

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 606 Of 2022

Public Action Committee & Ors. ...Applicants

Versus

State of Punjab & Others ...Respondents

In addition:

Sanjha Morcha Zira ...Respondent no. 8

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Dated: 19.12.23, New Delhi

Filed by:



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Written submissions of applicant and R-8

The OA 606/2022

1. The plea in the OA includes the permanent closure of the Malbros International Private Limited Factory at Zira (Punjab) and for an order directing payment of Rs. 100 crores to the families of those who suffered on account of the pollution from the factory. This is what is sought today. It is stated in the OA that pollution from the company has severely contaminated the soil, the ground water and the air and this

was done by the company discharging under pressure the polluted water in the deep bores. The applicant is the Public Action Committee and the details of the organization are set out. This adverse effect can only be from this particular factory because there is no other industry in the area even the Gurudwara which is 4Km away from the factory had started spewing out polluted water. Photographs are annexed. The polluted water has a foul smell. Creation of bores which are upto 1000 feet originally for extracting water has also been used for pressure pumping the effluent back into the ground (Reverse Boring) which contaminates the entire water table in an extensive are. It is stated that the factory owners and officers have a lot of influence with political parties and other persons as a result of which neither the deputy collector nor officials were willing to correct the situation. Ultimately the people organized themselves and passed Gram Sabha resolutions. It is stated that many people and domestic animals have died on account of deadly diseases caused by the pollution.

Reply of R-8: The local people affected

2. R-8 filed a comprehensive reply saying that it is a collective going by the name of Sanjha Morcha Zira which consists of famers, experts,

academics, students and other concerned families and they pointed out that the **pollution began 10 years ago. 20,000 people in 8 villages have been severely affected and their lives have become miserable.** They point out that **consent to operate was withdrawn by the PPCB on 11.4.23.**

3. The reply refers to the CPCB report dated 13.4.23 setting out the extracts of the report. **There are 25 deep tubewells in the compound of the company into which toxic water is dumped. Thus, the ground water is highly polluted for 15km. Therefore, it is shocking to hear the company say that it is a zero liquid discharge company.** Apparently the borewells were made without the permission of CGWB/PWRDA. The CPCB found that all 29 of the bore-wells were yielding water with unpleasant odor and gray color. In the water TDS, Boron, Sulphate and other chemicals were found in high concentration. Also found was cyanide, arsenic and lead, selenium, manganese and iron, chromium, copper and nickel in high concentration. The concentrations were 10 times the permissible levels. This affected not only the lives of humans and animals but also of the crops.
4. This report is sought to be discredited by saying that the CPCB did not inform the company about its visit and conducted the visits ex-parte.

This is utterly false. The applicant has photographs and videos of the CPCB visit showing that the officials of the company accompanying the CPCB officials while taking the water samples. Also, letter dated 21.2.23 of CPCB informing the administration of the visit exists. The CPCB report itself states that the company officials accompanied them during the investigation. The company saying that bottles were not sealed is also wrong as can be evidenced by the applicant.

PPCB makes suspicious reports

5. Vested interests gathered around the company in order to cover up for the illegal actions done. The PPCB makes two reports with the intention of covering up for the companies discharge of toxic effluents ultimately realizing that the public and other experts had no faith in their reports and also after reading the CPCB Report. The consent to operate was refused. The description of the vested interest that gathered around to help the company is described in the affidavit. This included a monitoring committee headed by the Hon'ble retired judge who gave the company a clean chit. This monitoring committee went on its own obviously prompted by the company. The relevant parts of the refusal to grant consent are set out in the affidavit.

6. CM's committee finds high pollution. The report of the CM's committee dated 26.3.23 found very high pollution levels and corroborated the report of the CPCB. Details are set out in the affidavit.
7. The suspicious reports of the PPCB is made to save the skin of PPCB officials. If they have slept over the pollution for so many years and is till pretending that the water is colorless when every villager can see that the color is dark yellow and black then it is obvious that corruption has prevailed and a CBI investigation ought to be done and the company and the official should be prosecuted.

Report dated 27.1.23 of Jamoori Adhikar Sabha

8. The report dated 27.1.23 of the Jamoori Adhikar Sabha is set out in the affidavit and shows people dying of cancer, kidney failure, liver failure and respiratory diseases and cattle dying due to toxic fly ash. It is said that tankers full of polluted effluents are thrown in the canals in the drains causing huge risks to life.

India narrative report

9. This report was mentioned in the newspapers which said that the company was selling Pottasium cyanide products without permission to manufacture.

Panchayats resolve to close down plants

10. Since the effect of the pollution was unbearable and lives were being lost the panchayats resolved to close down the plant.

Video interviews of persons who died

11. In the affidavit the interviews of the persons who died on account of kidney failure, liver failure, respiratory failure are set out in detail.

Senior medical officer confirms the samples are toxic

12. The report of the SMO is set out in the affidavit.

Fake public hearing

13. In the affidavit it is stated that the company brought people in buses from outside the district to shout in favor of the factory.

No further investigation needed

14. In view of the report of the CPCB and the CM's committee report and the order denying consent to operate and the India narrative report and the Jamoori Adhikar Sabha Punjab report it is stated no further investigation needs to be done and the OA should be allowed in toto.

Additional affidavit of R-8 dated 10.12.23

15. In the said affidavit opposition to the conducting of any further inspection is set out. By asking for this the company seeks to confuse the situation by interfering with the integrity of any future study by the usual well-known means. This Hon'ble tribunal should not allow this to happen. Already a complaint has been made by the villagers that the company attempted to take certain officials of NEERI into the factory in their car and the people protested.

Rejoinder of applicant dated 17.12.23

16. The rejoinder affidavit of the applicant is on record and shows sampling was in the presence of official of the company and sealed cover was there.

Photos







written submission 19.12.2023.pdf

1 message

Deepak Singh <deepak.singh@hrln.org>

Tue, 19 Dec, 2023 at 10:17 am

To: chairman.ptl.ppcb@punjab.gov.in, chairmanppcb@yahoo.co.in, zldmalbros@oasisgrp.in, seezobti@gmail.com, mattewarasutlejpac@gmail.com, msppcb@punjab.gov.in, rdchandigarh.cpcb@gov.in, ppcbfdk@yahoo.com, gurnamsingh.cpcb@nic.in, ccb.cpcb@nic.in, narendersharma.cpcb@gov.in, mscb.cpcb@nic.in

Dear Sir/Madam,

Please find the Written Submission on behalf of R-8 (Sanjha Morcha Zira) in O.A. 606 of 2022 before the Hon'ble NGT, Principal Bench, Delhi. Please consider it as proof of service of the Written note by R-8.

Thank you,

Regards,

(On behalf of R-8)

Deepak Kumar Singh,
Advocate