

Item No. 07

(Court No. 01)

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

(By Video Conferencing)

Original Application No. 338/2021

Himanshu Sharma

Applicant

Versus

Union Territory of J & K

Respondent

Date of hearing: 23.03.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. Grievance in this application is against failure to take action to prevent pollution of Ban Ganga River at Katra in Jammu & Kashmir. It is stated that the river is a source of drinking water for the inhabitants of the town but is polluted by discharge of effluents and dumping of garbage in violation of The Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The concerned authorities have not taken any action in the matter in spite of large-scale media reporting.

2. Vide order dated 14.12.2021, the Tribunal directed the State PCB and the Municipal Council, Katra to look into the matter and take remedial action in accordance with law and to file an action taken report.

3. In pursuance of above, the State PCB has filed an action taken report acknowledging the violations for which compensation of Rs. 1.6 crore has been required to be paid vide order dated 09.02.2022. The operative part of the report is reproduced below:

“xxxxxx.....xxx

iii) *Above said officers along with the representative of Shri Mata Vaishno Devi Shrine Board visited the site on 15-01-2022 and submitted the factual and Action Taken Report which is attached herewith as **Annexure RII**.*

iv) **Report discussed above, inter-alia contains some observations which are reproduced herein below :-**

- *It was observed that Shri Mata Vaishno Devi Shrine Board has set **up** a mixed-waste dumping site along the left bank of Ban Ganga river on Darshani Deodi-Ballini Check post road. The geo-coordinates of said garbage dumping site are **Latitude 33.99722° N and Longitude 74.93667° E**. The outer boundary of the said dumping site is located **at a distance of just 25 m from Ban Ganga**. The mixed waste dumping site, which as per the representative of Shri Mata Vaishno Devi Shrine Board is a Waste collection cum Segregation site only, was found to be an open area improperly secured with GI sheet boundary wall. There is every apprehension that during rains, the mixed waste and the leachate thereof flows down into Ban Ganga and thereby pollutes the stream.*
- *The mule dung was found improperly dumped in open near Bio-gas plant (for conversion of mule dung into Bio- gas) area along Ban Ganga. During rains, the leachate from improperly dumped mule dung flows into Ban Ganga because of the close proximity of said area to Ban Ganga.*
- *A Box-type drain along the right bank of Ban Ganga near Bathing Ghat no. 1 was found constructed, which as per the authorized representative of the Shrine Board, was for channelizing the waste water coming from local drains on the Vaishno Devi track. Sewage Treatment Plant (STP) for treatment of the waste water discharge from the sand Box-type is yet to be installed.*
- *The untreated municipal waste water discharge from Katra town was found out flowing into Ban*

Ganga at three points, thereby gravely polluting it. These waste water entry points exist at:

- i) The drain near Hotel Subash International at Ban Ganga road.
 - ii) The drain near Hotel Bhavini at Ban Ganga road.
 - iii) The drain at Darshani Deodi- Ballini check post road along Ban Ganga having geo-coordinates Latitude 32.998232° N Longitude 74.938417° E
- An army camp housing about 40-50 personnel is also located along Ban Ganga river. Only Septic tanks have been constructed for disposal of domestic sewage. The overflow from Septic tanks also outflows into Ban Ganga.
- A small Piggery was found established by an individual named Maan Singh along Ban Ganga on Darshani Deodi-Ballini Check post road. As per an authorized representative of the owner, the kitchen/ vegetable waste sourced from hotels is fed to the pigs kept in the Piggery. Since, the Waste collection area is improperly secured; the leachate from the waste food storage area also flows into Ban Ganga during rains.
- A scrap dealer namely Sudershan Singh was found to have established a Plastic scrap and Empty aluminum cans collection point along with Scrap baling facility along the bank of Ban Ganga on Darshani Deodi-Ballini Check post road. Although, the Baling machinery as well as the baled material was found kept in a proper GI shed; however, a major portion of such scrap was found stored just adjoining to Ban Ganga stream. The improperly stored scrap may flow into Ban Ganga during rains.

(B) STATUS OF ACTION TAKEN BY THE J&K POLLUTION CONTROL COMMITTEE.

- i) Breach of norms in handling and disposal of municipal solid waste, particularly by Municipal Council Katra has been on the monitoring radar of the JK Pollution Control Committee and slew of measures have been taken, including providing the technical guidance for handling and disposal of the waste to Municipal Council Katra. On persistent default to meet the norms, notices followed by binding instructions for corrective action have been issued to the Municipal Council Katra and Shri Mata Vaishno Devi Shrine Board. Copy a piece of notices/communications jointly attached hereto as **RIII**.
- ii) While Shri Mata Vaishno Devi Shrine board has taken some measures for proper management of the

garbage, much needs to be done by the Municipal Council Katra for handling and disposal of municipal solid waste/garbage in accordance with norms as Municipal Council has not been in position to bring any tangible positive change on ground in respect of solid waste management.

- iii) Banganga is under regular monitoring of the JK Pollution Control Committee since 2011 and water quality is regularly analysed/tested from two spots viz (a) Bathing Ghat and 1.5 kmr. downstream under National Water Management Plan (NWMP) and major parameter BOD has constantly been found exceeding the permissible limit. Latest test analysis report for the months of November & December 2021 and January 2022 is attached herewith as **Annexure RIV***
- iv) On account of persistent failure of Municipal Council Katra to handle and dispose of the Municipal Solid Waste as per norms\, the Board has imposed Environmental Compensation of Rs. 1.06 lac (1.06 crore??) upon Municipal Council Katra vide Order No. **22 PCC** of 2022 **dt.09-02-2022**, copy whereof is attached hereto as **Annexure RV.**”*

4. From the photographs which are part of Annexure R-II to the report, it appears that there is a huge piled up garbage. Further, untreated municipal waste discharged from the Katra town is being discharged into the Banganga river. The relevant part of the said Annexure R-II is reproduced below:

“Observations:

- *It was observed that Shri Mata Vaishno Devi Shrine Board has set up a mixed-waste dumping site along the left bank of Ban Ganga river on Darshani Deodi-Ballini Check post road. The geo-coordinates of said garbage dumping site are Latitude 33.99722° N and Longitude 74.93667° E. The outer boundary of the said dumping site is located at a distance of just 25 m from Ban Ganga. The mixed waste dumping site, which as per the representative of Shri Mata Vaishno Devi Shrine Board is a Waste collection cum Segregation site only, was found to be an open area improperly secured with GI sheet boundary wall. There is every probability that the mixed waste and the leachate thereof flows down into Ban Ganga and thereby pollutes the stream.*
- *Shri Mata Vaishno Devi Shrine Board has constructed Bio-Gas Plant for conversion of mule dung into Bio-gas near Pony Shed. Since, the location of pony shed is near*

Ban Ganga, during rains, the liquid waste therefrom flows into Ban Ganga.

- *A Box-type drain along the right bank of Ban Ganga near Bathing Ghat no. 1 was found constructed, which as per the authorized representative of the Shrine Board, was for channelizing the waste water coming from local drains on the Vaishno Devi track. Sewage Treatment Plant (STP) for treatment of the waste water discharge from the said Box-type is yet to be installed.*
- *The untreated municipal waste water discharge from Katra town was found outflowing into Ban Ganga at three points, thereby polluting it. These waste water entry points exist at:*
 - i) *The drain near Hotel Subash International at Ban Ganga road, Katra.*
 - ii) *The drain near Hotel Bhavini at Ban Ganga road, Katra.*
 - iii) *The drain at Darshani Deodi-Ballini check post road along Ban Ganga having geo-coordinates Latitude 32.998232° N Longitude 74.938417° E*
- *An army camp housing about 40-50 personnel is also located along Ban Ganga river. Septic tanks have been constructed for disposal of domestic sewage. A scrap dealer namely Sudershan Singh was found to have established a Plastic scrap and Empty aluminium cans collection point along with Scrap baling facility along the bank of Ban Ganga on Darshani Deodi-Ballini Check post road. Although, the Baling machinery as well as the baled material was found kept in a proper GI shed; however, a major portion of such scrap was found stored just adjoining to Ban Ganga stream. There are chances that improperly stored scrap may flow into Ban Ganga during rains.*
- *During the visit along Ban Ganga river, solid waste was observed littered along the river at different points*

Response of the Stakeholders:

Different stakeholders have submitted in writing about action taken till date:-

- i) **Shri Mata Vaishno Devi Shrine Board**
 - *For sewage treatment generated in the shrine area and along the track, till date 14 nos. STPs/ Packaged STPs have been installed.*
 - *The dedicated Box-type drain near Bathing Ghat no. 1 will be connected to the STP to be installed by the UEE department of J & K UT. The land for the same has*

been agreed to be provided by Shri Mata Vaishno Devi Shrine Board.

- *The mule dung generated on the track is converted into manure with aid of microbial composting culture at Equid-Dung Management Centre at Natali, Katra. A mule dung fed Bio-gas plant of 120 TPD capacity has been installed along the bank of Ban Ganga. The bio-manure generated as a bye-product is used as a Soil supplement in greening works of the Forest wing of Shrine Board.*
- *26 Reverse Vending machines have been installed for empty drinking water plastic bottles by way of crushing and shredding into small flakes for further sale to identified vendor for recycling.*
- *For disposal of other solid dry waste, a Kill waste machine/ an Incinerator has been installed near Grid Station, Tarakote Marg Junction on Katra-Reasi road.*
- *The waste dumped near the banks of Ban Ganga is being temporarily dumped near Non-Engineering Stores due to objections by some locals against waste dumping at Municipal Waste dumping site of Municipal Committee, Katra at Tantalab. As soon as the issue with the locals is resolved, the waste shall be shifted to Municipal Waste dumping site of Municipal Committee, Katra at Tantalab. It has been decided to convert the temporary waste dumping site near Non-Engineering Store as a resting place for the visiting pilgrims. For this purpose, after plantation and landscaping, a small garden is proposed to be developed at the said site.*
- *On 10.09.2021, a Memorandum of Understanding (MoU) has been signed with M/s NEPRA for collection, transportation and disposal of Plastic waste/ Dry non-recyclable plastic waste/ recyclable Plastic waste. Since then, truckloads of dry garbage are being regularly disposed of through NEPRA.*

The detailed reply submitted by CEO, Shri Mata Vaishno Devi Shrine Board is enclosed as Annexure 'A'

ii) Municipal Committee, Katra

- *An action plan has been approved by the government for establishment of Waste management centre in Katra comprising of Material Recovery Facility.*
- *Three sheds for segregation of dry and wet waste are functional in Municipal committee, Katra. Dry waste is here segregated and scientifically disposed of by Indian Pollution Control Association, New Delhi by channelizing such waste for co-processing/ Waste to Energy plants/recycling.*

- An Organic waste converter unit of 200 Kg/ day capacity, as a pilot project, has been installed for conversion of wet waste into compost.
- Municipal Committee, Katra has conducted the estimation of legacy waste with Electronic Total Station Method at the dumping site at Tantalab, Kundrorian, Katra and also floated the tender through Mechanical division, Jammu for bio-mining/bio-remediation of 101757 cubic meter legacy waste under Swachh Bharat Mission at a cost of Rs 485 Lacs.
- Tender for construction of Material recovery Facility (MRF), Composting Pits under Swachh Bharat Mission at a cost of Rs 71.14 Lacs.
- Some special drives were conducted especially to clean Ban Ganga with collaboration of CRPF, Being Indian Patriots Organization.

The detailed reply submitted by CEO, Municipal Committee, Katra is enclosed as Annexure 'B'

iii) **U.E.E. Department**

- DPR for Ban Ganga River Project for abatement of pollution framed at a cost of Rs 95.69 Cr is currently awaiting accord of administrative approval/ financial concurrence from National River Conservation Directorate as a PRS-Project for installation of two Common Sewage Treatment Plants (STPs) of 1.20 MLD and 4.50 MLD capacities. The DPR has been technically appraised by IIT, Roorkee. In case, the DPR is approved, it will address the issue related to flow of raw sewage into the river.
- The project is expected to be completed within a period of two years.

The detailed reply submitted by Chief Engineer U.E.E. Department is enclosed as Annexure 'C'

Remedial action suggested:

1) **For Shri Mata Vaishno Devi Shrine Board:**

- i) Shri Mata Vaishno Devi Shrine Board needs to immediately stop the operation of mixed waste dumping site existing in close proximity to Ban Ganga. Waste segregation centre should be established at a suitable site far off from water body. The waste dumped at the said site should be removed within a period of two months.
- ii) Frequent collection, storage and disposal of liquid waste at pony shed needs improvement.

- iii) *To provide arrangement to connect the proposed STP by U.E.E. Department with urinal waste water as well as other waste water discharge points of Pony shed located along the bank of Ban Ganga.*

To further augment the capacity of organic/wet waste processing facilities.

2) For Municipal Committee, Katra:

- i) *The CEO, Municipal Committee, Katra needs to expedite setting up of two Common Sewage Treatment Plants (STPs) of 1.20 MLD and 4.50 MLD capacity for Katra town, as the proposal is reportedly stuck up in procedural wrangles.*
- ii) *The CEO, Municipal Committee Katra needs to enhance the waste management capacity of solid and liquid waste generated in Katra town so as to ensure its better management. Regular monitoring of the residential and small commercial establishments needs to be done and those found violating the Municipal Solid Waste Management Rules, 2016 should be penalized to ensure compliance.*
- iii) *The process of bio-mining/bio-remediation of 101757 cubic meter legacy waste at its Waste disposal site at Tantalab needs to be expedited and further disposal of mixed waste at the said site needs to be stopped.*
- iv) *The process of construction of Material recovery Facility (MRF) for recyclable waste and Composting Pits for wet waste under Swachh Bharat Mission needs to be expedited.*

3) For U.E.E. Department:

The U.E.E. department should vigorously pursue the process of accord of administrative approval/financial concurrence from National River Conservation Directorate as a PRS-Project for installation of two Common Sewage Treatment Plants (STPs) of 1.20 MLD and 4.50 MLD capacities. The process for execution of project needs to be expedited to ensure that no untreated waste water is discharged into the river.

4) For District Administration, Reasi:

It should be ensured that there is no unauthorized construction along the Ban Ganga so that potential sources of pollution are reduced. Moreover, there is need of interdepartmental coordination so that the proposed Common Sewage Treatment Plants are constructed and made functional in Katra at the earliest.”

5. We have also seen the report of the Municipal Committee, Katra dated 03.02.2022 mentioning the remedial measures as follows:

- “(1) An action plan has been approved by the Govt. for establishment of decentralized waste management centers in all the ULBS including Katra. The Waste management center would comprise of Material Recovery Facilities for segregation and scientific disposal of Municipal Waste. Three such sheds are already functional in Municipal committee, Katra where segregation of dry and wet waste is going on. Dry waste is being segregated and scientifically disposed by Indian pollution Control Association, New Delhi through collection of plastic waste and channelizing the waste to co-process/waste to energy plant or to respective cycling units.*
- (2) The installation of organic waste convertor units, having a capacity of 200 kgs of wet waste per day, is an initiative of Pollution Control Committee. It was actually started as pilot project but now organic waste compost, has been utilized to its full potential, resulting in to 200 kgs wet waste segregation on daily basis and conversion in to compost.*
- (3) Municipal committee Katra, has also conducted the estimation of legacy waste with Electronic Total Station Method at the dumping site kundrorian, Katra Tan talab and floated the tender through Mechanical division, Jammu for bio mining/bio remediation of 101757 cubic meter legacy waste at tan talab, kundrorian, Katra under Swachh Bharat mission, amounting to Rs 485.00 lac.*
- (4) Municipal Committee Katra also floated the tender for construction of MRF near, SWM site under Swachh Bharat Mission amounting to the tune of Rs. 71.14 lac for the construction of composting pits and the allotment of work for the same is under process.*
- (5) An action plan for Single Use Plastic is already under implementation in all ULBs including, Katra where under various activities like enforcement, awareness, imposition of fine and a seizure drives of polythene bags are carried out.*
- (6) **10 nos.** of littering hotspot areas has been identified in Municipal Committee, Katra and declared "**No Littering Plastic Zones**" and as such 150 Kgs Plastic was seized by the committee and an amount of Rs 2,80,000/- has also been collected from defaulters.*
- (7) A lot of emphasis is given on IEC activities with primary purpose of creating awareness amongst the masses which would help to create behavioral changes for long run such as*

source segregation, abandoning the uses of plastic etc. Nearly 50 nos. of drives has been conducted in Katra so far.

- (8) Some special drives were conducted especially to clean Banganga River, like **Run for Ban-Ganga**, cleaning/sanitation drives to clean Ban-Ganga with the collaboration of CRPF, Being Indian patriot organization, the Photographs of which is enclosed herewith for ready reference.*
- (9) The process of procurement of Collection and Transport Vehicles have completed at the Directorate level. Additional collection and transportation vehicles shall be available in the coming week for collection of segregated waste within limits of Municipal Committee Katra.”*

6. We have also seen the report of the Chief Engineer, UEE Department to the State PCB dated 01.02.2022, annexing details of the project for which DPR appraised by the IIT, Roorkee is pending for approval.

7. We find that the Reports do not address issues of adequacy of installed packages of STPs with their performance in terms of quantity and quality of sewage being carried through box drains before being discharged into Ban Ganga, quantity and characteristics of sewage discharged into the river at three points and the water quality of the river with reference to fecal coliform, as the river is used for bathing purpose. There is need to ascertain this. Further, there is need to ensure proper siting of waste segregation centres at reasonable distance from bank of the river. Sites for installing proposed STP of 1.2 and 4.5 MLD should also be appropriate. There is also need to divert sewage effluent from army settlement, shifting of piggery, relocating pony shed or proper management of mule dung bio-gas plant, ensuring that no effluent or slurry or solid waste goes to the river, transportation of bailed recyclable material to authorised points, Bio-mining of 101757 cubic metres legacy waste and regulating encroachments.

8. In view of above serious violations and deficiencies, remedial action needs to be taken as per law by the Municipal Council, Katra, Shri Mata Vaishno Devi Shrine Board (SMVDSB), Katra, to be overseen by the Secretary, Housing and Urban Development Department and the State PCB. Compensation assessed may be utilized for restoration measures. The remedial action may be planned and completed as far as possible within two months. In the said meeting, the issue of requirement of lands for setting up of waste management infrastructure may be duly resolved. Decision may also be taken about apportionment of financial liability between Katra Municipal Council and the SMVDSB. Sanction of DPR or funding may not be delayed as State is under Constitutional obligation to provide clean environment which is component of public health and part of right to life for which State has to arrange funds.

9. A joint Committee of the Secretary, Housing & Urban Development Department, CPCB, State PCB, Municipal Council, Katra, SMVDSB, Katra and DFO, Katra may hold a joint meeting within two weeks and finalize the action plan for the remedial action with timelines and budgetary support. The Secretary, Housing and Urban Development Department will steer the deliberations. An action taken report may be filed by the Secretary, Housing and Urban Development Department with the status of compliance as on 30.06.2022 by 15.07.2022 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. The report may cover all the issues mentioned above.

List for further consideration on 22.07.2022.

A copy of this order be forwarded to the Secretary, Housing & Urban Development Department, CPCB, State PCB, Municipal Council, Katra, SMVDSB, Katra and DFO, Katra by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Vijay Kulkarni, EM

Dr. Afroz Ahmad, EM

March 23, 2022
Original Application No. 338/2021
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