

Item No. 5

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 379/2022

G.S. Bansal

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 21.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondent: None.

Application is registered based on a letter petition received by email.

ORDER

1. The applicant has sent by way of email the present letter petition which has been treated and registered as original application for directing the State of Punjab to stop pollution of drinking water in Gang Canal flowing to Sri Ganga Nagar, Rajasthan.

2. The applicant has averred that hundreds of persons are getting sick everyday by drinking the polluted water. Some Senior Officers of the Punjab Administration are, by their inaction, supporting the factory owners in polluting Gang Canal. The applicant has further averred that this Tribunal has warned several times which did not make any difference

3. Vide order dated 05.07.2022, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report.

4. In compliance thereof report of the Joint Committee has been filed vide email dated 16.03.2022. The relevant part of the report is reproduced below:-

“ Submission of factual and action taken report in compliance of order dated 5.7.2022 and 30.11.2022.

3. That in order to make compliance of order dated 5.7.2022 of the Hon'ble National Green Tribunal, the meeting of the Joint Committee was held on 10.11.2022 through virtual model, wherein Secretary, Health, Family Welfare, Punjab ; Secretary, Medical Health and Family Welfare, Rajasthan; Member Secretary, Punjab Pollution Control Board; Chief Environmental Engineer (Water), Punjab Pollution Control Board, Ludhiana; Scientist-D of Central Pollution Control Board, New Delhi; Deputy Commissioner of Ferozepur (Punjab); Deputy Commissioner of Sri Ganganagar (Rajasthan); Environmental Engineer, Punjab Pollution Control Board, Regional Office, Amritsar; Regional Officer, Rajasthan State Pollution Control Board (Hanumangarh); Scientific Officer, Punjab Pollution Control Board, Zonal Laboratory, Jalandhar had participated.

4. That after deliberating various issues involved in the case at length, it was decided in the meeting as under that:

i) District Magistrate / Deputy Commissioner, Sri Ganganagar and Ferozepur shall collect year wise data regarding number of people, affected due to water borne disease with type of disease, residing around the catchment area of gang canal from respective Health Department of their State for the last 3 years.

ii) The Central Pollution Control Board / Punjab Pollution Control Board shall provide water quality data of Rajasthan Feeder Canal for the last two years which can be perused for further study.

iii) The concerned Department of Rajasthan responsible for supplying drinking water in various parts of Rajasthan should also be called in the next meeting of the Joint Committee alongwith analysis record and system followed by them to ensure supply of potable water to public.

A copy of the proceedings of the meeting held on 10.11.2022 is enclosed herewith as **Annexure-A** for kind perusal.

4) That on the request made for extension of time by the Nodal Officer-cum-Environmental Engineer, Punjab Pollution Control Board, Regional Office, Amritsar vide email dated 29.11.2022, the Hon'ble National Green Tribunal was pleased to grant time of three months vide order dated 30.11.2022 for submission of report by email at judicial-ngt@gov.in preferably in the form of

searchable PDF / OCR supported PDF and not in the form of image PDF.

5) That the second meeting of the Joint Committee as constituted by the Hon'ble National Green Tribunal vide order dated 5.7.2022 was held on 27.2.2023 through virtual mode wherein following officers of the State of Punjab and Rajasthan had participated:

a) Sh. Veerendra Kumar Meena, IAS

Principal Secretary, Health and Family Welfare, Punjab

b) Dr. Prithvi Raj, IAS

Principal Secretary, Health and Family Welfare, Rajasthan

c) Sh. Rajesh Dhiman, IAS

Deputy Commissioner, Ferozepur

d) Sh. Saurabh Swami, IAS

District Collector, Sriganaganagar

e) Sh. G.S. Majithia,

Member Secretary, Punjab Pollution Control Board, Patiala

f) Sh. Gulshan Rai, Chief Environmental Engineer (Water),

Punjab Pollution Control Board, Ludhiana

g) Sh. Vishal Gandhi, Scientist D,

Central Pollution Control Board, New Delhi.

h) Sh. Dheeraj Chawla, Superintending Engineer,

Public Health Engineering Department Circle Sriganaganagar

i) Shri Pradeep Kumar Asnani, Regional Officer,

Rajasthan State Pollution Control Board, Hanumangarh

j) Sh. Jatinder Soni, Environmental Engineer,

Punjab Pollution Control Board, Regional Office, Amritsar

k) Sh. Sandeep Gupta, Scientific Officer,

Punjab Pollution Control Board, Zonal Lab, Jalandhar

6) That the issues involved in the case were deliberated by the Joint Committee members and the key observations and discussion of various stakeholders are summarized herein below:

i) Deputy Commissioner, Ferozepur (Punjab) informed that cases of people affected by water borne diseases has been only 08 nos. in the last 03 years, residing near to the catchment area of Gang canal.

ii) District Collector, Sriganaganagar (Rajasthan) informed that the District has been receiving good quality of water throughout the year, except in the months of May & June in which quality of water gets deteriorated due to stagnation near the gates during closure period of canal.

iii) *Superintending Engineer, Public Health Engineering Department, Circle Ganganagar informed that the raw water is stored in the sedimentation tank through the inlet channel from the canal and it is then filtered through the slow sand established at various water supply schemes, then disinfection of filtered water is done by chlorination process and after this drinking water is made available to the public through the distribution system and as per the analysis results of water samples taken at different levels for chemical & bacteriological parameters and heavy metals from January 2022 till February 2023, no heavy metal has been detected and various parameters have been found within the permissible value as per BIS 10500:2012. He further informed that although they have provided treatment system consisting of filtration and disinfection at various water supply schemes for drinking water supply to public through the distribution system, however at certain points people residing on the bank of the canal in rural areas take unauthorized supply of canal water through direct pumping without treatment and disinfection.*

iv) *Scientific Officer, Punjab Pollution Control Board, Zonal Lab, Jalandhar informed that quality of water in Rajasthan Feeder canal as per DBU (Designated Best Use) is categorized as "C" which signifies the water in the canal as drinking water source after conventional treatment and disinfection as per analysis results of samples in last 02 years.*

v) *Chief Environmental Engineer, Punjab Pollution Control Board informed that sources of pollution discharging effluent into drains leading to rivers have already been identified by the Punjab Pollution Control Board and the installation of Treatment systems for the same are under process and same will be implemented in time bound manner. It was further informed that standard operating procedure (SOPs), already prescribed for opening of gates at Harike Barrage for cleaning of the Gang canal were implemented last year through a Joint Committee comprising of members of BBMB, PPCB, RSPCB, Department of Water Resources, Punjab & Rajasthan.*

vi) *Member Secretary, Punjab Pollution Control Board informed that recently STPs of capacity 225 MLD at Ludhiana and 50 MLD capacity at Jalandhar have been commissioned. Also STPs of capacities 15 MLD and 05 MLD at Basti Peer Dad, Jalandhar and Focal Point Jalandhar respectively will be commissioned in March 2023. He further informed that with these treatment plants coming into operation and after commissioning of other ongoing projects being implemented at various outlets for treatment of effluent, the quality of water in the canal will improve further.*

vii) *Principal Secretary, Health and Family Welfare, Govt. of Rajasthan informed that Govt. of Punjab and Punjab Pollution Control Board have been continuously supporting efforts of the Rajasthan Government regarding mitigation of the disposal of*

untreated wastewater into the river/canal. He further observed that based on the existing data, cancer patients in the area cannot be attributed to canal water and suggested that a study in the matter should be got conducted from ICMR or any other Institute of Repute (IOR) by CPCB regarding the problem and the status report w.r.t. same may be filed in the Hon'ble NGT.

viii) Principal Secretary, Health and Family Welfare, Govt. of Punjab concurred with the suggestion of his counterpart from the State of Rajasthan regarding conducting of study in the matter from Institute of Repute (IOR) by CPCB to examine the causes behind cancer patients in the area including canal water, agricultural pesticides etc so that root cause of the problem can be identified and corrective action may be taken accordingly.

7) That after detailed discussion in the matter, the Joint Committee has decided as under:

A. Since quality of water in the Rajasthan Feeder Canal as per DBU is category "C", therefore, Govt. of Rajasthan shall ensure that the raw water from the canal reaching the urban and rural areas of the District shall receive conventional treatment and disinfection before its supply to the public to be used for potable purpose and to ensure that no unauthorized supply of canal water without required treatment and disinfection is available to the public, specifically in rural areas.

B. In order to find out the root cause of cancer patients in District Sriganganagar, a study shall be got conducted from ICMR or any other Institute of Repute (IOR) to examine all the possible causes including canal water, agricultural pesticides etc.

C. The report w.r.t. above deliberation and decisions taken in the Joint Committee meeting shall be prepared and submitted in the Hon'ble NGT by the nodal agency on behalf of the Joint Committee.

*8) That a copy of the minutes of the second meeting of Joint Committee issued by the Nodal Officer-cum-Environmental Engineer, Punjab Pollution Control Board, Regional Office, Amritsar vide letter no.604-11 dated 14.3.2023 after the approval of the Joint Committee members is enclosed herewith as **Annexure-B** for kind perusal.*

9) That the above report containing the observations and decisions of the Joint Committee is hereby submitted in compliance to order dated 5.7.2022 and 30.11.2022 for kind perusal and appropriate orders of the Hon'ble National Green Tribunal."

5. We have gone through the report of the Joint Committee. In the report of the Joint Committee, it has been mentioned that District Sriganganagar, Rajasthan received good quality of water throughout the year except in the months of May and June in which quality of water gets

deteriorated due to stagnation near the gates during closure period of canal. Remedial measures have already been/are being taken as mentioned in the report of the Joint Committee. Appropriate filtration and chlorination of the drinking water received from the canal is done before supplying the same to the public through the distribution system. On analysis of the water samples drawn at different levels for chemical and bacteriological parameters and heavy metals from January 2022 till February 2023 no heavy metal were detected and various parameters were found within permissible limits. The sources of pollution discharging effluent to the drains leading to rivers have already been identified by the Punjab Pollution Control Board and remedial measures by way of setting up of STPs are being taken. In the report, it has been mentioned that the incidents of cancer patients found in the area could not be attributed to canal water but still suggestion has been made for getting the study conducted from ICMR or any other Institute of Repute by CPCB regarding the problem so that appropriate remedial measures can be taken, if so required. The Joint Committee has also recommended that Government of Rajasthan must ensure that the raw water from the canal reaching the urban and rural areas of the District receives conventional treatment and disinfection before its supply to the public for potable purpose and to ensure that no unauthorized supply of canal water without required treatment and disinfection is available to the public, specifically in rural areas.

6. None has appeared on behalf of the applicant today. No objection has been filed by the applicant or any one else to the report of the Joint Committee.

7. We accept the report of the Joint Committee and direct that appropriate remedial measures as mentioned in the report of the Joint

Committee be taken. We also direct Rajasthan Pollution Control Board (RJSPCB) and Punjab Pollution Control Board (PPCB) to get a joint study conducted by Indian Council of Medical Research (ICMR), New Delhi or Indian Toxicological Research Institute (ITRI), Lucknow to find out the root causes of increasing cancer patients in both the States as suggested in the report of the Joint Committee. The expenses of such study may be borne by RSPCB and PSPCB jointly in equal proportions. The Member Secretary, RSPCB shall be the nodal officer for the purpose of carrying out of the study and all matters related thereto. On completion of the study, copies of the study report shall be sent by the Member Secretary, RSPCB to the Chief Secretaries of Government of Rajasthan and Punjab respectively who shall take appropriate measures in accordance with the observations/recommendations in the study report, as may be required, in time bound manner. The Member Secretary, RSPCB and PSPCB shall also ensure that a copy of the study report be also uploaded on the website of the RSPCB as well as the PSPCB.

8. The present application is disposed of with the directions as aforesaid.

9. The applicant or any other person feeling aggrieved from any non-compliance of this order or inaction/negligence in taking appropriate remedial measures may move this Tribunal by way of appropriate proceedings for further directions in the matter.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 21, 2023
AG