

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

.....

ORIGINAL APPLICATION No. 15/2014/EZ

IN THE MATTER OF

TRIBUNAL ON ITS OWN MOTION

Madan Lal, Advocate (since deceased)
Son of Late Ramcharan Prasad Arya,
Before demise residing at 23, Subhas Avenue ,
PO & PS- Ranaghat, District Nadia

.... Original Applicant

V e r s u s

1. Union of India service through the Secretary, Ministry of External Affairs, South Block, New Delhi-110 001
2. The Secretary, Ministry of Environment, Forest & Climate Change.Govt. of India,CGO Complex Lodhi Road,New Delhi-110 003
3. The Central Pollution Control Board, service through its Director, Parivesh Bhawan, CBD-cum-office Complex, East Arjun Nagar,Delhi-110 032
4. The Superintendent/In-Charge, The Central Pollution Control Board,Eastern Zonal Office, 1582, Rajdanga Main Road, Kolkata-700 017
5. Pollution Control Board, West Bengal Service through Chairman, Office at Paribesh Bhavan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata- 700098.

6. The District Magistrate,
Nadia, PO Krishnanagar,
Dist. Nadia
7. The Chairman, Ranaghat Municipality,
PO & PS Ranaghat, Dist. Nadia, Pin 741 201
8. The Chief Secretary
The Govt. of West Bengal,
Nabanna, West Bengal,
New Secretariat Building,
Howrah- 711102.
9. The Principal Secretary,
Department of Environment,
Govt. of West Bengal,
Poura Bhawan, Salt Lake City,
Kolkata-700 106
10. The Principal Secretary,
Department of Municipal Affairs,
Govt. of West Bengal,
Writers Buildings, Kolkata-700 001
11. The Principal Secretary,
Department of Panchayat & Rural Development,
Govt. of West Bengal,
Joint administrative Building, Block-HC-7
Sector-III, Bidhannagar,
Kolkata-700106
12. Ranaghat Municipality through the
Board of Councillors,
PO & PS, Ranaghat Dist. Nadia
Pin 741 201

.....Respondents

COUNSEL FOR RESPONDENTS:

**Mr. Kushagra Shah, Advocate & Mr. Anuraag Mehta,
Advocate, Respondent No. 1**

**Mr. Gorachand Roy Chowdhury, Advocate,
Respondent No.2**

Mr. Surendra Kumar, Advocate, Respondents 3 & 4
Ms. Arpita Chowdhury, Advocate, Respondent No. 5
Mr. Achintya Kr. Banerjee, Advocate & Sk. Faidullah,
Advocate, Respondent No. 7 & 12
Mr. Bikas Kargupta, Advocate, Respondents No. 6 & 8
to 11
Amicus Curie : Mr. Arunangshu Chakraborty, Advocate

JUDGMENT

PRESENT:

Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

Reserved On: 07. 09.2016
Pronounced On: 21.09.2016

1. Whether the Judgment is allowed to be published on the net? Yes
2. Whether the Judgment is allowed to be published in the NGT Reporter ? Yes

Per Hon'ble Prof.(Dr.) P.C.Mishra, E.M:

River Mathabangha of Bangladesh bifurcates at east of Krishnanagar, West Bengal, with two resulting streams known as Churni and Ichhamati. The Churni river passes in a direction slightly west of south in Nadia District of West Bengal,

past Hanskhali and Ranaghat over a stretch of 56 Kms and falls into the river Hooghly (Ganga) between Shantipur and Chakdaha.

2. The instant application was filed by Mr. Madanlal, an advocate and resident of Ranaghat Municipality alleging severe pollution of the river Churni resulting a huge fish-kill and making it unworthy even for bathing and irrigation. It was his contention that Churni river passes through part of densely populated areas of Nadia District affecting the lives of nearly six lakhs inhabitants and nearly five thousands fishermen, who are dependent upon the fish catch, have lost their livelihood. The applicant would further submit that a factory named "Karo and Company" located at Darshana in Bangladesh manufacturing sugar, wine, chemicals etc. releases its stored waste water from Lagoon into the river Mathabangha which ultimately finds its way into the river Churni thereby polluting the water significantly. He would further state that the waste water from the lagoon of "Karo and Company" are discharged 4-5 times a year but its impact in Churni river lasts for 10 to 15 days each time and on 16.3.2008, the water of Churni river virtually turned black beyond the points of its recognition due to release of effluents from the industry.

3. The applicant would further submit that he brought the pollution problems of river Churni and its impact to the notice of the Ministry of Environment and Forest, Govt. of India, the Respondent No. 2, on 29.5.2008 annexing eleven photographs taken on 16.3.2008. In their reply to the representation of the applicant, the Respondent No. 2 admitted the fact that Churni river in Nadia District of West Bengal was polluted by Sugar Industry and Distillery located in Bangladesh by intermittent discharge of their effluents from lagoons causing large scale fish-kill in the river. They further informed that the river is highly polluted having Bio-chemical Oxygen Demand as high as 12 mg/L (against a normal of 4-5 mg/L) indicating high pollution due to organic matter. The Respondent No. 2 expressed their inability to resolve the issue as the matter did not fall under the purview of the Ministry and advised the applicant to take up the matter with Government of Bangladesh through the Ministry of External Affairs, Govt. of India.

3. Although there was no more episodal discharge for subsequent two years, admittedly due to closure of the industry in Bangladesh, as submitted by the applicant, there was recurrence in 2010 and the applicant sent a representation to the Respondent No. 1, the Ministry of

External Affairs on 15.7.2010 with a request to take up the issue with Govt. of Bangladesh. The applicant also received a response from Respondent No. 4, the Central Pollution Control Board through "Right to Information" and the response was similar to the reply of MoEF. The letter of CPCB dt. September 09, 2010 reads as such :-

"EZO/F-831/RTI/2010/683
September 09, 2010

To
Shri Madan Lal,
C/o Shri Sukumar Sen,
23, Subhas Avenue,
PO & PS- Ranaghat,
Dist. Nadia, PIN 741 201.

Sub : Seeking information under the Right to Information Act, 2005- reg.

Sir,

WHEREAS the Central Pollution Control Board, an autonomous organisation under Ministry of Environment & Forests, Government of India, is governed by the provisions of the RTI Act, 2005. WHEREAS the undersigned being the in-charge of Central Pollution Control Board, Eastern Zonal Office, Kolkata has been designated as Central Public Information Officer (CPIO) to provide information as per Notification issued by Ministry of Environment & Forest vide S.O. 2210(E) under Section 5(1), Section 19(1) of RTI Act, 2005.

WHEREAS this office is in receipt of your request seeking information vide letter dated 31.08.2010.

The undersigned refers to your request and inform you that point-wise answers to the desired

information, is given as below :

Sl. No.	Desired Information	Information Provided
i)	How often does the Central Pollution Control Board, Eastern Zonal Office, collect the water of Churni river for carrying out water quality survey particularly during the time of release of effluents from Bangladesh	Monitoring is done three times in a year- Sumer, Post-Monsoon and Winter
ii)	What types of pollution have been detected on survey	Mostly organic pollution with ore BOD and less DO in summer. In summer, BOD is around 15 mg/L with dissolved Oxygen (D.O) 0.9 mg/L In Post Monsoon, BOD is 5 mg/L with D.O. 4 mg/L In winter, BOD is around 7 mg/L with DO of around 4.0 mg/L
iii)	In what way the polluted water of Churni River affect the human lives and animals as also environment; and	As per water quality criteria of Central Pollution Control Board 'for organized bathing' the dissolved Oxygen should be more than 5 mg/L with BOD less than 3 mg/L. Whereas for 'propagation of wild life and fisheries' Dissolved Oxygen requirement is more than 4 mg/L
iv)	Any other information relevant in the backgrounds of the facts stated as above	Due to sugar factory (Kero Sugar Mill, Darshana, Bangladesh) effluent discharge, the quality of Churni river is affected.

5. The plight of the people continued when such episodal pollution again occurred on 13.1.2011, 30.1.2011 and there was no action on the part of the Govt. respondents except the CPCB visiting Ranaghat Municipal Area and Kissengunge (near the border) and collecting water samples from the river. It was the submission of the applicant that earlier the discharge was 4-5 times a year but subsequently it became

a perennial problem. Being aggrieved and dissatisfied with the inaction and negligence of the Govt. respondents, the applicant filed a writ petition No. 2795(w) of 2011 before the Hon'ble High court of Calcutta with the following prayers :

- a) To issue a writ in the nature of mandamus directing the respondent No. 1 to take such measures as would check/stop effluent of industries in Bangladesh from coming down to the CHURNI river;
- b) To issue a writ in the nature of mandamus directing the respondent No. 1 to initiate discussion/dialogue and/or lodge protest with the Government of Bangladesh and upon failure of the Government of Bangladesh to check effluent of its industries from coming down to the CHURNI river, direct the respondent No. 1 to raise the issue of pollution of the CHURNI river in the International forum;
- c) To issue a writ in the nature of mandamus directing the respondents to verify and transmit the relevant documents/records pertaining to this case so that on perusal thereof conscionable justice may be done;
- d) Rule *NISI* in terms of prayers (a), (b) and (c) as above;
- e) The said rule may be absolute upon hearing the parties;
- f) Any other or further writ or writs/order or orders/direction or directions as deem fit and proper.

6. The writ petition was heard on 8.1.2013 by the Hon'ble Mr. Arun Mishra, Chief Justice and Hon'ble Mr. Justice

Joymalya Bagchi and upon hearing they were pleased to pass the order, the operative part of which is as follows :

“ It is also submitted that the reply has been filed by respondents No. 3 and 4. It is submitted in their reply that there are certain local factors due to which pollution is being caused within India also. For that it is assured by learned counsel appearing for the Pollution Control Board that they will take necessary steps for checking the pollution of the river in question within boundaries in India within a period of six weeks from today, Statement is placed on record.

However, petitioner appearing in person has prayed for approaching the Green Tribunal. Liberty is given to the petitioner to do so.”

7. Subsequently, a Contempt Application was filed by the Applicant (No. CPAN 327/2014) against CPCB in the Hon'ble High Court of Calcutta and the contempt application was disposed of on 9.4.2014 with the following order :-

“ As the matter pertains to substantial public injury and liberty has been given to the petitioner to approach before the Green Tribunal, we are not inclined to pass any order in the contempt application.

Accordingly, the contempt application is disposed of without, however, any order as to costs.”

8. Aggrieved with the inaction of the Govt. respondents in checking pollution of the river Churni and alleging that the Ranaghat Municipality also contributes to pollution of river in the stretch of river passing along Ranaghat Municipality area through discharge of untreated waste water and dumping of

solid wastes, the Applicant filed this OA 15/2014/EZ with the following prayers :-

- a) Direct the respondent No. 1 to initiate discussion/dialogue and/or lodge protest with the Government of Bangladesh and upon failure of the Government of Bangladesh to check pollution/effluents of its industries coming down to Churni river, direct the respondent No. 1 to raise the issue of pollution in the International Forum;
- b) Direct the respondents concerned to take appropriate steps in terms of the recommendations of the respondent Nos. 3 and 4
- c) Direct the concerned respondents to take appropriate steps to re-construct/remodel the Burning Ghat, setting up garbage treatment plant at Ranaghat and restrain the Municipal Garbage being dumped on the bank of the Churni river and take other steps to prevent the pollution of the Churni river and take further steps to prevent the nature and character of the Churni river being changed;
- d) Direct the respondents to verify and transmit the relevant records/documents pertaining to this case so that on perusal thereof conscionable justice may be done;
- e) Any other or further order/direction or directions as deem fit and proper.

9. The West Bengal State Pollution Control Board, Respondent No. 5, in their affidavit filed on 7.1.2015, while admitting the source of pollution of the river Churni as being river Mathabangha in Bangladesh and necessity of intervention

of Govt. of India to address the problem also stressed on the treatment of waste water generated by Ranaghat Municipality before it is discharged to the river Churni and proper disposal of municipal solid wastes. The District Magistrate, Nadia, the Respondent No. 6 in their replies would also submit about different steps taken by the administration to prevent pollution of river including the preparation of a proposal for Sewage Treatment Plant, Municipal Solid Wastes Management for consideration and financial assistance by the Government. The Respondent No. 1, the Ministry of External Affairs, in their reply affidavit would submit that the issue of pollution of common rivers between India and Bangladesh including Churni river has been raised before the Bangladesh side through several fora including mechanism under the Joint River Commission and Border Security Force (BSF) of India and Border Guards Bangladesh (BGB) talks. The Ld. counsel Mr. Khushagra Shah appearing on behalf of the Ministry of External affairs would further submit that the specific issue of Churni river pollution was raised on July 14,2014 by our High commission in Dhaka in which it was conveyed to the Foreign Ministry of Bangladesh and requested the Govt. of Bangladesh to address the problem effectively.

However, there has not been any redressal by the Govt. of Bangladesh till date.

10. Considering the prayer of the applicant that the only Burning Ghat of Ranaghat Municipality is in a dilapidated condition requiring urgent renovation and repair, and the fact that the waste materials of the Burning Ghat also contribute to the pollution of river Churni, we directed the District Magistrate and Collector, Nadia to take steps to repair and renovate the burning ghat. The District Magistrate & Collector complied to our direction by submitting a proposal to the Govt. of West Bengal for financial assistance for carrying the work against which the Govt. of West Bengal sanctioned a sum of Rs. 47.0 lakhs to the Ranaghat Municipality and the work of repair and renovation is said to be in progress.

11. To minimise the pollution level of Churni river in the stretch passing through Ranaghat Municipality and in view of the observation of CPCB as well as State Pollution Control Board, we directed the Ranaghat Municipality to prepare schemes for Sewage Treatment and Municipal Solid Wastes Management and submit to the Govt. for administrative and financial sanction which was complied by the Ranaghat Municipality. The Chief Secretary, Govt. of West Bengal, was

also directed to intervene in the matter for according administrative and financial approval as the Government is constitutionally liable and responsible to make the environment free from pollution in terms of the mandate under Article 48A of the Constitution of India.

12. The Chief Secretary, Govt. of West Bengal in his affidavit would submit that due to huge finance involved in the implementation of the schemes, the Govt. is not in a position to fund the schemes at present. Although not satisfied with the reply, we directed the Govt. to submit a cost effective alternate proposal/scheme in consultation with Expert Engineers in the field relating to treatment of municipal waste water and management of municipal solid waste in Ranaghat Municipality, no such proposal/scheme was filed by the Government.

13. Considering the concern of the Applicant expressed before us on 28.1.2016 that there was no mechanism existing in Ranaghat Municipality for disposal of municipal solid wastes in terms of the Municipal solid Wastes (Management & Handling) Rules, 2000 and all waste waters generated from the Municipality were being discharged directly into the Churni river causing pollution, the Executive Officer of

Ranaghat Municipality was directed to furnish details on the status of solid wastes generation and disposal in the form of an affidavit. On the issue of discharge of waste water without treatment, we issued the following directions to the State Pollution Control Board vide our order dt. 28.1.2016 for compliance :

“ We direct the State Pollution Control Board to

- (i) depute a team of 2-3 scientists to collect waste water samples from these eight outfalls before being drained to the river;
- (ii) quantify the volume of such water discharged daily from each outfall,
- (iii) make analysis of the quality of such water samples collected from such outfalls keeping the disposal standards in view,
- (iv) collect river water samples from upstream, downstream and discharge point of each outfall starting from the first one located in upstream of the river within Ranaghat municipality and analyse the river water quality, and,
- (v) assess the contribution of waste water discharged by the Ranaghat Municipality to the total pollution load in respect of BOD,COD, Phosphate and Nitrate content of the river Churni in the stretch flowing within Ranaghat Municipality. “

14. During the pendency of the case, Mr. Achintya Banerjee, Ld. counsel for the respondent No. 7, the Ranaghat Municipality informed the Tribunal about the sad demise of the applicant. Considering the importance of the issue involved, we deemed it necessary to continue with the case as if it was

taken up '*Suo Moto*' with the aid and assistance of an Amicus Curie and accordingly appointed Mr. Arunangshu Chakraborty, Ld. Counsel to act as Amicus Curie on his consent.

15. In terms of our direction dt. 28.1.2016, the Executive Officer of Ranaghat Municipality filed their affidavit disclosing the compliance of the provision of Municipal Solid Wastes (Management & Handling) Rules, 2000. It was stated in the affidavit that there is regular house to house collection of solid wastes which are disposed of in a trenching ground of the Municipality; Bio-medical wastes are collected by one NGO namely, "Maker Environment Management Pvt. Ltd." and carried to Kalyani for its treatment and disposal. They are in the process of installing sufficient number of Bins for temporary local storage of municipal wastes. It is further stated that one compactor machine has been sanctioned by the Deptt. Of Municipal Affairs which will be supplied shortly to the Municipality.

16. Similarly, the State Pollution Control Board filed their report in compliance to our direction dt. 29.1.2006 after organising an inspection by a team of eight Scientists/Engineers on 4.3.2016 making a survey of Churni river and collecting water samples for analysis. The important observations of the inspection are as follows :-

“The inspection yielded the following results :

1. Estimation of the flow of all the outfalls were tried, but for three such outfalls (#1,#7 and #8), such measurements could not be done because the outfalls were covered with water hyacinth and other aquatic plants and weeds making flow invisible and inaccessible. For data, please refer Table 1 to Table 8.
2. Samples from all the outfalls were collected for water quality analysis, such analysis were performed in the laboratory of the WBPCB and they were compared with the discharge standard prescribed by the CPCB. Such results and comparisons *vis-a-vis* the photographs of the outfalls as could be found from the river (on boat) are presented in table 1 to Table 8 below.
3. River water samples were collected from upstream, downstream and discharge point of each outfall and analysed for the river water quality. The analysis results are presented in Table 9 and 10.
4. Contribution of waste water discharged by the Ranaghat municipality through the outfalls was estimated in terms of total pollution load per day (in respect of BOD, COD, Phosphate and Nitrate) and the data obtained are presented in Table 11.

It appears from Table-11 that total volume of waste water discharged to the river Churni through five numbers of outfalls was 14,986 m³/day. Total pollution load discharged to the river in respect of BOD, COD, Phosphate and Nitrate were 1324.57 kg/day, 2843.71 kg/day, 4.36 kg/day and 5.06 kg/day respectively. Results highlighted in Table Nos. 1 to 8 show respective parameters (of discharge waste water) which were beyond the corresponding discharge standard.”

17. A perusal of the results tabulated in 11 tables revealed that approximately 15 lakhs litre of waste waters are discharged to river Churni daily without treatment at eight points in the 2.11 km stretch of river passing through the Municipality area and the quality of waste water is much beyond the prescribed disposal standard. The water quality of river Churni in the upstream of Ranaghat Municipality i.e., before discharge of any waste water from the municipality, indicates pollution supposedly contributed by the Mathabangha river of Bangladesh. However, because of the discharge of untreated waste water from Ranaghat Municipality at the 8 outfalls points, there is no self-purification of river water with consistently very low Dissolved Oxygen level, high BOD level, high Total Coliform and Faecal Coliform indicative of high organic pollution.

18. Considering the report of the Pollution Control Board and the inaction of the Union Government as well as the state Government to resolve the issue at the international level and State level, we decided to hold a consultative meeting with the stake holders and accordingly directed the following respondents to nominate one member each on their

behalf having expertise in the field to attend the consultative meeting on 17.5.2016 at 3 PM.

1. Ministry of External Affairs - Respondent No. 1
2. Ministry of Environment, Forest & Climate Change - Respondent No.2
3. Central Pollution Control Board- Respondent No. 3
4. West Bengal Pollution Control Board- Respondent No. 5
5. The DL & LRO, Birbhum
6. The Executive Officer, Ranaghat Municipality.

19. In the consultative meeting held on 17.5.2016 it was decided to conduct a joint inspection to ascertain the feasibility of constructing a sewer drain parallel to the river for diversion of waste water of the Ranaghat municipality and finally treat the sewage water in two lagoons, each of 15 lakhs litre capacity. The Judicial order was accordingly passed on the same day which reads as follows :-

“Consultative Meeting held. The following were present:-

1. **Mr. Arunangshu Chakraborty, Amicus Curie**
2. **Ms. Pratibha Parkar, Representative of Min. of External Affairs**
3. **Mr. Achintya Kumar Banerjee, Advocate
Mr. Mrinal Basak, SDE & Mr. Jayanta Mukherjee for Ranaghat Municipality.**

4. **Mr. Gora Chand Roy Choudhury, Advocate for MoEF**
5. **Ms. Arpita Chowdhury, Advocate
Mr. Ujjal Mukhopadhyay, Chief Scientist**
6. **Mr. Bikas Kargupta, Advocate for State of W.B.**
7. **Mr. Sovan Chakraborty, SD&LRO**
8. **Mr. Surendra Kumar, Advocate for CPCB
Dr. Rita Saha, Scientist & Mr. Sandip Roy
Scientist for CPCB**

It was decided that each of the different agencies shall submit written notes of suggestions on the various aspects discussed. It was decided to have joint inspection of the Ranaghat Municipality Area to ascertain as to whether it would be feasible to construct a drain for diversion of waste water parallel to the river leading to a distance beyond the municipal area and for construction of two ponds/lagoons each with capacity of 15 lakhs litre for intake of the diverted water.

We have noted the suggestions made by the respective agencies, specifically of the ADM & LRO of the area, who was represented by Mr. Bikas Kargupta, Id. Govt. Counsel and Mr. Sovan Chakraborty, SD&LRO, Ranaghat. It has been conveyed to us by the ADM & LRO that there are vested government lands situated along the river Churni within the Ranaghat Municipality which can be handed over for use by the Municipality.

As suggested, a joint inspection be carried out by all the stakeholders including the State PCB, the CPCB, MoEF, Min. of External Affairs and the Ranaghat Municipality. The team shall be led by Mr. Ujjal Mukhopadhyay, Chief Scientist of the State PCB. We request Mr. Mukhopadhyay to fix a date for the inspection and inform all the agencies. The written notes of suggestions and the report that would emerge from joint inspection be filed thereafter.

The ADM & LRO who shall also be a part of the inspection team, is requested to take care of the team at Ranaghat."

20. In compliance to our order and in terms of the decision arrived at the consultative meeting the Ministry of External Affairs filed a report on various steps taken by the

Ministry to convince the Govt. of Bangladesh to prevent polluting Churni river. The report reads as such :-

**“ MINISTRY OF EXTERNAL AFFAIRS,
(BM Division)**

Subject :The matter of Late Mr. Madan Lal Vs. Union of India and Others regarding pollution of Churni river.

The Ministry of External Affairs has taken various steps to convince the Bangladesh Government to prevent polluting Churni river, which flows from Bangladesh into India which as follows :-

- (i) The matter of pollution in Indian side falls within the purview of Ministry of Environment and Forest of India. MEA deals with the issues of pollution that is taking place on Bangladesh side. There are also complaints from Bangladesh about pollution caused by India on common rivers.
- (ii) The issue of pollution of common rivers between India and Bangladesh, including Churni river has been raised with the Bangladesh Side through several forums including mechanism of the Joint River Commission.
- (iii) There is a Joint River Commission which is functioning since 1972 with a view to maintain liaison in order to co-share the optimum benefits from common river systems. It is headed by Water Resources Ministers of both countries. So far, 37 meetings have been held alternatively in both the countries. The last meeting was held in March 2010 at New Delhi. Several issues like pending river embankment works, allegations of water withdrawal from common stretches of the rivers, allegations of illegal structures for water withdrawal, pollution in common rivers etc. are discussed in this Commission.
- (iv) The Ministry has directed the High Commission of India in Dhaka to continuously take up the matter of

pollution of Churni river in Bangladesh till appropriate action is taken by Government of Bangladesh. The details of Note Verbales that have been issued by our High Commission in Bangladesh are as follows :-

- Vide Note Verbale dated 14th July, 2014, it was conveyed that the sugar mill located at Dharshana, Bangladesh is polluting the water of Mathabangha-Churni river system (which enter from Bangladesh into India) by discharging its effluents into it. This has been degrading the water quality and hampering the river ecology. Apart from human health, fish and other aquatic animals have also been affected adversely. The Government of Bangladesh was requested to address the problem of pollution in Mathabangha-Churni river meaning from Bangladesh.
- Vide Note Verbale dated 10th march 2015, the Government of Bangladesh was again requested to address the issue of pollution of river Churni.
- Vide Note Verbale dated 22 June 2015, the High Commission of India in Dhaka again raised the matter of pollution of Churni river with the Government of Bangladesh and requested them to resolve the problem at the earliest.
- Vide Note Verbale dated 14 September, 2015, the Indian side conveyed to Bangladesh side that the problem of pollution of Churni river still persists. It also requested the Government of Bangladesh to set up an effluent treatment plant at Churni river. It also added that if Government of Bangladesh is agreeable to set up such a plant and look after its maintenance, then the Indian side is ready to fund setting up of the plant.

Bilateral Forum

- During the technical level meeting of Joint River Commission between India and Bangladesh held at Kolkata on January 10, 2015 Indian side had informed that the pollution of Churni river still persists and requested for necessary steps to be taken by the Government of Bangladesh to resolve the problem.
- During the Indo-Bangladesh Joint River Commission held at New Delhi in India on September, 2015, the Indian side requested Bangladesh side to address the problem of pollution of Churni river in west Bengal due to effluents of sugar mills located in Bangladesh territory. The Bangladesh side mentioned that measures have already been taken and as a result of which pollution has come down to acceptable limits.
- Our Foreign secretary visited Bangladesh on 11-12 May 2016. During his meeting with Bangladesh Foreign Secretary, he raised the issue of industrial pollution in the Churni River which flows downstream into India. He conveyed that India is ready to construct an ETP on the river. Bangladesh Foreign Secretary agreed to look into the matter.

**Sd/
(Pratibha Parkar)
Director (BM)
19.05.2016 "**

21. Two inspections of the Churni river within Ranaghat Municipality were carried out by the committee on 25.6.2016 and 22.7.2016. On 22.7.2016 two subject experts, namely, Prof. Arunabha Mazumdar of School of Water

Resource Engineering, Jadavpur University and Sri Sujit Kumar Bhattacharya, Ex-Chief Engineer, KMDA also participated and offered their expertise. The two proceedings/reports are reproduced below :-

“ Minutes of meeting followed by joint inspection on 25th June 2016.

Proceedings of the meeting held on 25.06.2016 at 10.00 AM at the office of SDO, Ranaghat, Nadia in connection with Order of Honourable National Green Tribunal vide order dated 17.05.2016.

A meeting was held on 25.6.2016 at 10-00 AM at the office of SDO, Ranaghat, Nadia in connect order of the Hon’ble National Green Tribunal (eastern Bench :NGT-EB) on OA No. 15/2014/EZ, dated 17/05/2016 followed by a joint inspection of the stretch of river Churni within Ranaghat Municipality area to ascertain as to whether it would be feasible to construct a drain for diversion of waste water parallel to the river leading to a distance beyond the municipal area and for construction of two ponds/lagoons each with capacity of 15 lakhs litre for intake of the diverted water.

The meeting and the subsequent inspection were

represented by the following members and organisations:

Sl. No.	Name of Representative	Designation/Organisation
1.	Mr. HARDEEP SINGH JASPAL	Deputy DL & LRO, NADIA
2.	Mr. MRINAL BASAK	SDE, RANAGHAT MUNICIPALITY
3.	Mr. JAYANTA MUKHERJEE	PA TO CHAIRMAN, RANAGHAT MUNICIPALITY
4.	Mr. SOVAN CHAKRABORTY	SDL & LRO, RANAGHAT
5.	Ms. RITA SAHA	SCIENTIST, CPCB
6.	Mr. SANDIP ROY	SCIENTIST, CPCB
7.	Mr. AMARNATH GOSWAMI	SR. LAW OFFICER, WBPCB
8.	Mr. SUBHANKAR DEBNATH	SCIENTIST, WBPCB
9.	Mr. ABHIJIT BHUNIYA	BL & LRO, RANAGHAT-I

10.	Mr. HEMENDRA SARKAR	SRO-II & TA DL & LRO, NADIA
11.	Mr. PRABIR KUMAR BHADURI	REVNUE INSPECTOR, RANAGHAT MUNICIPALITY
12.	Mr. SANKAR MONDAL	AMIN, BL & LRO, RANAGHAT-I
13.	Mr. PARTHA MUKHOPADHYAY	DEPUTY MAGISTRATE & DEPUTY COLLECTOR, RANAGHAT

The meeting was conducted by Mr. HARDEEP SINGH JASPAL, Deputy DL & LRO, NADIA on behalf of Mr. Abhijit Mukherjee, ADM & DL & LRO, Nadia.

Mr. SOVAN CHAKRABORTY, SDL & LRO, RANAGHAT presented the map of the area and pointed out the land which may be considered for the site of the proposed ponds/lagoons for intake of the diverted water. He also discussed that a continuous stretch of vested Government land along the thickly populated bank of the river Churni within Ranaghat Municipal area for the construction of drain for diversion of waste water parallel to the river may not be available. He however suggested that increased siltation and decreased flow of water in the river has narrowed the width of the river, thus exposing a dry 50 feet wide passage on either side of the river bed. Possibilities of procuring permission for use of this stretch of river bed from respective Department of Govt. of India may be explored.

Ms. RITA SAHA, Scientist, CPCB discussed that the thick population in the area, the zigzag course of the river and the varied slope of the individual outfalls may pose a barrier in construction of a parallel open surface drain and its operation may require pumping at different point to feed the waste water to the proposed drain. She also suggested for a feasibility study by expertise from reputed agencies for the purpose of constructing elevated or underground closed surface drain.

Mr. Subhankar Debnath, Scientist, WBPCB pointed out that the point sources of dyeing and bleaching/handloom cottage units which are abundant on the other bank of the river are also a major contributor of pollution load to the river water and a similar drain on that bank of the river may be constructed and joined somewhere across the river and to bring their waste water to the ponds/lagoons for treatments before being discharged to the river. Mr. Jayanta Mukherjee, PA to Chairman, Ranaghat Municipality and Ms. Rita Saha, Scientist, CPCB also agreed to this observation. Mr. H.S.

Jaspal, Deputy DL & LRO, Nadia assured that he will review this to update the status.

The members then made an inspection of the outfalls and the course of the river and the site where an approximate 22 decimal of land is available for construction of two ponds/lagoons each with capacity of 15 lakhs litre for intake of the diverted water as proposed by hournable NGT.

Considering the complicated technical and engineering aspects, the members of the meeting unanimously decided to explore further the feasibility study by some experts of architectural designing and civil construction from Govt. Organisation/Institutions and all the stakeholders will sit for another meeting to review the emerging issues in connection to the propagation of the order of the honourable NGT under reference.

Sd/-	Sd/-	Sd/-
MR. PARTHA MUKHOPADHYAY	MR. MRINAL BASAK	MR. JAYANTA MUKHERJEE
Sd/-	Sd/-	Sd/-
MR. SOVAN CHAKRABORTY	MS. RITA SAHA	MR. SANDIP ROY
Sd/-	Sd/-	Sd/-
MR. AMARNATH GOSWAMI	MR. SUBHANKAR DEBNATH	MR. ABHIJIT BHUNIYA
Sd/-		Sd/-
MR. PRABIR KUMAR BHADURI		MR. SANKAR MONDAL

Report of inspection on the wastewater treatment of Ranaghat Municipality, Nadia in connection with order of Honourable national Green Tribunal vide order dated 17/05/2016.

In order to 'ascertain as to whether it would be feasible to construct a drain for diversion of waste water parallel to the river (Churni) leading to a distance beyond the municipal area and for construction of two ponds/lagoons each with a capacity of 15 lakhs litres for intake of the diverted water' vide order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 17th May 2016, and subsequent decision of the meeting held on 25/06/2016 at the office of the SDO, Ranaghat, the following two experts on the subject matter along with officials of different concerned departments visited the river Churni and adjoining areas in Ranaghat Municipal Town on 22nd July 2016.

Experts :

1. Prof. Arunabha Mazumdar, of School of Water Resources Engineering, Jadavpur University.
2. Sri Sujit Kumar Bhattacharya, Ex Chief Engineer, KMDA.

During inspection, it was observed that there is no space available for construction of surface drain parallel to river Churni for diversion of waste water for treatment in a centralised place. Pucca as well as Katcha-Pucca houses have been constructed along with left bank of river Churni leaving no vacant space for river front development/beautification or laying of drain. At present untreated water from Ranaghat town is getting discharged in the river through eight (8) outfall open drains (Point sources of river pollution). During the visit flow of water in the river Churni was observed. A couple of bathing ghats was found along the river where people were taking bath. A vacant land was found to be available at the downstream end of the town for construction of ponds/lagoons for holding/treatment of waste water.

However, in order to control pollution of river Churni from Ranaghat town, there is a need for laying intercepting sewer for diversion of dry weather flow (domestic waste water) for treatment. Accordingly feasibility study was conducted through reconnaissance survey of the area and following observations may be made.

1. An alignment for laying underground sewer along different roads parallel to the river is feasible for interception and diversion of dry weather flow. Except Strand Road (parallel and closed to river: few hundred meters) all other roads parallel to the river are away from the river.
2. Pumping stations are to be constructed for lifting of waste water and facilitating diversion.
3. All outfall drains are to be kept functional to facilitate discharge of storm water from the town.
4. It is expected that around 85-90% dry weather flow from eight outfall drains can be intercepted and diverted by laying intercepting sewer along the alignment of roads parallel to the river.

5. Land is available for treatment of waste water (DWF) in Waste Stabilization Ponds or Facultative Aerated Lagoon.

For the abovementioned work, A Detailed Project Report (DPR) is required to be prepared. For that, a reputed consultant having experience of similar nature of works may be engaged. The Municipality is not having requisite technical personnel for executing this type of work. The Municipal Engineering Directorate (MED) who is executing a treated Surface Water Supply Scheme for Ranaghat Municipality may be given the full responsibility. For DPR preparation, the selected consultant will have to carry out following field survey :

- i) Measurement of Dry Weather Flow of each outfall
- ii) Analysis of Physical, chemical and Bacteriological parameters of wastewater
- iii) Topographical survey to fix the alignment of the intercepting sewer and finalising the locations of sewage pumping stations/lifting stations. The intercepting sewer will be laid along the roads nearer to the river.

Considerable fund will be required for abatement of pollution of river Churni from Ranaghat Town. As Churni is a cross-connecting channel between the Padma the Ganga contributing large pollution load to river Ganga, funding can be sought from Ministry of water Resources, River Development and Ganga Rejuvenation, Government of India (Namami Gange/Ganga Rejuvenation program/National River Conservation Program). Detailed Project Report (DPR) needs to be prepared by the municipal engineering Directorate of Government of West Bengal accordingly.

Since approval and execution of this project will require a lot of time, as a short term measure, in Situ Treatment of waste water drains using Bioremediation/Phytoremediation techniques can be tried as a pilot project from State fund. Constructed Wetland may be a good option to consider.

Sd/- (Arunabha Mazumdar) Sd/- (Sujit Kumar Bhattacharya)

22. Considering the report of the Ministry of External Affairs and the joint inspection report and the fact that the State Government is constitutionally obliged to make the environment pollution free in terms of the mandate under Article 48A of the Constitution of India, we hereby direct the state Government and the other authorities to comply with the followings as interim measures to prevent pollution of the stretch of river Churni passing through Ranaghat Municipal area till a full-fledged Sewage Treatment Plant with appropriate sewerage networking and Municipal Wastes Management in terms of Solid Waste Management Rules, 2016 with central funding under 'Namami Ganga' project are worked out :-

1. A Detailed Project Report (DPR) shall be prepared within three months by the Municipal Engineering Directorate (MED), Govt. of West Bengal engaging reputed consultant(s) having similar experience on Low Cost Waste Water Treatment after carrying out field survey in terms of the feasibility study already conducted by the two experts, viz., Prof. Mazumdar and Prof. Bhattacharjee through reconnaissance survey of the area.

2. The Govt. of West Bengal shall allocate adequate funds for implementation of the

project and complete the project within this financial year.

3. The Ranaghat Municipality shall ensure that the Municipal wastes generated from Ranaghat Municipality area and collected through door-to-door collection get transported to the dumping site away from the river.

4. The Municipality shall ensure continuance of the disposal of Bio-Medical Wastes in accordance with Bio-Medical Waste Management Rules, 2016.

5. With regard to the waste water generated from the dyeing and bleaching/handloom cottage units located on other side of the river, the State Pollution Control Board shall ensure that such waste water meets the disposal standard before being discharged to river Churni.

6. The Ministry of External Affairs would continue negotiating with the Govt. of Bangladesh on setting up of an Effluent Treatment Plant with funding by Govt. of India for the industries contributing to the pollution of river Mathabanga which subsequently flow into river Churni in West Bengal.

7. The Government of West Bengal through the Chief Secretary, Respondent No. 8, shall submit compliance report on the directions 1 and 2; the Chairman, Ranaghat Municipality, Respondent No. 7, on directions 3 and 4, the West Bengal Pollution Control Board, Respondent No. 5, on direction 5 and the Ministry of External Affairs, Respondent No. 1, on the direction No. 6 on **5.4.2017** and not later than that.

23. With the above directions, we dispose off this OA.

24. No order as to costs.

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Mr. Justice S. P. Wangdi, JM

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Prof. (Dr.) P.C. Mishra, EM

Kolkata

Dated 21st September, 2016

NGT