

Item No. 06

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 241/2021

Raja Muzaffar Bhat

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 18.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Advocate

ORDER

1. Grievance in this application is against failure to prevent discharge of sewage and dumping of solid waste into river Doodh Ganga and Mamath Kull in violation of provisions of the Water (Prevention and Control of Pollution) Act, 1974, judgments of the Hon'ble Supreme Court dated 22.02.2017 inter alia in Paryavaran Suraksha Samiti Vs. Union of India¹ and orders of this Tribunal on the subject.

2. Case set out in the application is that Doodh Ganga is a tributary of the Jhelum River. It originates from Pir Panjaal Mountain and thereafter passing through number of villages and towns up-stream to down-stream like Sogam, Chadoora, Wathora, Kralpora, Bagh-e-Mehtab, Channapora, Natipora, Barzulla, Bulbul Bagh, it merges into Hoker Sar Lake, at Lawaypora, Narbal and eventually meets the Jhelum River. Mamath Kull

¹ (2017) 5 SCC 326

also originates from Pir Panjal Mountains and after passing through number of villages in Budgam District, enters the Mamath Village which is 1 km away from the stream and thereafter first enters the Hokersar Lake and eventually meets the Jhelum River. Rivers Doodh Ganga and Mamath Kull have been subjected to pollution from pesticides from Apple Orchards, discharge of untreated sewage and dumping of municipal solid wastes from the area falling under Srinagar Municipal Corporation and Municipal Committee of Budgam.

3. Precise submissions been set out in the application are as follows:-

- a) *Large quantity of pesticides are flown into the Doodh Ganga River from the Apple Orchards.*
- b) *The Srinagar Municipal Corporation is continuously discharging untreated sewage in river Doodh Ganga from 13 dewatering pumping stations installed at various locations on the banks of river Doodh Ganga.*
- c) *Till date no STPs has been established by the Srinagar Municipal Corporation or any other Government Body in the entire stretch around river Doodh Ganga as a result of which all the untreated sewage from residential, commercial establishments, shopping malls, butcher houses, poultry shops, laboratories, diagnostic centres and domestic sewage are directly discharged into the river without any scientific treatment.*
- d) *A large number of Municipal Solid Wastes are unscientifically dumped on the banks of river Doodh Ganga and during the present rainy season there is a grave danger of the entire waste to be flowing into the river which is a tributary to River Jhelum.*
- e) *A large amount of municipal solid wastes are being dumped unscientifically on the banks of the Mamath Kull stream by the Municipal Committee of Budgam. There is a grave danger of the entire waste to be flowing into the stream which eventually meets River Jhelum, thereby causing major environmental degradation.”*

4. The areas where untreated sewage is being discharged are mentioned to be as follows:

- “i. **Sogam** - River Doodh Ganga, originating from Pir Panjaal, after travelling for 30 kms starts getting contaminated as soon as it enters the villages. That Sogam, a village in Budgam District is the starting point of the pollution of Doodh Ganga, where the maximum source of pollution is from the large amounts of pesticides which are sprayed in apple orchards from March onwards. That during monsoon, all these toxics gets washed away and drains into Doodh Ganga, result of which is large scale contamination. Experts from the horticulture and agriculture departments have never created any awareness among farmers on management and protection of water bodies from pesticide sprays.
- ii. **Chadoora, Wathoora and Bagh-e-Mehtab**: Thereafter, the river Doodh Ganga gets completely polluted due to the absence of any Sewerage Treatment Plants (STPs) as soon as it enters Chadoora and Wathoora, a town and village in Budgam District. That a massive amount of untreated sewage is discharged and solid wastes are dumped into the river, All the untreated discharges from residential, commercial establishments, laboratories, shopping malls, butcher houses, poultry shops, laboratories, diagnostic centres and domestic sewage are drained directly into the river. Due to the absence of any STPs, the health of the river, which is a major source of drinking water for residents of Srinagar and Budgam, having an estimated reach of almost five lakh, is persistently degrading due to the negligence of the concerned authorities.
- iii. **Chanapora, Natipora, Barzulla, Bulbul Bagh and other areas**: Furthermore, it is submitted that the Srinagar Municipal Corporation is also flushing waste water from Chanapora, Natipora, Barzulla, Bulbul Bagh and various other areas into Doodh Ganga through its 13 pumps stations without any treatment. Due to absence of any STPs in the entire stretch of Doodh Ganga, all the untreated wastes are discharged by these pumping stations. Also, due to the non-availability of garbage dumping sites and lack of mechanism to treat the wastes, a hefty amount of municipal solid wastes are also being dumped on the banks of Doodh Ganaga thereby worsening the quality of the water. That these unsegregated wastes when dumped illegally into the river bank, also leads to groundwater contamination. That there is a grave danger that during monsoon time these municipal waste will flow into river Doodh Ganga, which is a tributary to Jhelum River.”

5. In support of above, the applicant has filed photographs and a report of the applicant published in Greater Kashmir titled “SMC converting Doodh Ganga into a drain”. The applicant has also filed copies of letters of the State PCB addressed to the Srinagar Municipal Corporation against dewatering stations having potential to pollute water. The applicant has

also annexed representation dated 11.08.2021 addressed to the Chief Secretary, J&K, Member Secretary, J&K Pollution Control Committee, Member Secretary, CPCB, Commissioner, Srinagar Municipal Corporation, Director, Urban Local Bodies, Kashmir, Deputy Commissioners Srinagar and Budgam. The applicant has also relied upon letter dated 10.09.2021 from Regional Director, J&K PCC to the Member Secretary, J&K PCC stating that on analysis of water samples, discharge of pollution in the rivers was established. The letter is reproduced below:

*“As per the inspection report, the analysis of samples collected from Doodhganga at different locations indicate that water in upstream spots i.e. at Sogam, Chadoora and Baghi-e-Mehtab meet the prescribed permissible limit for ‘Class B’ (Out door Bathing Organised) criteria in terms of analysed physicochemical parameters, **whereas in the lower course of river i.e. at Baghat Old Barzulla and Near Tengpora the water quality does not confirm ‘Class B’ Criteria for parameters viz Dissolved Oxygen and Biochemical Oxygen Demand. Comparatively inferior quality in the lower course of river can be attributed to addition of deleterious waste into the water body.***

*The analysis of samples collected from Mamath Kul indicate that water quality in upstream and downstream meets the prescribed permissible limit for ‘Class B’ (Out door Bathing Organised) criteria in terms of analysed physicochemical parameters. However **huge dumps of solid waste were observed along the banks of this stream. The municipal committee Budgam is dumping solid waste on the periphery of the Mamath stream.***

Dewatering pump stations installed at various locations on the bank of Doodh Ganga river are still operational and discharged untreated waste water into the River. No concrete steps have been taken by concerned municipal authorities with regard to scientific disposal of solid waste as dumping of solid waste on the banks of Doodh Ganga continues unabated. Municipal Committee Chadoora is dumping the solid waste generated from the Chadoora town on the Bank of Doodh Ganga near Abshar colony. “

6. In view of above material, *prima facie* it appears that there is continued violation of Water Act to the prejudice of the environment and public health which remains unchecked. Thus, intervention of the Tribunal may be called for. Accordingly, we direct the authorities to verify

the facts and take remedial action in accordance with law. We also constitute a five-member Joint Committee of CPCB, J&K PCC, Deputy Commissioners, Srinagar and Budgam and the Director, Urban Local Bodies, J&K. The State PCB will be the nodal agency for compliance and coordination. The Joint Committee may meet within two weeks and undertake visits to the sites in question. The Committee may look into the water quality in terms of Fecal coliform, quantity of sewage being discharged, solid waste being dumped on the banks and the action plan prepared by the River Rejuvenation Committee (RRC) for J & K constituted as per orders of the Tribunal in OA 673/18. Further action be planned and executed accordingly. It may give a factual report to this Tribunal within two months 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 the report may also be given to the Secretary, Urban Local Bodies who may file an action taken report in terms of status of compliance of orders of the Hon'ble Supreme Court in *Paryavaran Suraksha (Supra)* and orders of this Tribunal dated 21.05.2020 and 21.09.2020 in O.A. 593/2017, *Paryavaran Suraksha Samiti v. Union of India & Ors.*, dated 14.12.2020 in O.A. No. 606/2018, *Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues* and dated 06.12.2019 in OA 673/2018, *In re: News item published in "The Hindu" authorized by Shri Jacob Koshy titled "More rivers stretches are now critically polluted: CPCB"* within one month of the said report.

List for further consideration on 08.03.2022.

A copy of this order be forwarded to the CPCB, J&K PCC, Deputy Commissioner, Srinagar, Deputy Commissioner, Budgam, Directorate of Urban Local Bodies, J&K by e-mail for compliance.

The applicant may serve a set of papers on members of the joint Committee and other affected parties and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 18, 2021
Original Application No. 241/2021
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