

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

(By Video Conferencing)

Original Application No. 06/2012

(With Report dated 29.06.2020)

Manoj Mishra

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 06.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Rahul Choudhary, Advocate

Respondent(s): Mr. Rajeev Bansal, Senior Advocate with Mr. Kush Sharma,  
Advocate for DDA  
Mr. Raj Kumar, Advocate for CPCB  
Mr. Rahul Khurana, Advocate for State of Haryana & HSPCB

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## ORDER

### **I. Issue under consideration: Reviewing the status of compliance of directions of the Hon'ble Supreme Court and NGT for rejuvenation of river Yamuna**

1. This order may be read in continuation of earlier orders on the subject. The issue under consideration is rejuvenation of River Yamuna through execution of directions of this Tribunal's order dated 13.01.2015 (2015 SCC Online NGT 840) ("**the 2015 order**") in this matter, and further orders including order dated 08.05.2015 (2015 SCC Online NGT 841) and order dated 07.12.2017 in OA 65 of 2016<sup>1</sup> and OA 76 of 2016<sup>2</sup>. **The Hon'ble Supreme Court also issued several directions for improving water quality of river Yamuna, and protection of floodplains, to which reference is made later herein. Finally, vide order dated 24.4.2017, the Court transferred proceedings before it in W.P. No. 725/1994<sup>3</sup> to this Tribunal for further monitoring.** The Tribunal has been reviewing the progress and has passed several orders to which reference will be made later.

#### **Order dated 13.01.2015 and proceedings upto 25.07.2018**

2. The 2015 order was passed based on extensive studies by way of Expert Committee Reports dated 19.04.2014 and 13.10.2014. Detailed directions were issued therein (Paragraph 94) for maintaining environmental flow, preventing discharge of pollutants into the river,

<sup>1</sup> Manoj Misra v. Delhi Development Authority & Ors.

<sup>2</sup> Pramod Kumar Tyagi Vs. Art of Living International Center & Ors.

<sup>3</sup> News Item "Hindustan Times" AQFM Yamuna v. Central Pollution Control Board & Anr.

protecting flood plain zones by river front development activities and removing encroachments. A Principal Committee was constituted to supervise implementation of the directions and to furnish quarterly reports to this Tribunal. The Principal Committee was to comprise of representatives of MoEF&CC; Ministry of Water Resources; Chief Secretary, Delhi Administration; Vice Chairman, DDA; Commissioner of all the Municipal Corporations; Commissioner, DJB; Secretary, Department of Irrigation, NCT of Delhi and concerned Secretaries of the States of Haryana, Uttar Pradesh, Himachal Pradesh and Uttarakhand. Four Experts - Professor C.R. Babu, Professor A.K. Gosain, Professor Brij Gopal and Professor A.A. Kazmi were also to be Members of the Principal Committee to be associated with commencement and completion of all the aspects of this project. The Delhi Jal Board (DJB) along with Corporation under whose jurisdiction the required number of STP was to be constructed and established as well as the drains which were to be completed and made obstruction free were to be responsible for execution of the work as contemplated in the action plan. Vide order dated 24.07.2017, earlier order was modified to the effect that the Secretary, Ministry of Water Resources (Jal Shakti) was to head the Principal Committee. The authorities responsible for compliance of the directions included Government of Delhi, DJB, Public Works Department (PWD), Municipal Corporations, Industries Department, Delhi Pollution Control Committee (DPCC), Haryana Government and U.P. Government. After transfer from the Hon'ble Supreme Court, the NGT monitored the matter and listed it on several dates. Without referring to all the orders, we may refer here only the significant orders passed.

**II. Earlier significant orders on review of compliance status:**

- order dated 25/26.07.2018 (constituting YMC)
- order dated 29.01.2019 (Review of the YMC action plan & first report)
- order dated 11.09.2019 (Directions on second report of YMC)
- order dated 05.03.2020 (Directions on third report of YMC)

**a. Order dated 25/26.07.2018 (constituting YMC)**

3. The Tribunal conducted comprehensive review on 25.7.2018 and found that hardly much progress had been in water quality as pollutants continued to be discharged. The matter had been monitored by the Hon'ble Supreme Court since 1994. **Vide order dated 10.10.2012, it was noted by the Hon'ble Supreme Court that inspite of monitoring for 18 years, there were high level of fecal coliform (FC) and BOD.** We may also note orders of the Hon'ble Supreme Court in (1999) 1 SCC 161<sup>4</sup>, (2009) 17 SCC 708<sup>5</sup>, (2009) 17 SCC 716<sup>6</sup>, (2009) 17 SCC 720<sup>7</sup>, (2009) 17 SCC 745 and (2012) 13 SCC 736<sup>8</sup>. It was *inter-alia* observed that **C Category quality water should be achieved and there should be no encroachment atleast upto 300 meters on both sides of Yamuna. Action plans were required to be prepared and executed in time bound manner.**

Since even after monitoring by the Hon'ble Supreme Court for 23 years and simultaneous monitoring by this Tribunal for about five years, the desired result was not being achieved, the **Tribunal vide order dated 26.07.2018 constituted a two Member Yamuna Monitoring Committee (YMC) for identifying various action points and closely**

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<sup>4</sup> Sector 14 Resident's Welfare Association & Ors. v. State of Delhi & Ors.

<sup>5</sup> News Item published in Hindustan Times titled "And Quite Flows the Maily Yamuna"

<sup>6</sup> News Item published in Hindustan Times titled "And Quite Flows the Maily Yamuna"

<sup>7</sup> News Item published in Hindustan Times titled "And Quite Flows the Maily Yamuna"

<sup>8</sup> News Item published in Hindustan Times titled "And Quite Flows the Maily Yamuna"

**monitoring execution according to such points in a time bound manner.**

**b. Order dated 29.01.2019 (Reviewing the action plan and first report of YMC)**

4. The Committee gave its action plan dated 20.10.2018 and its first report dated 16.01.2019 which were dealt with by a detailed order dated 29.01.2019<sup>9</sup>. The Core Action Plan dated 22.10.2018, identified road map for monitoring the directions of this Tribunal activity wise and agency wise. The plan highlighted issues, present status and future actions. The sixteen action points identified were:

- i. *“ Environmental Flow*
- ii. *DDA, Demarcation of the Flood Plains and Conservation Activities*
- iii. *Quality of River water*
- iv. *Sewage Treatment Plants*
- v. *Interceptor Sewer Project (ISP)*
- vi. *Repair and maintenance of Drains*
- vii. *Polluter Pays principle*
- viii. *Dredging and desilting*
- ix. *Industrial Pollution and CETPs*
- x. *Sewage and Faecal Sludge Management*
- xi. *Online Monitoring of STPs, CETPs and Yamuna.*
- xii. *Use of treated Waste Water*
- xiii. *Idol Immersion*
- xiv. *State of Haryana and pollution of the Yamuna*
- xv. *State of Uttar Pradesh and Pollution of the River*
- xvi. *Creating Public Awareness through Information Dissemination Strategies and Management”*

From the first report of the YMC dated 16.01.2019, it was found that **DDA was yet to undertake demarcation of the flood plains**. There was need to have a mechanism to stop dumping of debris by installing electronic surveillance system, aerial mapping to track debris, to set up check posts to track transportation of debris and for recovery of environmental compensation, setting up of more water quality monitoring stations, improvement and upgradation of STPs, setting up

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<sup>9</sup> (2019) SCC Online NGT 644

new STPs to bridge the gap between sewage generated and sewage treated, need for interceptors, maintenance of drains, improvement of CETPs and to set up sewerage network for unauthorized colonies. **The Committee noted that the FC count was upto 6,400 times above the prescribed standards. Only 14% of the 1797 colonies had sewage pipelines. DDA had failed to remove the debris and to secure the area by erecting barbed wire fencing.** The authorities in the State of Haryana were required to expedite action for reducing water pollution load. The State of Uttar Pradesh was required to tap the drains, set up STPs and take action against the polluting industries releasing effluents into drains joining the river. The Tribunal noted that the situation was grim and that the regulatory authorities had failed to apply the 'Polluter Pays' principle to control the polluting activities. In spite of the serious damage being caused, the authorities were not acting against the offenders either by prosecuting them and/or recovering the cost of restoration. Apart from failure of the Delhi Government, there was failure on the part of DDA, UP Government as well as Haryana Government. The Delhi Government, UP Government as well as Haryana Government were required to furnish performance guarantees in the sum of Rs. 10 Crores each with the CPCB. The DDA was also required to furnish a performance guarantee in the sum of Rs. 50 Lakhs with the CPCB. This Tribunal directed that further report be furnished by 20.05.2019.

**c. Order dated 11.09.2019 (Directions on second report of YMC)**

- **Review of YMC's Second and Supplementary Reports of 27.5.2019 and 13.8.19;**
- **Assignment of timelines and compensation**

5. The second report of the Committee dated 25.07.2019 followed by Supplementary Report dated 13.08.2019 was dealt with vide a detailed

order dated 11.09.2019. The said order dealt with all the micro issues by laying down exhaustive guidelines and directions and timelines as well as action to be taken for violation of the timelines. The directions included reiteration of recovery of sewage charges from all generators of sewage. Since the earlier order of the Tribunal dated 8.5.2015 was under challenge before the Hon'ble Supreme Court to the extent of requiring Electricity Supply Companies to recover the charges, vide order dated 11.09.2019, the Tribunal allowed Delhi Government to evolve any other mechanism for recovery. The Hon'ble Supreme Court vide judgment dated 24.10.2019, **(2019) 10 SCC 104**<sup>10</sup>, directed levy and recovery of sewage charges as per order of this Tribunal dated 11.09.2019 within two months. A Division Bench of the **Delhi High Court vide order dated 24.10.2019 in L.P.A. No. 681/2019, DDA v. Yamuna Khadar Slum Union & Ors.**, vacated stay against removal of encroachments, after referring to the order of this Tribunal dated 11.09.2019. Further order dated 22.1.2020 was passed by the Tribunal to explore *in-situ* remediation techniques as supplement to STP systems.

**d. Order dated 5.03.2020 (Directions on third report of YMC)**

- **Review of YMC's Third Report of 5.2.2020;**
- **Directions to wind up YMC and continue monitoring by constituting 1) DDA's SPV (Drains) and 2) Delhi Government's IDMC (Floodplains) and alternative institutional monitoring mechanism**

6. Third report of the YMC dated 05.02.2020 was considered vide order dated 05.03.2020 wherein detailed reference was made to the earlier orders dated 11.09.2019, 29.01.2019 and 22.01.2020 (in pursuance of Chamber meeting held on 03.01.2020) on the issue of *in-situ* remediation of sewage and **constitution of a single agency to deal**

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<sup>10</sup> TATA Power Delhi Distribution Limited, NDPL House v. Manoj Mishra & Ors.

**with all the drains in Delhi.** The said report apart from all other action points dealt with the issue of inadequate action by DDA in absence of single coordinating authority entrusted with responsibility of taking necessary steps. The issues to be dealt with by the DDA were identified as follows:

- The protection of the flood plain;
- The creation of wetlands at identified locations;
- Demolition plans and action taken to retrieve flood plain land and free it of encroachments,
- Enforcement against vehicles dumping debris in and around the flood plain
- Progress on financial devolution by the State of Uttar Pradesh on DDA to undertake
- Floodplain rejuvenation on the Eastern bank of the river,
- Progress of 10 identified projects which DDA had undertaken to complete by specific dates.
- Tree plantation drives,
- Closure of bore wells and plans for larger use of treated waste water dealt with in Chapter – 10, Use of Treated Waste Water.

7. The YMC referred to the earlier recommendations of the Committee comprising Prof. AK Gosain (IIT Delhi), Prof. CR Babu (Emeritus Professor Delhi University), Prof. Brij Gopal (IIT Roorkee), assisted by officers from the DDA, Government of NCT of Delhi, DJB and UP Irrigation department, **to set up an independent body to plan and execute the restoration programme for river zone in the NCR, to protect flood plains and to make river zone a place of attraction with the involvement of the civil society.** This was named as a 'Special Purpose Vehicle' (SPV) or Yamuna River Front Management Authority (YRFMA). The YMC referred to note of Cabinet Secretariat dated 24.08.2007 contemplating such authority. The Tribunal, accordingly, after consideration issued following directions:

***“Directions***

66. *In view of above discussion, there is need for stringent compliance of directions to ensure sewage and sludge*



management and other pollution aspects for protection of environment, public health and safety and also rejuvenation of river Yamuna. **There is a continued failure of compliance by the authorities inspite of repeated directions of the Hon'ble Supreme Court and this Tribunal in the last more than twenty five years.** The evaluation of damage on account of degradation to river Yamuna, in monetary terms, on account of such failures has also become necessary for fixing accountability.

67. Accordingly, we direct as follows:

- a. In the light of observations in the third report of the YMC dated 05.02.2020 showing inadequate progress in compliance of orders of this Tribunal dated 11.09.2019, all concerned authorities (in Delhi, Haryana and U.P.) need to take further action expeditiously on the issues of **sewage management, industrial pollutants, solid waste management** and other issues, as per laid down timelines and to pay compensation wherever timelines have not been met which may be ensured by the CPCB.

CPCB may issue notice to the entities accountable to pay compensation and in case of non-payment and seek execution by moving this Tribunal.

Wherever coercive measures are required to be taken in terms of orders of this Tribunal dated 11.09.2019 and have not been taken against official lethargy, action may be taken as already directed by the concerned administrative heads. In case of any failure, this Tribunal may have to take further action for strict compliance. The Authorities may give their progress reports of the status as on 30.04.2020 to this Tribunal by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date.

- b. **The DDA may constitute a Special Purpose Vehicle (SPV) preferably within two weeks from today for rejuvenation of river Yamuna. The functions of such entity will include ecological restoration of the flood plain zones, setting up of bio-diversity parks, artificial wetlands, phyto-remediation of drains at the river mouth locations, maintaining the vigil and undertaking flow measurement, creating ecological services, removing encroachments and undertaking other activities, including river front development. It may also take steps to attract and educate the citizens and nature enthusiasts for nature related activities, including building environmental temper amongst citizenry, without in any manner causing any damage to the flood plains.**
- c. **Delhi Government may set up within two weeks from today an 'Integrated Drain Management Cell' (IDMC) under the Chief Secretary for remediation and management of all drains of Delhi with representatives of all agencies/ departments/Urban Local Departments owning such drains, not below the level of Chief**

**Engineer dealing with the management of drains to the IDMC.** The CEO, DJB will be the ex-officio Member Secretary of the IDMC. The IDMC may meet atleast once in a week, to start with. Constitution of IDMC will not affect ownership of the drains. IDMC may send its reports to this Tribunal every two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

- d. CPCB may revise its report on 'Alternate Technologies for Management of Waste Water in Drains' in the light of comments of the YMC dated 17.02.2020 and forward the same to the Ministry of Urban Development, Jal Shakti, Govt. of India, NMCG, Governments of Delhi, Haryana and U.P. within one week from today for further necessary action on their part for making a policy which may be finalized within one month from today. CPCB may file a compliance report after collecting status of compliance from the said authorities by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date. Revised CPCB report may be placed on its website and also circulated to all States/UTs and PCBs/PCCs.
- e. The IDMC may prepare and execute an action plan on the subject of 'Alternate Technologies for Management of Waste Water in Drains' after appropriate techno-economic evaluation at its end in the light of reports of the CPCB referred to by the YMC in its recommendations dated 20.01.2020 and 17.02.2020 or any other relevant inputs on the subject, within three weeks from its constitution which may be ensured by the Chief Secretary, Delhi. It is made clear that this direction does not in any manner obviate the need to comply with the earlier direction of this Tribunal and the timelines already laid down. It is made further clear that Tribunal has not expressed any opinion about viability or desirability of any particular process or technology indicated in the report or otherwise. Only object of direction of this Tribunal is reduction and abatement of pollution load by using the best possible option.
- f. Chief Secretaries of Haryana and U.P. may also ensure action on the pattern of direction 'e' above in their respective jurisdiction within three weeks from today.
- g. The Government of Delhi may review its 'free sewer scheme' referred to in para 22, 51 to 52 above, in the light of the order of the Hon'ble Supreme Court dated 24.10.2019 in Civil Appeal No. 9276-9290 of 2015 (Tata Power Delhi Distribution Ltd. v. Manoj Mishra), referred to in para 8 above, earlier orders of this Tribunal dated 08.05.2015 (referred to in para 22 above) and dated 11.09.2019 [para 15 (viii) (e)] and recommendations of the YMC (para 22 above).**
- h. A joint Committee comprising CPCB, NMCG, NEERI, IIT Roorkee and IIT Delhi may assess damage to environment, in monetary terms after the date of order of this Tribunal

13.01.2015, on account of degradation of river Yamuna, by continued inaction of the authorities in Delhi, Haryana (from Hathnikund till entry in State of UP), U.P. (upto Mathura), within three months from today. CPCB will be the nodal agency for coordination and compliance. The Committee will be at liberty to take such assistance from any individual(s)/institutions as may be necessary.

68. We place on record our sincere gratitude and appreciation to the YMC for its outstanding contribution in endeavours for rejuvenation of river Yamuna. **Once setting up of SPV for River Front Management and constitution of IDMC as a single agency for remediation and management of all the drains in Delhi takes place, it should be possible for such SPV set up by the DDA and the Chief Secretaries of Delhi, U.P. and Haryana to directly monitor further steps, extensively laid down in the order of this Tribunal dated 11.09.2019 and the present order, in a time bound manner.**

69. **The YMC may accordingly submit its final report on the status of compliance as on 30.04.2020, before the next date so that thereafter monitoring of progress of rejuvenation of river Yamuna and related issues is taken over by the SPV and the Chief Secretary, Delhi, by constituting an appropriate effective institutional mechanism directly under him for exhaustively monitoring all issues relating to rejuvenation of river Yamuna.** It will also be open to the Chief Secretaries of U.P. and Haryana to have their own appropriate mechanism for monitoring. The Chief Secretaries of Delhi, U.P. and Haryana may place the mechanism so evolved before this Tribunal before the next date. On conclusion of proceedings of the YMC constituted by this Tribunal, the record and database may be taken over by the SPV and the Chief Secretaries, Delhi, Haryana and U.P.

*List for further consideration on 14.05.2020.*

*A copy of this order be sent by e-mail to Governments of Delhi; Haryana; U.P; DDA; DJB; PWD, Delhi; all Municipal Corporations of Delhi; CPCB; Ministries of Urban Development and Jal Shakti, Govt. of India; NMCG; IIT Delhi; IIT Roorkee and NEERI.”*

8. By further order dated 06.05.2020 the time for furnishing final report was extended due to lockdown.

### **III. Connected matters involving overlapping issues bearing on this matter:**

a. **OA 593/2017, Paryavaran Suraksha Samiti v. Union of India** (preventing discharge of industrial effluents and municipal sewage).

b. **OA 606/2018**, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues.

c. **OA 673/2018, In Re: News item published in “The Hindu”** authored by Shri Jacob Koshy, titled “More river stretches are now critically polluted: CPCB” (remediating polluted river stretches).

a. **OA 593/2017, Paryavaran Suraksha Samiti v. Union of India** (preventing discharge of industrial effluents and municipal sewage);

9. We may note three connected matters involving overlapping issues. The first, *OA 593/2017, Paryavaran Suraksha Samiti v. Union of India* involves the issue of monitoring compliance of directions of the Hon'ble Supreme Court in (2017) 5 SCC 326<sup>11</sup> to ensure that no industrial or municipal pollutant is discharged into water systems after 01.04.2018 and if it is done, State PCB must initiate prosecution. Further monitoring was to be by this Tribunal. In pursuance of the said order, this Tribunal has periodically issued directions and the last order is of 21.05.2020 directing, in relevant part:

“13. The above report shows that some steps have been initiated against non-compliant ETPs/CETPs/STPs while further steps need to be taken. With regard to industries not having ETP or not connected to CETP, pending construction of CETPs as mentioned in the above report, the **State PCBs/PCCs may ensure that there is no discharge of any untreated pollutants by the industries and such polluting activities must be stopped and compensation recovered for the noncompliance, if any, apart from any other legal action in accordance with law.** As regards non-compliant STPs, further action may be completed by the State PCBs/PCCs and **it may be ensured that there is 100% treatment of sewage and till STPs are set up, at least in-situ remediation takes place.** However, on account of **Corona pandemic which has affected several on-going activities, the timeline of levy of compensation in terms of order dated 28.08.2019 in O.A. No. 593/2017 read with order dated 06.12.2019 in O.A. No. 673/2018, of 01.04.2020 may be read as 01.07.2020 and 01.04.2021 may be read as 01.07.2021. Further reports may be taken by the CPCB from all the State**

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<sup>11</sup> Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.

**PCBs/PCCs as per the system evolved by the CPCB from time to time.**

**14 to 25.** ... ..

26. *Summary of directions:*

- i. *All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.*

*CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.*

*Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.*

***As observed in para 13 above, 100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the deadline of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable.***

- ii. *The CPCB may study and analyse the extent of reduction of industrial and sewage pollution load on the environment, including industrial areas and rivers and other water bodies and submit its detailed report to the Tribunal.*
- iii. *During the lockdown period there are reports that the water quality of river has improved, the reasons for the same may be got studied and analysed by the CPCB and report submitted to this Tribunal. If the activities reopen, the compliance to standards must be maintained by ensuring full compliance of law by authorities statutorily responsible for the same.*
- iv. *Accordingly, we direct that States which have not addressed all the action points with regard to the utilisation of sewage treated water may do so promptly latest before 30.06.2020,*

*reducing the time lines in the action plans. The timelines must coincide with the timelines for setting up of STPs since both the issues are interconnected. The CPCB may compile further information on the subject accordingly.*

- v. Needless to say that since the issue of sources of funding has already been dealt with in the orders of the Hon'ble Supreme Court, the States may not put up any excuse on this pretext in violation of the judgment of the Hon'ble Supreme Court."*

**b. OA 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues**

10. The second matter, OA 606/2018 is in pursuance of the order of the **Hon'ble Supreme Court dated 02.09.2014 in WP 888/1996<sup>12</sup>** to monitor compliance of solid waste management rules wherein in relevant part, the last order of 28.02.2020 held:

*"41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct:*

- a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, *interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.***

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<sup>12</sup> Almitra H. Patel Vs. Union of India & Ors.

**CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.**

- b. **Legacy waste remediation was to ‘commence’ from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28<sup>13</sup> even though statutory timeline for ‘completing’ the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.**
- c. *Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.*
- d. *The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public*

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<sup>13</sup> The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

*Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:*

- i. Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.***
- ii. Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.***
- iii. Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.***
- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.*
- f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.*
- g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.*

11. In the above matter, this Tribunal requested the Niti Ayog to simplify and **standardize technology and services dealing with solid and liquid waste management to avoid delays in such processes. Accordingly, Niti Ayog vide its report dated 25.06.2020 conveyed that such simplification and standardization was done in consultation with all experts and GeM has been asked to place such services on its portal. Standard concessionaire agreements/DPRs etc. have also been prepared.** The same have been referred to and fully



quoted in the order of this Tribunal dated 03.07.2020 in OA 514/2019 (relating to solid waste management in Kerala).

**c. OA 673/2018, In Re: News item published in “The Hindu” authored by Shri Jacob Koshy, titled “More river stretches are now critically polluted: CPCB” (remediating polluted river stretches)**

12. The Third connected matter, OA 673/2018<sup>14</sup> is dealing with the remedial action for 351 polluted river stretches identified as such by the CPCB based on the water quality data, including river Yamuna. The said matter has been last dealt with on 29.06.2020 wherein directions include in relevant part:

*“45. We reiterate our directions in order dated 6.12.2019 in the present matter, reproduced in Para **Error! Reference source not found.** above, read with those in order dated 21.5.2020 in OA 873/2017 and direct CPCB and Secretary, Jal Shakti to further monitor steps for enforcement of law meaningfully in accordance with the directions of the Hon’ble Supreme Court and this Tribunal. **The monitoring is expected with reference to ensuring that no pollution is discharged in water bodies and any violation by local bodies or private persons are dealt with as per mandate of law as laid down in orders of the Hon’ble Supreme Court and this Tribunal without any deviation from timelines. The higher authorities must record failures in ACRs as already directed and recover compensation as per laid down scale. Every State/UT in the first instance must ensure that atleast one polluted river stretch in each category is restored so as to meet all water quality standards upto bathing level. This may serve as a model for restoring the remaining stretches.**”*

13. Directions in order 06.12.2019 referred to above include monitoring of execution of action plans for all the 351 river stretches by the Chief Secretaries at the State Level and a Committee comprising of the Secretary, Ministry of Jal Shakti, NMCG and the CPCB at national level. Para 47 of the said order is as follows:

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<sup>14</sup> In Re: News item published in “The Hindu” authored by Shri Jacob Koshy, titled “More river stretches are now critically polluted: CPCB”

“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 at least 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 generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation 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.
- ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. Rs. 10 lakhs per month per STP.
- iii. **We further direct that an institutional mechanism be evolved for ensuring compliance of above directions. For this purpose, monitoring may be done by the Chief Secretaries of all the States/UTs at State level and at National level by the Secretary, Ministry of Jal Shakti with the assistance of NMCG and CPCB.**
- iv. **For above purpose, a meeting at central level must be held with the Chief Secretaries of all the States/UTs at least once in a month (option of video conferencing facility is open) to take stock of the progress and to plan further action. NMCG will be the nodal agency for compliance who may take assistance of CPCB and may give its quarterly report to this Tribunal commencing 01.04.2020.**
- iv. For above purpose, a meeting at central level must be held with the Chief Secretaries of all the States/UTs at least once in a month (option of video conferencing facility is open) to take stock of the progress and to plan further action. NMCG will be the nodal agency for compliance who may take assistance of CPCB and may give its quarterly report to this Tribunal commencing 01.04.2020.
- v. **The Chief Secretaries may set up appropriate monitoring mechanism at State level specifying accountability of nodal authorities not below the Secretary level and ensuring appropriate adverse entries in the ACRs of erring officers. Monitoring at State level must take place on fortnightly basis and record of progress maintained. The Chief Secretaries**

**may have an accountable person attached in his office for this purpose.**

- vi. *Monthly progress report may be furnished by the States/UTs to Secretary, Ministry of Jal Shakti with a copy to CPCB. Any default must be visited with serious consequences at every level, including initiation of prosecution, disciplinary action and entries in ACRs of the erring officers.*
- vii. *As already mentioned, procedures for DPRs/tender process needs to be shortened and if found viable business model developed at central/ state level.*
- viii. *Wherever work is awarded to any contractor, performance guarantee must be taken in above terms.*
- ix. *CPCB may finalize its recommendations for action plans relating to P-III and P-IV as has been done for P-I and P-II on or before 31.03.2020. This will not be a ground to delay the execution of the action plans prepared by the States which may start forthwith, if not already started.*
- x. *The action plan prepared by the Delhi Government which is to be approved by the CPCB has to follow the action points delineated in the order of this Tribunal dated 11.09.2019 in O.A. No. 06/2012.*
- xi. *Since the report of the CPCB has focused only on BOD and FC without other parameters for analysis such as pH, COD, DO and other recalcitrant toxic pollutants having tendency of bio magnification, a survey may now be conducted with reference to all the said parameters by involving the SPCB/PCCs within three months. Monitoring gaps be identified and upgraded so to cover upstream and downstream locations of major discharges to the river. CPCB may file a report on the subject before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).*
- xii. *Rivers which have been identified as clean may be maintained.*

#### **IV. Review of the final YMC report of 29.06.2020 and other developments before today's hearing**

14. We may now deal with the 'final' report of the YMC dated 29.6.2020 which records inadequate action by the concerned statutory authorities in complying with the directions of this Tribunal and taking necessary steps for rejuvenation of Yamuna. In this regard, we note the disappointment expressed in a recent order of the Hon'ble Supreme

Court dated 25.11.2019 in W.P. (Civil) No. 13029/1985<sup>15</sup> quoted in para 5 of the order dated 29.06.2020 in OA 673/2018 as follows:

***“5. ...58. Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting over pumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels. Farmers are having a hard time finding groundwater for their crops e.g. in Punjab. In many places there are serpentine queues of exhausted housewives waiting for hours to fill their buckets of water. In this connection John Briscoe has authored a detailed World Bank Report, in which he has mentioned that despite this alarming situation there is widespread complacency on the part of the authorities in India.<sup>16</sup>***

***“4. We see Yamuna river virtually turned into a sullage. We take judicial notice of this situation. Similar is the position with Ganges. As it proceeds, industrial effluents are being poured in rivers. Sewage is also being directly put in rivers contributing to the river water pollution. We direct the Pollution Control Boards of the various States as well as the Central Pollution Control Board and various Governments to place before us the data and material with respect to various rivers in the concerned States, and what steps they are taking to curb the pollution in such rivers and to management as to industrial effluents, sewage, garbage, waste and air pollution, including the water management. We club the pending case of water management with this matter.<sup>17</sup>***

15. As noted from the order dated 05.03.2020, this Tribunal observed that with the establishment of a **single authority to deal with the treatment of sewage in all the drains called Integrated Drain Management Cell (IDMC) and setting up of SVP by DDA**, the monitoring can be done by the Chief Secretaries of Delhi, UP and Haryana at State level and at national level by the Secretary, Ministry of Jal Shakti, NMCG and CPCB and the Principal Committee constituted for monitoring of remedial plan for river Yamuna. **The DDA unfortunately**

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<sup>15</sup> M.C. Mehta v. Union of India

<sup>16</sup> State of Orissa v. Govt. of India, (2009) 5 SCC 492

<sup>17</sup> M.C. Mehta Vs UOI- W.P. (Civil) No. 13029/1985 dated 25.11.2019

**has taken a stand, without any valid basis, that it cannot constitute a special purpose vehicle.** Having regard to the stand of the DDA as well as in the absence of any proposal for effective alternative institutional mechanism in terms of para 69 of the order dated 05.03.2020, **we find it necessary to continue with the YMC for the time being in the interest of rejuvenation of river Yamuna and protection of environment and public health and the rule of law.**

16. As already noted, the issues on which the YMC has focused are:

- (I) Environmental Flow**
- (II) DDA and Demarcation of the Flood Plains and Conservation Activities**
- (III) Quality of River water**
- (IV) Sewage Treatment Plants**
- (V) Interceptor Sewer Project (ISP)**
- (VI) Repair and maintenance of Drains**
- (VII) Industrial Pollution and CETPs**
- (VIII) Sewage and Faecal Sludge Management**
- (IX) Online Monitoring of STPs, CETPs and Yamuna**
- (X) Use of treated Waste Water**
- (XI) Idol Immersion**
- (XII) State of Haryana and pollution of the River Yamuna**
- (XIII) State of Uttar Pradesh and Pollution of the River Yamuna**
- (XIV) Creating Public Awareness Through Information Dissemination Strategies**

17. The Committee has given the status of compliance as well as proposed directions in respect of each of the above action points. The report of the Committee is exhaustive and is available on the website of the NGT as well as that of the Committee itself. We note that the YMC has provided a tabular statement summarizing the major directions of the NGT, achievements and directions needed. The table gives bird's eye view of the entire issues at one place. The table is included as **Appendix** to this order for reference. We further mention the proposed directions under each of the head suggested by the YMC at the end of each Chapter dealing with the above action points:

### (I) **Environmental Flow**

The YMC requests the NGT to consider issuing the following directions:

1. That the recommended E- flow is a scientific study and all stakeholders should treat it as a critical parameter for revival of the river.
2. **The, MOJS, UYRB and the riparian states of Uttarakhand, HP, UP, Haryana and Delhi who are beneficiary states under the Water Sharing agreement of 1994 to rework the water sharing arrangement to permit release of the recommended E- flow at Hathnikund barrage.**
3. **The NMCG, UYRB, MOJS and the riparian states should identify policy and water conservation measures, including measures for enhancing water use efficiency of agricultural practices and promoting cultivation of less water intensive crops through price support mechanisms.**
4. **The NMCG and MOJS should prepare a road map, with timelines in consultation with state governments and other stake holders for the implementation of various policy and conservation measures.**
5. CGWB and CPCB be directed to monitor the status of ground water in floodplains areas where shallow reservoirs have been created and if the outcomes are encouraging, direct GNCTD and States of Haryana and UP taking up such works in their areas along the floodplains

### (II) **DDA and Demarcation of the Flood Plains and Conservation Activities:**

1. **Demarcation:** NGT may consider directing that the area Chief Engineer undertakes foot marches along the bollards in his jurisdiction and even small encroachments are removed there and then. The Vice Chairman may be asked to get a signed compliance from each area in-charge every month.
2. Land allotted by DDA to other Departments. The completion of handing over by DMRC and other Departments needs follow up. A firm direction to complete the process in 3 months is needed.
3. **48 year old Court Matter involving vast tracts of land.** NGT may kindly consider directing that a status report be filed by the Vice Chairman DDA after he has gone into the case.
4. **UP delay in making payment to DDA:** Hon'ble NGT is requested to direct that the work should start and to consider passing **strictures against the officials who handled the case in UP Irrigation for giving assurances to the YMC which have been forgotten after the meeting.** The work should start as it is connected with rejuvenation and UP authorities are delaying transfer of

funds. NGT may consider passing an appropriate order as this is not a new matter and is being delayed unnecessarily.

5. **954 hectares are still under cultivation:** NGT may consider directing that a plan for eviction of those possessing the land and where there are no court stays be prepared. DDA needs to be reprimanded for evading doing this for so long. Without a plan the agriculturists will only get more strength to ward off reclamation efforts whenever these are mounted.
6. **Surveillance to Prevent Dumping:** It is recommended that NGT directs the DDA to certify that there are now no portions of the flood plains outside CCTV or security coverage and to consider giving watch and ward responsibility to a reputed NGO if they work on nominal payment or pro-bono.
7. **Progress of 10 projects for Rejuvenation** NGT is requested to entrust the monitoring of future work to some responsible entity as the unforeseen events has no doubt given a legitimate cause for delay but unless there is oversight the momentum built up may slow down indefinitely.

8. **SPV :**

Part A: It is urged that the management of a relatively small area from **Old Railway Bridge to Majnu Ka Tila which YMC had referred to in all its reports may be entrusted for integrated management in public interest.** It is very necessary that the present truncated management both public and private leading to haphazard activities are brought under a unified, cohesive structure for coordination. This needs to have representation from DDA, MCD (North,) Police, either the Delhi Government's Department of Art and Culture or an arm of the Union Ministry of Culture and some reputable NGOs to plan to make this an integrated area to promote cultural/religious and historical interest but managed as a whole without ownership of land changing.

Part B: **NGT has given its vision of an SPV which would be all encompassing for the entire flood plain.** The YMC's only comment is to flag the need for the tempo built up not to be slowed down in the process.

(III) **Quality of River water:**

1. **CPCB in collaboration with DPCC should bring out a monthly report on the quality of river Yamuna and display it on the Website of CPCB for public information.** The Report should be compiled after assimilating and incorporating the test reports of DPCC which maintains nine stations so that there is no variance between the reports of the two organizations. At present the independent reports generated by the two regulatory bodies are difficult to reconcile and can create confusion in the mind of the public and media.

2. **The River Front and River Conservation Authority as a SPV which the NGT has directed to be created should be given the mandate to closely and periodically monitor the river Quality and submit periodic report to the Tribunal and also bring out an annual report in the public domain.**
3. CPCB be directed to submit damage assessment report without any further loss of time. Considering the disruption caused due to the lockdown, a two-month extension to the Committee to submit their report is recommended.
4. **It is abundantly clear that rejuvenation of the River Yamuna is within reach if the flow of the river is sustained and the polluting industries closed down.** The experience during the Lockdown period when unrelated to the closure, extra water was released, shows what a huge difference heightened flow can make. Although industries were closed sewage was being discharged in the drains and river and septage management by itself was not substantial enough to make such a big difference. **The conclusion that is self-evident is the fact that increased flow and closure of industries-both in conforming areas and in the non- conforming areas had contributed despite the presence of sewage as was prevalent as usual.** For the health of the river more water is needed. There is every need to revisit the water sharing agreement and incentivize less water intensive crops to conserve it. Use of less water intensive crops and other conservation measures was a task given to the National Institute of Hydrology as a part of E flow study which the Institute must suggest.

#### **(IV) Sewage Treatment Plants (STPs)**

1. Much of the work on new STPS are at a nascent stage and monitoring at this stage is being done in respect of land allotment issues. A strong direction from NGT to the Chief Secretary GNCTD is needed to provide oversight to land allotments within a period of three months.
2. An increase in capacity utilization of STPs would need much more capacity building within the organisation. The DJB has not shared any details of the technological and efficiency parameters by which it will achieve this. The DJB was asked to create measurable benchmarks to evaluate progress but this has not been done.
3. It is the understanding of the YMC that the IDMC was not only to focus on phyto- bio-remediation. That was suggested as a means to tackle the sewage which is flowing in the storm water drains. **But there is a need to have a focal point to which the drain owning agency reports if sewage is not plugged/ diverted or the polluter pays Principle applied on households that have not arranged for collection services or provided septic tanks. In the chapter on septage Management the data on colonies and populations have been tabulated.**



A Government order number dated 31.3.2020 **Annexure – C-4/3** places responsibility for enforcement on the urban local bodies. But unless someone monitors this it will remain a paper order. **The IDMC should be directed to examine the progress made by the local bodies through its own administrative mechanism.**

4. Pending land allotment for STPs, **Govt of NCT Delhi be directed to concentrate on extensive coverage of the households/colonies relying on Septic tanks as in-situ sanitation measure in the catchment areas of the proposed STPs on the one hand and in-situ remediation of sewage in drains on the other.**
5. Up-gradation of STPs to meet revised standards laid down by DPCC and also directed by the NGT, be taken up in a time bound manner. Non-compliance to environmental standards on the grounds of non-availability of funds is unacceptable. **If required funds should be directed to be mobilised by levying sewage charges on all the citizens irrespective of the water consumption and whether they live in sewered areas or un-sewered areas. This was also ordered by NGT in its order of 13.1.15 and reiterated in order dated 26.7.18. YMC does not find any justification in subsidising those living in colonies like GK, Vasant Vihar, Vasant Kunj etc where almost 50% of the households do not pay any water and sewerage charges under 20 KL free water scheme.**

#### **(V) Interceptor Sewer Project (ISP)**

Considering that it a flagship project, DJB be directed to submit quarterly progress report to the Tribunal against milestones.

The completion of ISP and the plugging of drains have been given much room for elasticity and reasons for further delay are already available. But when the magnitude of environmental damage is as overwhelming as the quantum of pollution shows, funds have to be assigned. It is not a new requirement and policy makers have to evaluate the risk of giving room for extended delays. **As directed by the Hon'ble Tribunal in order dated 08.5.2015, shortage of funds, if any, should be made up by invoking Polluter Pays Principle.**

NGT may kindly consider passing orders that the completion of these projects may be given overriding priority on grounds of public health and ecological safety.

#### **(VI) Repair and maintenance of Drains:**

1. Hon'ble NGT may consider directing **DPCC to monitor 11 drains which have been trapped with regard to the effectiveness of trapping.** In some places (viz. Sweepers Colony drain, Magazine drain, drain no. 14 and Barapula

drain) some JJ clusters/isolated jhuggis have started coming up which release sewage directly into the drains. Such encroachment on drains should be stopped by the drain owning agencies and the DSUIB directed to provide amenities like community latrines in such JJ clusters. Permitting JJ clusters to come up downstream of the point of trapping defeats the very purpose of trapping of drains.

2. MC recommends directions to **DDA for allotment of land to DJB for setting up of the plant at the mouth of Mori Gate Drain, Mori gate drain and Barapula Drain within next three months.** Allotment of land for setting up STPs on these drains has been hanging fire for the last two years if not longer. The process of allotment must be done on priority and Chief Secretary and VC DDA be directed to personally oversee this and submit compliance to NGT within three months.
3. The DJB be directed to submit revised timelines which are realistic and will fasten accountability on the officers responsible for the projects. Delhi Jal Board must also take a decision on the capacity of proposed STP after considering the discharge proposed to be trapped from Kushak and Sunheri Bagh Drain into sewerage system. IDMC be directed to monitor this.
4. **NDMC be directed to plug all the sewage flowing into this drain from the areas under its charge within two months and submit a compliance report before the Tribunal.** DJB be directed to take up the work of de-silting of Gravity ducts immediately as short term measure and rehabilitate these ducts for carrying more discharge as a long term measure. Action plan with definite timelines be called from DJB
5. **YMC recommends directions to Chief Secretary Govt of NCT Delhi to strengthen the monitoring of these projects which impact the health of public at large and fix accountability of the officers for adherence to the timelines.**

#### (VII) **Industrial Pollution and CETPs**

1. **Directions may be issued to Commissioner Industries and MD DSIIDC to furnish a quarterly Progress Report to the Tribunal on the study underway for up-gradation of the CETPs and for effective and time bound implementation of the recommendations of NEERI report.**
2. Establishment of the Hazardous waste management Facility. This was directed to be set up by GNCTD by June 2020, however, due to Covid19 lockdown and the delay in grant of Environment Clearance the work of establishing the Hazardous waste site will be delayed. Considering that Delhi does not have any Hazardous waste Treatment facility, directions may be issued to the GNCTD and DSIIDC to set up the facility by December 2020 and the

authorities be directed to submit quarterly report to the Tribunal.

3. NGT may also kindly consider directing the MOEF&CC to expedite grant of Environmental Clearance considering the urgency of the matter.

#### (VIII) Sewage and Faecal Sludge Management

1. Regardless of when the individual household gets connected to the sewer network, **Govt of NCT Delhi should start levying sewerage charges on all the households, whether located in sewer/unsewered unauthorized colonies or even slums. DUSIB can subsidise the poor but all others must be made to pay for the pollution created by whatever name the levy may be called.**
2. The Delhi Slum Improvement Board (DSUIB) has claimed before YMC that the Board has installed community toilets and no sewage goes into drains. This statement can only be checked by an external agency which does a random check. Judging from the complaints of people residing around Chirag Delhi and Nizamuddin West **the sewage from the jhuggis is flowing into the drains causing an intolerable stench.**
3. Out of the 626 U/A colonies, which are not covered by the ISP, while some are proposed to be brought under sewerage network, **there is no clarity about 502 colonies. NGT may direct the IDMC to have a three-pronged approach and while in-situ phyto/bio-remediation and septage management must continue there is also need for oversight of the implementation of an SOP which casts responsibility for sewage in drains on the local bodies.** NGT's direction is needed to clinch need for all 3 strategies to be used -the bottom line being the stoppage of sewage in storm water drains.
4. NGT may direct the IDMC to mount a survey of colonies and households which are having **pit latrines/collection services and those who have no sewerage system and are discharging into the drains.** Without linking strategies to populations in the colonies people will continue to pollute.
5. Applying the polluter pays Principle, **every individual household causing pollution by release of sewage into the open environment or in the sewer network has been already made liable for payment for its treatment irrespective of whether the sewage is conveyed through a sewer network or by way interception under the Interceptor project or through septage management.** NGT may direct that a response be given to the Tribunal's order to revisit the policy of subsidizing polluters as there is no response. Orders of the Tribunal starting 2015 and last reiterated in September 2019 have been ignored.

#### (IX) Online Monitoring of STPs, CETPs and Yamuna

NGT may consider issuing the following directions

1. To provide statutory backing to the SOPs, CPCB be directed to issue directions under Environmental Protection Act 1986 to DJB, DSIIDC, and Commissioner Industries for comply with the SOPs in letter and spirit and also fix accountability for any dereliction. In the absence of such statutory backing, it is doubtful whether the SOPs will get implemented effectively.
2. To DJB, DSIIDC/Industries Department to fix accountability on the supervisory officers for failing to ensure periodic calibration and for not imparting training to those in charge of using the OLMS.

**(X) Use of treated Waste Water**

YMC recommends the following to the NGT for issue of directions to the stakeholders:

1. DJB needs to work with Divisional Commissioner and the 11 District Magistrates to see that the directions issued by Lt Governor in notification dated 12.7.2010 and reiterated by the Chief Secretary vide his letter dated 09.03.19 are strictly enforced. Presently there is shifting of blame between the District Magistrates and the DJB on the enforcing this important provision of law. The District Magistrates need to give monthly figures of sealing to the authority which monitors this. It should be shared with DJB. Presently only cumulative totals were being given to YMC.
2. Other bulk users of water like the Railways, DMRC and Transport Department should also be directed to use treated waste water for washings and construction, by more polishing if required which will reduce use of ground water which is reported to be used. **This will need to be monitored. An NGT direction is needed as these bodies have not generally shown any enthusiasm to attend meetings called on this subject.**
3. Construction and installation of de-centralized modular STPs of Kiloliter capacity range to be installed adjacent to parks and gardens and using sewage flowing in the drains or erected along the sewer lines. This has been done by the SDMC in Vasant Kunj Park and few other areas
4. **Creating root zone treatment system in vacant portions of the parks and gardens by diverting sewage in the drains from the man- holes.** This will have both demonstrative effect and help meet water needs of the parks without resorting to use of machinery. DDA proposes to undertake phyto-bioremediation in parks/gardens where the treated waste water received from DJB is not of good quality.

The phyto/bio-remediation should help polish the treated waste water to better standards.

5. **The bad odour from the treated waste water, high mineral content and presence of Fecal Coliform which are harmful to plant growth and human health becomes the bone of contention and DJB must see that public fears are addressed and allayed properly through the District Magistrates and also the MCDs which are in charge of conservancy.** RWAs should be convinced that the water is odourless and safe for being used in neighborhood parks. There is a need for NGT's direction as this becomes no man's land and results in the park owning agencies refusing to use the water. If there is a quality benchmark for treated waste water to be used in colony parks, and an independent agency can be called by the RWA to test the water quality being supplied it will allay public apprehensions and end disputes with the RWAs and residents.

#### (XI) **Idol Immersion**

NGT may consider directing the Govt of NCT Delhi to follow the SOPs developed and practiced for idol immersion during 2019.

#### (XII) **State of Haryana and pollution of the River Yamuna**

The Committee has mentioned the status of STPs in catchment areas with the observation that the **Haryana YMC was not able to verify the compliance status due to lockdown.** However, untreated effluents are being discharged in river Yamuna through 11 drains, including **untreated sewage and industrial effluents at Faridabad, Yamuna Nagar and Panipat as also discharge of sewage and effluents at Gurgaon. Tankers carrying septage are illegally disposed of in adjoining drains.** Online monitoring devices are not fully functional. It is further mentioned that the Haryana YMC has conveyed all the deficiencies to the concerned departments.

#### (XIII) **State of Uttar Pradesh and Pollution of the River Yamuna**

Hon'ble NGT may consider issuing the following directions:

1. Independent assessment of flow in all the drains reaching Yamuna be undertaken within next two months and thereafter submit action plan for setting up STPs to bridge the gap with definite and monitorable timelines.
2. **Out of 427 MLD of treatment capacity in Sahibabad and Loni STPs with only 80 MLD capacity are compliant to standards.** A direction to UP Jal Nigam, Ghaziabad MDA and Ghaziabad Municipal Corporations to upgrade/rehabilitate the STPs to meet revised environmental standards of TSS/BOD: 10/10 mg/L within next two years and

the authorities being directed to submit Action plan to achieve this within next three months.

3. Stoppage of all **sewage from sewerage areas of Sahibabad Bantala and Indira Puri** as per the Action Plan prepared by the State Government by December 20.
4. Implementation of Septage management by December 20 in all areas which are not sewerage.
5. UPSIIDC be directed to ensure setting up CETPs and ensure their proper functioning. UPPCB be directed to put in place policy for realizations in case the industries failed to pay. As requested by the UP PCB the arrears of unpaid EC be directed to be realized as arrears of land revenue.
6. The YMC is unable to comment on the omnibus compendium submitted for NMCG funding pertaining to Phyto and Bio remediation. However, when approved the **drains which are polluting the Sahibabad and its tributary drains need to be taken up if feasible**. The reply of UP on in- situ bio/phyto remediation is vague and does not inspire confidence about the seriousness of the intent.
7. A direction is required to be given to the **UP Irrigation Engineer in Chief and the Principal Secretary Irrigation relating to the inordinate delay in paying DDA for undertaking the rejuvenation of the flood plains on the UP side as a deposit work which was promised on several occasions but has not made any headway in the last 7 months when one months time had been sought**.

#### (XIV) **Creating Public Awareness Through Information Dissemination Strategies**

- NGT is requested to direct that with the closure of schools, the Action Plan which was in operation both by the Departments of Environment and Education should be redesigned to make it amenable to on line viewing and participation. Webinars should be planned using the themes already identified.
- In the context of distancing the YMC feels that a film should be prepared for the public as well as students which can be viewed on television or you-tube giving the historical, cultural, economic and social significance of the Yamuna; also highlighting the citizen's role by looking inwards at the individual's role and responsibility.
- The Government should ask for periodic evaluation of the impact of the Yamuna awareness programmes which should be filed before NGT along with outcomes which should be evaluated.
- The awareness building programmes necessarily need to include Municipal and private schools.

#### V. **Today's proceedings and directions**

18. The above discussion shows that major problem continues to be pollution caused by discharge of sewage, industrial effluents and other

pollutants. If Yamuna is to be rejuvenated such discharges either directly or through drains need to be stopped. This is possible only if the IDMC performs its functions effectively to prevent discharge of untreated sewage into the drains or into Yamuna. The DPCC needs to ensure that polluting industries are stopped and new industries are not allowed without safeguards.

The second major issue is of protecting the flood plains and undertaking other restoration measures for which the DDA has to own the responsibility in an effective manner. Serious challenge on this aspect continues without an exclusive agency for the purpose. Large amount of flood plains are still under encroachment. Setting up of adequate wetlands and other such useful activities remain a distant dream.

Third major issue is of e-flow which has to be worked at administrative level.

Apart from authorities in Delhi, the States of Haryana and UP cannot avoid their responsibility. Undertaking awareness programme and involving civil society is essential. Effective institutional monitoring mechanism has to be evolved.

19. We have carefully perused the recommendations of the YMC. We are in agreement with the same. The directions proposed are essential for compliance of orders of this Tribunal and environmental norms.

20. We find the stand of the DDA that a special agency (by whatever name called) to deal with protection of flood plains and undertaking restoration programmes cannot be constituted by it to be wholly untenable. DDA has been constituted under the Delhi Development Authority Act, 1957 and its statutory responsibility is development of

Delhi and all matters ancillary thereto. The authority is headed by L.G. Delhi with Vice-Chairman appointed by the Central Government and other members. Section 5A enables the authority to constitute as many committees as may be necessary for various purposes. We fail to understand as to why a SPV by whatever name called cannot be constituted under Section 5A of the DDA Act, 1957 or under the ancillary powers and duties of the DDA. Any such difficulty may be sorted out in consultation with the YMC and the Principal Committee. The object of such exclusive agency is that instead of concerned officers discharging multiple functions of DDA looking after long neglected time consuming and important work of restoration of the River environment and protecting and repossessing encroached flood plains. **A dedicated agency needs to be in place which can focus on issues relating to the Yamuna rejuvenation and also involve the civil society or such other experts/institutions as may be found necessary for ecological restoration of the flood plain zones, setting up of bio-diversity parks, artificial wetlands, phyto-remediation of drains at the river mouth locations, maintaining the vigil and undertaking flow measurement, creating ecological services, removing encroachments and undertaking other activities, including river front development. It may also take steps to attract and educate the citizens and nature enthusiasts for nature related activities, including building environmental temper amongst citizenry, without in any manner causing any damage to the flood plains, as already directed by this Tribunal.** This Tribunal has not issued directions out of the blue or without knowing the structure of DDA. It is based on Expert Committee recommendations and covered by order dated 13.01.2015 and later orders. There is a detailed discussion on the



subject in the report of the YMC dated 05.02.2020 and the report shows that the concept has been found viable, necessary, and useful even by the Cabinet Committee. Once it is desirable to do so, the unthoughtful and untenable plea that the DDA itself being an authority cannot create any authority has no legs to stand and is in contradiction to its own earlier stand. The DDA cannot function in the air. It has to function through individuals or group of individuals/agencies by whatever named called. Section 5(A) specifically provides for constitution of Committees. The Committee so constituted should be tasked with the functions noted above and relieved of any other responsibilities. **Rejuvenation of river Yamuna is an important function and DDA cannot shy away from its statutory responsibility. Yamuna rejuvenation can be model for rejuvenation of 351 river stretches in the country given its location in national capital territory where all experts authorities and funds are available.** It is undisputed that huge amount of work of ecological restoration and removing encroachments is incomplete since long. One major bottleneck for this is absence of a dedicated agency for the purpose.

21. Accordingly, we direct that:

- a. DDA must forthwith comply with the earlier direction instead of finding lame excuses and taking stand of avoiding public duty.
- b. Let the concerned authorities in Delhi, Haryana and UP to take further action in terms of the recommendations of the Committee as well as earlier directions of this Tribunal dated 13.01.2015, as updated vide earlier orders dated 11.09.2019 and 05.03.2020. The compliance may be overseen by the Chief Secretaries concerned. The Committees headed by Justice Pritam Pal in Haryana and Justice SVS Rathore in UP may also

oversee such compliances in their respective states and give their independent reports periodically.

- c. **The YMC may continue to monitor compliance of the directions in continuation of its earlier working for the time being. The facilities provided to be Committee including the office space may continue so that the Committee can operate effectively.**
- d. CPCB may complete its task of assessment of compensation in coordination with the NMCG, NEERI, IIT Delhi and IIT Roorkee as earlier directed.
- e. The Delhi Government may forthwith comply with the order of the Hon'ble Supreme Court dated 24.10.2019 on the subject of levy and recovery of the sewage charges.
- f. IDMC may carry out its functions as already directed.
- g. Let the authorities in Delhi, Haryana and UP consider and adopt the report of the Niti Ayog in shortening the procedures in dealing with the waste management activities.
- h. The order of this Tribunal in 351 river stretches<sup>18</sup> as well as in *Paryavaran Suraksha Samiti*<sup>19</sup> to prevent discharge of any pollutants in river bodies and order for compliance of solid waste management norms<sup>20</sup>, in regards to river Yamuna, may be complied with and monitored by the Chief Secretaries at the State Level and by the Secretary, Ministry of Jal Shakti with NMCG and CPCB at the national level. The Principal Committee constituted by this Tribunal may resolve the difficulties, if any, in coordination with the YMC.

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<sup>18</sup> Paras 12 & 13

<sup>19</sup> Para 9

<sup>20</sup> Para 10 & 11

- i. The issue raised by the YMC, of the unavailability of land preventing setting up of STPs may be addressed by DDA, and monitored by the Principal Committee. Having regards to the priority to be given to the treatment of sewage disposal in the drains joining river Yamuna, the land available on the flood plains may be utilized for the purpose, if there is no other alternative or till other land becomes available. Needless to say, such safeguards sites for such purpose may be approved by the Principal Committee.
- j. The issue of e-flow may be resolved by the Principal Committee as recommended by YMC.

22. We need not repeat our observations on other issues already discussed above. The YMC will monitor all the said issues for the time being.

23. If inspite of direction of this Tribunal and orders of Hon'ble Supreme Court, direction for levy of sewage charges is not complied with, it is open to either party to move the Hon'ble Supreme Court for such action as may be necessary for enforcement of the direction of the said Hon'ble Court. It is also open to either party to move the Delhi High Court for enforcement of the direction for steps to be taken by the DDA in removing the encroachments etc. with reference to the order of this Tribunal dated 11.09.2019 in *L.P.A. No. 681/2019*.

24. As per procedure currently being followed, the YMC furnishes its quarterly report with a copy to the Chief Secretaries of Delhi, Haryana and UP and the DDA/any other statutory body. Their response, if any, is required to be given to the Committee and the Committee gives its observations thereon. **We find that some of the parties mechanically**

**file their action taken reports even when there is no contest to the recommendations of the Committee as such. The role of the Delhi, Haryana, UP and DDA/other authorities in Delhi in presentation before this Tribunal is limited to their response, if any, to the desirability of recommendations of the Committee and not of mechanically filing action taken reports which have already been considered by the Committee and on which the recommendations have been made.**

25. In view of above, we direct that the further report of the Committee be furnished giving status as on 30.11.2020 with a copy to the Chief Secretaries of Delhi, Haryana and UP and Vice Chairman of DDA/any other authority who may give their response, if any, to this Tribunal with a copy to the YMC within two weeks. The YMC may give a tabular statement about the recommendations/response of the authorities and further observations of the Committee before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image/PDF before 15.01.2020.

A copy of this order be sent to the Chief Secretaries, Delhi, Haryana and U.P, DDA, DJB, PWD, Delhi, all Municipal Corporations of Delhi; CPCB; Ministries of Urban Development and Jal Shakti, Govt. of India, NMCG, IIT Delhi, IIT Roorkee, NEERI, YMC, Justice Pritam Pal and Justice SVS Rathore by mail.

List for further consideration on 27.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Dr. Nagin Nanda, EM

July 6, 2020  
Original Application No. 06/2012  
DV

**Appendix**

**Table from YMC's Final Report dated 29.06.2020 showing status of compliance of major issues and future roadmap**

<b>S. No</b>	<b>NGT's Directions</b>	<b>Issues identified</b>	<b>Whether Achieved, if yes, when</b>	<b>Revised target date if not achieved</b>	<b>Roadmap</b>
1	<p><b>Chapter-1- Environmental Flow</b></p> <p><i>NGT's order dated 11.9.19</i></p> <p><i>"a) The impact on ground water regime due to pilot project may be monitored by CPCB, DPCC and CGWA. The study being carried out by the National Institute of Hydrology, Roorkee (NIH) on directions of NMCG may be completed as per schedule by March 2020. An interim report be furnished by December 2019.</i></p> <p><i>b) The current regime of</i></p>	<p>i. E flow study through NIH Roorkee</p> <p>ii. Monitoring ground water level through CPCB, CGWA and DPCC</p> <p>iii. Augmentation of flow in the river during the lean season</p>	<p>Yes, draft report received on 01.05.20</p> <p>Monitoring being done by CGWA, CPCB, DPCC and IFCD,</p> <p>NIH</p> <p>Study has suggested some steps.</p>	<p>Final Report yet to be received</p> <p>Not applicable</p> <p>NMCG was asked by YMC to have estimation of quantitative enhancement possible with water conservation measures introduced in the river basin to be done as a part of the NIH study.</p>	<p>i. MoJS be directed to notify recommended E flow in the river within two months.</p> <p>ii. The project to create shallow reservoir be directed to be pursued based on the results of ground water monitoring of the pilot project at Palla</p> <p>iii. MoJS , States of Haryana, UP, Delhi Uttarakhand and HP be directed to review the Water sharing arrangement of 1994 for ensuring E flow in the river.</p> <p>iv. States be directed to adopt water conservation measures, recycling of water and improving water use efficiency of agriculture. Outcomes should be measurable.</p>

	<i>Environmental flows may be augmented especially in lean seasons by way of coordination amongst member states stakeholders".</i>				
2	<p><b>Chapter-2: Demarcation and rejuvenation of Yamuna Floodplains:</b></p> <p><i>DDA and Demarcation and Rejuvenation of the Flood Plains:</i></p> <p><i>Physical demarcation of the entire floodplain to be done within three months and fence such areas and convert them into bio-diversity parks according to plan.</i></p>	<p>Yes, achieved only as far as physical demarcation is concerned. Up to September 2019, 352.36 hectares has been cleared of encroachment. However, 959 hectares has not been freed up or repossessed; Table at page 17 of the Final Report brings this out.</p>	<p>No revised target date is possible as DDA has linked repossession with the projects which will have time overruns as indicated on page 16 (v) of the report.</p>	<p>A detailed action plan for repossession has not been furnished and tying up removal with project commencement is not recommended.</p> <p>Revised dates have been</p>	<p><b>General Comments. : It is requested that 8 specific directions which YMC has recommended at pages 25, 26 and 27 may be considered by NGT. They are not repeated here.</b></p> <p>YMC has asked that repossession be delinked as projects will be delayed because of pandemic and labour problems. This may kindly be supported</p> <p>No road map provided by DDA. VC</p>

<p><i>Embargo on edible crop/cultivation on the floodplain</i></p>	<p>The DDA may ensure compliance with regard to accountability of officers.</p>	<p>Only achieved in the area vacated after Supreme Court removed stay. In most of the remaining area of 959 hectares cultivation of edible vegetables continues. The areas of different pockets of flood plain land under cultivation have been given both in acres and hectares and only after face to face meetings held in late May and mid-June a table was finally provided which also does not match with other documents. No plan has been provided for stopping cultivation.</p>	<p>made co-terminus with bio diversity project completion</p>	<p>and Commissioner Lands and Horticulture may be directed to give a road map for different pockets under agriculture in 15 days.</p>
<p>This relates to CCTVs, road cutting permission, prevention of illegal dumping</p>	<p>Issues were about overcoming</p>	<p>DDA has erected only 36 CCTVs and the remainder of 66 CCTVs.</p>		<p>The YMC has given a road map on page 17 under Security of flood Plain and Installation of CCTVs as huge solid waste dumping under Nizamudddin bridge was highlighted</p>



	<p>restoration of ecological functions.</p> <p>(i) <i>The UP Irrigation Department shall give permission to DDA for the execution of CCTVs related work.</i></p> <p>(ii) <i>DDA to strictly regulate illegal dumping of malba or carrying the same to flood plain by collecting compensation wherever violations are found and submit action taken report to Monitoring Committee.</i></p> <p>(ii) Prohibition on throwing pooja and other material.</p>	<p>obstacles which were standing in way of planned surveillance and complete putting of CCTVs and keep the area secure from further encroachment.</p> <p>Surveillance of flood plains to be approached through different measures.</p>	<p>Permissions are available but now DDA is finding that need may be reduced.</p> <p>Achieved substantially through enhancement of security, erection of CCTVs, giving vehicle registration details to Transport authorities and envying Environmental compensation.</p>	<p>Not Applicable</p> <p>Security of flood plain has to be constantly monitored by independent people. Dumping has reduced but not stopped. Details in last page of DDA Chapter in Report.</p>	<p>by an NGO SANDRP and was found correct.</p> <p>Security of flood plain has to be constantly monitored by independent people. Dumping has reduced but not stopped. Details in last page of DDA Chapter in Report.</p>
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<p><i>Rejuvenation of Floodplains:</i></p> <p><i>The floodplain should be demarcated and developed through wetlands and biodiversity parks. Vice Chairman DDA and Principal Secretary, Irrigation, U.P to give specific timelines for setting up of same. The Chief Secretary UP shall supervise and monitor the same.</i></p> <p><i>NGT Order dated 5.3.20 on DDA to set up an SPV</i></p>	<p>(i) vacation of land under cultivation</p> <p>(ii) Payment by UP to DDA for taking up work on UP side. Removal of encroachments</p> <p>DDA to constitute a Special Purpose Vehicle (SPV) preferably within two weeks for rejuvenation of river Yamuna.</p>	<p>Not achieved. Inordinate delay on side of UP.</p> <p>To take charge of all ecological and rejuvenation functions.; ecological restoration of the flood plains, setting up of bio-diversity parks, artificial wetlands, phytoremediation maintaining vigil and undertaking flow measurement,</p>	<p>This matter needs to be clinched as already decided. If not, access and rejuvenation efforts will fail.</p> <p>After first accepting the SPV alternative, DDA states that it is not empowered to create a separate legal entity such as River front Authority or Special Purpose Vehicle (SPV) under the Delhi Development Act, 1957.</p> <p>It has suggested delegating powers exercisable by it only to</p>	<p>NGT may kindly consider passing an appropriate order against UP Irrigation for having given repeated assurances at E-in _C level but only to buy time.</p> <p>YMC is unable to comment on the legal opinion but in its Final report in the second part of page 24 and 25 the pitfalls of leaving everything to a wing of DDA have been highlighted.</p> <p>DDA has stated that there already exists a mechanism to monitor river Yamuna - "Upper Yamuna River Board" and "Unified Centre for Restoration and rejuvenation of River Yamuna (UCRRY)". At the least both these bodies may be asked to provide direction and oversight.</p>
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			<p>(iii) removing encroachments</p> <p>(iv) river front development</p> <p>(v) Attract and educate citizens and nature enthusiasts through nature related activities.</p>	<p>officers, local authority or committees (constituted under Section 5A of the Act). DDA has stated that there already exists a mechanism to monitor river Yamuna - "Upper Yamuna River Board" and "Unified Centre for Restoration and rejuvenation of River Yamuna (UCRRY)".</p> <p>Elsewhere DDA has stated it will depute an officer/ wing to whom responsibility of managing the area shall be entrusted.</p>	
3	<p><b>Chapter 3- Quality of Water</b></p> <p><b>NGT's order dated 11.9.19</b></p> <p><i>“Monthly reports on the water quality be furnished by DPCC to the Monitoring Committee which must also contain data</i></p>	<p>1. Setting up laboratory for testing F coliform by DPCC and all the data to be displayed on the website of DPCC is linked to the</p>	February 20	Not Applicable	<p>1. CPCB in collaboration with DPCC should bring out a monthly report on the quality of river Yamuna and display it on the Website of CPCB for public information. The Report should be compiled after assimilating and incorporating the</p>

	<p><i>on Faecal coliform and till the time DPCC establishes its own laboratory network, the samples may be got analyzed either from CPCB laboratory or other accredited laboratory with respect to aforesaid parameter. Such reports must be placed on the website of DPCC and CPCB. For failure to comply with this direction, DPCC will be liable to pay environment compensation of Rs. 2lakh per month to CPCB for restoration of environment with effect from 01.10.2019. The amount can be recovered from the erring officers apart from appropriate entries in their service records.”</i></p>	<p>Website of CPCB.  2. Setting up Three Stations for online testing of Ammonical N at Palla, Wazirabad, and Okhla  3. Damage Assessment done by a team headed by NMCG due to pollution in Yamuna.</p>	<p>December 2019   Not yet</p>	<p>Not Applicable   CPCB has not given any time frame by which time this will be done</p>	<p>test reports of DPCC which maintains nine stations so that there is no variance between the reports of the two organizations. At present the independent reports generated by the two regulatory bodies are difficult to reconcile and can create confusion in the mind of the public and media.</p> <p>2. The River Front and River Conservation Authority as a SPV which the NGT has directed to be created should be given the mandate to closely and periodically monitor the river Quality and submit periodic reports to the Tribunal and also bring out an Annual Report to be placed in the public domain.</p> <p>3. CPCB be directed to submit the Damage Assessment Report without further loss of time. Considering the disruption caused due to the lockdown, a two-month extension to the Committee to submit their report is recommended.</p>
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4.	<p><b>Sewage Treatment Plants</b></p> <p><i>DJB has to give definite milestones and timelines to bridge the gap in terms of poor capacity initialization within one month.</i></p> <p><i>b) The DJB to prepare an Action Plan with timelines for better capacity utilization of STPs by tapping the drain as a short term measure to reduce pollution in River Yamuna within one month.</i></p> <p><i>c) DJB to prepare an action plan with specific timelines and implement the same in terms of bridging the capacity</i></p>	<p>1. Capacity utilisation</p> <p>2. Short term measure for better capacity utilisation by trapping of drains</p> <p>3. Up gradation of existing STPs.</p> <p>4. Setting up new STPs by 31.12.20- Timelines within one month</p>	<p>Overall: 90% though there are STPs where capacity utilisation is low</p> <p>No</p> <p>Only one STP meeting all parameters including F. coliform 7 meeting 10/10 and 17 STPs meeting 30/50 standards STPs meeting design parameters</p> <p>Not expected to be commissioned by 31.12.20</p>	<p>100% by 2023</p> <p>Rohini, Narela, Kapashera and Najafgarh by 31.3.21 and Nilothi by 2023</p> <p>DJB has given Action Plan for upgradation of the other STPs with outlay of Rs 3000 crores. No clarity if and when this will actually be done</p> <p>Timelines extend up to June 2023. DJB has stated that these are contractual timelines</p>	<p>1. Much of the work on new STPS are at a nascent stage and monitoring at this stage is being done in respect of land allotment issues. A direction from NGT to the Chief Secretary GNCTD is needed to provide oversight to land allotment within a period of three months.</p> <p>2. An increase in capacity utilization of STPs would need much more capacity building within the organisation. The DJB was asked to create measurable benchmarks to evaluate progress but this has not been done.</p> <p>3. It is the understanding of the YMC that the IDMC was not only to focus on phyto- bio-remediation. That was suggested as a means to tackle the sewage which is flowing in the storm water drains. But there is a need to have a focal point to which the drain owning agency reports if sewage is not plugged/ diverted or the polluter pays</p>
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<p><i>gap and upgradation of existing STPs that are functioning on old parameters.</i></p> <p><i>d) DJB to take concrete steps in terms of actions not taken so far and fix the accountability of erring officials.</i></p> <p><i>e) DJB to complete the task of setting up of STPs by 31.12.2020.</i></p> <p><i>f) The DJB needs to spell out action to be taken with specific timelines within one month.</i></p> <p><i>g) Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure</i></p>	<p>5. Decentralised STPs:14 (9+5) and additional 44 STPs as per SWM 2031</p> <p>Bio/Phyto remediation to commence by 01.01.20</p>	<p>None commissioned</p> <p>Not started.</p>	<p>and cannot be contracted.</p> <p>No timelines for setting up the STP. No clarity about land availability.</p> <p>Guidelines finalised by CPCB sent to MoUD, MoJS for a national policy formulation. Action Plan prepared by SDMC and EDMC</p>	<p>principle applied on households that have not arranged for collection services or provided septic tanks. Government order number dated 31.3.2020 places responsibility for enforcement on the urban local bodies. The IDMC should be directed to examine the progress made by the local bodies through its own administrative mechanism. Otherwise the IDMC will not be resolving co-ordination and jurisdiction problems relating to stopping sewage in the drains and these will continue causing health and environmental problems for citizens living in downstream colonies.</p> <p>4. Pending land allotment for STPs, Govt of NCT Delhi be directed to focus on extensive coverage of the households/colonies relying on Septic tanks as in- situ sanitation measure in the catchment areas of the colonies. Schemes for septage collection services need much greater thrust.</p>
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	<p><i>positively from 01.01.2020, failing which the Govt. of NCT of Delhi may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs, sewerage</i></p>				<p>5. Up-gradation of STPs to meet revised standards laid down by DPCC and also directed by the NGT, be taken up in a time bound manner. Non-compliance to environmental standards on the grounds of non-availability of funds is unacceptable. If required funds should be directed to be mobilised by levying sewage charges on all the citizens irrespective of the water consumption and whether they live in sewered areas or un-sewered areas. This was also ordered by NGT in its order of 13.1.15 and reiterated in order dated 26.7.18.</p>
5	<p>Chapter: 5-Interceptor Sewer Project (ISP);</p> <p><i>a) DJB to put the systems in place for project monitoring so that timelines are adhered to.</i></p> <p><i>b) DJB is directed to adhere to the timelines with regard to ISP and treat all the 242 MGD sewage by 31.12.2019.</i></p>	<p>Project monitoring to be strengthened</p> <p>Commissioning of ISP by 31.12.19</p>	<p>Achieved but ineffective</p> <p>Not achieved</p>	<p>Infrastructure for trapping 242 MGD to be ready by: 31.08.2020</p> <p>ii. Trapping &amp; Treatment of 165 MGD: 31.08.2020</p>	<p>Monitoring to be strengthened and quarterly report to be submitted to NGT</p> <p>As directed by the Hon'ble Tribunal in order dated 08.5.2015, shortage</p>

<p><i>c) For failure to comply with the above directions compensation will be payable at the rate of Rs. 5 Lakhs per month till compliance from 01.01.2020. Entries be also made in the service records of the erring officers to fix their responsibility.</i></p>	<p>Trapping/Plugging of 204 additional drains found in the catchment of Najafgarh and Shahara Basin</p>	<p>Partially achieved, only 36 out of 204 additional drains trapped in ISP catchment</p>	<p>iii. Trapping &amp; Treatment of 200 MGD: 31.12.2020</p> <p>iv. Trapping &amp; Treatment of 242 MGD: 31.12.2022</p> <p>Drains already trapped: 36 Nos</p> <p>Trapping not required: 10 Nos</p> <p>Pertains to Haryana and DDA: 03 Nos</p> <p>Drains to be trapped by Dec 2020: 138 Nos</p> <p>Drains to be trapped by Dec 2021: 17 nos.</p>	<p>of funds, if any, should be made up by invoking Polluter Pays Principle.</p> <p>NGT may kindly consider passing orders that the completion of these projects may be given overriding priority on grounds of public health and ecological safety</p>
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6	<p><b>Chapter 6: Maintenance of drains</b></p> <p><b>Hon'ble NGT's order dated 18.12.17:</b></p> <p><i>The Delhi Jal Board shall ensure that all the 10 drains that have been trapped/intercepted should be totally sealed by taking appropriate measures to ensure that there is no leakage from the point of interception /tapping to river Yamuna in any case</i></p> <p><b>Hon'ble NGT's order dated 11.9.19</b></p> <p>a) <i>The DJB and NDMC to identify and plug the sources of sewage within two months positively and report compliance to Monitoring Committee.</i></p> <p>b) <i>Tapping of Drains:</i></p> <p>i. <i>Qudasiabagh+ Mori Gate</i></p>	<p>Stoppage of flow of sewage in 11 drains</p>	<p>The following drains, as per the Expert report do not have any flow downstream of trapping:</p> <ol style="list-style-type: none"> <li>1. Magazine Road Drain</li> <li>2. Sweeper Colony drain</li> <li>3. Khyber Pass Drain</li> <li>4. Metcalf House Drain</li> <li>5. Moat Drain (Vijay Ghat)</li> <li>6. Civil Military Drain</li> <li>7. Delhi Gate drain</li> <li>8. Drain No 14</li> <li>9. Tughalaqabad Drain</li> <li>10. Kalkaji Drain</li> <li>11. Tekhand Drain(Sarita Vihar Drain)</li> </ol>		<p>Hon'ble NGT may consider issuing following directions:</p> <ol style="list-style-type: none"> <li>i. CPCB/DPCC to monitor 11 drains which have been trapped with regard to the effectiveness of trapping.</li> <li>ii. At some places, viz. Sweepers Colony drain, Magazine drain, Drain no. 14 and Barapula drain some JJ clusters, jhuggis have come up which release sewage directly into the drains. DSUIB should provide amenities like community latrines in such JJ clusters which needs external evaluation..</li> <li>iii. Drain owning agencies should be responsible to identify and stop such encroachments.</li> <li>iv. IDMC should monitor the action taken by DSUIB, DPCC and Drain owning agencies as permitting Jhuggis to defile the drains downstream of the point of trapping defeats the whole purpose of trapping.</li> <li>v. <b>YMC recommends directions to DDA for allotment of land to DJB for setting up of the</b></li> </ol>
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<p><i>drain(Flow: 43.2 MLD):DJB to make an assessment of sewage coming from sewered areas and prepare an action plan with timelines for plugging the discharge into storm water. New STPs be established only for non-sewered areas.</i></p> <p><i>ii. Barapulla Drain (Flow: 145.15 MLD): DJB to submit action taken on Action Plan which it had submitted to NGT in 2014 in terms of actions on short term, medium term and long terms measures envisaged.</i></p> <p><i>iii. Maharani Bagh Drain (30.24 MLD):DJB to indicate proposal to stop the flow in the drain with specific timelines in terms of tapping or laying of sewer lines in un-authorized colonies.</i></p> <p><i>iv. Najafgarh Drain (2056 MID) and Shahdara outfall drain (475 MLD): The DJB is directed to attend to the observation of Monitoring</i></p>	<p>Action Plan for those (six) drains that have not been trapped</p>	<p>Action plan submitted by DJB</p>	<p>Action Plan for the remaining drains:</p> <p>Allotment of land for STPs on Tonga Stand, Maharani bagh, Barapula by DDA not yet been done.</p> <p>DJB has submitted Action Plan for sewage management in Barapula and Sen Nursing Home drains. The timelines given in the Action Plan given in the Final Report will have to be monitored.</p> <p>For Najafgarh and Shahdara drains the trapping will be through ISP. The detail timelines for trapping and treatment discussed in</p>	<p><b>plant at the mouth of Mori Gate Drain, Mori gate drain and Barapula Drain within next three months.</b> Allotment of land for setting up STPs on drains has been hanging fire for the last two years if not longer. The process of allotment must be fast tracked considering the nature of utility services on priority and Chief Secretary and VC DDA be directed to personally oversee this and submit compliance to NGT within three months.</p> <p>vi. DJB should take a decision on the capacity of proposed STP after considering the discharge proposed to be trapped from Kushak and Sunheri Bagh Drain into sewerage system. IDMC be directed to monitor this.</p> <p>vii. NDMC/DJB should to plug all the sewage flowing into this drain from the areas under its charge within two months and take measures as recommended in the final Report and submit a compliance report before the</p>
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	<p>Committee so that all the intercepted sewage is treated. The States of Haryana and UP are directed to submit their Action Plan with specific timeline to attend the flow of untreated sewage into said drains.</p> <p>v. Status of other storm water drains carrying sewage: The DJB is directed to submit a specific timelines with specific accountability so that no sewage finds its ways from sewer areas into the storm water drain.</p> <p>vi. Status of Punctured Sewers: DJB to ensure that such instances are attended on priority with specific accountability.</p> <p>vii. Ameliorative measures for cleaning drains &amp; Constructed Wetlands and In-situ Bioremediation Technology: The Irrigation and Flood Control Department to develop a mechanism of third party verification report on the</p>	<p>Action Plan for following additional drains carrying sewage</p> <ol style="list-style-type: none"> <li>1. Sonia Vihar drain</li> <li>2. Shastri Park drain</li> <li>3. Kailashnagar drain</li> <li>4. Abul Fazal drain</li> <li>5. Jaitpur drain</li> <li>6. Agra Canal near Okhla</li> <li>7. Old Agra Canal Okhla</li> </ol>	<p>Only Shastri Nagar Park drain is trapped as per the Report of Expert appointed by YMC. For the other drains DJB has prepared Action Plan.</p>	<p>Chapter 5-ISP. once commissioned</p> <p>For the drains at S. no. 1, 3, 4 and 5 the Final Report gives action plan prepared by DJB. That Action Plan and timelines need to be monitored. Drains at S no. 6 and 7 are actually canals and don't need to be monitored.</p>	<p>Tribunal.</p> <p>viii. DJB, DSUIB and NDMC should submit timelines to fix accountability on officers responsible for the projects.</p> <p>ix. IDMC should monitor the action taken by DJB, DSUIB, DPCC, NDMC and Drain owning agencies as on the action points covered above.</p>
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	<p><i>ameliorative measures undertaken by it.</i></p> <p>viii. <i>Controlled Dredging in River Yamuna: The finding of the study undertaken by NEERI to assess slug deposition on river bed of Yamuna be evaluated and appropriate decisions by undertaken by IFCB (The Irrigation and Flood Control Department).</i></p> <p>c) <i>For failures in tapping the drains, environmental compensation at the rate of Rs. 5 lakh per drain per month will be paid by the DJB or concerned department to the CPCB for environmental restoration. Entries in the record of the erring officers also be recorded consistent with the earlier directions.</i></p>	<p>Plugging of punctured sewer lines at 79</p> <p>Controlled dredging in Yamuna to remove historical sludge</p> <p>In-situ bio/Phyto remediation in drains</p>	<p>47 places punctured sewers have been plugged</p> <p>Draft feasibility report prepared by NEERI has been submitted</p> <p>Not commenced yet.</p>	<p>At 27 places punctured sewers will be plugged by march 21 and remaining places after permission are granted by DDA, Railways and others</p> <p>NMCG and IFCD should take a final view on the recommendation of the Draft Report</p> <p>Action Plans prepared for different drains by SDMC and EDMC and submitted to IDMC. No timelines finalised. Other drain owning agencies have not prepared Action Plans.</p>	
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7	<p><b>Chapter 7: Industrial Pollution:</b></p> <p><b>NGT's order dated 02.03.15:</b></p> <p><i>I.All the industries in 17 clusters should be connected to CETPs. Industries not connected should be asked to connect through conduit pipes to CETPs and in event of failure such industries should be ordered to be closed by DPCC.</i></p> <p><i>II.Eleven clusters which do not have CETPs are stated to be dry industries and do not consume water in the process. Such Industrial clusters will be subjected to joint inspection by CPCB, DPCC and DSIIDC and MCDs verify the claim and also assess the manner in which hazardous waste like used oil, lubricants and</i></p>	<p>Survey of Industries in 17 Industrial cluster connected to 13 CETPs</p> <p>Survey of non -water polluting Industries in 11 industrial clusters</p> <p>Enforcement Action against polluting industries:</p>	<p>31985 industrial units were surveyed, out of which 1966 units were found defaulting which were either not connected to conveyance system of CETP or discharging solid waste into the conveyance system/open drains.</p> <p>4443 units surveyed and 38 units found defaulting. EC of 19 lakhs levied and Rs 9 lakhs realized</p>	<p>Not applicable</p> <p>Survey Completed. Unrealised EC to be recovered</p>	<ol style="list-style-type: none"> <li>Directions may be issued to Commissioner Industries and MD DSIIDC to furnish a quarterly Progress Report to the Tribunal on the study underway for up-gradation of the CETPs and for effective and time bound implementation of the recommendations of NEERI report.</li> <li>Establishment of the Hazardous waste management Facility. This was directed to be set up by GNCTD by June 2020, however, due to Covid19 lockdown and the delay in grant of Environment Clearance the work of establishing the Hazardous waste site will be delayed. Considering that Delhi does not have any Hazardous waste Treatment facility, directions may be issued to the GNCTD and DSIIDC to set up the facility by December 2020 and the authorities be directed to submit quarterly report to the Tribunal.</li> <li>NGT may also kindly consider directing the MOEF&amp;CC to</li> </ol>
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	<p><b>a) DPCC is directed to continue with the survey and monitoring of industries both in confirming and non-confirming areas and take action in accordance with law against polluting units and file report of action three months besides recovery of EC. In case of non-compliance Delhi Govt will be liable to pay Rs. 5 lakh per month from 01.01.2020</b></p>	<p>Functioning of CETPs</p> <p>Hazardous waste management facility</p>	<p>and Rs 12.83 crore realised.</p> <p>Only 3 CETPs, namely, Wazirpur, Narayana and GTK are meeting standards. Against a total installed capacity of 212 MLD, the effluent reaching the CETPs was only about 52 MLD. NEERI assigned the study to suggest upgradation in CETPs</p> <p>Not yet set up.</p>	<p>Upgradation of CETPs to be undertaken once NEERI study if finalised</p> <p>The Hazardous waste Management facility to be set up by Dec 2020</p>	
8	<p><b>Chapter 8: Sewage and Septage management including levy of EC: NGT's order dated 11.9.19</b></p> <p><i>"a) An incremental progress of</i></p>	<p>Laying of sewerage network</p>	<p>Colonies where sewerage network is</p>	<p>Progress slow, likely to extend upto 2023</p>	<p>1. Regardless of when the individual household gets connected to the sewer network, Govt of NCT Delhi should start levying sewerage charges on all the households, whether located in</p>

<p><i>collecting 2 MGD of septage in 120 days needs to be quantified by DJB in terms of the number of households with pit latrines, map the SPS' where the collected septage has to be deposited colony wise and sub-district wise and monitor licenses issued at a disaggregated level. DJB to assign responsibility to an organization which can collect and furnish incremental progress.</i></p> <p><i>b) DJB may prepare an Action Plan for providing unauthorized colonies with sewerage systems.</i></p> <p><i>c) Govt. of NCT Delhi, DJB, DMCs and DDA to collectively undertake advance planning for location of STPs, SPS', peripheral and trunk lines before new populations settle in.</i></p> <p><i>d) Chief Secretary, Govt. of</i></p>	<p>Household connected to sewer network</p> <p>Recovery of Sewerage charges from every citizen whether in sewer</p>	<p>completed and notified; 561 Colonies where sewerage network is under execution: 467 Colonies where work is at the stage of tendering: 617 Colonies where NOC DDA is pending: 154</p> <p>Target not achieved. Out of 2.3 lakh who had not taken connection, 1.14 lakh surveyed and only 62294 have taken connection so far</p> <p>No progress</p>	<p>The survey disrupted due to lockdown. New timeline: Dec 2020</p> <p>YMC has not received any response on this from GNCTD</p>	<p>sewered/unsewered unauthorized colonies or even slums. DUSIB can subsidise the poor but all others must be made to pay for the pollution created by whatever name the levy may be called.</p> <p>2. The Delhi Slum Improvement Board (DSUIB) has claimed before YMC that the Board has installed community toilets and no sewage goes into drains. This statement can only be checked by an external agency which does a random check. Judging from the complaints of people residing around Chirag Delhi and Nizamuddin West the sewage from the jhuggis is flowing into the drains causing an intolerable stench.</p> <p>3. Out of the 626 U/A colonies, which are not covered by the ISP, while some are proposed to be brought under sewerage network, there is no clarity about 502 colonies. NGT may direct the IDMC to have a three-pronged approach and while in-situ phyto/bio-remediation and septage</p>
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<p><i>NCT Delhi make it mandatory for those provided with piped water supply and those having a sewage conveyance system in the vicinity to take sewer connections.</i></p> <p><i>e) Chief Secretary, Govt. of NCT Delhi, DJB and DMCs to introduce the regime of levy sewerage charges as presently no such charges are being levied within two months including areas where network has been laid (whole of East Delhi).</i></p> <p><i>f) Considering that tens of thousands of households spew their garbage into the storm water drains and pay nothing for the environmental damage caused, the CEO, DJB and DMCs to ensure sewer connectivity where sewer network has been laid before 31.12.2019 failing which both these agencies</i></p>	<p>or unsewered colony</p> <p>Septage Collection from unsewered colonies</p>	<p>Only 416 colonies covered under Septage Management Regulations, though only 561 colonies out of 1799 colonies are sewerred. Only about 10% of septage actually collected and treated</p>	<p>Timeline for increased coverage under Mukhya Mantri Free Septage Yojna increased to June 2021. No clarity on specific timeline and coverage.</p>	<p>management must continue there is also need for oversight of the implementation of an SOP which casts responsibility for sewage in drains on the local bodies. NGT's direction is needed to clinch need for all 3 strategies to be used -the bottom line being the stoppage of sewage in storm water drains.</p> <p>4. NGT may direct the IDMC to mount a survey of colonies and households which are having pit latrines/collection services and those who have no sewerage system and are discharging into the drains. Without linking strategies to populations in the colonies people will continue to pollute and the filth will continue..</p> <p>5. Applying the polluter pays principle, every individual household causing pollution by release of sewage into the open environment or in the sewer network has been already made liable for payment for its treatment irrespective of whether the sewage is conveyed through a</p>
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<p><i>shall be saddled with environment compensation to the tune of Rs. 10 lakh per month and disciplinary action against the Zonal Officer responsible for his zone.</i></p> <p><i>g) The Chief Secretary, GNCT Delhi, DJB and DMCs to ensure that a mechanism is evolved where by raw sewage from unauthorized colonies gets collected and taken to some central STP facility for treatment till the time sewer line network is laid in unauthorized colonies within three months and six months thereafter ensure implementation of laying of sewer line network failing which Environmental Compensation of Rs. 10 lacs per month shall be levied on each of them.</i></p> <p><i>h) An institutional mechanism be established by the Chief</i></p>				<p>sewer network or by way interception under the Interceptor project or through septage management. NGT may direct that a response be given to the Tribunal's order to revisit the policy of subsidizing polluters as there is no response. Orders of the Tribunal starting 2015 and last reiterated in September 2019 have been ignored.</p>
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	<p>Secretaries, GNCT Delhi, DJB and DMCs whereby the collection, transportation and disposal of septic tank waste is monitored.</p> <p>i) Accountability of the officers may be determined in the manner mentioned earlier. The Committee may monitor this aspect.”</p>				
9	<p><b>Chapter 9: OLMS</b></p> <p><b>NGT's order dated 13.1.15:</b></p> <p><i>"It shall be ensured that the functional data of all the STPs is on line and is connected to the Delhi Pollution Control Committee as well as the Central Pollution Control Board particularly in respect of COD, TDS, TSS and pH and shall be ensured that they are operational even during the power failures."</i></p>	<ol style="list-style-type: none"> <li>1. Installation of OLMs in STPs and CETPs</li> <li>2. Connectivity of OLMS to CPCB and DPCC servers</li> <li>3. STP and CETP data in public domain</li> </ol>	<p>Achieved</p> <p>Achieved</p> <p>Achieved</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Applicable</p> <p>Applicable but improvement in</p>	<p>NGT may consider issuing the following directions</p> <ol style="list-style-type: none"> <li>1. To provide statutory backing to the SOPs, CPCB be directed to issue directions under Environmental Protection Act 1986 to DJB, DSIIDC, and Commissioner Industries for comply with the SOPs in letter and spirit and also fix accountability for any dereliction. In the absence of such statutory backing, it is doubtful whether the SOPs will get implemented effectively.</li> </ol>

	<p><b>NGT's order dated 8.5.15.</b></p> <p>The directions relating to OLMS were reiterated as follows:</p> <p><i>"14. The Delhi Jal Board and DSIDC through DPCC or otherwise shall introduce Online Monitoring System (OLMS) particularly at the specified observation points or locations where the STP's and CETP's are located. This information shall be put in the public domain informing the public at large in regard to the performance of the STP's."</i></p> <p><b>NGT's order dated 11.9.19</b></p> <p>After considering the 2nd Interim Report of YMC dated 27.5.19, the Hon'ble Tribunal in an order dated</p>	<p>4. System of generating alerts whenever parameters exceed the standards</p> <p>5. Calibration of OLMs installed at STPs and CETPs</p>	<p>Achieved but not satisfactory</p> <p>Achieved but ineffective</p>	<p>efficiency not measurable</p> <p>No clarity in the action plan by DJB and DSIIDC</p> <p>CPCB asked to undertake Technical Audit. CPCB report needs to be implemented through directions under EP Act.</p>	<p>2. To DJB, DSIIDC/Industries Department to fix accountability on the supervisory officers for failing to ensure periodic calibration and for not imparting training to those in charge of using the OLMS.</p>
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	11.9.19 directed as under:  <i>"Regular calibration of OLMS in Sewage Treatment Plants and CETPs to validate sensor results with lab results to be overseen by DPCC and DJB and report submitted to the Chief Secretary Delhi and Monitoring Committee on Quarterly basis."</i>				
10	<i>DJB and park owning societies like DDA, DMCs, PWD to mandatorily use the treated water from STPs for all parks within 5 km radius of STPs and pending laying of pipelines, such treated water to be transported through tankers. Compliance be reported by 31.12.2019 failing which DJB, DDA, DMCs, PWD and others shall each be charged Environmental Compensation at the rate of Rs. 5 lakh per</i>	Engagement of Tankers for parks within 5 KM radius  Number of Parks irrigated	Achieved partially.  Tankers used: 316 out of 991 tankers required  Parks irrigated:1284 out of 2958 within 5KM radius  Borewells Closed: 930 borewells closed	DDA has plans to cover 499 parks,  Set up 186 Small decentralised STPs for each park within next 2 tears.  Closure of 411 borewells. As per Action plan is the Final Report	<ol style="list-style-type: none"> <li>1. The directions issued by Lt Governor in notification dated 12.7.2010 and reiterated by the Chief Secretary vide his letter dated 09.03.19 are strictly enforced. Presently there is shifting of blame between the District Magistrates and the DJB on the enforcing this important provision of law.</li> <li>2. Bulk users like the Railways, DMRC and Transport Department should also be directed to use treated waste water for washings and construction, by more polishing if required which will</li> </ol>

<p><i>month till compliance is reported. This shall be overseen by the Chief Secretary, Govt. of NCT, Delhi and the Monitoring Committee as this colossal waste of treated water cannot be allowed.</i></p>	<p>Treated water used</p>	<p>Present usage of treated waste water: 90 MGD</p>	<p>DJB also has plans to utilise 202 MGD of treated waste water by release in the river and exchange with Haryana and UP as per the plans outlined in the final Report. Also 267 MGD is the mandatory return flow as per the water sharing arrangement of 1994</p>	<p>reduce use of ground water which is reported to be used. <b>This will need to be monitored. An NGT direction is needed as these bodies have not generally shown any enthusiasm to attend meetings called on this subject.</b></p> <ol style="list-style-type: none"> <li>3. Construction and installation of de-centralized modular STPs of Kilolitre capacity range to be installed adjacent to parks and gardens and using sewage flowing in the drains or erected along the sewer lines. This has been done by the SDMC in Vasant Kunj Park and few other areas</li> <li>4. Creating root zone treatment system in vacant portions of the parks and gardens by diverting sewage in the drains from the man- holes. This will have both demonstrative effect and help meet water needs of the parks without resorting to use of machinery, DDA proposes to undertake phyto-bioremediation in</li> </ol>
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					<p>parcs/gardens where the treated waste water received from DJB is not of good quality.</p> <p>5. The bad odour from the treated waste water, high mineral content and presence of Fecal Coliform which are harmful to plant growth and human health becomes the bone of contention and DJB must see that public fears are addressed and allayed properly through the District Magistrates and also the MCDs which are in charge of conservancy. <u>There is a need for NGT's direction on this.</u></p>
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