

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

(By Video Conferencing)

Original Application No. 488/2019

(With report dated 10.12.2020)

Babulal Jaju, People for Animals

Applicant(s)

Versus

State of Rajasthan

Respondent(s)

Date of hearing: 22.02.2021

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

ORDER

1. A factual and action taken report was sought from the Rajasthan State Pollution Control Board ("State PCB") with reference to the **pollution of rivers Banas and Kothari and Gandhisagar Talab, Nehru Talai, Mansarovar lake and other ponds in District Bhilwara, Rajasthan** adversely affecting the inhabitants of 20 adjoining villages, by discharging of industrial and municipal liquid waste.

2. The matter was thereafter considered on 26.06.2020 in the light of report of the State PCB dated 03.03.2020 mentioning the extent of pollution. It was observed:

"2. Accordingly, a report has been filed by the State PCB on 03.03.2020 mentioning the extent and sources of pollution. Reference has also been made to remedial action take in pursuance of orders of this Tribunal in other proceedings on the issue being O.A. No. 111/2016 and O.A. No. 725/2018.

3. It is further stated that **the water quality, at the time of inspection leading to the said report, was found to be deficient in certain respects viz., high sulphate value and TDS. The river stretch downstream of village Mandpiya, Bhilwara is affected by discharge of untreated effluents in Guwardi Drain, from villages located along the bank of river Banas. It is further stated that high hardness, TDS, Chloride, Sulphate and Iron values were reported in water samples near the house of Vijay Singh Rathore, village – Gurha/Gudda, Tehsil- Mandal, District – Bhilwara.** Further, on survey and sampling of Gandhisagar Talab, Nehru Talab, Mansarovar Lake and other ponds, it was found:-

a) Four Sluice gates are provided at the entrance of drains entering Nehru Talai (three numbers) and Gandhisagar Talab (one number).

b) **Still, a considerable quantity of Municipal Sewage was being observed in the Gandhisagar Talab and Nehru Talai coming from adjacent colonies. However, comparatively less quantity was observed in drains terminating in Mansarovar Lake.**

c) In the Gandhisagar Talab, five surface aerators were provided to maintain the oxygen level, out of which only one was found operational.

d) Approximately 45 MLD municipal liquid waste is being generated from Bhilwara City (according to RUIDP letter dated 18.01.2019), a part of which is being treated by Sewage Treatment Plant (STP) of 10 MLD capacity located at Village - Kuwada, Tehsil and District - Bhilwara operated by M/s Jindal Saw Ltd. which is being pumped through a 23 km pipeline for reusing in their beneficiation plant. **For treating remaining domestic sewage, RUIDP is constructing a STP of 30 MLD capacity at Village - Kuwada, Tehsil and District - Bhilwara (near, Jindal Saw STP) which shall be completed tentatively by 20.08.2020 as informed by Superintending Engineer, RUIDP, vide letter no. RUIDP PH-III/ BHL/692 dated 18.01.2019.”**

4. The report also mentions that on analyzing surface water in Bhilwara city, BOD results of Gandhisagar and Nehru Talab were exceeding the prescribed limits. The State PCB directed the Municipal Council, Bhilwara to provide report in respect of untreated municipal water being discharged, along with a factual and action taken report and current status.

5. We find that O.A. No. 111/2016 and O.A. No. 725/2018 were earlier disposed of, after recording statement on behalf of the State PCB that requisite remedial action had been taken.

6. The above report shows that while certain steps may have been taken earlier, **further monitoring needs to be continued by the State PCB in coordination with concerned authorities to prevent pollution of the water bodies involved. Let the same be done. A report of further monitoring may be filed by the State PCB after three months by 31.10.2020 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.**”

3. Accordingly, further report has been filed by the State PCB on 10.12.2020 giving the analysis of water sources along the Kothari and Banas river stretches. The report states that the State PCB issued directions to the Municipal Council, Bhilwara to take effective action to prevent pollution. Status reported vide letter dated 24.09.2020 by the Rajasthan Urban Infrastructure Development Program (RUIDP) is as follows:

- “5. xxx.....xxx.....xxx
- a) The Sewage Network proposed under RUIDP includes the surrounding area of lake namely Nehru Talab (Love Garden) and Gandhisagar Talab.
 - b) A Sewer Network of 410.0 Km is to be laid down in the main City Area and 42.81% progress is done, till date, this work is likely to be completed up to 31.12.2021.**
 - c) Progress of Construction work of Sewerage Treatment Plant (30 MLD capacity) is 69.13% till date and this work is likely to be completed up to 30.06.2021.**
 - d) Progress of Construction work of Sewerage Pumping Station (48 MLD capacity) is 70.91% till date and this work is likely to be completed up to 30.06.2021”**

4. The above report shows that though offence of pollution is openly taking place in violation of the provisions of the Water (Prevention and Control of Pollution) act, 1974 and judgement of the Hon’ble Supreme Court in Paryavaran Suraksha (2017) 5 SCC 326, requiring prosecution of the State officers if by 31.3.2018, requisite STPs, ETPs and CETPs are not installed and untreated waste is discharged in water bodies, neither any prosecution is shown to have been initiated nor compensation for continuing pollution is being assessed and recovered. This is failure of

rule of law and breach of obligation of the State to maintain pollution free environment, to the prejudice of the citizens. Further, the Tribunal, vide order dated 28.08.2019 in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.*, directed recovery of compensation for the delay in commencing and setting up of STPs, ETPs and CETPs as per schedule laid down therein. The said order has been reiterated today by a separate order in the said matter.

5. Let further action be ensured for enforcement of rule of law by the concerned higher authorities, fixing responsibility of the erring officers and initiating necessary coercive measures.

The application is disposed of.

A copy of this order be forwarded to the Chief Secretary, Rajasthan, the State PCB and the District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 22, 2021
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