

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL**

**Original Application No. 139/2013 (CZ)**

**AND**

**Original Application No. 33/2014 (CZ)**

**AND**

**Original Application No. 30/2014 (CZ)**

**IN THE MATTERS OF**

**Akhil Bhartiya Vidyarthi Parishad & Anr. vs. Union of India & Ors.**

**AND**

**M.N.P.N.E.V.S. & Two Ors. Vs. State of M.P. & 5 Ors**

**AND**

**Shailendra Singh Bisen & Ors. vs. State of M.P. & 9 Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT :** Applicant : Shri Sachin Dave, Advocate  
Respondent No.2, 5 to 17, 19, : Shri Sachin K. Verma, Advocate  
24 to 38 & 41  
Respondent No.18 & 20 : Shri Shinvindu Joshi, Advocate  
Advocate for Shri Purushaindra Kaurav,  
Respondent No. 40,42,43 & 45 : Shri E.A. Qureshi, Advocate  
Respondent No. 4 : Shri Yadvendra Yadav, Advocate  
Respondent No. 1 : Shri Vivek Choudhary, Advocate  
Respondent No. 39 : Shri S.K. Dubey, Advocate  
Respondent No. 2.: Shri Sandeep Singh, Advocate

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item Nos. 1, 2 &amp; 5(Connected) 3<sup>rd</sup> April, 2014</b>	<p>All these three matters pertain to the problem of pollution in the river Narmada passing through the State of Madhya Pradesh. While O.A. No. 139/2013 was filed directly before this Tribunal by the Applicant namely Akhil Bhartiya Vidyarthi Parishad &amp; Ors, the other two Applications i.e. OA No. 33/2014 and OA No. 30/2014 were registered after their transfer from the Hon'ble High Court of Madhya Pradesh where the Writ Petition No. 5058/2009 came to be filed by the Applicant namely Maa Narmada Pradushan Niyantarak Evam Vikas Samiti &amp; Ors. and Writ Petition No. 1182/1997 by the Applicant Shri Shailendra Singh Bisen &amp; Ors. way back in the year 1997.</p> <p>This Tribunal while dealing with OA No. 139/2013 on 13<sup>th</sup></p>

January, 2014 had suggested whether it was possible for the State Government to consider constituting a single agency for dealing with the aforesaid problem as several agencies and parties are involved who have to take respective measures in accordance with mandate given to them under their jurisdiction and sometimes it would be difficult to coordinate the work and also to avoid overlapping in the execution of the works undertaken by various agencies.

We enquired from the learned counsel for the State whether the State can consider the aforesaid aspects to which the learned counsel Shri Sachin Verma informed us that at present moment it is not possible for the State due to the imposition of the Model Code of Conduct due to the ensuing General Elections to undertake the aforesaid exercise. However, he submits that once the election process is over and the Model Code of Conduct ceases to operate, the matter shall be dealt at the highest level.

Learned counsel Shri Shivendu Joshi appearing for the State Pollution Control Board as well as Shri Yadvendra Yadav learned counsel for the CPCB submitted that the Government of India had, in fact, conceived the National Conservation Resources Directorate for dealing with the aforesaid problem and several rivers in the country including the Narmada had been identified as being highly polluted requiring urgent steps to be taken to improve the water quality of the river. It was submitted that with respect to the river Narmada, this task was entrusted to the MPPCB as was mentioned in the reply filed before the Hon'ble High Court in Writ Petition No. 1182/1997 wherein it has been stated that the MPPCB is the Nodal Agency for preparation of the feasibility report in this behalf and its subsequent execution of various schemes and measures to be taken for the aforesaid purpose. It has been submitted that the guidelines which were provided had already highlighted various issues which

are as follows : -

1. Interception and Development;
2. Sewage Treatment Plants;
3. Crematoriums ;
4. Low-Cost Sanitation;
5. River Front Development;
6. Afforestation;
7. Solid Waste Management;
8. Land Acquisition apart from others.

As would be seen from the above, these tasks fall within the jurisdiction of different Departments of the State Government including the Urban Administration and Development Department, Housing & Environment Department, Forest Department, Water Resources Department name a few apart from the concerned District Collectors and the Local Municipalities. So far as the execution of the aforesaid works under these heads are concerned keeping in view of the provisions of the Environment Protection Act, 1986 read with provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, the Pollution Control Boards which are constituted only for the purpose of monitoring as well as for giving directions and therefore cannot, as far as we understand, carryout the execution of various works which may be required for dealing with the aforesaid issues. These specific tasks under the heads would be required to be carried out by various Departments and agencies of the State. It was in this connection that this Tribunal had earlier suggested that the State Government shall consider setting-up of a Nodal Agency under a senior officer to hold the same for coordinating between various Departments executing the works as well as for monitoring the progress of these works.

We, therefore, in the light of the above, would still like to emphases the State Government to consider whether it would be feasible looking to the issues involved and various issues already identified right from the year 1997 when the matter was highlighted before the Hon'ble High Court in the Writ Petition No. 1182/1997

filed by Shri Shailendra Singh Bisen and the replies submitted by the various Departments before the Hon'ble High Court regarding the steps which had been initiated by them.

Since we have consolidated all these three OAs and directed the same to be heard together in the matter, we would like to know from the learned counsel for the Respondents the progress made so far on the projects and schemes which had been initiated as mentioned in their replies filed before the Hon'ble High Court and whether those schemes have been completed. We would also like to know from the Respondents whether the aforesaid measures having been brought into place have, in fact, worked to the satisfaction so as to deal with the issue and problem relating to the pollution in the river. Since the earlier petitions filed before the Hon'ble High Court only deal with the problems highlighted in so far as the city of Jabalpur and the area of the riverfront near Jabalapur is concerned and the subsequent application No. 139/2013 filed by the Akhil Bhartiya Vidyarthi Parishad & Ors is a more comprehensive petition dealing with various issues throughout the river course of the Narmada, the Respondents shall submit their response with regard to the specific issues raised by the Applicant at the various problematic points highlighted by the Applicant in OA No. 139/2013.

We also find from the compliance report submitted in the Writ Petition No. 5058/2009 (OA No. 33/2014) as submitted by the MPPCB that the State Government vide its order dated 14<sup>th</sup> June, 2012 had constituted an Inter-Departmental Coordination Committee with the Vice-Chairman of the Narmada Valley Development Authority being the Chairman of the Committee and the following persons as the Members of the Committee (a) Principal Secretary, Urban Administration (b) Principal Secretary, PHE, (c) Principal Secretary, Forest (d) Principal Secretary, Agriculture (e) Principal Secretary, Housing & Environment (f) Principal Secretary, Industry, (g) Principal

Secretary, Revenue (h) Executive Director, EPCO and Member Secretary, Pollution Control Board as the Convenor of the Committee.

We would, therefore, like to know from the learned counsel for the State as well as learned counsel for PCB as to the present status of the aforementioned Committee and whether such Committee is in existence and holding its meetings regularly and the measures the Committee has suggested till now for the aforesaid problem.

The replies have been filed by the Respondent Nos. 15, 17, 35, 41 and 46 in O.A. No. 139/2013. The same are taken on record.

**List on 9<sup>th</sup> May, 2014.**

**M.A. No. 169/2014**

This application has been filed by Shri Sachin Verma, learned Standing Counsel for deleting the name of Respondent No. 10/Secretary, Water Resources from the array of parties. However, he states that in the light of the reply submitted before the Hon'ble High Court in the aforesaid writ petition before the case was transferred to NGT, he does not want to press this application.

This application stands dismissed as not pressed.

.....JM  
(DALIP SINGH)

.....EM  
(P.S.RAO)