

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

(By Video Conferencing)

Original Application No. 141/2014

(With CPCB report dated 13.07.2020 and
Ministry of Railway Report dated 17.08.2020)

Saloni Singh & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 18.08.2020

**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**

Respondent(s): Mr. Raj Kumar, Advocate for CPCB
Mr. Om Prakash, Advocate for Ministry of Railways

ORDER

1. This order may be read in continuation of order dated 12.12.2019. The issue for consideration is compliance of Plastic and Solid Waste Management Rules at railway compartments, stations, tracks etc., removal of encroachments from the railway properties, preventing of unlawful discharge of effluents and judicious management of water, including its recycling and re-use by the Railways.

2. The matter has been considered from time to time by various orders of this Tribunal in the last six years. Vide order dated 01.10.2018, the matter was considered in light of the report of the Comptroller and Auditor General (CAG) titled "Environment Management in Indian Railways". The report found unsatisfactory state of affairs with

regard to handling of waste, discharging of waste water, uncontrolled open defecation on railway tracks, unhygienic conditions and health hazards. The Tribunal also noted the study conducted by Central Pollution Control Board (CPCB) at 14 major stations which found that there was no system of monitoring of waste water discharge, non-compliance of functioning of ETPs, discharge of effluents in water bodies, absence of measures to conserve flora and fauna, unsatisfactory segregation, transportation and collection of waste, bulk generation of waste including pet bottles, food packaging, plastic carry bags, disposal cups, etc. for which adequate measures were not being taken.

3. Vide order dated 30.11.2018, the Tribunal directed preparation of action plan for remedial action for compliance of environmental norms, to be notified on the website. Vide order dated 22.02.2019, it was found that action plans put on the website were not complete. It was also noted that there were 720 major stations, apart from more than 6000 other stations. It was directed that in the first phase, environment management system of '14001' (ISO) standard be achieved in atleast 5% of major stations i.e. 36 stations which may be developed as model stations. This may be replicated in phases, first for all the major stations and then for others. The action plans should have verifiable indicators and progress may be reviewed periodically. The identified major stations may have the websites or appropriate mechanism to receive grievances with regard to cleanliness and hygiene issues. The Railway being the bulk generator of waste, including pet bottles, it may set up its decentralised facilities for waste disposal and also coordinate with the Local Bodies for solid and plastic waste management.

4. Thereafter on 26.03.2019, the Tribunal considered the action plans for 36 major railway stations. It was observed that nodal officers should be appointed for each of the railway stations and similar action plans should be prepared for the remaining railway stations also. The action plans should be duly executed and progress monitored by the Executive Director, Environment and Health Management (ENHM), Railway Headquarters. CPCB was to conduct audit for the same. The Railway Board was to compile the data pertaining to all the action plans. The Railway Administration was also to coordinate with the local bodies for compliance of the Waste Management Rules.

5. The matter was last considered on 12.12.2019 in the light of the reports of the Railway Administration dated 03.12.2019 and report of CPCB dated 06.09.2019. After noting the status of compliance, as furnished by the Railway Administration and the CPCB, the Tribunal held that Railways were covered by the consent mechanism stipulated under the Water (Prevention and Control of Pollution) Act, 1974, ('Water Act') the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and are also to comply with the Environment (Protection) Act, 1986 ('EP Act') and Rules framed thereunder. The Tribunal also referred to the 38th Report of the Public Accounts Committee of 16th Lok Sabha dealing with the subject of Environment Management in Indian Railways Stations, Trains and Tracks based on C&AG Report No. 21 of 2012-13, Union Government (Railways) Performance Audit, relating to Ministry of Railways, finding deficiencies in complying with the environmental norms.

6. The operative part of the directions as follows:-

“22. In view of above, let observations of the CPCB be taken into account in the process of implementation of action plans of the railways for all the major stations in the first instance. The team comprising of CPCB and concerned SPCBs/PCCs will evaluate the performance of major railway stations both in terms of implementation of action plans and compliance to the provisions of the Water Act, Air Act and Environmental Protection Act and Rules framed thereunder especially Solid Waste Management Rules, 2016; Plastic Waste Management Rules, 2016; Hazardous and other waste Rules, 2016, Bio-Medical Waste Rules, 2016, Construction and Demolition Waste Management Rules, 2016 before 31.03.2020 and file the action taken report by 15.04.2020.

The State PCBs/PCCs will file the report through CPCB with regard to compliance of Section 25 of water act 1974 and Section 21 of Air Act, 1981 of such railway station before 31.03.2020.

The SPCBs/PCCs of concerned 36 railway station report through CPCB on or before 31.03.2020 with regard to compliance to its specific recommendations as given in Annexure VI of the CPCB report dated 03.12.2019. Further status report be filed by CPCB by 30.06.2020 by e-mail at judicial-ngt@gov.in.”

7. Accordingly, the CPCB has filed its report dated 13.07.2020 to the effect that teams of CPCB and concerned State PCBs/PCCs conducted performance assessment of 36 stations in terms of requirement of the Water Act, 1974, the Air Act and the EP Act and Rules framed thereunder. An Expert Committee of the CPCB categorised railway stations into red, orange and green categories. The report has given an overview of the Environmental Performance Assessment of Railway Stations. A summary of CPCB’s assessment of railway action plans has also been given. Recommendations of the CPCB are:-

“Recommendations

1. *CPCB's observations, enumerated in Table 1, identifying the gaps in terms of implementation of action plans and compliance to the provisions of the Water Act, Air Act and Environmental Protection Act and Rules framed thereunder. The concerned stations are required to take necessary remedial measures as per the identified gaps. Major areas in which the remedial measures have to be taken include the following;*
 - a. *Concerned stations are required to obtain Consents under Air (Prevention and Control of Pollution) Act 1981 & Water (Prevention and Control of Pollution) Act 1974 and*

Authorization under Hazardous Waste (Management & Transboundary Movement) Rules 2016 from concerned SPCBs/PCCs in accordance with Directions issued by CPCB on the matter

- b. The stations are required to prepare a detailed water balance sheet indicating quantities of fresh water consumption, waste water generation and treated water reuse.*
 - c. Concerned stations are required to set up STP & ETP of adequate capacity equivalent to quantity of waste water assessed in Point "b" above*
 - d. Concerned stations are required to incorporate quantity of solid waste to be managed as well include provision for segregation of waste in the Contract signed for waste management*
 - e. Concerned stations are required to set up waste processing facilities of adequate capacity for processing dry and wet waste*
 - f. Assessment of quantity of plastic waste generated to be done in concerned stations*
 - g. Plastic bottle crushing machine to be installed in adequate number to ensure complete coverage of the stations. Linkages with registered recyclers to be established for recycling of plastic waste.*
 - h. Noise levels have been found to be exceeding the permissible noise levels in all stations. The stations are required to take noise pollution control measures to reduce the ambient noise levels.*
- 2. The individual inspection reports of the stations are enclosed at Annexure II. The concerned stations are required to take necessary action as per the recommendations made in their inspection reports.”*

8. The Ministry of Railway has filed zonal railway wise achievement and status report on 17.08.2020 but reference to the same is not necessary in view of independent report of the statutory regulators. We accept the recommendations of the CPCB and direct Railway Administration to take further action in terms thereof expeditiously.

9. As per CPCB report, only 11 have applied for 'consent' in terms of the Water Act and Air Act and only 3 have applied for 'authorisation' under the statutory rules under the EP Act. The remaining major railway stations (out of total 720) may apply for requisite consents/

authorisations within three months from today. However, charges will be payable only from 01.04.2020 and arrears will not be liable to be paid. The decision on consents/authorizations be taken within three months thereafter. For failure to comply with the law, the CPCB/ State PCBs/ PCCs/other statutory authorities will be at liberty to take coercive measures as per law. The Railway Board may have its own monitoring mechanism at different levels, including headquarters for compiling information of status of compliance of environmental laws.

10. Apart from ensuring compliance of mandate of ensuring environmental norms generally, the State PCBs/PCCs may in particular ensure compliance of statutory rules including the waste management. In this regard zonal/divisional railway authorities may give a declaration to the concerned State PCBs/PCCs (which declaration may be verified by such PCBs/PCCs) that:

i) Solid waste and plastic waste collected from Compartments is brought to destined Stations and processed and disposed of along with waste collected from the Station for which mechanism has been established.

(ii) With regard to sewage, no faecal matter is disposed of on stations. Bio-toilets are properly evacuated and sewage taken to STP. Treated and disinfected effluent is used for non-potable use.

(iii) A time-bound action plan has been prepared for clearing garbage littered along railway tracks, clearing encroachments and enforcing prohibition of open defecation under Swachh Bharat Abhiyaan.

CPCB may include a column in its format for monitoring and give a specific report on these aspects.

11. The CPCB may file report on status of compliance after collecting information from all the State PCBs/PCCs as on 31.03.2021 before the next date 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.

A copy of this order be sent to CPCB, all State PCBs/PCCs and Chairman, Railway Board.

List for further consideration on 28.04.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 18, 2020
Original Application No. 141/2014
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