

MOST URGENT/ TIMELIMIT



GOVERNMENT OF KERALA

No. 752755/C1/16/WRD

Water Resources (WS-C) Department,  
Dated, Thiruvananthapuram, 19.10.2020.

From

The Additional Chief Secretary to Government.

To

The Member Secretary, Kerala State Pollution Control Board  
The Director, Environment Department  
The Director, Urban Development Department  
The Director, Industries Department  
The Superintending Engineer, Irrigation Department  
The Managing Director, Kerala Water Authority

Sir,

Sub:- WRD-Order of the Hon'ble National Green Tribunal dated 21.09.20 in O.A.Nos. 593/2017, 673/2018, 829/2019 and 148/2016—ensuring compliance- extract of directions/format for furnishing Action Taken Report-forwarding of-reg

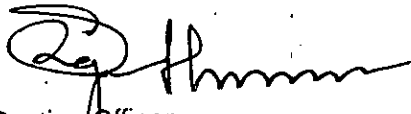
Ref:- 1. Order of the Hon'ble National Green Tribunal in O.A.Nos. 593/2017, 673/2018, 829/2019 and-148/2016 dated 21.09.20.  
2. Note No.39/EMCell/CSO/2020 dated 14.10.20

I am to forward herewith a copy of the extract of the directions contained in the Order cited 1<sup>st</sup> and to request you to furnish action taken, as applicable, and remarks in the prescribed format enclosed within 3 days positively.

Yours faithfully,  
Seena.A.N

Under Secretary  
For Additional Chief Secretary to Government

Approved for Issue,

  
Section Officer.

dc

9-10-20

FORMAT FOR FURNISHING REPORT

Directions in order dated 21.09.2020 in Original Application No. 593/2017, 673/2018, 829/2019 & 148/2016

Sl. No.	Directions	Authority Concerned	Action Taken	Remarks
1.	<p>All the States/UTs may address gaps in generation and treatment of sewage/effluents by ensuring setting up of requisite number of functional ETPs, CETPs and STPs, as directed by the Hon'ble Supreme Court in (2017) 5 SCC 326.</p>	<p>To be implemented by: WRD KWA LSGD IND</p> <p>To be monitored by: RRC</p> <p>To be overseen by: Chief Secretary</p>		
2.	<p>The timeline for commissioning of all STPs fixed by the Hon'ble Supreme Court, i.e., 31.03.2018, has long passed. The Hon'ble Supreme Court directed that the State PCBs must initiate prosecution of the erring Secretaries to the Governments, which has also not happened. This Tribunal was directed to monitor compliance and in the course thereof, we direct that compensation may be recovered in the manner already directed in earlier orders (See, -Paras-5 and -6- herein), -which may be deposited with the CPCB for restoration of the environment.</p> <p>Para 5 : Whilst not necessary to refer to all previous orders, we start with the Tribunal's order of 28.08.2019, wherein for the first time, the Tribunal set up a compensation regime for default. The Tribunal considered the CPCB reports dated 30.05.2019, 19.07.2019 and 14.08.2019 with compiled status of setting up of ETPs/ CETPs/STPs and methodology for assessment of environmental compensation. The Tribunal noted that deficit in capacity of liquid waste treatment was 62 percent which was the major source of polluting rivers and water bodies. In the said order, the following directions were issued:-</p> <p>"21. We may now sum up our directions:</p> <p>(i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and</p>	<p>Facilities to be implemented by: WRD KWA LSGD IND</p> <p>To be monitored by: RRC</p> <p>Directions to be ensured by: KSPCB</p> <p>To be overseen by: Chief Secretary</p>		

	<p>ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.</p> <p>(ii) SPCBs/PCCs may ensure remedial action against non-compliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions. This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.</p> <p>(iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default</p>			
	<p>to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.</p>			
	<p>(iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basin-wise macro picture in terms of gaps and needed interventions.</p>			
	<p>(v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.</p>			
	<p>List for further consideration on 21.05.2020, unless required earlier. A copy of this order be placed on the file of O.A. No. 606/2018 relating to all States/UTs and be sent to Chief Secretaries of all States/UTs. Secretary MoEF&amp;CC, Secretary Jal Shakti and Secretary, MoHUA." (emphasis supplied)</p>			
	<p>Para 6 : Thereafter on 21.05.2020, wherein the Tribunal directed data collection by river basin; reduction of timelines; the Central Government to facilitate the State/UTs efforts; and CPCB to study extent of reduction of pollution load. The following directions were issued:-</p> <p>"26. Summary of directions:</p> <p>i. All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation &amp; 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;</p>			

<p>adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.</p> <p>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.</p> <p>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.</p>			
<p><del>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.</del></p>			
<p>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.</p>			
<p>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.</p>			
<p>iv. Accordingly, we direct that States which have not addressed all the action points with regard to the</p>			

	<p>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.</p> <p>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."</p>			
3.	The unutilized capacity of the existing STPs may be utilized expeditiously.	Kerala Water Authority		
		To be monitored by: RRC		
4.	The States/UTs may ensure that the CETP, ETPs and STPs meet the laid down norms and remedial action be taken wherever norms are not met.	To be implemented by: WRD KWA LSGD IND		
		To be monitored by: RRC		
		Monitoring of compliance to standards and norms: KSPCB		
		To be overseen by Chief Secretary		
5.	It must be ensured that no untreated sewage/effluent is discharged into any water body. Prompt remedial action may be taken by the State PCBs/PCCs against non-compliant ETPs/CETPs by closing down or restricting the effluents generating activity, recovering compensation and taking other coercive measures following due process of law.	Directions to be ensured by: KSPCB		
		To be overseen by Chief Secretary		

6.	<p>Directions outlined in Paras 24-26 herein may be implemented by the States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level.</p> <p>Para 24 : The violation of mandate of 100% treatment of sewage may be visited with the assessment and recovery of compensation and violation of timelines for setting up of pollution control devices may also be likewise strictly enforced with the compensation regime in place. There is also need for fully utilizing and augmenting the existing infrastructure as already noted above.</p> <p>Para 25 : The States/UTs may consider using HAM as a business model as well as OCOP concept, FSSM Policy, alternative models for treatment of sewage/faecal sludge, decentralized STPs and also strengthen the online monitoring system. We are also of the view that flood plain zones of all the rivers need to be mapped and demarcated and encroachments removed therefrom. The same be utilized for plantation, creation of bio-diversity parks and constructed wetlands or other recreational purposes, consistent with the environmental concern. We agree with the OC that river side mining needs to be regulated. To reduce the timelines for setting up of STPs, many States/UTs are consuming time in preparing DPRs whereas model DPRs can be prepared and used for shortening the timelines. Similarly, SOPs need to be prepared for the timeline to be taken in setting up of STPs as well as for maintenance and operation of existing STPs particularly those not meeting the norms. Number of monitoring stations also needs to be suitably increased. We are also of the view that the State RRCs must function effectively and the Chief Secretaries must hold monthly meetings as it is found from the report of the OC for the State of UP that the Chief Secretaries may not be doing so. Huge failures of the States/UTs may show poor governance as far as environment is concerned which may need to be remedied. As found by the CMC, neither delay is explained nor accountability is fixed for the failure of the concerned officers which is not a happy situation.</p> <p>Para 26 : While dealing with the control of pollution of River Ganga, the Tribunal noted that following action points for monitoring:</p>	<p>To be implemented by:</p> <p>WRD KWA LSGD IND</p> <p>Monitoring by RRCs.</p> <p>To be overseen by Chief Secretary</p>		
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	<p>i. Setting up of STPs. Interception and Division (I&amp;D) of drains and preventing untreated sewage and effluents</p> <p>ii. Use of treated water</p> <p>iii. Use of sludge manure</p> <p>iv. Status of septage management</p> <p>v. Compliance in relation to industries</p> <p>vi. Installation of STPs/treatment facilities in Hotels/Ashrams and Dharmshalas.</p> <p>vii. Water quality monitoring of river Ganga and its tributaries.</p> <p>viii. Maintenance of environmental flow in river Ganga.</p> <p>ix. Disposal of Bio-medical waste.</p> <p>x. Compliance of Solid Waste Management (SWM) Rules, 2016.</p> <p>xi. Preparation of maps and zoning of flood plains.</p> <p>xii. Mining activity under supervision of the concerned authorities.</p> <p>xiii. Action against identified polluters, law violators and officers responsible for failure for vigorous monitoring.</p> <p>CMC/RRCs/ OC for UP may conduct further monitoring keeping in mind the above action points.</p>			
7.	<p>Wherever action plans have not yet been finalized in respect of polluted river stretches or polluted coastal stretches, the same may be completed within one month from today. The execution of action plans may be overseen in the manner already directed in OA 673/2018 by River Rejuvenation Committees (RCCs). In the coastal areas, the said Committees may be known as 'River/Coastal Rejuvenation Committees'. The action plans must have provision for budgetary support in the manner laid down by the Hon'ble Supreme Court or otherwise which aspect may also be monitored by the CMC.</p>	<p>To be implemented by:</p> <p>WRD KWA LSGD IND</p> <p>Monitoring by RRCs</p> <p>To be overseen by Chief Secretary</p>		
8.	<p>Directions outlined in Para 29 herein may be implemented by the concerned coastal States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level. OA No. 829/2019 stands disposed of and further monitoring of the issue, will henceforth be in OA 593/2017 and OA 673/2018.</p> <p>Para 29 :While the CPCB report mentions the directions issued to 13 Coastal State PCBs/PCCs but compliance of such directions needs to be monitored. We have dealt with OA Nos. 593/2017 and 673/2018, dealing with the setting</p>	<p>To be implemented by:</p> <p>WRD KWA LSGD IND</p> <p>Monitoring by RRCs</p>		

	up of ETPs/ STPs/CETPs and preventing discharge of untreated effluents/sewage into the rivers hereinabove. The subject of coastal pollution needs to be dealt with in the same manner as polluted river stretches by preparing action plans of each States/UTs which may also be monitored by the Central Monitoring Committee (CMC) simultaneously with the 351 polluted river stretches and the said subject may also be covered in the next report of the CMC. As already mentioned, the CMC is to be headed by the Secretary, Ministry of Jal Shakti and assisted by the CPCB and NMCG and at the States/UTs level, the Chief Secretaries have to monitor the compliance status and give reports to and interact with the CMC.	To be overseen by Chief Secretary		
	OA No. 829/2019 stands disposed of and further monitoring of the issue will henceforth be in OA 593/2017 and OA 673/2018.			
9.	<p>Directions outlined in Para 34 and 35 herein may be implemented by the States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level. OA No. 148/2016 stands disposed of and further monitoring of the issue will henceforth be in OA 593/2017 and OA 673/2018.</p> <p>Para 34 :In view of the above reports finding a huge gap in utilisation of sewage treated water, further action needs to be taken by all the States/UTs to ensure updating and enforcement of the action plans for 100% utilization of the treated water for secondary purposes.</p> <p>Para 35 : Since the above issue is interrelated to the issue of operation of STPs, it will be appropriate that this aspect is also now monitored by the CMC headed by the Secretary, Ministry of Jal Shakti and assisted by the CPCB and NMCG. Ministry of Urban Development may also nominate an officer of not below the rank of Joint Secretary in the said Committee. OA No. 148/2016 need not be kept pending separately which stands disposed of as the subject will be henceforth considered in OA 593/2017 and OA 673/2018.</p>	<p>To be implemented by: WRD KWA LSGD IND</p> <p>To be monitored by: RRC</p> <p>To be overseen by Chief Secretary</p>		
10.	CMC may consider development of an appropriate App to enable easy filing and redressal of grievances with regard to illegal discharge of sewage/effluents.	CMC		
11.	The monitoring by the CMC may have the target of reduction of pollution loads and improvement of water quality of rivers and coastal areas.	CMC		



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12.	The CMC may also monitor the setting up of the bio-diversity parks, constructed wetlands and other alternative measures to reduce pollution load.	CMC		
13.	The CMC may also monitor demarcation of flood-plain zones.	CMC		
14.	The treated sewage water may be duly utilized for secondary purposes by preparing appropriate action plans and reports in this regard be filed with the CPCB periodically.	To be implemented and reported to KSPCB by:  WRD KWA  RRC to monitor  KSPCB to file report to CPCB		
15.	CMC may submit its consolidated update report incorporating all the above, before the next date (16.02.2021). Each action point mentioned in Para 26 may be individually covered, and summarized in a tabular format.	CMC		

WRD - Water Resources Department

KWA - Kerala Water Authority

LSGD - Local Self Government Department

IND - Industries Department

RRC - River Rejuvenation Committee

KSPCB- Kerala State Pollution Control Board

-2513-

Corrected on 26.09.2020

Item Nos. 01 to 03

Court No. 1

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

(By Video Conferencing)

**Original Application No. 593/2017**

Paryavaran Suraksha Samiti & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

**Original Application No. 673/2018**

*In Re:* News item published in "The Hindu" authored by Shri Jacob Koshiy, titled "More river stretches are now critically polluted: CPCB"

WITH

Original Application No. 829/2019

Lt.-Col.-Sarvadaman Singh Oberoi

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

**Original Application No. 148/2016**

Mahesh Chandra Saxena

Applicant(s)

Versus

South Delhi Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 21.09.2020

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

SPCBs/PCCs have provided information on STPs and same is attached as Annexure-V.

ii. CPCB vide letter dated 24.08.2020 has requested all States/UTs to submit action plans through online portal of CPCB."

**Going Forward**

34. In view of the above reports finding a huge gap in utilisation of sewage treated water, further action needs to be taken by all the States/UTs to ensure updating and enforcement of the action plans for 100% utilization of the treated water for secondary purposes.

35. Since the above issue is interrelated to the issue of operation of STPs, it will be appropriate that **this aspect is also now monitored by the CMC headed by the Secretary, Ministry of Jal Shakti and assisted by the CPCB and NMCG. Ministry of Urban Development may also nominate an officer of not below the rank of Joint Secretary in the said Committee.** OA No. 148/2016 need not be kept pending separately which stands disposed of as the subject will be henceforth considered in OA 593/2017 and OA 673/2018.

**V. Directions:**

36. Accordingly, we issue following directions:

- i. All the States/UTs may address gaps in generation and treatment of sewage/effluents **by ensuring setting up of requisite number of functional ETPs, CETPs and STPs,** as directed by the Hon'ble Supreme Court in (2017) 5 SCC 326.
- ii. The timeline for commissioning of all STPs fixed by the Hon'ble Supreme Court, i.e., 31.03.2018, has long passed. The Hon'ble Supreme Court directed that the State PCBs must initiate prosecution of the erring Secretaries to the Governments, which

has also not happened. This Tribunal was directed to monitor compliance and in the course thereof, we direct that compensation may be recovered in the manner already directed in earlier orders (See, **Paras 5 and 6** herein); which may be deposited with the CPCB for restoration of the environment.

- iii. The unutilized capacity of the existing STPs may be utilized expeditiously.
- iv. The States/ UTs may ensure that the CETP, ETPs and STPs meet the laid down norms and remedial action be taken wherever norms are not met.
- v. It must be ensured that no untreated sewage/effluent is discharged into any water body. Prompt remedial action may be taken by the State PCBs/PCCs against non-compliant ETPs/CETPs by closing down or restricting the effluents generating activity, recovering compensation and taking other coercive measures following due process of law.
- vi. Directions outlined in **Paras 24-26** herein may be implemented by the States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level.
- vii. Wherever action plans have not yet been finalized in respect of polluted river stretches or polluted coastal stretches, the same may be completed within one month from today. The execution of action plans may be overseen in the manner already directed in OA 673/2018 by River Rejuvenation Committees (RCCs). In the coastal areas, the said Committees may be known as 'River/Coastal Rejuvenation Committees'. The action plans must have provision for budgetary support in the manner laid

down by the Hon'ble Supreme Court or otherwise which aspect may also be monitored by the CMC.

- viii. Directions outlined in **Para 29** herein may be implemented by the concerned coastal States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level. OA No. 829/2019 stands disposed of and further monitoring of the issue will henceforth be in OA 593/2017 and OA 673/2018.
- ix. Directions outlined in **Para 34 and 35** herein may be implemented by the States/ UTs, and their compliance monitored by the Chief Secretaries at the State level, and the CMC at the National level. OA No. 148/2016 stands disposed of and further monitoring of the issue will henceforth be in OA 593/2017 and OA 673/2018.
- x. CMC may consider development of an appropriate App to enable easy filing and redressal of grievances with regard to illegal discharge of sewage/effluents.
- xi. The monitoring by the CMC may have the target of reduction of pollution loads and improvement of water quality of rivers and coastal areas.
- xii. The CMC may also monitor the setting up of the bio-diversity parks, constructed wetlands and other alternative measures to reduce pollution load.
- xiii. The CMC may also monitor demarcation of flood plain zones.
- xiv. The treated sewage water may be duly utilized for secondary purposes by preparing appropriate action plans and reports in this regard be filed with the CPCB periodically.

xv. CMC may submit its consolidated update report incorporating all the above, before the next date. Each action point mentioned in Para 26 may be individually covered, and summarized in a tabular format.

37. A copy of this order may be forwarded to the Chief Secretaries of all the States/UTs, CPCB, NMCB, all PCBs/ PCCs, Secretaries, Ministry of Jal Shakti and Ministry of Housing and Urban Development, by email.

List for further consideration on February 16, 2021...

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 21, 2020  
Original Application No. 593/2017  
Original Application No. 673/2018  
Original Application No. 829/2019  
Original Application No. 148/2016  
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