

In Re: News Item Published In Hindustan Times Titled "And Quiet Flows The Mainly Yamuna"

v.

Y.K. SABHARWAL AND D.M. DHARMADHIKARI, JJ.,

(Supreme Court Of India)

Writ Petition No. 725 Of 1994 With Interlocutory Application No. 20,21 In Writ Petition No. 4677 Of 1985 | 04-08-2004

1. This Court has been concerned with the quality of water and started examining the issue about a decade back on attention of the Court being drawn to a write up under the caption "And Quiet Flows The Maily Yamuna" written by a journalist in one of the leading newspapers. Orders have been passed from time to time so that the quality of water, particularly in the city of Delhi improves. Our attention has been drawn to some of the orders, reports filed by the Central Pollution Control Board, affidavits filed by various authorities and the steps taken including the setting up of a number of sewerage treatment plants.

2. It appears that there are two major pollutants: one is domestic waste and the other industrial effluents. It further appears that there is rapid deterioration of water quality from the point Yamuna river enters Delhi and by the time it exits. Despite some efforts it is clear that there has been no improvement in water quality in the last about 5 years. This becomes clear on examination of the reports that were filed from time to time, particularly when the reports filed in the year 2000 are compared to the one recently filed in May 2004. The latest report shows that what to talk of improvement in the quality, there is in fact a deterioration thereof.

3. Repeatedly, in various orders this Court has stressed upon the need and expectations from the Government and all agencies to take all curative as well as preventive measures. The measures which might have been taken were obviously not enough and that is the reason of there being no signs of improvement. One of the orders notices the integrated action plan prepared by the Ministry of Urban Development which was accepted by the Delhi

Government, but all that happened about 4 years ago. There is nothing authentic on record as to what is the total generation of different kinds of pollutants, though Mr Ranjit Kumar, learned Senior Counsel who is assisting this Court as amicus curiae states that in one of the newspaper reports it was said to be 1800 million gallons per day. The capacity of the 15 sewerage treatment plants in Delhi is also not known though it was stated in the affidavit dated 21-11-2001 of the Chief Secretary of Delhi that in November 2001 the capacity was 442.4 million gallons per day and it was to be increased by March 2005 to 737.4 MGD. The Chief Engineer, Delhi Jal Board, Mr Jain, present in Court states that the total capacity as of now of the sewerage treatment plants (STPs) is 512.4 MGD. According to him the total generation is 652 MGD. We do not know the correctness of these figures. Assuming the same to be correct, the generation of waste is more than the total capacity of STPs. Despite these facts and figures -- whether correct or not -- whether the STPs are working to full capacity or not -- one thing that is clear is that the quality of the water in the last about 5 years has not improved and to some extent deteriorated. It is also clear that one of the major factors to be tackled is the pollutants in Delhi since these figures show that the quality of the water is better before it enters Delhi.

4. Considering the gravity, we deem it expedient that all authorities must sit together, apply their minds to various factors including the source of the generation of waste and industrial effluents, and draw up a plan which may help in achieving results at the ground level. It is necessary to undertake such an exercise since monitoring in the last more than 4 years has not resulted in improving the quality of water. Thus, we direct that a meeting from the officers of the following Departments shall take place:

1. Ministry of Urban Development, Government of India
2. Ministry of Environment and Forests, Government of India
3. National Capital Territory, Delhi
4. Delhi Jal Board

5. Delhi Development Authority

6. Municipal Corporation of Delhi

7. New Delhi Municipal Council

8. Delhi Cantonment Board

9. Delhi State Industrial Development Corporation

10. State of Uttar Pradesh

5. The Secretary, Ministry of Urban Development would act as a Chairperson and convener of the aforesaid High Powered Committee. The other Governments/Departments should be represented by officers not below the rank of Joint Secretaries. It would be open to the Chairperson/convener to appoint a Member Secretary of this Committee. The Committee would also be assisted by Mr Ranjit Kumar, Amicus Curiae, who will be given due notice of the date and time of the meeting by the Member Secretary. An action plan shall be prepared by the Committee and submitted to this Court within a period of six weeks suggesting the mode and manner in which the quality of the water can be improved and the steps and measures required to be taken by various authorities. This order should not be understood to mean that there should be any laxity in the steps already being taken as a result of orders earlier passed or otherwise. All concerned are directed to render full cooperation to the aforesaid High Level Committee also bearing in mind that the problem being examined is the one which concerns all and sundry.

6. The Government of Uttar Pradesh is directed to file within four weeks an affidavit stating what steps have been taken by it under the Yamuna Action Plan.

7. In respect of Haryana Distillery, we direct that the Central Government Committee shall examine the report prepared by the Haryana Pollution Control Board, Central Pollution Control Board as also the stand of Haryana Distillery and, if necessary, it shall also conduct a joint inspection in the presence of all parties concerned and submit a report within four weeks.

8. List the matters on 29-9-2004.

I. As No. 1855-56

9. Taken on board.

10. None is present for the applicant. List the IAs on 29-9-2004. In the meanwhile, counsel for the Delhi Development Authority and Municipal Corporation of Delhi shall take instructions on the aspect of the abuse/misuse of parks as alleged in the applications.