

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

Original Application No. 42/THC/2014/PB/5/EZ

**Environment Pollution &  
Health Hazards in the State  
Vs**

**State of Meghalaya & Ors.**

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

**PRESENT:**

<b>Applicants</b>	: None
<b>Respondent No.1</b>	: Dr.B.P.Todi, Advocate General Mr. Dipak Dey, Advocate
<b>Respondent No. 2</b>	: Mr. Ankit Todi, Advocate Mr. c.H.Mowlong, Advocate
<b>Respondent No. 4</b>	: Mr. Philemon Nongbri, Advocate
<b>Respondents 6 - 11</b>	: Mr. L.D.Chowdhury, Advocate
<b>Others Respondent</b>	: None

Date & Remarks	Orders of the Tribunal
<p><b>Item No. 2</b> 5<sup>th</sup> September, 2016.</p>	<p>We have taken up the affidavit filed by the Chief Secretary, Govt. of Meghalaya, which was filed on 23.07.2016 and taken on record on 25.7.2016.</p> <p>On a perusal of the said affidavit, we pointed out to Dr. B.P.Todi, the Ld. Advocate General, State of Meghalaya, that the position that existed in respect of the facts and circumstances indicated in the affidavit in paragraphs 11 to 18 has not materially changed from what had been stated in the affidavit affirmed by the Chief Secretary on 13.6.2012 that was filed before the</p>

Hon'ble Guwahati High Court when this matter was pending before it except for the language used in the two affidavits.

Ld. Advocate General, in response, prayed that a comprehensive affidavit on behalf of the Chief Secretary be permitted to be filed giving details of the actions taken in respect of the matters mentioned in the earlier affidavit and the present condition that is prevailing with regard to those.

Let such affidavit be filed as prayed for by the Id. Advocate General within six weeks.

However, we are deeply concerned with the fact that the State of Meghalaya does not appear to have taken the issues seriously, which are in *lis* before us, even when those are critical for the State and its people. We expect the State to be more pro-active and sincere in its approach in such matters even by ignoring other activities which may not be so crucial. The Ld. Advocate General assures us that desired action shall be taken by the State Government expeditiously on the aspects on which we have expressed our concern.

Upon perusal of the affidavit of the Chief Secretary dated 13.6.2012 filed before the Hon'ble Guwahati High Court we find that action taken report on the conditions prevalent in respect of at least 21 rivers and

water bodies in the State have been set out. Since the report pertains to the year 2012, and, we are now in the second half of 2016, we deem it essential for the quality of the water in those rivers to be tested again. We pointed out that the conditions of the river Umkharah and UmShyrpi appears to be the same, if not worse as would appear from the affidavits filed in two connected OAs being OA 15/2016/EZ and OA 146/2014/PB/10/2015/EZ in the matters of James Roy Kurbah-vs- Shillong Municipal Board & Ors and Nababrata Bhattacharyya-vs- State of Meghalaya & Ors respectively. We may also mention of the condition pertaining to rivers Lukha and Myntang set out at serial Nos. 13 and 14 respectively in the table provided in the affidavit dated 13.06.2012 commencing from internal page 330 of it.

We accordingly direct the Meghalaya State PCB to take samples of water from those rivers at the same locations from where it had been taken earlier to arrive at the result provided in the table mentioned in the aforesaid affidavit, its quality analysed and the results thereof be filed within six weeks. In addition to the above, sample of Umiam Lake/Barapani Lake be similarly tested and its result be also filed before us on or before the next date.

Three action taken reports in the form of affidavits

have been filed by Mr. L.D.Chowdhury, Ld. Adv. on behalf of Shillong, Tura and Baghmara Municipal Boards which he prays be taken on record. He further submits that action taken reports in respect of Jowai, Rasubelpara and Williamnagar Municipal Boards could not be filed as no instructions have been received.

The action taken reports filed on behalf of Shillong, Tura and Baghmara Municipal Boards are ordered to be taken on record. Mr. Chowdhury shall ensure that the municipal Boards of Jowai, Rasubelpara and Williamnagar file their respective action taken reports on or before the next date.

**List on 18.10.2016.**

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Justice S.P.Wangdi, JM

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