

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(Through Video Conferencing)**

Original Application No. 07/2018 (CZ)

M.Y. Chaudhary

Applicant(s)

Versus

Bhopal Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 14.06.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

For Respondent(s):

Ms. Parul Bhadoria, Adv

**ORDER**

1. This application has been preferred by the applicant to stop the indiscriminate flow of sewage which includes both municipal and bio-medical waste in Nawab Siddique Hasan Khan Talab, Ward No. 09, from the hospital located on Taj-ul-Masjid road situated in the city of Bhopal and to urge restoration of the environment which is being degraded by haphazard disposal of the Municipal Solid Waste and Bio Medical Waste in contravention of Municipal Solid Waste and Bio Medical Waste Rules.
2. The matter was taken up on 09.06.2020 and this Tribunal constituted a Committee to submit factual and Action Taken Report.
3. In compliance thereof, the Committee submitted the report as follows:-
  - i. *The untreated water of the hospitals as alleged are discharged in the drainage of the municipal sewer pipeline which is situated in front of the hospitals below the footpath.*
  - ii. *It was informed by the officers of the Nagar Nigam that this*

*municipal sewer line is connected with the pump house but the Committee has not visited and not inspected the site as to whether actually untreated water is being pumped or not.*

*iii. It is further reported that in front of the hospitals there is separate storm water drain which goes towards Siddique Hasan Pond which means the untreated water is being discharged in the ponds.*

*iv. The untreated water is directly over-flowed and automatically discharged under the Motia Talab Bridge.*

*v. The officers found that the untreated water which is being discharged directly was of bad smell.*

*vi. The untreated water of residential area and the above mentioned untreated water coming from the upper stream comes to Motia Talab and thereafter by way of overflow, it is discharged in Hasan Khan Pond.*

*vii. It is further reported that the solid waste of residential area is directly thrown into the ponds even during the day time.*

*viii. It is further reported that the bio-medical waste is being disposed by the authorised agency CBWTF and Municipal Solid Waste is disposed by the Nagar Nigam, Bhopal.*

*ix. The untreated water/sewage water of residential colonies of Taj Colony and Ashok Colony is directly being discharged in the Siddique Hasan Khan Pond.*

*x. This is in the capital city of Bhopal that untreated water of the hospitals are being discharged in the municipal sewer line and it is alleged that it is being treated though there is no proof that this*

*untreated water are being discharged through channelize way and being treated.*

*xi. No action has been taken by the municipal corporation for the passage of untreated water, management of the untreated sewage water or to treat this water."*

4. In light of the above report, the Tribunal observed as follows:

- (i) The facts as narrated by the committee though it is half hearted report and no clear picture has been given as to what is the procedure for treatment of the bio-medical waste, solid waste or the untreated sewage water but it reveals the working conditions of the Municipal Corporation and Nagar Nigam with regard to the management of solid waste and liquid waste.
- (ii) The perusal of the photographs reveals that there are encroachments in the water bodies and ponds, we direct the Municipal Corporation to survey the land according the revenue records. The total area be measured, demarcated and if there is any encroachment, the encroachment must be removed immediately, according to law.
- (iii) Realizing the seriousness of the problem confronting water bodies, the Centre had launched the Repair, Renovation and Restoration of Water Bodies' scheme in 2005 with the objectives of comprehensive improvement and restoration of traditional water bodies. These included increasing tank storage capacity, ground water recharge, increased availability of drinking water, improvement of catchment areas of tank commands and others. However, in this regard, not much has been seen on the ground.
- (iv) Action needs to be taken towards:
  - a. Attaining sustainability. Thus, emphasis on long-term goals, operation and maintenance should be included along with the allocation of budget.
  - b. Success of the lakes should be tested on all three fronts namely economic, environmental and social. Many studies point that a

deliberate effort has to be made on the social front for which better publicity of the environmental benefits of the project and enhancing environmental awareness, especially among the local community is required.

- c. Encouraging local people to collaborate with other stakeholders to successfully utilise resources and ensure the protection and conservation of water bodies.
  - d. Traditionally, water was seen as a responsibility of citizens and the community collectively took the responsibility of not only building but also of maintaining the water bodies. This needs to be brought back into the system.
  - e. Thus, an integrated approach taking into account the long-term sustainability, starting from the planning stage where looking at every waterbody along with its catchment, is required.
- (v) Accordingly, we constitute a Committee consisting one representative from Central Pollution Control Board and one representative from Madhya Pradesh Pollution Control Board to visit the site and calculate the environmental compensation for discharging untreated water into the water bodies and throwing municipal waste into the ponds. The report be submitted within three weeks.
- (vi) We further direct the Municipal Corporation to take remedial measures and ensure that no untreated sewage water be discharged into the water bodies and there must be solid waste management and not to be thrown into the open place or water bodies.
5. In compliance with the above directions and orders, the Members of the Joint Committee visited the site and submitted the report with recommendation as follows:

***Recommendations:***

*The Committee recommend to impose the EC on Bhopal Municipal Corporation; calculated by the Committee in compliance of Hon'ble Tribunal order dated 24.09.2020 as*

(i) *Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority = Rs. 155.55 Lacs*

(ii) *Environment Compensation to be Levied on Concerned Individual / Authority for Improper Solid Waste Management = Rs. 111.11 Lacs.*

6. State Pollution Control Board is directed to take remedial measures and to proceed to realize the Environmental Compensation in accordance with law. It is surprising that the State Pollution Control Board is a statutory body and given duty to perform the function and also realize the Environmental Compensation against the authorities or persons who are violating the environmental norms. Despite of the fact that there is a report and calculation of Environmental Compensation, they fail to exercise their duty according to law. State Pollution Control Board is directed to submit factual and Action Taken Report within fortnight.

7. List it on **15th July, 2021**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

June 14<sup>th</sup> 2021  
O.A. 07/2018(CZ)  
PU