

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 128/2021

Saurabh Tiwari

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Saurabh Tiwari, Applicant in person

ORDER

1. Grievance in this application is against pollution of rivers *Varuna* and *Assi* in Varanasi by discharge of untreated sewage and unauthorized constructions.

2. Case set out in the application is that the above rivers are tributaries to river Ganga and cleaning of river Ganga cannot be imagined without first ensuring prevention of pollution of the said rivers. The pollution of the said rivers is subject matter of various media reports. Water quality of river Ganga at Varanasi is in bad condition. Fecal coliform bacteria count at Varun-Ganga confluence is 71 million per 100ML of water (Ganga Jal) and fecal coliform count at Assi River and Ganga confluence is 52 Million per 100ML of water and on Assi *Ghat* fecal coliform is 1 lakh 40 thousand per 100ML of Ganga Jal. Permissible limit of fecal coliform bacteria should not exceed 500 per

100ML of water. Reference has been made to a report on water quality prepared by Sankat Mochan Foundation in Varanasi. It is further stated that there is concrete construction inside Ganga water channel at Lalita Ghat.

3. Having regard to the seriousness of the allegations but without expressing any opinion thereon at this stage, we consider it appropriate to direct taking of remedial measures for restoration and rejuvenation of rivers Assi and Varuna by requiring the statutory authorities in the State of UP to perform their responsibility in accordance with judgments of the Hon'ble Supreme Court in *Paryavaran Suraksha case*¹ and other cases, including directions relating to control of pollution of Ganga and orders of this Tribunal in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.*, O.A. No. 673/2018, *In Re: News item published in "The Hindu" authored by Shri Jacob Koshy, titled "More river stretches are now critically polluted: CPCB"* and O.A. No. 200/2014, *M.C. Mehta v. UOI & Ors.* (relating to river Ganga).

4. We also constitute an independent Monitoring Committee for the purpose comprising CPCB, State PCB, National Mission for Clean Ganga (NMCG) and District Magistrate, Varanasi. The State PCB will be the nodal agency for coordination and compliance. The Committee may meet within two weeks and review the action plan on the subject in the light of the pre-existing action plans, if any, with such modifications as may be necessary. The Committee will be at liberty to take assistance of any other expert/institution, including an Agency dealing in rejuvenating works. It may undertake field visit, including sample collection and analysis as required.

¹ (2017) 5 SCC 326

5. Based on the report of the Committee, the NMCG may give an action taken report in the matter before 04.08.2021 (on which date O.A. No. 200/2014 dealing with rejuvenation of river Ganga is already listed). The Report may cover status on water quality of Assi, Varuna, action taken on diversion and treatment of sewage, water quality of upstream and downstream of confluence of Assi and Varuna to River Ganga, demarcation of Flood Plain Zones of Assi, Varuna and Ganga (in the said area), in accordance with the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. The action taken report may be furnished by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration 04.08.2021.

A copy of this order be forwarded CPCB, State PCB, NMCG and District Magistrate Varanasi by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 17, 2021
Original Application No. 128/2021
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