

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 125/2017
(M.A. No. 1337/2018)

With

Original Application No. 217/2017
(M.A. Nos. 761/2017, 1073/2017,
1098/2017 & 1471/2017)

Court on its own Motion

Applicant(s)

Versus

State of Karnataka

Respondent(s)

With

D. Kupendra Reddy

Applicant(s)

Versus

State of Karnataka

Respondent(s)

Date of hearing: 06.12.2018

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Original Application No. 125/2017
(M.A. No. 1337/2018)

For Applicant(s):

Mr. Sajan Poovayya, Sr. Advocate and Mr. Saransh Jain,
Advocate for impleaded applicant - Namma Bengaluru
Foundation
Mr. Vikram Hegde, Advocate for impleaded applicant

For Respondents (s):

Mr. Devraj Ashok, Advocate
Mr. Rajkumar, Advocate and Ms. Sonia, LA
Ms. Nidhi Mehrotra, Advocate

Original Application No. 217/2017
(M.A. Nos. 761/2017, 1073/2017,
1098/2017 & 1471/2017)

For Applicant(s):

Ms. Guneet Khehar, Mr. Tarunvir Singh Khehar, Mr.
P. Ramaprakash and Mr. Sandeep Mishra, Advocates

For Respondents (s):

Dr. Abhishek Atrey, Advocate
Mr. Rajkumar, Advocate and Ms. Sonia, LA

ORDER

1. The issue for consideration in the two matters, one initiated by the Tribunal on its own motion and the other filed by an individual relates to contamination of water bodies at Bengaluru - Bellandur lake, Agara lake and Varthur lake *inter-alia*, on account of discharge of untreated sewage and other effluents from

residential/commercial/industrial buildings in violation of statutory provisions of the Water (Prevention And Control of Pollution) Act, 1974, particularly Section 25 thereof. It is said that the said water bodies have also been subjected to severe pollution on account of inefficient management of solid waste management as well as discharge of untreated sewage waste, apart from industrial effluents. Toxic snowy froth was widely reported in the media having potential health hazard. The Bellandur lake is said to be 130 years old across 9,000 acres of land. The lake was habitat for several species of birds, reptiles and aquatic life which is now severely affected by pollution. It has also affected ground water recharge. Waste dumping has resulted in foul stench around the lake. The major cause for foam formation is considered to be the discharge of untreated sewage through open drains. Requisite de-silting of the lake has not been done from time to time nor have steps been taken to stop the flow of untreated sewage into the water bodies. There is also failure to prevent dumping of municipal solid waste and undertaking other requisite measures on 'Precautionary Principle', basis such as plantation around the Tank of the lake, fencing of the lake, providing screens in major storm drains to prevent carry over waste, construction of adequate STPs and other equipment.

2. The matter was first taken up by this Tribunal in the year 2014 and considered in the light of reports prepared by the Lake Development Authority, Bangalore (LDA) and the Regional Office of the Ministry of Environment, Forest and Climate Change (MoEF&CC) dated 12.06.2013 and 14.08.2013.
3. Vide order dated 07.05.2015 in *Original Application No. 222/2014, The Forward Foundation Vs. State of Karnataka & Ors.*¹, the Tribunal dealt with the issue of encroachments around drains called *Rajakaluves* resulting in pollution of the water bodies and affecting

the ecologically sensitive area of the above lakes. The Tribunal noted the order of the Karnataka High Court in *Environment Support Group and Another V. State of Karnataka*² appointing a Committee headed by Hon'ble Mr. Justice N.K. Patil to suggest remedial action to remove encroachments. The Central Government issued an advisory on the subject. Certain Project were still allowed to be developed within the prohibited range from the water bodies. The projects included Information Technology Park, residential apartments, malls, hotels and office buildings with or without Environmental Clearance.

4. After consideration of the matter and after noticing encroachment on land by the land-mafia or otherwise and violation of environment norms, the Tribunal constituted a Committee to inspect the projects where encroachment was alleged on wetland and *Rajakaluves* and submit a report about the adverse impact on the environment. The project proponents *Mantri Techzone Private Limited*, formerly called *Manipal ETA P Ltd.* and *Core mind Software and Services Private Limited* were required to pay compensation for damage to the environment. The said issue is said to be pending before the Hon'ble Supreme Court in *Civil Appeal No. 4829 of 2014 and 4832 of 2015*.
5. Expert Members of the National Green Tribunal inspected the site. The report in pursuance of the above order was considered and the matter was then dealt with by judgment dated 04.05.2016 in *Forward Foundation & Ors v. State of Karnataka & Ors*³. The Tribunal directed that distance specified in the said order be maintained for any construction near the *Rajakaluves*, maintaining buffer/clean zone as no construction zone. STPs be upgraded to ensure that no untreated sewage is discharged in the water bodies. Water requirement in construction and operation phase should be

² Writ Petition No. 817/2008

³ 2016 NGTR (2) PB 1

assessed in advance. With regard to the project proponents required to pay compensation for the damage to the environment, further directions were issued for restoration of the damage to the environment and further conditions being incorporated for the Environmental Clearance already granted.

6. The present matter was again taken up afresh for the third time on 22.02.2017 in the light of the media reports projecting environmental disaster, including fire in the lake (perhaps on account of gases in polluted water), emitting highly polluting fumes and creating thick clouds of smoke. The source of fire is also said to be garbage dumps around the lake.
7. On 22.02.2017, learned counsel for the statutory authorities conceded and stated that the fire took place on account of burning of municipal solid waste, including plastics, etc.
8. On 19.04.2017, this Tribunal noticed circular dated 30.03.2017 issued by Bruhat Bangalore Mahanagara Palike (BBMP) to circumvent the orders of this Tribunal while sanctioning illegal construction. The circular was later withdrawn.
9. The Karnataka Pollution Control Board (KPCB) found chemical in the water of the lake of which the source was domestic sewage. The STP was not able to treat and remove Nitrates and Phosphates.
10. The rejuvenation plan was prepared by the State after consultation with the stake holders. It was also stated on behalf of the Lake Development Authority that the lake was in bad condition and stringent measures were required to be taken. Orders for stopping dumping of waste into the lake were not being complied with.
11. The Tribunal noticed that apathy of the State and its instrumentalities was patent. Development of projects was being sanctioned without ensuring preventive, restorative and controlling measures. Accordingly, the industries causing pollution were directed to be closed and direction was issued against dumping of

any waste into the lake or in the buffer zone. The Committee headed by the Additional Chief Secretary of Urban Development, State of Karnataka was to undertake cleaning of the lake through a specialized agency. The sewage was required to be transported to a designated site at a distance for scientific disposal. The builders and developers were to be required to pay damages on 'Polluter Pays' principle'.

12. Further directions were issued on 18.05.2017 which included direction for a joint inspection of the STPs and installation of STPs in all complexes in the catchment area.

13. On 22.08.2017, the officers of the State who were summoned to the Tribunal were required to work on day-to-day basis to remedy the situation.

14. On 29.01.2018, the matter was again reviewed in the light of the status report dated 04.09.2017 suggesting short term and long terms measures. It was noted that 99 apartment projects had still not installed STPs. The State was directed to prepare a comprehensive plan for rejuvenation or remediation of all the three lakes in a holistic manner.

15. On 11.04.2018, there was further consideration. It was noted that the water body had shrunk in size on account of dumping of waste and there was failure to set up the requisite STPs. Accordingly, the Tribunal appointed a Committee headed by a Senior Advocate of the Tribunal to assess the factual situation and suggest review of the action plan. Accordingly, report has been submitted on 31.05.2018.

16. We have perused the report and also other record with the assistance of learned counsel for the parties. The report shows that the members of the Committee visited the site on 14th and 15th April, 2018 and found construction of a road within the lake itself by dumping construction and demolition (C&D) waste in the garb of laying a pipeline. The Committee also noted various fire incidents on

account of burning of garbage and the extent of discharge of untreated waste water. The lake was found covered with a thick green cover with patches of foul smelling water. There was huge mounds of the de-weeded hydrophytes along with plastic waste etc. There was no facility to do composting at the site. Wet compost had a potential for further damage. Dumping of municipal solid waste particularly the C&D waste was taking place. CCTV cameras were installed at five places with the sign board prohibiting dumping of garbage. Eight home guards were also said to have been deployed apart from 18 marshals. Four watchtowers were being constructed. The conclusion of the Committee is that the authorities have neglected their duties and have done too little too late. Foam was being formed in the lakes due to sustained inflow and agitation of sewage. Large number of illegal immigrants had encroached the buffer zone on the lake. Untreated sewage was being discharged into the lake through storm water drains. Untreated sewage was flowing into the lake through *Rajakaluves* which had also been encroached.

17. The water quality had high level of "Oil and Grease (24.74 mg/l) high BOD, (148 mg/l) COD (315 mg/l) and Sulphide (4.0 mg/l). The Dissolved Oxygen is reported nil for all locations in Bellandur and Varthur lakes and their inlets." The study by the Indian Institute of Science, Bangalore found heavy metals in the lakes, sediments and water. 873 complexes were found to have been identified which required STPs of which 496 had established STPs. 326 projects did not have STPs, out of 326, 271 projects were discharging sewage in the sewers with permission of the BWSSB. The remaining 55 complexes did not have any STP. The direction of the Tribunal to remedy the situation had not been complied with in letter and spirit and untreated effluents and sewage indiscriminately continued to pollute the lakes.

18. Varthur lake was downstream of Bellandur lake which was the second largest lake of the city with catchment area of 279 sq. km. and 96 cascading interlinked lakes. The Committee observed a horrific site. A wide road had been constructed in the lake bed which was over a kilometer long with an average width of 15 mts. and a depth of 4 mts. by using the debris.

19. Finally, following recommendations have been made:

*"1. The crux of the present environmental disaster is indiscriminate discharge of untreated sewage into the lakes. Admittedly, currently approximately 183 MLD, if not more, of untreated sewage is being discharged into the lake. **This is nothing short of a state of environmental emergency.** Consequently, it is of utmost importance that the under construction and planned STPs are commissioned on a war footing. **The Commission is of the view that there is no proper justification on the part of the authorities not to expedite the completion of the STPs as indicated particularly in respect of the 150 MLD K & C Valley STP.** The authorities (BWSSB, BDA and KSPCB) must mobilize all available resources to ensure that the STPs are commissioned as expeditiously as possible preferably by March 2019 or within such time as this Hon'ble Tribunal may deem fit.*

*2. Less Phosphorous means less weeds in the water body. **One of the major source of Phosphate are soaps and detergents. In several countries stringent limits have been specified for Phosphate in soaps and detergents as it leads to eutrophication of water bodies. MoEF &CC in conjunction with other ministries need to prescribe limits for Phosphorus in soaps and detergents by progressively reducing it to 2.2% of permissible phosphorous content. The STPs that are being set up and those which have already been set up must provide for treating/removing Phosphorous and Nitrogen nutrients.***

*3. As per the reports submitted before the Hon'ble Tribunal, the authorities have already identified all the sewage and effluent entry points into the lake. **Therefore it is imperative that the authorities must simultaneously ensure that all the sewage generated in the catchment area is channelized and linked to the Rajakaluves for appropriate treatment by the STPs.***

4. No further channelization and concretization of Rajakaluves.

*5. **All existing and new industries or commercial establishments or apartments / townships or institutions within the catchment area of the lakes must be made Zero Discharge.***

6. (a) The authorities must conduct a survey in the buffer zone of the lake to identify the encroachments and appropriate exercise should be undertaken to remove them.

(b) Complete Fencing of lake area including the buffer zone to prevent any further mushrooming of illegal encroachments. As

per the reports submitted by the Authorities before this Hon'ble Tribunal, the fencing work is currently in progress at a fast pace and should be completed by 30.06.2018. The authorities must abide by the said timeline.

7. (a) The Commission recommends that CCTVs should be installed at appropriate locations for ensuring that no C&D waste is dumped in the buffer zone area of the lake.
- (b) Security Guards should be deployed at the most vulnerable locations to keep vigilance on illegal dumping of debris and to prevent encroachment activities.
- (c) In case anyone is found to be dumping C&D waste or debris into the lake or its buffer zone, a penalty of Rs. 5 Lakhs be imposed for each offence in terms of the Order passed by this Hon'ble Tribunal on 19.04.2017.
8. No new facility or expansion of existing facility, whether for commercial or non-commercial purpose, to be permitted within the territorial jurisdiction of Municipal Corporations of catchment area of the lake, which generates sewage, until the commissioning of the STPs except public toilets.
9. No new facility or expansion of existing facility within 75 meters (buffer zone) of Rajakaluves / SWDs to be permitted. No fresh permission or sanction ought to be given by the municipal authorities to any project or facility within the buffer zone.
- 10. Structures, between 30-75 meters of Rajakaluves, which have already been constructed prior to 07.05.2015 (Forward Foundation Judgment) but are uninhabited, not to be occupied without the prior permission of the Hon'ble Tribunal and in any event not until the commissioning of the STPs in order to prevent generation of more sewage.**
- 11. Structures between 30-75 meters of Rajakaluves, which are under construction, be restrained from constructing further without the prior permission of the Hon'ble Tribunal and in any event not until the commissioning of the STPs.**
12. Permission or sanction or consent or EC for structures between 30-75 meters of Rajakaluves where construction was below 25% of the total built up area as on 07.05.2015 (Forward Foundation Judgment) be withdrawn. The Hon'ble Tribunal may issue appropriate directions and orders keeping in view the interests of the buyers who would eventually suffer financial loss.
13. Strict Compliance of environmental laws for apartments/ townships or commercial establishments:

Sl. No	Violation	Environmental Damage
1.	Where STP is required as per the EC/ Consent, but the facility has not constructed the STP despite generating sewage.	Rs. 10 Lakhs per month from the date of completion certificate or date of completion
2.	Where actual capacity of STP is less than the capacity as shown in the EC/ Consent.	Rs. 20,000/- per day from the date of inspection till final upgradation.

3.	Where the number of flats/ units actually constructed is more than the number of flats / units disclosed to KSPCB while obtaining Consent.	Rs. 1 Lakh per unit per month from the date of construction until the grant of fresh requisite consent.
4.	Where STP is not functioning or parameters are not being met or untreated sewage is being bypassed from the STP or being otherwise diverted.	Rs. 5 lakhs per default.

All damages so collected to be deposited in a separate account to be maintained by CPCB and to be exclusively utilized for upgradation, control and management of sewage.

14. The estimated 480 MLD of sewage, which flows into Bellandur Lake eventually via Varthur Lake, finally discharges into South Pinakini River, a tributary of River Cauvery. **Hence, it would be advisable that the de-siltation process of Bellandur Lake commences after reasonably treated water has reduced the pollutants, which have proved to be ecologically fatal for the lake.** As per the material on record, admittedly the storage capacity of the lake has decreased by 71.45%. Once the quality of water has improved, it would be ecologically fair that the treated water flowing from Rajkaluves into Bellandur is diverted towards the waste were leading to Varthur Lake. Thereafter the task of de-silting and de-sedimentation ought to be undertaken. The process of de-silting and de-sedimentation would restore the original storage capacity and ecology of the lake.
15. **The Commission observed that the current exercise of de-weeding is not only slow but also futile as the growth rate of the weeds is much more than the rate at which is being removed due to unhampered inflow of nutrients through the sewage.** The Commission is of the view that the exercise of de-silting and de-weeding can be carried out simultaneously since the water content would be substantially reduced due to the diversion of treated water. Post completion of de-silting and de-sedimentation process, the diversion so created for treated water can be removed.
16. Post removal of waste from the Lake and from the Rajakaluves, the State ought to prepare a detailed project report with respect to disposal of the same.
17. The Commission is of the view that after achieving the above, the authorities must install adequate number of water fountains in order to sustain ecology of the lake water.
18. **The Commission recommends constitution of a Task Force of experienced senior officers consisting of BDA, KSPCB, Minor Irrigation Department, Lake Development Authority, CPCB and a Professor from IIS for strict and timely implementation of the present recommendations.** The Task Force can be headed by an independent individual preferably a former Expert Member of the Hon'ble Tribunal who may, after taking assistance of the other members, submit monthly action taken reports to this Hon'ble Tribunal.

19. The approximately over 1.5 km road laid upon the lake bed and within the boundary of Varthur lake by dumping of C & D debris should be removed forthwith. The entire project including laying of pipeline as per work order was to be completed within 24 months from June 2016.

20. **Hon'ble Tribunal may order an independent enquiry to examine the guilt of the officers involved in the dumping of thousands of Cubic meter of C & D debris on the Varthurlake bed for an ostensible object of laying of pipeline.**

21. **Apparently there is absolute non-compliance of Construction and Demolition Waste Management Rules, 2016.** The concerned authorities in compliance with the said rules should identify appropriate suitable sites for deposit of C & D debris. All environment clearances granted prior to or after the notification of the C & D Rules 2016 must comply with the same."

(Emphasis added)

20. Since no objection has been filed to the report, the same is accepted.

We note that even after reports which was filed more than 6 months back, to which no objection was filed, steps suggested in the report are not shown to have been taken.

21. It is obvious from the resume of the facts and reports noted above that there is a failure of very high magnitude on the part of the State of Karnataka and its authorities, including the BBMP, in protecting the three lakes and also in keeping the Rajakaluves joining the lake clean and free from encroachments.

22. The Water (Prevention and Control of Pollution) Act, 1974 has been enacted to prevent and control water pollution and to maintain wholesomeness of water. The Act provides for standards of water to be laid down, to be maintained and prohibits discharge of pollutants in the water which is made criminal offence apart from provision for closing such process which results in pollution. The State Governments are authorized to frame rules and to set up and control the Pollution Control Boards. The Pollution Control Boards have statutory powers to carry out inspection and take coercive measures to protect the water. Statutory functions of the Pollution Control Boards include comprehensive plan for prevention, control and abatement of pollution of water bodies. The Pollution Control Board is bound by

every direction of the State Government. The local bodies have been entrusted the duties specified in 12th Schedule to the Constitution, read with Article 243 W. The 12th Schedule includes the issues of public health, sanitation, solid waste management, etc. Environment (Protection) Act, 1986 empowers measures for environment protection. Under the said Act, solid waste, plastic waste, e-waste, hazardous waste, bio-medical and other rules have been framed. Air (Protection) Act, 1981 provides for measures to control air pollution. In spite of comprehensive statutory framework, the State of Karnataka as well as the BBMP, even after repeated orders of this Tribunal, have failed to perform their duties.

23. Orders of this Tribunal are statutorily treated to be decree of civil court and can be executed in such manner as may be found necessary, having regard to the nature of the order to be executed. This Tribunal also has jurisdiction to require damages to be paid for the damage to the environment on "Polluter Pays" principle⁴. Public Trust Doctrine is a part of our jurisprudence. The State as a trustee of all natural resources which are by nature meant for public use enjoyment. Public at large is the beneficiary of the sea-shore running waters, air, forest & ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources.⁵ The authorities responsible have equal liability to pay compensation for restoring the damage to the environment and to prevent further damage.⁶ The officers charged with the responsibility of public duties are accountable for their failure. It may be worthwhile to recall several earlier executable orders on the subject of water pollution, air pollution, requirement of setting up STPs/ETPs, checking encroachments in catchment of water bodies⁷.

⁴ Section 20, NGT Act, 2010

⁵ M.C Mehta v. Kamal Nath (1997) 1 SCC 388

⁶ M.C Mehta v. UOI & Ors, W.P © No. 13029/1985 order dated 24.10.2017

⁷ All India Lokadhikar Sangathan v. Govt. of NCT of Delhi & Ors. E. A No. 11/2017 dtd. 16.10.2018, Venkatesh O.A No. 711 of 2018 dtd. 22.10.2018, Subhas Datta v. State of West Bengal & Ors. O.A No. 171/2016 dated 01.10.2018, Shobha Singh & Ors v. State of Punjab & Ors. dated 14.11.2018, Saloni Ailwadi v. Union of India & Or, O.A no. 509/2015 dated 16.11.2018.

24. Pan- India, environment degradation is severely affecting public health on a large scale⁸. References may be made to orders of the Tribunal on the subject of non-compliance of Solid Waste Management Rules, 2016,⁹ 351 river stretches being polluted,¹⁰ 102 non-attainment cities in terms of ambient air quality¹¹. Remedial measures are required which include awareness creation as well as coercive measures in the interest of public health.

25. There is thus, clear need to require the State and the BBMP to forthwith perform their duties to remedy the situation by preparing the requisite action plan, providing funds. In spite of admitted grave situation, the State/BBMP have not taken any coercive measures against polluters or the concerned officers for their failure. No prosecution is shown to have been launched. No serious steps are shown to have been taken to remedy the situation. Thus, the State and BBMP are also liable to pay compensation for the past failure. We have heard detailed submissions on the subject as well as quantum of the amount to be paid/set apart and the mechanism to be followed.

26. Accordingly, having regard to the facts and circumstances, we find it appropriate and necessary to issue following directions:

- i. Recommendations of the Committee dated 31.05.2018 may be carried out with a view to ensure that no polluted waste water is discharged into the water bodies and no solid waste is dumped therein. The encroachments from catchment areas must be removed. Karnataka SPCB in consultation with the CPCB may set up Real Time Water Quality Monitoring Systems in three

India ranked no.1 in pollution related deaths ⁸ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranked-no-1-in-pollution-related-deaths-report/article19887858.ece>

1.2 million people died from effects of air pollution in 2015

<https://www.livemint.com/Opinion/V2CgeiUq89kl1k2fDwJXML/Swachh-8harats-waste-management-problem.html>

<https://timesofindia.indiatimes.com/home/environment/pollution/80-of-Indias-surface-water-may-be-polluted-80%of-India-s-surface-water-is-polluted-report-by-international-body-says/articleshow/47848532.cms>

<https://www.mapsofindia.com/my-india/society/river-pollution-in-india-who-will-bell-the-cat>

⁹ In the matter of non-compliance of MSW Rules, 2016 O.A No. 606/2018 order dated 20.08.2018

¹⁰ NEWS ITEM PUBLISHED IN 'THE HINDU' AUTHORED BY SHRI. JACOB KOSHY Titled "More river stretches are now critically polluted: CPCB" O.A No. 673 of 2018 dated 20.09.2018

¹¹ News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15" O.A No. 681/2018 dated 08.10.2018

lakes at appropriate locations to monitor parameters which are critical like Dissolved Oxygen, Ammonia and others. The online data may be displayed for information. The activities around the three lakes may also be monitored by using drones and satellite imageries.

- ii. Overall responsibility to carry out these directions will be of the Additional Chief Secretary, Urban Development (UD), Karnataka and the BBMP. An action plan be prepared by the State/BBMP forthwith, within one month from today, indicating the timelines for the actions including the budgetary provisions and same should be placed on the website of State UD and BBMP. Execution of such plan may be completed by 30.06.2019.
- iii. The compliance of the above directions will be overseen by a Committee as follows:
 - A. Justice Santosh Hegde, former Judge, Supreme Court of India – Chairman
 - B. Professor T.V. Ramachandra, Indian Institute of Science, Bangalore- Member
 - C. Nominee of Central Pollution Control Board who should be a senior level officer- Member
 - D. Nominee of the Karnataka Pollution Control Board- Member.
- iv. KSPCB may provide logistics support to the Committee and coordinate as per directions of the Chairman of the Committee.
- v. The Committee will have such powers as are necessary to ensure execution of this order within reasonable time. The State and all concerned Authorities will cooperate and provide all assistance as may be necessary. The Committee may issue necessary instructions to the authorities from time to time for the purpose. The Committee will be at liberty to co-opt any

other expert or take assistance from such person or persons as may be deemed necessary.

- vi. The Committee may set up its own website for receiving and disseminating information and suggestions, including inviting volunteers, as may be deemed proper. Achievements may be put on website so that the same can be replicated wherever relevant.
- vii. The Committee may oversee the timelines in the action plan to be prepared by the State UD of Karnataka/ BBMP.
- viii. The State of Karnataka will transfer an amount of Rs. 500 crores in an Escrow Account for execution of the action plan within one month from today.
- ix. The State of Karnataka will deposit a sum of Rs. 50 crores by way of interim compensation for restoration of the environment with the CPCB. For delay, an interest @ 12% will be payable.
- x. The BBMP will be required to deposit a sum of Rs. 25 crores in this regard to CPCB separately in the same manner as (ix).
- xi. Out of the amount so deposited, a sum of Rs. 10 crores will be transferred by CPCB to the Karnataka PCB. The SPCB will defray all expenses of the Committee to provide logistics or otherwise.
- xii. The amount can be recovered by the State/BBMP from polluters and the erring officers.
- xiii. The State of Karnataka will furnish a Performance Guarantee to the CPCB to execute the action plan in a time bound manner, subject to the timelines being approved by the above Committee. The Performance Guarantee will undertake to pay amount of Rs. 100 crores for the failure in the execution of the action plan before 30.06.2019.
- xiv. The State of Karnataka must identify and declare the persons responsible for executing the action plan and any failure in

their performance should be recorded and considered favourably or otherwise for their career progression.

xv. Similar exercise as (xiv) may be undertaken to identify officers responsible for failure in the past. Such exercise may be completed within three months from today.

xvi. Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided.

xvii. MoEF&CC may specify limit for phosphorus in soaps and detergents to prevent damage to the environment and public health.

27. The above amount in the present case has been determined having regard to the estimated cost of setting up of STPs, based on the data available, which has been assessed with the assistance of the learned Counsel for the parties.

28. We have nominated Justice Santosh Hegde on information being provided during the hearing that he is agreeable to undertake the above job.

29. Justice Hegde will be entitled to a token honorarium of Rs. 2.5 Lakh per month from the date he assumes the charge. Justice Hegde will be entitled to assistance of persons of his choice for which remuneration will be paid by the SPCB, Karnataka as may be determined by Justice Hegde.

30. The Committee will also be at liberty to furnish interim or final report from time to time to this Tribunal by e-mail at ngt.filing@gmail.com.
31. A copy of this order be forwarded to the State PCB by e-mail. For coordination. The Applications stand disposed of.
32. If any report is received, the same may be put up for consideration.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 06, 2018
M.A. No. 96/2018
In Original Application No. 21/2014
R & DV

