

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

**IN THE MATTER OF:-**

**ORIGINAL APPLICATION NO. 490/2019**

**T. S. SINGH**

**VERSUS**

**STATE OF UTTAR PRADESH**

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**REPORT OF OVERSIGHT COMMITTEE  
IN COMPLIANCE OF ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL  
PASSED IN OA NO. 490 OF 2019 IN RE: T.S. SINGH VS STATE OF UTTAR PRADESH  
WITH REGARD TO PREVENTION OF DISCHARGE OF UNTREATED SEWAGE INTO SAI  
RIVER AT PRATAPGARH IN UTTAR PRADESH**

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**Introduction:**

The Hon'ble NGT vide order dated 02.01.2020 had considered the issue to prevent the discharge of untreated sewage into Sai River at Pratapgarh in Uttar Pradesh. Prior to it, the Hon'ble NGT had taken up this case on 05.08.2019 and 02.01.2019 also. On 30.08.2019, UPPCB and UP Jal Nigam had presented a factual and action taken report. It was mentioned that the work of STP was not complete despite the entire funds being sanctioned and released to the construction agency long ago.

1. Study was conducted by Sadhana Chaurasia, Rahul Dwivedi and Raj Karan in 2013 published in the International Journal of Current Science to assess the water quality and trophic status of River Sai. The river possesses reasonably good water quality before its confluence with Raipur drain except conductivity and dissolved oxygen which were recorded as 623  $\mu\text{s}/\text{cm}$  and 4.49 mg/L respectively. All other parameters were within the range. The impact of Jagdishpur drain on the water quality of River Sai is visible at Behta Bridge where river is completely devoid of dissolved oxygen with COD recorded as 138 mg/L and BOD as 42 mg/L. Carlson's trophic state index values, based on TP, SD and Chl a, indicated that River Sai is a eutrophic system. This highlights that river is polluted and city drains are one of the prime sources of pollution in the river.

Parameters	Before confluence of Raipur drain at Raipur	After confluence of Raipur drain at Rajghat	Before confluence of Jagdishpur drain at Munshiganj	After confluence of Jagdishpur drain at Behta Bridge
pH	8.33	7.24	8.29	7.22
SD (m)	0.72	0.53	0.80	0.62
Conductivity (µs/cm)	548	623	544	766
TDS (mg/L)	251.2	293.2	289.6	388.8
TSS (mg/L)	23.2	90.89	22.08	145.08
DO (mg/L)	4.49	4.16	3.87	1.2
COD (mg/L)	112.8	275.9	183.4	438.3
BOD (mg/L)	30.0	34.06	31.0	42.5
Total hardness (mg/L)	274	466.7	408.6	492
Calcium (mg/L)	370	378	385	592.8
Chloride (mg/L)	22.47	22.75	23.53	34.04
Alkalinity (mg/L)	282	316	292	436
Nitrate (mg/L)	0.31	0.33	0.38	1.77
Total Phosphate (mg/L)	01.49	02.89	02.92	03.47
Chlorophyll-a (mg/L)	45.04	50.03	56.01	64.07

#### NGT Orders:

On reviewing the UPPCB report on 20.1.2020 the Hon'ble NGT observed as follows:

*"In dealing with such matters, it is seen that huge amount of public money is being wasted without fruitful results without study of ground situation, ignoring directions of this Tribunal to identify and notify standards of technology, cost and service providers at national/state levels. While it is for the administration to take action against the persons responsible for wastage of the public money, mandate of the Water (Prevention and Control of Pollution) Act, 1974 (The Water Act), prohibiting disposal of polluting matter in a stream or well under Sections 24 – 25 of the Water Act cannot be ignored. Section 33A of the Water Act provides for orders by a State Board to prohibit such activity and pass any order for this purpose, which has been interpreted to include recovery of compensation on 'Polluter Pays' principle for restoration of damage to the environment.*

*Sections 41 to 49 provide for punishment for such offences, which included imprisonment”.*

**Compliance status submitted in Oversight Committee Review Meeting:**

During an earlier meeting of Oversight Committee held on 17.03.2020, it was informed that STP in Pratapgarh was non-operational due to sewer-lines being under construction and there was lack of connectivity with the STP and sewer-lines due to which sewage was being directly discharged in river Sai. Since this matter is covered by directions of Hon’ble NGT dealing with polluted river stretches, direction, as given in **OA No. 673/2018** regarding environmental compensation, shall apply in this particular case.

During the said meeting, Secretary, Urban Development mentioned that the *“entire fund for construction of STP was transferred from the Government to Jal Nigam in 2009. However, a large chunk of the funds was misappropriated by Jal Nigam. A revised project for completion of STP of Rs 3.54 crores has been submitted by Jal Nigam to the Urban Development Department, for which funding arrangements would be made by the Urban Development Department”.* (After 6 months till now, no physical progress has been made in this case.)

Minutes of meeting of the Oversight Committee held on 17.03.2020 are annexed with this report as **Annexure-01**.

During the meeting of the Oversight Committee held on 25.08.2020, the following issues were discussed:

1. Action taken to complete the project
2. Fixing responsibility of erring officials for misappropriation of funds
3. Progress of Bioremediation/ Phytoremediation in the interim period
4. Status of Environmental Compensation

The compliance received is as follows:

**1. Action taken for completion of project:**

Joint MD, UP Jal Nigam informed that there are four drains namely Police line drain, Boria drain, Sadar drain and Ram Leela Maidan drain which are discharging 7.7 MLD of sewage into the river Sai. The original cost of the project was 15.78 Cr out of which 14.97 Cr rupees were sanctioned and released for the completion of the work in year 2009. While the work of STP is complete, sewer-lines are under construction and there was lack of connectivity with the STP and sewer-lines due to which sewage was being directly discharged in river Sai. This highlights that the funds have not been used properly by the officers of UP Jal Nigam and have been diverted without any prior approval of the competent authority. To complete the work of connecting all these drains to the existing STP, a DPR has been prepared and sent to SMCG on 29.07.2020 from where it will be sent to NMCG for approval. The work on the project will start after the funding from NMCG is approved and funds are released to Jal Nigam.

The Committee reminded the officials that time and again it has been held by Hon'ble Supreme Court and Hon'ble NGT that access to clean water is Right to Life under Article 21 of the Constitution. The water sources cannot be allowed to be contaminated because the STP has not come into operation for the last 11 years. It is the bounden duty of the State Government to provide for finances to complete the project. The Project cannot be allowed to be delayed under the garb of pendency at NMCG level. In fact in the last more than 6 months since the Hon'ble NGT order of 02.01.2020, the State Government has neither included it in the budget proposal nor sent the proposal to NMCG so far. The State Govt must complete it in the next 3 months from its budgetary resources if NMCG approval is taking time.

**2. Fixing responsibility of erring officials for misappropriation of funds:**

So far no action has been taken against any official.

**3. Progress of in situ remediation:**

EO, Pratapgarh informed that they have taken interim measures for all the four drains and the work of bio-remediation has been started. They have sanctioned 13 lakh rupees for bio-remediation of four drains for 3 months. Tendering for next three months has also been done by Nagar Palika. It was felt in the meeting that Phytoremediation would be more cost-effective and sustainable. Secretary Urban Development assured that they would implement Phytoremediation measures in all the 4 drains in the next 3 months. Shri PK Agarwal, CEO, UPPCB informed that the interim measure taken by the Nagar Palika was reducing the 25% of the BOD load when assessed by the UPPCB. However, on 22.08.2020 the UPPCB inspected the spot and at that point of time no remedial work was in process. (Reason mentioned by UD Deptt- Discontinuation of bio remediation during monsoons).

**4. Status of Environmental Compensation:**

Shri PK Agarwal, CEO, UPPCB informed that they have issued show-cause notice to Municipal Committee Pratapgarh for environmental compensation of Rs 36.50 crores in compliance with the Hon'ble NGT's orders. UPPCB has also recommended prosecution against the erring officers and had sent it to the urban development department but their response is awaited.

A couple of other issues also came up for discussion in the aforesaid meeting as follows:

1. It was pointed out that in the order of Hon'ble NGT dated 02.01.2020, it is noted that the total sewage generation in the city is 8.95 MLD and the proposed STP is 8.95 MLD. Why the future enhancement of amount in the total generation of the sewage has not been taken into consideration while designing the STP.
2. Another suggestion was to explore the possibility of construction of wetland/biodiversity park in the area.
3. Secretary UD mentioned that since last month they are not doing any bioremediation in these 4 drains because they are following the CPCB and MoEF&CC guidelines which state that no bio-remediation work should be done during the Monsoon.

Minutes of meeting of the Oversight Committee held on 25.08.2020 are annexed with this report as **Annexure-02**.

**Short Compliance Status:**

Issues	Status	Remarks
<p><b>Action taken for completion of project</b></p>	<p>Four drains namely Police line drain, Boria drain, Sadar drain and Ram Leela Maidan drain are discharging 7.7 MLD of sewage into the river Sai.</p> <p>Sewer-lines are under construction and there was lack of connectivity with the STP and sewer-lines due to which sewage was being directly discharged in river Sai.</p> <p>To complete the work of connecting all these drains to the existing STP, a DPR has been prepared and sent to SMCG on 29.07.2020 from where it will be sent to NMCG for approval.</p>	<p>Not complied</p>

<b>Fixing responsibility of erring officials for misappropriation of funds</b>	So far no action has been taken against any official.	Not complied
<b>Progress of in situ remediation</b>	<p>Bio-remediation as interim measure for all the four drains has been started.</p> <p>Secretary Urban Development assured that they would implement Phytoremediation measures in all the 4 drains in the next 3 months.</p> <p>It was assessed by UPPCB that bio-remediation is reducing 25% of the BOD load. However, On 22.08.2020 the UPPCB inspected the spot and at that point of time no remedial work was in process. The reason adduced by UD Deptt was that they discontinue bioremediation during monsoons.</p>	Partially complied
<b>Status of Environmental Compensation</b>	UPPCB informed that they have issued show-cause notice to Municipal Committee Pratapgarh for environmental compensation of Rs 36.50 crores in compliance with the Hon'ble NGT's orders. UPPCB has also recommended prosecution against the erring officers and had sent it to the urban development department but their response is awaited.	Partially-complied

**Recommendations:**

1. This committee is of the view that this is an over delayed project where STP construction is going on for last 11 years. The State Govt must complete it along with its sewer lines in the next 6 months and should provide budgetary resources for it on priority.

2. The Committee felt that accountability must be fixed for causing pollution. Since this is a matter of misappropriation of funds, both disciplinary proceedings and criminal action should have been initiated against persons responsible for this. Secretary Urban Development has assured of satisfactory action against the guilty within 10 days. .
3. As per Hon'ble NGT's directions, not a single drop of untreated water should be discharged into the river even during monsoon season. The issue of discontinuation of bioremediation during monsoons should be clarified in that context and CPCB should issue clear guidelines in that context.
4. It appears that future enhancement in generation of the sewage has not been taken into consideration while designing the STP. It is recommended that the department should conduct a study to evaluate the future growth of sewage in the city and design capacity of the STP should be increased as per the future demands.
5. The Department may also explore the possibility of creating bio-diversity park or new wetlands to reduce the load of pollution.

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 UP for necessary action. The report be uploaded on the website of the committee.

28-08-2020

28-08-2020

 Anup Chandra Pandey

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Dr. Anup Chandra Pandey  
Member, Oversight Committee  
Signed by: ANUP CHANDRA PANDEY

 SVS Rathore

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

August 28, 2020

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**MINUTES OF MEETING OF THE OVERSIGHT COMMITTEE, NGT UP LUCKNOW,  
HELD ON 17.03.2020 AT 11-00 A.M IN THE OFFICE OF THE COMMITTEE  
(ENVIRONMENT DIRECTORATE, VINEET KHAND, GOMTI NAGAR, LUCKNOW)**

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**Present: Hon'ble Dr Anup Chandra Pandey, Member**

Other dignitaries present:

1. Shri Anurag Yadav, Secretary, Urban Development, Govt of UP,
2. Shri P.K.Agrawal, CEO UPPCB
3. Shri Mahesh Chandra Kashyap, UPPCB
4. Ms Richa Mishra, SO UPPCB HO
5. Shri Manish Tripathi, SA UPPCB RBL
6. Shri Ram Singh Gautam, Secretary, GDA, Gorakhpur
7. Shri Mudit Singh, EO NPP Belha, Pratapgarh
8. Shri Ghanshyam Dwivedi, EE UP Jal Nigam, Pratapgarh
9. Shri Shatrohan Vaishya, ADM Pratapgarh (FR)
10. Shri Gopal Singh, CE (Irrigation and Water Resource)
11. Shri D.K.Chaturvedi, SE (Irrigation and Water Resource)
12. Shri Deepak Yadav, EE (I & P-3), Lucknow
13. Shri Rajendra Patil, Sci-D, CPCB Lucknow

Meeting was held as scheduled.

Various issues as pointed out in the orders of Hon'ble National Green Tribunal dated 02.01.2020 passed in **OA No. 490/2019** in re: *T.S.Singh versus State of Uttar Pradesh* discussed and status of the action taken by the concerned authorities in compliance of the orders reviewed.

Point-wise decisions taken by the Committee in the matter are as follows:

SI No	Issues/points of discussion	Decisions taken by the Committee
1	Prevention of discharge of untreated sewage into river Sai at Pratapgarh in Uttar Pradesh.	<p>It was informed that STP in Pragapgarh was non-operational due to sewer-lines being under construction and there is lack of connectivity with the STP and sewer-lines due to which sewage was being directly discharged in river Sai. It has been informed that 95% work of STP was completed in 2010 and its testing has also been done, but yet sewerage is being directly discharged into the river.</p> <p>Since this matter is covered by directions of Hon'ble NGT dealing with polluted river stretches, direction as given in OA No. 673/2018 regarding environmental compensation shall apply bin this particular case.</p> <p>Secretary, Urban Development mentions that the entire fund for construction of STP was transferred from the Government to Jal Nigam in 2009. However, a large chunk of the funds was misappropriated by Jal Nigam. A revised projection for completion of ST of 3.54 crores has been submitted by Jal Nigam to Urban Development department, for which funding arrangement would be made by the Urban Development department.</p> <p>Clearly this is a case where entire funds had already been sanctioned and transferred by the Government to Jal Nigam for construction of STP in the year 2009 but the Project Agency (Jal Nigam) failed to do it. This is a matter of great</p>

		<p>public importance, which is affecting the life of a large number of citizens. Therefore, the Government may look into the entire matter and fix responsibility. At the same time, immediate provision of funds may be made by the Government to complete this Project. Where there are specific orders of Hon'ble NGT that 100 % treatment of sewage is to be done and no sewage is to be discharged in the river at any cost, why despite of providing complete funds, the sewage is being discharged into river Sai at Pratapgarh for the past 10 years.</p> <p><b>Chief Secretary, UP may get responsibility fixed of Jal Nigam, Local Body and concerned Government officer (s) and also ensure completion of this STP in next three months.</b></p>
2	<p>Hon'ble National Green Tribunal vide its order dated 22.08.2019 in OA No.200 of 2014 (River Ganga), observed:-</p> <p>"16..... As already observed by this Tribunal including in the order dated 14.05.2019 that River Ganga being National River with distinct significance for the country, even a drop of pollution therein is a matter of concern. All the authorities</p>	<p>It has been mandated that till the time of completion of STP, bio-remediation/phyto-remediation is to be done. It appears that the local body is in the process of initiating some activity regarding bio-remediation but so far no concrete step has been taken. CPCB informs that they have already finalised the norms which would guide the choice of technology, whether bio-remediation or phyto-remediation, based on flow, pollution load and depth parameters. EO Pratapgarh municipality may examine these norms and</p>

<p>have to be stringent and depict zero tolerance to the pollution of River Ganga. <b>Wherever STPs are not operating, immediate bioremediation and/or phyto-remediation may be undertaken if feasible. To avoid procedural delay of tender processes, etc. specifications and norms for undertaking such activities may be specified in consultation with the CPCB as was earlier directed in our order dated 29.11.2018.</b> Performance guarantees may be required to be furnished for ensuring timely performance. It needs to be ensured that setting up of STPs and sewerage network to be completed and carried out so as to avoid any idle capacities being created. Performance guarantees may be taken for preventing such defaults.”</p> <p>Vide order dated 28.08.2019 in O.A. No 593/2017, Paryavaran Suraksha Samiti &amp; Anr. Vs. Union of India &amp; Ors., (dealing with <b>Water pollution</b> for compliance of order of Hon’ble Supreme Court in (2017) 5 SCC 326) it was observed:-</p> <p>“17. As already noted, prevention of pollution of</p>	<p>immediately take action accordingly.</p> <p>The UPPCB informs that they have already issued show cause notice to Municipality Pratapgarh for environmental compensation of rupees 36.5 crores in consonance with the Hon’ble NGT’s orders. Principal Secretary, Urban Development is directed to ensure that the concerned municipality initiates bio-remediation/phyto-remediation before 31<sup>st</sup> March, 2020, failing which environmental compensation be recovered from the municipality.</p>
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<p>water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. 'Precautionary' principle of environmental law is to be enforced. <b>Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage."</b></p> <p>In O.A. No. 6 of 2012, Manoj Mishra Vs. Union of India &amp;Ors. (dealing with <b>river Yamuna pollution</b>) vide order dated 11.09.2019, the Tribunal observed:-</p> <p>"13. Priorities need to be planned. <b>The first step is to ensure that no pollutant is discharged</b></p>	
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**into the river or drains connected thereto. Projects of setting up and upgradation of STPs including setting up of interceptors, laying of sewerage line network etc. have to be completed within strict timelines. Pending such action, immediate bioremediation and/or phytoremediation or any other alternative remediation measure may be undertaken as an interim measure.”**

Vide order dated 06.12.2019, in O.A. No. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy regarding critically polluted river stretches, Hon'ble NGT has observed:-  
“47. We now sum up our directions as follows:

i) 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 **atleast to the extent of in-situ remediation** and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of

<p>generation of sewage to the STPs must be ensured. <b>If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation</b> as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.”</p> <p>Hon’ble NGT in its order dated 02.01.2020 has mentioned as under:</p> <p>“We may also observe that apart from interim remediation as mentioned above, pending installation of STPs etc. another option is development of wetlands and bio-diversity parks for reducing the pollution loads on the recipient water bodies. Such directions have been issued by this Tribunal in dealing with the issue in other cases also. Reference may be made order dated 18.12.2019 in O.A. No. 125 of 2017, Court on its own Motion v. State of Karnataka:-</p> <p><b>“28 (xii) Steps may be</b></p>	
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	<b>taken to explore development of wetlands and bio-diversity parks apart from other remedial action for reducing the pollution load on the recipient water bodies.”</b>	
3	Hon’ble NGT in its earlier order dated 06.12.2019 had directed that an institutional mechanism under the chairmanship of Chief Secretary be evolved for all such cases and the meeting must taken place once a month and accountability of nodal authorities not below the rank of Secretary level be fixed and in case of default, appropriate adverse entries in the ACRs of erring officers be initiated. A monthly progress report may be forwarded by the State to the Secretary, Ministry of Jal Shakti with a copy to CPCB	It was informed that quarterly report of Chief Secretary UP is going to Hon’ble NGT. However, in such a case where STP is ready and still sewage water is directly being pumped into the river for past 10 years and no responsibility has been fixed, the Chief Secretary, UP may personally look into it and fix responsibility against erring officer(s) and ensure that no sewage water goes into the river. UPPCB informs that it has recommended prosecution of officers of local bodies on 04.03.2020. Chief Secretary, UP may ensure that in such serious cases, compliance of Hon’ble NGT’s directions has to be ensured at all cost and responsibility of errant officers has to be fixed and legal action has to be taken as per the statute. RO UPPCB Raebareli may immediately inspect and give the latest status report within three days.

Let the decisions taken in the meeting as above be communicated to all concerned for compliance.

**Sd/-  
(Dr Anup Chandra Pandey)  
Member, Oversight Committee**

March 16, 2020

**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD ON  
25.08.2020 AT 11-00 A.M IN OA NO. 490 OF 2019 IN RE:  
T.S. SINGH VS STATE OF UTTAR PRADESH**

**(ORGANISED WITH THE HELP OF NIC THROUGH VIDEO-CONFERENCING)**

**\*\*\***

**Present: Hon'ble Mr Justice SVS Rathore, Chairman, and  
Dr Anup Chandra Pandey, Member**

Other dignitaries present:

1. Shri Anurag Yadav, Secretary, Urban Development
2. Shri Ramesh Ranjan, JMD UP Jal Nigam
3. Shri Shatrohan Vaishya, ADM (F), Pratapgarh
4. Dr DK Soni, Addl Director, CPCB
5. Shri PK Agrawal, CEO UPPCB Pratapgarh
6. Shri Mudit Singh, EO NPP Pratapgarh
7. Shri Mahesh Kashyap, Assistant Scientist, UPPCB Raebareli

The meeting was held as scheduled.

The Hon'ble NGT vide order dated 02.01.2020 had considered the issue to prevent the discharge of untreated sewage into Sai River at Pratapgarh in Uttar Pradesh. Prior to it, the Hon'ble NGT had taken up this case on 05.08.2019 and 02.01.2019 also. On 30.08.2019, UPPCB and UP Jal Nigam had presented a factual and action taken report. It was mentioned that the work of STP was not complete despite the entire funds being sanctioned and released to the construction agency long ago. On reviewing the report the Hon'ble NGT observed as follows "this Tribunal in dealing with such matters, it is seen that huge amount of public money is being wasted without fruitful results without study of ground situation, ignoring directions of this

Tribunal to identify and notify standards of technology, cost and service providers at national/state levels. While it is for the administration to take action against the persons responsible for wastage of the public money, mandate of the Water (Prevention and Control of Pollution) Act, 1974 (The Water Act), prohibiting disposal of polluting matter in a stream or well under Sections 24 – 25 of the Water Act cannot be ignored. Section 33A of the Water Act provides for orders by a State Board to prohibit such activity and pass any order for this purpose, which has been interpreted to include recovery of compensation on ‘Polluter Pays’ principle for restoration of damage to the environment. Sections 41 to 49 provide for punishment for such offences, which included imprisonment”.

During an earlier meeting of Oversight Committee held on 17.03.2020, it was informed that STP in Pratapgarh was non-operational due to sewer-lines being under construction and there was lack of connectivity with the STP and sewer-lines due to which sewage was being directly discharged in river Sai. Since this matter is covered by directions of Hon’ble NGT dealing with polluted river stretches, direction, as given in OA No. 673/2018 regarding environmental compensation, shall apply in this particular case.

During that meeting, Secretary, Urban Development mentioned that *“the entire fund for construction of STP was transferred from the Government to Jal Nigam in 2009. However, a large chunk of the funds was misappropriated by Jal Nigam. A revised project for completion of STP of Rs 3.54 crores has been submitted by Jal Nigam to the Urban Development Department, for which funding arrangements would be made by the Urban Development Department”*. (After 6 months till now, no physical progress has been made in this case.)

During the meeting of the Oversight Committee held on 25.08.2020, the following issues were discussed:

5. Action taken to complete the project
6. Fixing responsibility of erring officials for misappropriation of funds
7. Progress of Bioremediation/ Phytoremediation in the interim period
8. Status of Environmental Compensation

The compliance received is as follows:

5. **Action taken for completion of project:** Joint MD, UP Jal Nigam informed that there are four drains namely Police line drain, Boria drain, Sadar drain and Ram Leela Maidan drain which are discharging 7.7 MLD of sewage into the river Sai. The original cost of the project was 15.78 Cr out of which 14.97 Cr rupees were sanctioned and released for the completion of the work in year 2009. While the work of STP is complete, sewer-lines are under construction and there was lack of connectivity with the STP and sewer-lines due to which sewage was being directly discharged in river Sai. This highlights that the funds have not been used properly by the officers of UP Jal Nigam and have diverted without any prior approval of the competent authority. To complete the work of connecting all these drains to the existing STP, a DPR has been prepared and sent to SMCG on 29.07.2020 from where it will be sent to NMCG for approval. The work on the project will start after the funding from NMCG is approved and funds are released to Jal Nigam.

The Committee reminded the officials that time and again it has been held by Hon'ble Supreme Court and Hon'ble NGT that access to clean water is Right to Life under Article 21 of the Constitution. The water sources cannot be allowed to be contaminated because the STP has not come into operation for the last 11 years. It is the bounden duty of the State Government to provide for finances to complete the project. The Project cannot be allowed to be delayed under the garb of pendency at NMCG level. In fact in the last more than 6

months since the Hon'ble NGT order of 02.01.2020, the State Government has neither included it in the budget proposal nor sent the proposal to NMCG so far. The State Govt must complete it in the next 3 months from its budgetary resources if NMCG approval is taking time.

6. **Fixing responsibility of erring officials for misappropriation of funds:** So far no action has been taken against any official. The Committee felt that since this is a matter of misappropriation of funds, both disciplinary proceedings and criminal action should have been initiated against persons responsible for this. Secretary Urban Development assured that UP Jal Nigam along with the Department of Urban Development will submit a satisfactory ATR within 10 days, failing which this committee can recommend criminal proceedings against the concerned.
7. **Progress of in situ remediation:** EO, Pratapgarh informed that they have taken interim measures for all the four drains and the work of bio-remediation has been started. They have sanctioned 13 lakh rupees for bio-remediation of four drains for 3 months. Tendering for next three months has also been done by Nagar Palika. It was felt in the meeting that Phytoremediation would be more cost-effective and sustainable. Secretary Urban Development assured that they would implement Phytoremediation measures in all the 4 drains in the next 3 months. Shri PK Agarwal, CEO,UPPCB informed that the interim measure taken by the Nagar Palika was reducing the 25% of the BOD load when assessed by the UPPCB. However, on 22.08.2020 the UPPCB inspected the spot and at that point of time no remedial work was in process.
8. **Status of Environmental Compensation:** Shri PK Agarwal, CEO UPPCB informed that they have issued show-cause notice to Municipal Committee Pratapgarh for environmental compensation of Rs 36.50 crores in consonance with the Hon'ble NGT's orders. UPPCB has also recommended prosecution

against the erring officers and had sent it to the urban development department but their response is awaited.

**Some other issues which came up for consideration/discussion**

6. It was pointed out that in the order of Hon'ble NGT dated 02.01.2020, it is noted that the total sewage generation in the city is 8.95 MLD and the proposed STP is 8.95 MLD. Why the future enhancement of amount in the total generation of the sewage has not been taken into consideration while designing the STP.
7. Another suggestion was to explore the possibility of construction of wetland/biodiversity park in the area.
8. Secretary UD mentioned that since last month they are not doing any bioremediation in these 4 drains because they are following the CPCB and MoEF&CC guidelines which state that no bio-remediation work should be done during the Monsoon. Committee felt that as per the Hon'ble NGT directions, not a single drop of untreated water should be discharged into the river even during monsoon season and CPCB has already issued these guidelines. This committee directed CPCB to clarify the issue.

**Sd/-  
(Dr Anup Chandra Pandey)  
Member, Oversight Committee**

**Sd/-  
(Justice SVS Rathore)  
Chairman, Oversight Committee**

August 25, 2020

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