

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 139/2013 (CZ)

AND

Original Application No. 33/2014 (CZ)

AND

Original Application No. 30/2014 (CZ)

IN THE MATTERS OF

Akhil Bhartiya Vidyarthi Parishad & Anr. vs. Union of India & Ors.

AND

M.N.P.N.E.V.S. & Two Ors. Vs. State of M.P. & 5 Ors

AND

Shailendra Singh Bisen & Ors. vs. State of M.P. & 9 Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : None.
Respondent No.2, 5 to 17, 19, : Shri Sachin K. Verma, Advocate
24 to 38, 41 & 46
Respondent No.18 & 20 : Shri Shinvindu Joshi, Advocate
for Shri Purushaindra Kaurav, Advocate
Respondent No. 40,42,43 & 45 : Shri E.A. Qureshi, Advocate
Respondent No. 39 : Shri S.K. Dubey, Advocate
Respondent No. 4 : Shri Yadvendra Yadav, Advocate
Respondent No. 1 : Shri Vivek Choudhary, Advocate
For Dr. Vijay Choudhary
Respondent No. 2: Shri Sandeep Singh, Advocate

Date and Remarks	Order of the Tribunal
Order No.3 9th May, 2014	<p>These three petitions are heard together as they raise common questions with regard to the pollution in river Narmada. On the last date of hearing i.e. on 03.04.2014, it was observed by the Tribunal that since the source of pollution is not single but as a result of various activities and sources which fall within the jurisdiction of various agencies and departments of the Government. As such there must be a single nodal agency to deal with the problems, find solutions and take remedial steps.</p> <p>On the above, the Learned Counsels appearing for the respondents submitted that in compliance with the directions of the Hon'ble High Court in WP No. 5058/2009, the State Government vide its order dated 14.06.2012 constituted an Inter-Departmental Coordination Committee with the Vice Chairman of the Narmada Valley Development Authority</p>

(NVDA) as its Chairman with various Members comprising officials of Urban Administration and Development, Public Health Engineering, Forest, Agriculture, Housing and Environment, Industry, Revenue Departments, EPCO and Member Secretary of the State Pollution Control Board being convener of the Committee.

Today during the course of hearing, the Learned Counsel for the State of MP and MPPCB submitted a combined reply with an affidavit along with documents i.e. the order dated 14.06.2012 issued by the State Government constituting the above committee under the Chairmanship of the Vice Chairman, NVDA as well as the order convening the meeting of the State Committee and Minutes of the Committee which met on 14.08.2012. These Minutes are dated 25.09.2012. An order dated 05.10.2012 has also been filed showing that a separate cell designated as Narmada Project Cell (NPC) was constituted with the Member Secretary, Housing and Environment as the Team Leader and having Member Secretary of the MP Pollution Control Board as the Secretary, one Consultant, one Sr. Research Officer, two Research Fellows and two Office Assistants as Members of the aforesaid NPC. Shri Sachin K.Verma, Learned Counsel submitted that after the aforesaid Minutes of the meeting dated 14.08.2012 and the order constituting the NPC in pursuance of the decision taken in this meeting, he is unable to submit as to what further steps in conformity of the decisions, have taken place. He has, however, submitted that no further meeting of the committee constituted under the order dated 14.06.2012 has taken place. In view of the above, he was unable to submit any minutes of the meeting held by the said committee.

We find that it is necessary to issue a direction to the State Government and the Member Secretary of the State Pollution Control Board to convene a fresh meeting of the Committee constituted vide Government order dated 14.06.2012 vide No. F 19-59/2012/1/4 of the General Administration Department. The said meeting be convened before

15.06.2014 in consultation with all Members by fixing a suitable date and place for the same. The said meeting shall proceed on the issues which were discussed and highlighted as recorded in the Minutes dated 25.09.2012 on the meeting held on 14.08.2012 and prepare an action plan identifying the tasks to be assigned to the respective Departments. The necessary financial outlay for the tasks to be carried out by the respective departments shall also be presented to the Government. We find from the order dated 14.06.2012 that in the said Committee there is no representation from the Finance Department of the Government of MP. We would accordingly, direct that in the aforesaid Committee constituted vide order dated 14.06.2012, Secretary for the Finance Department, GoMP may also be included as Member.

The issues to be discussed in the meeting to be held on 15.06.2014 dealing with the issues highlighted and taken note of and recorded in the Minutes dated 25.09.2012 of the meeting held on 14.08.2012 and the future course of action with the action plan, shall be submitted before this Tribunal on or before the next date of hearing. On the next date of hearing, the respondents shall also submit the names of the Members of NPC which was ordered to be constituted under the order dated 05.10.2012. If the names of such Members from Sl. No. 3 to 6 are not yet notified, names of new Members shall be finalised and shall be given in the said information report to this Tribunal with their consent to participate as Members of the NPC.

We find from the reply submitted by the MPPCB in August, 2012 before the Hon'ble High Court in WP No. 5058/2009 that various aspects including areas of concerns and suggested remedial steps have also been highlighted by the PCB. We would expect that those matters shall be discussed by the Committee in the meeting to be convened by the Member Secretary as directed hereinabove. In case some steps have already been taken since 2012, they shall also be brought to the notice of the Committee

and the impact as a result of such steps based upon the data which may be available with the MPPCB, shall also be considered by the Committee and the NPC to whom a detailed report shall be submitted in advance by the MPPCB so that the NPC can deal with specific issues in the light of the steps already taken by various agencies and to identify areas of improvement and steps which may be necessary to be taken in this behalf.

We may emphasise that the State Government in its orders of October, 2012 constituting the NPC had also made provisions for financial allocation. However, in the changed scenario, these allocations may require revision and the State Government shall be required to make necessary fresh financial allocation and sanctions based upon the action plan and proposals discussed by the Committee under the Vice Chairman of the NVDA and as may be approved by the NPC.

Regular meetings of the Committee constituted under the order dated 14.06.2012 shall be held every quarter initially i.e. by 15th June, 15th September, 15th December and 15th March annually. The NPC shall also meet regularly, preferably by 3rd Saturday of every month to consider the data which may be made available by the respective Regional Offices of PCB through the Member Secretary of the PCB and carry out monitoring work of steps taken so far and subsequently.

Let a copy of this order be sent to the Chief Secretary, GoMP and Vice Chairman of Narmada Valley Development Authority for information and necessary compliance. The Counsel for MPPCB is directed to convey the aforesaid order to the Member Secretary of MPPCB who in turn shall inform all necessary Members and convene a meeting before 15.06.2014.

List on **4th August, 2014.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)