

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 51/2015 (SZ)

V. Manickam

Applicant(s)

Versus

The Secretary, Tamilnadu Pollution Control
Board & Ors.

Respondent(s)

Date of hearing: 04.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. S. Arunachalam, Advocate

For Respondent (s):

Mr. C. Kasirajan, Advocate for respondent nos.
1&3

Mr. S. Sathish, Advocate for respondent no. 6

Mr. Kamalesh Kannans, Advocate for respondent
no. 2,4&5

ORDER

1. The issue relates to pollution of Thirumanimuthar River, on account of discharge of effluents by the industries as well as municipal sewage.
2. According to the applicant, Thirumanimuthar River passes through its channels across the villages like Morangam etc. It gets polluted due to the discharge of waste and drainage water released from the Municipal areas and other factory wastes. The Thirumanimuthar River flows through Salem, Chennagiri, Subbiahpuram, Akkaraipatti, Illupulli, Manickampalayam and joins the River Cauvery at Paramathi Velur. On its main channel, a channel was constructed to divert part of its water to two reservoir Tanks in Kollapatti and Mallasamudram village of Tiruchengode Taluk. Due to the inflow of contaminated water in the Thirumanimuthar channel, which feeds the said

two tanks, the ground water in the vicinity of the area gets polluted. Closing of the said two reservoirs by the District Authority permanently further leads to spoiling of ground water making it unfit for drinking and irrigation. The toxic contents of water are discharged by Textile units in Salem into the running water of Thirumanimuthar Channel. Municipal and Local bodies also discharge the drainage water into the river. The ground water is the only source of water for irrigation. The area receives very low rainfall. The new supply channel in Tirchengode Taluk to take water and store in Kollapatti Tank and Mallasamundram Tank was constructed by the Public Works Department (PWD) Authorities some decades ago. It defeated the very purpose of raising ground water table due to pollution and now poses a threat to the community as a whole.

3. The application was filed on 28.01.2015. Notice was issued on 23.03.2015. The Tamil Nadu Pollution Control Board (TNPCB) filed reply dated 28.10.2016 stating that there are 90 dyeing and bleaching units which have obtained consent of the Board and are functioning in Salem Municipal Corporation areas.
4. The TNPCB had issued closure direction to 15 units for discharging untreated effluents. The Madras High Court, vide the order dated 17.06.2009 in W.P. No. 10599/2009, directed closure of 155 unauthorized dyeing and bleaching units in Salem District. After electricity was disconnected, the units started manual dyeing of cotton/polyester/silk yarn, illegally using oil engine or mobile DG sets. Effluent is discharged into nearby drainage system which finally reaches the nearby water bodies. 125 illegal manual dyeing units and 71 dyeing units using winches were evicted by the Board. The river was

inspected and it was found that there was no flow in the feeder channel also. Sewage was being directly discharged into the Thirumanimuthar River. On instructions of the Board, Salem Municipal Corporation has taken steps to provide STPs at four locations.

5. Further report was filed by the TNPCB on 13.11.2016, annexing the report of the water samples as follows:-

RIVER THIRUMANIMUTHAR							
DISTRICT-SALEM, STATION-UTHAMACHOLAPURAM							
S. No.	CORE PARAMETERS	APRIL-2016	May-2016	June-2016	July-2016	August-2016	September-2016
1 to 4xxx.....xxx.....xxx.....xxx.....xxx.....xxx.....xxx.....
5.	Bio-Chemical Oxygen Demand (mg/l)	36.00	10.8	55	25	14	50.0
6.	Nitrates-N (mg/l)	2.010	<1	<1	<1	1.03	<1
7.	Ammonia-N (mg/l)	4.480	3.9	3.90	6.16	12.88	29.68
8.	Fecal Coliform (MPN/100 ml)	170000	210000	1400000	22000	21000	350000
9.	Total Coliform (MPN/100 ml)	280000	350000	2800000	35000	46000	540000

6. General parameters i.e. Turbidity (NTU), pH, Alkalinity, Total Alkalinity, Chloride, Chemical Oxygen Demand, Total Kjel. Nitrogen, Hardness, Calcium, Sulphate, Sodium, Total Dissolved Solids, Total fixed Solids, Total Suspended Solids, Phosphate, Boron, Magnesium, Potassium, Fluoride, were also found to be not meeting the standards.

7. The PWD, in its affidavit filed on 28.09.2016, stated that sewage water from Salem Municipal Corporation area and effluents from unauthorized dyeing units are causing pollution

into the Thirumanimuthar River, for which action should be taken by the TNPCB and Salem Municipal Corporation.

8. The Salem Municipal Corporation also filed its reply dated 26.09.2016 to the effect that sewage generated is collected in individual septic tanks and treated over flow water is discharged into open drainage which is finally drained into the Thirumanimuthar River. A sum of Rs. 149.39 crores has been sanctioned for STPs, which are to be commissioned by October, 2018.

9. From the above, it is clear that water pollution is being permitted by the industrial units as well as by the Salem Municipal Corporation for which no adequate punitive action appears to have been taken by way of prosecution or recovery of compensation for the damage to the environment. Though it is stated that by October, 2018 the STPs were to be operational, the same are still not operational. It is not clear whether underground sewerage system has been commissioned. Discharge of untreated sewage is the single most source of pollution of surface and groundwater in India. More than 60% of sewage generated by urban India is untreated and enters water bodies like rivers, polluting water and making it unfit for human consumption. It is a matter of serious concern that compliance of environment norms is not satisfactory and results in large scale deaths and diseases and serious damage to air, water and earth¹.

¹ As per some studies (the Lancet Commission Report on Pollution and Health) 2.51 million that took place in India in 2015, ranking India No. 1 in pollution related deaths. Pollution has been responsible for the most non-communicable disease deaths. In 2015, all forms of pollution combined were responsible for 21% of all deaths from cardiovascular disease, 26% of deaths due to heart disease, 23% due to stroke, 51% to chronic obstructive pulmonary disease, and 43% due to lung cancer. Pollution was also responsible for these times as many deaths as AIDS, tuberculosis, and malaria combined. <http://www.thehindu.com/sci-tech/energy-and-environment/india-ranked-no-1-in-pollution-related-deaths-report/article19887858.ece>

10. Learned counsel for the TNPCB states that the situation has not fully improved and the pollution is still continuing. Thus, for the damage to the environment already caused compensation is required to be recovered from Salem Municipal Corporation as well as from polluting industries. Before finalizing this aspect, we consider it appropriate to direct a joint inspection to ascertain present status by a team comprising of representatives of Central Pollution Control Board (CPCB) and TNPCB. The Nodal Agency for compliance and coordination will be TNPCB. The report may be submitted to this Tribunal by e-mail at ngt.filing@gmail.com within one month.

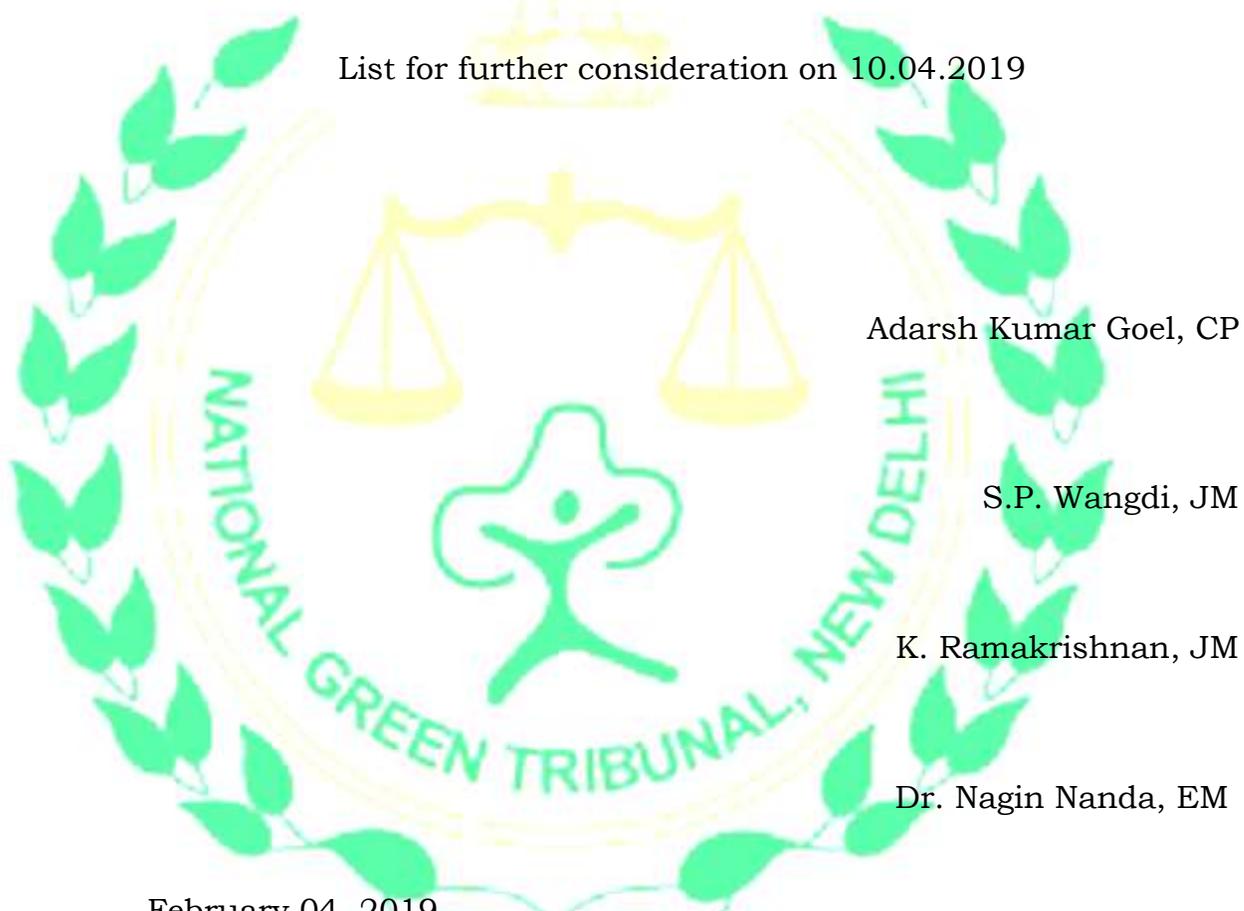
11. We have considered the question of requiring an interim amount being deposited towards restoration of environment. In spite of statutory framework and binding legal precedents, violation of law is rampant. Stern approach is therefore, necessary against polluters for pollution as well as the regulatory authorities for their failure and inaction to perform timely duties in preventing and remedying the pollution and upholding the rule of law. Environment degradation severely affects human health requiring immediate attention and cannot be dealt with by authorities at leisure. Statutory authorities are trustees of the people and if their failure results in harm to the citizens and environment, the Tribunal has to adopt strict approach to make them accountable so that such action acts as deterrent to prevent further harm.

12. Pending further consideration, Salem Municipal Corporation is held liable to deposit interim compensation of Rs. 25 lacs with the CPCB within one month. The Salem Municipal Corporation may also furnish a Performance Guarantee to the satisfaction

of CPCB in the sum of Rs. 50 lacs to the effect that the untreated effluents will not be discharged and necessary steps to prevent such discharge will be taken positively within three month failing which the amount of Performance Guarantee will be forfeited.

13. Responsibility for compliance of this order will be of the Commissioner of Salem Municipal Corporation. In case of non-deposit, the Commissioner of Salem Municipal Corporation must remain present in person on the next date.

List for further consideration on 10.04.2019



Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 04, 2019
Original Application No. 51/2015 (SZ)
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