

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

I.A. No. 551/2019

IN

Original Application No. 673/2018

M.A. No. 1777/2018

(Filed by the MOEF&CC for extension of time)

News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB

Date of hearing: 04.09.2019

**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**

For Applicant(s): Mr. Balendu Shekhar, Mr. Raj Kumar, Advocates
for MoEF&CC

ORDER

1. The main application-O.A. 673/2018 deals with the remedial action in '351 polluted River stretches' identified as such by the CPCB. All the States, UTs have been required to prepare action plan and execute the same so as to bring the water quality in the said river stretches atleast

fit for bathing. Considering the steps taken in the matter on 08.04.2019, this Tribunal directed constitution of Central Monitoring Committee (CMC) comprising of representatives from NITI Ayog, Ministry of Water Resources (MoWR), Urban Development Department, MoEF&CC, NMCG and CPCB representing the Central Government and the Chief Secretaries representing the States/UTs so that a holistic view can be taken on all significant aspects of remedying 351 river stretches.

2. Thereafter on 24.04.2019., the Tribunal directed that the CMC should also include the issues dealt with in the present matter in the light of the report of the CPCB identifying the gaps in compliance of Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016, Bio Medical Waste Management Rules, 2016, air pollution in 102 cities, pollution in 100 polluted industrial clusters, illegal and unscientific sand mining, these subjects being integral to the purpose for which CMC was being constituted as mentioned in sub para (ii) above.¹ Further, a suggestion was given that the authorities allocating funds such as Finance Commission or other Central Government Departments may consider incentives to encourage compliance and impose appropriate conditions to ensure such compliance. The Tribunal further directed that the CMC may also take cognizance of issue of reuse of treated water as the said matter deals with improving ground water regime and therefore was connected to remedying the 351 polluted river stretches.² The Tribunal further directed that the Chief Secretaries may monitor the issue at the State level and the

¹ O.A. No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 (in respect of State of Karnataka).

² Vide order dated 10.05.2019 in O.A. No. 148/2016, Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation & Ors.,

CMC may consider the matter at national level as the said matter deals with improving ground water regime and therefore was connected to remedying the 351 polluted river stretches. The Tribunal suggested that the Ministry of Drinking Water (now Jal Shakti) may also be added to the nominees representing Central Government. The deliberations may be preferably presided over by the Cabinet Secretary. If viable, PMO may depute an observer at important deliberations³. The Tribunal suggested that the Ministry of Drinking Water (now Jal Shakti) may also be added to the nominees representing Central Government. The deliberations may be preferably presided over by the Cabinet Secretary. If viable, PMO may depute an observer at important deliberations. ⁴

3. The matter was considered further on 18.07.2019⁵, and it was directed:

“47. We find no justification for a request to close OA 673/2018 in absence of satisfactory progress in dealing with the control of pollution in 351 polluted river stretches. Closure of such cases will be against the mandate for this Tribunal under the law of the land. We expect the CMC to give its considered report at the earliest and before 31.08.2019. If no such report is received the Tribunal may have to proceed further on the date fixed without the benefit of such a report.”

4. O.A. No. 673/2018 is now listed for hearing on 29.11.2019.

³ Vide order dated 10.05.2019 in O.A. No. 325/2015, Lt. Col. Sarvadaman Singh Oberoi Vs. Union of India & Ors.

⁴ Vide order dated 17.05.2019 in OA No. 606/2018.

⁵ O.A. No 606/2018 relating to Jammu and Kashmir

In view of above, if the report is furnished by October 31, 2019,
the same may be put up for consideration on the date fixed.

The Application is disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

September 04, 2019

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