

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A.No. 552/2014

and

Original Application No. 142/2014 (CZ)

Shri Kapil Malaiya & 2 Ors. v. Union of India & 9 Ors.

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

**PRESENT: Applicant : Shri Shantanoo Saxena, Adv.
Respondent No. 2 : Mr. Om S. Srivastav, Advocate
Respondent No. 7 & 8 : Mr. Sachin K. Verma, Advocate
Respondent No. 6: Ms. Parul Bhadoria, Advocate for
Mr. Purushaindra Kaurav, Adv.
Respondent No. 5 : Mr. Yadavendra Yadav, Advocate
Respondent No. 9 : Mr. Dharamvir Sharma, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 3 25th September, 2014	<p>Issue fresh notice to the unserved Respondents.</p> <p>The replies which have been submitted on behalf of Respondent No. 5 and 9, are ordered to be taken on record.</p> <p><u>M.A.No. 552/2014</u></p> <p>This application has been filed by the Applicant for impleading the Divisional Railway Manager, Western Central Railway, Bhopal as party Respondent.</p> <p>The said application is allowed. DRM, WCR, Bhopal is ordered to be impleaded as Respondent No. 11. Counsel for the Applicant shall file copy of the paper book for the DRM, WCR, Bhopal today itself. On filing the same, notice in the Original Application be issued to the newly added Respondent.</p> <p>M.A.No. 552/2014 stands disposed of.</p> <p>Learned Counsel for the Applicant submitted that direction may be issued to the Government of India as well as the Central Pollution Control Board for considering the case for issuing necessary direction under Section 3 of the Environment</p>

(Protection) Act, 1986 to the Ministry of Railways for inclusion of the Railways and for laying necessary standards for protection of environment as from the pollutants discharged from running passenger train toilets on the railway tracks and also on dealing with the railway tracks in the form of waste left from the eateries etc. It was submitted that direction may be issued to the Government for consideration of the aforesaid case by means of specification to be laid down for running of the Railways under the EIA Notification, 2006 by inclusion of certain standards to be adopted.

We feel that the aforesaid is a reasonable suggestion and we would seek response from the Union of India/Respondent No. 2 as well as CPCB/Respondent No. 5 on the aforesaid. The response shall be filed in the form of an affidavit of the Secretary, Ministry of Railways as well as the Chairman of the CPCB after examining the aforesaid issue in detail. It was also submitted that in some of the trains, bio-digesters have been installed in the toilets attached to the coaches. However, it was submitted by the Learned Counsel for the Applicant that even despite having installed the bio-digesters in the toilets of the train coaches, the discharge from the same is disposed of on the tracks itself which again does not solve the problem. The Respondent No. 2 and 5, while considering the issue with regard to the inclusion of the Railways in the EIA Notification, 2006 and for issuing directions under Section 3 shall also take into account the aforesaid as to how best the problem can be dealt with and also as was suggested by the Applicant by identifying the transit points from where the trains pass through instead of only at final destination of the train duly

identifying suitable places where land may be suitably available without much disturbance to the residents of such transit points and the sites be developed for effective utilisation and conversion of waste into compost / bio-fertilizers may be considered and the aforesaid discharge from the bio-digesters be emptied at such identified sites for disposal and conversion into bio-fertilizer which will be environmental friendly. On all the above issues, we would seek response from the Respondent No. 5, Railways, Government of India and Respondent No. 2 CPCB.

Copy of our order be also sent to the Ministry of Railways, Government of India and the Central Pollution Control Board through their respective Counsel. The Registry is directed to send a copy of the aforesaid order with the notice to the aforesaid parties.

We have considered the reply filed by Respondent No. 9 Municipal Corporation, Sagar. The problem which has been highlighted in the application with regard to effluents being discharged at Gate No. 24, this is a localised issue and the District Collector, Sagar is directed to call for a meeting with the Railway authorities, the concerned State Departments and the Municipal Corporation to identify the cause of the problem and take all remedial measures. Effective steps may be taken within a period of 60 days and resolve the aforesaid issue at the local level itself. The compliance be reported at next date of hearing.

Shri Sachin K.Verma appearing for the State and the District Collector, Respondent No. 8 shall communicate our above order to the District Administration for compliance. Counsel for Applicant shall convey our order to the Station Master and

Railway authorities at Sagar and Divisional Regional Manager,
Western Central Railway, Bhopal for compliance.

List on **5th December, 2014.**

.....,JM
(DALIP SINGH)

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

