

Item No. 06

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 333/2021

(With report dated 05.03.2022)

M/s Real Anchors Developers Pvt. Ltd.

Applicant

Versus

U.P. State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 12.04.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Sanjeet Paliwal, Advocate

Respondent(s): Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. The issue taken up for consideration in this matter relates to prevention of air pollution on account of dust and emissions during cremation in the context of crematorium operating at Shakti Khand-4, Indirapuram, Ghaziabad, U.P.

2. Vide order dated 15.12.2021, the Tribunal constituted a joint Committee comprising CPCB, State PCB, District Magistrate, Gautam

24.05.2021 in O.A. No. 108/2021, H.C. Arora v. Union of India & Ors. as

follows:-

“1. Prayer in this application is for direction to frame a Policy for cremation of the unclaimed dead bodies, exclusively in Gas Crematoriums, and to provide some incentive, like free commercial gas cylinder, for motivating people in other cases to cremate the dead bodies of their dear and near ones in the LPG Crematoria. The case set out in this application is that in the wake of COVID-19 Pandemic, there are large scale deaths and there are unclaimed dead bodies requiring proper cremation, in the interest of protecting the environment.

2. The issue raised primarily concerns action by the Administration, having regard to the fact situation and all relevant circumstances at a particular place. The applicant has impleaded MoEF&CC, States of Punjab and Haryana through their Chief Secretaries as parties. However, having regard to the nature of the issue, the same issue can be looked into by all the concerned authorities of all the States/UTs in the country.

3. Accordingly, without expressing any opinion on the issue, we consider it appropriate to dispose of this application with a direction that a copy of this order be forwarded to the MoEF&CC, CPCB, Chief Secretaries of all States/UTs, State PCBs/PCCs and Districts Magistrates of all the States/UTs by e-mail for such consideration as may be found necessary.”

3. In pursuance of above, the joint Committee has filed its report

dated 05.03.2022 as follows:-

*“The said crematorium is a traditional wood based crematorium set up in an area of around 2536.31 sq.m. out of which an area of around 485.99 sq.m. is covered with a temporary shed for carrying out traditional wood based cremations. **As per the attendant present on site and officers of Municipal Corporation, Ghaziabad, the crematorium is used sparsely as the crematorium at Hindon Ghat is the main crematorium centre in Ghaziabad.** The records of the crematorium were perused and as per records, on an average 20-30 mortal remains are being cremated. Maximum number of cremations were held in month of April, 2021 due to comparative increase in number of deaths due to COVID 19 pandemic. **The said crematorium is located at Indrapuram***

various impurities through fire, agni. Cremation is also the last significant life cycle ritual and sacrament for Hindus, known as dah sanskar, 'sacrament of fire' or antyeshti 'last sacrifice'. Thus, considering the socio-religious considerations associated with performance of last rites in Hindu society, any major alteration in technology/infrastructure of the crematorium needs to be done with social consensus of the residents of the area.

Municipal Corporation, Ghaziabad has already initiated the process of adding an additional pyre based on Improved Wood Based Cremation technology in the existing crematorium complex. Amount of Rs. 42.05 lakhs has already been sanctioned and invitation for e-tender has been invited, same has been put on hold in view of Model Code of Conduct due to General Elections of the Legislative Assembly of Uttar Pradesh. Once installed and operational, this shall lead to reduction in pollution load as it will not only bring down wood consumption by 200-300 Kgs per cremation but will also reduce time taken for combustion. Also, the IWC based system proposed has an in-built air pollution control system.

In present infrastructure of traditional wood-based crematorium, **a body is kept on a pyre loaded with around 350-450 kg of wood and is burnt in open ail without any mechanism for controlling emission of gases and pollutants into the atmosphere.** Also, the cremation process takes around 4-5 hours for complete combustion.

Besides religious beliefs, availability of area is also an essential factor in switching any traditional crematorium to a green technology crematorium operational on gas, electricity or converting an existing traditional wood-based crematorium into an Improved Wood Based Crematorium (IWC). National Mission for Clean Ganga has prepared a document 'Model Crematoria Designs, Conventional and Improvised Designs' which intends to bring clarity and uniformity in design and costs of crematoria by providing proficient design options ranging from basic to electric based crematorium. Comparative statement with minimum basic design requirement for each type of crematoria has been presented in Figure 2.

Page 70.....xxx.....xxx.....xxx

As is evident from the table above, for urban setup, the space requirement for a single pyre complex varies from 140 sq.m. in case of IWC to 400 sq.m. in case of gas-based crematoria for a single furnace building. Also, pyres as such are just a part of

IWC technology. Presently, Municipal Corporation has proposed to build an additional structure for IWC based pyre with requisite pollution control system having a wet scrubbing system on site as shown in Figure 3. Ghaziabad Development Authority should allocate funds for conversion of existing pyres to IWC technology in long term. In interim, Miyawaki forestation should be done by Municipal Corporation, Ghaziabad on area reclaimed from disposal of legacy waste processing adjacent to the cremation area as it will serve as a buffer as well as a sink for pollutants emanating from cremation rituals.

Page 72.....xxx.....xxx.....xxx

II. Dumping of Municipal Solid Waste

Background:

The applicant has also mentioned the issue of dumping of garbage near the crematorium at Shakti Khand- 4, Indrapuram, Ghaziabad.

The dumpsite is located at Indrapuram locality of Ghaziabad, which is a densely populated area and shares its boundary with a crematorium, STP and a road on two sides.

Observations:

- *During visit, Ghaziabad Nagar Nigam (GNN) informed that total 105313 MT legacy waste has been processed so far at the site and the processing of waste is being done through M/s. Geron Engineering Pvt. Ltd **(Photo I)** and, all waste pertaining to them shall be processed within 6 - 7 days.*

- *Further, GNN informed that out of processed waste,*
 - ✓ *8544 MT of RDF/Dry has been obtained till date which was further disposed to cement plants at Ultratech Cement and J K Cement, Rajasthan and Waste to Energy plant at Ghazipur.*

 - ✓ *63000 MT & 2175 MT of compost/bio earth and Inert respectively also generated after processing of waste and are being used by farmers for compost and GNN for leveling of sites.*

- *During visit, it was found and informed by the representative that fresh waste (approx. 95 - 100 TPD) is being dumped*

- *During visit, the segregated fractions such as RDF, Compost was also found stored at the site. As informed by representative of GNN, the stored RDF at the site shall be shifted to the proposed WtE plant at Mussoorie Gulawati, road, industrial area Ghaziabad which is supposed to be operational by April 2022 and reclaimed land will be developed as forest area by Miyawaki method of forestation. The stored compost shall be used in the forestation.*

The matter pertaining to solid waste disposal at said site is already being heard by Hon'ble Tribunal in O.A. 909/2018, Confederation of Trans Hindon RWA's Ghaziabad versus State Pollution Control Board.

Recommendation:

Committee recommends the following:

- *Ghaziabad Development Authority (GDA) will provide financial support to Ghaziabad Nagar Nigam (GNN) to process the waste which has been dumped by GDA till date and complete the processing of waste within 6 months.*
- *The waste from said site should be shifted to already identified site at Galand and in case of any issue. Ghaziabad Development Authority should identify and earmark alternative site for dumping of fresh waste in collaboration with Ghaziabad Nagar Nigam and District Administration within 6 months. No further waste should be dumped on said site after 6 months.*
- *Further, committee recommends that GNN may develop transfer stations at the site for storing and further processing of the waste which GDA will generate and dump from day onwards.*
- *In order to improve and facilitate enforcement with regards to segregation and dumping of solid waste, a dedicated Police Chowki for purpose of lodging complaints should be earmarked.*
- *Municipal Corporation, Ghaziabad will speed up the process of adding an additional pyre based on Improved Wood Based Cremation technology in the existing crematorium complex.*
- *Ghaziabad Nagar Nigam should develop dense forest on Miyawaki technique on the land reclaimed by processing of legacy waste.”*

of wood is burnt in open. As per religious belief, the mode of burning by fire is considered to be pious.

5. We have considered the issue in the light of the report. While the Tribunal has no intention to hurt any religious belief, in view of clear potential of uncontrolled air pollution, the Tribunal has already passed order dated 24.05.2021 requiring all the States/UTs to consider remedial steps to prevent such pollution which can include use of gas, educating and motivating people to switch over to environmental friendly methods of cremation. To begin with, electric/PNG crematoria can be set up as an option to the wood based crematorium and if and to the extent people are persuaded to do so, a wood based crematorium can be given a go by. The report does not show serious effort on this aspect. Accordingly, the concerned Authorities may explore viability of electric/PNG crematorium alongside wood based crematorium, in the interest of environment and also lesser cost to helpful those who find it difficult to afford high cost of wood based cremation. This aspect may be considered by the concerned authorities of all the States/UTs.

6. We find it further necessary to direct the Ghaziabad Nagar Nigam to expedite the process of remediating the legacy waste scientifically and to ensure prompt handling and disposal of current waste, ascertaining management status in terms of waste processing and resultant gap. GDA may also specify the infrastructure provided in projects developed/being developed with reference to sewage and solid waste management and linkages with Ghaziabad Nagar Nigam. The GDA and Ghaziabad Nagar

Confederation of Trans Hindan RWA's Ghaziabad vs. U.P. State Pollution Control Board & Ors. which is still pending and is listed for hearing on 25.05.2022. The report may mention both aspects discussed above.

The application will stand disposed of accordingly.

A copy of this order be forwarded to MoEF&CC, CPCB, Chief Secretaries of all States/UTs, State PCBs/PCCs, District Magistrates of all the States/UTs, GDA and Ghaziabad Nagar Nigam by e-mail for compliance.

A copy of this order be placed on the file of *O.A. 909/2018* for reference.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM