

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

Original Application No.276 of 2013

And

M.A. No.59 of 2014

In

Original Application No.20 of 2014

Ashwani Kumar Dubey Vs. Union of India & Ors.

And

Jagat Narayan Viswakarma and Ors. Vs. Union of India & Ors

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant:	Mr. M.Z. Choudhary, Mr. Avinnash Prasad and Mr. Ashwini K. Dubey, Advocates
Respondent No. 1:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates & Ms. Seema Rao
Respondent No.3:	Mr. Raman Yadav
Respondent No.4:	Mr. Rajul Shrivastav, Advocatr for MPPCB
Respondent No.6&9:	Mr. Raman Yadav & Mr. Atifsuh Rawardy, Advocates
Respondent No.7:	Mr. Daleep Kumar Dhayani, Advocate and Mr. Vikas Singh, Advocate
Respondent No.10 to 12:	Mr. Bharat Sangal, Advocate
Respondent No.13,15, 16 & 21:	Mr. Syed Shahid, Advocate & Mr. Parag P. Tripathi, Senior Advocate
Respondent No.19&20:	Mr. Pradeep Misra, Advocate
Respondent No.22:	Mr. Rajat Jariwal and Ms. Anisha Somal
Respondent No.23&27:	Mr. Pawan Upadhyay and Mr. Sarvjit P. Singh
Respondent No.24:	Mr. Harsh Sethi for VHS Legal

Date and Remarks	Orders of the Tribunal
Item No. 17 & 18 August 25, 2014	<p>None of the parties have filed any objection / suggestions to the proposed Committees and the ToR. The only prayer made is that the Chairman, Central Pollution Control Board be permitted to be substituted by the Member-Secretary of the CPCB. Ordered accordingly.</p> <p>Therefore we constitute the following Committees with the ToR as indicated as below.</p> <p style="text-align: center;"><u>Monitoring of potential hazards of Industrial Development in Singrauli Area</u></p> <p><u>Core Team:</u></p> <ol style="list-style-type: none">a. Member Secretary, Central Pollution Control Boardb. Member Secretary, Madhya Pradesh Pollution Control Boardc. Member Secretary, Uttar Pradesh Pollution Control Board

- d. Director of Indian Agricultural Research Institute
- e. Director of Indian Council of Forestry Research and Education
- f. Director of National Institute of Hydrology
- g. Director of Indian Institute of Toxicology Research
- h. Dr.I. M Mishra, Chemical Engineering, Department, IIT Roorkee
- i. Dr.Vinod Tare, Professor Environmental Engineering, IIT Kanpur
- j. Dr. T. Chakrabarti, Visvesvaraya National Institute of Technology, Nagpur.
- k. Prof.KanchanChopra, Institute of Economic Growth.
- l. Nominee of Director, All India Institute of Medical Sciences
- m. Nominee of Director, National Institute of Occupational Health, Ahmedabad.
- n. Joint Director, EIADivision, Ministry of Environment and Forests.

Terms of Reference:

- a) Conducting survey/s of all the industries (thermal power plants, coal mines, etc.) to assess the pollution caused by them as a result of their activities.
- b) Synthesis of data compiled by Sub-Committee 1 to 5 for identifying causative factors- industry wise.
- c) Suggesting remedial measures that are required for restoration of the environment and prevention of pollution in the area (both Uttar Pradesh & Madhya Pradesh)- industry wise.
- d) To guide each of the sub-committee and seek progress of work on fortnightly basis. The core - team may nominate members of core-team based on their subject expertise to look into day to day affairs of sub-committees.
- e) The Committee shall submit its final report directly to NGT within 3 months;

Note:

- a. The expenditure in conducting the inspection, survey and studies will be met by the respective State Governments for the region and they may be permitted to recover it from the industrial units, thermal power and coal mines on pro-rata basis.
- b. The non-Government members be given the sitting fees for the meetings/inspections, actual travelling expenses incurred by them as may be decided by the core-team.

Quantification of Industrial impacts
Sub-Committee-1

Terms of Reference:

- Inventory of existing industries – industry wise:
 - a. Production: in terms of each product either per day or per month basis.
 - b. Raw material used: In terms of each raw material including fuel and water per day & its source.
- Pollution load generation:
 - a. Water- quantity of each of the significant pollutant per day before & after treatment.
 - b. Air- quantity emission in terms of each pollutant per day.

- c. Fly-ash-quantity per day.
- d. Hazardous waste-quantity & type/day.
- e. Others, if any – specify & quantify
- Compliance Status:
 - a. Environmental Clearance conditions
 - b. Forest Clearance conditions
 - c. Consent conditions
- Adequacy of each of the pollution control measure/s.
- Daily basis Vehicular traffic census especially in and around residential clusters. Ambient air quality should also be monitored in the above residential areas.
- Vehicular census and their usages data to be used for quantification of pollution load generation from the vehicles (petrol and diesel driven separately).
- Overall working and deficiency, if any.

Team:

- a. Zonal Officer of the Central Pollution Control Board, Lucknow and Bhopal.
- b. Regional Officer of Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board.
- c. Indian Institute of Toxicology Research, Lucknow.
- d. Expert on Environmental Issues from Indian School Mines.
- e. Regional Officer, Ministry of Environment and Forests Bhopal and Lucknow.
- f. Member Secretary, Central Pollution Control Board to co-ordinate the entire work as per the ToR and follow Standard Sampling Methodology.

Potential impact of pollution on water resources
Sub-Committee-2

Terms of Reference:

- Water Quality Survey of the area
- Appropriate sampling methodology should be adopted to give representative picture of the entire area vis-à-vis location of industries.
- Inventory of sources (surface and groundwater sources) and their utilization status.
- Physical, — chemical and micro-biological properties of surface and ground water sources with special reference to concentration of heavy metals including mercury, and other hazardous waste, if any.

Team:

- a. Representative of the Central Ground Water Authority having experience in Water Quality
- b. Representative of the Ministry of Water Resources having experience in Water Quality
- c. Representative of State Irrigation Department having experience in Water Quality
- d. Representative of National Institute of Hydrology from Water Quality Laboratory

Potential impact of pollution on land resources
Sub-Committee-3

Terms of Reference:

- Representative samples of soil should be collected from areas reasonably away from the industries cluster apart from sampling in and around industries giving due regard to land use.
- General Types of Soil with specific reference to dumping sites and discharge point of effluent/s, nearby agriculture fields and forests.
- Physical and chemical properties of soil with emphasis on mercury and other relevant heavy metals, and soil fertility.

Team:

- a. Representative of Indian Institute of Toxicology Research, Lucknow.
- b. Representative of Central Pollution Control Board, Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board not below the rank of Regional Officer.
- c. An Expert of Soil Science from Indian Institute of Soil Science, Bhopal.
- d. An Expert on Forest Soil from Indian Council of Forestry Research and Education, Dehradun.

Potential Impact of pollution on air quality
Sub-Committee- 4

Terms of Reference:

- Ambient air quality sampling (PM_{2.5}, PM₁₀, SO_x, NO_x, CO, Hg) in the project area based on appropriately designed sampling methodology as per the guidelines of CPCB.

Team:

- a) Representative of the Central Pollution Control Board,
- b) Representative of the Madhya Pradesh Pollution Control Board
- c) Representative of the Uttar Pradesh Pollution Control Board
- d) An expert on Air Quality from National Environmental Engineering Research Institute, Nagpur.
- e) An expert on Air Quality from IIT, Kanpur.

Potential Impact of Pollution on Health
Sub-Committee-5

Terms of Reference And Team:

- a) Base line data on socio-economic aspects, potential health hazards. Sample survey using standard statistically designed epidemiology Study.
- b) On findings of this data, a team of experts comprising of Doctors from AIIMS, King Gorge Medical College, Lucknow to visit the area for conducting sample survey on health profiling of residents and workers.
- c) A team of experts comprising of Doctors and Social Scientist to develop a questionnaire on health impact. This questionnaire to be used for all the survey.

d) Committee to have atleastone Doctor each from Uttar Pradesh and Madhya Pradesh apart from one Social Scientist from each of the state and involvePanchayati Raj Institutions for collection of primary data.

The above Committee shall submit its report to the Tribunal within one month from today. If the final report is not possible to be submitted on record, then place the interim report before the Tribunal for further directions on the next date of hearing.

List the matter for hearing on 26th September, 2014.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Dr. R.C. Trivedi)

