

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 241 OF 2021**

IN THE MATTER OF:

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS.

...RESPONDENTS

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THROUGH

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DATE: 07.03.2022

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RESPONSE TO THE REPORT OF THE JOINT COMMITTEE DATED 14.12.2021 AND REPORT OF THE HOUSING & URBAN DEVELOPMENT DEPARTMENT DATED 12.01.2022.

MOST RESPECTFULLY SHOWETH:

1. The Applicant had filed the above Application under Sections 14, 15 read with Section 20 of the National Green Tribunal Act, 2010 to highlight the non-compliance of the provisions of the enactments specified in Schedule I of the Act raising the 'substantial question relating to the environment' as defined under Section 2(m) of the Act, arising out of the large scale pollution caused by discharging untreated sewage as well as dumping of municipal solid waste unscientifically in river Doodh Ganga and Mamath Kull, in Srinagar and Budgam Districts, Jammu and Kashmir.
2. That by order dated 18.10.2021, this Hon'ble Tribunal constituted a five-member Joint Committee directed for a factual report upon the allegations raised by the Applicant:

"6. In view of above material, prima facie it appears that there is continued violation of Water Act to the prejudice of the environment and public health which remains unchecked. Thus, intervention of the Tribunal may be called for. Accordingly, we direct the authorities to verify 5 the facts and take remedial action in accordance with law. We also constitute a five-member Joint Committee of CPCB, J&K PCC, Deputy Commissioners, Srinagar and Budgam and the Director, Urban Local Bodies, J&K. The State PCB will be the nodal agency for compliance and coordination. The

Joint Committee may meet within two weeks and undertake visits to the sites in question. The Committee may look into the water quality in terms of Fecal coliform, quantity of sewage being discharged, solid waste being dumped on the banks and the action plan."

3. Thereafter, the Joint Committee have inspected the site on 08.11.2021 and 2.12.2021 has filed a report dated 14.12.2021 based on an inspection. That at the outset it is submitted that the committee has accepted the contention in the application about the pollution in the river Doodh Ganga. Furthermore, an action taken report dated 12.01.2022 has been filed by the J&K Housing and Urban Development Department. The Applicant is making following submissions to the report:

Direct pumping of Sewage into Rievr Doodh Ganga through Dewatering Pumping Stations:

- i. The report has accepted the fact that there are ten numbers of main dewatering pumping stations which are discharging 16.36 MLD of untreated waste water and out of which 12.25 MLD is being directly discharged into Doodh Ganga River and a miniscule amount of 4.11 MLD finds its way in Septic Tank/Soakage Pit treatment. That it is evident from the report that the concerned authorities at helm i.e., Srinagar Municipal Corporation and Urban Environmental Engineering Department are directly pumping and flushing out sewage effluents into the river. It is submitted that the Srinagar Municipal Corporation has wrongly stated that it is only upgrading the Storm Water Pumping Stations and that it is only the rain/storm water that is pumped out in Doodh Ganga River with no collateral apprehension of causing water pollution. In this regard, the Srinagar Municipal Corporation has erected sign boards over a number of upgraded Drainage Pumping Stations from Channapora to Barzulla highlighting as "**Storm Water**

Dewatering Pumping Station” which is completely misleading and incorrect. That Table No. 1 clearly provides complete details of the dry weather sewerage flow pumped into Doodh Ganga River over a stretch of approximately 4 km from Channapora to Tengpora. Furthermore, the analysis of the samples collected from lower course of Doodh Ganga River i.e., Bagh-e-Mehtab at Old Barzulla and Near Tengpora shows that the water quality does not confirm '**Class B**' criteria, which clearly shows that the dewatering pumping stations brazenly flushes out sewage water and not rain water into the river thereby majorly degrading the quality of the river water. Hence, there is an urgent requirement for the installation of modular STP and permanent STPs in time bound manner to eradicate further degradation of River Doodh Ganga.

Copy of the image of the sign board taken by the Applicant is annexed herewith as **Annexure A/1.**

Need for immediate STP Permanent STPs in River Doodh Ganga for survival:

- ii. That as per the report submitted by J&K Housing and Urban Development Department, it has proposed to set up Modular Sewage Treatment Plants as a temporary measure in the first phase and under the second phase, permanent STPs to be constructed and modular STPs to be relocated to rural areas for further service. It is submitted by the Applicant that Modular STPs are only a temporary arrangement and works effectively for smaller population. The cost proposed by in the Action Taken Report of Rs. 45.00 cr for setting up of 6 STP has not given any breakup of the amount required. If only cost of STP for 1 to2 MLD is considered is on very higher side compared to market price.

The copy of estimate price available online is filed as **Annexure A-2.**

- iii. Since, the water from river Doodh Ganga is being lifted by the water filtration plant of Public Health Engineering Department (Jal Shakti) at Kralpora and is thereafter supplied to various local villages having an estimated reach of 5 lakh population living in Srinagar and Budgam, thus, Doodh Ganga River immediately needs the installation of modular STP and in time bond manner permanent STPs for survival. That there cannot be any interim and ad hoc solutions to this crucial environmental issue. The Applicant further submits that the 13 number of dewatering pumping stations located on the banks of Doodh Ganga from Channapora to Tengpora shall only be permitted to operate with the installation of STPs.

Non-compliance of the provisions of SWM Rules, 2016:

- iv. The report states that Door to Door waste collection has started in all the 74 wards of Srinagar city under SMC and 40 Urban Local Bodies of Kashmir under Director Urban Local Bodies Kashmir (ULB). It is claimed that in Chadoora and Budgam town (13 wards each) solid waste is collected from every household. The Applicant here submits that report is not based on facts as Srinagar Municipal Corporation or ULBs like Municipal Council Chadoora or Budgam don't have enough vehicles to collect waste from every household. That even if the wastes are collected in some wards the same is not collected in a segregated manner which is mandatory as per guidelines of Municipal Solid Waste (Management and Handling) Rules, 2016. The Biodegradable and Non-Biodegradable waste is collected and dumped unscientifically by SMC and other ULBs in Kashmir which includes Chadoora and Budgam towns located on the banks of Doodh Ganga and Mamth

Kull. The Municipal Council Budgam continues to dump its solid waste near banks of Mamth Kull in Budgam. The solid waste dumped has been removed from Bagh-e-Mehtab locality near Doodh Ganga by SMC but another dump site has been set up near Chanapora Bypass Bridge located also near Doodh Ganga river, thereby dumping wastes in an unscientific manner and brazenly flouting the provisions of SWM Rules, 2016. Thus, it is submitted by the Applicant that SMC should identify the bulk waste generators and direct them to segregate waste at source and also to compost it in-situ to reduce health hazards and environmental degradation as mandated under the SWM Rules, 2016.

Copy of images taken by the Applicant of the dump site that has been set up near Chanapora Bypass Bridge located also near Doodh Ganga river as a primary collection point is annexed herewith as **Annexure A/3**.

Non-compliance of SWM Rules, 2016 by Rural Development Department:

- v. The Applicant here submits that in rural areas like Hanjigund, Balpora, Wathoora, Gopalpora, Kralpora and Mochwa which are located near the banks of River Doodh Ganga, downstream of Chadoora town, mounds of wastes are lying scattered in the river embankment. That the Mission Director, Swachh Bharat Mission Gramin (SBM-G) has miserably failed to utilize funds provided to them by Union Ministry of Drinking Water and Sanitation. That these areas neither falls under Municipal Council, Chadoora nor under Srinagar Municipal Corporation. Hence, due to sheer lack of proper administration, wastes are dumped on the banks of the river in open plots there causing large scale ecological degradation. Thus, the Rural Development Department needs to be directed to take immediate action on the same.

4. Thus, in light of the above submissions as well as the facts stated in both the reports of Joint Committee and J&K Housing and Urban Development Department, it is clear that due to the nonchalant attitude of the Srinagar Municipal Corporation there has been a large-scale pollution of Doodh Ganga River and Mamath Kull in complete violation of the law and earlier directions of this Hon'ble Tribunal. Thus, necessary actions must be taken against the erring officials for their lackadaisical approach in dealing with the large-scale pollution caused in River Doodh Ganga and Mamath Kull. Hence, the Hon'ble Tribunal may pass appropriate order considering above submissions of the Applicant.

THROUGH

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DATE: 07.03.2022

Annexure A/1



STORM WATER DEWATERING STATION
CHANPORA SLUICE
UPGRADED UNDER
JEHLUM TAWI FLOOD RECOVERY PROJECT
(JTFRP)
(WORLD BANK FUNDED)

7.11
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139
Annexure A/2

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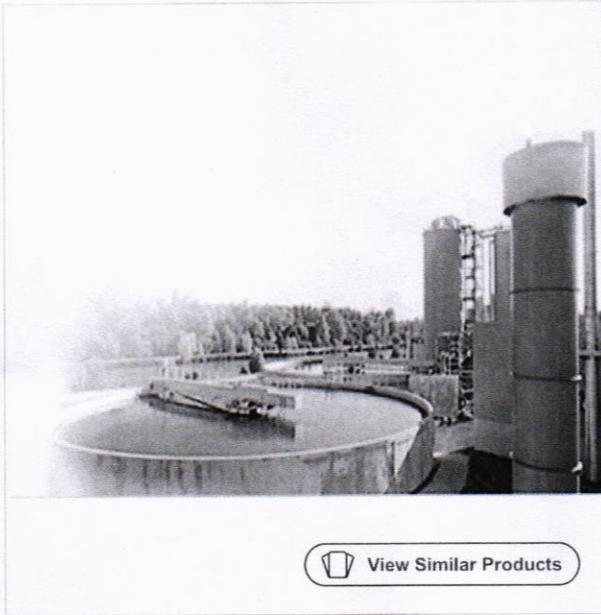
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