

POLLUTION IN RIVER YAMUNA

**Writ Petition (Civil) No.725/1994, News Item 'HT', dated 18.7.1994,
A.Q.F.M. Yamuna Vs Central Pollution Control Board & Ors.**



A news item titled '...and Quite Flow Maily Yamuna...' was published in a daily News Paper 'The Hindustan Times', New Delhi on 18.7.1994. The said news item was based on findings of Central Pollution Control Board. The Hon'ble Supreme Court took suo-moto cognizance of this news item and issued notices on 2.12.1996 to the Central Board with the directions to conduct investigations in the cities of Ghaziabad, NOIDA and Modi Nagar with a view to having an assessment of environment impact and to the status of pollution due to generation of industrial wastes, municipal sewage, household wastes and other types of wastes. It was also directed that the Central Board shall give positive suggestions/schemes to be made operative, so far as controlling pollution. The Central Pollution Control Board conducted inspections in the cities of Ghaziabad, NOIDA and Modi Nagar and submitted a detailed report on 18.12.1996 for the consideration of the Hon'ble Court. After examining the report of the Central



Board, the Hon'ble Court issued notices to the National River Conservation Directorate (NRCD) and also to the Ghaziabad Municipal Corporation for their response.

The Central Board further submitted that the plan for cleaning of Kali Nadi was required to be evaluated in detail through a Committee of experts. On the suggestions of the Central Board, the Hon'ble Supreme Court ordered on 20.3.1998 that the committee which was constituted in the Writ Petition (Civil) No. 914/1996 might also be associated for the evaluation of the project proposal for the Kali Nadi and Ghaziabad, NOIDA action plans and evaluate the appropriate technology to be adopted for these projects. On the directions of the Hon'ble Court, the Committee under the Chairmanship of Shri P.K.Kaul, Ex-Cabinet Secretary submitted its reports before the Hon'ble Court for consideration. The matter is still under consideration of the Supreme Court.

The Central Board is regularly monitoring water quality of river Yamuna and drains joining it in Delhi, in compliance of the Hon'ble Court's order. Till date, several reports, have been submitted for the consideration for the Hon'ble court. In it's reports, the Central Board recommended that there should be proper collection of wastewater generated in Delhi by augmenting sewerage facilities, laying down by sewer lines. Untreated sewage should not be allowed to flow into the storm-water drains. Sewage treatment plants are required to be operated to their full capacity. The existing sewerage network should be appropriately maintained using three tier maintenance schedule. Adequate sanitary arrangements for slums and J.J.Colonies, and use of wastewater after treatment for irrigation, gardening and other uses were suggested. Delhi might exchange treated wastewater to fresh water with the State of Haryana.

The Hon'ble Court directed the Ministry of Environment & Forests and Ministry of Urban Development, Government of India to study the problem with regard to the treatment of sewage in Delhi and give their positive and concrete



suggestions, so that after 31 st March, 2003, no untreated sewage should go to the river Yamuna. The matter is still under consideration of the Hon'ble Court.



Yamuna Pollution Matter

The Hon'ble Court on 10.4.2001 after considering various reports submitted by the Central Pollution Control Board on the status of Yamuna River, observed that it was not the denied fact that right to life guaranteed under Article 21 of the Constitution include a right to clean water. This right to clean water being deprived to 31.8 million citizens of Delhi because of the large scale pollution of the river Yamuna. The entire pollution takes place only in the stretch of the river Yamuna that passes through Delhi which is about 22 km. The quality of water of river Yamuna, when it enters in Delhi, is far superior than when it leaves Delhi and by the time Yamuna enters into Agra canal. The Hon'ble Court further directed that when an Integrated Action Plan was furnished, steps might be taken so as to ensure that at least by 31.3.2003 the minimum desired water quality (i.e. of class-C) in the river Yamuna is achieved in Delhi Stretch. The Hon'ble Supreme Court further directed the Ministry of Urban Development to submit how its Integrated Action Plan could be implemented within the prescribed time frame. The Chief Secretary of Delhi would also inform this Court as what steps could be taken to ensure to attain the required quality of water in



the river Yamuna so that it could no longer be called "Mailee Yamuna" after 31.3.2003.

The Hon'ble Court on 6.11.2001 while considering the status of pollution in the river Yamuna observed that the deterioration of water quality became a serious health hazard for the inhabitants of Delhi. The Government with all the resources at their command should ensure that unpolluted water or tolerable standard of water was maintained. The Hon'ble Court directed the Delhi Administration to submit a time schedule as to what it would propose to do and also indicate the phases in which the pollution level will come down to ensure that after 31 st March, 2003 no untreated sewage enters river Yamuna.

The Hon'ble Court on 4.12.2001 directed that the Government should not allow construction of additional floor or increase FAR without increasing the corresponding civic amenities because any such addition in the construction would increase population and the extinction of the river Yamuna. The Hon'ble Court further directed the Central Government to consider and inform the Court whether any amendment is required of the Environment (Protection) Act, 1986 so that the requirement of Environment Impact Assessment for the purposes of the town planning is incorporated.

Distilleries Matters

The Hon'ble Court considered the petitions filed by the Distilleries located in Haryana on 23.1.2001 and directed that a committee comprising Additional Secretary, Ministry of Environment & Forests or such other senior officer as may be deputed by the Ministry and the Chairmen of Central Pollution Control Board and Haryana State Pollution Control Board be constituted and the said Committee, should take decision with regard to allowing all or any of the distilleries to operate or not to operate. The said Committee might seek such technical assistance, as it may deem fit and proper. Accordingly, the Committee consulted experts who were well acquainted with the distilleries and its effluent





treatment, to evolve criteria for treatment and disposal of distillery wastewater. Some of the distilleries in Haryana were allowed to operate after compliance of this criteria developed by the Committee.

