

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re Ganga Pollution

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Amit Shukla,Anil Tiwari,Arun Kumar,Arvind Agarwal,Ashfaq Husain,B.P. Singh Kachhawah,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Indramani Tripathi,Jagdish Tewari,K.C. Pandey,P.N. Mishra,Ravi Prakash Pandey,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Surya Pratap Singh Parmar,Tarun Agarwal,Uttar Kumar Goswami,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

Counsel for Respondent :- C.S.C.,A.K. Mishra,Ajay Bhanot,Ajit Singh,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,Bheem Singh,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mahesh Narain Singh,Manoj Kumar Singh,Mayank Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,Prabhash Pandey,Pradeep Pandey,R.B. Shukla,Rajendra Kumar Misra,Rajesh Tripathi,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Santosh Kumar Shukla,Saumya Misra,Sudeep Harkauli,Sudhanshu Srivastava,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udai Chandani,Udain Nandan,Udayan Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A. Hashmi

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Siddhartha Varma,J.

Hon'ble Ajit Kumar,J.

Affidavits filed on behalf of Union of India and the State of U.P. are taken on record.

Heard Sri A. K. Gupta Amicus Curiae, Sri V.C. Srivastava and Sri Shailesh Singh, learned counsel for the petitioners, Sri Shashank Shekhar Singh, Additional Chief Standing Counsel for the State of U.P., Sri Manoj Kumar Singh & Sri Rajesh Tripathi learned counsel for the Union of India, Sri Shambhu Chopra, Senior Advocate, assisted by Sri Om Prakash Yadav, learned counsel for the Central Pollution Control Board and Ms. Anjana Singh on behalf of respondent no. 9.

In compliance of our previous order dated 28.1.2021, Sri A.K. Gupta, Amicus Curiae, Dr. H.N. Tripathi, learned counsel for the U.P. State Pollution Control Board, Sri Rajesh Tripathi, learned counsel for the Central Government and Sri Manu Ghildiyal, brief holder for the State personally visited the STPs and various ghats and have submitted their joint inspection report. According to the report, many of the STPs were found to be of less capacity than the actual requirement, e.g. Numaya Deeh Sewage Treatment Plant which has installed capacity of 50 MLD was receiving 61.15 MLD of sewerage. Likewise, the installed capacity of Godra STP is 25 MLD, but on an average, it was receiving between 23.5 MLD to 26 MLD. It is also stated in the report that at present, only 6291 houses are connected to the sewer line, whereas the said STP was constructed to cater to the sewerage water coming from 24,089 houses. As and when all the houses are connected to sewer line, the STP will not be able to meet the inflow of sewerage. In similar fashion, the details of other STPs is also given in the said report. The team found that the drains which are untapped and are being presently treated by process of bio-remediation are discharging foul smelling water. The Committee has raised doubts about the very process of treating sewerage water by process of bio-remediation. The report also specifically mentions that 50% of the existing nallas are still not connected with sewerage treatment plants, or if connected, are overflowing. In nutshell, the team had concluded that large quantity of untreated water is still flowing into the rivers and a huge amount of public money is getting wasted. The team also mentioned that use of plastic bags is rampant in the city and the plastic waste which gets generated is choking the sewer lines.

An affidavit has been filed by Ms. Sunita Sharma, Advocate, along with which number of photographs of different nallas and sewage treatment plants have been filed. She has also supported the findings of the joint inspection team.

Another affidavit has been filed by Harchetan Brahmachari Ji Maharaj. It is stated that garbage and municipal waste is still being dumped in Mela area and on the banks of the two rivers. Certain photographs have also been filed in support of the said allegation.

An affidavit has been filed by Officer Incharge, Magh Mela, Prayagraj, stating that 4,000 cusec water is being released from Narora Barrage on regular basis. Sri Shashank Shekhar Singh, learned Additional Chief Standing Counsel, after verifying from the officer present in court, stated that 4,000 cusec water is being discharged on daily basis. We hope that during entire mela, a constant water level shall be maintained so that no difficulty is caused to the pilgrims taking dip in the holy rivers.

In the said affidavit, a report given by U.P. State Pollution Control Board has been annexed. According to it, the PH level of the water samples taken at different points is around 8.5 on an average. The range within which the PH level should be maintained as per the said report is 6.5 to 8.5. Sri A.K. Gupta, learned Amicus Curiae, pointed out that the very fact that PH level of water is touching the maximum permissible limit, is ample proof of the fact that quality of water is not good, nor fit even for bathing purposes. He submitted that the optimum PH level that should be maintained is 7, whereas it far exceeds the said limit. He further pointed out that the report is silent in respect of fecal coliform. The report also does not disclose that at which point the sample was taken. According to him, the sample should be taken at two points, i.e. upstream and

downstream and then only it would be possible to ascertain the quality of water. He further pointed out that even in the testing report relating to effluents being discharged by STPs, the parameter relating to fecal coliform is missing. At this point, we may also note that there are repeated allegations that during night time, the STPs are shut down and the sewage water is directly discharged into the rivers.

In the above backdrop, we would require the Chairman, U.P. State Pollution Control Board to file his personal affidavit, making the following disclosures: -

(a) The interval at which water samples are taken for testing. It shall clearly be specified whether any water sample is taken after sunset and before sunrise. In this regard, the extract of relevant records maintained by the Board in last three months shall be brought on record.

(b) What is the procedure being followed by the Board to monitor discharge of effluents from STPs during night time.

(c) Whether the effluents are tested on the parameters laid down by the Central Pollution Control Board. The relevant records relating to testing of effluents from sewage treatment plants of last three months shall be brought on record.

(d) The relevant records relating to monitoring of the effluents from untapped nallas that are allegedly being treated by process of bio-remediation shall also be filed. The affidavit shall disclose the mode of monitoring the water discharge from such drains and whether the same meets the laid down standards or not.

Learned Additional Chief Standing Counsel prays for a weeks' further time to file affidavit on behalf of the State Government, as directed by order dated 28.1.2021. The time prayed for is

granted.

The Nagar Ayukt, Nagar Nigam, Prayagraj and the Officer Incharge, Magh Mela, Prayagraj shall file their personal affidavits disclosing further action taken by them in the meantime for ensuring compliance of the ban imposed by the State Government on use of plastic bags of thickness less than 50 microns. In order to implement the said direction, we hereby direct the Senior Superintendent of Police to provide all possible assistance to the Mela Authorities/Municipal Authority. All efforts should be made to cut the supply chain of plastic bags of thickness below the prescribed norms.

Union of India is granted time to respond to the findings in Para 5 of the joint inspection report that certain STPs though installed, are still not functional.

List on 22nd February, 2021, at 02:00 p.m.

(Manoj Kumar Gupta, J.)

(Siddhartha Varma, J.)

(Ajit Kumar, J.)

Order Date :- 9.2.2021

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