

Item No. 01

Court No. 1

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

Original Application No. 360/2018
M.A. No. 823/2018) (SLP (Civil) No. 2959/2014)

(With report dated 22.02.2019)

Shree Nath Sharma

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 26.09.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. S.K. Bhattacharya, Advocate with Shree Nath Sharma, in person

For Respondent(s): Mr. Gautam Singh, Advocate for State of Rajasthan

ORDER

1. The issue for consideration is the steps for remedial action for enforcement of environmental norms at Bharatpur, Rajasthan.
2. The matter was initiated by way of writ petition before the Rajasthan High Court with reference to pollution of Sujanganga river which is surrounded by a historical Fort. The High Court transferred the writ petition to this Tribunal which order was affirmed by the Hon'ble Supreme Court.

3. Vide order dated 31.07.2018, the Tribunal referred to the order of the High Court dated 14.11.2011 in *C.W.P. No. 065/96* directing removal of encroachments. The High Court noted that out of 860 encroachments, 760 had been removed. It was directed that hospital waste be segregated, traffic plan prepared and air and water quality tests conducted. The direction also required the steps for restoration for the Bharatpur canal.
4. The Tribunal directed the Collector and the District Magistrate, Bharatpur to take further remedial action.
5. Accordingly, an affidavit of compliance has been filed by the Commissioner, Municipal Corporation, Bharatpur annexing a status report from the Collector/District Magistrate dated 22.02.2019. The report deals with the compliance of direction for segregation of hospital waste, traffic action plan to check vehicular pollution, noise control plan, pollution control system for control of pollution of Sujanganga river, conservation and restoration of Fort and repair of Moatwall, installation of incinerator, sewerage system and monitoring mechanism, including holding of monthly meetings.
6. In view of above, steps having been taken, the immediate problem may appear to have been addressed. However, enforcement of environmental norms is a continuous requirement. The District Magistrate, CPCB and the SPCB may consider further necessary action which may be coordinated by the SPCB. First meeting for the purpose may be held within one month from today and the matter be finalized within two months. This Tribunal in *O.A. No. 606/2018*, while dealing with the compliance of Municipal Solid Waste Management Rules, 2016 also flagged other issues and required

monitoring at the level of the Chief Secretaries and the District Magistrates. The Chief Secretaries of all the States/UTs have appeared before this Tribunal, including the Chief Secretary of State of Rajasthan and directions have been issued for continuous monitoring and filing of further reports.

7. Vide order dated 12.09.2019, while fixing a schedule for further appearance of the Chief Secretaries of all the States/UTs, direction has been issued to compile information with reference to the following specific thematic areas viz.:

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- Compliance to Solid Waste Rules including Legacy Waste.
 - Compliance to Bio-medical Waste Rules.
 - Compliance to Construction & Demolition Waste.
 - Compliance to Hazardous Waste Rules.
 - Compliance to E-waste Rules.
 - 351 Polluter Stretches in the country.
 - 122 Non-attainment cities.
 - 100 industrial clusters.
 - Status of STPs and re-use of treated water.
 - Status of CETPs/ETPs including performance.
 - Ground water extraction/contamination and re-charge.
 - Air pollution including noise pollution.
 - Illegal sand mining.
 - Rejuvenation of water bodies.

8. Such information is to be furnished to the CPCB by the Chief Secretaries of all the States/UTs indicating:

- Current status

- Desirable level of compliance in terms of statutes.
- Gap between current status and desired levels.
- Proposal of attending the gap with time lines.
- Name and designation of designated officer for ensuring compliance to provisions under statute.

9. Since CPCB is to file updated report by 15.11.2019, the Chief Secretaries of all the States/UTs may furnish such information by 31.10.2019.

10. We may also refer to order dated 15.07.2019 in O.A. No. 710/2017, *Shailesh Singh vs. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors.* directing as follows:

“We find it necessary to add that in view of Constitutional provisions under Articles 243 G, 243 W, 243 ZD read with Schedules 11 and 12 and Rule 15 of the Solid Waste Management Rules, 2016, it is necessary to have a District Environment Plan to be operated by a District Committee (as a part of District Planning Committee under Article 243 ZD) with representatives from Panchayats, Local Bodies, Regional Officers, State PCB and a suitable officer representing the administration, which may in turn be chaired and monitored by the District Magistrate. Such District Environment Plans and Constitution of District Committee may be placed on the website of Districts concerned. The monthly report of monitoring by the District Magistrate may be furnished to the Chief Secretary and may be placed on the website of the District and kept on such websites for a period of one year. This may be made operative from 1.08.2019. Compliance of this direction may also be seen by the Chief Secretaries of the States/UTs. This may not only comply with mandate of law but provide an institutional mechanism for effective monitoring of environment norms.”

11. To facilitate preparation of such District Environment Plan, it will be appropriate that CPCB prepares a Model/Models and places the same on its website which may be adopted with suitable changes as per local requirements for all Districts in the country and monitored by the Chief Secretaries with reports to the Tribunal in O.A. No. 606/2018.

12. The Department of Environment of all States and Union Territories may collect such District Environment Plans of their respective States and finalize the 'State Environment Plan' covering the specific thematic areas referred in Para-7 including information as contained in Para-8 and template of Model/Models District Environment Plan provided by the CPCB. The action for preparation of State's Environment Plan shall be monitored by the respective Chief Secretaries of States and Administration of UTs. Let this action be completed by 15.12.2019 and compliance be reported to the Tribunal by 31.12.2019.

13. Based on States and UTs Environment Plans, MoEF&CC and CPCB shall prepare country's Environment Plan accordingly. Let the Secretary, MoEF&CC and Chairman, CPCB steer the preparation of country's Environment Plan. Let their action be completed by 31.01.2020 and compliance be reported to the Tribunal by 15.02.2020.

Let the copy of this order be sent to the Secretary, MoEF&CC, Chairman, CPCB, All Chief Secretaries of States and Administrators of all the Union Territories by e-mail for compliance.

The application is disposed of except for further monitoring of the matter in *O.A. No. 606/2018*.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 26, 2019
Original Application No. 360/2018
DV

