizens and also because pollution in underground water has taken place because of commission and omission of its officials, instrumentality may make necessary arrangements for supply of clean water to the villages referred to herein above.*
- 6. *M/s Yash Paper Mills may further be directed to install a pipeline for flow of polluted water from the mill to river Saryu within a specified period, say within 3 months, so that the farmer's cultivator) land may not be damaged.*
- 7. *M/s Yash Paper Mills may also be directed to install STP within a specified period, say within 3 months."*

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vi. Pollution on Ami River

The report dated 11.12.2018 is with regard to pollution in Ami River. It was also noted that the sewage generated in Gorakhpur, Sahjanwa, Unwal, Kauriram and Khajni in Gorakhpur flows into the river. There is no separate storm water drain and sewerage network. The Committee observed that the satellite mapping of the river was required and a report was required about water bodies in 5 km area. Other deficiencies were also mentioned. The Recommendations of the Committee are as follows:

“Subject to above, it is recommended that:

- 1. A STP be installed at Maghar and Sant Kabir Nagar within 3 months. A Detailed Project Report has been sent to the Government. Funds under the Namami Gange project are available.*
- 2. A CETP of 15 MLD be installed within 3 months, as per the Detailed Project Report of Chairman GIDA that has been sent to the Government.*
- 3. Once the closure order is issued to any industry then unless the industry fulfils the requirements and compliances, the industry should not be permitted to be re-opened.*
- 4. As advised by experts including Forest Department, plantation of indigenous trees to be done on both sides of Ami river upto a distance of 5 kms and water reservoirs to be restored by district authorities.*
- 5. Ami originated from village Sikahara and because of conversion to cultivatory land, the area of water reservoirs has shrunken which may be desilted and increased upto the possible limit with due plantation of indigenous plants. Schools and other constructions should be shifted immediately by increasing the surrounding water reservoirs.*
- 6. As informed by DM Siddharth Nagar, almost 4 kms of Ami riverbed converted to agriculture land with bhoomidhari rights. DM proposed to acquire the land to make the flow of Ami uninterrupted from the beginning to the end. Let this be done.*
- 7. After every 5 km or more interval, Ami river has got rounded reservoirs like that at village Amona Pandey. Let all such places be desilted and indigenous plantation be done by Forest Department, DM to ensure removal of encroachments if any and proceed with acquisition.*
- 8. A crematorium situated just near the Kabir Samadhi Sthal is causing pollution with the ashes of corpses being burnt there. This crematorium be, therefore, shifted to a place at reasonable distance downstream the Ami river.*
- 9. Principal Secretary, Forest shall ensure that from beginning to the end of Ami, as advised around 5 km on both side of the river, plantation of indigenous trees/plants be done including plantation around reservoirs on available revenue land.*
- 10. Since this is a final report for Ami, it shall be appropriate that a committee comprising Shri S.B. Singh, RO of UPPCB*

and Shri Vishwavijay, President of Ami Bachao Manch be constituted for a period of one year from the date the Hon'ble NGT passes an order, to monitor Ami river from beginning to end with regard to compliance of orders and stoppage of pollution and to improve the quality of water of Ami river keeping in view the observations made in the present report, subject to directions/orders issued by Hon'ble NGT with due communication to the present Monitoring Committee with regard to status. The Committee may submit its report to the Monitoring Committee on regular intervals of two weeks or four weeks as the case may be and may also communicate to Hon'ble NGT. The Hon'ble NGT may decide some minimum complimentary honorarium for payment to Shri Vishwavijay every month as token in lieu of public service rendered by him and for future monitoring for the period of one year i.e. from January, 2019 to December, 2019, may be Rs. 5000/- or more per month."

vii. Pollution by M/s Bajaj Hindustan Limited (Distillery Unit)

Report dated 14.11.2018 is with regard to M/s Bajaj Hindustan Limited (Distillery Unit) situated in village Athadama, Tehsil, District Basti, Uttar Pradesh. The Committee noted visit of the experts from the CPCB/UPPCB on 29.10.2018 which found that lagoons were full of spent wash and incineration boiler had not been installed. Even good chunk of spent wash found to have come out from lagoons had flown in adjoining canal. The Committee observed that the unit was a habitual defaulter and had failed to install incineration boilers causing health hazard. Accordingly, the Committee recommended as follows:

1. The Unit in question should raise boundary wall measuring 5 ft in height from surface land in accordance to norms in compliance of the letter dated 18.06.2015 (supra) as far as possible within a month.
2. M/s Bajaj Hindustan Ltd (Distillery Unit) Situate in village Athadama, Tehsil Ruchhaull, District Basti, UP be not permitted to resume work unless it installs incineration boiler in its unit and fulfill other conditions in accordance to roles.
3. Exemplary cost to the tune of rupees five crores or any amount as the Hon'ble NGT deems proper, be imposed on the Industry/Unit keeping in view the fact that great damage has been caused to aquatic animals, loss of life on account of water borne diseases and the citizens adjoining to the Aami river, for the deliberate act on its part to mix its spent wash through Satnariya nullah to Aami river. The cost so imposed may be used for welfare of people residing adjoining the Aami river as well Kabir Samadhi Sthal at

Maghar to beautify it with all required amenities or as Hon'ble NGT pleases.

4. *Any other appropriate order, as the Hon'ble NGT may deem proper, may be issued in public interest*
5. *The UP Remote Sensing Dept. may be directed to provide necessary help to the Monitoring Committee as and when required without asking for any payment. However, if any payment is at all required, the same may be paid by the State Government in due course without creating any hindrance in smooth functioning of the Monitoring Committee. Let this report be placed before the Hon'ble NGT."*

viii. Illegal construction around the Ramgarh Lake

Report dated 16.11.2018 is with regard to illegal construction around the Ramgarh lake. The Committee visited the site and found that GDA had sanctioned construction of houses, flats, buildings and other constructions in the wet land situated towards west, north-west and south-west of the Ramgarh lake without taking environmental clearance. During the meetings of Monitoring Committee at Lucknow on 24.09.2018 and at Gorakhpur on 31.10.2018, the representatives of GDA, Nagar Nigam and other authorities without hesitation admitted that no environmental clearances or other permissions necessary for making constructions have been taken though it was mandatory under the law. There is no sewer line, no planned roads and no drainage system around/near the constructions raised by the GDA. The Committee further noted that a Rejuvenation Committee has already been constituted vide Resolution passed in the meeting of Monitoring Committee dated 24.09.2018. It consists of Shri Ashish Tewari, Member Secretary, UPPCB; Shri S.C. Yadav, Conservator of Forest, Lucknow; Shri M.P. Singh, Conservator of Forest, Head Office; Dr. D.K. Soni, Scientist 'D' of Central Pollution Control Board and one Soil Conservation Officer, nominated by Directorate of Soil Conservation. The Rejuvenation Committee shall prepare a Project Report for

rejuvenation of Ramgarh lake. It is proceeding with the work assigned. The Project Report is awaited.

The Committee found that there was no sewer-line and water supply connections to these houses and potable water is provided only through the hand-pumps. In the absence of sewer line, gradually the level of underground water as well as the water of Ramgarh lake are decreasing day by day, affecting adversely the ecology of the lake. Since no environmental clearance has been obtained either to construct road or houses by the GDA or other Agencies of the State, remedial action was required.

It was also noted that municipal solid wastes are lying on the land, a part of Ramgarh lake near Bhavya which is a low lying area forming a water body connected with Kushmi Forest.

The recommendations of the Committee are as follows:

- 1. *All constructions except the extended portion of the Circuit House and its link road be stopped till the Monitoring Committee forms an opinion on the basis of Project Report of Rejuvenation Committee and other material, which is likely to be available soon.*
- 2. *A committee of expert be sent by Hon'ble NGT to inspect the Ramgarh lake and its surrounding to make the lake charged with water of natural resources and tenders its advice for its survival."*

ix. Baba Raghav Das Medical College

Report dated 17.11.2018 is with regard to Baba Raghav Das (BRD) Medical College, Gorakhpur, UP. The Committee visited the site on 01.11.2018 and found mismanagement and negligence on the part of the BRD Medical College Administration in disposal of bio medical waste and other violations of the Bio-Medical Waste Management Rules, 2016.

The Committee concluded as follows:

"In nutshell, the BRD Medical College, Gorakhpur has miserably failed to follow the Bio-Medical Waste (Management and Handling) Rules, 2016 as required. The manner in which the bio-medical waste has been kept in the premises, prone to infect the patients admitted in the Medical College, is as under:

- (a). Four types of dustbin, as required under the Rules, have not been kept in the Medical College to keep separately the bio-medical waste of four categories,
- (b). No segregation of bio-medical waste has been done by keeping them in separate dustbins.
- (c). The bio-medical waste has been dumped in the campus of the Medical College without segregation, open to sky and prone to cause infection to the patients admitted in the Medical College,
- (d). Air pollutes with bio-medical waste dumped/collected in open space.
- (e). Only one incinerator has been installed in the Medical College instead of two as required under the Rules.
- (f). No STP or ETP has been installed in the Medical College.
- (g). Shredder was found to be not operational; it was defective.
- (h). The campus of the medical college is not neat and clean; its condition was unhygienic."

The Committee recommended as follows:

"In view of above, we recommend as under:

- (i) Admission of children between upto the age of 10 or 15 years brought for treatment in BRD Medical College, Gorakhpur be stopped forthwith for two months, subject, however, to the compliance of the provisions of Bio-Medical Waste (Management and Handling) Rules, 2016. In emergency cases, only those children brought in critical conditions be admitted for treatment, provided the facility for their treatment is not available in other hospitals, private or government.
- (ii) The BRD Medical College, Gorakhpur and the Government of UP be directed to provide infrastructure for disposal of bio-medical waste strictly in accordance to the Rules of 2016 (supra) within two months.
- (iii) Cost of rupees five crores or more, as the Hon'ble NGT may in the facts and circumstances deem appropriate, be imposed on the BRD Medical College and the amount of cost so recovered be reimbursed amongst the bereaved families whose children died during the past two years i.e. after the date of notification and coming into force the Rules of 2016. The Medical College must be having the addresses of such families, recorded at the time of admission of their children. Certain portion of said cost be recovered from the salaries of Principal and those officers/officials of the Medical College, who are responsible for non-compliance of

the Rules of 2016. The District Magistrate, Gorakhpur may supervise the whole process.

(iv) The Medical Council of India be directed to send its team to inspect the BRD Medical College, Gorakhpur and submit report to take appropriate action in the matter and to maintain the standard of medical education in the College. On the basis of the said report and the recommendations, necessary infrastructure be developed and admission of the patients be regulated.

7. We have heard Shri Pradeep Mishra, learned Counsel for the UPPCB and considered the matter. As regards the issue of taking action under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 by way of coercive measures against the industrial units/medical college for violation of statutory provisions and conditions for Consent to Operate, we direct the UPPCB to take appropriate action to ensure compliance and recover damages for the past violations. The amount suggested by the Committee may be treated as a proposal and final amount may be determined after following due procedure within one month. Steps for closure may be considered on merits. A report of compliance in this regard may be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.

8. With regard to encroachments, the recommendations of the Committee may be treated as a proposal and on that basis appropriate action taken by the Principal Secretary, Urban Development, Government of Uttar Pradesh within two months and report furnished to this Tribunal by e-mail at ngt.filing@gmail.com.

9. With regard to functioning of Baba Raghav Das Medical College, the recommendations of the Committee may be treated as a proposal and appropriate action taken on that basis by the Principal Secretary, Health Department, Government of Uttar Pradesh within one month. A report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.

10. With regard to Ami River, UP Jal Nigam may take necessary steps with regard to installation of STPs and GIDA may take steps for installation of CETP within three months and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.
11. Recommendation nos. (4), (5) and (9) may be acted upon by the Principal Secretary, Environment and Forest and the Principal Secretary, Irrigation Department, Government of Uttar Pradesh report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com within two months.
12. Recommendation no. (6) may be acted upon by the District Magistrate, Siddharth Nagar and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com within two months.
13. Recommendation no. (7) may be acted upon by the Principal Secretary, Irrigation Department and Principal Secretary, Environment and Forest and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.
14. Recommendation no. (8) may be acted upon by the Nagar Nigam, Gorakhpur within one month and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.
15. Recommendation no. (10) may be acted upon by the State "River Rejuvenation Committee" constituted by this Tribunal in terms of the order dated 20.09.2018 in Original Application No. 673/2018.
16. The reports from the Committee are disposed of accordingly.

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17. Compliance reports in terms of the above order, be put up for consideration in the last week of April, 2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 17, 2018
Original Application No. 116/2014
DV

आमी नदी के किनारे वृक्षारोपण परियोजना



योजना की लागत—1322.331 लाख

कार्यदायी संस्था

सामाजिक वानिकी वन प्रभाग, सिद्धार्थनगर।

प्रस्तावना

माननीय नेशनल ग्रीन ट्रीब्यूनल में योजित अपील सं०-116/2014 मीरा शुक्ला बनाम म्यूनिस्पल कारपोरेशन गोरखपुर व अन्य में पारित आदेश दिनांक 17.12.2018 में दिये गये निर्देश के क्रम में आमी नदी के उद्गम स्थल सिकहरा से प्रारम्भ होकर नदी छोर तक दोनों तटों के किनारे 05 किलोमीटर परिक्षेत्र के अन्तर्गत स्थानीय एवं स्वदेशी वृक्ष प्रजातियों का वृक्षारोपण उपलब्ध राजस्व भूमि पर कराया जाना है। गूगल मैप से किए गए आंकलन के अनुसार, सिद्धार्थनगर वन प्रभाग के अन्तर्गत आमी नदी की कुल लम्बाई लगभग-46 किलोमीटर है, जिसके तटों पर तथा 05 किलोमीटर परिक्षेत्र के अन्तर्गत वृक्षारोपण हेतु उपयुक्त भूमि पर वृक्षारोपण परियोजना तैयार कर प्रस्तुत की जा रही है।

उद्देश्य

राप्ती नदी की मुख्य सहायक नदियों में से एक आमी नदी गम्भीर रूप से औद्योगिक इकाई से निकले कचरे से प्रदूषित हो चुकी है। प्रदूषण के कारण क्षेत्रीय वनस्पतियों, जीव जगत एवं स्थानीय पर्यावरण पर भयंकर दुष्प्रभाव पड़ रहा है। प्रदूषण के कारकों को दूर करने एवं प्रदूषण रोकने के लिए संघन वृक्षारोपण की आवश्यकता है।

आमी नदी के प्रदूषण को दूर/नियंत्रित करने हेतु आमी नदी के तटों पर घास रोपण का कार्य भी प्रस्तावित किया गया है।

1- नदी के 05 किमी० परिक्षेत्र में उपलब्ध/उपयुक्त राजस्व भूमि में ब्लाक वृक्षारोपण।

डुमरियागंज एवं खेसरहा रेन्जो के अन्तर्गत निम्न प्रकार ब्लाक वृक्षारोपण हेतु भूमि चिन्हित की गयी है।

क्र०सं०	रेन्ज का नाम	स्थल का नाम	क्षेत्रफल (हे०में)	रोपित की जाने वाली पौधो की संख्या (संख्या में)
1	2	3	4	5
1	खेसरहा	4 सी दूदोहिन	5.00	10000
2	—	धौरहरा ग्राम समाज	5.00	5500
3	—	कड़सरा ग्राम समाज	5.00	5500
4	—	धौरहरा ग्राम समाज (भटपुरवा)	3.00	3300
5	—	साड़ी खुर्द पतेड़वा	4.00	4400
6	—	एकडेंगवा ग्राम समाज	5.00	5500
7	डुमरियागंज	मूड़ाडीह ग्राम समाज प्रथम	5.00	5500
8	—	मूड़ाडीह ग्राम समाज द्वितीय	2.5	2750
9	—	मूड़ाडीह ग्राम समाज तृतीय	2.5	2750
10	—	अमौना पाण्डेय ग्राम समाज	5.9	6490
11	—	मझौवा खास	3.9	4290
		योग:-	46.80	55980

एक पंक्तिय वृक्षारोपण:-

- 2- एक पंक्तिय वृक्षारोपण का कार्य नदी के तटों पर वृक्षारोपण हेतु उपरोक्त उपलब्ध स्थलों के दोनों ओर रेन्जवार निम्न प्रकार प्रस्तावित किया जाता है।

क्र०सं०	रेन्ज का नाम	स्थल का नाम	क्षेत्रफल (हे०में)	रोपित की जाने वाली पौधों की संख्या (संख्या में)
1	2	3	4	5
1	खेसरहा	बरहपुर से एकडेंगवा तक	10.00	11000
2	डुमरियागंज	सिकहरा से बरहपुर तक	17.00	18700
		योग:-	27.00	29700

- 3- आमी नदी के 5 किमी० परिक्षेत्र के अन्तर्गत पड़ने वाले गौ आश्रय स्थलों में वृक्षारोपण कार्य निम्न प्रकार प्रस्तावित किया जाता है-

क्र०सं०	रेन्ज का नाम	स्थल का नाम	क्षेत्रफल (हे०में)	रोपित की जाने वाली पौधों की संख्या (संख्या में)
1	2	3		
1	खेसरहा	बरहपुर गौशाला	0.45	500
2	—	कड़सरा गौशाला	0.45	500
3	—	वनगड़ोरी गौशाला	0.45	500
4	डुमरियागंज	रघुवीरपुर खोरिया गौशाला	0.45	500
5	—	मरविट्या गौशाला	0.45	500
6	—	भटंगवा गौशाला	0.45	500
		योग:-	2.70	3000

4- आमी नदी के 5 किमी० परिक्षेत्र में कृषको द्वारा रोपित किये जाने वाले पौध रोपण का प्रस्ताव निम्न प्रकार दिया जा रहा है।

क्र०सं०	रेन्ज का नाम	गांवों की संख्या	आमी नदी के तट के 5.00 किमी० परिधि के अन्तर्गत स्थित गांवों का कुल क्षेत्रफल अनुमानित (वर्ग किमी० में)	कुल क्षेत्रफल के 10 प्रतिशत भू-भाग पर कृषको द्वारा किये जाने वाले वृक्षारोपण का अनुमानित पौध संख्या (01 हे०=150 पौध मानते हुए)
1	2	3	4	5
1	खेसरहा	18	135.00	202500
2	डुमरियागंज	16	234.00	351000
योग-		34	369.00	553500

5- आमी नदी के तटों पर घास रोपण हेतु उपयुक्त स्थलों पर करके भी आमी नदी के प्रदूषण/नदी के कटान को नियंत्रित करने का प्रस्ताव निम्न प्रकार किया जाता है।

क्र०सं०	रेन्ज का नाम	स्थल का नाम	क्षेत्रफल (हे०में)
1	2	3	4
1	खेसरहा	बरहपुर से एकडेंगवा तक (25 किमी०)	7.50
2	डुमरियागंज	सिकहरा से बरहपुर तक (21 किमी०)	15.00
योग-			22.50

सिद्धार्थनगर जनपद में आमी नदी के आस-पास वृक्षारोपण पर आने वाले व्यय का विवरण

क0 सं0	भूमि का प्रकार	क्षेत्रफल (हे0में)	पौधों की संख्या	अग्रिम कार्य-वृक्षारोपण (2019-20)	मुदा	अनुरक्षण प्रथम वर्ष (2020-21)	अनुरक्षण द्वितीय वर्ष (2021-22)	अनुरक्षण तृतीय वर्ष (2022-23)	अनुरक्षण चतुर्थ वर्ष (2023-24)	योग	अभ्युक्ति
1	2	3	4	5	6	7	8	9	10	11	
1	सामान्य भूमि	41.8	45650	21.334	6.425	2.324	0	0	30.083		इस कार्य हेतु विभागीय बजट उपलब्ध है।
2	ऊसर भूमि	5.00	10000	5.084	0.912	0.242	0	0	6.238		
3	कृषि वानिकी वृक्षारोपण	3690	553500	691.875	166.05	138.375	138.375	110.700	1245.375		नमामि गंगे परियोजना की अनुसूचित दर रू0 225 प्रति पौध के आधार पर
4	पवित्र वृक्षारोपण	22.50	29700	11.483	3.458	1.251	0	0	16.192		
5	घास रोपण	22.50	-	11.250	5.625	3.375	2.25	0	22.50		10000 घास के जड लगवाई प्रति हे0
6	गौ आश्रय स्थल वृक्षारोपण	2.70	3000	1.378	0.415	0.150	0	0	1.943		
	योग:-			742.404	182.885	145.717	140.625	110.700	1322.331		
	विभागीय रूप से उपलब्ध/प्राविधानित धनराशि			26.418	7.337	2.566	0	0	36.321		
	अवशेष वांछित धनराशि			715.986	175.548	143.151	140.625	110.7	1286.010		

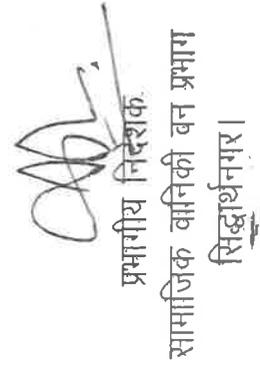
वर्षवार वांछित धनराशि (धनराशि रू0 लाख में)

वर्ष 2019-20	-	715.985
वर्ष 2020-21	-	175.548
वर्ष 2021-22	-	143.151
वर्ष 2022-23	-	140.625
वर्ष 2023-24	-	110.700
योग:-	-	1286.010



उप प्रभागीय वनाधिकारी
डुमरियागंज।


उप प्रभागीय वनाधिकारी
सिद्धार्थनगर।


प्रभागीय निदेशक
सामाजिक वानिकी वन प्रभाग
सिद्धार्थनगर।

4215

आमी नदी के किनारे वृक्षारोपण स्थल की सूची

क्र० सं०	रेंज का नाम	विकास खण्ड का नाम	योजना का नाम	वृक्षारोपण क्षेत्र का नाम	क्षेत्रफल हे०में	रोपित किये जाने वाले पौधों की संख्या	रोपित प्रजाति का नाम व संख्या
1	खेसरहा	मिठवल	सा०वा०	कडसरा ग्राम सामाज भूमि (आमी नदी के किनारे)	5.00	5500	शीशम-500 पीपल-100 अकेसिया-200 बकैन-100 अर्जुन-600 जामुन-1500 सीरस-500 गुटेल-1000 प्रासोपित-1000 कुल- 5500
2	डुमरियागंज	डुमरियागंज	सा०वा०	आमी नदी के किनारे ग्राम मझौवा खास	3.90	4290	यूकेलिप्टस-800 शीशम-1500 जामुन-690 सिरस-500 गुटेल-500 अन्य-300 कुल-4290
3	डुमरियागंज	डुमरियागंज	सा०वा०	आमी नदी के किनारे ग्राम अमौना पाण्डेय	5.90	6490	यूकेलिप्टस 1000 शीशम-3000 अर्जुन-590 जामुन-1000 गुटेल-900 कुल-6490
4	खेसरहा	मिठवल	कैम्पा	धौरहरा ग्राम समाज	5.00	5500	शीशम-500 पीपल-100 अकेसिया-200 बकैन-100 अर्जुन-2100 जामुन-1000 सिरस-500 गुटेल-500 प्रासोपिस-500 कुल-5500
Total					19.80	21780	

C.S.
S.D.O.(D)

A
प्रभागीय निदेशक
सामाजिक वानिकी वन प्रभाग
सिद्धार्थनगर।