

Item No. 06

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

Original Application No. 50/2018 (WZ)

Nav Yuva Sanghatan & Ors.

Applicant (s)

Versus

The Secretary, Narmada, Water Resources,
Water Supply & Kalpsar Department & Ors.

Respondent(s)

Date of hearing: 25.02.2019

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. Asim Sarode, Advocate

For Respondent (s): Ms. Supriya Dangare, Advocate for R-8
Mr. Himanshu Pal, Mr. Dhruv Pal, Advocates for R-6
Mr. Rakesh S., A.E. (Civil), Surat Municipal Corporation

ORDER

1. The issue for consideration is damage to the environment in the area of Tapi river at Surat in Gujarat on account of illegal construction activities, dumping of waste, dredging, digging, illegal discharge of effluents and absence of demarcation of blue line and red line in the river bed by the Irrigation Department.
2. According to the applicant, Tapi river passes through Surat town of Gujarat and is a primary source of water supply for the city but the ecology of the river has been adversely affected on account of illegal

construction activities, discharge of effluents, dumping of garbage, etc. This has also affected e-flow of the river, apart from its water quality.

3. The illegal actions resulted in devastating flood in the year 2006. There is dire need that the river is revived and restored to its pristine glory. There is a need to demarcate the river beds of the river as blue line and red line as per existing policy of the Water Resources Department and orders of this Tribunal in several matters, including order dated 16.03.2016 in Original Application No. 1/2013. In case of river beds of river Tapi, this procedure has not been followed. Thus, even for prohibited zone which is called red line, illegal activity is continuing. For the blue line, the activities are to be regulated but such regulations are also not being enforced. The water quality needs to conform to the prescribed standards which is not happened.
4. This application was filed on 16.07.2018. Notice was issued on 20.07.2018. Various newspaper cuttings and photographs have also been annexed to the application.
5. Surat Municipal Corporation, in its affidavit, has not disputed the illegal activities resulting in damage to the river. It has filed a document called *Tapi Sudhdhikaran Project*.
6. We find that the river has been categorized as a polluted river stretche by the Central Pollution Control Board (CPCB) finding that the water quality is not meeting the prescribed norms. Tapi river is

one of the fourteen river stretches in the State of Gujarat categorized as polluted river stretches.


7. In view of above, it is necessary that steps are forthwith taken to restore the river. It is well known that the unregulated discharge of sewage and industrial effluents has caused tremendous damage to the river bodies in the country which causes serious diseases like Cholera and Typhoid. Such pollution has also reduced availability of potable water.

8. This Tribunal took cognizance of the problem of 351 polluted river stretches based on data compiled by the CPCB vide order dated 20.09.2018 in *Original Application No. 673/2018, News Item Published in 'The Hindu' Authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB"*. It was noted that as per some estimates 75% to 80% of water in India is polluted and pollution is on the increase. This showed failure of the statutory authorities responsible for ensuring that quality of water is as per prescribed standards by taking stringent action against the polluters including preventive measures, creation of awareness, setting up of anti-pollution devices etc.

9. This Tribunal directed constitution of a River Rejuvenation Committee (RRC) in every concerned State to prepare action plans for restoration of the water quality atleast upto the bathing standards as per model action for Hindon River referred to in the said order. The

action plans are to be submitted to the CPCB and the CPCB is to furnish a report to this Tribunal.

10. The matter was further reviewed on 19.12.2018 and time for furnishing action plans was extended till 31.01.2019 subject to payment of compensation for damage to the environment for the delay thereafter and also for furnishing Performance Guarantee in the manner mentioned in the said order.
11. The Tribunal has also noticed unsatisfactory state of compliance of environmental norms on important subjects like solid waste management, air pollution, water pollution, sand mining and other waste disposal rules. Vide order dated 16.01.2019 in *Original Application No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016*, the Tribunal directed the Chief Secretaries of all the States to review the situation and to remain present before this Tribunal with their reports on specified dates. The Chief Secretary of Gujarat is scheduled to remain present before this Tribunal on 09.04.2019.
12. Having regard to fact that the Tapi river is one of the polluted river stretches in the State of Gujarat, we direct the Chief Secretary, Gujarat to look into the said matter also with reference to the need for action to check illegal discharge, prevent illegal construction, clearing the drainage waste of the river and other restoration measures.

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13. Apart from the above, for the present matter, we direct constitution of a Committee comprising representatives of the Secretary, Irrigation Department of Gujarat,, Gujarat State Pollution Control Board (GPCB), Secretary, Urban Development and Housing Department of Gujarat, the Collector, Surat and the Municipal Commissioner, Surat Municipal Corporation to review and coordinate the necessary measures. The Nodal agency will be the Surat Municipal Corporation for coordination and compliance.
14. The five member Committee may hold its first meeting within two weeks. It may take up for consideration all the issues, including issue of demarcation of the river bed into blue line and red line. The Committee may invite public participation and undertake public education programmes. The Committee may also consider the plan prepared by the Committee constituted by this Tribunal vide order dated 26.07.2018 in *Manoj Mishra Vs. Union of India & Ors., Original Application 06/2012*. Its plan is available on the website of the said Committee.¹
15. The applicant or any member of public will be at liberty to put forward their view point before the Committee.
16. The Commissioner, Surat Municipal Corporation may make available complete set of relevant papers to the other members of the Committee.

¹ <https://yamuna-revival.nic.in/meetings-of-mc/>

17. The Committee may furnish its reports from time to time to this Tribunal by e-mail. First such report may be sent after three months, but on or before 30.06.2019 by e-mail at ngt.filing@gmail.com.
18. The Committee may also apprise the Chief Secretary for all the steps taken on or before 31.03.2019.

A copy of this order be placed on the files of O.A. No. 606/2018 and O.A. No. 673/2018.

The application is disposed of.

List for consideration of the report on 10.07.2019, in addition to consideration of the matter on 09.04.2019 as well as the proceedings of O.A. No. 673 of 2018 on the date fixed in that case.

19. The action to be taken by this Committee will be independent of other proceedings before this Tribunal.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 25, 2019
Original Application No. 50/2018 (WZ)
DV & PA