

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI - 110003**

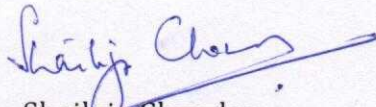
No. YPMC/2018/

Date: 01.10.2018

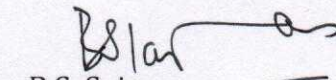
1. Chief Secretary, Govt. Of NCT of Delhi
2. Principal Secretary (UD), Govt. Of NCT of Delhi
3. Chief Executive Officer, Delhi Jal Board
4. Commissioner, South Delhi Municipal Corporation
5. Commissioner, North Delhi Municipal Corporation
6. Commissioner, East Delhi Municipal Corporation
7. Divisional Commissioner, Govt. Of NCT of Delhi
8. The Chairman, New Delhi Municipal Committee
9. CEO, Delhi Cantonment Board

Sub:- Action Plan of Monitoring Committee set up by NGT with special reference to Sewered and Unsewered areas of Delhi and Septage Management Road Map.

Enclosed herewith please find Office Memorandum dated 01.10.2018 on the subject mentioned above for immediate necessary action.



Shailaja Chandra,
Member,
Monitoring Committee for Yamuna



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Member,
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OFFICE MEMORANDUM

Action Plan of Monitoring Committee set up by NGT with special reference to Sewered and Unsewered areas of Delhi and Septage Management Road Map.

Background

The NGT in various orders has directed that the drains and river Yamuna have to be protected from discharge of sewage, solid waste and industrial effluent.

In its order dated May 8th 2015 AND REITERATED IN 26TH July 2018 the NGT had ordered as follows:

Dated 08.05.2015, In O.A. No. 06 of 2012 and O.A. No. 300 of 2013

"(16).....
We direct NCT of Delhi, Delhi Jal Board and all Municipal Corporations, Cantonment Board, electricity companies like BSES and all other civic authorities to require payment of environmental compensation from every house hold which is generating sewage in the entire NCT of Delhi on the Polluters Pay Principle. It will be irrespective of whether a house hold is sewerred or not. This would be equally applicable to the house hold located in the unauthorized colonies.

(17) The monthly compensation payable by all the house hold in the NCT Delhi would be directly proportionate to the property tax or water bill whichever is higher, payable by such house hold. Where the house hold or person is not paying water bill, property tax and are located in unauthorized colonies, in that event, such house hold shall pay the sum of Rs 100 or Rs 500 per month as the case may be. This amount would be determined by the concerned authority with reference to the construction existing on the plot. The payment of the 'environmental compensation' in terms of the above clauses shall be added to electricity bills, water bill and the property tax

demand in order of preference by the respective departments which will transfer the money to NCT, Delhi

(18) Delhi Jal Board has to provide itself or through appropriate agency desludging vehicles which will collect sludge from the septic tanks in the colonies and take it to the nearest STP.

(19) Such vehicles shall be provided with GPS to ensure proper collection and transportation to the designated location”.

Dated July 26, 2018, In O.A. No. 06 of 2012 and O.A. No. 300 of 2013

“(xiv) The Monitoring Committee may also consider and approve any plan for collection of funds on the Principle of Polluter Pays apart from requisitioning funds from the concerned authorities in terms of the orders already passed by this Tribunal”.

Summary of Meetings Held: On 14.09.2018 with Commissioner, East DMC, on 17.09.2018 with Commissioner, North DMC, on 20.09.2018 with Commissioner, South DMC, on 25.08.2018 with CEO, DJB and on 11.09.2018 with Principal Secretary, UD.

The Monitoring Committee (MC) was directed to prepare an Action Plan for monitoring the implementation of NGT's orders relating to abatement of pollution in the River Yamuna and drains flowing into the river and report progress thereon to the Tribunal.

The NGT orders are specific and must be given effect to. Departmental jurisdiction issues and non-availability of policy directions cannot stand in the way of giving citizens an environmentally safe city and doing everything possible individually or jointly to prevent pollution which affects every citizen.

The Directions which follow emanate from the NGT orders and progress made on implementation will be reported by Agency on the basis of Action Taken Reports received specific to the month and year

Since one of the biggest problems relates to the discharge of raw, untreated sewage into the drains it was necessary to hear the concerned officers. This was done by listening to the following:-

1. The three Commissioners of MCD because they are vested with statutory authority for sanitation under specific provisions of the DMC Act.
2. The CEO Delhi Jal Board and all senior officers concerned with the sewage disposal and treatment (including septage) and drain sanitation which is a direct responsibility of the Board under the DJB Act.

3. Interactions were held with some DMs on the telephone to understand why when they have been vested with authority under the EP Act and Cr PC they were not exercising this authority.
4. The Principal Secretary UD because all aspects of Urban Development, formulation of policies, implementation of related statutes, programmes/ schemes and the notification of subordinate legislation and coordination with the urban local bodies is the responsibility of the Department of UD.

SEWERED AREAS

DJB after making a detailed investigation had identified two major causes of pollution:

- (i) Punctured sewers allowing sewage to enter storm drains (DJB had identified around 148 such locations and provided a map of the locations. (Appendix 5 of the 2015 order of NGT), and
- (ii) Storm water drains culminating into sewer lines (that are not designed as combine sewers to carry sewage as well as storm water, as in Old Delhi) thus surcharging the sewers to overflow and flooding the areas with sewage during the monsoon period (344 such locations had been identified by DJB and communicated to respective agencies for taking remedial action.)

The NGT was told that a plan was being formulated by the DJB for ensuring that no sewage flows into the storm water drains for which they required about three months to finalize. All of three municipalities, DSIDC, NDMC, PWD and Cantonment Board were reported to be in the process of preparing detailed plans for ensuring that storm water does not enter the sewerage network for which they had asked for 3 months' time to prepare an action plan. By now the plans should have been implemented. The commitments on behalf of different agencies are recorded in the Expert Committee Report dated 13-10-2014 appended to the judgment dated 13-01-2015.

After 3 years it is apparent after meetings with DJB, the Municipal Commissioners and the Secretary UD that the NGT's orders recapitulated above have not been acted upon. The NGT in its orders of 26th July 2018 has reiterated that the "polluter pays" principle has to be invoked and both sewered and non-sewered areas must be made to pay for the pollution they are causing. Based on this, the directions which follow, should be given effect to.

UNSEWERED AREAS:

Status of Septage Management

There are 1797 unauthorised colonies in Delhi and the Centre for Science and Environment has published a report in 2016¹ that around 80% of these colonies, in absence of sewerage network, are dependent on onsite sanitation systems like septic tanks. Even where sewage pipelines have been laid taking individual household connections is not the norm and there is resistance to paying development charges (which would include charges for getting sewage connections to the dwelling unit.) They are not paying for the sewage they are producing or for arranging to have it discharged into the city's drains/pits and water bodies.

Since the unauthorised colonies have come up in an unplanned way over several decades and have grown haphazardly without sanctioned colony or building plans the MCDs say that they do not fall within their jurisdiction as no Municipal Building Bye-laws or requirements to fulfil safe sewage requirements are mandated to be provided. But sanitation of all drains is a Municipal responsibility and when sewage effluent is being emptied by private contractors into open drains it is very much a municipal function to protect the drains which are public property. DJB also has a direct responsibility for the drains under its Act and the provisions of Sections 29, 31 and 79 of the Delhi Water Board Act 1998 are specific. Punitive powers are also given in the Schedule. DJB, therefore, is already vested with powers under the Act to control pollution of drains and stoppage of sewage being dumped into the drains.

By now **regulated** emptying/desludging services should have been put in place by DJB. The sewage discharged into drains is reported by CSE to be equivalent to around 10 tons of BOD load per day. Sewage has a BOD of 150 to 300 mg/l, but the faecal sludge has a BOD of 2000 to 8000 mg/l and more. Sludge which is being emptied into drains, pits, forest areas and water bodies it is a public hazard. It defiles the main drains leading to the river Yamuna and leeches into the ground water and ruining the environment. It is leading to destruction of land, water and drains for which no compensation is being demanded by MCD and DJB who are both responsible under the DMC ACT and the Delhi Water Board Acts for enforcement.

Directions

1. Application of the Polluter Pays Principle

Keeping in mind the NGT directions the concerned authorities have to establish systems to collect sewage charges from both sewered and non-sewered colonies. Sewage charges are only being taken from those consuming more than 20kl per month of water as a component of the water bill. **The rest of Delhi residents are not paying for the pollution**

¹ **SFD Promotion Initiative- Last updated 20.02.2016** <https://www.cseindia.org/sfd-promotion-initiative-delhi-india-8566>

caused by sewage generation .The NGT orders, particularly of 08-05-2015, have to be given effect to and for this the polluters must pay. The MC is including the operationalisation of this directive of NGT in its Action plan and will report progress to the Tribunal. Whether the sewage of residents of Delhi who pay no water charges are being/should be subsidised by the Government is not an issue before the MC. The bottom line is that anyone who generates pollution (sewage) has to pay for its discharge into the city' systems and DJB has to ensure that it is done.

2. Repair of Drains and Storm water systems and Prevention of Destruction.

The DJB and other Urban Local Bodies listed by the NGT and referred in order of NGT referred earlier must confirm by 1st November 2018 that the deficiencies have been rectified. The MC would be sending inspection teams during November and December to different municipal wards. If the situation remains the same with reference to the identified locations which had been ordered 3 years ago to be rectified, it would be reported to NGT with names of locations and officers responsible from the drain owning as well as enforcement agencies .

Regardless of the MC's inspections the concerned agencies must give the status to the MC by 1st November with reference to the Expert Committee report dated 13-10-2014

3. Septage Management

The National Policy on Faecal Sludge and Septage Management (FSSM) was issued by Ministry of Urban Development in February 2017. Several states have published and are implementing the regulations for septage management. Delhi was found as late as September 2018 not to have notified regulations or put in place a system for septage management. Every day the river, the drains and water bodies are being polluted with sewage even as the STPs are running short of sewage. A regulated system for collection of the sewage from unauthorised colonies has to be put in place without waiting for sewer lines to be laid which will take time.

The Monitoring Committee had to ask the Secretary UD why the draft Septage Management Regulations had not been issued for 6 months after receipt from DJB in February 2018; also why DJB was not pursuing the matter when it was affecting the drains and water bodies and adding to pollution in the river Yamuna.

The notification of the Regulations and implementation of the Regulations is being included in the Monitoring Committee's Action Plan as it is critical that a sewage management network gets established.

However until then all collectors of sewage must be directed to discharge the septage only in notified places. If found discharging it in non assigned places the agency concerned must apply the polluter pays principle and fine the vehicle driver on the spot. Registration of the vehicle should be cancelled. All these aspects will be monitored by the MC and reported to NGT so whatever the Department does has to be effective.

4. Enforcement

The DJB must put the informal collectors/emptiers of sewage under notice to comply with DJB orders for discharge of the effluent at designated places even if these are temporary. Whether registered or not, no one should be permitted to ply vehicles carrying sewage without linkage to the sewage pumping station or sewage carrying line. The NGT in its order dated 08-05-2015(directions no. 18 and 19) had directed that this be regulated and that GPS equipment has to be installed on the collection vehicles and the fact that they only go to designated stations has to be monitored by DJB. The DJB CEO had said nothing can be done until the regulations which the Board had passed are approved by Government. This is not acceptable given the need for compliance with the NGT orders for which only the officers have responsibility. If the Regulations are still not being notified it is incumbent on DJB to exercise the powers vested in it under the DWB Act as referred to earlier and also co-ordinate with the Deputy Commissioners, the Municipal Commissioners and the Transport Authority to show zero tolerance for haphazard dumping of sewage and sullage.

No regulations are needed to carry out functions which are given in the MCD and EP Acts and when people are polluting the surrounding areas directly or indirectly everyday within the knowledge of DJB. Special enforcement cells should be created by placing the services of DJB workers under charge of the Deputy Commissioners who can report the vehicles with registration to the Transport Authority. Vehicles without registration can be impounded.

The Municipal Corporations, the DJB and the District Magistrates all have powers under the DMC Act 1957 amended in 2011, the Delhi Water Board Act 1998 and the Environment Protection Act 1986 to stop pollution of the drains but none of these powers are being exercised. These powers have to be operationalized in public interest and neither need funds nor policy level approval.

Delaying everything until the sewers to over 1500 unauthorised colonies are laid and consumers eventually take household connections or the Septage Regulations are notified is

wilful negation of the requirements to provide basic sanitation(which include control of pollution in the drains) to the citizens of Delhi.

- The Commissioners of MCDs have a primary duty for sanitation in the whole of the Municipal area. Therefore each MCD Commissioner has been asked individually by the MC to submit an Action Plan for prevention of such pollution and to oversee proper sanitary disposal of faecal sludge and other waste under the powers vested in the DMC Act. This should be taken up first to cover all drains nearest to the 3 major drains and the 22 drains which empty into the river irrespective of whether they come under I& FC Department or PWD as enforcement powers are not with those Departments.
- The DJB has concurrent but also direct responsibility under the DJB Act and Section 31 of the Delhi Water Board Act 1998 specifies that all drains which were municipal drains under the erstwhile DWS &SD Undertaking shall vest in the Board. Under Section 79 (subsection 1) DJB has powers to fine a person Rs 5000 for discharging filth and garbage into the drains.
- The District Magistrates possess powers under Section 133 of the CrPC to take action to remove a public nuisance. The Deputy Commissioner (Revenue) is designated as the District Environmental Protection Officer under Section 4(1) of Environment Protection Act, 1986. These powers have to be used by the officers within their jurisdiction in coordination with DJB which has overall responsibility for sewage management.

Interim Directions until Septage management System is notified.

- The DJB should ask the DMs to use the powers they exercise and facilitate them by setting up cells of field staff under their control to monitor how the drains are being kept pollution free. The statutory responsibilities have to be exercised in an organised manner and action plans have been sought by the MC both from the MCD Commissioners and DJB.
- A system to direct all vehicles carrying sewage to the designated place has to be organised in group meetings which can be convened by the Deputy Commissioners who are designated as Environment Officers under Section 4 (1) of the EP Act. The DJB should identify SPSs/STPs where septage from each of the unauthorised colonies will be emptied. This should be done by November 1st. Progress will be reported to NGT.

Co-ordinations Responsibility of Department of UD and Director Urban Local Bodies.

The Department and the DULB have to coordinate and ensure that the role and functions of each authority- MCDs, DJB and DMs is exercised and the action taken by each Agency is measurable. Only then can it be monitored. The MC will seek reports from the Department of UD on action taken by all the agencies which must not wait for the Septage Regulations to be first notified although that must be done concurrently.

Arguments and excuses over jurisdiction must be sorted out by the Department of UD and the Chief Secretary. Such deflections cannot be allowed to stand in the way of performing essential functions delineated in the statutes referred above and as directed by NGT.

The Action taken between October/November/December by location and periodicity as provided by the co-ordinations Department based upon reports from DMCs, DJB and DMs will be reported to NGT.

Independent of this reporting the MC will carry out its own inspections and give a report to NGT about the progress.

This note is being put up on the Monitoring Committee's Website and will be in public domain.

Sd/-
Shailaja Chandra,
Member,
Monitoring Committee for Yamuna

Sd/-
B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To

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2. Principal Secretary (UD), Govt. Of NCT of Delhi
3. Chief Executive Officer, Delhi Jal Board
4. Commissioner, South Delhi Municipal Corporation
5. Commissioner, North Delhi Municipal Corporation
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