

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

**Original Application No.138 of 2016 (T_{NHRC})
(Case No. 559/19/11/14)**

And

**Original Application No. 139 of 2016 (T_{NHRC})
(Case No. 600/19/11/14)**

IN THE MATTER OF:

**Stench Grips Mansa's Sacred Ghaggar River (Suo-Motu Case)
And
Yogender Kumar**

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

Present: Amicus Curiae

Ms. Katyayni, Adv. (Amicus Curae)

Respondents:

**Mr. Anil Grover, AAG and Mr. Rahul Khurana
Adv. for State of Haryana and HSPCB**

**Mr. Rajkumar, Adv.for
Central Pollution Control Board**

Mr. Shiv Mangal, Sharma, AAG alongwith

**Mr. Saurabh Rajpal, Adv., Mr. Adhiraj Singh,
Adv. for State of Rajasthan.**

Mr. Gaurav M. Liberhan, AAG, Punjab

**Mr. Ashish Negi and Ms. Richa Kapoor, Advs.
for PPCB**

Mr. Shubham Bhalla and Mr. Roopam Rai, Advs.

Mr. Manish Kumar, Adv. for State of HP

Date and Remarks	Orders of the Tribunal
Item Nos. 07& 08 August 07, 2018 R & A	<p>1. Proceedings in this matter were initiated before this Tribunal on a reference received from the National Human Rights Commission (NHRC). The NHRC took Suo-Motu action on the basis of a news item appearing in 'The Tribute' dated 12.05.2014 under the caption "Stench Grips Mansa's Sacred Ghaggar River" to the effect that the river Ghaggar had turned into a polluted water body on account of discharge of effluents - industrial as well as municipal.</p> <p>2. The NHRC considered the matter in the light of reports from the States of Punjab and Haryana as well as the State of Himachal Pradesh. Vide letter dated 17.03.2016, the NHRC sent the record of the matter to this Tribunal.</p>

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3. Pursuant to the order of this Tribunal dated 09.12.2016, a joint inspection has been carried out by the representatives of the Central Pollution Control Board, Punjab State Pollution Control Board, Haryana Pollution Control Board, Himachal Pradesh State Pollution Control Board. Officials of Union Territory, Chandigarh also joined the said inspection team. Ms. Katyani, Advocate was appointed as Amicus Curiae to assist the Tribunal. We record our appreciation for the assistance rendered by Ld. Amicus Curiae. Ld. Amicus has also undertaken personal visit to some of the affected areas and filed her report dated 08.05.2017.

4. We have perused the reports submitted by the concerned Pollution Control Boards to the NHRC as well as Minutes of the meetings on various dates in which the respective States participated. The joint analysis report of the joint monitoring of river Ghaggar samples has also been filed.

5. The Environment (Protection) Rules, 1986 provides for standards for the emission for the discharge of the pollutants. For different industries, the standards are laid down in Schedule I. The findings of the joint inspection report are that values of various parameters such as BOD, TSS, Faecal Coliform, Lead and Iron were beyond permissible limits at most of the locations in Himachal Pradesh, Haryana, Punjab and Chandigarh. It is, thus, fully established that there is failure on the part of the statutory authorities specially the Pollution Control Boards to perform their duties. Under the statutory scheme, the Pollution Control Boards are required to

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prosecute all those who may be responsible for discharging effluents beyond standards and also to close all commercial establishments which are discharging such effluents apart from other penal measures required to be taken. They have, failed to uphold the rule of law in spite of adequate powers given to them. It is high time that their composition and manning is considered by the higher Authorities and their accountability fixed by taking civil and criminal action against not only violations of law but all those responsible for failure of their duties in taking action or shielding the culprits and thereby adversely affecting the environment and health of the inhabitants.

6. In view of above disappointing scenario and utter failure of the Authorities in spite of pendency of these proceedings for the last 4 years and clean violation of law, there is no evidence of action taken against persons for responsible for the violation of law at large scale, we accordingly direct the Chief Secretaries of the States of Himachal Pradesh, Haryana, Punjab and also the Administrator of UT Chandigarh to constitute Special Task Force (STFs) comprising of District Magistrate, Superintendent of Police, Regional Officer of the State Pollution Control Boards in concerned District and one person to be nominated by the District Judge in every District in his capacity of Head of the District Legal Services Authority. Such STF may identify persons responsible for violation of law so that action can be taken. At the State level, the STF will comprise of the Chief Secretary, the Environment Secretary, the Secretary

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of Urban Development and Secretary of Local Bodies. The District level STFs will submit a monthly action taken report to the State STFs and the State STFs will furnish a 3 monthly report or the action taken to the Central Pollution Control Board. Such reports be uploaded on the websites of State Pollution Control Boards as well as the Environment Department of the States. Such STFs may be constituted within one month from today.

7. Having regard to the alarming situation depicted in the joint inspection report apart from perusal action as above, an action plan with firm timelines is required to be prepared for preventing discharge of untreated effluents in the river by setting up appropriate anti-pollution device such as STP/ETP/CETP or any other such instruments. Wherever required polluting units have to be closed. The action plan must be realistic and provide for speedy mechanism. The funds can be generated as per applicable schemes for STP/CETP. The objective of the action plan must be to ensure that the testing of the sample of the water is found to be consistent with the laid down standards within the targeted time. We are also of the view that it is necessary to involve civil society and not to leave the matter to be dealt with by the concerned officers alone.

8. With view to ensure execution of our order, we constitute following committee as “Executing Committee” for executing the orders of this Tribunal under Section 25 of the National Green Tribunal Act, 2010:

1) Justice Pritam Pal, Former Judge, Punjab and Haryana High Court. (Phone No. 09463122333) –

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of the river water periodically. Copy of this order be sent to all concerned by E-mail.

12. We also direct that Learned Amicus may be paid Rs. 2 Lakhs as honorarium of the services rendered to this Tribunal to be shared equally by the Punjab State Pollution Control Board and Haryana Pollution Control Board. The payment will be made within one month from today.

13. All Authorities concerned with the matter in the States of Himachal Pradesh, Haryana, Punjab and UT Chandigarh will cooperate and co-ordinate with "Executing Committee". The "Executing Committee" can seek any scientific and technical assistance as may be required from any relevant authority.

14. The Registry is directed to send a copy of this order to the Chief Secretaries of Himachal Pradesh, Punjab, Haryana and Administrator UT Chandigarh and the Members of the "Executing Committee" by E-mail.

15. With the above directions, the application is disposed of.

List for consideration of the report of the Committee on 05th March, 2019.

....., CP
(Adarsh Kumar Goel)

....., JM
(Dr. Jawad Rahim)

....., JM
(S.P. Wangdi)

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