

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

Original Application No. 49/2021(CZ)

Ujjwal Sharma & Ors.

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: **15.12.2021**

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

For Applicant (s):

Mr. Ujjwal Sharma (In-Person)

For Respondent(s):

Ms. Gunjan Chowksey, Adv.
Ms. Parul Bhadoria, Adv.
Ms. Nimisha, Adv.

ORDER

1. The issue of the discharge of sewage water into the Motia Talab, Bhopal causing immense water pollution and annihilating the ecology of the lake has been raised by the applicant in this application. It is submitted that a test was conducted by CES Analytical and Research Services (I) Pvt. Ltd., Bhopal [an accredited organization by National Accreditation Board for Testing and Calibration of Laboratories (NABL)]. Test report reveals that the average COD (Chemical Oxygen Demand) level in water bodies is 250mg/liter. However, the COD level in the water of Motia Talab is 800% of the normal COD level of lake waters, and stands at an alarming 2000mg/liter. Further, the BOD level according to the test report is also unusually high, standing at 248mg/liter as opposed to 50mg/liter which is considered as normal level for water bodies. Additionally, the test reports showed that the normal TSS of any water body should be 100mg/liter, however, for Motia Talab it is 4899mg/liter. Due to these reasons, there is little oxygen left in the water for aquatic organisms. This results in giving rise to various aquatic diseases and consequent, declines

in the aquatic life. The respondents have also failed to keep a check of Motia Talab's aquatic life which is depreciating, and is a matter of urgent need for action. The respondents have further failed to control the release of solid waste in the water body, which is resulting into the current dreadful situation in Motia Talab. This negligence on the part of the respondents is also resulting in affecting the quality of life of the people around the lake by spreading diseases.

2. The matter was taken up by this Tribunal on 20.07.2021 and a Committee was constituted consisting of:-

- (i) Dr. Vinita Vipat, Chief Scientific Officer, EPCO, Bhopal (Retd.)
- (ii) Dr. Jai Prakash Shukla, Sr. Principal Scientist, Council of Scientific and Industrial Research (CSIR), Advanced Materials and Processes Research Institute (AMPRI), Bhopal
- (iii) Representative of Madhya Pradesh Pollution Control Board
- (iv) Representative of Central Pollution Control Board (M.P.) with the direction to submit the Factual and Action Taken Report. The Committee was directed to visit the place and submit the factual and action taken report and in compliance thereof, the Committee submitted the report which is as follows:

“The facts observed during the site visit (dated 19.08.2021) of the Committee are as follows:-

- 1. GPS locations of the site are recorded using a mobile-based GPS application.*
- 2. Committee observed that the Motia talab is located in the north direction (23.265337"N, 77.392133'E) in the vicinity of Taj-Ul Masjid, Bhopal. On the west side of the talab opposite to the road an old structure Benazeer Palace and Masjid Al-Qadeem are located. A few temporary hutments for construction workers were also present in the Benazeer Ground. A historic structure (Taj Mahal Palace) is located in the north direction. A slum area of approximate 25-30*

hutments are found located just adjacent to the talab boundary in the North-West direction.

- 3. The periphery of Motia talab in the east, west and south side is provided with pucca RCC and stone-masonry structure. Especially, south side of the talab is well developed with steps and pucca pedestrian platform of approx. width 4 feet. A semi-circular shaped platform (of approx. 100 feet radius) has been developed' one old structure exists on the platform in the southern direction. Iron-railings along the pedestrian pathway and platform have also been provided. The development work of the Motia talab has been done by M. P. Tourism as per the signboard placed near the Talab.*
- 4. Two roads are located just adjacent to the Talab in the east and west direction. Iron railings of approx. height 3 feet and a footpath of width 5-6 ft are provided along the length of the road. on east side plantation has also been provided.*
- 5. One boat and safai-Karmchari deputed at the talab site by the Bhopal Municipal Corporation were cleaning the area around the talab and were collecting the solid waste, garbage, etc. At the time of visit, no solid waste, garbage, floating waste material was observed in the vicinity of Motia talab.*
- 6. Committee observed that an old tunnel like structure exists at the north-east corner of Taj-ul Masjid which joins the talab. It was observed that a storm water drain of stone masonry exist to collect the surface run-off from the praying area (with the help of perforated-covered drains provided along its periphery), garden and open area of the masjid and drains into the talab through this tunnel. During heavy rainfall, back-flow from Motia talab enters the tunnel.*

Fishes inside the tunnel were also observed. At the time of inspection, floating garbage material was observed in the tunnel.

- 7. Committee observed a thin water stream (D-1) emerging from inside of Masjid area joining the Motia talab at the entrance of Taj-ul Masjid from its side gate in the South-East corner of the talab which is surface run-off from the open area of the masjid, hence, it is considered as a storm-water drain.*
- 8. Two nallahs carrying sewage namely SBI nallah (D-2) and Idgah Hills nallah (D-4) join Motia talab in the South-West and North-West direction of the talab.*
- 9. One small drain (D-3) in the West direction carrying wastewater from Al- Qadeem Masjid also joins the talab.*
- 10. The sewage and sullage from the slum settlement in the north-west corner of the talab is disposed of in the Motia talab directly.*
- 11. One aerator (fountain) at the center of the talab has been installed by the BMC to facilitate the aeration of talab water. The sprinkler was found operational at the time of inspection.*
- 12. Aquatic life (turtles, fishes, ducks, snakes) were observed during the inspection.*

Water Quality Analysis

- 13. Water samples at different locations of the talab (L1, L2, L3, L4) and corresponding nallahs/drains (D1, D2, D3, D4, D5) meeting the Motia Talab were collected and analyzed in Central Laboratory of MppCB, Bhopal.*
- 14. As per the standards of CPCB for "Designated best use criteria" for surface waters quality assessment the water quality of Motia talab falls under "D" class of water which is fit for propagation of wildlife and fisheries.*

15. A comparative statement of the water quality (we) data of Motia talab reported by petitioner and samples analyzed by MPPCB is as follows:

S. No	Parameters	WQ analyzed by MPPCB (range)		WQ Data given by petitioner
		Talab	Drain	
1	pH	7.78-8.2	7.34-8.16	6.43
2	TS (mg/l)	326-376	364-670	5385
3	TSS (mg/l)	16-20	16-248	4899
4	DO (mg/l)	7.5-9.4	-	-
5	BOD (mg/l)	1.6-7.6	0.8-20.4	248
6	COD (mg/l)	19.6-29.4	19.6-68.6	2000

16. Based on water quality data analyzed by MppcB, Bhopal, it seems that the water quality data of Motia talab given by petitioner (in point no. I of the order dated 20/07/202r) in respect to COD, BOD and TSS levers of the talab are very high.

Hon'ble NGT cases in similar issues

17. Environmental compensation for non-compliance of bio-remediation of drains and commencement of STPs in the matter of NGT 606/201g (PB) has already been imposed on the Bhopal Municipal corporation by the MPPCB for drains carrying sewage falling into talabs / water bodies of Bhopal. Also, Environmental Compensation in the matter of NGT O.A. No. 07/2018 (CZ) has been imposed on BMC for discharge of sewage into Hasan Siddiqui Talab, in which the discharge from Motia talab into Hasan Siddiqui Talab has been considered.

Action Taken

18. As informed by Shri Santosh Gupta, S.E. (Sewage), BMC, in compliance to the orders issued in the above cases, sewerage network on the west and east side adjacent to the talab has been laid by the Bhopal Municipal Corporation.

The drains falling into Motia Talab will be intercepted and diverted to Maholi Damkheda Sewage Treatment Plant with the help of Kolua Pump House. Laying of sewer line from north-west to north-east corner of the talab is under progress

Recommendation:

- (i) BMC should ensure that the drains discharging wastewater into Motia talab should be trapped and connected into the sewer line within given time-frame of one month.*
- (ii) Immediate action is needed to prevent the discharge of wastewater generated from existing slum area (north-west direction of the talab) by BMC. Relocation of these settlements may be considered.*
- (iii) Presently the source of water for Motia talab is rainwater, surface runoff from the catchment and the wastewater from the drains. Therefore, appropriate measures needs to be taken in order to maintain the minimum ecological quantity of water throughout the year and to avoid the eutrophic conditions.*
- (iv) One more aerator (fountain) may be installed at the south-west corner of the talab to increase the oxygen levels especially during summer season.*
- (v) In the north side of the talab pucca boundary and platform for walking should be made.*
- (vi) Regular maintenance and cleaning of the talab and its surrounding should be ensured by BMC.*
- (vii) Placards/signages should be installed at prominent locations around the talab suggesting the protection and cleanliness of the talab water for public awareness.*

3. The matter was taken up on 21.09.2021 and it was observed as follows:-

“5. Learned counsel appearing for Bhopal Municipal Corporation and other respondents have raised a question that applicant has not provided the copy of the application for submitting the reply. The copy of the application must be provided to the respondents within three days by e-mail or through other available means. Policy, Planning and Action Taken Report by the BMC be submitted within four weeks. State Pollution Control Board is directed to suggest and take remedial measures and submit Action Taken Report before the next date of hearing.

6. Municipal Corporation, Bhopal is directed to consider the recommendations submitted by Joint Committee and submit the Planning and Action Taken Report within four weeks.”

4. In compliance thereof, the Municipal Corporation, Bhopal has submitted the action taken report as follows:

- 1. The present matter is pending for disposal before this Hon'ble Tribunal against the Respondents regarding the discharge of waste water into the Motia Talab, Bhopal causing immense water pollution and annihilating the ecology of the lake has been raised by the applicant in the original application.*
- 2. The Hon'ble Tribunal vide its order dated 20.07.2021 called report, while hearing the original application, from a Joint Committee and directed the committee to visit the place and submit the factual and action taken report.*
- 3. That the Joint Committee submitted its report before the Hon'ble Tribunal and on the basis of which the Hon'ble Tribunal vide its order dated 21.09.2021 directed the Respondent no.2 to comply with the seven remedial / developmental works prescribed as a recommendations by the Joint Committee in relation to Motia Talab, Bhopal and to further submit the action taken report.*

4. That as per the directions of Hon'ble Tribunal in its order dated 21.09.2021, the Respondent no.2 humbly submits the details of planning and action taken report;

- (i) It was recommended by the Joint Committee that the drains discharging waste water into Motia Talab should be trapped and connected into sewer line. In compliance of the same, the Respondent no. 2 started laying sewerage pipelines of length 600 meters, out of which about 550 meters of sewerage pipelines has been laid down. The work of laying down of remaining pipeline is in progress. The reason for delay in the laying of remaining pipeline is that the underground digging was obstructed by a huge rock under the ground which made it difficult to keep the same pace of progress. The expected time of completion is around February 2022. The work that is obstructed due to the rocky land is evident from the photographs annexed above.
- (ii) It was further recommended by the Joint Committee that immediate action shall be taken to prevent the discharge of waste water generated from existing slum area and to relocate the slum area. In compliance of the same the Lake Conservation Cell of Respondent no. 2 has informed the Department of Housing For All vide letter dated 16.11.2021 and Department of Housing For All is making suitable arrangements to relocate the slums situated in near vicinity of the Motia Talab. It is humbly submitted that since the work of relocation requires a policy and administrative decisions, the same has been initiated and will be complied in a due course of time.
- (iii) It was recommended by the Joint Committee that appropriate measures need to be taken in order to maintain the minimum ecological quantity of water throughout the year and to avoid eutrophic conditions. In compliance of the same the Respondent no. 2 has decided to install the Slice Gates which is pending to be completed.
- (iv) As per the recommendations of the Joint Committee, one more Aerator (Fountain) may be installed in the Talab. In compliance of the same the Respondent no. 2 has installed another fountain in the South-West corner of the Talab.

- (v) *As per the recommendation of Joint Committee, for the construction of Pucca Boundary and Platform for walking, the Respondent no. 2 has issued the Work Order as on date 04.06.2021 vide work order no. 3113000248 to the contractor. The construction will be completed in the earliest possible duration.*
- (vi) *As per the recommendation of Joint Committee, the regular cleaning and maintenance of the Talaab shall be ensured by the Respondent no. 2. In compliance of the same, the Respondent no. 2 humbly submits before the Hon'ble Tribunal that Respondent no. 2 ensures the regular and periodic cleaning of the Motia Talab.*
- (vii) *It was recommended by the Joint Committee that placards / Signage should be installed at the prominent location to spread public awareness suggesting protection and public awareness. In compliance of the same Respondent no. 2 has installed signage around the lake containing information to spread awareness in general public about the general code of conduct to keep the Talab clean.*

5. *That in view of the compliance of the order of the Hon'ble Tribunal, it can safely be concluded that Respondent no. 2 is abiding by all the provisions of law and is duly taking care of all the responsibilities regarding the protection of the environment and natural resources.*

6. *That Respondent no. 2 by way of an affidavit is also giving reassurance before this Hon'ble Tribunal that the recommendation made by the Joint Committee and by the Hon'ble Tribunal are complied with and the remaining work shall be completed at the earliest possible duration of time. Also Respondent no. 2 will abide by all the environment related laws and rules and will also be duty bound towards the environmental protection.*

5. We have heard the learned counsel for the parties and perused the record. Learned Counsel for the Madhya Pradesh Pollution Control Board has submitted that the recommendations of the Joint Committee are being acted and substantive progress has been done by the Municipal Corporation.

6. Learned Counsels for the Madhya Pradesh Pollution Control Board and Municipal Corporation, Bhopal have ensured that the local administration and the authorities are doing the best to ensure that no untreated sewage water, be discharged into the water bodies and to achieve the target they have started laying sewerage pipeline of length of 600 Mts., out of which about 550 Mts. of sewerage pipeline have already been laid down. Rest of the work is under progress. Similarly, other actions have been taken by the authorities for remedial measures.
7. Learned counsel for the Applicant has submitted that actions are being taken by the authorities but they should be directed to ensure the compliance as early as possible and to ensure the compliance of environmental laws.
8. Accordingly, we direct the authorities concerned and Municipal Corporation to expedite the matter and to comply the direction of the Joint Committee Report and to ensure that no sewage/untreated water be discharged into the water body and further to ensure that there shall not be any encroachment in the area of the water body, and in case it is found that there are encroachment or discharge of untreated water into the water bodies, the proper legal and remedial action must be initiated in addition to realization of Environmental Compensation

Original Application No. 49/2021 is finally disposed of.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

15th December, 2021
O.A. No. 49/2021 (CZ)
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