

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

Original Application No. 1117/2024

News Item titled "From oasis to forsaken Where did" appearing in the Hindustan Times dated 16.08.2024

Date of hearing: 30.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. This original application is registered *suo motu* based on the news item titled "From oasis to forsaken Where did" appearing in the 'Hindustan Times' dated 16.08.2024.

2. The news item relates to the increased urban flooding in Delhi and its connection to the disappearance of water bodies in the capital. As per the article, though short bursts of heavy rainfall and climate change are contributing factors, experts largely attribute the problem to the disappearance of water bodies and wetlands in the region, coupled with inadequate drainage infrastructure. The article highlights that wetlands comprising water bodies, including ponds, lakes, and percolation ponds (johads), have traditionally played an indispensable role in flood management and water security by acting as natural reservoirs. During heavy rains, these areas absorb excess water, preventing the city's drainage systems from being overwhelmed. The article alleges that there has been a significant reduction in the number of water bodies, not just in Delhi but in all urban centres. It states that due to the disappearance of many water bodies and encroachments upon connecting channels, the

water has nowhere to go but onto the roads and other impervious surfaces, exacerbating the flooding problem.

3. The news item mentions that the floodplains of the Yamuna, the city's largest wetland and the network of wetlands in Delhi, help accommodate excess rainfall and thus buffer floods. However, when these wetlands are reclaimed and constructed, it is these areas that are exposed to high flood risk. Moreover, it is alleged that relentless urban expansion and high demand for land have led to rapid development and encroachment on Delhi's water bodies and wetlands, causing many to disappear or be repurposed. This has left the city increasingly vulnerable to flooding. It is further revealed that nearly half (49.1%) of the city's 1,367 recorded water bodies have either disappeared been encroached upon or are present on paper but missing on the ground, leaving only 656 intact. The article highlights the issues faced by the wetland authority due to a lack of clear guidance for local-level officials as due to insufficient training or understanding, they often face difficulties in accurately locating the water bodies. Additionally, there are misconceptions that land which experiences water logging only during the monsoon does not count as a water body. However, seasonally flooded areas are also to be recognized as significant water bodies. Furthermore, there are huge discrepancies in the number of water bodies found as per various surveys, mainly because many of these water bodies exist only on paper (in revenue records), but not on the ground. This is primarily due to urban expansion, where valuable land in village areas has been reclaimed, effectively erasing these water bodies from existence. The article further claims that the disappearance of these bodies is not just a recent phenomenon but a result of a longer, systematic neglect. It states that wetlands remain healthy only if they continue receiving water

from their catchment areas. However, many of these have been blocked due to development, leading to the drying up of these water bodies. Moreover, Delhi's surfaces have also become increasingly impermeable due to extensive concretization. The loss of natural catchment areas means that rainwater, which would previously have been absorbed by the ground or stored in water bodies, now runs off rapidly into the streets, leading to flash floods. It states that when development blocks the natural water paths, they eventually dry up. This drying up is the precursor to encroachment, and once a water body is perceived as 'dry,' it becomes a target for further development. The lack of clear demarcation of water bodies' boundaries also has made it easy for encroachers to claim these lands.

4. The news item also highlights that the Delhi government's policy to reduce the contours of solid waste dumps, while not directly targeting wetlands, has a collateral impact. The policy involves filling low-lying areas with chemically inert waste, which reduces space for water absorption and aggravates flooding by overburdening storm drains. Combined with this, the loss of wetlands and soil's natural absorption capacity creates a perfect storm for urban flooding in Delhi. It alleges that the agencies have often focused on cosmetic beautification rather than ecological restoration, leading to superficial enhancements that fail to address core issues like blocked water channels and pollution, whereas what a water body needs is restoration of its natural condition.

5. The news item raises a substantial issue relating to compliance with environmental norms.

6. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal*

Corporation of Greater Mumbai vs. Ankita Sinha & Ors.” reported in 2021 SCC Online SC 897.

7. Hence, we implead the following as respondents in the matter:

- (1). Delhi Pollution Control Committee, through its Member Secretary, Building No. TC-12V, 6th floor, C wing, Delhi Secretariat, I P Estate, Delhi-110002.
- (2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
- (3). Ministry of Jal Shakti, through its Secretary, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
- (4). Delhi Wetland Authority, through its Member Secretary, Office of the Wetland Authority Department of Environment, Govt. of N.C.T. of Delhi “C” Wing, 6th Level, Delhi Secretariat, I.P. Estate, New Delhi – 110002.
- (5). Geospatial Delhi Limited, through its Managing Director, 3rd Level, ‘c’ Wing, Vikash Bhawan-II, civil Lines, Delhi-110054.

8. Issue notice to the above respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

9. List on 11.12.2024.

Prakash Shrivastava, CP

Dr. Afroz Ahamd, EM

August 30, 2024
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