

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

Original Application No. 138/2016 (TNHRC)
(Case No.559/19/11/14)
WITH
Original Application No. 139/2016 (TNHRC)
(Case No.600/19/11/14)

Stench Grips Mansa's Sacred Ghaggar River
With
Yogender Kumar

Date of hearing: 01.10.2019

**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): None
For Respondent(s): Mr. Rajkumar, Advocate for CPCB
Mr. Sanjay Kumar, Advocate and Mr. Atul
Parmar, SDO, HPSCB
Mr. Shubham Bhalla, Advocate for Chandigarh
PCC
Ms. Richa Kapoor, Advocate for Punjab State
PCB
Mr. Rahul Khurana, Advocate with Ms. Kirti,
AEE for HSPCB

ORDER

1. The matter has been put up for consideration of letter dated 30.09.2019 from Justice Pritam Pal , former Judge of the Punjab and Haryana High Court and Chairman of an “ Executing Committee” constituted by this Tribunal for overseeing the execution of orders of this Tribunal to remedy the pollution of River Ghaggar. The letter suggests that having regard to the magnitude of monitoring work, one more Committee may be constituted.

2. Brief background may be mentioned. The river Ghaggar originates in the State of Himachal Pradesh and ends in the State of Rajasthan. The river is included by the Central Pollution Control Board (CPCB) in 351 polluted river stretches of the country, priority – I category, which is a category of highest pollution, having BOD more than 30 mg/l as against the prescribed standard of 3mg/l. In the light of grievance that remedial action was not been taken, this Tribunal has been considering the matter for last more than five years.

3. It is undisputed that there is high pollution level in River Ghaggar on account of discharge of effluents – industrial as well as municipal. The Water (Prevention and Control of Pollution) Act, 1974 prohibits discharge of untreated effluents in any water bodies. Doing so is a criminal offence. This Tribunal has issued directions for enforcement of the said statutory provisions which need to be enforced by the State Pollution Control Boards (SPCBs). The Tribunal also directed preparation of action plans with firm timelines and execution of said plans so that no untreated effluent is discharged into any of the rivers. In exercise of powers under Section 25 of the National Green Tribunal Act, 2010 read with Section 51 CPC, this Tribunal constituted an Executing Committee headed by a former Judge of the Punjab and Haryana High Court vide order dated 07.08.2018. The Committee is to monitor the progress and oversee preventive and remedial action so as to restore the water quality of the river to the prescribed level. The Committee is also to consider steps for organizing health camps and providing clean drinking water to the affected inhabitants. The report mentioned level of water quality at different locations and also noted depletion of groundwater resources, need for utilization of treated sewage for agriculture, construction

activity and green belt, regulating extraction of ground water, ensuring requisite number of STPs and their proper maintenance, development of biodiversity parks in the catchment areas, water shed management, maintaining e-flow, scientific sand mining policies, real time water quality monitoring, interception of waste water, septage management. The Tribunal directed the concerned States to take remedial measures and the Committee was to furnish further report after six months. Further report dated 14.06.2019 has been filed and still further report has been filed today. The same be placed on the website for response, if any. The matter will be considered on the next date.

4. We may note that remedial action for restoration of 351 identified polluted river stretches is a subject matter of separate consideration in *O.A. No. 673/2018*. While in *O.A. No. 606/2018*, vide order dated 16.01.2019, this Tribunal directed the Chief Secretaries of all the States/UTs to monitor the progress and take remedial steps in a time bound manner and give periodical reports to this Tribunal. It was found necessary to constitute monitoring committees for execution of orders of this Tribunal with reference to pollution of certain rivers including Ganga and Yamuna. In respect of River Sutlej and rivers/drains connected therein also, a monitoring committee has been set up in *O.A. No. 916/2016, Sobha Singh & Ors. Vs. State of Punjab & Ors.*, which is also headed by the same learned Judge, who is also heading a committee towards the compliance of Solid Waste Management in Punjab, Haryana and Chandigarh. The letter suggest that one more committee may be constituted having regard to the magnitude of the work.

5. We have heard learned Amicus, learned Counsel for the States of Punjab and Haryana and Union Territory Chandigarh who have also supported the suggestion in the letter for constitution of another committee.

6. Accordingly, we direct reconstitution of the monitoring committee dealing with the polluted river stretches of River Sutlej and its tributaries and solid waste management issues in the State of Punjab by substituting Justice Jasbir Singh, former Judge of the Punjab and Haryana High Court in place of Justice Pritam Pal. All other members of the Committee constituted in O.A. No. 916/2016 will remain the same. The committee will work in continuation of the earlier proceedings and without prejudice to the monitoring by the Chief Secretary. With regard to river Ghaggar and solid waste management of the State of Haryana and Union Territory Chandigarh, we add Ms. Urvashi Gulati, former Chief Secretary, Haryana as a Member. Honorarium to be paid to Justice Jasbir Singh and Ms. Gulati will be on the pattern of earlier orders of this Tribunal.

List the matter for further consideration on 22.11.2019.

A copy of this order be placed in the file of O.A. 916/2016 and O.A. 606/2018.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 1, 2019
O.A. No. 138/2016 (TNHRC)
with O.A. No. 139/2016 (TNHRC)
DV

