
(2000) 09 SC CK 0028

In the Supreme Court Of India

Case No : I.A. No's. 20 and 21 in Writ Petition (C) No. 4677 of 1985

M.C. Mehta

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 06-09-2000

Acts Referred:

Citation : (2000) AIRSCW 924 : (2000) 6 SCALE 568 : (2000) 2 Supreme 583

Hon'ble Judges : Syed Shah Mohammed Quadri, J;M.B. Shah, J;B. N. Kirpal, J

Bench : Full Bench

Judgement

1. We have gone through the submissions on behalf of the Delhi Jal Board. More than four years ago, this Court had directed the setting up of Sewage Treatment Plants. In any metropolitan town in a civilised country, it would not have been necessary for the highest Court of the land to give such a direction, but it is unfortunate that because of the laxity on the part of the authorities concerned, the Court had to step in and tell the authorities to do what they should have done themselves. A time frame was fixed for the completion of the Sewage Treatment Plants. Sixteen more treatment plants were required to be installed and were to be completed by June, 2000.

2. A statement which has been filed indicates that 11 plants have been completed, another four are under way and in respect of one Sewage Treatment Plant at Mehrauli, tenders have been invited and work is likely to be completed by June 2002. Out of 11 which have been completed only 8 have been commissioned. Hopefully, the rest will be commissioned by December. 2000. What is worrying is the lethargic manner in which the execution has progressed. For example, in the case of STP at Mehrauli, till today the tenders have not been finalised or accepted. We are informed that the tenders were received more than a year ago but no final decision has been taken. We direct the final decision to be taken within one week from today.

3. With the commissioning of all the Sewage Treatment Plants the sewage which would be treated, would be only about 505 mgd. The Chief Executive Officer of

the Delhi Jal Board who is present, informs us that as of today the sewage which is generated and requires treatment is 610 mgd. The sewage which was treated as of today is only 325 mgd. Nearly, fifty percent of the sewage which is generated is flowing into the river Yamuna untreated. This gap is going to increase with the passage of time because it is accepted that by the year 2010 the sewage which would be generated would be about 764 mgd.

4. There is nothing on record to indicate as to what is proposed to be done to augment the capacity to meet the future needs. We are informed by Mr. Gupta, the learned senior counsel for Delhi Jal Board as well as Mr. Pradeep Mehra, the Chief Executive Officer of the Delhi Jal Board that the matter has been entrusted to the Tatas for giving a Project Report and it is thereafter that further action will be taken. When it is known that the existing capacity is far less than the amount of sewage which is generated we would have expected certain amount of urgency on the part of the authorities concerned, but this is lacking. After taking all factors into consideration and as this Court had no option but to direct in 1996 for the establishment of more STPs to raise the capacity to 502 mgd, we again have now no option but to direct the Delhi Jal Board and whichever authority is responsible for it in the National Capital Territory of Delhi to see that the capacities of the STPs are increased to 764 mgd by the year 2005.

5. Construction of the STPs is not the only solution to the problem. As per the affidavit of the Delhi Jal Board, ancilliary works have also to be undertaken which enable the STPs to function. One thing which is required is the laying of the trunk sewers. A statement has been filed showing hindrances which are stated to exist which adversely affect the progress of the ancilliary works. With regard to the peripheral services which are like laying of the trunk sewers, each of the authorities concerned, namely, the NDMC, DDA, MCD and DJB have pointed out the hindrances which exist in the progress of the works. We will first deal with the two hindrances mentioned by the Delhi Jal Board with regard to the laying of the sewer lines in Jahangirpuri and Uttam Nagar. As far as Jahangirpuri is concerned, the hindrance is the unauthorised jhuggis which exist on the proposed alignment of the peripheral sewer. It is stated that in spite of efforts through letters and meetings encroachment still exists along the alignment of proposed peripheral sewer. This is stated in Annexure-V to the Report of August, 2000 which has been filed. Mr. Ranjit Kumar, the learned Amicus, draws our attention to the fact that this very excuse in regard to this very work was contained in a report filed in this Court more than a year ago in August, 1999. What has been done in the last one year to overcome the hindrance is not indicated. This state of inertia cannot be allowed to be prolonged. We, therefore, direct the authorities concerned, whoever it be, whether it is the Delhi Jal Board, D.D.A. or M.C.D. or the Government of Delhi to clear the land in question of the jhuggis within three months from today and we hold Chief Secretary as well as the Heads of these Departments personally responsible for carrying out the orders. The land so cleared should be made over to the Delhi Jal Board for laying down the sewer lines.

6. It has been submitted on behalf of the Slum Department of the M.C.D. that finances are not available and alternative plot of land where the jhuggi-dwellers can be re-settled is not indicated. It is for the Government and the other authorities concerned to solve this problem and it is not for this Court to tell them how to run their departments. They should work in accordance with law. This Court is only required to see that the laws of the land are complied with. It is the duty of the Government departments to provide civic amenities including the laying of the sewer lines. If the lawful action of the Government is being prevented by un lawful or unauthorised jhuggis, then surely the Government is expected to find the solution for the same and restore the law. This state of lawlessness cannot be permitted to go on indefinitely.

7. With regard to Uttam Nagar trunk sewer, it is stated that the same has to be laid on the main Najafgarh Road at Uttam Nagar. The reason for the slow progress, as indicated in Annexure-V, is stated to be the Traffic Police which has given permission only for 300 metres at a time for the work to be done. The permission which is sought is at least one Kilometre.

8. On a query raised by us, we are informed that the contract in respect of laying of the said sewer was awarded in 1998, the work commenced in 1999 and as of 6th September, 2000 the sewer has been laid only for 320 metres. With this slow pace of the execution of work, it is not open to the Delhi Jal Board to lay the blame on the Traffic Police. Considering the nature of the traffic on the said road, it is quite evident that one km. road cannot be permitted to be blocked for a long period of time. We are informed that 3200 metres of trunk sewers is to be laid on the Main Najafgarh Road. 320 metres have already been laid, with the result that the balance yet to be laid is 2880 metres. We direct that this work should be completed within six months from today. The Delhi Jal Board will request the Traffic Police 15 days in advance of the stretch required by them for laying the sewer. The minimum progress has to be at the rate of about 500 metres per month. As and when this request is received the Traffic Police shall make alternative arrangement so as to enable the work to go on unhindered.

9. Mr. Gupta states that an affidavit will be filed within two weeks indicating as to what the further line of action the Delhi Jal Board has with regard to augmenting the sewer treatment capacity in Delhi. To come up after four weeks.