

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Misc. Application No. 73/2014

Misc. Application No. 74/2014

In

Original Application No. 34/2013 (CZ)

**Subhash C. Pandey Vs. Municipal Corporation, Bhopal & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S. RAO, EXPERT MEMBER**

**PRESENT :** **Applicant :** Dr. Subhash C.Pandey  
**Respondent No. 1 :** Shri Asad Ullah Khan, Advocate for  
Shri Vivek Agrawal, Advocate,  
Shri G.S. Saluja, Executive Engineer, BMC  
**Respondent No. 2 to 6 :** Shri Sachin K. Verma, Advocate  
Shri Rakesh Rawat, A.E. & OIC, UADD  
**Respondent No. 3 to 5 :** Dr. Sanjeev Sacheva, EPCO  
**Respondent No. 7 :** Shri Shivendu Joshi, Advocate for  
Shri Purushaindra Kaurav, Advocate

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 4</b> <b>13<sup>th</sup> February, 2014</b>	An affidavit has been filed by Shri G.S. Saluja, Executive Engineer, Bhopal Municipal Corporation (BMC) outlining the progress of work that has been carried out so far. This is disputed by the Applicant as well as to some extent by some Members of the Monitoring Committee who are present. We find that though there is a dispute it cannot be denied that some work has been done and more is required to be done. The Applicant showed us the video clipping of the manner in which the work was being undertaken. What struck us the most is that the labour engaged for this task are working virtually with no regard to their own safety in such very difficult situations. It has been assured by Shri G.S.Saluja, Executive Engineer, BMC that immediate steps would be taken to provide them necessary safety measures and equipment. Even the Applicant too has raised concerns regarding the safety and health of these workers. We would expect the BMC to take note of this fact and take all remedial

measures.

It was also explained that most of the floating solid waste has been removed and now the need is to remove the silt and other debris lying in the bottom of the lake. The depth of the water as well as other difficulties which were highlighted has made municipal authorities think about adopting mechanical methods for the aforesaid purpose. Shri G.S. Saluja submitted that even this work has been started and shall be carried out to the extent possible depending upon the depth to which the equipment can be sent.

On the suggestions of the Members of the Monitoring Committee, Shri G.S. Saluja has agreed that they would take steps for checking of the solid waste flowing along with sewage water into both Manisha Market Nalah and Panchseel Nalah by fixing Jalis even at the entry point of feeder channels entering into these two bigger Nalahs referred to above since it is found difficult to clean once the material enters from different feeder channels and since they are being inaccessible. He accepts this project will be undertaken without further delay and proposals can be sent immediately with cost estimates for sanctioning the same.

Shri Asad Ullah Khan, Learned Counsel appearing for the BMC as well as Shri Sachin K. Verma appearing for the State of Madhya Pradesh have assured us that whatever proposals are sent, the same shall be processed immediately and reasonable financial sanctions will be made..

It was also suggested by the Members of the Monitoring Committee and by Shri Saluja, Executive Engineer, BMC that for future prevention of accumulation of silt and the solid waste in the lake a lining along the Panchseel Nalah as well as Manisha Nalah be made by laying inter locking bricks. Hence suitability of this project be examined and project prepared for the aforesaid purpose which would help in keeping the area along the Nalahs clean and also prevent cementing in the Nalahs and accumulation

of silt at the mouth in the lake. We are assured by Shri Sachin K. Verma, and Shri Asad Ullah Khan, the Learned Counsels that the feasibility of this project would be worked out and accordingly necessary sanctions obtained.

It is the unanimous view of the Monitoring Committee, the Applicant and the Respondents that the problem needs to be tackled from the point of view of creating awareness among the public towards cleanliness, collection, segregation and disposal of solid waste. They have suggested that in consultation with prominent citizens, NGOs, Corporators, the educational institutions and the Mayor of the city a drive would be launched for creating awareness in this regard.

The Learned Counsels for the BMC and for the State of M.P. submitted that since major portion of the work as directed by the Tribunal has been completed, the matter be posted on 04.03.2014 for inspection of the sites. The said prayer is allowed. The matter be listed on 04.03.2014 on which date the aforesaid proposals for carrying out the inspection based upon the affidavit to be filed by the Respondent regarding completion of the work, shall be considered. The Tribunal wishes to record its appreciation for the efforts made by the Applicant in raising this issue and for the Members of the Monitoring Committee who spared their time for this noble cause for the benefit of residents of the city of Bhopal. At the same time we would also like to record the efforts made by the officials of BMC who rose to the occasion to do a job which has been ignored for a long time. We particularly note and appreciate the labourers' work, noting particularly of those labour who are doing the manual work without caring for their own safety and health.

**Misc. Application No. 74/2014**

Misc. Application No. 74/2014 has been moved by the Learned Counsel for the BMC for seeking exemption from filing an affidavit today on behalf of the Mayor of Bhopal on account of the reasons stated in the

said affidavit. However, the Learned Counsel submitted that he may be permitted to withdraw the said Misc. Application No. 74/2014 and assured us that the Mayor would visit the site herself and to inspect the work being carried out and note the conditions in which the officials of the Municipal Corporation and the labourers have to work and for taking steps to ensure that the good work is continued to be done and preventive steps for this purpose be taken further.

**Misc. Application No. 73/2014**

Misc. Application No. 73/2014 has been filed by the Applicant along with the report of the Monitoring Committee and copies of the press news items which have been annexed thereto. Since we have dealt with the issue extensively in our above order, no separate order on this Misc. Application is required to be passed at this stage. The documents and the report of the Monitoring Committee is ordered to be taken on record. Accordingly, Misc. Application No. 73/2014 stands disposed of.

The matter be listed on **04.03.2014**.

.....JM  
(DALIP SINGH)

.....EM  
(P.S. RAO)