

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

ORIGINAL APPLICATION NO. 780 OF 2024

U/S 14 & 15 OF THE NATIONAL GREEN TRIBUNAL ACT

IN THE MATTER OF:

PARMJEET SINGH AND OTHERS

.....Applicants

Versus

UNION OF INDIA & OTHERS

.....Respondents

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	DEVELOPMENT, REJUVENATION	AND	GANGA	
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Drawn and Filed By



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For

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New Delhi
23/09/2024

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ADDITIONAL AFFIDAVIT

I, Parmjeet Singh son of Sh Omkar Singh, aged about 42 years resident of Fathepur Tanda, Fatehpur Danda, Dehradun, Uttarakhand -248140 do hereby solemnly affirms and declares:

1. That the deponent is Applicant No. 01 in the present case and as such is well conversant with the facts and circumstances of the present case.
2. That by way of present affidavit applicant wishes to highlight some important facts and circumstances which are necessary for proper and just adjudication of the present Original Application.
3. It is respectfully submitted that recently the applicant has received a letter dated 12/08/2024 through application made under Right to Information Act 2005.



4. That applicant has learnt following from the letter no. 702/21-5 dated 12.08.2024 which has been issued by office of divisional forest officer, Dehradun Forest division to District magistrate, Dehradun.

Shri Balaji Stone Crusher is established in village Fatehpur Tanda, Tehsil Doiwala. G.P.S Coordinates of the stone crusher plant were taken on 10.08.2024 by the Sub Divisional Forest Officer Rishikesh in the presence of Shri Kuldeep Singh, co-owner of Shri Balaji Stone Crusher (Annexure-1)

2 On measuring the distance on Google Max from the GPS coordinates of the stone crusher plant, the distance of the plant from the boundary of Rajaji Tiger Reserve is shown to be about 3.5 km (Annexure-2). This has also been confirmed by the Director, Rajaji Tiger Reserve in his letter no. 445/22-1(5) dated 18/04/2024.



3. On enquiring about permission from NBWL/SCNBWL, Shri Kuldeep Singh, co-owner of

Shri Balaji Stone Crusher, accepted that he had not received the permission. Further, he also submitted that there is no need of taking any kind of approval in accordance with the Orders issued by Honble Supreme Court of INDIA but he failed to produce any evidence in this regard.

.....

5. In the light of the above guidelines, operating Shri Balaji Stone Crusher, Village Fatehpur Tanda, Tehsil- Doiwala, without obtaining permission from NBWL/SCNBWL appears to be against the rules.

True copy of letter dated 12.08.2024 is annexed and marked hereto as ANNEXURE A1/19.

5. It is also important to mention here that the report dated 16.08.24 submitted by Wildlife Institute of India has also stated that *"the proposed stone crusher plant is partly sited on song river's active floodplain area which, alongwith other structures and anthropogenic activities such as active riverbed material mining, effectively narrows the corridor width and reduces their functionality to serve as wildlife/ecological corridors."*



"This necessitates judicious riverfront management. Major riverfront modification and chronic anthropogenic disturbances in the vital stretches of River Song could be inimical to elephants and other threatened wildlife in the long-term."

6. It is also pertinent to mention here that WII in its report has also stated the following

- a. *"Elephant dung pile found at the edge of Kansrao Reserved Forest at about 380 m from the proposed stone crusher site during a brief site visit on August 07, 2024".*
- b. *Song River and its active floodplain area act as important riverine and river-scrub habitats for several wild animals, and as important dispersal routes and movement corridors for large mammalian wildlife including leopards, tigers and elephants*

7. It is pertinent to mention here that this Hon'ble Tribunal in the matter of Rohit Chaudhary v. Union of India, 2016 SCC online NGT 1167 observed that:

" The Elephant Task Force (also known as the Gajah report on securing the future of elephants in India) dated 31st August 2010 of the 'MoEF', states that: "Elephants cannot



survive simply through strict protection of a few parks and sanctuaries. A sole focus exclusively on Protected Areas, vital as they are, is inadequate for the long term conservation of this keystone species. On account of the habitat loss, shrinkage and degradation of its distribution range, the future of Asian elephants is a challenge. Fragmentation of the available habitats has further confined most of the populations to smaller habitation islands. It further added that maintaining the integrity of these corridors is important for the long term survival of their habitats."



True Copy of the said order issued in Rohit Chaudhary v. Union of India, 2016 SCC online NGT 1167 is annexed and marked hereto as ANNEXURE A1/20.

8. That Hon'ble Tribunal in the matter of Rural Organisation for Social Empowerment v. state of Odisha 2020 SCC online NGT 764 observed that :

"By order 16.10.2019, we had expressed our anxiety on the fact that 86 stone quarries admittedly were actively in operation adjacent to the declared elephant corridor which would be deleterious to the environment as it was likely to cause obstruction in the corridor resulting in man-animal conflict. We, therefore, were of the considered opinion that the entire corridor should be brought within the ambit of the Eco Sensitive Zone and accordingly directed the State Government to take immediate steps towards that direction after due consultation with the experts. It was further directed that operation of any of the quarries which were either ingressing into the Eco Sensitive Zone or in operation adjacent thereto should not be permitted. A direction also was issued for urgent implementation of the recommendation made by the PCCF (HOFF), Odisha in his report. The State respondent had also been directed to file a report on the



actions taken with regard to the matters in question and against the various directions issued by the Tribunal."

True copy the order issued in Rural Organisation for Social Empowerment v. state of Odisha is annexed and marked hereto as ANNEXURE A1/21.

9. That in Hospitality Association of Mudumalai (supra) (2020) 10 Supreme Court cases 589, the Hon"ble Apex Court has observed that:

33. Elephant corridors allow elephants to continue their nomadic mode of survival, despite shrinking forest cover, by facilitating travel between distinct forest habitats. Corridors are narrow and linear patches of forest which establish and facilitate connectivity across habitats. In the context of todays world, where habitat fragmentation has become increasingly common, these corridors play a crucial role in sustaining wildlife by reducing the impact of habitat



isolations. In their absence, elephants would be unable to move freely, which would in turn affect many other animal species and the ecosystem balance of several wild habitats would be unalterably upset. It would also eventually lead to the local extinction of elephants, a species which is widely revered in our country and across the world. To secure wild elephants' future, it is essential that we ensure their uninterrupted movement between different forest habitats. For this, elephant corridors must be protected."

True copy of the Judgement and order issued in Hospitality Association of Mudumalai (supra) (2020) 10 Supreme Court cases 589 is annexed and marked hereto as ANNEXURE A1/22.

10. That this Honble tribunal in the matter of M. C. Mehta v. UOI ordered that



"In the event of non-compliance the concerned officer shall be liable to proceeded against in accordance with the law in terms of

judgement till then no construction was permitted in flood plain in consonance of Tribunal in the case of Indian council for Enviro-legal action v. national ganga river basin authority &ors."

11. That it is also submitted that Para 6 of **MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION NOTIFICATION** dated 7th October, 2016 deals with "prevention, control and abatement of environmental pollution in river ganga and its tributaries and as per Para 6 (3) *No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries."*

True copy of Notification dated 07/10/2016 issued by **MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION** is annexed hereto and marked as Annexure **A1/23.**

12. That Elephants are integral to maintaining the ecological balance of forests, and their migratory patterns play a critical role



in sustaining the biodiversity of these ecosystems. However, the fragmentation of forests due to infrastructure development, deforestation, and human encroachment is severely impacting their natural movement corridors. This has led to increased human-elephant conflicts, stress on elephant populations, and degradation of forest environments.

13. The operation of the respondent stone crusher plant poses a serious threat to the natural migratory patterns of wild elephants, which are crucial for their survival and the ecological health of forest ecosystems.

14. That the balance of convenience is in favour of the applicant and the ends of justice shall suffer if the relief as prayed is not granted.



Verification

Verified of 23/09/2024 that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material has been concealed therein.

Deponent

This affidavit is sworn before me by Shri ...
who is identified by Shri ...
at Doiwala, Dehradun on 23/9/24.

Deponent

Sushil Kumar Verma
Advocate & Notary,
Doiwala, Dehradun

कार्यालय प्रभागीय वनाधिकारी, देहरादून वन प्रभाग।

पत्रांक- 702 / 21-5 , देहरादून, दिनांक- 12 अगस्त, 2024

सेवा में,

जिलाधिकारी
देहरादून।

विषय :- श्री बालाजी स्टोन क्रेशर ग्राम फतेहपुर टाण्डा तहसील डोईवाला द्वारा नियमों का उल्लंघन किये जाने के सम्बन्ध में।

संदर्भ :- आपका पत्रांक-1491/खनिज-अनु0/2024, दिनांक 07.05.2024 एवं पत्रांक संख्या 1492/खनिज-अनु0/2024, दिनांक 07.05.2024

महोदय,

उपरोक्त विषयक संदर्भित पत्रों से प्राप्त विषयांकित प्रकरण में की गई शिकायत में वन विभाग से सम्बन्धित बिन्दु संख्या 02 के क्रम में उप प्रभागीय वनाधिकारी ऋषिकेश के द्वारा जांच कर अपने पत्रांक संख्या 277/21-8 दिनांक 12.08.2024 से जांच आख्या प्रेषित की गई है, जिसके अनुसार आख्या निम्न प्रकार प्रेषित है-

1. श्री बालाजी स्टोन क्रेशर, ग्राम फतेहपुर टाण्डा, तहसील- डोईवाला में स्थापित है श्री बालाजी स्टोन क्रेशर के सह-स्वामी श्री कुलदीप सिंह की उपस्थिति में उप प्रभागीय वनाधिकारी ऋषिकेश के द्वारा दिनांक 10.08.2024 को स्टोन क्रेशर प्लांट की G.P.S Coordinates लिये गये (संलग्नक-1)

2. स्टोन क्रेशर प्लांट के G.P.S Coordinates से गूगल मैप्स पर दूरी मापने पर प्लांट की राजाजी टाइगर रिजर्व की सीमा से दूरी लगभग 3.5 कि०मी० दर्शायी गयी है (संलग्नक-2)। जिसकी पुष्टि निदेशक, राजाजी टाइगर रिजर्व के द्वारा भी अपने पत्र सं० 445/22-1(5), दिनांक 18.04.2024 की बिन्दु संख्या (4) में की गई है। (संलग्नक-3)

3. NBWL/SCNBWL से अनुमति के सम्बन्ध में पूछताछ करने पर श्री बालाजी स्टोन क्रेशर के सह-स्वामी श्री कुलदीप सिंह ने अनुमति प्राप्त न होना स्वीकार किया। साथ ही उनके द्वारा माननीय सर्वोच्च न्यायालय के कतिपय निर्णयों के अधीन अनुमति की आवश्यकता न होने हेतु कहा गया किन्तु अपने वक्तव्य के समर्थन में कोई भी पुष्ट प्रमाण नहीं दिया।

4. निदेशक/वन संरक्षक राजाजी टाइगर रिजर्व के पत्र संख्या 143/12-1 दिनांक 11.07.2024 (संलग्नक-4) के अनुसार राजाजी टाइगर रिजर्व का ईको सेन्सिटिव जोन अभी तक नोटिफाई नहीं किया गया है तथा MoEFCC, GOI के Office Memorandum FC-11/119/2020-FC दिनांक 17, मई, 2022 द्वारा स्पष्ट किया गया है कि जिन क्षेत्रों का ESZ का नोटिफिकेशन नहीं हुआ है तथा EIA Notification 2006 से आच्छादित एवं राष्ट्रीय पार्क/सेन्चुरी से 10 कि०मी० से कम दूरी पर अवस्थित है, ऐसे क्षेत्रों में Project/Activity की स्थापना से पूर्व NBWL/SCNBWL से अनुमति प्राप्त करना आवश्यक है। उक्त के अतिरिक्त मा० उच्चतम न्यायालय, नई दिल्ली द्वारा रिट याचिका सं० 202/1995 से सम्बन्धित I.A 1000/2003 में पारित निर्णय दिनांक 03.06.2022 के बिन्दु सं० 44 (एच) का

उद्धरण निम्न प्रकार है— " In respect of sanctuaries or national parks for which the proposal of a State or Union Territory has not been given, the 10 kilometres buffer zone as ESZ , as indicated in the order passed by this Court on 4th December 2006 in the case of Goa Foundation (supra) and also contained in the Guidelines of 9th February 2011 shall be implemented. Within that area, the entire set of restrictions concerning as ESZ shall operate till a final decision in that regard is arrived at"

5. उपरोक्त दिशा निर्देश के आलोक में NBWL/SCNBWL से अनुमति प्राप्त किये बिना, श्री बालाजी स्टोन क्रेशर, ग्राम फतेहपुर टाण्डा, तहसील— डोईवाला को संचालित करना नियम विरुद्ध प्रतीत होता है। उत्तराखण्ड शासन औद्योगिक विकास (खनन) अनुभाग-1 संख्या-1924/VII-A-1/2024/03(101)2021 देहरादून: दिनांक 11 नवम्बर, 2021 से प्रख्यापित उत्तराखण्ड स्टोन क्रेशर, स्क्रीनिंग प्लान्ट, मोबाईल स्क्रीनिंग प्लान्ट, पल्वराईजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 के बिन्दु संख्या 13 (संलग्नक-5) के अनुसार

" जिलाधिकारी एवं महा निदेशक की संस्तुति पर स्टोन क्रेशर/स्क्रीनिंग प्लान्ट की स्थापना एवं उप खनिज भण्डारण की अनुज्ञा 10 वर्ष की अवधि हेतु शासन द्वारा स्वीकृत की जायेगी"।

अतः उक्त क्रम में श्री बालाजी स्टोन क्रेशर, ग्राम फतेहपुर टाण्डा, तहसील— डोईवाला के विरुद्ध आवश्यक अग्रेत्तर कार्यवाही अपने स्तर से करने की कृपा करें। प्रकरण मा0 एन0जी0टी0 में मूल आवेदन संख्या 780/2024 (IA No. 294/2024) में विचाराधीन है जिसमें दिनांक 22.08.2024 को सुनवाई हेतु तिथि निर्धारित है। अतः अनुरोध है कि उक्त का संज्ञान लेते हुये आवश्यक कार्यवाही करने की कृपा करें।

संलग्नक: उपरोक्तानुसार।

भवदीय,



(नीरज कुमार)

प्रभागीय वनाधिकारी

देहरादून वन प्रभाग, देहरादून।

पत्रांक:- 702 / 21-5 तददिनांकित।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. प्रमुख वन संरक्षक (HoFF) उत्तराखण्ड, देहरादून।
2. अपर प्रमुख वन संरक्षक, पर्यावरण, उत्तराखण्ड देहरादून।
3. मुख्य वन संरक्षक (गढवाल), उत्तराखण्ड, पौडी।
4. वन संरक्षक, शिवालिक वृत्त, उत्तराखण्ड, देहरादून।

अधिकारी/प्रभागीय वनाधिकारी



2016 SCC OnLine NGT 1167

**Before the National Green Tribunal
Principal Bench, New Delhi**

(BEFORE SWATANTER KUMAR, CHAIRPERSON AND M.S. NAMBIAR, J.M. AND A.R. YOUSUF, E.M.,
BIKRAN SINGH SAJWAN, E.M. AND RANJAN CHATTERJEE, E.M.)

In the matter of:

Rohit Chaudhary P.O. Lohujan, Village-Garmur Bokakhat-785612
Dist. Golaghat, Assam ... Applicant;

Versus

1. Union of India through the Secretary Ministry of Environment, Forest and Climate Change Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
2. State of Assam through its Chief Secretary, Assam Sachivalaya Complex Dispur, Guwahati Assam-781006
3. Department of Forest Government of Assam through the Principal Chief Conservator of Forests (WL) Basistha, Guwahati Assam-781029
4. The Managing Director Numaligarh Refinery Limited Co-ordination Office Tolstoy House, 6th Floor 15-17 Tolstoy Marg New Delhi-110001
5. Member Secretary Assam Pollution Control Board, Bamunimaidan, Guwahati-781021, Assam
6. National Board for Wildlife through the Secretary Ministry of Environment, Forest and Climate change Paryavaran Bhawan, Jorbagh, Lodhi Road, New Delhi-110001 ... Respondents.
Miscellaneous Application No. 787/2015 & 1006/2015 in Original Application No. 38/2011

Decided on August 24, 2016 [Hearing on: December 16, 2015]

Counsel for Applicant:

Mr. Ritwick Dutta, Mr. Rahul Choudhary and Mr. Rohit Choudhary, Advs.

Counsel for Respondents:

Ms. Panchajanya Batra Singh, Adv. for Respondent No. 1

Mr. Shuvodeep Roy, Adv. for Respondent No. 2

Mr. Upamanyu Hazarika, Sr. Adv., Ms. Reshmi Rea Sinha and Mr. T.K. Majumdar, Mr. P. Sinha and Mr. Paul Roy Pashe, Advs. for Respondent No. 4

JUDGMENT

RANJAN CHATTERJEE, E.M.:— The applicant has filed the present application against noncompliance of the judgment of the Tribunal dated 7th September 2012 in the case of *Rohit Chaudhary v. UOI* (O.A. No. 38/2011). The application was filed against the alleged illegal activities including operation of stone crushers, brick kilns, tea factories and other polluting activities in the No Development Zone (in short 'NDZ') that was demarcated by the Ministry of Environment, Forest and Climate Change (in short 'MoEF') vide Notification dated 5th July, 1996 around the Numaligarh refinery in Assam.

2. 'MoEF' issued the Environmental Clearance (in short 'EC') for the refinery on 31st May 1991. The 'MoEF', while issuing the 'EC' in the office memorandum, specifically

directed that:

- (a) The refinery should be situated as far to the eastern side of the site as possible, to ensure that there is maximum possible distance from the eastern boundary of the Kaziranga National Park.
- (b) The residential site should not be to the west of the refinery as it is only 19.5 kms from the boundary of the Kaziranga National Park.
- (c) A 'NDZ' must be notified before the project construction starts within a radius of 15 kms, all round the refinery site, except towards the North West, where the 'NDZ' would extend into the eastern boundary of the Kaziranga National park.

3. The Applicant in the M.A. No. 787/2015, has prayed that the directions in judgment of the Tribunal in the case of *Rohit Chaudhary v. Union of India* (O.A. No. 38/2011) be strictly implemented and that the comprehensive Action Plan and Monitoring Mechanism framed by the 'MoEF' and State Government be reviewed to include a more effective monitoring mechanism, to make sure that there is no illegal encroachment in the 'NDZ'; and ensure implementation of the judgment passed by this Tribunal and Notification of 1996.

4. The applicant has also prayed that (i) all the work including excavation and felling of trees for the Golf Course, in the area in question should be stopped immediately, so as to prevent further degradation of the environment (ii) the refinery to pay compensation for destruction of prime forest land in the No-Development Zone. (iii) The refinery to restore the forest land, including the excavated area and the area where the wall has been built illegally. (iv) The excavated land to be restored, and there has to be plantation of suitable plant varieties in the area after consultation with biologists, and maintain them.

5. It is the contention of the Applicant in the M.A. that the boundary wall to the extended residential colony has been constructed without prior 'EC' or any permission of the Central Government. This wall has come in the way of the elephant corridor, leading to death of an elephant as shown in a video clipping submitted by the Applicant.

6. The Applicant also contended that 'EC' does not mention construction of any wall. The residential colony which is being built within this boundary wall; forms a part of the elephant corridor.

7. It has been further brought out by the applicant that as per the report of Assam Forest Department, over a period of time 12 elephants have died as a result of construction of the said wall.

8. The applicant further contends that the Township extension area lies within the Deopahar Proposed Reserve Forest area (in short 'PRF') notified by the government of Assam, vide Notification dated 18th August, 1999. As per the letter of the Divisional Forest Officer (in short 'DFO') to the Deputy Manager of Numaligarh Refinery Limited (in short 'NRL') dated 21st February 2011 and the above notification:

"The western boundary of the 'PRF' goes along the NH39 and from that point the southern boundary runs along NH 39 upto the crossing point at Rajgarh and then along the Rajgarh, the eastern boundary of the 'PRF' goes and meets at the northern point of the same.

9. According to 'NRL', the boundary wall to protect the property, surrounding the land acquired (total area about 67 bighas) in 2004 to 2006 for extension of existing township was constructed in the year 2011. 'NRL' has stated that the wall is essential for the safety of their residents.

10. 'NRL' further contended that the township extension land in issue is tea garden land and there are tea bushes and 201 shade trees for which permission was sought from DFO and only 149 trees have been cut. On 11th April 2012, 'NRL' wrote to 'DFO'

intimating about construction of residential accommodation with application to cut the tea plantation and uprooting shade trees. The 'DFO' granted the permission, subject to two conditions:

1. Active participation by the 'NRL' management in addressing man animal conflict in the area around 'NRL' by providing resource and logistic support annually.
2. The field logistic requested during the year 2013-2014 to be provided.

11. By a letter dated 10th October 2015, the SEIAA Assam informed the Chairperson of the Tribunal that the DFO had urged for cancellation/suspension of the 'EC' on the grounds that the boundary wall and golf course were not included in the proposal submitted by 'NRL' for the extension of their township (Phase-III).

12. The SDO Bokakhat in his letter No. BRQ3/2003/406 dated 4th August 2015 addressed to D.C. Golaghat, stated that some portion of the land already included in the draft notification dated 18th August 1999, for proposed Deopahar Reserve Forest, was also acquired for extension of 'NRL' Township, to which forest department had not objected earlier before the said Collector. Only after construction of the boundary wall by 'NRL' for their proposed township, the DFO Golaghat raised objection that the wall is causing disturbance in free movement of elephants and further that it was constructed on the land notified for proposed Deopahar RF. Respondent No. 4 has further added that though forest department had raised objections after the said land was acquired and handed over to 'NRL', however, after a joint survey of revenue and forest departments, the same was resolved. In the joint survey as per the Respondent no. 4, the DFO had agreed in favour of realignment and exchange of land, in lieu of the land where 'NRL' authority had constructed the wall.

13. The importance of animal corridors, in the protection of rare and endangered animals as listed under the schedule 1 of the Wildlife (Protection) Act, 1972, laying stress on the protection of their environment, in the light of EP Act 1986, hardly needs emphasis. It is contended by the Respondent No. 4, that the elephant corridors do not have any legal sanction under the Wildlife (Protection) Act. Yet the Applicants vehemently argued that the elephant corridors are of paramount importance for the migration of elephants between their habitats and the preservation of their gene pool.

14. The Elephant Task Force (also known as the Gajah report on securing the future of elephants in India) dated 31st August 2010 of the 'MoEF', states that:

"Elephants cannot survive simply through strict protection of a few parks and sanctuaries. A sole focus exclusively on Protected Areas, vital as they are, is inadequate for the long term conservation of this keystone species. On account of the habitat loss, shrinkage and degradation of its distribution range, the future of Asian elephants is a challenge. Fragmentation of the available habitats has further confined most of the populations to smaller habitation islands. It further added that maintaining the integrity of these corridors is important for the long term survival of their habitats.

15. Coming to the Golf Course, it is the Applicant's contention that 'NRL' has felled a large number of trees, flattened some undulating landscape with heavy machines and denuded the land of its forest cover. The mining and excavation of the site has been inspected by the forest department and their officers reportedly seized volumes of sand, stone etc. Some Jai Shree Krishna Contractors were engaged for construction and maintenance of 9 hole Golf Course for a period of eighteen months commencing from 1st December 2014. As a result the fertile top soil was removed, leaving the land unproductive.

16. As indicated in the report of the Assistant Conservator of Forests, Assam dated 27th July 2015, 'NRL' has cleared dense forest vegetation on the North-Eastern portion of the land to build a golf course in violation of condition No. 4 of the 'MoEF' letter dated 18th August 1994. As per the condition No. 4 of the letter, Township site should

not involve any forest area. The site inspection pictures (taken on 11th July 2015) clearly show the sharp contrast between the neighbouring forest area of high canopy density and the area of golf course with no trees at all. The surrounding areas have forest cover with canopy density of around 70-80 per cent.

It is significant to notice here that the applicant has placed on record Google images of the Golf course and the area surrounding it over a 5 year period. The images relate to the years 2010, 2011, 2014 and 2015. Comparative examination of these Google images show that at one time considerable portions of the area covered under the Golf course had dense forest. The trees have been removed/felled and the hill converted into a flat plane with heavy machinery for the purpose of constructing the Golf Course. It is further on record that all this was done by 'NRL' without permission of Competent Authority. Examined from that point of view, it is evident that there has been unauthorised and illegal felling of trees and the hillock has been converted into a flat Golf Course. This has its own environmental and ecological impacts.

17. One of the questions before us is whether the land where the wall has come up, is a part of the elephant corridor? To this end, we find from the letter of DFO Golaghat to Deputy General Manager, 'NRL' dated 21st February 2011 that:

"Deopahar is regarded as a rich bio-diversity spot with full of wild flora and fauna and it is also a major corridor for the wild animals, particularly for the elephants. The elephants use this corridor to move from the Karbi Hills to Dhansiri river for their water requirement through this Deopahar forest only. Unfortunately, this corridor has been breached at many points by various construction and major part by the construction of 'NRL' Township between Deopahar and Dhansiri river. Due to loss of this corridor, the herd of elephants has to stray in human habitation resulting in huge loss of life and property.

Further the letter dated 27th May 2015 by DFO Golaghat to Member Secretary, SEIAA, Assam, Guwahati, states that:

"The proposed project site which has been duly acquired by 'NRL' is situated very close to Deopahar 'PRF' and also serving as an important elephant corridor and breeding habitat that links to Kaziranga-Karbi Anglong landscape".

In the final report submitted to Asian Elephant Conservation Fund of USFWS (United States Fish and Wildlife Service) by Aaranyak, it has been reminded with that:

"Golaghat and its adjoining area is a rugged landscape. The landscape plays a vital role in migration of elephants from large grasslands of Kaziranga National Park to undulating hills of Nagaland through Karbi-Anglong. Survey was conducted in 1973 by Survey of India, Government of India on the topo sheet no. 83F/10, 83F/14, 83F/15, 83F/16 the total forest cover in 308.89 km² (excluding Kaziranga) which was the largest elephant habitat including the seven Reserve Forests and adjacent areas of Karbi-Anglong".

18. We may notice that some shadow of doubt has been cast by the Respondents upon the letters dated 21st February 2011 and 27th May 2015. It is contended that these letters had been issued by DFO with a biased mind and the letter dated 27th May 2015 as an afterthought. We do not consider it necessary to go into the merit or otherwise of this contention. From the portions reproduced above from different letters and reports, it is clear that it is an elephant corridor. This finding is further fortified by an authentic document which is a notification of the Government of Assam dated 18th August 1999. This notification was issued in exercise of the powers conferred under section 5 of the Assam Forest Regulation of 1891. Schedule A of this notification declared the Proposed Deopahar Reserved Forest. It even provided its boundaries. According to the specified boundary in the notification; to the North was Numaligarh Tea Estate and Numaligarh Garden Road; to the East is a footpath forming the boundary between Deopahar and Kaltoni Pahar and part of Rajgarh; to the South;

National Highway No. 39 and to the West; National Highway No. 39. Schedule-B of this notification makes a reference to this area being rich in wildlife. It was specifically recorded in the notification that this is also a regular migratory route of elephants. The project proponent has filed on record as Annexure 19, the map showing layout of 'NRL' Township area in Numaligarh Deopahar Kaziranga Extension. The part which has been impugned in the present case, that is, the township extension has been clearly demarcated and its boundaries completely tally with the boundaries stated in the notification in question. These documents conclusively establish that there was and there is in existence an elephant corridor which has been obstructed by the construction of the wall, which is injurious to wildlife and has its adverse impacts on environment and ecology.

19. From the above mentioned letters of DFO Golaghat dated 21st February 2011 and 27th May 2015, the video clipping where an elephant has died after hitting against the said wall and the applicant's affidavit referring to 12 elephants having died due to construction of said wall, it is clear that the 'NRL' has constructed the boundary wall in 2011 for the proposed expansion of Phase-3 of their residential complex and the said wall is coming in the way of the elephant corridor. The said wall is also encroaching upon the Deopahar 'PRF' as well as the 'NDZ'.

20. The barbed wire and razor's edge fencing along the said wall is extremely dangerous to the elephants and other wild life passing through the vicinity. As a result, some elephants have died after the wall came up, as brought out in the video clipping given by Applicant. The elephant corridors have to be preserved to protect their habitats from fragmentation. They are of prime importance for migration of elephants from one habitat to another. We find that the wall and the proposed township are in violation of the 'NDZ' order.

21. As per the guidelines from the National Board for Wildlife, no power fencing can be erected on the elephant corridor. Further, fencing material is to be of certain specification and the source of power should be solar or battery, so that it does not cause life hazard to the elephants and this has to be strictly complied with.

22. Further, to restrict the entry of elephants on the golf course side, a high rise wall had been constructed during Phase-I of the township which draws the boundary between the highly dense Deopahar Forests and the Golf Course. This wall also has barbed wire with razor's edge fencing which is injurious to elephants.

23. It is also evident that the 'NRL' while making the Golf course, has denuded the hill covering about 5 hectares of a large number of trees, without any approval of the Central Government or compensatory afforestation, despite its being in the 'NDZ'. They have flattened the hill and removed the precious top soil to make the golf course, thereby leading to environmental degradation.

24. Even though the applicants have challenged the golf course on the ground that it does not have 'EC', it is seen from the records that the area is duly acquired and does not need a separate 'EC' as was stated in the letter dated 12th October 2015 sent by SEIAA to Chairperson of the Tribunal. However, before denuding the hill and uprooting the trees, they ought to have taken the clearance from Competent Authority and raised compensatory afforestation, which was not done.

25. Apart from the violations under the Forest Conservation Act, 1980 and Clause 34 of the Assam Forest Regulations 1891, 'NRL' also violated condition No. 2 of the letter of the 'MoEF' dated 18th January 1994 by initiating construction of the golf course without the prior consent of the Director, Town and Country Planning, Assam. Condition No. 2 of 'MoEF' letter reads as follows:

"Land use planning of the colony and land around it should be finalized in consultation with the State Town Planning Department".

There is no record of the golf course proposal ever having been approved by or in

consultation with the Assam State Town Planning Department, which was a condition precedent.

26. Even though the applicant has prayed against noncompliance of the judgement of the Tribunal dated 7th September 2012 in the case of *Rohit Chaudhary v. Union of India* (O.A. No. 38/2011), the same were not being pressed. The Original Application was filed against the illegal activities including the operation of stone crushers, brick kilns, tea factories and other polluting activities in the No Development Zone ('NDZ') demarcated by the 'MoEF' notification of 5th July, 1996. However, these issues do not find adequate elaboration in the present pleadings. Nonetheless, it hardly needs reiteration that these are directions of the Tribunal which have to be complied with.

27. Meanwhile, the Government of Assam vide notification no. FRW. 5/2012/717 dated 10th August 2015, has drawn up a Comprehensive Action Plan in 2015. The said Committee was tasked to prepare a Comprehensive mining plan around Kaziranga National Park so that animal corridors are not damaged any further. The Committee is also expected to prepare a restoration plan of the areas covering the damaged corridors due to mining. The Committee held its first meeting on 8th September 2015. Further the Assam Pollution Control Board had taken the GPS coordinates of all industries falling under the 'NDZ' and categorised them under red, orange and green, based on their severity in polluting the environment. A few stone crushers were also closed down. However, these steps are inadequate, compared to the enormity of the problem and thus, needs to be pursued vigorously, to implement the directions of the Tribunal.

The Hon'ble Supreme Court has held in Writ Petition (civil) 202 of 1995 *T.N. Godavarman Thirumulpad v. Union of India* as follows:

"1. Natural resources are the assets of entire nation. It is the obligation of all concerned including Union Government to conserve and not waste these resources. Article 48A of the Constitution of India requires that the State shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country. Under Article 51A, it is the duty of every citizen to protect and improve the natural environment including forest, lakes, rivers and wild-life and to have compassion for living creatures. In the present case, the question is about conservation, preservation and protection of forest and the ecology. When forest land is used for non-forest purposes, what measures are required to be taken to compensate for loss of forest land and to compensate effect on the ecology, is the main question under consideration. Forests are a vital component to sustain the life support system on the earth. Forests in India have been dwindling over the years for a number of reasons, one of it being the need to use forest area for development activities including economic development. Undoubtedly, in any nation, development is also necessary but it has to be consistent with protection of environments and not at the cost of degradation of environments. Any programme, policy or vision for overall development has to evolve a systemic approach so as to balance economic development and environmental protection. Both have to go hand in hand. In the ultimate analysis, economic development at the cost of degradation of environments and depletion of forest cover would not be long lasting. Such development would be counter productive. Therefore, there is an absolute need to take all precautionary measures when forest lands are sought to be directed for non-forest use."

28. The Hon'ble Supreme Court in its landmark judgment referred to as the *T.N. Godavarman case* dated 12th December 1996, held that the Forest (Conservation) Act, 1980 was enacted with a view to check "further deforestation" and was to apply to all forest irrespective of the nature of ownership or classification thereof. Hence, Section 2

of the Forest (Conservation) Act, 1980 puts a restriction on further deforestation of "forest land" and would apply to any land which at the time of enactment of the Forest (Conservation) Act, 1980 was "forest land" irrespective of its classification or ownership. This is exactly the view taken also by the CEC in its recommendations dated 10th September 2003 in IA No. 727 of 2001 in W.P. (C) No. 727 in the matter of *T.N. Godavarman v. Union of India* and in the matter of *Farmers Welfare Association v. Union of India* along with other records and the report of the CEC dated 10th September, 2003.

29. On that basis, no development can be justified which has adverse effect on the environment. The present case is of such nature and clearly calls for a strict action. The principle of sustainable development enunciates that the development and environment should go hand in hand. In the case of *Intellectuals Forum, Tirupathi v. State of A.P.* 2006 (2) SCR 419 : 2006 (3) SCC 549 INSC 86 the Supreme Court held as under:

"In the event of conflict between the competing interests of protecting the environment and social development, this Court in the case of *M.C. Mehta v. Kamal Nath*, 1997 (1) SCC 388, in paragraph 35 held as under:

"The issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibility, who under the pressures of the changing needs of an increasingly complex society find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not for the Courts. If there is a law made by Parliament or the State Legislatures, the Courts can serve as an instrument for determining legislative intent in the exercise of powers of judicial review under the Constitution. But, in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resource and convert them into private ownership or commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the Courts find it necessary, in good faith, for the public and in public interest to encroach upon the said recourses."

This court in the case of *Essar Oil v. Halar Utkarsh Samiti*, [2004 (2) SCC 392] was pleased to expound on this. Their Lordships held:

"This, therefore, is the sole aim, namely, to balance economic and social needs on the one hand with environmental considerations on the other. But in a sense all development is an environmental threat. Indeed, the very existence of humanity and the rapid increase in population together with the consequential demands to sustain the population has resulted in the concreting of open lands, cutting down of forests, filling up of lakes and the pollution of water resources and the very air that we breathe. However there need not necessarily be a deadlock between developments on the one hand and the environment on the other. The objective of all laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other."

A similar view was taken by this Court in the case of *Indian Council for Enviro-Legal Action v. Union of India*, [1996 (5) SCC 281, Para 31] where their Lordships said:

"While economic development should not be allowed to take place at the cost of ecology or by causing widespread environmental destruction and violation; at the same time the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment should go hand in hand, in other words, there should not be development at the cost of

environment and vice versa, but there should be development while taking due care and ensuring the protection of the environment.”

30. In *Forward Foundation v. State of Karnataka* (O.A. No. 222 of 2014), the National Green Tribunal held as follows:

“..... there is a definite possibility of environment, ecology, lakes and the wetlands being adversely affected by these projects. There are multiple public authorities including SEIAA involved in regulating such projects and they are also responsible for protecting interest of environment and ecology while keeping in mind the settled canon of sustainable development it may also not be in the interest of justice and particularly, while applying the Principle of Sustainable Development in terms of Section 20 of the NGT Act, that these properties be demolished but that does not mean that they should not be directed to take all measures and precautions, even if it results in necessary demolition of some parts of the projects in the interest of environment, ecology and protection of lakes and wetlands.”

31. It is thus evident that there has been destruction of the environment. Hence the ‘NRL’ shall be liable to pay the environmental compensation based on the principle of polluters pay and precautionary principle. In the case of *Vellore Citizens Welfare Forum v. Union of India* ((1996) 5 SCC 647 : 1996 AIR SC 2715) the Supreme Court held that:

“The Precautionary Principle” and “The Polluter Pays Principle” are essential features of “Sustainable Development”. The “Precautionary Principle” in the context of the municipal law means.

- (i) Environment measures by the State Government and the statutory Authorities must anticipate, prevent’ and attack the causes of environmental degradation.
- (ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as the reason for postponing, measures to prevent environmental degradation.
- (iii) The “Onus of proof” is on the actor or the developer/industry to show that his action is environmentally benign.

“The Polluter Pays” principle has been held to be a sound principle by this Court in the case of *Indian Council for Enviro-Legal Action v. Union of India* J.T. 1996 (2) 196. The Court observed, “We are of the opinion that any principle evolved in this “behalf should be simple, practical and suited to the conditions prevailing in this country”. The Court ruled that “Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on”. Consequently the polluting industries are “absolutely liable to compensate for the harm caused by them to villagers in the affected area, to the soil and to the underground water and hence, they are bound to take all necessary measures to remove sludge and other pollutants lying in the affected areas”. The “Polluter Pays Principle” as interpreted by this Court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of “Sustainable Development” and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.

32. Before concluding, we may revisit some of major issues that were dealt with:—

1. From the rival contentions and the documents on record, it is clear that a high wall has been constructed in 2011 for the proposed new township with barbed wire fencing which comes in the way of elephant corridors. At the same time the

importance of elephant corridors for migration and regeneration of their species has been fully brought out in the foregoing paragraphs.

2. As to the question whether the said wall is in violation of the 'NDZ' notification of 'MoEF' issued in 1996, it has been brought out that the 'NDZ' had laid down a condition that there should be no construction within a radius of 15 kms from the refinery. This wall clearly falls within the 'NDZ'.
3. As to the question whether the proposed land for 'NRL' township Phase-III falls within the Deopahar 'PRF', the answer is in the affirmative, based on the letter no. BRQ3/2003/406 dated 4th August 2015 of Sub Divisional Officer Bokakhat, addressed to Deputy Commissioner Bokakhat, stating clearly that some portions of the land already included in the draft notification (Deopahar 'PRF') dated 18th August 1999 was also acquired for the extension of 'NRL' township. Thus, there is over lapping between the lands of Deopahar 'PRF' and proposed 'NRL' township (Phase-III).
4. The township extension is proposed to be located to the west of the refinery, which is contrary to the conditions laid down in the Environmental Clearance of 1991.
5. It is surprising to find as to how can a notified area under 'PRF' be readjusted and exchanged by two officers of the State Government, without following the proper procedure and approval by the Competent Authority.
6. From the facts on record, it is quite clear that the construction of the golf course using heavy machinery has certainly led to destruction of the tree cover and denuding the hills, causing environmental degradation.
7. As regards the Tribunal's directions for a Comprehensive Action plan and monitoring mechanism, the Government of Assam has complied by setting up a Task Force Committee vide notification no. FRW.5/2012/717 dated 10th August 2015 to prevent illegal encroachments in the 'NDZ' and ensure implementation of the Tribunal's orders. However, these efforts need to be pursued by the Assam State Government much more vigorously to effectively implement the directions of the Tribunal.

33. In conclusion, we issue the following directions:

1. As regards the wall with barbed wire fencing which comes in the way of Elephant Corridor, the same should be demolished. The area, where the wall has come up and the proposed township is to come up is a part of Deopahar 'PRF'. It also falls within the No-Development Zone notification, issued by the 'MoEF' in 1996. Thereby, any non-forest activity thereon would be in violation of the decision of the Apex Court in the *T.N. Godavarman case* (1996). Thus, the wall should be demolished within a period of one month and the proposed township should not come up in the present location.
2. Further, for causing environmental damage by destruction of forest cover and flattening of the hill to build the golf course, the 'NRL' will pay environmental compensation of Rs. 25,00,000/- (Rupees Twenty Five lakhs) to the Assam Forest department, which is to be kept in a separate bank account for the restoration of the area and improving the environment adjoining the 'NRL' complex and to reduce man animal conflict.
3. Respondent no. 4, 'NRL' will also make compensatory afforestation of ten times the number of trees felled. The plant varieties, suitable to the area in consultation with biologists, may be planted.
4. In keeping with the letter and spirit of the notification for 'NDZ', the Government of Assam and the 'MoEF' will ensure that no development activities whatsoever take place within a radius of 15 kms of the 'NRL', which could lead to pollution and congestion, in compliance with the said notification dated 5th July, 1996. In

furtherance thereof, we direct that the judgment of this Tribunal in O.A. No. 38/2011 be strictly implemented, thereby the polluting activities of the stone crushers, brick kilns & others be immediately closed. We direct the Government of Assam to vigorously implement the directions of the Tribunal by having frequent meetings of the Task Force Committee and effective implementation of their decisions.

5. The Government of Assam is directed to urgently take steps as per law to finally notify Deopahar 'PRF' into Reserved Forest under Section 17 of the Assam Forest Regulations 1891, to prevent further loss to the ecology of Deopahar, which is in close proximity to Kaziranga National Park (15-20 Km) and is also used as an elephant corridor.

34. With the above directions, we dispose of the Miscellaneous Application Nos. 787/2015 and 1006/2015 filed in Original Application No. 38/2011.

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2020 SCC OnLine NGT 764

In the National Green Tribunal⁺

Modified in *Binay Kumar Dalei v. State of Odisha*, (2022) 5 SCC 33

(Through Video Conferencing)

(BEFORE S.P. WANGDI, JUDICIAL MEMBER, DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
 AND SIDDHANTA DAS, EXPERT MEMBER)

Rural Organisation for Social Empowerment (R.O.S.E.) ... Applicant
 (s);

Versus

State of Odisha and Others ... Respondent(s).

WITH

Associated Social Service Agency (ASSA) ... Applicant(s);

Versus

State of Odisha and Others ... Respondent(s).

Original Application No. 02/2019 (EZ) (I.A. No. 01/2019(EZ), (I.A. No. 81/2019
 (EZ) & I.A No. 12/2020(EZ)) with Original Application No. 03/2019 (EZ) (I.A. No.
 02/2019(EZ) & I.A. No. 13/2020(EZ))

Decided on February 18, 2020

Advocates who appeared in this case:

Mr. Anindya Kumar Mishra, Advocate, for the Appellant(s)

Mr. Soubhagya Ketan Nayak, AGA for R-1, 5 & 6, for the Respondent(s)

Mr. Gora Chand Roy Choudhury, Adv for R-2&3

Mrs. Papiya Banerjee Bihani, Adv for R-4

ORDER

1. In these applications, the applicants assail the grant of mining lease for sairat sources (Stone Mining) in the village of Sarisua Kapilajhari Bandhanata in Khaira Tehsil, District Balasore, Odisha as a consequence of an advertisement dated 17.08.2017 called therefor. It is stated that the quarrying began in the March, 2018. The primary ground questioning the lease is that the area where the mining lease has been granted falls in the Eco-Sensitive Zone surrounding the Kuldiha Wildlife Sanctuary declared vide the notification No. S.O. 2539 (E), dated 09.08.2017 of the Ministry of Environment, Forests and Climate Change. The case of the applicant is that the activity is a prohibited activity under the said notification.

2. The next concern expressed by the Applicant is that as the area where lease had been granted lies adjacent to the traditional Similipal-Hadagarh-Kuldiha Inter District Wildlife Corridor, it poses imminent and definite threat not only to the ecology of the locality but also the Elephant Corridor. The Leased out sources is also stated to fall in the catchment area of a perennial natural water source located within the Eco-Sensitive Zone.

3. Having regard to the facts and circumstances set-out in the original application, a report was called for from the PCCF (HoFF)), Odhisa after getting an inspection carried out to ascertain on the factual aspects. It was further directed that if the allegation are found to be correct, to take appropriate action in accordance with law to prohibit such activities. The question of environmental loss and damage was also left open including the cost of remediation, restitution and restoration for environment to

be assessed later.

4. The report of the PCCF (HoFF), Odisha was filed before us and taken up on 16.10.2019, the relevant portion of which had been taken note of which we may reproduce below for convenience.

5. Report has been received from the PCCF (HOFF) according to which it has been observed as under:

"III. Frequent movement of elephants is reported from Kuldiha Wildlife Sanctuary on the foothills of Sukhuapata hill of Mayurbhanj district up to Kalo reservoir of Kaptipada Range of Baripade. The corridor between Hadgarh&Kuldiha is used round the year by the elephants for its movement. There is an evident threat to the habitat and the Elephant corridor due to quarrying because of its onsite and offsite environmental effects. The fact of existence of these quarries around the traditional Similipal – Hadgarh – Kuldiha – Similipal elephant corridor was place by the State CWLW before the 40th Meeting of SC-NBWL which recommended the proposal for operation of 97 stone quarries with certain pre-conditions as detailed earlier at Para No. 1. Though, these 97 quarries form a cluster as requisite no environment management plan has been submitted by the Revenue Authorities yet.

IV. Accordingly, as per the recommendation of the 40th meeting of SC-NBWL, a comprehensive Wildlife Management Plan (CWLMP) to mitigate the impact to be caused by operation of all quarries & transportation of materials got approved by the Government of Odisha, F & E Department during July 2017 with a financial outlay of Rs. 677.13 lakh to be spent over a period of 10 years. Part of the proposal for taking of Bald hill plantation over 200 ha.. At an estimated cost of Rs. 408.40 lakhs was proposed to be addressed through the CAMPA/other State Funding and rest funds of 677.13 lakh was to be allocated from Environment cost to be released form all quarries rationally in proportion to the quantity of production. However, it is observed that the payment of Environment Cost towards implementation of the CWLMP is yet to be made by the Revenue authorities."

6. In addition to above, it has been further observed and recommended that:

"A. Those quarries those have made ingress into ESZ boundary must be penalized as per extent of ingress & destruction particulars. In this regard Mining Department and Revenue Department jointly in each of these observed cases may assess damage cost/restoration cost, responsible quarries for the damage and realization of penalty amount etc. If needed, necessary services of expert organization like ICFRE, Dehradun/TERI, New Delhi may be taken in this regard. Till the completion of the exercise, the operation of these quarries may considered to be stooped.

B. District Collector-cum-Chairman, DEIAA, Balasore may allow further quarry operation in the area only after obtaining specific clearance by SEIAA, Odisha as per order dated 11.12.2018 of the Hon'ble NGT in the Executive Application No. 55/2018 in O.A No. 520/2016, Vikrant Tongad Versus. Union of India., directing that the notification dated 15.01.2016 of MoEFF& CC will stand suspended till a fresh notification issued by the MoEFF& CC, New Delhi.

C. There is every likelihood in future of further higher ingress of quarries in the Eco Sensitive Zone, considering the close vicinity of these quarries to the ESZ. In order to avoid any further future ingress within the limit of ESZ, DGPS (Differential Global Positioning System) mapping should be

immediately taken up for all the 97 quarries with permanent pillar posting. The vector polygon of the quarries may be shared with all concerned departments. The intactness of all the ESZ pillars for demarcation of ESZ must be ensured by the Revenue Department as some of the pillars during field visit were found missing. The Environment Management Plan for cluster of the quarries is yet to be finalized with ensuring its strict adherence. Further, implementation of Comprehensive Wildlife Management Plan by immediate deposit of Environment Cost by the District Administration needs to be ensured A "Monitoring Committee" as recommended by NBWL & NTCA may be constituted immediately at the district level to look into the wildlife & environment issues on bi-monthly basis.

D. As quarry operation is being carried out adjacent to the identified traditional Similipal – Hadgarh – Kuldiha – Similipal Elephant Corridor, process should be initiated with the pending proposal for declaration of the conservation Reserve in that area U/S – 36 of the Wildlife (Protection) Act 1972 by the Principal Chief conservator of Forests (Wildlife) & CWLW, Odisha in order to avoid further destruction in that corridor apart from other site specific restoration plan as deemed appropriate to mitigate the impact caused due to rampant quarry operation and maintain ecological balance."

7. From the above, it would be quite apparent that out of the 97 stone quarries, 11 of them ingress into the Eco Sensitive Zone and the rest were being operated adjacent to the identified traditional Similipal – Hadgarh – Kuldiha – Similipal Elephant Corridor. It had been suggested that process should be expedited in respect of the pending proposal for declaration of a Conservation Reserve in the area under Section 36 of the Wild Life (Protection) Act 1972 by the Principal Chief Conservator of Forests (Wildlife) & CWLW, Odisha in order to avoid further destruction in the corridor and carry out other site specific restoration plan as deemed appropriate for mitigation of the impact caused due to rampant quarry operations and to maintain ecological balance.

8. By order 16.10.2019, we had expressed our anxiety on the fact that 86 stone quarries admittedly were actively in operation adjacent to the declared elephant corridor which would be deleterious to the environment as it was likely to cause obstruction in the corridor resulting in man-animal conflict. We, therefore, were of the considered opinion that the entire corridor should be brought within the ambit of the Eco Sensitive Zone and accordingly directed the State Government to take immediate steps towards that direction after due consultation with the experts. It was further directed that operation of any of the quarries which were either ingressing into the Eco Sensitive Zone or in operation adjacent thereto should not be permitted. A direction also was issued for urgent implementation of the recommendation made by the PCCF (HOFF), Odisha in his report. The State respondent had also been directed to file a report on the actions taken with regard to the matters in question and against the various directions issued by the Tribunal.

9. As per the consequent report filed by the State, it was stated that pursuant to the directions of the Tribunal, pillar posting in respect of DGPS survey of 97 quarries and preparation of cadastral map had been completed recently. As regards 11 ingress points, all 12 cases had been submitted for cancellation vide letter dated 07.11.2019. The environmental compensation against damage/restoration of environment was being assessed by a joint team comprising of Revenue, Forest and Mining Officials. An amount of Rs. 36,59,649/had been collected from the illegal miners towards compensation Comprehensive Wild Life Management Plan and Rs. 76,51,568/towards

Environment Management Fund. Since, the DGPS survey was under process, further report was directed to be submitted giving the current status of the action being taken by the Tahasildar, Khaira.

10. Today, Mr. Soubhagya Ketan Nayak, learned Additional Government Advocate submits that report has been filed by the State which in substance conveys that the DGPs survey had since been completed by the State.

11. The PCCF (HoFF), Odisha in his report referred to earlier has provided the details of the 11 quarries ingressing into the Eco Sensitive Zone which is reproduced below:

"	ORSAC Map	Sl. No.	Ingress between pillars	Nearest quarry No.	Ingress area (in Ha.)	Activities
	Part-I	01	263 to 264	11&15	0.22	Excavation has been made within ESZ
	-do-	02	253 to 255	16&17	0.14	Formation of a road by digging soil & breaking stone inside ESZ for movement of machinery
	Part-II	03	236 to 237	41&42	0.13	Excavation has been made within ESZ
	-do-	04	230 to 232	44	0.45	Formation of a road by digging soil & breaking stone inside ESZ for movement of machinery
	-do-	05	217 to 219	53	0.06	Excavated & made a road inside ESZ for movement of machinery and blasting inside ESZ area
	-do-	06	207 to 209	56&60	0.98	Dumped excavated soil & debris within the limit of ESZ
	-do-	07	223 to 226	46&48	0.96	Road formation inside ESZ

						area	
	Part-III	08	202 to 203	70	0.31	Excavated & formed a road within ESZ	
	-do-	09	191 to 192	88	0.96	Made a road by digging soil & breaking stone inside ESZ for movement of machinery	
	-do-	10	197 to 199	2	0.09	Quarry No. 2 & 6 are now non-operational as per decision taken	
		11	197 to 199	6	0.76	by district administration of Mayubhanj district and closed on 23rd July, 2018.	"

12. It is further stated that all quarries are less than 5 hectares and are located in the vicinity of Sarisua Kapilajhari Bandhanata village under Khaira Tahasil & spread over an area of Ac. 173.5 and on the other side of the hillock, a part of the traditional Elephant Corridor "Similipal-Hadgarh-Kuldiha-Similipal" is situated.

13. In respect of the traditional Elephant Corridor, the following is the finding given in the report:

"i. This link between Kuldiha & Hadgarh Wildlife Sanctuary with this traditional Elephant Corridor is coming under the Mayurbhank Elephant Reserve notified by the Govt. of Odisha., F&E Deptt. Vide their Notification No. 8F(W)-42/2001 15806/F&E dt. 29.01.2001 comprising portion of Mayu.rbhanj, Balasore, Bhadrak & Keonjhar district under the Central Scehme "Project Elephant". Portion of the corridor pertaining to Balasore District is Govt. land, other than forest kissam in village Suasari-Kaplilajhari-Bhandhanahata&Kaithangadia. Copy of the Notification dtd. 29.01.2001 is annexed herewith as Annexure-8.

ii. Frequent movement of elephant is reported from Kuldiha Wildlife Sanctuary on the foothills of Sukhuapata hill of Mayurbhaj district up to Kalo reservoir of Kaptlpada Rangae of Baripada. The corridor between Hadgarh & Kuldiha is used round the year by the elephants for its movement. There is an evident threat to the habitat and the Elephant corridor due to quarrying because of its on-site and off-site environmental effects. The fact of existence of these quarries around the traditional Similipal-Hadgarhy-Kuldiha-Similipal Elephant corridor was place by the State CWLW before the 40th Meeting of SC-NBWL which recommended the proposal for operation of 97 stone quarries with certain pre-conditions as detailed earlier at Para No. 1. Though, these 97 quarries form a cluster as requisite no environment management plan has

been submitted by the Revenue Authorities yet.

iii. Accordingly, as per the recommendation of the 40th Meeting of SC-NBWL, a Comprehensive Wildlife Management Plan (CWLMP), to mitigate the impact to be caused by operation of all quarries & transportation of materials got approved by the Govt. of Odisha., F&E Department during July 2017 with a financial outlay of Rs. 677.13 lakh to be spent over a period of 10 years. Part of the proposal for taking of Bald hill plantation over 200 ha.. at an estimated cost of Rs. 408.40 lakhs was proposed to be addressed through the CAMPA/other State Funding and rest funds of 6.77/13 lakh was to be allocated from Environment Cost to be released from all quarries rationally in proportion to the quantity of production. However, it is observed that the payment of Environment Cost towards implementation of the CWLMP is yet to be made by the Revenue authorities.”

14. In view of the his observations, the PCCF (HoFF), Odisha has made the recommendations reproduced earlier in paragraphs 6 and 7 which we find were well considered and is accordingly accepted.

15. In view of the above, we direct that the recommendations of the PCCF (HoFF), Odisha given in its report be acted upon having been accepted by us.

16. The 11 quarries ingressing into the Eco Sensitive Zone shall be directed to confine their activities outside the Eco Sensitive Zone. All activities within the ingress area shall be stopped forthwith.

17. The environmental compensation shall be recovered from the trespassing mining units as assessed by the PCCF (HoFF), Odisha as per the guideline prescribed by the CPCB in accordance with law.

18. No mining activity shall be permitted within and in the vicinity of the Similipal-Hadgarh-Kuldiha-Similipal Elephant Corridor. Process under Section 36 of the Wildlife (Protection) Act, 1972 for declaration of conservation reserve in respect of the identified traditional elephant corridor shall be completed within a period of three months or within the timeline prescribed under the Act.

19. With the above directions, both the original applications stand disposed off with no order as to cost.

20. Consequently, all the I.As also stand disposed off.

— — —

† Principal Bench, New Delhi

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3-Judge
Bench

2020
Oct. 14

a (BEFORE S.A. BOBDE, C.J. AND S. ABDUL NAZEER AND SANJIV KHANNA, JJ.)
HOSPITALITY ASSOCIATION OF MUDUMALAI . . . Appellant;

Versus

IN DEFENCE OF ENVIRONMENT AND ANIMALS
AND OTHERS . . . Respondents.

b Civil Appeals Nos. 3438-39 of 2020[†] with Nos. 3437,
3440, 3442-77 of 2020, decided on October 14, 2020

A. Constitution of India — Sch. VII List III Entries 17-A and 17-B,
Arts. 21, 47, 48-A and 51-A(g) — T.N. Government Noti. GO(Ms) No. 125,
dt. 31-8-2010 notifying “elephant corridor” and in view thereof direction to
resort owners and other private landowners to vacate and hand over vacant
possession of the lands falling within the notified elephant corridor — Validity
— Statutory power of State Government for creating/recognising of new
corridors — Existence, Nature and Scope of such power — Explained

— Held, State Government is empowered to take measures to protect
forests and wildlife falling within its territory in light of Entries 17-A “Forest”
and 17-B “Protection of wild animals and birds” in the Concurrent List of the
Constitution and the power of the State Government under the Wildlife Act
to notify sanctuaries and other protected areas — In regard to private forest
land, the State Government is empowered to protect the habitats situated on
the land in dispute by notifying an elephant corridor thereupon — Arts. 21,
47, 48-A and 51-A(g) give a clear mandate to the State to protect and improve
the environment and to safeguard the forests and wildlife of the country —
The “precautionary principle” which is a part of the law of the land makes
it mandatory for the State Government to anticipate, prevent and attack the
causes of environmental degradation — In this view of the matter, held, in
order to protect the elephant population in region in dispute, it was necessary
and appropriate for the State Government to limit commercial activity in the
areas falling within the elephant corridor — Hence, Noti. GO(Ms) No. 125,
dt. 31-8-2010 cannot be said to be invalid — Wildlife (Protection) Act, 1972
— Ss. 36-A and 35 — T.N. Preservation of Private Forests Act, 1949 (27 of
1949) — Ss. 3 and 6 — Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006 (2 of 2007), Ss. 3, 4 and 5

B. Constitution of India — Sch. VII List III Entries 17-A and 17-B,
Arts. 21, 47, 48-A and 51-A(g) — T.N. Government Noti. GO(Ms) No. 125,
dt. 31-8-2010 notifying “elephant corridor” — Whether notification valid
when the dimensions as well as the location of the single corridor identified
in report of Expert Committee constituted by High Court at odds with
authoritative scientific publications

h [†] Arising out of SLPs (C) Nos. 17313-314 of 2011. Arising from the Judgment and Order in *In Defence of Environment & Animals v. State of T.N.* (Madras High Court, WP No. 10098 of 2008, dt. 7-4-2011)

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— Aforesaid contentions were dealt with by the High Court which held that there was material to show presence of elephants as well as a past incident of human-elephant conflict in the region in dispute — High Court also held that any absence of elephants from the areas surrounding the appellants’ resorts was due to the construction activities whereby access of the elephants has been restricted through erection of electric fencing — Above factual findings of the High Court cannot be interfered with and also there is no fault in the State Government’s adoption of the recommendations of the High Court appointed Expert Committee, through the impugned G.O.

— However, as there were some factual objections of appellants as to acreage of elephant corridor notified by the G.O. and actions taken by District Collector concerned thereunder, three-member Inquiry Committee constituted to decide the individual objections of the appellants and any other persons claiming to be aggrieved by the actions of the District Collector — Environment Law — Forests, Wildlife and Zoos — Ecocentrism, Conservation and Preservation of Forests and Wildlife

The “elephant corridor” allows elephants to move between secure habitats freely, without being disturbed by humans. Further, elephants are genetically programmed by nature to never inbreed within their birth family and thus need to move around between gene pools to reproduce. These corridors aid this process by helping different elephant populations to intermingle, which is essential for retaining the vigour of the species and ensuring its long-term survival. By identifying and nurturing such corridors, deadly confrontations between humans and elephants can be avoided, in addition to safeguarding the welfare of the wildlife. To prevent such conflict and protect elephants, the Government of India through the then Ministry of Environment and Forests launched a centrally sponsored scheme “Project Elephant” to provide financial and technical support to the wildlife management efforts by States for their free ranging populations of wild elephants. The “Project Elephant” was to provide financial and technical support to major elephant-bearing States in the country. The project aims to ensure long-term survival of viable conservation reliant population of elephants in their natural habitats by protecting the elephants, their habitats and migration corridors. Other goals of the “Project Elephant” are addressing issues of human-animal conflict and providing for welfare of captive elephants.

In the context of elephant preservation in Tamil Nadu, the State’s Principal Chief Conservator of Forests and Chief Wildlife Warden (“PCCF”) had requested that the private/patta lands forming the traditional movement corridors of elephants between the Mudumalai Wildlife Sanctuary and National Park to other parts and also between Eastern and Western Ghats be brought under the control of the Forest Department, by acquiring the lands after paying compensation to the owners. Similarly, the Ministry of Environment and Forests, Government of India, by its Letter dated 11-8-2006 to the State Government of Tamil Nadu had noted that 88 elephant corridors had been identified by the Wildlife Trust of India’s book titled *Right of Passage-Elephant Corridors of India* and requested that necessary action be taken for notification and protection of the elephant corridors situated in Tamil Nadu, as identified in the aforesaid publication. Pursuant to this communication, the Government of Tamil Nadu issued a Government Order dated 21-8-2007, appointing an Exploratory Committee for exploring the possibility of acquiring

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- a the patta lands with the willingness of farmers who could spare their lands for acquisition for elephant corridors.
- b During this period, an organisation filed writ petition before the High Court seeking issuance of a writ of mandamus directing the official respondents therein to keep the elephant corridors free from encroachment and to prevent any other disturbances to the free movement of elephants and other animals. It was the specific case of the petitioner therein that the elephant corridor was being disturbed by some encroachers and builders. Due to mushrooming of resorts, elephant corridors were either closed or becoming narrow. It was further contended that the Forest Department had not taken any stringent action to evict the encroachers from the elephant corridor. On 2-2-2009, the High Court passed an interim direction to the District Collector, to file a status report showing the steps taken to remove the encroachers from the lands falling under the elephant corridor.
- c Certain other writ petitions were filed by the Scheduled Tribes and other traditional forest dwellers contending that they were not encroachers and that they had a right to occupy the land in question under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. These writ petitions were clubbed together for hearing before the Madras High Court. At this stage, the Hospitality Association of Mudumalai, the appellant herein, filed an impleadment application in the said case. It was contended that this association had been providing hospitality services to tourists who visit the area to see the wildlife and that there was a misguided sense of hostility towards the people who own and run guesthouses in this area from the authorities and self-proclaimed environmentalists dwelling outside the area. It was also contended that the members of the said association had been living in the said area for more than 50-60 years and that there had been virtually no human-animal conflict in the area since there is little to no agriculture and the elephants can freely move around throughout the area.
- d Considering the rival contentions of the parties, on 30-9-2008, the High Court issued the certain directions. In pursuance of the directions of the High Court, an Expert Committee was constituted by the State Government. The Expert Committee visited the elephant corridor area in the Nilgiris twice, enquired with the field officers and tribals of the area and obtained opinions from experts before submitting its report on 4-11-2009. A map of the elephant corridor in the Sigur Plateau in Nilgiris region was also filed by the said Expert Committee before the High Court. Noting that the State Government was responsible for notifying elephant corridors within its territory, the High Court on 1-12-2009 directed the State Government to choose one of the maps for the elephant corridor out of either the one identified by the Expert Committee or the one identified by the Wildlife Trust of India's publication *Right of Passage-Elephant Corridors of India*, which was referred to in the Central Government's abovementioned Letter dated 11-8-2006. This order also directed the State Government to file an affidavit disclosing the actions it intends to take against resort owners and residents of the elephant corridor. In accordance with the High Court's directions, the State Government came forward with a decision that it will ensure that no illegal construction takes place in the area shown as "elephant corridor" in the report of the Expert Committee and that no person will be allowed to put up fresh solar/electrical fencing within the proposed area of the elephant corridor.
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Taking into account the materials on record, the High Court passed a fresh order dated 3-12-2009 directing the State Government to decide as to which elephant corridor has to be identified i.e. corridor identified by the Central Government in the Letter dated 11-8-2006, with the help of the State Forest Department and NGOs, or the proposed elephant corridor as identified by the Expert Committee in the present cases. On such finalisation, the High Court held that it would be open for the State to decide:

(a) Whether the private lands which are falling within the elephant corridor, do not belong to Scheduled Tribes and other traditional forest dwellers, who have a right under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and whether such lands should be acquired. If the decision is taken to acquire the lands, they will follow the regular procedures as laid down under the provisions of the Land Acquisition Act.

(b) If the State Government, in the meantime, wants to take over the management of the private forest, it may do so in terms of Section 3 of the Tamil Nadu Private Forest (Assumption of Management) Act (55 of 1961), so as to enable the elephants to pass through the corridor without any hindrance till the lands are acquired.

In pursuance of the directions of the High Court, the State Forest Department issued a public notice dated 7-1-2010, thereby publishing a proposed elephant corridor, as identified by the Expert Committee, and requiring the persons whose private lands are falling within the proposed corridor to submit objections. Public hearings were also held by the authorities concerned and the objections raised by various persons were rejected. Thereafter, the State Government issued the impugned G.O., thereby confirming the elephant corridor map as published on 7-1-2010 and also specifying the boundaries of the elephant corridor and the survey numbers falling within the said corridor.

Conflicting maps of the corridor in dispute were presented before the High Court, which thus directed the State Government to choose between: (i) the elephant corridors identified in the Wildlife Trust of India's book titled *Right of Passage* and the single elephant corridor identified by the Expert Committee appointed by the High Court. The State Government, vide the impugned G.O., notified this single elephant corridor, along the lines of the recommendations made by the Expert Committee.

The High Court by the impugned judgment upheld the validity of the Tamil Nadu Government Notification GO(Ms) No. 125, dated 31-8-2010 which had notified an "elephant corridor" in the Sigur Plateau of Nilgiris District and has further directed resort owners and other private landowners to vacate and hand over the vacant possession of the lands falling within the notified elephant corridor to the District Collector, Nilgiris within three months from the date of the judgment.

The issues for determination before the Supreme Court were:

(i) Whether Tamil Nadu Government Notification GO(Ms) No. 125, dt. 31-8-2010 notifying "elephant corridor" and in view thereof direction to resort owners and other private landowners to vacate and hand over the vacant possession of the lands falling within the notified elephant corridor is valid and whether State Government has any statutory power for creating/recognising of new corridors.

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a (ii) Whether GO(Ms) No. 125, dt. 31-8-2010 can be said to be valid when the dimensions as well as the location of the single corridor identified in Expert Committee's Report are at odds with authoritative scientific publications.

Dismissing the appeals, the Supreme Court

Held :

b There is no merit in the contention that there is no statutory power for creating/ recognition of new corridors by the State Government. It is undeniable that the State Government is empowered to take measures to protect forests and wildlife falling within its territory in light of Entries 17-A "Forest" and 17-B "Protection of wild animals and birds" in the Concurrent List and the power of the State Government under the Wildlife Act to notify sanctuaries and other protected areas. It is an admitted position that the land of the appellants has also been notified as private forest in 1991 under the Tamil Nadu Preservation of Private Forests Act, 1949, which prohibits cutting of trees in private forests. There is a decision of the Supreme Court wherein felling of trees in the State of Tamil Nadu was prohibited in all forests, including forests situated in privately-owned lands. The contesting respondents contended that the construction of the appellants' resorts must have necessarily run afoul of the above decision of the Supreme Court. Without commenting on the factual accuracy of this assertion, given that the classification of the appellants' land as private forest land is not in dispute here, it was held that the State Government was empowered to protect the habitats situated on the appellants' land by notifying an elephant corridor thereupon. (Para 38)

d Furthermore, since the impugned decision of the High Court, the Ministry of Environment, Forest and Climate Change vide its Notification SO 4498(E) dated 13-12-2019 has declared the entire area in question and adjoining areas around the Mudumalai Tiger Reserve as an eco-sensitive zone. Under this Notification, the State Government of Tamil Nadu has been expressly directed to regulate land use generally, as well commercial establishment of hotels/resorts specifically, in the eco-sensitive zone so established. As was held by the Supreme Court in *M.C. Mehta (Badkhal & Surajkund Lakes Matter)*, (1997) 3 SCC 715 "precautionary principle" has been accepted as a part of the law of our land. Articles 21, 47, 48-A and 51-A(g) of the Constitution give a clear mandate to the State to protect and improve the environment and to safeguard the forests and wildlife of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests and wildlife and to have compassion for living creatures. The precautionary principle makes it mandatory for the State Government to anticipate, prevent and attack the causes of environmental degradation. In this light, it can be held that in order to protect the elephant population in the Sigur Plateau region, it was necessary and appropriate for the State Government to limit commercial activity in the areas falling within the elephant corridor. (Para 39)

e *M.C. Mehta (Badkhal & Surajkund Lakes Matter) v. Union of India*, (1997) 3 SCC 715, followed

f *State of Bihar v. Murad Ali Khan*, (1988) 4 SCC 655 : 1989 SCC (Cri) 27, summarised
g *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267, referred to

h As far as the scientific accuracy of report of the Expert Committee appointed by the High Court is concerned and contentions that the dimensions as well as the location of the single corridor identified therein are at odds with authoritative

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scientific publications, it was contended by the appellants that their resorts and other establishments do not fall within the historic corridors identified in these publications. These assertions were dealt with by the High Court which held that there was material on record to show presence of elephants as well as a past incident of human-elephant conflict, which resulted in the death of a French tourist, in the region where the appellants' resorts are located. The High Court also held that any absence of elephants from the areas surrounding the appellants' resorts was, in fact, due to the construction activities of the appellants whereby access of the elephants has been restricted through erection of electric fencing. There is no reason to interfere with the above factual findings of the High Court and also there is no fault in the State Government's adoption of the recommendations of the High Court appointed Expert Committee, through the impugned G.O. (Para 40)

A. Rangarajan v. Union of India, 2018 SCC OnLine SC 3630; *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 7-4-2011 (Mad), considered *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 2-2-2009 (Mad); *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 30-9-2008 (Mad); *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 1-12-2009 (Mad); *Vishnu Ram Saravanel v. In Defence of Environment & Animals*, 2010 SCC OnLine SC 94; *A. Rangarajan v. Union of India*, (2019) 13 SCC 508; *A. Rangarajan v. Union of India*, (2019) 13 SCC 510, referred to

Appeals dismissed

RM-D/66185/C

Chronological list of cases cited

	<i>on page(s)</i>
1. (2019) 13 SCC 510, <i>A. Rangarajan v. Union of India</i>	603c
2. (2019) 13 SCC 508, <i>A. Rangarajan v. Union of India</i>	602e-f
3. 2018 SCC OnLine SC 3630, <i>A. Rangarajan v. Union of India</i>	603g, 608g
4. WP No. 10098 of 2008, order dated 7-4-2011 (Mad), <i>In Defence of Environment & Animals v. State of T.N.</i>	594g, 594g-h, 601e, 602d-e, 604g-h, 607f
5. 2010 SCC OnLine SC 94, <i>Vishnu Ram Saravanel v. In Defence of Environment & Animals</i>	600g
6. WP No. 10098 of 2008, order dated 1-12-2009 (Mad), <i>In Defence of Environment & Animals v. State of T.N.</i>	599e
7. WP No. 10098 of 2008, order dated 2-2-2009 (Mad), <i>In Defence of Environment & Animals v. State of T.N.</i>	597f-g, 598a
8. WP No. 10098 of 2008, order dated 30-9-2008 (Mad), <i>In Defence of Environment & Animals v. State of T.N.</i>	598e
9. (1997) 3 SCC 715, <i>M.C. Mehta (Badkhal & Surajkund Lakes Matter) v. Union of India</i>	607g
10. (1997) 2 SCC 267, <i>T.N. Godavarman Thirumulpad v. Union of India</i>	607d-e
11. (1988) 4 SCC 655 : 1989 SCC (Cri) 27, <i>State of Bihar v. Murad Ali Khan</i>	606b

The Judgment of the Court was delivered by

S. ABDUL NAZEER, J.— Leave granted. The appellants in these appeals have assailed the final judgment and order dated 7-4-2011¹ of the High Court of Judicature at Madras, passed in Writ Petition (PIL) No. 10098 of 2008 along with several other writ petitions including Review Application No. 131 of 2010 and Writ Petition No. 23939 of 2010 filed by the Hospitality Association of Mudumalai. The High Court by the impugned judgment¹ has upheld the validity of the Tamil Nadu Government Notification GO(Ms) No. 125,

¹ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 7-4-2011 (Mad)

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a dated 31-8-2010 which had notified an “elephant corridor” in the Sigur Plateau of Nilgiris District and has further directed resort owners and other private landowners to vacate and hand over the vacant possession of the lands falling within the notified elephant corridor to the District Collector, Nilgiris within three months from the date of the judgment.

b 2. The appellant in Civil Appeals Nos. 3438-39 of 2020 [arising out of SLPs (C) Nos. 17313-14 of 2011], is the Hospitality Association of Mudumalai, registered under the Tamil Nadu Societies Registration Act, 1975, situated in the Nilgiris District of Tamil Nadu. The members of this association have established resorts/guesthouses in the Nilgiris forest area. The other appellants are either the owners of the resorts/guesthouses or the owners of the lands in and around the Nilgiris forest area. Some of them have built dwelling houses on their lands, some of them have encroached upon government lands and put up constructions thereon and some of them are cultivating the said lands.

c 3. Before referring to the proceedings before the High Court and this Court, as well as the submissions made by the learned counsel for the parties, it would be helpful to refer to the background facts and the prevailing ecological context in which the impugned G.O. was notified.

A. Background

d 4. Despite being a figure of traditional cultural reverence, today the elephant species is severally threatened in India. The crux of the problem is one that affects all wildlife in the country: land. As India’s human population has grown exponentially in the past several decades, so has its demand for resources. At its essence, that demand boils down to the requirement for more land — for agriculture to grow more food and for construction of roads, dams, e mines, railways and housing. This demand for land has led to the degradation and fragmentation of the country’s forest cover. The elephant, being a large agrarian animal, may weigh up to 4-5 tons and requires about 200-300 kg of fodder comprising of various plant species daily. It, therefore, needs large areas, which it uses by rotation, so that it may not overgraze an area and in the process destruct it altogether. This allows the natural vegetation of the habitats a chance f to regenerate.

g 5. However, the ever-growing need for land, infrastructure and energy requirements of our large population have slowly fragmented the elephant’s natural spaces which are now surrounded by human habitation, agriculture, mining, roads and railways. The more forest habitat is fragmented, the farther an elephant herd has to roam in search of food and water. Increasingly, h elephants have to move farther and farther afield, even from one forest area to another, often through small patches of forests called corridors. As forest lands continue to be lost, these relatively narrow and linear patches of vegetation form vital natural habitat linkages between larger forest patches. They allow elephants to move between secure habitats freely, without being disturbed by humans. Further, elephants are genetically programmed by nature to never inbreed within their birth family and thus need to move around between gene pools to reproduce. These corridors aid this process by helping different

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elephant populations to intermingle, which is essential for retaining the vigour of the species and ensuring its long-term survival. By identifying and nurturing such corridors, deadly confrontations between humans and elephants can be avoided, in addition to safeguarding the welfare of the wildlife. Unfortunately, in most areas, the existing corridors are repeatedly being destroyed which will block migration routes of the elephants and would result in the fragmentation of the habitats as well as increased human-elephant conflict.

6. To prevent such conflict and protect elephants, the Government of India through the then Ministry of Environment and Forests launched a centrally sponsored scheme “Project Elephant” to provide financial and technical support to the wildlife management efforts by States for their free ranging populations of wild elephants. The “Project Elephant” document was released in the year 1993. It admits that elephants are facing serious threat due to large-scale destruction and fragmentation of their habitat due to increase in human and cattle populations, felling of natural forest and replacing them with single species, commercial plantation, excessive grazing, forest fires and shifting cultivation, destruction or capture for crop raiding, human killings, encroachments and man-made barriers/destructions such as roads, railway lines, dams, canals, tea gardens, agriculture and industry, etc. The “Project Elephant” was to provide financial and technical support to major elephant-bearing States in the country. The project aims to ensure long-term survival of viable conservation reliant population of elephants in their natural habitats by protecting the elephants, their habitats and migration corridors. Other goals of the “Project Elephant” are addressing issues of human-animal conflict and providing for welfare of captive elephants. The main activities under this project include the following:

6.1. Ecological restoration of existing natural habitats and migratory routes of elephants.

6.2. Development of scientific management planning for conservation of elephant habitats and viable elephant populations in India.

6.3. Promotion of measures for mitigation of human-elephant conflict in crucial habitats.

6.4. Moderating impact of human and domestic livestock activities in crucial elephant habitats.

6.5. Strengthening of measures for protection of wild elephants from poachers and unnatural causes of death.

6.6. Research on elephant management related issues.

6.7. Public conservation education and awareness programmes about elephants.

6.8. Eco-development of elephant habitats.

6.9. Provision of improved veterinary care for elephants.

7. Specifically in the context of elephant preservation in Tamil Nadu, on 14-6-2006, the State’s Principal Chief Conservator of Forests and Chief Wildlife Warden (“PCCF”) had requested that the private/patta lands forming

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a the traditional movement corridors of elephants between the Mudumalai Wildlife Sanctuary and National Park to other parts and also between Eastern and Western Ghats be brought under the control of the Forest Department, by acquiring the lands after paying compensation to the owners. PCCF had highlighted the use of these patches of private forest land, which serve as vital migratory routes, for non-forestry use as a serious threat to free movement of elephants. PCCF addressed another letter dated 6-11-2006 to the State
b Government, proposing the survey numbers of the patta land to be acquired for the purpose of the elephant corridors. Similarly, the Ministry of Environment and Forests, Government of India, by its Letter dated 11-8-2006 to the State Government of Tamil Nadu had noted that 88 elephant corridors had been identified by the Wildlife Trust of India's book titled *Right of Passage — elephant corridors of India* and requested that necessary action be taken for
c notification and protection of the elephant corridors situated in Tamil Nadu, as identified in the aforesaid publication.

8. Pursuant to this communication, the Government of Tamil Nadu issued a Government Order dated 21-8-2007, appointing an Exploratory Committee with Collector of Nilgiris as the Chairman and four other members consisting of District Forest Officer, Nilgiris North Division, Wildlife Warden, Ooty,
d Officer of the Revenue Department, Ooty and the Tahsildar concerned. This Committee was constituted for exploring the possibility of acquiring the patta lands with the willingness of farmers who could spare their lands for acquisition for elephant corridors.

B. Proceedings before the Madras High Court

e 9. During this period, an organisation called "In Defence of Environment and Animals", represented by its Managing Trustee "Elephant" G. Rajendran, filed Writ Petition No. 10098 of 2008 before the Madras High Court seeking issuance of a writ of mandamus directing the official respondents therein to keep the elephant corridors free from encroachment and to prevent any other disturbances to the free movement of elephants and other animals. It
f was the specific case of the petitioner therein that the elephant corridor was being disturbed by some encroachers and builders. Due to mushrooming of resorts, elephant corridors were either closed or becoming narrow. It was further contended that the Forest Department had not taken any stringent action to evict the encroachers from the elephant corridor. On 2-2-2009², the High Court
g passed an interim direction to the District Collector, Nilgiris to file a status report showing the steps taken to remove the encroachers from the lands falling under the elephant corridor.

10. Certain other writ petitions were filed by the Scheduled Tribes and other traditional forest dwellers contending that they were not encroachers and that they had a right to occupy the land in question under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It

h ² *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 2-2-2009 (Mad)

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was further contended that on the strength of the order dated 2-2-2009 in *In Defence of Environment & Animals v. State of T.N.*², the District Collector had directed them to stop the cultivation of these lands and that they were being prevented from collection of minor forest produce and grazing their cattle. These writ petitions were clubbed together for hearing before the Madras High Court.

11. At this stage, the Hospitality Association of Mudumalai, the appellant herein, filed an impleadment application in the said case. It was contended that this association consisted of residents of the Masingudi Bokkapuram area and that they had been providing hospitality services to tourists who visit the area to see the wildlife and that there was a misguided sense of hostility towards the people who own and run guesthouses in this area from the authorities and self-proclaimed environmentalists dwelling outside the area. It was also contended that the members of the said association had been living in the said area for more than 50-60 years and that there had been virtually no human-animal conflict in the area since there is little to no agriculture and the elephants can freely move around throughout the area.

12. During the course of hearing, the District Forest Officer of Nilgiris North Division made a presentation before the High Court to highlight the importance of the forests and corridors in the region. The District Collector, Nilgiris also appeared before the High Court and showed certain slides on his computer depicting a map of the corridor of elephants. He stated that to allow the elephants to pass through the corridor, the unauthorised occupants had to be evicted. Similarly, the State's PCCF also made submissions before the High Court to highlight the necessity of preservation of the elephant corridor by acquisition of patta lands. Considering the rival contentions of the parties, on 30-9-2008³, the High Court issued the following directions:

“(i) Forest Department, which has the knowledge of movement of elephant in the corridor, may identify and inform the same;

(ii) the State Government may publish the information regarding the elephant corridor and the area, in leading newspapers and also by drum beating/tom-tom, calling for objections of locals, if any, in the area in question;

(iii) after hearing the locals, particularly those who may be affected, they may finalise the elephant corridor from which unauthorised occupants are to be evicted;

(iv) to ensure that Scheduled Tribes and other forest traditional dwellers are not affected, it is required to identify the other traditional forest dwellers in terms with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Tribes) Rules, 2007;

² WP No. 10098 of 2008, order dated 2-2-2009 (Mad)

³ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 30-9-2008 (Mad)

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a (v) only after the recommendation and recording their names in the appropriate register, they may proceed with eviction, by giving notice in the newspaper, by drum beating/tom-tom and by giving individual notice to the unauthorised occupants.

b (vi) So far as the acquisition of the land is concerned, if any private land is required to be acquired, they will have to follow the procedure under the Land Acquisition Act. Prima facie, as the tribals and other forest dwellers cannot be evicted from the unauthorised lands, their lands need not required to be acquired, if it is a forest land. The learned counsel for the parties are requested to give further suggestion in the matter, in the interest of public and elephants.”

c **13.** Since there was opposition to the map prepared by the District Collector by the contesting parties, the Court felt it necessary that a team of experts of the Environment and Forest Department be constituted to identify the elephant corridor and submit a report after taking into consideration different books published with regard to elephant corridors.

d **14.** In pursuance of the directions of the High Court, an Expert Committee was constituted by the Government. The Expert Committee visited the elephant corridor area in the Nilgiris twice, enquired with the field officers and tribals of the area and obtained opinions from experts before submitting its report on 4-11-2009. A map of the elephant corridor in the Sigur Plateau in Nilgiris region was also filed by the said Expert Committee before the High Court. Noting that the State Government was responsible for notifying elephant corridors within its territory, the High Court on 1-12-2009⁴ directed the State Government to choose one of the maps for the elephant corridor out of either the one identified by the Expert Committee or the one identified by the Wildlife Trust of India’s publication *Right of Passage — Elephant Corridors of India*, which was referred to in the Central Government’s abovementioned Letter dated 11-8-2006. This order also directed the State Government to file an affidavit disclosing the actions it intends to take against resort owners and residents of the elephant corridor. In accordance with the High Court’s directions, the State Government came forward with a decision that it will ensure that no illegal construction takes place in the area shown as “elephant corridor” in the report of the Expert Committee and that no person will be allowed to put up fresh solar/electrical fencing within the proposed area of the elephant corridor. Taking into account the materials on record, the High Court passed a fresh order dated 3-12-2009 as under:

g “(i) The State Government will have to decide as to which elephant corridor has to be identified i.e. corridor identified by the Central Government in the Letter dated 11-8-2006, with the help of the State Forest Department and NGOs, or the proposed elephant corridor as identified by the Expert Committee in the present cases, preferably within one month.

h ⁴ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 1-12-2009 (Mad)

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(ii) The publication of such map showing the elephant corridor, should be made by the State through the Forest Department, in two local newspapers, one in English and another in vernacular Tamil, giving the details of survey numbers of private lands which are falling within the proposed elephant corridor. The persons may be asked to submit their objections within a time-frame, say one month.

(iii) The intimation of such proposed elephant corridor along with a copy of the report of the Expert Committee, should be also forwarded to each local panchayats, which fall within the proposed elephant corridor, so that the local persons can have the knowledge of the corridor of their own, if they so choose.

(iv) No separate individual hearing is required to be given to any person, though a mass hearing may be given as generally given in the “land acquisition” cases and on hearing such objections, the proposed elephant corridor including the map containing the different survey numbers should be finalised and be also published at an early date, say maximum within six months.

(v) No individual or any association generally should intervene in the case. If they have any objection, they may raise before the authorities concerned.

23. On such finalisation, it will be open for the State to decide:

(a) Whether the private lands which are falling within the elephant corridor, do not belong to Scheduled Tribes and other traditional forest dwellers, who have a right under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and whether such lands should be acquired. If the decision is taken to acquire the lands, they will follow the regular procedures as laid down under the provisions of the Land Acquisition Act.

(b) If the State Government, in the meantime, wants to take over the management of the private forest, it may do so in terms of Section 3 of the Tamil Nadu Private Forest (Assumption of Management) Act (55 of 1961), so as to enable the elephants to pass through the corridor without any hindrance till the lands are acquired.”

15. Here, it may be noted that the aforesaid order of 3-12-2009 passed by the High Court was challenged before this Court through Special Leave Petitions (Civil) Nos. 14416-22 of 2010 which was disposed of vide order dated 30-4-2010⁵ in the following terms: (*Vishnu Ram Saravanavel case*⁵, SCC OnLine SC paras 1-6)

1. Permission to file special leave petitions is granted.
2. Delay condoned.
3. Heard the learned counsel for the petitioner and learned counsel for Respondent 1.

⁵ *Vishnu Ram Saravanavel v. In Defence of Environment & Animals*, 2010 SCC OnLine SC 94

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a 4. The learned counsel for the petitioner contends that if proposed Elephant Corridors is established, the petitioner would be seriously effected as his land falls in that area.

b 5. The petitioner would be at liberty to approach the Committee which is likely to finalise the Elephant Corridors and also would be at liberty to approach the High Court and seek intervention proceedings though the Division Bench has already indicated under other proceeding that no intervention is allowed.

6. With the above directions, the special leave petitions are disposed of.”

c 16. In pursuance of the directions of the High Court, the State Forest Department issued a public notice dated 7-1-2010, thereby publishing a proposed elephant corridor, as identified by the Expert Committee, and requiring the persons whose private lands are falling within the proposed corridor to submit objections. Public hearings were also held by the authorities concerned and the objections raised by various persons were rejected. Thereafter, the State Government issued the impugned G.O., thereby confirming the elephant corridor map as published on 7-1-2010 and also specifying the boundaries of the elephant corridor and the survey numbers falling within the said corridor.

d 17. Several writ petitions were filed before the High Court challenging the impugned G.O. These were clubbed with the other pending writ petitions and PIL and came to be decided by the High Court’s impugned order dated 7-4-2011¹.

e 18. The High Court rejected the appellant’s contentions regarding the propriety of constitution of the Expert Committee given that the Wildlife (Protection) Act, 1972 (“the Wildlife Act”) does not envisage the same and rather provides for constitution of State and National Boards for Wildlife. It was held that the Expert Committee’s mandate did not impinge upon that of the Boards under the Wildlife Act. The High Court also did not find merit in the appellant’s contention that the State Government lacked the power to notify an elephant corridor. For this, the High Court relied upon Entries 17-A “Forest” and 17-B “Protection of wild animals and birds” in the Concurrent List and the power of the State Government to notify sanctuaries, national parks, conservation reserves and community reserves under Chapter IV of the Wildlife Act.

f 19. Before the High Court, the appellant had also contended that the impugned G.O. sought to create an “artificial corridor” in an area through which elephants do not traditionally pass. In rejecting this contention, the High Court held that the material on record clinchingly showed that the animals were already moving through the said area. The High Court observed that

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h ¹ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 7-4-2011 (Mad)

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the appellant and others have constructed holiday resorts and are carrying on commercial activities in the area despite only holding permissions for construction of dwelling houses. The mushrooming of such resorts, which were bounded by electric fencing and barbed wires, had severely restricted the movement of elephants and caused an increase in incidents of human-elephant conflict. Accordingly, the High Court passed the following directions which are under challenge before us:

“The resort owners and other private landowners are directed to vacate and hand over the vacant possession of the lands falling within the notified “elephant corridor” to the District Collector, Nilgiris within three months from today. In the meanwhile, the Government of Tamil Nadu is permitted to go on with the implementation of the project as has been notified in GOMs No. 125, dated 31-8-2010, in the best interest of the wildlife, particularly elephants so as to notify and improve the elephant corridor.”

20. The High Court also directed the State to strictly adhere with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and in case any forest dwellers are evicted from the elephant corridor, they be provided alternate accommodation or compensation as per the procedure contemplated under law.

21. Review Application No. 157 of 2011 was filed against the above decision of the High Court. The same was dismissed by the High Court vide its order dated 16-11-2011 on the ground that the impugned judgment¹ was a reasoned order which did not suffer from any error apparent on the face of the record.

C. Proceedings before this Court

22. During the pendency of the present appeals, this Court was informed that large-scale construction was underway in the elephant corridor in Tamil Nadu. In its order dated 12-7-2018⁶, this Court had made it clear that no construction is allowed in the elephant corridor in Tamil Nadu and directed the District Collector, Nilgiris to prepare and present a plan of action on how to identify the constructions that have been made, when they have been made and for what purpose the constructions are being utilised. This plan of action was to be with respect to the elephant corridors as mentioned in the report of the Elephant Task Force titled “Gajah” as well as the elephant corridor as notified by the impugned G.O.

23. In compliance with this order, the District Collector, Nilgiris filed a plan of action report which identified the following constructions in the elephant corridor areas:

¹ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 7-4-2011 (Mad)

⁶ *A. Rangarajan v. Union of India*, (2019) 13 SCC 508

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Sl. No.	Nature of the construction	Total number of constructions
a	1. Total no. of buildings within resort complexes (numbering 39)	309
	2. Houses	390
	3. Other common buildings (schools, water tank, community halls, temple, public toilet, etc.)	27
b	4. No. of estates/plantations	9
	5. No. of cultivation fields	77
	6. Other constructions	9
	Total	821

Specifically in respect of the resorts, the District Collector submitted that all 39 of them were operating illegally as 27 of them had obtained approvals only for residential purpose whereas 12 of them had not obtained any approval at all.

24. At the next hearing on 9-8-2018⁷, this Court noted that only advocates on behalf of 12 out of the 39 resorts were present before the Court and thus deemed that the remaining 27 resorts had accepted the Collector's abovementioned report. Accordingly, this Court directed that these 27 resorts be closed down/sealed by the Collector and granted 48 hours to the other 12 resorts to produce documents showing approvals and title for running of their resorts before the Collector. If the Collector were to find the documentation incomplete, she was directed to immediately close down/seal the premises. Further, the non-resort dwellers who were identified by the Collector's report to be occupying land in the corridor area, were granted a period of 2 months to produce necessary documents for verification before the Collector.

25. Thereafter, the District Collector, Nilgiris filed an Action-Taken Report dated 23-10-2018 stating that 27 resorts had been sealed as per this Court's above direction and documents were received from the other 12 resorts. The Collector submitted that out of these 12 resorts, only 1 resort owner could show proof of use of his premises for residential purpose while the remaining 11 resort owners did not have valid documents. Accordingly, these 11 resorts were also sealed by the Collector in accordance with the above order of this Court. In this report, the Collector additionally highlighted that the Forest Department had directed the sealed resorts to remove solar, electric and barbed wire fences erected around their premises as the same hinder the free movement of elephants in the corridor. However, only a few of the resort owners had complied with the Forest Department's directive. In this connection, on 24-10-2018⁸, this Court directed that electric fences and barbed wire, wherever installed by the resort owners, should be removed immediately. The District Collector, Nilgiris filed another Action-Taken Report dated 29-11-2018 reporting that she had ensured removal of electric fences and barbed wire from the premises of the aforesaid resorts in the corridor area.

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⁷ A. Rangarajan v. Union of India, (2019) 13 SCC 510

⁸ A. Rangarajan v. Union of India, 2018 SCC OnLine SC 3630

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26. During this time, in addition to the 12 resorts which were initially represented before this Court, several other owners of resorts/guesthouses as well as the owners of cultivated lands, dwelling houses and other constructions in and around the elephant corridor area have sought to be impleaded before us, being aggrieved by the actions of the District Collector, Nilgiris and also the impugned High Court decision.

D. Contentions of the parties

27. Appearing for the appellants, Shri Salman Khurshid, learned Senior Counsel argues that the appellants' lands do not fall within an elephant corridor and that the area notified under the impugned G.O. does not fall within any scientifically recognised elephant corridor and seeks to cover areas which are not traversed by elephants. It is further contended that the identification of elephant corridors is a scientific process and that the impugned G.O., which was issued in pursuance of the recommendations of the Expert Committee appointed by the High Court, was erroneous and untenable in law. The resort owners claim that they run small resorts which are compatible with the environment and are essentially for tourists who want to be close to nature and wildlife. It is also asserted that these resorts help tourists acquire sensitivity towards animals and the environment, while preventing any exploitation or damage by their presence. Some of the other appellants have also contended that their lands do not fall within the elephant corridor from which the removal of encroachment was sought.

28. It is further argued that the areas which have been notified as elephant corridor by the State Government through the impugned G.O., are in variance with all authoritative studies on historic elephant corridors in Sigur Plateau from 1972 till date. It is also submitted that there is a variance in acreage between the recommendations of the Expert Committee formed by the High Court and the impugned G.O. issued by the State Government. It is contended that the unilateral addition and deletion of private/government lands in the said G.O. is arbitrary and illegal. The expansion of the corridor areas under the G.O. amounts to creation of a new elephant corridor which does not presently exist and the same is unlawful.

29. The learned counsel for some of the other appellants have made similar submissions. It was argued that the lands of the appellants do not fall within the elephant corridor. It was also argued that the plan of Action Report filed by the District Collector, Nilgiris before this Court is clearly fallacious and the actions of the District Collector in pursuance thereof are illegal. Some of the appellants have further alleged that the District Collector, Nilgiris has illegally removed fencing from establishments outside the notified elephant corridor area as well.

30. On the other hand, the learned advocate appearing for the contesting respondents, has sought to justify the impugned judgment¹ of the High Court, so also the Plan of Action Report and Action-Taken Reports filed by the District Collector, Nilgiris. The learned advocate appearing as Amicus Curiae

¹ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 7-4-2011 (Mad)

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a has supported the submissions of the contesting respondents and the reports submitted by the District Collector, Nilgiris.

E. Our analysis

31. We have carefully considered the submissions of the learned counsel made at the Bar and perused the materials on record.

b 32. At the very outset, it must be noted that the Wildlife Trust of India terms elephants as a “keystone species” because their nomadic behaviour is immensely important to the environment. Herds of roaming elephants play several important roles in the ecosystem:

c 32.1. *Landscape architects*: Elephants create clearings in the forest as they move about, preventing the overgrowth of certain plant species and allowing space for the regeneration of others, which in turn provide sustenance to other herbivorous animals.

32.2. *Seed dispersal*: Elephants eat plants, fruits and seeds, releasing the seeds when they defecate in other places as they travel. This allows for the distribution of various plant species, which benefits biodiversity.

32.3. *Nutrition*: Elephant dung provides nourishment to plants and animals and acts as a breeding ground for insects.

d 32.4. *Food chain*: Apex predators like tigers will sometimes hunt young elephants. Further, elephant carcasses provide food for other animals.

32.5. *The umbrella effect*: By preserving a large area for elephants to roam freely, one provides a suitable habitat for many other animal and plant species of an ecosystem.

e 33. Elephant corridors allow elephants to continue their nomadic mode of survival, despite shrinking forest cover, by facilitating travel between distinct forest habitats. Corridors are narrow and linear patches of forest which establish and facilitate connectivity across habitats. In the context of today’s world, where habitat fragmentation has become increasingly common, these corridors play a crucial role in sustaining wildlife by reducing the impact of habitat isolations. In their absence, elephants would be unable to move freely, which would in turn affect many other animal species and the ecosystem balance of several wild habitats would be unalterably upset. It would also eventually lead to the local extinction of elephants, a species which is widely revered in our country and across the world. To secure wild elephants’ future, it is essential that we ensure their uninterrupted movement between different forest habitats. For this, elephant corridors must be protected.

f g h 34. Legal intervention in preservation of these corridors has been necessitated because wildlife corridors are threatened by various social, economic and anthropogenic factors, as noted above. Commercial activities such as running of private resorts and construction of new buildings with barbed and electric fences within elephant corridors pose a serious threat of fragmentation and destruction of habitats. The long-term survival of the species depends on maintaining viable habitats and connecting corridors which

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maintain variance in the species' gene pool and avoid other risks associated with habitat fragmentation and isolation of species.

35. Over time, several environmental legislations including the Forest Act, 1927 and the Wildlife Act have been enacted to provide for the protection of forests and wild animals, with a view to ensuring ecological balance and preserving natural habitats including such corridors. The object of the Wildlife Act was interpreted emphatically by this Court in *State of Bihar v. Murad Ali Khan*⁹ in the following terms: (SCC pp. 660-61, paras 8 & 10)

“8. ... The policy and object of the wildlife laws have a long history and are the result of an increasing awareness of the compelling need to restore the serious ecological imbalances introduced by the depredations inflicted on nature by man. The state to which the ecological imbalances and the consequent environmental damage have reached is so alarming that unless immediate, determined and effective steps were taken, the damage might become irreversible. The preservation of the fauna and flora, some species of which are getting extinct at an alarming rate, has been a great and urgent necessity for the survival of humanity and these laws reflect a last ditch battle for the restoration, in part at least, a grave situation emerging from a long history of callous insensitiveness to the enormity of the risks to mankind that go with the deterioration of environment.

* * *

10. ... Environmentalists' conception of the ecological balance in nature is based on the fundamental concept that nature is “a series of complex biotic communities of which a man is an interdependent part” and that it should not be given to a part to trespass and diminish the whole. The largest single factor in the depletion of the wealth of animal life in nature has been the “civilised man” operating directly through excessive commercial hunting or, more disastrously, indirectly through invading or destroying natural habitats.”

36. Specifically in issue before us, is the corridor in the Sigur Plateau of Tamil Nadu. It connects the Western and the Eastern Ghats and sustains elephant populations and their genetic diversity. The Sigur Plateau has the Nilgiri Hills on its southwestern side and the Moyar River Valley on its north-eastern side. Depending on the monsoon, the elephants migrate in search of food and water and during the course of their migration, they have to cross the Sigur Plateau. This migratory path is considered to be very crucial as it connects several contiguous forest areas forming the Nilgiri Biosphere Reserve in the States of Tamil Nadu, Karnataka and Kerala, the largest protected forest area in India.

37. Conflicting maps of this corridor were presented before the Madras High Court, which thus directed the State Government to choose between: (i) the elephant corridors identified in the Wildlife Trust of India's book titled *Right of Passage — Elephant Corridors of India* which were referred to by the Central Government in its Letter dated 11-8-2006 to the State Government; or

⁹ (1988) 4 SCC 655 : 1989 SCC (Cri) 27

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a (ii) the single elephant corridor identified by the Expert Committee appointed by the High Court. As per the aforesaid book titled *Right of Passage*, the following 4 corridors lie in the Sigur Plateau region: (i) Avarahalla — Sigur, (ii) Kalhatti — Sigur at Glencorin, (iii) Moyar — Avarahalla and (iv) Kalmalai — Singara and Avarahalla. The Expert Committee examined all the elephant corridors in the area and identified a single elephant corridor comprising of various elephant corridors in the Sigur Plateau region. The State Government, vide the impugned G.O., notified this single elephant corridor, along the lines of the recommendations made by the Expert Committee.

b **38.** The first limb of the appellants' contentions before us is that there is no statutory power for creating/recognition of new corridors by the State Government. We do not find merit in this argument and, in principle, are in agreement with the findings of the High Court regarding the power of the State Government to take measures, including issuance of the impugned G.O., for protection of wildlife in Tamil Nadu. It is undeniable that the State Government is empowered to take measures to protect forests and wildlife falling within its territory in light of Entries 17-A "Forest" and 17-B "Protection of wild animals and birds" in the Concurrent List and the power of the State Government under the Wildlife Act to notify sanctuaries and other protected areas. It is an admitted position that the land of the appellants has also been notified as private forest in 1991 under the Tamil Nadu Preservation of Private Forests Act, 1949, which prohibits cutting of trees in private forests. Our attention has also been drawn to the decision of this Court in *T.N. Godavarma Thirumulpad v. Union of India*¹⁰ wherein felling of trees in the State of Tamil Nadu was prohibited in all forests, including forests situated in privately-owned lands. The contesting respondents have argued that the construction of the appellants' resorts must have necessarily run afoul of the above decision of this Court. Without commenting on the factual accuracy of this assertion, given that the classification of the appellants' land as private forest land is not in dispute here, we find no difficulty in holding that the State Government was empowered to protect the habitats situated on the appellants' land by notifying an elephant corridor thereupon.

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f **39.** Furthermore, since the impugned decision¹ of the High Court, the Ministry of Environment, Forest and Climate Change vide its Notification S.O. 4498(E) dated 13-12-2019 has declared the entire area in question and adjoining areas around the Mudumalai Tiger Reserve as an eco-sensitive zone. Under this Notification, the State Government of Tamil Nadu has been expressly directed to regulate land use generally, as well commercial establishment of hotels/resorts specifically, in the eco-sensitive zone so established. As was held by this Court in *M.C. Mehta (Badkhal & Surajkund Lakes Matter) v. Union of India*¹¹ the "precautionary principle" has been accepted as a part of the law of our land. Articles 21, 47, 48-A and 51-A(g) of the Constitution give a clear mandate to the State to protect and improve the

10 (1997) 2 SCC 267

h ¹ *In Defence of Environment & Animals v. State of T.N.*, WP No. 10098 of 2008, order dated 7-4-2011 (Mad)

11 (1997) 3 SCC 715

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environment and to safeguard the forests and wildlife of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests and wildlife and to have compassion for living creatures. The precautionary principle makes it mandatory for the State Government to anticipate, prevent and attack the causes of environmental degradation. In this light, we have no hesitation in holding that in order to protect the elephant population in the Sigur Plateau region, it was necessary and appropriate for the State Government to limit commercial activity in the areas falling within the elephant corridor.

40. The second limb of the appellants' submissions comprises of questions about the scientific accuracy of the Expert Committee's Report and contentions that the dimensions as well as the location of the single corridor identified therein are at odds with authoritative scientific publications. It has been argued by the appellants that their resorts and other establishments do not fall within the historic corridors identified in these publications. These assertions were dealt with by the High Court which held that there was material on record to show presence of elephants as well as a past incident of human-elephant conflict, which resulted in the death of a French tourist, in the region where the appellants' resorts are located. The High Court also held that any absence of elephants from the areas surrounding the appellants' resorts was, in fact, due to the construction activities of the appellants whereby access of the elephants has been restricted through erection of electric fencing. We see no reason to interfere with the above factual findings of the High Court and also do not find fault in the State Government's adoption of the recommendations of the High Court appointed Expert Committee, through the impugned G.O.

41. This brings us to the last limb of the submissions of the appellants, which is comprised of factual objections to the acreage of the elephant corridor as notified by the impugned G.O. and the actions taken by the District Collector, Nilgiris in pursuance thereof. The appellants have contended that there has been substantial variance between the acreage recommended for acquisition by the Expert Committee Report and the acreage in the impugned G.O. It is further alleged that the acreage in the newspaper advertisement by the State Government inviting objections to notification of the corridor is also different from the acreage in the impugned G.O. As all the objections received pursuant to the said newspaper advertisement were rejected by the State Government and since the impugned G.O. purported to adopt the recommendations of the Expert Committee, the appellants allege that the said variance in acreage is arbitrary and unreasonable. It has also been alleged that the District Collector, Nilgiris has acted arbitrarily in sealing their resorts after rejecting the documents submitted by the appellant resorts purporting to show approvals and title. Similarly, it has been alleged that the District Collector went beyond the scope of this Court's order dated 24-10-2018⁸ wherein immediate removal of electric fences and barbed wire was directed. It is the appellants' case that non-electric fences as well as fences beyond the notified elephant corridor area were removed by the District Collector. We are of the view that it is just and proper

⁸ A. Rangarajan v. Union of India, 2018 SCC OnLine SC 3630

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to hold an inquiry to establish the veracity of the above factual objections of the appellants.

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42. Therefore, we appoint a 3-member Inquiry Committee consisting of (i) Hon'ble Mr Justice K. Venkatraman, Former Judge of the Madras High Court (Chairman); (ii) Mr Ajay Desai, Consultant to World Wide Fund for Nature-India and Member of the Technical Committee to come up with a National Elephant Action Plan (NEAP), constituted by the Union Ministry of Environment, Forest and Climate Change (MoEF&CC); and (iii) Mr Praveen Bhargava, Trustee of Wildlife First and Former Member of National Board for Wildlife to decide the individual objections of the appellants and any other persons claiming to be aggrieved by the actions of the District Collector, Nilgiris pursuant to the impugned G.O. and as recorded before us through her Plan of Action Report and her twin Action-Taken Reports, as also the allegations regarding arbitrary variance in acreage of the elephant corridor under the impugned G.O. The State Government is directed to consult the Chairman of the Inquiry Committee and pay remuneration to him and the other members of the Inquiry Committee. Further, we direct the State Government to provide appropriate secretarial assistance and logistical support to the Inquiry Committee for holding the inquiry within four weeks from today.

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43. We leave it to the discretion of the Inquiry Committee to decide the location for its inquiry proceedings. We also authorise the Inquiry Committee to appoint requisite staff on temporary basis to assist the Committee in the inquiry and to fix their salaries. The State Government is directed to pay their salaries. The State Government and the district level authorities are directed to provide their full cooperation and produce any and all files/documents required by the Inquiry Committee to address the grievances of the appellants and any other persons claiming to be similarly aggrieved. The appellants and other persons claiming to be aggrieved by the plan of action/actions of the District Collector, Nilgiris pursuant to the impugned G.O. and the allegations regarding variance in acreage under the impugned G.O, are permitted to file objections containing their grievances before the Inquiry Committee within a period of four months from today. The Inquiry Committee is directed to consider the objections filed before it and pass appropriate orders thereon after granting the parties a reasonable opportunity of being heard. The parties are also permitted to file documents in support of their respective contentions before the Inquiry Committee.

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44. The present appeals are disposed of in the aforesaid terms, leaving the parties to bear their own costs. All pending applications shall stand disposed of.

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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय

अधिसूचना

नई दिल्ली, 7 अक्टूबर, 2016

का.आ. 3187(अ).—गंगा नदी में पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं उपशमन और जल का सतत पर्याप्त प्रवाह सुनिश्चित करने के उपाय करने तथा इससे संबंधित अथवा प्रासंगिक मामलों हेतु केन्द्र, राज्य और जिला स्तर पर प्राधिकरणों का गठन करना जरूरी है, जिससे गंगा नदी का पुनरुद्धार करके इसे इसकी प्राकृतिक एवं मूल स्थिति में लाया जा सके।

जहां, गंगा नदी भौगोलिक, ऐतिहासिक, सामाजिक-सांस्कृतिक एवं आर्थिक कारणों से अद्वितीय महत्व की है जो इसे राष्ट्रीय नदी का दर्जा देता है;

और जहां, गंगा नदी तेजी से हो रहे शहरीकरण एवं औद्योगिकीकरण के कारण सीवेज, औद्योगिक बहिस्त्राव एवं अन्य प्रदूषकों के बढ़ने के कारण गंभीर स्थिति में है;

और जहां, प्रतिस्पर्धी मांग को पूरा करने की आवश्यकता को ध्यान में रखते हुए जनसंख्या, शहरीकरण, औद्योगिकीकरण, अवसंरचना विकास में वृद्धि के कारण सिंचाई, पेयजल आपूर्ति, औद्योगिक उपयोग एवं जल विद्युत के लिए गंगा नदी के जल की मांग बढ़ रही है;

और जहां, अविलंब निम्नलिखित कार्रवाई किए जाने की आवश्यकता है-----

(ए) व्यापक आयोजना एवं प्रबंधन के लिए इस अंतर्राज्यीय एवं अंतर्देशीय समन्वय को प्रोत्साहित करने के लिए नदी बेसिन दृष्टिकोण अपनाकर गंगा नदी में प्रदूषण में प्रभावी कमी तथा नदी का संरक्षण सुनिश्चित करना;

(बी) नदी की पूरी लंबाई के क्षेत्र में सतत प्रवाह सुनिश्चित करने के उद्देश्य से गंगा नदी में पारिस्थितिकीय प्रवाह बनाए रखना जिससे इसकी पारिस्थितिकीय समग्रता को पुनः स्थापित किया जा सके और यह स्वयं अपना पुनरुद्धार करने में सक्षम हो सके;

(सी) गंगा नदी के आस-पास के क्षेत्रों में प्रतिबंध लगाना जहां उद्योग, प्रचालन अथवा प्रक्रियाएं अथवा उद्योगों का वर्ग, प्रचालन अथवा प्रक्रियाएं नहीं की जाएंगी अथवा कुछ सुरक्षा उपायों के साथ की जाएंगी;

(डी) किसी भवन, संयंत्र, उपकरणों, मशीनों, निर्माण अथवा अन्य प्रक्रियाओं, सामग्री अथवा पदार्थों के निरीक्षण का प्रावधान करना और ऐसे प्राधिकरणों, अधिकारियों तथा व्यक्तियों को गंगा नदी में पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाने के लिए कदम उठाने के निर्देश देना जैसा कि यह आवश्यक समझे।

(ई) गंगा नदी में पर्यावरणीय प्रदूषण की समस्या से संबंधित अन्वेषण एवं अनुसंधान करना एवं प्रायोजित करना और पर्यावरणीय प्रदूषण फैलाने वाली संभावित निर्माण प्रक्रियाओं, सामग्री तथा पदार्थों की जांच करना;

(एफ) गंगा नदी में पर्यावरणीय प्रदूषण से संबंधित मामलों के संदर्भ में सूचना एकत्रित एवं प्रसारित करना और पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाने के संबंध में मैनुअल, कोड अथवा गाइड तैयार करना;

और जहां, गंगा के पुनरुद्धार के लिए समान रूप से उत्तरदायी होने के कारण संबंधित राज्य सरकारों को राज्य स्तर पर नदी संरक्षण क्रियाकलापों का समन्वय एवं कार्यान्वयन करना होगा और उनके राज्य में गंगा नदी के व्यापक प्रबंधन के लिए कदम उठाने होंगे;

और जहां, गंगा नदी में प्रदूषण को समाप्त करने और संरक्षण, सुरक्षा और प्रबंधन के लिए इस आदेश के अंतर्गत केंद्र सरकार और राज्य सरकारों तथा प्राधिकरणों के सामूहिक प्रयासों को सुदृढ़ करने के लिए आयोजना, वित्त पोषण, निगरानी और समन्वय की आवश्यकता होगी।

अब, इसलिए, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) (इसके बाद उक्त अधिनियम कहा गया है) की धारा 3 तथा 4, 5, 9, 10, 11, 19, 20 और 23 की उपधारा (2) तथा (3) के अनुच्छेद (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xii) तथा (xiii) के साथ उपधारा (1) द्वारा दी गई शक्तियों का प्रयोग करते हुए और पूर्ववर्ती पर्यावरण एवं वन मंत्रालय में भारत सरकार की 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 1111(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2539(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2493(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2494(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2495(अ) और 8 फरवरी 2010 की का.आ. 287(अ) और जल संसाधन, नदी विकास और गंगा संरक्षण में 29 सितंबर 2014 की का.आ. संख्या 2539(अ) का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पहले किए गए अथवा छोड़े गए कार्यों को छोड़कर, केन्द्र सरकार एतद्वारा-

(i) ऐसी शक्तियों तथा कार्यों को करने के उद्देश्य से इस आदेश में उल्लिखित नामों से प्राधिकरण गठित करती है (उक्त अधिनियम की धारा 5 के तहत निर्देश जारी करने की शक्ति के साथ और इस आदेश में उल्लिखित मामलों के संदर्भ में उपाय करने के लिए) ;

(ii) केन्द्र सरकार के पर्यवेक्षण एवं नियंत्रण और इस आदेश के प्रावधानों के शर्ताधीन इस आदेश में विनिर्दिष्ट प्राधिकारी अथवा प्राधिकारियों को निर्देश देती है कि वे इस आदेश में उल्लिखित शक्तियों का प्रयोग अथवा कार्यों का निष्पादन अथवा उपाय करेंगे जैसे कि इन प्राधिकारियों को उक्त अधिनियम द्वारा इन शक्तियों का प्रयोग करने, इन कार्यों का निष्पादन करने अथवा ऐसे उपाय करने का अधिकार दिया गया है;

(iii) यह निर्देश देती है कि उक्त अधिनियम के किसी प्रावधान के तहत गंगा नदी और उससे जुड़े मामलों के संबंध में इसकी सभी शक्तियों एवं कार्यों (धारा 3 की उपधारा (3) के तहत किसी प्राधिकरण के गठन की शक्ति और उक्त अधिनियम की धारा 6 और 25 के तहत नियम बनाने को छोड़कर) का प्रयोग इस आदेश में विनिर्दिष्ट शर्तों एवं सीमाओं के शर्ताधीन इस आदेश द्वारा गठित प्राधिकरणों और इस आदेश में विनिर्दिष्ट अधिकारियों द्वारा भी किया जा सकेगा।

1. लघु शीर्षक एवं प्रारंभ- (1) इस आदेश को गंगा नदी (संरक्षण, सुरक्षा एवं प्रबंधन) प्राधिकरण आदेश, 2016 कहा जाए।

(2) यह सरकारी राजपत्र में प्रकाशन की तारीख से लागू होगा।

2. आदेश को लागू करने का क्षेत्र- यह आदेश गंगा नदी में प्रदूषण की प्रभावी कमी तथा संरक्षण, सुरक्षा एवं प्रबंधन के उद्देश्य से गंगा नदी बेसिन वाले राज्यों अर्थात् हिमाचल प्रदेश, उत्तराखंड, उत्तर प्रदेश, मध्य प्रदेश, छत्तीसगढ़, बिहार, झारखंड,

हरियाणा, राजस्थान, पश्चिम बंगाल और राष्ट्रीय राजधानी क्षेत्र दिल्ली और ऐसे अन्य राज्य जिनमें गंगा नदी की प्रमुख उपनदियां स्थित हैं, पर लागू होगा, जैसा कि गंगा नदी के संरक्षण, सुरक्षा तथा प्रबंधन के लिए राष्ट्रीय परिषद निर्णय ले।

3. परिभाषाएं, यदि संदर्भ में अन्य रूप में अपेक्षित न हो-

(ए) “अधिनियम” का अर्थ पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) होगा।

(बी) “बेसिन” का अर्थ क्षेत्र में मृदा, जल, वनस्पति तथा अन्य प्राकृतिक संसाधन सहित जल निकाय अथवा जल मार्ग के संपूर्ण आवाह क्षेत्र से है और इसमें आवाह आधार पर भूमि, जल, वनस्पति एवं अन्य प्राकृतिक संसाधन शामिल हैं।

(सी) “बफर क्षेत्र” का अर्थ उस क्षेत्र से है जो नदी के बाढ़ मैदान से आगे है।

(डी) “आवाह” अथवा “आवाह क्षेत्र” में वह संपूर्ण भूमि क्षेत्र शामिल है जिसमें वर्षा, हिम अथवा बर्फ का अपवाह जल मार्ग के गंगा नदी अथवा इसकी उपनदियों में मिलने अथवा गंगा नदी अथवा इसकी उपनदियों में जल छोड़ने से पहले एक जल निकाय अथवा जल मार्ग में गिरता है।

(ई) “व्यावसायिक मछली पालन” का अर्थ गंगा नदी अथवा इसकी उपनदियों में नेट, जहर अथवा अन्य आधुनिक फिशिंग गेयर अथवा पद्धतियों द्वारा व्यावसायिक प्रयोजन से बड़े पैमाने पर मछली पालन से है।

(एफ) “सक्षम प्राधिकारी” का अर्थ केन्द्र सरकार से है।

(जी) “वनकटाव” का अर्थ विशेष रूप से गंगा नदी के आवाह क्षेत्र में वन क्षेत्र में कमी, विशेषतौर पर मानवजनित क्रियाकलापों द्वारा अथवा वन के वैज्ञानिक प्रबंधन के लिए नियोजित रूप से इस हटाने को छोड़कर वन में पेड़ों अथवा वनस्पति को हटाने से है।

(एच) “अवक्रमित वन” का अर्थ गंगा नदी अथवा इसकी उपनदियों के आस-पास आवाह क्षेत्र में मूल वन क्षेत्र अथवा वनस्पति घनत्व में कमी वाले वन से है।

(आई) “निर्देश” का अर्थ अधिनियम की धारा 5 के तहत जारी निर्देश से है और “निर्देश देने” का अर्थ इसी के अनुसार होगा।

(जे) “जिला गंगा समिति” का आशय, पैराग्राफ 53 में उल्लिखित जिला गंगा सुरक्षा समिति से है।

(के) “इंजीनियर्ड डायवर्जन” का अर्थ गंगा नदी अथवा इसकी उपनदियों के जल को नहरों अथवा अन्य इंजीनियरिंग संरचनाओं में अंतरित करने के लिए बनाई गई अथवा संस्थापित संरचना अथवा यंत्र से है।

(एल) “बाढ़ मैदान” का अर्थ गंगा नदी अथवा इसकी उपनदियों के ऐसे क्षेत्र से है जो इसके अधिकतम प्रवाह के संगत बाढ़ अथवा 100 वर्ष में एक बार आने वाली बाढ़ के समान बाढ़ के कारण दोनों ओर जल के अंदर आ जाता है।

(एम) “घाट” का अर्थ गंगा अथवा इसकी उपनदियों के तट पर ढलान वाले भाग से है जिसमें कृत्रिम रूप से निर्मित सीढ़ियां और गंगा नदी अथवा इसकी उपनदियों के जल तक मानव की सरल पहुंच के लिए प्रयुक्त भूमि के ढलान वाले क्षेत्र शामिल हैं और धार्मिक अथवा अन्य संबंधित प्रयोजन से ऐसे भागों का प्रयोग शामिल है।

(एन) “स्थानीय प्राधिकरण” में पंचायती राज संस्थाएं, नगरपालिकाएं, जिला बोर्ड, छावनी बोर्ड, नगर नियोजन प्राधिकरण अथवा जिला परिषद अथवा अन्य कोई निकाय अथवा प्राधिकरण, जिस भी नाम से जाना जाता हो, जिसे एक विशिष्ट स्थानीय क्षेत्र में आवश्यक सेवाएं देने हेतु अथवा नागरिक सेवाओं के नियंत्रण एवं प्रबंधन के लिए कानून द्वारा मान्यता दी गई हो।

(ओ) “राष्ट्रीय स्वच्छ गंगा मिशन” का अर्थ पैराग्राफ 31 में उल्लिखित प्राधिकरण है।

(पी) “अधिसूचना” का अर्थ सरकारी राजपत्र में प्रकाशित अधिसूचना से है और “अधिसूचित करने” का अर्थ इसी के अनुसार होगा।

(क्यू) “प्रदूषित पदार्थ” में ठोस अपशिष्ट शामिल होगा जिसमें पशुओं के शव, रसोई अथवा अस्तबल का अपशिष्ट, गोबर, कचरा, सड़ी हुई अथवा दुर्गंधयुक्त सामग्री और किसी भी प्रकार की गंदगी शामिल है जो सीवेज में नहीं आती।

(आर) “व्यक्ति” में निम्नलिखित शामिल है-

- (i) एक व्यक्ति अथवा समूह अथवा व्यक्तियों का संघ शामिल किया गया हो अथवा नहीं;
- (ii) कंपनी अधिनियम, 2013 (2013 का 18) के तहत स्थापित कंपनी;
- (iii) किसी केन्द्रीय अथवा राज्य अधिनियम द्वारा स्थापित कोई निगम;
- (iv) एक स्थानीय प्राधिकरण;
- (V) उपर्युक्त उपखंडों में से किसी में भी न आने वाला प्रत्येक न्यायिक व्यक्ति।

(एस) “नदी तल” का अर्थ गंगा नदी अथवा इसकी उपनदियों के क्षेत्र के सूखे हिस्से से है और इसमें वह स्थान शामिल है जहां गंगा नदी अथवा इसकी उपनदियां बहती हैं जब वे जल से भर जाती हैं और गंगा नदी अथवा इसकी उपनदियों के किनारे स्थित भूमि शामिल है जो जल का सर्वाधिक प्रवाह होने पर अपने प्राकृतिक चैनल में जल को बनाए रखती है।

(टी) “नदी तल खेती” में जल के कम प्रवाह के समय गंगा नदी अथवा इसकी उपनदियों के नदी तल पर मौसमी कृषि अथवा खेती से है।

(यू) “गंगा नदी” धारा का अर्थ उत्तराखंड राज्य में 6 प्रमुख धाराओं की संपूर्ण लंबाई अर्थात् अलकनंदा, धौलीगंगा, नंदाकिनी, पिंडर, मंदाकिनी और भागीरथी से है जो अपने मूल ग्लेशियर से विष्णु प्रयाग, नंद प्रयाग, कर्ण प्रयाग, रूद्र प्रयाग और देव प्रयाग में उनके संबंधित संगम तक है और नदी की मुख्य धारा भी इसमें शामिल है और उसके बाद प्रयागराज सहित गंगा सागर तक और इसकी सभी उपनदियां शामिल हैं।

(वी) “कूड़ा करकट” का अर्थ राख, टूटी हुई ईंटों, गारे, टूटे हुए कांच, धूल अथवा किसी प्रकार के अपशिष्ट और गंदगी से है।

(डब्ल्यू) “मिट्टी के खनन” का अर्थ सूखे चैनल बेल्ट, बाढ़ मैदान अथवा गंगा नदी अथवा इसकी उपनदियों के भाग से नदी में बड़े पैमाने पर मिट्टी को हटाने से है।

(एक्स) “सीवेज अपशिष्ट” का अर्थ किसी सीवेज प्रणाली अथवा सीवेज निपटान कार्य के बहिष्काव से है और इसमें खुले नालों का सीवेज शामिल है।

(वाई) “सीवेज स्कीम” का अर्थ ऐसी स्कीम से है जो एक स्थानीय प्राधिकरण भूमिगत बंद सीवर के माध्यम से जल को फ्लश करके सीवेज हटाने की प्रक्रिया शुरू करें।

(जेड) “अनुसूची” का अर्थ इस आदेश के साथ संलग्न अनुसूची है।

(जेडए) “विनिर्दिष्ट जिले” का अर्थ हिमाचल प्रदेश, उत्तराखंड, उत्तर प्रदेश, मध्य प्रदेश, छत्तीसगढ़, बिहार, झारखंड, हरियाणा, राजस्थान, पश्चिम बंगाल और राष्ट्रीय राजधानी क्षेत्र दिल्ली और ऐसे अन्य राज्य जिनमें इस आदेश में उल्लिखित गंगा नदी की प्रमुख उपनदियां स्थित हैं, में गंगा नदी अथवा इसकी उपनदियों के 15 किमी. के क्षेत्र में गंगा नदी के आस-पास स्थित प्रत्येक जिले के क्षेत्र से है।

(जेडबी) “राज्य गंगा समिति” का अर्थ पैरा 2 में उल्लिखित राज्यों में से प्रत्येक राज्य के लिए इस आदेश के तहत गठित राज्य गंगा संरक्षण, सुरक्षा एवं प्रबंधन समिति से है।

(जेडसी) राज्य गंगा नदी संरक्षण प्राधिकरण का अर्थ प्रत्येक राज्य में अधिनियम के तहत पूर्व गठित प्राधिकरण से है अर्थात्:-

- (i) पर्यावरण एवं वन मंत्रालय में दिनांक 8 फरवरी, 2010 की भारत सरकार की अधिसूचना संख्या का.आ. 287(अ) द्वारा गठित बिहार राज्य गंगा नदी संरक्षण प्राधिकरण।
- (ii) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 2495(अ) द्वारा गठित झारखंड राज्य गंगा नदी संरक्षण प्राधिकरण।

(iii) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 1111(अ) द्वारा गठित उत्तराखंड राज्य गंगा नदी संरक्षण प्राधिकरण।

(iv) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 2493(अ) द्वारा गठित उत्तर प्रदेश राज्य गंगा नदी संरक्षण प्राधिकरण।

(v) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 2494(अ) द्वारा गठित पश्चिम बंगाल राज्य गंगा नदी संरक्षण प्राधिकरण।

(जेडडी) “धारा” में नदी, जल मार्ग (प्रवाहित हो रहे हों अथवा कुछ समय के लिए सूखे हों), अंतर्देशीय जल (प्राकृतिक अथवा कृत्रिम) और उपक्षेत्र जल शामिल है।

(जेडई) “गंगा नदी की उपनदियों” का अर्थ उन नदियों अथवा धाराओं से है जो गंगा नदी में प्रवाहित होती हैं और इनमें यमुना नदी, सोन नदी, महानंदा नदी, कोसी नदी, गंडक नदी, घाघरा नदी और महाकाली नदी तथा उनकी उपनदियां अथवा ऐसी अन्य नदियां जिन्हें राष्ट्रीय गंगा नदी संरक्षण, सुरक्षा एवं प्रबंधन परिषद इस आदेश के उद्देश्य से विनिर्दिष्ट करे, शामिल हैं।

2. इस आदेश में प्रयुक्त किए गए तथा परिभाषित नहीं किए गए शब्दों एवं पदों का अर्थ यदि पर्यावरण (सुरक्षा) अधिनियम, 1986 (1986 का 29) में परिभाषित किया गया है तो उनका अर्थ वही समझा जाएगा जो उक्त अधिनियम में दिया गया है।

4. गंगा नदी की सुरक्षा, प्रबंधन एवं संरक्षण के लिए उपाय करने हेतु अपनाए जाने वाले सिद्धांत- (1) गंगा नदी के संरक्षण, सुरक्षा एवं प्रबंधन के लिए उपाय करने हेतु निम्नलिखित सिद्धांत अपनाए जाएंगे अर्थात:-

(i) गंगा नदी को एक एकल प्रणाली के रूप में प्रबंधित किया जाएगा;

(ii) गंगा नदी के जल की रासायनिक, भौतिक एवं जीव विज्ञानीय गुणवत्ता को पुनःस्थापित करने एवं इस बनाए रखने का कार्य समयबद्ध ढंग से किया जाएगा;

(iii) गंगा नदी को पारिस्थितिकीय ढंग से सतत पद्धति में प्रबंधित किया जाएगा;

(iv) गंगा नदी में प्राकृतिक मौसमी विविधता में परिवर्तन किए बिना नदी में प्रवाह बनाए रखा जाएगा;

(v) गंगा नदी के देशान्तरीय, लेटरल तथा ऊर्ध्वाधर आयाम (कनेक्टिविटी) नदी प्रबंधन प्रक्रियाओं तथा पद्धतियों में शामिल किए जाएंगे;

(vi) सतही प्रवाह तथा उपसतही जल (भूजल) के बीच समग्र संबंध को पुनःस्थापित किया जाएगा एवं बनाए रखा जाएगा;

(vii) आवाह क्षेत्र में खोई प्राकृतिक वनस्पति को पुनः सृजित किया जाएगा एवं बनाए रखा जाएगा;

(viii) गंगा नदी बेसिन में जलीय एवं तटीय जैव-विविधता को पुनः सृजित एवं संरक्षित किया जाएगा;

(ix) प्रदूषण के स्रोत, दबाव को कम करने और इसके प्राकृतिक भूजल पुनर्भरण विशेषताओं को बनाए रखने के लिए गंगा नदी के तट और इसके बाढ़ मैदान को निर्माण मुक्त जोन बनाया जाएगा;

(x) संरक्षण, सुरक्षा एवं प्रबंधन में जनता की भागीदारी, किसी विनियम, मानक में संशोधन करना एवं लागू करने, संरक्षण, सुरक्षा एवं प्रबंधन के लिए बहिष्कार न्यूनीकरण योजना अथवा कार्यक्रम को प्रोत्साहन दिया जाए और गंगा नदी के संरक्षण, सुरक्षा एवं प्रबंधन की प्रक्रियाओं एवं पद्धतियों का अभिन्न हिस्सा बनाया जाएगा;

(2) राष्ट्रीय स्वच्छ गंगा मिशन देश के लोगों की आवश्यकताओं, प्रौद्योगिकी में उन्नयन तथा लोगों की सामाजिक-आर्थिक स्थिति को ध्यान में रखते हुए और राष्ट्रीय संयुक्त संस्तुति की समृद्ध विरासत के संरक्षण के लिए उपपैरा (1) के तहत विनिर्दिष्ट सिद्धांतों के अतिरिक्त सिद्धांत विनिर्दिष्ट कर सकता है।

5. गंगा नदी में जल का पारिस्थितिकीय प्रवाह बनाए रखा जाए- (1) प्रत्येक राज्य सरकार, यह सुनिश्चित करने का प्रयास करेगी कि पैरा के उप पैरा (iv) में दिए गए अनुसार गंगा नदी में हर समय जल का अबाधित प्रवाह बनाए रखा जाए।

(2) प्रत्येक राज्य सरकार भी गंगा नदी में इसकी पारिस्थितिकीय समग्रता को बनाए रखने के लिए विभिन्न मौसम में जल का पर्याप्त प्रवाह बनाए रखने के प्रयास करेगी और इस लक्ष्य को प्राप्त करने के लिए सभी संबंधित प्राधिकरण समयबद्ध ढंग से उचित कार्रवाई करेंगे।

(3) इस पैरा के प्रयोजन से जल के औसत प्रवाह का निर्धारण राष्ट्रीय स्वच्छ गंगा मिशन द्वारा गंगा नदी पर विनिर्दिष्ट बिन्दुओं पर विनिर्दिष्ट जल वैज्ञानिक प्रेक्षण केन्द्रों द्वारा किया जाएगा।

बशर्ते कि राष्ट्रीय स्वच्छ गंगा मिशन द्वारा पारिस्थितिकी को ध्यान में रखते हुए गंगा नदी पर विभिन्न बिन्दुओं के लिए नदी में जल का औसत प्रवाह निर्धारित किया जाए।

6. गंगा नदी और उसकी उप नदियों में पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाना

(1) कोई व्यक्ति गंगा नदी अथवा इसकी उपनदियों अथवा इसके तटों पर प्रत्यक्ष रूप से अथवा अप्रत्यक्ष रूप से अशोधित अथवा शोधित सीवेज अथवा सीवेज कीचड़ नहीं डालेगा;

बशर्ते कि जहां किसी स्थानीय प्राधिकरण के पास इस आदेश के लागू होने की तारीख को सीवेज अथवा कीचड़ के एकत्रण, भंडारण, ले जाने और निपटान के लिए सीवेज स्कीम अथवा अवसंरचना नहीं है अथवा गंगा नदी अथवा इसकी उपनदियों के आस-पास के क्षेत्र में उपर्युक्त तारीख तक ऐसी अवसंरचना प्रचालन में न हों, ऐसा प्रत्येक स्थानीय प्राधिकरण इस आदेश के लागू होने की तारीख से राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट अवधि में स्थानीय प्राधिकरण के क्षेत्र में सीवेज के एकत्रण, भंडारण, ले जाने एवं निपटान के लिए ऐसी अवसंरचना विकसित करेगा अथवा ऐसी अवसंरचना प्रचालन में लाएगा।

(2) कोई व्यक्ति प्रत्यक्ष रूप से अप्रत्यक्ष रूप से गंगा नदी अथवा इसकी उपनदियों अथवा इनके तटों पर अशोधित अथवा शोधित व्यावसायिक बहिस्त्राव, औद्योगिक अपशिष्ट नहीं छोड़ेगा;

बशर्ते यह भी कि जहां किसी उद्योग अथवा औद्योगिक क्षेत्र प्रबंधन के पास इस आदेश के लागू होने की तारीख को औद्योगिक बहिस्त्राव शोधन स्कीम अथवा अवसंरचना न हो अथवा गंगा नदी अथवा इसकी उपनदियों के आस-पास के क्षेत्र में उपर्युक्त तारीख को ऐसी अवसंरचना प्रचालन में न हो, ऐसा प्रत्येक उद्योग अथवा औद्योगिक क्षेत्र प्रबंधन उद्योग अथवा औद्योगिक क्षेत्र प्रबंधन के कार्यक्षेत्र में इस आदेश के लागू होने की तारीख से राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट अवधि में व्यावसायिक बहिस्त्राव, औद्योगिक अपशिष्ट के एकत्रण, भंडारण, ले जाने एवं निपटान के लिए अवसंरचना विकसित करेगा अथवा ऐसी अवसंरचना प्रचालन में लाएगा।

(3) कोई व्यक्ति गंगा नदी में अथवा गंगा नदी या इसकी उपनदियों के तट अथवा इनके सक्रिय बाढ़ मैदानी क्षेत्र में आवासीय अथवा वाणिज्यिक अथवा औद्योगिक अथवा अन्य किसी प्रयोजन से स्थायी अथवा अस्थायी संरचना का निर्माण नहीं करेगा;

बशर्ते कि, अपवाद की स्थितियों जैसे प्राकृतिक आपदा अथवा पारंपरिक स्थलों पर धार्मिक आयोजनों के लिए राज्य गंगा समिति और जिला गंगा समिति के माध्यम से राष्ट्रीय स्वच्छ गंगा मिशन की पूर्व अनुमति से अस्थायी संरचनाएं बनायी जा सकती हैं;

बशर्ते यह भी कि इस आदेश के लागू होने से पहले गंगा नदी अथवा इसकी उपनदियों के तट अथवा सक्रिय बाढ़ मैदान में यदि कोई ऐसी संरचना बनाई गई है तो राष्ट्रीय स्वच्छ गंगा मिशन ऐसी संरचनाओं की समीक्षा करेगा ताकि यह जांच की जा सके कि ऐसी संरचनाएं गंगा नदी अथवा इसकी उपनदियों में जल के सतत प्रवाह को बाधित नहीं कर रही अथवा नदी में प्रदूषण नहीं फैला रही और यदि ऐसा है तो यह उन्हें हटाने की कार्रवाई कर सकता है।

(4) कोई व्यक्ति ऐसा कोई क्रियाकलाप अथवा किसी परियोजना अथवा प्रक्रिया अथवा क्रियाकलाप नहीं करेगा अथवा जारी रखेगा। जिससे गंगा नदी में प्रदूषण हो, चाहे यह क्रियाकलाप इस आदेश में उल्लिखित हो या न हो।

(5) राष्ट्रीय स्वच्छ गंगा मिशन का यह कर्तव्य होगा कि प्रत्येक विनिर्दिष्ट राज्य गंगा समिति अथवा विनिर्दिष्ट जिला गंगा संरक्षण समिति, स्थानीय प्राधिकरण और सभी अन्य प्राधिकरण तथा व्यक्ति गंगा नदी और इसकी उपनदियों के आस-पास के प्रत्येक गांव/नगर, शहर तथा अन्य क्षेत्रों में स्थानीय भाषा में रिपोर्टों में दी गई सूचना तथा उपर्युक्त उपायों का विभिन्न माध्यमों से व्यापक प्रचार करेंगे तथा जनता के ध्यान में लाएंगे।

7. गंगा नदी और इसकी सहायक नदियों के प्रदूषण के मामले में आपातकालीन उपाय- किसी दुर्घटना अथवा अनदेखे कार्य अथवा घटना के कारण गंगा नदी में कोई भी विषैला हानिकारक अथवा प्रदूषक कारक पाया जाता है अथवा प्रवेश किया है, और तत्काल कार्रवाई करने की आवश्यकता होती है, तो ऐसे कार्यों को करने के लिए तत्काल कार्रवाई शुरू करनी होगी अथवा

विनिर्दिष्ट राज्य गंगा समिति अथवा विनिर्दिष्ट जिला गंगा समिति अथवा स्थानीय प्राधिकरण अथवा कोई अन्य प्राधिकरण अथवा बोर्ड अथवा निगम द्वारा ऐसे कार्यों को करने हेतु निर्देश दिया जाएगा, चूंकि इसे निम्नलिखित सभी अथवा किसी उद्देश्य के लिए आवश्यक समझा जाए। अर्थात्

(क) प्रदूषक की उपस्थिति के कारण किसी प्रदूषण के उपशमन अथवा निपटान के लिए इस ढंग से जैसा कि विनिर्दिष्ट किया गया है, गंगा नदी से प्रदूषक सामग्री को हटाने की पद्धति और निपटाना के साथ साथ ऐसे कार्यों को करने के लिए यथा उपयुक्त समझा जाता है।

(ख) गंगा नदी में किसी भी विषैले, हानिकारक अथवा प्रदूषक सामग्री को छोड़ने से किसी व्यक्ति अथवा स्थानीय प्राधिकरण अथवा संबंधित अन्य प्राधिकरण अथवा बोर्ड अथवा निगम को नियंत्रित करने अथवा निषेध करने संबंधी निर्देश जारी करना।

(ग) इस प्रकार की आपातकालीन समस्या के समाधान के लिए कोई अतिरिक्त कार्य अथवा कार्य पद्धति शुरू करना जैसा भी आवश्यक हो।

8. निर्देश जारी करने की शक्ति- राष्ट्रीय स्वच्छ गंगा मिशन, इस आदेश के तहत अपनी शक्तियों और निष्पादन अथवा अपने कार्य पद्धतियों का प्रयोग कर सकता है, जिसे प्रदूषण का निवारण और गंगा नदी के संरक्षण, संरक्षा एवं प्रबंधन के लिए आवश्यक समझा जाए। संबंधित प्राधिकरण अथवा स्थानीय प्राधिकरण अथवा अन्य प्राधिकरणों अथवा बोर्ड अथवा निगम अथवा व्यक्ति को लिखित में अधिनियम के तहत ऐसे निर्देश जारी करना और वे ऐसे निर्देशों का पालन करने के लिए बाध्य होंगे।

व्याख्या- संदेह के निवारण के लिए एतद द्वारा घोषित किया जाता है कि इस धारा के तहत निर्देश जारी करने की शक्ति शामिल की जाती है लेकिन निर्देश देने की शक्ति को सीमित नहीं किया जाता है-

(क) किसी उद्योग, प्रचालन अथवा प्रक्रिया को बंद करना, निषेध अथवा विनियमन; अथवा

(ख) विद्युत अथवा जल की आपूर्ति अथवा अन्य किसी सेवा को रोकना अथवा विनियमन

(ग) इस आदेश अथवा उल्लिखित अधिनियम अथवा बनाए गए नियम अथवा इसके तहत जारी निर्देशों के विरोधी किसी कार्य को रोकना अथवा बंद करना।

(घ) इस आदेश अथवा उल्लिखित अधिनियम में विनिर्दिष्ट उपायों का प्रभावी कार्यान्वयन

9. गंगा सुरक्षा लेखा परीक्षा- प्रत्येक विनिर्दिष्ट जिला गंगा समिति वार्षिक समय ढांचा के भीतर और ऐसे जिला के लिए गंगा नदी के क्षेत्र हेतु राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किए जाने वाले प्रोटोकॉल के अनुसार गंगा सुरक्षा लेखा परीक्षकों द्वारा गंगा सुरक्षा लेखा परीक्षा करवाई जाएगी और विनिर्दिष्ट राज्य गंगा समिति तथा राष्ट्रीय स्वच्छ गंगा मिशन को इस संबंध में शुरू की गई सुधारात्मक कार्रवाई सहित इस सुरक्षा लेखा परीक्षा की रिपोर्ट की प्रति अग्रेषित करेगी, जिस पर उपयुक्त कार्रवाई की जाएगी, यदि आवश्यक हो।

10. गंगा नदी तथा इसकी सहायक नदियों में प्रदूषण की निगरानी किया जाना- (1) गंगा नदी तथा इसकी सहायक नदियों में प्रदूषण की निगरानी राष्ट्रीय स्वच्छ गंगा मिशन द्वारा स्वयं अथवा उपग्रह के चित्रों तथा अन्य दूरसंवेदी प्रौद्योगिकियों के उपयोग द्वारा विभिन्न राज्य और केन्द्र सरकारी अभिकरणों के साथ-साथ इसके द्वारा विनिर्दिष्ट किए जाने वाले आवधिक आधार पर वास्तविक केन्द्रों, ऑनलाइन निगरानी और स्वतंत्र अभिकरणों के माध्यम से निर्देशों द्वारा की जाएगी।

(2) उप-पैराग्राफ के प्रावधानों के बावजूद (1) केन्द्र सरकार गंगा तथा इसकी सहायक नदियों में ऊपर उल्लिखित प्रदूषण की निगरानी के लिए किसी अन्य तकनीक अथवा पद्धति, जिसे निर्देशों में विनिर्दिष्ट किया जा सके, को अपनाकर गंगा तथा इसकी सहायक नदियों में प्रदूषण की निगरानी के कार्य को किसी अन्य अभिकरण अथवा निकाय अथवा सीधे, प्रौद्योगिकी को अद्यतन करने के उद्देश्य से, सौंप सकती है।

11. गंगा नदी के संरक्षण, सुरक्षा और प्रबंधन संबंधी राष्ट्रीय परिषद का गठन - इस आदेश को लागू करने की तिथि से अधिनियम के उद्देश्यों तथा इस आदेश और उल्लिखित अधिनियम के तहत यथा विनिर्दिष्ट शक्तियों का उपयोग करने तथा कार्यों को करने के लिए गंगा नदी के संरक्षण, संरक्षा, प्रबंधन संबंधी राष्ट्रीय परिषद के नाम से (जिसे इस आदेश में इसके पश्चात् राष्ट्रीय गंगा परिषद कहा जाएगा) एक प्राधिकरण का गठन किया जाएगा।

12. राष्ट्रीय गंगा परिषद की संरचना- राष्ट्रीय गंगा परिषद में निम्नलिखित सदस्य शामिल होंगे, नामतः-	
(क) प्रधानमंत्री	अध्यक्ष, पदेन
(ख) केन्द्रीय जल संसाधन, नदी विकास और गंगा संरक्षण मंत्री	उपाध्यक्ष, पदेन
(ग) केन्द्रीय पर्यावरण वन एवं जलवायु परिवर्तन मंत्री	सदस्य, पदेन
(घ) केन्द्रीय वित्त मंत्री	सदस्य, पदेन
(ङ) केन्द्रीय शहरी विकास मंत्री	सदस्य, पदेन
(च) केन्द्रीय विद्युत मंत्री	सदस्य, पदेन
(छ) केन्द्रीय विज्ञान एवं प्रौद्योगिकी मंत्री	सदस्य, पदेन
(ज) केन्द्रीय ग्रामीण विकास मंत्री	सदस्य, पदेन
(झ) केन्द्रीय पेयजल एवं स्वच्छता मंत्री	सदस्य, पदेन
(ञ) केन्द्रीय पोत परिवहन मंत्री	सदस्य, पदेन
(ट) केन्द्रीय पर्यटन राज्य मंत्री	सदस्य, पदेन
(ठ) उपाध्यक्ष, नीति आयोग	सदस्य, पदेन
(ड) मुख्यमंत्री, बिहार	सदस्य, पदेन
(ढ) मुख्यमंत्री, झारखंड	सदस्य, पदेन
(ण) मुख्यमंत्री, उत्तराखंड	सदस्य, पदेन
(त) मुख्यमंत्री, उत्तर प्रदेश	सदस्य, पदेन
(थ) मुख्यमंत्री, पश्चिम बंगाल	सदस्य, पदेन
(द) सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय-	सदस्य, पदेन
(ध) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य-सचिव, पदेन

(2) राष्ट्रीय गंगा परिषद सदस्य के रूप में राष्ट्रीय गंगा परिषद में प्रतिनिधित्व नहीं करने वाले ऐसे राज्य के एक अथवा एक से अधिक मुख्यमंत्रियों को शामिल कर सकती है जहां गंगा नदी की प्रमुख सहायक नदियां हैं, जिससे गंगा नदी के जल की गुणवत्ता प्रभावित होने की संभावना है।

(3) राष्ट्रीय गंगा परिषद यदि आवश्यक समझे तो एक अथवा अधिक केन्द्रीय मंत्रियों को भी शामिल कर सकती है।

(4) राष्ट्रीय गंगा परिषद नदी संरक्षण, नदी पारिस्थितिकी और नदी प्रबंधन, जल विज्ञान, पर्यावरण अभियांत्रिकी, सामाजिक जागरूकता के क्षेत्र में तथा अन्य संबंधित क्षेत्रों के विशेषज्ञों तथा विशेषज्ञ संगठनों अथवा संस्थानों के साथ परामर्श कर सकती है।

(5) राष्ट्रीय गंगा परिषद का मुख्यालय नई दिल्ली में अथवा ऐसे किसी अन्य स्थान पर होगा, जैसा निर्धारित किया जाए।

(6) राष्ट्रीय गंगा परिषद का सचिवालय राष्ट्रीय स्वच्छ गंगा मिशन में होगा।

(7) केन्द्र सरकार में जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय नोडल मंत्रालय के रूप में कार्य करेगा।

13. राष्ट्रीय गंगा नदी बेसिन प्राधिकरण का विघटन- (1) पैराग्राफ 11 में राष्ट्रीय गंगा परिषद के गठन की तिथि को और से, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, नई दिल्ली की अधिसूचना का.आ. 2539(अ), दिनांक 29 सितम्बर, 2014 के द्वारा गठित राष्ट्रीय गंगा नदी बेसिन प्राधिकरण को विघटित माना जाएगा।

(2) विघटन से पहले राष्ट्रीय गंगा नदी बेसिन प्राधिकरण द्वारा किए गए अथवा छोड़े गए सभी कार्य अथवा शुरू की गई कार्रवाई अथवा खर्च की गई अथवा खर्च किए जाने हेतु प्राधिकृत किसी राशि को इस आदेश के समान प्रावधानों के तहत किया हुआ अथवा शुरू किया जाना माना जाएगा।

14. गंगा नदी के पर्यवेक्षण, निर्देशन और नियंत्रण का कार्य राष्ट्रीय गंगा परिषद को सौंपना- गंगा नदी के पर्यवेक्षण, निर्देशन, विकास और नियंत्रण तथा गंगा नदी में पर्यावरण प्रदूषण के संरक्षण, रोकथाम, नियंत्रण और निवारण के लिए संपूर्ण नदी बेसिन (वित्तीय एवं प्रशासनिक मामलों सहित) तथा इसकी प्राकृतिक और मूल स्थिति का संरक्षण नदी में जल के पर्याप्त बहाव की निरंतरता और इसके साथ जुड़े मामलों के लिए राष्ट्रीय गंगा परिषद, इस आदेश में शामिल किसी भी चीज के बावजूद, संपूर्ण रूप से जिम्मेवार मानी जाएगी।

15. राष्ट्रीय गंगा परिषद का क्षेत्राधिकार- गंगा नदी के संरक्षण, संरक्षा और प्रबंधन संबंधी राष्ट्रीय परिषद का क्षेत्राधिकार पैराग्राफ 2 में दिए गए क्षेत्र तक होगा।

16. गंगा नदी के संरक्षण, संरक्षा और प्रबंधन संबंधी राष्ट्रीय परिषद की बैठक-

- (1) राष्ट्रीय गंगा परिषद अपनी बैठकों सहित अपने कार्य को करने के लिए अपनी स्वयं की प्रक्रिया का विनियमन कर सकती है।
- (2) राष्ट्रीय गंगा परिषद के अध्यक्ष बैठक की अध्यक्षता करेंगे और उनकी अनुपस्थिति में राष्ट्रीय गंगा परिषद की बैठकों की अध्यक्षता उपाध्यक्ष करेंगे और इसके कार्यव्यवहार को आगे बढ़ाएंगे।
- (3) उपाध्यक्ष के पास अगली बैठक में संपुष्टि के शर्ताधीन परिषद की दो बैठकों के आयोजन के बीच में परिषद के उद्देश्य को प्राप्त करने हेतु राष्ट्रीय गंगा परिषद के लिए आवश्यक निर्णय लेने की शक्ति होगी।
- (4) राष्ट्रीय गंगा परिषद अपने विवेक से प्रत्येक वर्ष कम से कम एक अथवा अधिक बैठकें आयोजित कर सकती है।

17. प्राधिकरण के रूप में गंगा नदी संबंधी अधिकार प्राप्त कार्यबल का गठन- (1) इस आदेश को जारी करने की तिथि से अधिनियम के उद्देश्यों तथा इस आदेश और उल्लिखित अधिनियम के तहत यथा विनिर्दिष्ट शक्तियों का उपयोग करने तथा कार्यों को करने के लिए गंगा नदी संबंधी अधिकार प्राप्त कार्यबल के नाम से एक प्राधिकरण का गठन किया जाएगा।

2 गंगा नदी संबंधी अधिकार प्राप्त कार्यबल में निम्नलिखित शामिल हैं, नामतः-	
(क) केन्द्रीय जल संसाधन, नदी विकास और गंगा संरक्षण मंत्री	अध्यक्ष, पदेन
(ख) केन्द्रीय जल संसाधन, नदी विकास और गंगा संरक्षण राज्य मंत्री	उपाध्यक्ष, पदेन
(ग) सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण सदस्य,	पदेन
(घ) सचिव, वित्त मंत्रालय (व्यय विभाग)	सदस्य, पदेन
(ङ) सीईओ, नीति आयोग	सदस्य, पदेन
(च) मुख्य सचिव, उत्तराखंड राज्य	सदस्य, पदेन
(छ) मुख्य सचिव, उत्तर प्रदेश राज्य	सदस्य, पदेन
(ज) मुख्य सचिव, बिहार राज्य	सदस्य, पदेन
(झ) मुख्य सचिव, झारखंड राज्य	सदस्य, पदेन
(ञ) मुख्य सचिव, पश्चिम बंगाल राज्य	सदस्य, पदेन
(ट) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य, सचिव

(3) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल, एक अथवा एक से अधिक केन्द्रीय मंत्रालयों के सचिवों अथवा संबंधित अन्य किसी राज्य के मुख्य सचिव को सदस्य के रूप में शामिल कर सकती है, यदि आवश्यक समझा जाए।

(4) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल अपने विवेकानुसार कम से कम प्रत्येक तीन महीने में एक अथवा इससे अधिक बैठकें आयोजित करेगा।

(5) केन्द्र सरकार, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय में गंगा संबंधी अधिकार प्राप्त कार्यबल को प्रशासनिक और तकनीकी सहायता उपलब्ध कराएगी और यह मंत्रालय ऐसी प्रशासनिक और तकनीकी सहायता देने के उद्देश्य हेतु नोडल मंत्रालय होगा।

(18) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल के कार्य और शक्तियां-

(1) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल गंगा नदी और इसकी सहायक नदियों के संरक्षण, संरक्षा और प्रबंधन से संबंधित सभी मामलों में समन्वय करेगा और सलाह देगा।

(2) खासकर और उप-पैराग्राफ (1) के प्रावधानों के पूर्वाह्वह के बिना गंगा नदी संबंधी अधिकार प्राप्त कार्यबल के कार्य और शक्तियों में गंगा नदी के संरक्षण, सुरक्षा और प्रबंधन से संबंधित निम्नलिखित मामलों में से सभी अथवा किसी एक के संबंध में उपायों को शामिल किया जा सकता है। अर्थात्-

(क) यह सुनिश्चित करना कि संबंधित मंत्रालय, विभागों और राज्य सरकारों के पास-

(i) गंगा नदी के संरक्षण और परिरक्षण के उद्देश्य को प्राप्त करने के लिए खास गतिविधियों, उद्देश्यों और समयबद्धता सहित एक कार्य योजना है

(ii) इसकी कार्य योजनाओं के कार्यान्वयन की निगरानी हेतु एक तंत्र है

(ख) समयबद्ध आधार पर इसकी कार्य योजनाओं के कार्यान्वयन के लिए संबंधित मंत्रालयों, विभागों और राज्य सरकारों के बीच समन्वय।

(ग) कार्यान्वयन प्रक्रिया की निगरानी, बाधाओं को दूर करना, शीघ्र कार्यान्वयन सुनिश्चित करने के लिए आवश्यक सुझाव और निर्णय लेना।

(घ) घरेलू और विदेशी सहायता के माध्यम से वित्त पोषित परियोजनाओं सहित नमामि गंगे

(ङ) गंगा नदी के संरक्षण और संरक्षा तथा प्रबंधन के उद्देश्य को प्राप्त करने के लिए यथा आवश्यक समझे गए ऐसे अन्य कार्यों को करना अथवा यथा आवश्यक समझी गई शक्तियों का प्रयोग करना अथवा केन्द्र सरकार द्वारा सौंपा गया हो अथवा राष्ट्रीय गंगा परिषद द्वारा विनिर्दिष्ट कार्यों को करना।

19. एक हजार करोड़ रूपए के मूल्य से अधिक की परियोजनाओं के लिए अनुमोदन

(1) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल, एक हजार करोड़ रूपए के मूल्य से अधिक की प्रत्येक परियोजना के अनुमोदन हेतु जिम्मेवार होगा, समय-समय पर यथा संशोधित।

(2). गंगा नदी संबंधी अधिकार प्राप्त कार्यबल उप-पैराग्राफ (1) के उद्देश्य हेतु इनके सदस्यों के बीच एक अधिकारियों की उप-समिति गठन कर सकता है।

20. विनिर्दिष्ट राज्य गंगा संरक्षण संरक्षा एवं प्रबंधन समितियों का प्राधिकरणों के रूप में गठन तथा इनका संघठन- इस आदेश के लागू होने की तारीख से पैरा 2 में दिए गए अनुसार प्रत्येक राज्य में राज्य गंगा संरक्षण, संरक्षा एवं प्रबंधन समिति नामक एक प्राधिकरण गठित किया जाएगा। जिसमें इस आदेश तथा अधिनियम विनिर्दिष्ट शक्तियों का प्रयोग करने तथा कार्यों का निष्पादन करने के लिए अनुसूची में विनिर्दिष्ट किए गए अनुसार एक अध्यक्ष और सदस्य शामिल होंगे।

21. राज्य गंगा समिति की बैठकें- (1) प्रत्येक विनिर्दिष्ट राज्य गंगा समिति अपनी बैठकों सहित अपने कार्यों को करने के लिए अपनी स्वयं की प्रक्रिया का विनियमन कर सकती है।

(2) प्रत्येक राज्य गंगा समिति 3 महीने की अवधि में कम से कम अपनी एक बैठक करेगी।

(3) विनिर्दिष्ट राज्य गंगा समिति के अध्यक्ष इसकी बैठकों की अध्यक्षता करेंगे और उनकी अनुपस्थिति में उल्लिखित समिति अपना उपाध्यक्ष का चुनाव करेंगे, जो विनिर्दिष्ट राज्य गंगा समिति की बैठकों की अध्यक्षता करेंगे और इसके कार्य व्यवहार को आगे बढ़ाएंगे।

22. समिति का अधीक्षण, निर्देशन एवं नियंत्रण- गंगा नदी और इसकी सहायक नदियों में संरक्षण, संरक्षा पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाने के उद्देश्य से इस आदेश में किए गए किसी भी प्रावधान के बावजूद जिला गंगा समितियों का अधीक्षण निर्देशन एवं नियंत्रण राज्य गंगा समिति के पास होगा जिससे गंगा नदी प्राकृतिक एवं मूल स्थिति का संरक्षण किया जा सके और संबंधित राज्यों में गंगा नदी के संरक्षण एवं प्रबंधन के लिए गंगानदी में जल का सतत एवं पर्याप्त प्रवाह सुनिश्चित किया जा सके।

23. राज्य समिति के निर्णय बाध्यकारी होंगे--- विनिर्दिष्ट राज्य गंगा समिति की बैठकों में लिए गए निर्णय इस आदेश में निहित किसी भी मामले के बावजूद प्रत्येक जिला गंगा समिति और प्रत्येक स्थानीय प्राधिकरण अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा ऐसे निर्णय में संदर्भित व्यक्ति पर लागू होंगे और वे राज्य गंगा समिति के निर्णयों का अनुपालन करेंगे।

24. राज्य गंगा समितियों के अधिकार, कर्तव्य और कार्य- (1) प्रत्येक राज्य गंगा समिति को इस अधिनियम के प्रावधानों तथा उसके तहत बनाए गए नियमों अथवा उसके तहत जारी निर्देशों तथा इस आदेश के प्रावधानों में निर्धारित नियमों के शर्ताधीन पैरा 6, 7 और 8 में उल्लिखित उपायों सहित ऐसे सभी उपायों जो वह गंगा नदी में प्रभावी प्रदूषण निवारण और नदी के संरक्षण हेतु तथा राष्ट्रीय गंगा परिषद तथा राष्ट्रीय स्वच्छ गंगा मिशन के निर्णयों को लागू करने हेतु आवश्यक अथवा अनिवार्य समझे, को करने का अधिकार होगा।

(2) राज्य गंगा समिति राष्ट्रीय गंगा परिषद और राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विभिन्न कार्यक्रम और परियोजनाएं कार्यान्वित करेगी।

(3) विशेषकर और उप-पैरा (1) और (2) के प्रावधानों की सामान्यता के पूर्वाग्रह के बिना इन उपायों में निम्नलिखित सभी अथवा इनमें से कोई मामला शामिल किया जा सकता है अर्थात्:-

(क) सीवरेज अवसंरचना के संवर्धन, आवाह क्षेत्र सुधार, बाढ़ मैदानों की सुरक्षा, जन जागरूकता फैलाने तथा राज्य स्तरीय अन्य उपायों और गंगा नदी में उसकी जल गुणवत्ता बरकरार करने के लिए उसमें प्रदूषण निवारण, नियंत्रण और कम करने सहित गंगा नदी के संरक्षण संबंधी कार्यों का समन्वय और कार्यान्वयन, तथा नदी इकोलॉजी और संबंधित राज्य में प्रबंधन संबंधी अन्य उपाय करना;

(ख) संबंधित राज्य में नदी बेसिन प्रबंधन योजना का कार्यान्वयन

(ग) संबंधित राज्य में गंगा नदी में न्यूनतम इकोलॉजी प्रवाह को बरकरार रखना और तत्संबंधी कार्य।

(घ) इस आदेश के तहत अपने अधिकारों के प्रयोग और कार्यों के निष्पादन हेतु अधिनियम की धारा 10 के अंतर्गत प्रवेश एवं निरीक्षण तथा धारा 11 के अंतर्गत नमूना लेने का अधिकार;

(4) राज्य गंगा समिति को पैरा 7 में रेखांकित मुद्दों पर निर्देश देने का अधिकार होगा।

(5) राज्य गंगा समिति को पैरा समिति को अधिनियम की धारा 5 के तहत निर्देश देने का अधिकार होगा।

(6) राज्य गंगा समिति के अधिकार और कार्य अधिनियम, के प्रावधानों के अनुरूप न होते पर, किसी केन्द्रीय अथवा राज्य अधिनियम के तहत राज्य सरकार को सौंपे गए किसी अधिकार के पूर्वाग्रह से मुक्त होंगे।

25. जिला गंगा समितियों की योजनाओं और कार्यक्रमों के निष्पादन की निगरानी- प्रत्येक विनिर्दिष्ट राज्य गंगा समिति अपनी सभी जिला गंगा सुरक्षा समितियों तथा अन्य प्राधिकारियों की योजनाओं, कार्यक्रमों और परियोजनाओं के निष्पादन की निगरानी करेगी और तत्संबंधी प्रगति रिपोर्ट राष्ट्रीय स्वच्छ गंगा मिशन को सौंपेगी।

26. सभी जिला गंगा समितियों की समेकित रिपोर्टें तैयार करना और तत्संबंधी सुधारात्मक उपाय करना--- (i) प्रत्येक राज्य गंगा समिति सभी जिला गंगा सुरक्षा समितियों, स्थानीय प्राधिकरणों अथवा अन्य प्राधिकरणों अथवा बोर्ड अथवा निगम अथवा व्यक्ति द्वारा प्रस्तुत प्रत्येक तिमाही की समेकित रिपोर्ट तैयार करेगी जिसमें गंगा नदी और उसकी सहायक नदियों की सीमा में आने वाले प्रत्येक विनिर्दिष्ट जिले का उल्लेख होगा।

(क) उनके द्वारा कार्यान्वित की जा रही योजनाओं की स्थिति और उनके द्वारा किए गए उपाय तथा गंगा नदी और उसकी सहायक नदियों की दशा के विषय में कोई अन्य कार्य;

(ख) प्रत्येक विनिर्दिष्ट जिले में गंगा नदी और उसकी सहायक नदियों में जल गुणवत्ता तथा तत्संबंधी सुधारात्मक कार्रवाई;

(ग) प्रत्येक विनिर्दिष्ट जिले में गंगा नदी में प्रवाह में कोई अवरोध तथा तत्संबंधी कारण;

(घ) जिला गंगा समिति अथवा स्थानीय प्राधिकरणों अथवा अन्य प्राधिकारियों को की गई शिकायतों के समाधान के लिए किए गए उपाय;

(ङ) प्रत्येक विनिर्दिष्ट जिले में गंगा सुरक्षा लेखापरीक्षा द्वारा की गई कोई प्रतिकूल रिपोर्ट;

(च) गंगा नदी उसकी सहायक नदियों की दशा के संबंध में कोई अन्य सूचना।

(2) उप-पैरा (1) में उल्लिखित रिपोर्ट तत्संबंधी सुधारात्मक उपायों सहित वर्ष की समाप्ति के एक माह के भीतर राष्ट्रीय स्वच्छ गंगा मिशन को सौंपी जाएगी।

27. गंगा सुरक्षा लेखा परीक्षा का आयोजन और राज्य समितियों द्वारा ऐसी लेखा परीक्षा रिपोर्ट प्रस्तुत करना--- (1) राज्य गंगा समितियों का यह कर्तव्य होगा कि वे जिला गंगा सुरक्षा समितियों द्वारा गंगा लेखा परीक्षा की रिपोर्ट तत्संबंधी की गई सुधारात्मक कार्रवाई सहित राष्ट्रीय स्वच्छ गंगा मिशन को प्रस्तुत करें तथा उसे सार्वजनिक क्षेत्र में उपलब्ध भी कराएं और अपनी वेबसाइट पर भी दर्शाएं।

(2) गंगा सुरक्षा लेखा परीक्षा में ये विवरण शामिल किए जाएंगे और राष्ट्रीय स्वच्छ गंगा मिशन द्वारा जारी अधिसूचना के अनुसार विनिर्दिष्ट अंतरालों (इस आदेश में उल्लिखित अन्यथा सुरक्षित) पर यथा निर्धारित ढंग से लेखा परीक्षा की जाएगी।

28. राज्य गंगा समिति का नोडल अभिकरण होना--- राज्य गंगा समिति, राज्य में इस आदेश के प्रावधानों के कार्यान्वयन तथा गंगा नदी और उसकी सहायक नदियों में प्रदूषण के प्रभावी निवारण तथा नदी का संरक्षण, सुरक्षा एवं प्रबंधन के लिए राज्य व्यापी नोडल अभिकरण होगी।

29. राष्ट्रीय गंगा परिषद तथा राष्ट्रीय स्वच्छ गंगा मिशन के निर्देश राज्य गंगा समिति पर बाध्यकारी होंगे--- प्रत्येक राज्य गंगा समिति इस आदेश के प्रावधानों को अनदेखा करने के पूर्वाग्रह के बिना इस आदेश के तहत अपने अधिकारों का प्रयोग अथवा कार्यों का निष्पादन करते समय वह ऐसे निर्णयों अथवा निर्देशों (तकनीकी और प्रशासनिक मामलों से संबंधित होने वाले निर्देशों सहित) जो राष्ट्रीय परिषद तथा राष्ट्रीय स्वच्छ गंगा मिशन समय-समय पर गंगा नदी में प्रदूषण निवारण तथा उसके संरक्षण, सुरक्षा एवं प्रबंधन के लिए उसे लिखित में दिए जाएं, का पालन करेगी।

30. राज्य गंगा नदी संरक्षण प्राधिकरणों और राज्य कार्यकारी समितियों का विघटन--- (1) राज्य गंगा समितियों के गठन की तारीख से, इस आदेश के लागू होने से पहले गठित संबंधित गठित संबंधित राज्य गंगा नदी संरक्षण प्राधिकरणों के साथ-साथ राज्य कार्यकारी समितियों को विघटित हो गया माना जाएगा।

(2) ऐसे विघटन से पहले, उप-पैराग्राफ (1) के अंतर्गत प्राधिकरणों और समितियों द्वारा किए गए अथवा हटा दिए जाने वाले सभी कार्यों अथवा की गई कार्रवाई अथवा खर्च की गई राशि अथवा खर्च के लिए प्राधिकृत राशि को निष्पादन कर लिया माना जाएगा अथवा इस आदेश के संगत प्रावधानों के तहत ले लिया गया माना जाएगा।

31. एक प्राधिकरण के रूप में राष्ट्रीय स्वच्छ गंगा मिशन का गठन- (1) इस आदेश के लागू होने के तारीखसे सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अंतर्गत पंजीकृत एक सोसाइटी राष्ट्रीय स्वच्छ गंगा मिशन अधिनियम के उद्देश्य से और इस आदेश तथा अधिनियम और इसके तहत बनाए गए नियमों अथवा जारी किए गए निर्देशों के अंतर्गत विनिर्दिष्ट किए गए अनुसार शक्तियों का प्रयोग करने तथा कार्यों का निष्पादन के करने के लिए इस अधिनियम के अंतर्गत इसी नाम से गठित एक प्राधिकरण होगा।

(2) राष्ट्रीय स्वच्छ गंगा मिशन का संघटन पैरा 35 में दिए गए अनुसार होगा।

32. राष्ट्रीय स्वच्छ गंगा मिशन के प्रचालन का क्षेत्र- राष्ट्रीय स्वच्छ गंगा मिशन के प्रचालन का क्षेत्र पैराग्राफ 2 में रूपरेखा दिया गया क्षेत्र होगा।

33. राष्ट्रीय स्वच्छ गंगा मिशन नोडल एजेंसी होगा --- इस आदेश के प्रावधानों के राष्ट्र व्यापी कार्यान्वयन तथा प्रदूषण के प्रभावी उपशमन और गंगा नदी तथा उसकी उप-नदियों के पुनरुद्धार, संरक्षण और प्रबंधन के लिए राष्ट्रीय स्वच्छ गंगा मिशन एक नोडल एजेंसी होगा।

34. एक अधिकार प्राप्त संगठन के रूप में राष्ट्रीय स्वच्छ गंगा मिशन- राष्ट्रीय स्वच्छ गंगा मिशन दो स्तरीय प्रबंधन के साथ एक अधिकार प्राप्त संगठन होगा जिसके पास इस आदेश में विनिर्दिष्ट किए गए अनुसार प्रशासनिक, मूल्यांकन एवं अनुमोदन की शक्तियां होंगी और कर्तव्य कार्य तथा शक्तियां होंगी।

35. राष्ट्रीय स्वच्छ गंगा मिशन का संघटन:- राष्ट्रीय स्वच्छ गंगा मिशन टू-टीयर निगरानी संरचना होगी और इसमें गर्वनिंग परिषद और कार्यकारी समितियां शामिल होंगी

(1) गर्वनिंग परिषद में निम्नलिखित सदस्य शामिल होंगे नामतः

(क)	राष्ट्रीय स्वच्छ गंगा मिशन के महा निदेशक	अध्यक्ष पदेन
(ख)	संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय	सदस्य पदेन
(ग)	संयुक्त सचिव, शहरी विकास मंत्रालय	सदस्य पदेन
(घ)	संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय	सदस्य पदेन
(ङ)	संयुक्त सचिव, व्यय विभाग	सदस्य पदेन
(च)	नीति आयोग के प्रतिनिधि (संयुक्त सचिव के स्तर से कम कम न हो)	सदस्य पदेन
(छ)	अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड	सदस्य पदेन
(ज)	प्रधान सचिव, शहरी विकास, बिहार सरकार	सदस्य पदेन
(झ)	प्रधान सचिव, शहरी विकास, झारखंड सरकार	सदस्य पदेन
(ञ)	प्रधान सचिव, शहरी विकास, उत्तर प्रदेश सरकार	सदस्य पदेन
(ट)	प्रधान सचिव, पेयजल, उत्तराखंड सरकार	सदस्य पदेन
(ठ)	प्रधान सचिव, शहरी विकास, पश्चिम बंगाल सरकार	सदस्य पदेन
(ड)	एकजीक्यूटिव ऑफिसर (डिप्टी डीजी), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(ढ)	एकजीक्यूटिव डायरेक्टर (तकनीकी), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(ण)	एकजीक्यूटिव डायरेक्टर (वित्त), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(त)	एकजीक्यूटिव डायरेक्टर (परियोजना), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(थ)	एकजीक्यूटिव डायरेक्टर (प्रशासन), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य-सचिव

(2) गर्वनिंग परिषद में से गठित की गई कार्यकारिणी समिति में निम्नलिखित सदस्य शामिल होंगे नामतः-

(क) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन-अध्यक्ष पदेन

(ख) संयुक्त सचिव, व्यय विभाग-सदस्य पदेन

- (ग) नीति आयोग के प्रतिनिधि (संयुक्त सचिव के स्तर का) -सदस्य पदेन
- (घ) संबंधित राज्य (राज्यों) के प्रधान सचिव-सदस्य पदेन
- (ङ) ऐक्जीक्यूटिव अधिकारी (डिप्टी डीजी), राष्ट्रीय स्वच्छ गंगा मिशन - सदस्य पदेन
- (च) ऐक्जीक्यूटिव डायरेक्टर (वित्त) -सदस्य पदेन
- (छ) ऐक्जीक्यूटिव डायरेक्टर (तकनीकी) -सदस्य पदेन
- (ज) ऐक्जीक्यूटिव डायरेक्टर (परियोजनाएं) -सदस्य पदेन

(3) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन यदि आवश्यक समझते हैं तो कार्यकारी समिति, गर्वनिंग परिषद के अन्य कोई सदस्य के साथ काम कर सकते हैं।

(4) गर्वनिंग परिषद अपने सदस्यों में से एक उप-समिति का गठन कर सकती है और परियोजना के मूल्यांकन हेतु कुछ तकनीकी विशेषज्ञों के साथ भी कार्य कर सकते हैं।

(5) संबंधित राज्यों के प्रतिनिधि उप-समिति के सदस्य होंगे।

(6) गर्वनिंग काउंसिल के पास आधे सदस्यों का कोरम होना चाहिए।

36. (1) 1000 करोड़ रुपये तक के सभी अनुमोदन इसी में निहित होंगे। इसके बदले में इसी तीन महीने में कम से कम एक बार जीसी को रिपोर्ट करेंगे।

(2) तकनीकी विशेषज्ञों/या मान्यता प्राप्त संस्थाना या भारतीय तकनीकी संस्थानों के कंसॉर्टियम द्वारा परियोजना के तृतीय पक्ष मूल्यांकन के पूर्ण होने के पश्चात जीसी की उप समिति परियोजना का मूल्यांकन करेगी।

(3) तृतीय पक्ष, तकनीकी मूल्यांकन उनके मूल्य को ध्यान में न रखते हुए सभी परियोजनाओं के लिए होगा।

37. राष्ट्रीय स्वच्छ गंगा मिशन के महानिदेशक और कार्यकारी निदेशक की नियुक्ति

(1) राष्ट्रीय स्वच्छ गंगा मिशन के महानिदेशक की नियुक्ति केन्द्र सरकार द्वारा की जाएगी। महानिदेशक का पद भारत सरकार के अपर सचिव अथवा सचिव के समकक्ष होगा। नियुक्ति की शर्तें केन्द्र सरकार द्वारा निर्धारित की जाएंगी।

(2) कार्यकारी निदेशक, वित्त की नियुक्ति निर्धारित भर्ती नियमों के अनुसार प्रतिनियुक्ति के आधार पर केन्द्र सरकार की संगठित लेखा सेवाओं के अधिकारियों में से की जाएगी जिसका पद भारत सरकार के संयुक्त सचिव के समकक्ष होगा।

(3) राष्ट्रीय स्वच्छ गंगा मिशन में प्रशासन और परियोजनाओं के लिए अलग-अलग कार्यकारी निदेशक का कम से कम एक पद होगा जिसका ओहदा भारत सरकार के संयुक्त सचिव के समकक्ष।

(4) कार्यकारी निदेशकों में से एक को राष्ट्रीय स्वच्छ गंगा मिशन को उप महानिदेशक के रूप में पदनामित किया जाएगा, जिसकी नियुक्ति केन्द्र सरकार द्वारा की जाएगी।

(5) कार्यकारी समिति को कोई भी मनोनीत सदस्य का स्तर भारत सरकार के संयुक्त सचिव की श्रेणी से कम नहीं होगा।

38. (1) राष्ट्रीय स्वच्छ गंगा मिशन के कर्तव्य : राष्ट्रीय स्वच्छ गंगा मिशन के निम्नलिखित कर्तव्य होंगे-

(i) इस आदेश के पैराग्राफ 5 में दिए गए सिद्धांतों और उसमें दिए गए प्रावधानों का अनुसरण करना,

(ii) राष्ट्रीय गंगा परिषद के निर्णयों और निदेशों का अनुपालन करना और इसके द्वारा अनुमोदित गंगा बेसिन प्रबंधन योजना का राष्ट्रीय गंगा परिषद के निर्देशानुसार कार्यान्वयन करना,

(iii) समयबद्ध तरीके से नदी गंगा परिषद के पुनरुद्धार और संरक्षण के लिए सभी कार्यकलापों को समन्वित करना।

(iv) सभी अन्य कार्य करना अथवा कुछ कार्यों को नहीं करना जो गंगा नदी और इसकी उप नदियों के पुनरुद्धार और संरक्षण के लिए आवश्यक हों।

39. राष्ट्रीय स्वच्छ गंगा मिशन के कार्य..... (1) इस आदेश के प्रावधानों के पूर्वाग्रह के बिना राष्ट्रीय स्वच्छ गंगा मिशन निम्नलिखित की पहचान करेगी अथवा पहचान का कारण बनेगी।

(क) सीवरेज और औद्योगिक अपशिष्ट, शवों को जलाने और गाड़ने तथा पशुओं के अवशेषों के निपटान और वाणिज्यिक, मनोरंजन और धार्मिक कार्यकलापों से खतरे सहित गंगा और उसकी उप नदियों के पास जिले के प्रत्येक गांव और कस्बे में गंगा नदी के लिए विशिष्ट खतरे।

(ख) गंगा नदी और इसकी उप-नदियों के पास ऐसे सभी जिलों के प्रत्येक गांव और कस्बे में प्रत्येक गांव में ऐसे खतरों का सामना करने के लिए अपेक्षित उपायों के प्रकार।

(ग) वे विशिष्ट क्षेत्र जहां गंगा नदी और इसकी उप-नदियों के संरक्षण और संरक्षा के लिए ऐसे उपचारात्मक कार्रवाई की जानी अपेक्षित है।

(घ) वे उपाय, जो शोधित जल के पुनः उपयोग के लिए आवश्यक होंगे तथा केन्द्र सरकार के मंत्रालयों जैसे रेलवे, पॉवर और पेट्रोलियम, प्राकृतिक गैस आदि राज्य सरकारों, केन्द्र और राज्य सरकार के स्वायत्त निकायों, मान्यता प्राप्त संस्थानों और सभी अन्य संगठनों के साथ समझौता ज्ञापन करना, जो राष्ट्रीय स्वच्छ गंगा मिशन सही समझे।

(2) राष्ट्रीय स्वच्छ गंगा मिशन, गंगा नदी और इसकी उप-नदियों के पास ऐसे विनिर्दिष्ट जिलों के प्रत्येक गांव और कस्बे में गंगा नदी और इसकी उप-नदियों के संरक्षण और संरक्षा के लिए अन्य वस्तुओं में लागत, समयबद्धता और उत्तरदायित्वों के आवंटन के साथ गंगा नदी बेसिन प्रबंधन योजना बनाएगा अथवा बनाने का कारण, बनेगा और इसके लिए परियोजनाओं का कार्यान्वयन करेगा।

(3) राष्ट्रीय स्वच्छ गंगा मिशन निम्नलिखित कार्य करेगा :-

(क) जल गुणवत्ता सुनिश्चित करने तथा पर्यावरण रूप से स्थायी संरक्षण, गंगा नदी और उसकी उप-नदियों का संरक्षण और प्रबंधन और इसे अधिसूचित करना तथा पर्याप्त पारिस्थितिकीय प्रवाह को बनाए रखने के लिए आवश्यक सभी उपायों को लेने अथवा निर्देशित करने के लिए सभी समयों पर विभिन्न क्षेत्रों में विभिन्न बिंदुओं पर रखे जाने के लिए अपेक्षित गंगा नदी और उसकी उप-नदियों में पारिस्थितिकीय प्रवाह और परिणाम के निर्धारण का कारण बनेगा।

(ख) ऐसे स्थानों को पहचानने का कारण बनना; जहां गंगा नदी के जल के पर्यावरणीय प्रवाह को आशोधित किया गया है तथा इसके सुधार के लिए उपाय करना ताकि गंगा नदी और इसकी उप-नदियों के संरक्षण, संरक्षा और प्रबंधन के लिए जल के सतत प्रवाह को बनाए रखा जा सके।

(ग) जल के इंजीनियर्ड डाइवर्जन अथवा जल के भंडारण अथवा किसी अन्य साधन के कारण गंगा नदी और इसकी उप-नदियों में जल के अंतराल के स्थान पहचानना और इनके संबंध में योजनाएं लागू करना अथवा इसके लिए उपचारात्मक कार्रवाई करना।

(घ) गंगा नदी और इसकी उप-नदियों में जल के प्रवाह और प्रदूषण के स्तर की लगातार निगरानी करने के लिए एक प्रणाली तैयार करना।

(ङ.) ऐसे सभी उपाय करना, जो राष्ट्रीय गंगा परिषद के निर्णय को लागू करने के लिए आवश्यक हों ताकि गंगा नदी और इसकी उप-नदियों में पर्याप्त पारिस्थितिकीय प्रवाह बनाये रखा जा सके।

(च) राज्य सरकारों, विशिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा समितियों अथवा स्थानीय प्राधिकारियों अथवा किसी व्यक्ति अथवा निकाय, किसी प्राधिकरण, बोर्ड या निगम को प्रदूषण के उपशमन और संरक्षण गंगा नदी और इसकी उप-नदियों के संरक्षण और प्रबंधन के लिए विस्तृत परियोजना रिपोर्ट तैयार करने अथवा परियोजनाओं के कार्यान्वयन के लिए किसी एजेंसी द्वारा सहायता प्रदान करना अथवा सहायता का कारण बनना।

(छ) प्रदूषण के उपशमन तथा गंगा नदी और इसकी उप-नदियों के संरक्षण, संरक्षा और प्रबंधन के संबंध में ज्ञान आधार तथा विश्लेषणात्मक उपकरणों के शोध, विकास और प्रसार के लिए एक या अधिक मौजूदा केंद्रों की स्थापना करना या स्थापना को सुकर बनाना अथवा नामोद्दिष्ट और निर्देशित करना ।

(ज) कोई अन्य उपाय करना, जो जल के सतत प्रवाह और गंगा और इसकी उप-नदियों में प्रदूषण के उपशमन के लिए आवश्यक हो ।

(4) राष्ट्रीय स्वच्छ गंगा मिशन पैराग्राफ 7 में बताए गए सभी ऐसे अन्य आपात उपाय करेगा ।

40. गंगा नदी और इसकी उप-नदियों के किनारे किसी उपयुक्त स्थान पर गंगा नदी मॉनीटरिंग केन्द्र की स्थापना----- राष्ट्रीय स्वच्छ गंगा मिशन गंगा नदी बेसिन से स्थानों को पहचानेगा अथवा ऐसे स्थानों पर स्थापना करेगा अथवा किसी मौजूदा प्रयोगशाला अथवा केन्द्र अथवा संस्थान को केन्द्र के रूप में नामोद्दिष्ट करेगा जिसे 'रिवर गंगा मॉनीटरिंग सेंटर' कहा जाएगा, जो अन्य बातों में इस आदेश के अंतर्गत यथापेक्षित जल के लगातार प्रवाह और प्रदूषण के स्तर को मॉनीटर करेंगे और वहां उपचारात्मक कार्रवाई करने के लिए राष्ट्रीय स्वच्छ गंगा मिशन को तुरंत रिपोर्ट करेंगे ।

41. राष्ट्रीय स्वच्छ गंगा मिशन की शक्तियां----- (1) राष्ट्रीय गंगा परिषद के पर्यवेक्षण और निदेश के अंतर्गत गंगा नदी और उसकी उप-नदियों के संरक्षण, संरक्षा और प्रबंधन के कार्य को सुकर बनाने की भूमिका, उत्तरदायित्व और शक्तियों से युक्त राष्ट्रीय एजेंसी होने के कारण राष्ट्रीय स्वच्छ गंगा मिशन गंगा नदी के संरक्षण, संरक्षा और प्रबंधन के लिए राष्ट्रीय परिषद अथवा केन्द्र सरकार को सिफारिश करेगा अथवा स्वयं ही राज्य गंगा समितियों अथवा जिला गंगा समितियों अथवा स्थानीय प्राधिकरण अथवा किसी अन्य प्राधिकरण अथवा किसी व्यक्ति संस्था, समूह अथवा एजेंसी को अपने निर्णयानुसार निदेश जारी करेगा तथा इसके पास ऐसे सभी उपाय करने और कार्य करने की शक्तियां होंगी, जो यह गंगा नदी तथा इसकी उप-नदियों में पर्यावरणीय प्रदूषण के निषेध, नियंत्रण और उपशमन के लिए आवश्यक अथवा उचित समझे, जिनसे गंगा नदी को इसकी प्राकृतिक तथा पुरातन स्थिति तक संरक्षित किया जा सके तथा गंगा नदी तथा इससे संबंधित मामलों के संरक्षण और प्रबंधन के लिए गंगा नदी में जल के सतत तथा पर्याप्त प्रवाह को सुनिश्चित किया जा सके ।

2. विशेष रूप से तथा उप-पैराग्राफ 1 के प्रावधानों की सामान्यतया के पूर्वाग्रह के बिना तथा इस आदेश में यथा अन्यथा उपबंधित ऐसे निदेश गंगा नदी के प्रबंधन के सभी अथवा किसी मामले को शामिल कर सकती है, नामतः-

(क) पैराग्राफ 4 में दिए गए सिद्धांतों के अनुसार में इस आदेश के पैराग्राफ 55 में उल्लिखित कार्यों को पूरा करना;

(ख) केन्द्र सरकार के अनुमोदन से प्रदूषण के उपशमन तथा गंगा नदी के संरक्षण, संरक्षा और प्रबंधन के लिए राष्ट्रीय नीति बनाना ।

(ग) गंगा नदी और इसकी उप-नदियों में संरक्षण, संरक्षा, प्रदूषण के निषेध, नियंत्रण और उपशमन के लिए गंगा बेसिन प्रबंधन योजना के प्रभावी कार्यान्वयन के लिए केन्द्र सरकार के अनुमोदन से किसी देश अथवा विदेशी एजेंसी के साथ समझौता ज्ञापन करना ।

(घ) आशोधनों के साथ अथवा उसके बिना नदी गंगा बेसिन प्रबंधन योजना को अनुमोदित करना और सीधे संशोधन, यदि कोई हो, उस पर करना;

(ङ.) प्रगति रिपोर्ट का पर्यवेक्षण करना, समीक्षा करना और राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों अथवा स्थानीय प्राधिकरणों और अन्य प्राधिकरणों को बुनियादी प्रबंधन योजना और गंगा नदी और इसकी उप-नदियों के मामलों से संबंधित किसी अन्य मामले पर निर्देश जारी करना ।

(च) सीवरेज के बढ़ने और बहिस्त्राव शोधन अवसंरचना, आवाह क्षेत्र उपचार, बाढ़ मैदानों के संरक्षण, जन-जागरूकता सृजन करना, जलीय और राइपेरियन जीवन और जैव विविधता के संरक्षण और पर्यावरणीय रूप से स्थायी नदी संरक्षण के संवर्धन के लिए ऐसे अन्य उपायों सहित गंगा नदी में प्रदूषण के उपशमन के लिए कार्यक्रमों की योजना बनाना, वित्तपोषण और कार्यान्वयन अनुमोदित करना ।

(छ) प्रदूषण के निषेध, नियंत्रण और उपशमन तथा गंगा नदी और इसकी उप-नदियों के संरक्षण और प्रबंधन के लिए आरंभ किए गए विभिन्न कार्यक्रमों अथवा कार्यकलापों के कार्यान्वयन का समन्वय, मॉनीटरिंग और समीक्षा करना।

(ज) नदी की पारिस्थितिकी को पुनः बहाल करने और नदी गंगा बेसिन राज्यों के प्रबंधन से संगत उपायों को करने के लिए किसी व्यक्ति अथवा प्राधिकरण को निर्देश देना।

(झ) स्पेशल पर्पज वेहिकल के सृजन के लिए केन्द्र सरकार को सिफारिश करना (चाहे कंपनी अधिनियम, 2013 (2013 का 18) अथवा सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अंतर्गत एक कंपनी के रूप में अथवा भारतीय न्यास अधिनियम, 1882 (1882 का 2) के अधीन एक न्यास के रूप में) जैसाकि इस आदेश अथवा उक्त आदेश के प्रयोजन के कार्यान्वयन के लिए उपयुक्त हो।

(ञ) प्रदूषण के प्रभावी निषेध, नियंत्रण और उपशमन, गंगा नदी और इसकी उप-नदियों में संरक्षण और संरक्षा और प्रबंधन को सुनिश्चित करने के लिए नीति और कार्य के बेहतर समन्वय के लिए ऐसे उपाय करना, जिसे आवश्यक समझा जाए।

(ट) परियोजनाओं के उपयुक्त तथा शीघ्र कार्यान्वयन के लिए किसी संगत व्यक्ति अथवा प्राधिकारी को ऐसे निदेश जारी करना अथवा ऐसी परियोजनाओं को निरस्त करना अथवा निधियों के जारी रखने को रोकना अथवा पहले से जारी की गई धनराशि को सीधे रिफंड करना और किसी अन्य व्यक्ति अथवा बोर्ड अथवा कॉरपोरेशन को इसे शीघ्र कार्यान्वयन हेतु सौंपना।

(ठ) पहले से जारी किसी भी कानून के प्रति पूर्वाग्रह रखे बिना लेखों या अन्य दस्तावेजों के रख-रखाव से किसी संबंधित या प्राधिकरण को निर्देश देना जैसा कि राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किया जाए;

(ड) ऐसे अन्य उपाय करना जो कि गंगा नदी और उसकी सहायक नदियों में प्रदूषण के बचाव, नियंत्रण और उपशमन की उपलब्धि, संरक्षण और निवारण और प्रबंधन के लिए आवश्यक है;

(3) राष्ट्रीय स्वच्छ गंगा मिशन को मुद्दों पर निर्देशों को जारी करने की शक्ति होगी जोकि अधिनियम की धारा 5 में निर्धारित किए गए हैं।

(4) राष्ट्रीय स्वच्छ गंगा मिशन अपने निर्णयों के कार्यान्वयन हेतु तथा राष्ट्रीय गंगा परिषद के निर्णयों के लिए उपयुक्त प्रणाली तैयार करे।

(42) कतिपय मामलों में पूर्व अनुमोदन देना--- प्रत्येक व्यक्ति राज्य गंगा समितियां, जिला गंगा संरक्षण समितियां और स्थानीय प्राधिकरण तथा अन्य प्राधिकारी गंगा नदी से संबंधित तथा गंगा नदी या इसकी सहायक नदियों के दायरे में आने वाले क्षेत्र से संबंधित निम्नलिखित मामलों पर, यदि राष्ट्रीय गंगा नदी के निर्णयों को कार्यान्वित करना अपेक्षित है, तो राष्ट्रीय स्वच्छ गंगा मिशन का पूर्व अनुमोदन प्राप्त करना होगा। नामतः-

(क) गंगा नदी के डाउन स्ट्रीम जल के प्रवाह को प्रभावित किए बिना गंगा नदी में जल के भण्डारण के डाइवर्जन की प्रणाली;

(ख) गंगा नदी या नदी के तट पर या इसके बाढ़ योजना क्षेत्रों पर पुलों और सहायक सड़कों तथा तटों का निर्माण;

(ग) घाटों का निर्माण अथवा किसी भी मौजूदा घाट का विस्तार;

(घ) घाटों का निर्माण;

(ङ.) जल के संग्रह अथवा डाइवर्जन या नियंत्रण के लिए स्थायी जलीय संरचनाओं का निर्माण अथवा गंगा नदी अथवा इसकी सहायक नदियों का चैनलीकरण;

(च) पहाड़ी ढलानों और अधिसूचित वन तथा अन्य पर्यावरणीय दृष्टि से संवेदी क्षेत्रों का वन कटाव;

(छ) कोई अन्य कार्यकलाप जो कि पैराग्राफ 4 में सिद्धांतों के विपरीत निर्धारित किए गए हैं उन्हें राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किया जाए।

43. वित्तीय ढांचा ---- (1) राष्ट्रीय स्वच्छ गंगा मिशन द्वारा बजटीय आवंटन अपने कार्यों, लक्ष्यों और उद्देश्यों को पूरा करने से संबंधित व्यय तथा स्थापना व्यय को वहन करने हेतु उपयोग किया जाएगा। इसके लिए शर्त यह है कि अनुदान, ऋण और उधार के रूप में प्राप्त धन उन्हीं में विनिर्दिष्ट उद्देश्यों के लिए वहन किया जाएगा जिनके लिए यह अनुदान, ऋण और उधार प्राप्त हुआ है।

(2) राष्ट्रीय स्वच्छ गंगा मिशन लेखों तथा अन्य संबद्ध रिकार्डों का उपयुक्त रूप से रख-रखाव रखेगा और वार्षिक व्यय विवरण तैयार करेगा।

(3) राष्ट्रीय स्वच्छ गंगा मिशन के लेखों की सांविधिक लेखा परीक्षा भारत के नियंत्रक और महालेखा परीक्षक द्वारा की जाएगी और वार्षिक लेखा परीक्षा पूरी होने के पश्चात लेखा परीक्षा एजेंसी वार्षिक लेखा परीक्षा प्रमाण पत्र भेजेगी।

(4) राष्ट्रीय स्वच्छ गंगा मिशन के कार्य केन्द्रीय सतर्कता आयोग के नियंत्रण में हैं और सतर्कता संबंधी मामलों की देख रेख के लिए एक सतर्कता अधिकारी होगा।

(5) लेखा परीक्षा रिपोर्ट के साथ वार्षिक व्यय विवरण प्रति वर्ष अधिकार प्राप्त कार्यबल को भेजा जायेगा और केन्द्र सरकार इसे संसद के दोनों सदन में प्रस्तुत करेगी।

44. कानून विशेषज्ञों को कार्य पर लगाना राष्ट्रीय स्वच्छ गंगा मिशन के पास एक उपयुक्त विधायी व्यवस्था होगी जिसके लिए राष्ट्रीय स्वच्छ गंगा मिशन कानूनी विशेषज्ञ परामर्शदाता और विधायी फर्म की सेवाएं लेगी जो कि राष्ट्रीय स्वच्छ गंगा मिशन को विधायी मामलों पर सलाह देने के लिए तथा अपने कर्तव्यों का निर्वाह करने के लिए राष्ट्रीय स्वच्छ गंगा मिशन को सहयोग प्रदान करने के लिए आवश्यक है।

45. रिपोर्टों की समीक्षा इसके कार्यकलापों से संबंधित सभी रिपोर्टें तथा राज्य गंगा समिति, जिला गंगा समिति या स्थानीय प्राधिकरण या बोर्ड या निगम या किसी अन्य व्यक्ति से प्राप्त रिपोर्टों की राष्ट्रीय स्वच्छ गंगा मिशन द्वारा समीक्षा की जायेगी और इन रिपोर्टों में बताए गए मामलों पर अपने विचारों के साथ यह रिपोर्ट राष्ट्रीय गंगा परिषद के सम्मुख दिशा-निर्देश हेतु प्रस्तुत की जायेगी, यदि ऐसा आवश्यक है।

46. गंगा सुरक्षा लेखा परीक्षा रिपोर्टों का समेकन ----- राष्ट्रीय स्वच्छ गंगा मिशन गंगा नदी की गंगा सुरक्षा लेखा परीक्षा की समेकित रिपोर्ट तैयार करेगा तथा उसे राष्ट्रीय गंगा परिषद को उन पर उपचारात्मक कार्रवाई के साथ प्रस्तुत करेगा तथा इसे सार्वजनिक क्षेत्र में भी उपलब्ध कराया जायेगा और इसे वेबसाइट पर दर्शाया जायेगा।

47. सूचना, निरीक्षण आयोजित करने , रिपोर्टें प्रकाशित करने इत्यादि के संबंध में राष्ट्रीय स्वच्छ गंगा मिशन की शक्तियां ---
----- (1) जहां राष्ट्रीय स्वच्छ गंगा मिशन अधिनियम की धारा 5 के तहत इसे आवश्यक समझे उसे वह लिखित में आदेश देकर यह कह सकता है-----

(ए) किसी भी राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों या स्थानीय प्राधिकरण या अन्य प्राधिकरण या बोर्ड या निगम या व्यक्ति जिसे भी किसी भी परियोजना के कार्यनिष्पादन या ऐसी परियोजना से संबंधित कोई कार्य सौंपा गया है या किसी भी समय निधियों के उपयोग के बारे में सूचना या परियोजना के कार्य निष्पादन के लिए आवंटित ऐसी परियोजना से संबंधित स्पष्टीकरण या कार्यनिष्पादन या आवंटित निधि के उपयोग के बारे में सूचना को लिखित में या सार्वजनिक रूप से प्रचार-प्रसार करने हेतु पूछा जा सकता है जैसा भी राष्ट्रीय स्वच्छ गंगा मिशन अपेक्षित समझे; अथवा

(बी) एक या एक से अधिक व्यक्ति या किसी प्राधिकरण को नियुक्त करना जो कार्य करने अथवा कार्यनिष्पादन के लिए आवंटित परियोजना तथा आवंटित निधि के उपयोग के संबंध में पूछताछ कर सके।

(सी) अपने किसी भी अधिकारी या कर्मचारी अथवा केन्द्र सरकार या राज्य सरकार अथवा किसी अन्य प्राधिकरण के अधिकारियों और कर्मचारियों को किसी भी आवंटित परियोजना के कार्यकरण अथवा कार्यनिष्पादन अथवा निधि के उपयोग के संबंध में राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा निगम अथवा संबंधित व्यक्ति से उनके लेखों और अन्य दस्तावेजों के निरीक्षण हेतु निर्देश देना।

(डी) ऐसा कोई व्यक्ति, अधिकारी, राज्य सरकार या प्राधिकरण अपेक्षित है जो इसे संबंधित किसी भी प्रकार की रिपोर्ट, रिटर्न, सांख्यिकी और अन्य सूचना भेजे और ऐसा व्यक्ति, अधिकारी, राज्य सरकार अथवा अन्य प्राधिकरण को यह कार्य करना बाध्य होगा।

48. वित्त पोषण और कार्यान्वयन मॉडल - (1) राष्ट्रीय स्वच्छ गंगा मिशन का विकास होगा और यह निरंतर अपने वित्तीय मॉडलों को संशोधित करेगा जिससे परियोजनाओं के कार्यानिष्पादन और सततता में सुधार होगा और जिसे प्रदूषण के उपशमन और गंगा नदी के पुनरुद्धार और संरक्षण तथा प्रबंधन के लिए राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों अथवा अन्य प्राधिकरण अथवा व्यक्ति द्वारा अपनाया जा सकता है।

49. समेकित रिपोर्टों को तैयार करना --- (1) राष्ट्रीय स्वच्छ गंगा मिशन विनिर्दिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा समितियों, स्थानीय प्राधिकरणों, अन्य प्राधिकरण, बोर्ड, निगम अथवा व्यक्ति द्वारा भेजी गयी रिपोर्टों और अन्य सूचना के आधार पर एक समेकित रिपोर्ट तैयार करेगा जिसमें प्रत्येक जिले के द्वारा गंगा नदी और उसकी सहायक नदियों के आस-पास के क्षेत्रों के संबंध में सूचना दी जायेगी।

(ए) उनके द्वारा कार्यानिष्पादित की जा रही योजनाओं की स्थिति और उनके द्वारा किए गए उपाय तथा गंगा नदी और उसकी सहायक नदियों की स्थिति से संबंधित अन्य कार्यकलाप की स्थिति;

(बी) गंगा नदी और उसकी सहायक नदियों में जल की गुणवत्ता और इस संबंध में उपचारात्मक कार्रवाई;

(सी) गंगा नदी में जल की किसी भी रूप में रूकावट और उसके कारण;

(डी) विनिर्दिष्ट जिले में नदी तट और बाढ़ मैदान और आवास की स्थिति;

(अ) जिला गंगा समिति या स्थानीय प्राधिकरणों द्वारा जनता से प्राप्त शिकायतों पर किए गए उपचारात्मक उपाय;

(एफ) प्रस्तावित उपचारात्मक कार्रवाई के साथ आने वाले शेष बाधाओं का पता लगाना;

(जी) रिपोर्ट यदि कोई है, जैसा कि गंगा सुरक्षा लेखा परीक्षकों द्वारा सूचित किया गया है;

(एच) गंगा नदी और उसकी सहायक नदियों की दशा के बारे में संबंधित अन्य सभी सूचना;

(2) राष्ट्रीय स्वच्छ गंगा मिशन उपपैराग्राफ -1 में उल्लिखित समेकित रिपोर्ट की समीक्षा करने के पश्चात कार्यबल को उपचारात्मक कार्रवाई के साथ उसे प्रस्तुत करेगा।

50. वार्षिक रिपोर्ट----- (1) राष्ट्रीय स्वच्छ गंगा मिशन अगले वर्ष से तुरंत पहले अपने द्वारा और गंगा नदी के संबंध में अधिकार प्राप्त कार्यबल, विनिर्दिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा संरक्षण समितियों, संबंधित स्थानीय प्राधिकरणों अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा निगम अथवा व्यक्तियों द्वारा किए गए सभी कार्यों की समेकित वार्षिक रिपोर्ट प्रत्येक वर्ष के अंत के 3 माह में तैयार करेगा।

(2) राष्ट्रीय स्वच्छ गंगा मिशन अपने द्वारा किए गए तथा गंगा नदी संबंधी अधिकार प्राप्त कार्यबल, राज्य सरकारों, विनिर्दिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा संरक्षण समितियों, संबंधित स्थानीय प्राधिकरणों अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा निगम अथवा व्यक्तियों द्वारा किए गए सभी कार्यों उपपैरा-1 में उल्लिखित इसकी समेकित वार्षिक रिपोर्ट में अलग-अलग भागों के तहत शामिल करेगी और इस समेकित वार्षिक रिपोर्ट को राष्ट्रीय गंगा परिषद और केन्द्रीय सरकार को प्रेषित करेगी तथा इसे सार्वजनिक क्षेत्र में भी उपलब्ध कराया जायेगा। इसे वेबसाइट पर भी दर्शाया जायेगा।

51. समितियों का गठन - राष्ट्रीय स्वच्छ गंगा मिशन अपने सदस्यों में से एक या ज्यादा गंगा नदी प्रबंधन समितियां बनाना और नदियों अथवा जल के क्षेत्र में ऐसे विशेषज्ञ इस आदेश के तहत अपने कार्यों के कुशल निर्वहन के लिए उपयुक्त कदम उठाए।

52. मार्गदर्शन प्राप्त करना- राष्ट्रीय गंगा परिषद के निर्णयों अथवा इस आदेश के प्रावधानों के कार्यान्वयन में यदि कोई समस्या उत्पन्न होती है, तो यह राष्ट्रीय स्वच्छ गंगा मिशन का कर्तव्य होगा कि राष्ट्रीय गंगा परिषद का मार्ग दर्शन प्राप्त करें और तदनुसार उपयुक्त कार्रवाई करें।

53. जिला गंगा संरक्षण समितियों का गठन ---(1) केन्द्र सरकार गंगा नदी में पर्यावरणीय प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के लिए इस आदेश के प्रारम्भ से एक निश्चित समय के भीतर अधिसूचना द्वारा विनिर्दिष्ट राज्य गंगा समिति के परामर्श से हिमाचल प्रदेश, उत्तराखण्ड, उत्तर प्रदेश, मध्य प्रदेश, छत्तीसगढ़, बिहार, झारखण्ड, हरियाणा, राजस्थान, पश्चिम बंगाल और राष्ट्रीय राजधानी क्षेत्र दिल्ली तथा ऐसे अन्य राज्यों में , जहां गंगा नदी की प्रमुख सहायक नदियां हैं, प्रत्येक जिले में (इस आदेश में इसके बाद विनिर्दिष्ट जिला कहा गया है) उक्त अधिनियम की धारा 23 की उपधारा(3) के अंतर्गत " जिला गंगा संरक्षण समितियों" के नाम से एक प्राधिकरण का गठन करेगी।

(2) प्रत्येक विनिर्दिष्ट गंगा जिले में प्रत्येक जिला गंगा समिति में निम्नलिखित सदस्य होंगे, नामतः --	
(ए) विनिर्दिष्ट जिले में जिला कलेक्टर।	अध्यक्ष, पदेन
(बी) विनिर्दिष्ट जिले नगर पालिकाओं और ग्राम पंचायतों से राज्य सरकार द्वारा नामित दो से अधिक प्रतिनिधि सदस्य	
(सी) राष्ट्रीय नदी गंगा के साथ लगने वाले विनिर्दिष्ट जिले में कार्यरत लोक निर्माण, सिंचाई, जन स्वास्थ्य, इंजीनियरिंग और ग्रामीण पेयजल विभाग, और राज्य प्रदूषण नियंत्रण बोर्ड प्रत्येक का एक प्रतिनिधि जो जिला कलेक्टर द्वारा नामित किया जाएगा। सदस्य, पदेन	
(डी) विनिर्दिष्ट जिले में जिला कलेक्टर द्वारा नामित गंगा संरक्षण कार्यकलापों से संबद्ध दो पर्यावरणविद और स्थानीय उद्योग संघ का एक प्रतिनिधि। सदस्य	
(ई) विनिर्दिष्ट जिले का एक डिविजनल वन अधिकारी।	सदस्य, पदेन
(एफ) एक जिला अधिकारी जिसे जिला कलेक्टर लिए नामित करे। सदस्य	

(2) जिला कलेक्टर जिला गंगा समिति के अध्यक्ष होंगे और डिविजनल वन अधिकारी जिला गंगा समिति के संयोजक होंगे।

(3) जिला गंगा समितियों की बैठक का समय और स्थान का निर्धारण उस समिति के अध्यक्ष करेंगे और इस आदेश के तहत प्रदत्त की गई शक्तियों और कार्यों का प्रयोग करेंगे।

बशर्ते कि जिला गंगा समिति की कम से कम एक बैठक प्रत्येक तीन माह में आयोजित की जाएगी।

(4) कोई गैर पदेन सदस्य सरकार को अथवा संबंधित जिला कलेक्टर के, जैसा भी मामला हो, लिखित नोटिस देते हुए अपने पद से त्यागपत्र दे सकता है और सरकार द्वारा अथवा जिला कलेक्टर द्वारा , जैसा भी मामला हो, उसका त्यागपत्र स्वीकार किए जाने के बाद सदस्य नहीं रहेगा।

54. जिला गंगा संरक्षण समिति का अधीक्षण, निर्देशन और नियंत्रण – जिला गंगा संरक्षण समिति के प्रबंधन (वित्तीय और प्रशासनिक मामलों सहित) प्रबंधन का अधीक्षण निर्देशन और नियंत्रण इस आदेश में किसी बात के होते हुए राष्ट्रीय स्वच्छ गंगा मिशन में विहित होगा, जो इसके द्वारा प्रत्यक्ष रूप से अथवा विनिर्दिष्ट राज्य गंगा समिति अथवा इसके किसी अधिकारी अथवा इसके द्वारा विनिर्दिष्ट अन्य किसी प्राधिकारी के माध्यम से प्रयोग किया जाएगा।

55. जिला समितियों के कार्य और शक्तियां- (1) प्रत्येक जिला गंगा समिति पैराग्राफ चार में बताया गए सिद्धांतों के अनुसार पैराग्राफ छः और सात में विनिर्दिष्ट किए गए अनुसार प्रत्येक विनिर्दिष्ट जिले में गंगा नदी और इसकी सहायक नदियों के पुनरुद्धार, संरक्षण, मरम्मत और पुनर्वासन के लिए कार्यों का निर्वहन और शक्तियों का प्रयोग करेगी।

(2) विशेष रूप से गंगा नदी और इसकी सहायक नदियों के साथ लगने वाले डिग्रेडेड क्षेत्रों के पुनरुद्धार, संरक्षण, मरम्मत और पुनर्वासन के लिए उप-पैराग्राफ 1 के सामान्य प्रावधानों के अलावा और इस आदेश और अधिनियम के अन्य प्रावधानों तथा इनके अंतर्गत बनाए गए नियमों के अधीन प्रत्येक गंगा समिति को विनिर्दिष्ट जिले में गंगा नदी और इसकी सहायक नदियों के संबंध में निम्नलिखित शक्तियां और अधिकार प्राप्त होंगे नामतः :-

(ए) गंगा नदी अथवा इसकी सहायक नदियों अथवा रिवर बेड के संरक्षण के लिए गंगा नदी के साथ लगने वाले विनिर्दिष्ट जिले के क्षेत्रों में संभावित खतरों की पहचान करना और उसके संबंध में सुधारात्मक कार्रवाई की योजना बनाना और कार्रवाई करना।

(बी) विनिर्दिष्ट जिले में गंगा नदी और इसकी सहायक नदियों अथवा इसके रीवर बेड के संरक्षण के लिए अपनी ओर से सुधारात्मक कार्रवाई करना (इस आदेश के प्रावधानों को छोड़कर)।

(सी) उपचारात्मक कार्रवाई करने की स्थिति में सक्षम न होने पर राष्ट्रीय स्वच्छ गंगा मिशन और संबंधित राज्य सरकार, गंगा राज्य समिति, जैसा भी मामला हो, को गंगा नदी के बचाव के लिए निर्देश जारी करने हेतु रिपोर्टिंग (इलैक्ट्रॉनिक और लिखित में हार्ड कापी भेजकर) और उपयुक्त प्रबंधन अथवा उपचारात्मक कार्रवाई तैयार करना।

(डी) इस आदेश के प्रावधानों को प्रभावी बनाने के लिए उपयुक्त प्रशासनिक और अन्य उपाय करना ताकि इस आदेश के प्रावधानों से अलग न होते हुए या किसी भी कानून को कुछ समय के लिए लागू करने की बजाए गंगा नदी और इसकी सहायक नदियों में पर्यावरणीय प्रदूषण को रोका जा सके।

(3) यदि जिला गंगा संरक्षण समिति का यह मत है कि इस अधिनियम के तहत विसंगतियां की गयी हैं या कोई अन्य कानून कुछ समय के लिए लागू किया जा रहा है या इस आदेश के प्रावधानों से अलग है तो इसे कुछ समय के लिए कानून के अनुरूप करके उपयुक्त कार्रवाई करेगी।

(4) जिला गंगा संरक्षण समिति पैराग्राफ 7 में विनिर्दिष्ट ऐसे सभी आपातकालीन उपाय करेगी।

56. नोडल अधिकारी का पदनाम---- (1) प्रत्येक जिला गंगा समिति निम्नलिखित को नोडल अधिकारी के रूप में नामित करेगी--

(ए) गंगा नदी और इसकी सहायक नदियों के आसपास के क्षेत्रों में प्रत्येक गांव के ग्राम सभा के सरपंच

(बी) ऐसे मामले में जो गांव गंगा नदी से सटे हुए नहीं हैं, नगरपालिका योजना समिति या महानगर योजना समिति के अध्यक्ष या किसी स्थानीय प्राधिकरण के अध्यक्ष को इस आदेश के प्रयोजनों हेतु, जिला गंगा संरक्षण समिति के अध्यक्ष के रूप में मनोनीत किया जा सकता है।

(2) प्रत्येक नोडल अधिकारी जो उप-पैराग्राफ के तहत मनोनीत हुआ है (1) गंगा नदी की और उसकी सहायिकाओं में प्रदूषण को रोकने हेतु कदम उठा सकते और स्वयं गंगा नदी और उसकी सहायिकाओं के संरक्षण हेतु उपचारात्मक उपाय कर सकते या उनके नदी तटों जो ऐसे गांवों के साथ सटे हुए हैं या अन्य क्षेत्र, जैसा भी मामला हो, जिसके लिए वह नोडल अधिकारी है और यदि वह ऐसा नहीं कर पाते हैं तो वे इस आदेश की अवहेलना को उपचारात्मक कार्रवाई हेतु जिला गंगा समिति के अध्यक्ष के ध्यान में ला सकते हैं।

(3) उप-पैराग्राफ (2) के तहत रिपोर्ट की प्राप्ति के पश्चात जिला गंगा समिति का अध्यक्ष गंगा नदी या इसके नदी तटों से सटे विनिर्दिष्ट जिलों के संरक्षण हेतु उपचारात्मक कदम उठा सकते हैं।

57. योजनाओं की तैयारी--- (1) प्रत्येक जिला गंगा संरक्षण समिति गंगा नदी और उसकी सहायिकाओं और उनके नदी तटों से सटे विनिर्दिष्ट जिलों के संरक्षण हेतु अपनी आयोजना की तैयारी करेगा और उक्त को उसके बाद एवं राष्ट्रीय स्वच्छ गंगा मिशन के अनुमोदन के लिए प्रस्तुत करेगा।

(2) उप-पैराग्राफ (1) के तहत योजना में विनिर्दिष्ट जिला गंगा संरक्षण समिति द्वारा गंगा नदी और उसकी सहायिकाओं और उनके नदी तटों से सटे विनिर्दिष्ट जिलों से पर्यावरणीय प्रदूषण से संरक्षण, नियंत्रण और उसे हटाने हेतु उठाए गए कार्यकलाप शामिल होंगे, जिसे राज्य सरकार, राज्य गंगा समितियों या राष्ट्रीय स्वच्छ गंगा मिशन या कोई अन्य प्राधिकरण या बोर्ड और ऐसी योजना हेतु शामिल व्यय संस्तुत किया जा सकता है और समय जिसमें ऐसे कार्यकलापों को पूर्ण किया जाएगा।

(58) बजट की तैयारी और लेखों का रखरखाव— प्रत्येक जिला गंगा संरक्षण समिति प्रत्येक वित्त वर्ष में अपेक्षित फंडों को और उन उद्देश्यों जिसके लिए फंड खर्च किया जाएगा, और समय सीमा जिसके भीतर बजट में उल्लेख किए गए कार्यकलाप को पूरा किया जाएगा को दर्शाते हुए अपने बजट को तैयार करेगी और संबंधित राष्ट्रीय स्वच्छ गंगा मिशन को सूचना देते हुए संबंधित राज्य गंगा समिति को प्रस्तुत करेगी और यह समिति, भारत सरकार के नियंत्रक एवं महालेखा परीक्षक (सीएजी) द्वारा अथवा सीएजी द्वारा नियुक्त किसी अन्य अभिकरण द्वारा लेखा परीक्षा के लिए, राष्ट्रीय स्वच्छ गंगा मिशन द्वारा निर्धारित लेखों का उपयुक्त रखरखाव सुनिश्चित करेगी और यह लेखे राष्ट्रीय गंगा परिषद, राष्ट्रीय स्वच्छ गंगा मिशन राज्य गंगा समिति अथवा उनके द्वारा नियुक्त किसी संस्था द्वारा निरीक्षण के शर्तार्थीन होंगे।

(59) मासिक और वार्षिक रिपोर्टें— (1) प्रत्येक गंगा संरक्षण समिति, राष्ट्रीय स्वच्छ गंगा मिशन और राज्य समितियों जैसा कि राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट समय सीमा के भीतर निर्धारित किया गया है, राष्ट्रीय गंगा परिषद को मासिक और वार्षिक रिपोर्टें प्रस्तुत करेगी।

(2) उप पैरा (1) में उल्लेख की गई वार्षिक रिपोर्ट के अतिरिक्त जिला गंगा संरक्षण समिति राष्ट्रीय स्वच्छ गंगा मिशन को ऐसे समय और ऐसे फॉर्म और तरीके से रिपोर्ट प्रस्तुत करेगी जिससे विनिर्दिष्ट जिले में उसके आसपास के क्षेत्र में गंगा नदी बेसिन योजना हेतु अन्य रिटर्न, विवरण और कोई प्रस्तावित या मौजूदा कार्यक्रम के संबंध में अन्य ब्यौरे हेतु निर्देश दें।

60. बजट आवंटन— राष्ट्रीय स्वच्छ गंगा मिशन बजट आवश्यकता को समेकित और तैयार कर सकता है और उक्त जल संसाधन मंत्रालय, नदी विकास और गंगा संरक्षण मंत्रालय को प्रस्तुत कर सकता है।

61. केंद्रीय सरकार द्वारा निर्देश— इस आदेश में दी गई किसी भी बात के बावजूद, केंद्रीय सरकार के लिए यह विधिपूर्ण हो कि वे मंत्रालय या भारत सरकार के विभागों या राज्य सरकारों तथा राज्य गंगा समितियों, राष्ट्रीय स्वच्छ गंगा मिशन या जिला गंगा समितियों या स्थानीय प्राधिकरण या अन्य प्राधिकरण तथा सांविधिक निकायों या उनके अधिकारी या कर्मचारी, जैसा भी मामला हो लिखित में निर्देश जारी करे जिससे वे गंगा नदी और उसके सहायिकाओं के पुनरुद्धार, संरक्षण और प्रबंधन में सहायता प्रदान कर सके और ऐसा मंत्रालय या विभाग या प्राधिकरण या मिशन या बोर्ड या सरकार और सांविधिक निकाय, अधिकारी या कर्मचारी ऐसे निर्देशों के अनुपालन हेतु बाध्य होंगे।

62. अधिनियम की धारा 19 के तहत शिकायत करना— इस आदेश के तहत गठित सभी प्राधिकरण या ऐसे प्राधिकरणों द्वारा प्राधिकृत किए गए उनके अधिकारी कोर्ट के समक्ष उक्त धारा के अंतर्गत किसी उल्लंघन को संज्ञान में रखते हुए उक्त अधिनियम की धारा 19 के तहत शिकायत कर सकते हैं।

63. अन्य दायित्वों के अतिरिक्त आदेश— इस आदेश के प्रावधान किसी स्थानीय प्राधिकरण या अन्य प्राधिकरण या बोर्ड या कॉरपोरेशन या किसी व्यक्ति द्वारा गंगा नदी में कुशल प्रदूषण नियंत्रण और पुनरुद्धार के प्रयोजन से उपाय करने हेतु अपने कार्यों के निर्वाह में और उसके संरक्षण और प्रबंधन और अभी लागू कोई अन्य कानून में अपने कार्यों के बिना किसी पक्षपात के है।

अनुसूची

(पैराग्राफ 20 देखें)

राज्य और प्रबंधन समितियों की संरचना

क्र.सं.	विनिर्दिष्ट राज्य गंगा संरक्षण और प्रबंधन का नाम	राज्य गंगा संरक्षण और प्रबंधन समितियों की संरचना
(1)	(2)	(3)
1.	(नाम) राज्य गंगा संरक्षण और प्रबंधन समिति	(क) मुख्य सचिव, राज्य सरकार (नाम) पदेन सदस्य
		(ख) प्रधान सचिव, वित्त विभाग राज्य सरकार (नाम) सदस्य, पदेन
		(ग) प्रधान सचिव, शहरी विकास और आवास विभाग, (नाम) सरकार-सदस्य, पदेन
		(घ) प्रधान सचिव, पर्यावरण एवं वन विभाग, राज्य सरकार (नाम)-सदस्य, पदेन
		(ङ) प्रधान सचिव, जल संसाधन विभाग, राज्य सरकार (नाम)-सदस्य, पदेन

		(च) प्रधान सचिव, सार्वजनिक स्वास्थ्य इंजीनियरिंग विभाग, राज्य सरकार (नाम) सदस्य, पदेन
		(छ) अध्यक्ष (नाम) राज्य प्रदूषण नियंत्रण बोर्ड -सदस्य, पदेन
		(झ) (नाम) राज्य में कार्यान्वयन एजेंसी के चीफ ऐक्जीक्यूटिव अधिकारी- सदस्य, पदेन
		(ञ) वनों के प्रधान मुख्य संरक्षक, राज्य सरकार (नाम) -सदस्य, पदेन
		(ट) सरकार (नाम) द्वारा संबंधित क्षेत्रों से पांच विशेषज्ञों से अधिक मनोनीत नहीं किए जाएंगे।-सदस्य

[फा. सं. स्था.-01/2016-17/111/एनएमसीजी]

संजय कुंडू, संयुक्त सचिव

**MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION
NOTIFICATION**

New Delhi, the 7th October, 2016

S.O. 3187(E).—Whereas it is necessary to constitute authorities at Central, State and District levels to take measures for prevention, control and abatement of environmental pollution in River Ganga and to ensure continuous adequate flow of water so as to rejuvenate the River Ganga to its natural and pristine condition and for matters connected therewith or incidental thereto;

And whereas the River Ganga is of unique importance ascribed to reasons that are geographical, historical, socio-cultural and economic giving it the status of a National River;

And whereas the River Ganga has been facing serious threat due to discharge of increasing quantities of sewage, trade effluents and other pollutants on account of rapid urbanisation and industrialisation;

And whereas, the demand for water of River Ganga is growing for irrigation, drinking water supplies, industrial use and hydro-power due to increase in population, urbanisation, industrialisation, infrastructural development and taking into account the need to meet competing demands;

And whereas there is an urgent need-

- (a) to ensure effective abatement of pollution and rejuvenation of the River Ganga by adopting a river basin approach to promote inter-State and inter-sectoral co-ordination for comprehensive planning and management;
- (b) to maintain ecological flows in the River Ganga with the aim of ensuring continuous flows throughout its length so as to restore its ecological integrity that enables it to self rejuvenate;
- (c) for imposing restrictions in areas abutting the River Ganga in which industries, operations or processes, or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
- (d) to make provision for inspection of any premises, plants, equipment, machineries, manufacturing or other processes, materials or substances and giving direction to the authorities, officers and persons as may be necessary to take steps, for prevention, control and abatement of environmental pollution in the River Ganga;
- (e) for carrying out and sponsoring investigations and research relating to problems of environmental pollution in the River Ganga and examination of such manufacturing processes, material and substance as are likely to cause environmental pollution;
- (f) for collection and dissemination of information in respect of matters relating to environmental pollution in the River Ganga and preparation of manual, codes or guide relating to the prevention, control and abatement of environmental pollution;

And whereas the State Governments concerned, being equally responsible for Ganga rejuvenation, are required to co-ordinate and implement the river conservation activities at the State level, and to take steps for comprehensive management of the River Ganga in their States;

And whereas it is required to have planning, financing, monitoring and coordinating authorities for strengthening the collective efforts of the Central Government and the State Governments and authorities under this Order for effective abatement of pollution and rejuvenation, protection and management of the River Ganga;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clauses (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xii) and (xiii) of sub-section (2) and (3) of section 3 and sections 4,5,9,10,11, 19, 20 and 23 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the Act) and in supersession of the notifications of the Government of India in the erstwhile Ministry of Environment and Forests numbers S.O.1111(E), dated the 30th September, 2009, S.O. 2493 (E), dated the 30th September, 2009, S.O. 2494 (E), dated the 30th September 2009, S.O. 2495 (E), dated the 30th September 2009, S.O. 287 (E) dated the 8th February, 2010 and in the Ministry of Water Resources, River Development and Ganga Rejuvenation No. S.O. 2539 (E), dated the 29th September 2014, except as respects things done or omitted to be done before such supersession, the Central Government hereby-----

(i)constitutes the authorities by the names mentioned in this Order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5 of the Act and for taking measures with respect to the matters as mentioned in this Order;

(ii)directs, subject to the supervision and control of the Central Government and the provisions of this Order, such authority or authorities as specified in this Order that shall exercise the powers or perform the functions or take the measures so mentioned in this Order as if such authorities had been empowered by the Act to exercise those powers, perform those functions, or take such measures;

(iii)directs that all its powers and functions (except the power to constitute any authority under sub-section (3) of section 3 and to make rules under the sections 6 and 25 of the Act) under any provision of the Act shall, in relation to River Ganga and matters connected therewith, be exercisable and discharged also by the authorities constituted by this Order and by the officers specified in this Order, subject to such conditions and limitations and to the extent as specified in this Order.

1.Short title and commencement. – (1) This Order may be called the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Applicability.- This Order shall apply to the States comprising River Ganga Basin, namely, Himanchal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga as the National Council for Rejuvenation, Protection and Management of River Ganga may decide for the purpose of effective abatement of pollution and rejuvenation, protection and management of the River Ganga.

3.Definitions.- (1) In this Order, unless the context otherwise requires, -

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “Basin” means the entire catchment of a water body or water course including the soil, water, vegetation and other natural resources in the area and includes land, water, vegetation and other natural resources on a catchment basis;

(c) “Buffer Area” means an area which extends beyond the flood plain of a stream;

(d) “catchment” or “catchment area” includes the entire land area whose runoff from rain, snow or ice drains into a water body or a water course, before the water course joins River Ganga or its tributaries or discharges water into River Ganga or its tributaries;

(e) “commercial fishing” means large scale fishing for commercial purposes by nets, poisoning, or other modern fishing gear or methods in River Ganga or its tributaries;

(f) Competent authority means “Central Government”

(g) “deforestation” means removal or reduction of forest cover, especially when caused by anthropogenic activities or removal of trees and other vegetation of a forest excluding a planned clearance for scientific management of forest in particular in the catchment area of River Ganga;

(h) “degraded forest” means a forest having loss or reduction of native forest cover or vegetation density in the catchment area abutting River Ganga or its tributaries;

(i) “direction” shall mean direction issued under section 5 of the Act and the expression “direct” shall be construed accordingly;

(j) “District Ganga Committee” means the District Ganga Protection Committee mentioned in paragraph 53;

(k) “engineered diversion” means a structure or device constructed or installed to transfer the water of River Ganga or its tributaries into canals or other engineering structures;

(l) "flood plain" means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;

(m) "Ghat" means sloping part at Bank of River Ganga or its tributaries with artificially constructed steps or sloping piece of land used for providing easy human access to water of River Ganga or its tributaries and includes usage of such parts for religious or other related purposes;

(n) "local authority" includes Panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or with the control and management of civic services, within a specified local area;

(o) "National Mission for Clean Ganga" means the authority mentioned in paragraph 31.

(p) "notification" means a notification published in the Official Gazette and the expression 'notifying' shall be construed accordingly;

(q) "offensive matter" consists of solid waste which includes animal carcasses, kitchen or stable refuse, dung, dirt, putrid or putrefying substances and filth of any kind which is not included in the sewage;

(r) "person" include ----

(i) an individual or group or association of individuals whether incorporated or not;

(ii) a company established under the Companies Act, 2013 (18 of 2013);

(iii) any corporation established by or under any Central or State Act;

(iv) a local authority;

(v) every juridical person not falling within any of the preceding sub-clauses;

(s) "River Bed" means the dried portion of the area of River Ganga or its tributaries and includes the place where the River Ganga or its tributaries run its course when it fills with water and includes the land by the side of River Ganga or its tributaries which retains the water in its natural channel, when there is the greatest flow of water;

(t) "River Bed Farming" includes seasonal agriculture or farming on the River Bed of River Ganga or its tributaries during low flows of water;

(u) "River Ganga" means the entire length of six head-streams in the State of Uttarakhand namely, Rivers Alakananda, Dhauli Ganga, Nandakini, Pinder, Mandakini and Bhagirathi starting from their originating glaciers up to their respective confluences at Vishnu Prayag, Nand Prayag, Karn Prayag, Rudra Prayag, and Dev Prayag as also the main stem of the river thereafter up to Ganga Sagar including Prayag Raj and includes all its tributaries;

(v) "rubbish" means ashes, broken brick, mortar, broken glass, dust or refuse of any kind and includes filth;

(w) "sand mining" means large scale removal of river sand from the dried channel belt, flood plain or a part of River Ganga or its tributaries;

(x) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sewage from open drains;

(y) "sewerage scheme" means any scheme which a local authority may introduce for removal of sewage by flushing with water through underground closed sewers;

(z) "Schedule" means Schedule appended to this Order;

(za) "specified District" means an area of every District abutting the River Ganga, being within a radius of fifteen kilometers of the Ganga River Bank or its tributaries in the States of Himachal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga as referred to in this Order;

(zb) "State Ganga Committee" means the State Ganga Rejuvenation, Protection and Management Committee constituted under this Order for each of the States mentioned in paragraph 2.

(zc) State Ganga River Conservation Authority means an authority earlier constituted in each State under the Act as follows, namely:-

(i) the Bihar State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O287 (E), dated 8th February 2010;

(ii) the Jharkhand State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2495(E), dated 30th September 2009;

- (iii) the Uttarakhand State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O 1111 (E), dated 30th September 2009;
- (iv) the Uttar Pradesh State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2493 (E), dated 30th September 2009; and
- (v) the West Bengal State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2494 (E), dated 30th September 2009.

(zd) "stream" includes river, water course (whether flowing or for the time being dry), inland water (whether natural or artificial) and sub-terrain waters;

(ze) "tributaries of River Ganga" means those rivers or streams which flow into River Ganga and includes Yamuna River, Son River, Mahananda River, Kosi River, Gandak River, Ghaghara River and Mahakali River and their tributaries or such other rivers which National Council for Rejuvenation Protection and Management of River Ganga may, by notification, specify for the purposes of this Order.

2. The words and expressions used herein and not defined but defined in the Environment (Protection) Act, 1986 (29 of 1986) shall have the meanings respectively assigned to them in the Act.

4. Principles to be followed for rejuvenation, protection and management of River Ganga. – (1) The following principles shall be followed in taking measures for the rejuvenation, protection and management of River Ganga, namely:-

- (i) the River Ganga shall be managed as a single system;
- (ii) the restoration and maintenance of the chemical, physical, and biological quality of the waters of River Ganga shall be achieved in a time bound manner;
- (iii) the River Ganga shall be managed in an ecologically sustainable manner;
- (iv) the continuity of flow in the River Ganga shall be maintained without altering the natural seasonal variations;
- (v) the longitudinal, lateral and vertical dimensions (connectivities) of River Ganga shall be incorporated into river management processes and practices;
- (vi) the integral relationship between the surface flow and sub-surface water (ground water) shall be restored and maintained;
- (vii) the lost natural vegetation in catchment area shall be regenerated and maintained;
- (viii) the aquatic and riparian biodiversity in River Ganga Basin shall be regenerated and conserved;
- (ix) the bank of River Ganga and its flood plain shall be construction free Zone to reduce pollution sources, pressures and to maintain its natural ground water recharge functions;
- (x) the public participation in rejuvenation, protection and management, revision and enforcement of any regulation, standard, effluent limitation plan, or programme for rejuvenation, protection and management shall be encouraged and made an integral part of processes and practices of

River Ganga rejuvenation, protection and management.

(2) National Mission for Clean Ganga may, having regard to the needs of the people of the country, advances in technology and socio economic conditions of the people and to preserve the rich heritage of national composite culture, specify additional principles in addition to the principles specified under sub-paragraph (1).

5. Ecological flow of water in River Ganga to be maintained. – (1) Every State Government, shall endeavor to ensure that uninterrupted flows of water are maintained at all times in River Ganga as required under clause (iv) of paragraph (4).

(2) Every State Government shall also endeavor to maintain adequate flow of water in River Ganga in different seasons to enable River Ganga to sustain its ecological integrity and to achieve the goal, all concerned authorities shall take suitable actions in a time bound manner.

(3) For the purposes of this paragraph, the average flow of water shall be determined by such Hydrology Observation Stations at such points of the River Ganga, as may be specified by the National Mission for Clean Ganga:

Provided that the average flow of water in River Ganga may, having regard to ecology, be determined by the National Mission for Clean Ganga for different points of River Ganga.

6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.- (1) No person shall discharge, directly or indirectly, any untreated or treated sewage or sewage sludge into the River Ganga or its tributaries or its banks:

Provided that where a local authority does not have, on the date of commencement of this Order, sewerage scheme or infrastructure for collection, storage, transportation and disposal of sewage or sewage sludge or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such local authority shall, within a period, specified by National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of sewage in the territorial area of the local authority.

(2) No person shall discharge, directly or indirectly, any untreated or treated trade effluent and industrial waste, bio-medical waste, or other hazardous substance into the River Ganga or its tributaries or on their banks:

Provided further that where an industry or industrial area management does not have, on the date of commencement of this Order, industrial effluent treatment scheme or infrastructure for collection, storage, transportation and disposal of trade effluents industrial waste, bio-medical waste, or other hazardous substance, etc. or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such industry or industrial area management shall, within a period so specified by the National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of trade effluent and industrial waste, bio-medical waste, or other hazardous substance in the jurisdiction of the industry or industrial area management.

(3) No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

(4) No person shall do any act or carry on any project or process or activity which, notwithstanding whether such act has been mentioned in this Order or not, has the effect of causing pollution in the River Ganga.

(5) It shall be the duty of the National Mission for Clean Ganga, every Specified State Ganga Committee or specified District Ganga Protection Committee, local authority and all other authorities and persons to disseminate widely and bring to public notice, using various means, information captured in reports and the aforesaid measures in the local language in every village, town, city and other areas abutting River Ganga and its tributaries.

7. Emergency measures in case of pollution of River Ganga or its tributaries --- If any poisonous, noxious or polluting matter is present or has entered into the River Ganga due to any accident or other unforeseen act or event, and it is necessary or expedient to take immediate action, the National Mission for Clean Ganga shall take immediate action for carrying out such operations or direct for carrying out such operations by the specified State Ganga Committee or specified District Ganga Committee or local authority or any other authority or Board or Corporation, as it may consider necessary for all or any of the following purposes, namely; -

(a) the manner of removing the matter from River Ganga and disposing it off in such a manner as it may specify, as also, for carrying out such operations as is considered appropriate for mitigation or removal of any pollution caused by such matter;

(b) issuing directions restraining or prohibiting any person concerned from discharging any poisonous, noxious or polluting matter in the River Ganga;

(c) undertaking any additional work or functions as may be necessary to address such emergency.

8. Power to issue directions. - The National Mission for Clean Ganga shall, in the exercise of its powers and performance or its functions under this Order, issue such directions in writing as it may consider necessary for abatement of pollution and rejuvenation, protection and management of the River Ganga to the concerned authority or local authority or other authorities or Board or Corporation or person and they shall be bound to comply with such directions.

9. Ganga safety audit.- Every District Ganga Committee shall cause the Ganga safety audit to be carried out by such Ganga Safety Auditors within such time frame and in accordance with such protocols as may be specified by the

National Mission for Clean Ganga for the area of the River Ganga abutting such district and forward the copy of the report of such safety audit along with remedial action taken thereon to the concerned State Ganga Committee and the National Mission for Clean Ganga, which shall take appropriate action thereon, if required.

10. Pollution in River Ganga and its tributaries to be monitored.- (1) The pollution in River Ganga and its tributaries shall be monitored by the National Mission for Clean Ganga on its own or by directions through various State and Central Government agencies by use of satellite imagery and other remote sensing technologies as well as physical stations, online monitoring and independent agencies at a periodicity to be specified by it.

(2) Notwithstanding the provisions of sub-paragraph (1), the Central Government may assign the function of monitoring of pollution in River Ganga and its tributaries to any other agency or body or direct, having regard to advances in technology, to monitor the aforesaid pollution in River Ganga and its tributaries by adopting any other technique or method, as may be specified in the direction.

11. Constitution of National Council for Rejuvenation, Protection and Management of River Ganga. - With effect from the date of commencement of this Order, there shall be constituted an authority by the name to be called the National Council for Rejuvenation, Protection and Management of River Ganga, (hereinafter in this Order called as the National Ganga Council) for the purposes of the Act and to exercise powers and discharge functions as specified in this Order and the Act.

12. Composition of National Ganga Council.- The National Ganga Council shall consist of the following members, namely:-	
(a) Prime Minister	- Chairperson, <i>ex-officio</i>
(b) Union Minister for Water Resources, River Development and Ganga Rejuvenation	- Vice-Chairperson, <i>ex-officio</i>
(c) Union Minister for Environment, Forests and Climate Change	- Member, <i>ex-officio</i> ;
(d) Union Minister for Finance	- Member, <i>ex-officio</i> ;
(e) Union Minister for Urban Development	- Member, <i>ex-officio</i> ;
(f) Union Minister for Power	- Member, <i>ex-officio</i> ;
(g) Union Minister for Science and Technology	- Member, <i>ex-officio</i> ;
(h) Union Minister for Rural Development	- Member, <i>ex-officio</i> ;
(i) Union Minister for Drinking Water and Sanitation	- Member, <i>ex-officio</i> ;
(j) Union Minister for Shipping	- Member, <i>ex-officio</i> ;
(k) Union Minister of State for Tourism	- Member, <i>ex-officio</i> ;
(l) Vice Chairman, NITI Aayog	- Member, <i>ex-officio</i> ;
(m) Chief Minister, Bihar	- Member, <i>ex-officio</i> ;
(n) Chief Minister, Jharkhand	- Member, <i>ex-officio</i> ;
(o) Chief Minister, Uttarakhand	- Member, <i>ex-officio</i> ;
(p) Chief Minister, Uttar Pradesh	- Member, <i>ex-officio</i> ;
(q) Chief Minister, West Bengal	- Member, <i>ex-officio</i> ;
(r) Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation	- Member, <i>ex-officio</i> ;
(s) Director General, National Mission for Clean Ganga	- Member Secretary, <i>ex-officio</i> .

(2) The National Ganga Council may co-opt one or more Chief Ministers from the States not represented in the National Ganga Council having major tributaries of River Ganga, which are likely to affect the water quality in the River Ganga, as Member.

(3) The National Ganga Council may also co-opt one or more Union Ministers, if it considers necessary, as Member.

(4) The National Ganga Council may consult experts and expert organisations or institutions in the field of river rejuvenation, river ecology and river management, hydrology, environmental engineering, social mobilisation and other relevant fields.

(5) The Headquarter of the National Ganga Council shall be at New Delhi or at such other place as it may decide.

(6) The National Ganga Council shall have its Secretariat in the National Mission for Clean Ganga.

(7) The Central Government in the Ministry of Water Resources, River Development and Ganga Rejuvenation shall serve as the nodal Ministry.

13. Dissolution of National Ganga River Basin Authority --- (1) On and from the date of constitution of the National Ganga Council in paragraph 11, the National Ganga River Basin Authority constituted by Notification of the Ministry of Water Resources, River Development and Ganga Rejuvenation, number S.O 2539 (E), dated the 29th September 2014 shall stand dissolved.

(2) All things done or omitted to be done or actions taken or any money spent or authorised to be spent by the National Ganga River Basin Authority before such dissolution shall be deemed to have been done or taken under the corresponding provisions of this Order.

14. Superintendence, direction and control of management of River Ganga to vest in National Ganga Council.- The National Ganga Council shall, notwithstanding anything contained in this Order, be overall responsible for the superintendence, direction, development and control of River Ganga and the entire River Basin (including financial and administrative matters) for the protection, prevention, control and abatement of environmental pollution in River Ganga and its rejuvenation to its natural and pristine condition and to ensure continuous adequate flow of water in the River Ganga and for matters connected therewith.

15. Jurisdiction of National Ganga Council.- The jurisdiction of the National Ganga Council shall extend to the areas mentioned in paragraph 2.

16. Meetings of National Ganga Council.- (1) National Ganga Council may regulate its own procedure for transacting its business including its meetings.

(2) The Chairperson of the National Ganga Council shall preside over its meetings and in his absence, its Vice-Chairperson shall, preside over the meetings of the National Ganga Council and conduct its business.

(3) The Vice-Chairperson shall have the power to take decisions necessary for the National Ganga Council to achieve its objectives, in between the conduct of the two meetings of the Council subject to ratification in the next meeting.

(4) The National Ganga Council shall meet at least once every year or more as it may deem necessary.

17. Constitution of Empowered Task Force on River Ganga as authority.- (1) With effect from the date of commencement of this Order, there shall be constituted an authority by the name to be called the Empowered Task Force on River Ganga for the purposes of the Act and to exercise powers and discharge functions as specified in this Order and the Act.

(2) The Empowered Task Force on River Ganga shall consist of the following members, namely:-	
(a) Union Minister for Water Resources, River Development and Ganga Rejuvenation	- Chairperson, <i>ex-officio</i> ;
(b) Union Minister of State for Water Resources, River Development and Ganga Rejuvenation	- Vice-Chairperson, <i>ex-officio</i> ;
(c) Secretary in the Ministry of Water Resources, River Development and Ganga Rejuvenation	- Member, <i>ex-officio</i>
(d) Secretary in the Ministry of Finance (Department of Expenditure)	- Member, <i>ex-officio</i> ;
(e) Chief Executive Officer, Niti Ayog	- Member, <i>ex-officio</i> ;
(f) Chief Secretary, State of Uttrakhand	- Member, <i>ex-officio</i> ;
(g) Chief Secretary, State of Uttar Pradesh	- Member, <i>ex-officio</i> ;
(h) Chief Secretary, State of Bihar	- Member, <i>ex-officio</i> ;
(i) Chief Secretary, State of Jharkhand	- Member, <i>ex-officio</i> ;
(j) Chief Secretary, State of West Bengal	- Member, <i>ex-officio</i> ;
(k) Director General, National Mission for Clean Ganga	- Member-Secretary

(3) The Empowered Task Force on River Ganga may also co-opt one or more Secretary in the Union Ministries or the Chief Secretary of any other State concerned, if it considers necessary, as member

(4) The Empowered Task Force on River Ganga shall meet at least once every three months or more as it may deem necessary.

(5) The administrative and technical support to the Empowered Task Force on River Ganga shall be provided by the Central Government in the Ministry of Water Resources, River Development and Ganga Rejuvenation which shall be the nodal Ministry for the purposes of such administrative and technical support.

18. Functions and powers of Empowered Task Force on River Ganga. –

(1) The Empowered Task Force on River Ganga shall co-ordinate and advise on matters relating to rejuvenation, protection and management of River Ganga and its tributaries.

(2) In particular and without prejudice to the generality of the provisions of sub-paragraph (1), the functions and powers of the Empowered Task Force on River Ganga may include measures with respect to all or any of the following matters in rejuvenation, protection and management of River Ganga, namely:-

- (a) ensuring that the Ministries, Departments and State Governments concerned have -
 - (i) an action plan with specific activities, milestones, and timelines for achievement of the objective of rejuvenation and protection of River Ganga;
 - (ii) a mechanism for monitoring implementation of its action plans;
- (b) co-ordination amongst the Ministries and Departments and State Governments concerned for implementation of its action plans in a time bound manner;
- (c) to monitor the implementation process, address bottlenecks, suggest and take such decisions as may be necessary to ensure speedy implementation;
- (d) all projects under the ambit of Namami Gange including ongoing projects funded domestically and through external assistance;
- (e) discharge of such other functions or exercise of such powers as may be considered necessary for achievement of the objective of rejuvenation, protection and management of River Ganga or as may be assigned to it by the Central Government or specified by the National Ganga Council;

19. Approval for projects exceeding value of rupees one thousand crore.-

- (1) The Empowered Task Force on River Ganga shall be responsible for the approval of every project exceeding a value of rupees one thousand crore, as amended from time to time.
- (2) The Empowered Task Force on River Ganga may constitute a sub-committee of officials amongst its members for the purpose of sub-paragraph (1)

20. Constitution and Composition of Specified State Ganga Rejuvenation, Protection and Management Committees as authorities.- With effect from the date of commencement of this Order, these shall be constituted, in each State as specified in paragraph 2, an authority to be called the State Ganga Rejuvenation, Protection and Management Committee, which shall consist of a Chairperson and other members as specified in the Schedule to exercise powers and discharge functions as specified in this Order and the Act.

21. Meetings of State Ganga Committee. – (1) Every State Ganga Committee may regulate its own procedure for transacting its business including its meetings.

(2) Every State Ganga Committee shall convene its meetings at least once in every three months' time.

(3) The Chairperson of the State Ganga Committee shall preside over its meetings and in his absence, the said Committee shall elect its Vice-Chairperson who shall, preside over the meetings of the State Ganga Committee and conduct its business.

22. Superintendence, direction and control over Committee.- The superintendence, direction and control of the District Ganga Committees shall, notwithstanding anything contained in this Order, vest in the State Ganga Committee, for the purposes of rejuvenation, protection, prevention, control and abatement of environmental pollution in River Ganga and its tributaries so as to rejuvenate the River Ganga to its natural and pristine condition and ensure continuous and adequate flow of water in River Ganga and for protection and management of River Ganga in the States concerned.

23. Decisions of State Ganga Committee to be binding.- The decision taken at the meetings of the State Ganga Committee shall, notwithstanding anything contained in this Order, be binding upon every District Ganga Committee and every local authority or other authority or Board or person referred to in such decision and they shall comply with the decisions of the State Ganga Committee.

24. Powers, duties and functions of State Ganga Committees.- (1) Every State Ganga Committee shall, subject to the provisions of the Act and rules made or directions issued thereunder, have the power to take all such measures, including those in paragraphs 6, 7 and 8, as it deems necessary or expedient for effective abatement of pollution and conservation

of the River Ganga and for implementing the decisions or directions of the National Ganga Council and National Mission for Clean Ganga.

(2) The State Ganga Committee shall implement various programmes and projects of the National Ganga Council and National Mission for Clean Ganga.

(3) In particular and without prejudice to the generality of the provisions of sub-paragraphs (1) and (2), such measures may include all or any of the following matters, namely:-

(a) coordination and implementation of the conservation activities relating to River Ganga including augmentation of sewerage infrastructure, catchment area treatment, protection of flood plains, creating public awareness and such other measures at the State level and regulation of activities aimed at the prevention, control and abatement of pollution in the River Ganga to maintain its water quality, and to take such other measures relevant to river ecology and management in the State concerned;

(b) implementation of the river basin management plan in the concerned State;

(c) maintenance of minimum ecological flows in the River Ganga in the concerned State and actions thereon;

(d) entry and inspection under section 10 and power to take sample under section 11 of the Act for the purpose of exercising and performing its functions under this Order.

(4) The State Ganga Committee shall undertake all the emergency measures mentioned in paragraph 7.

(5) The State Ganga Committee shall have the powers to issue directions under section 5 of the Act.

(6) The powers and functions of the State Ganga Committee shall be without prejudice to any of the powers conferred upon the State Government under any Central or State Act, being not inconsistent with the provisions of the Act.

25. Monitoring execution of plans and programmes of District Ganga Committees.- Every State Ganga Committee shall monitor the execution of plans, programmes, and projects of all their District Ganga Protection Committees and those of other authorities and submit progress in respect thereof to the National Mission for Clean Ganga.

26. Preparation of consolidated reports of all District Ganga Committees and taking remedial measures in respect thereof.- (1) Every State Ganga Committee shall prepare a consolidated report of all District Ganga Protection Committees, local authorities or other authorities or Board or Corporation or person for every quarter indicating therein in respect of each specified District abutting River Ganga and its tributaries, ----

(a) the status of the plans being executed and measures taken by them and any other activity relating to the health of River Ganga and its tributaries;

(b) the quality of water in River Ganga and its tributaries in each specified District and remedial action in respect thereof;

(c) any interruption of flow in the River Ganga in each specified District and reasons therefor;

(d) remedial measures taken on the complaints made to the District Ganga Committee or local authorities or other authorities;

(e) adverse report as reported by Ganga safety auditors in each specified District;

(f) any other information relevant to the health of River Ganga and its tributaries.

(2) The report referred to in sub-paragraph (1) shall be submitted within one month at the end of each year to the State Ganga Committee and National Mission for Clean Ganga along with remedial action thereof.

27. Conducting of Ganga safety audit and submission of such audit reports by State Ganga Committees.- (1) It shall be the duty of the State Ganga Committees to conduct or causes to be conducted, through the District Ganga Committees, the Ganga safety audit and submit report of the Ganga safety audit to the National Mission for Clean Ganga along with the remedial action taken thereon and also make available the same in public domain and exhibit the same at its website.

(2) The Ganga safety audit shall include such particulars and be done at such intervals (save as otherwise provided in this Order) and in such manner as may be specified, by notification, by the National Mission for Clean Ganga.

28. State Ganga Committee to be nodal agency.- The State Ganga Committee shall be the State-wide nodal agency in the State for the implementation of the provisions of this Order and for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries.

29. State Ganga Committees to be bound by direction of National Ganga Council and National Mission for Clean Ganga.- Every State Ganga Committee, without prejudice to the foregoing provisions of this Order, shall, in exercise of its powers or the performance of its functions under this Order, be bound by the decisions or such directions (including those relating to technical and administrative matters) as the National Ganga Council and the National Mission for Clean

Ganga may give in writing to it from time to time for abatement of pollution and rejuvenation, protection and management of the River Ganga.

30. Dissolution of State Ganga River Conservation Authorities and State Executive Committees.- (1) With effect from the date of constitution of the State Ganga Committees, the respective State Ganga River Conservation Authorities and the respective State Executive Committees constituted before the commencement of this Order shall stand dissolved.

(2) All things done or omitted to be done or actions taken or any money spent or authorised to be spent by the authorities and committees under sub-paragraph (1) before such dissolution shall be deemed to have been done or taken under the corresponding provisions of this Order.

31. Constitution of National Mission for Clean Ganga as an authority.-(1) With effect from the date of commencement of this Order, the National Mission for Clean Ganga, a society registered under the Societies Registration Act, 1860 (21 of 1860), shall be an authority constituted under the Act, by the same name for the purposes of the Act and to exercise powers and discharge functions as specified under this Order and the Act and the rules made or directions issued thereunder.

(2) The composition of the National Mission for Clean Ganga shall be as specified in paragraph 35.

32. Area of operation of National Mission for Clean Ganga.- The area of operation of the National Mission for Clean Ganga shall be the areas mentioned in paragraph 2.

33. National Mission for Clean Ganga to be nodal agency.- The National Mission for Clean Ganga shall be the nodal agency for the nationwide implementation of the provisions of this Order and for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries.

34. National Mission for Clean Ganga to be an empowered organization.- The National Mission for Clean Ganga shall be an empowered organisation with two tier management having administrative, appraisal and approval powers and duties, functions and powers as specified in this Order.

35. Composition of National Mission for Clean Ganga.- The National Mission for Clean Ganga shall have a two-tier management structure and it shall comprise of the Governing Council and the Executive Committee.

(1) The Governing Council shall consist of the following members, namely:-

(a)	Director General of National Mission for Clean Ganga	Chairman, <i>ex-officio</i>
(b)	Joint Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation	Member, <i>ex-officio</i>
(c)	Joint Secretary, Ministry of Urban Development	Member, <i>ex-officio</i>
(d)	Joint Secretary, Ministry of Environment, Forests and Climate Change	Member, <i>ex-officio</i>
(e)	Joint Secretary, Department of Expenditure	Member, <i>ex-officio</i>
(f)	Representative of NITI Aayog (not below Joint Secretary)	Member, <i>ex-officio</i>
(g)	Chairman, Central Pollution Control Board	Member, <i>ex-officio</i>
(h)	Principal Secretary, Urban Development, Government of Bihar	Member, <i>ex-officio</i>
(i)	Principal Secretary, Urban Development, Government of Jharkhand	Member, <i>ex-officio</i>
(j)	Principal Secretary, Urban Development, Government of Uttar Pradesh	Member, <i>ex-officio</i>
(k)	Principal Secretary, Pwajal, Government of Uttarakhand	Member, <i>ex-officio</i>
(l)	Principal Secretary, Urban Development, Government of West Bengal	Member, <i>ex-officio</i>
(m)	Executive Director(Deputy Director General), National Mission for Clean Ganga	Member, <i>ex-officio</i>
(n)	Executive Director (Technical), National Mission for Clean Ganga	Member, <i>ex-officio</i>

(o)	Executive Director (Finance), National Mission for Clean Ganga	Member, <i>ex-officio</i>
(p)	Executive Director (Projects), National Mission for Clean Ganga	Member, <i>ex-officio</i>
(q)	Executive Director(Administration), National Mission for Clean Ganga	Member- Secretary.

(2) The Executive Committee constituted out of the Governing Council, shall consist of the following members, namely:-

- (a) Director General, National Mission for Clean Ganga – Chairperson, *ex-officio*;
- (b) Joint Secretary, Department of Expenditure – Member, *ex-officio*;
- (c) Representative of NITI Aayog (not below Joint Secretary) – Member, *ex-officio*;
- (d) Principal Secretary of the State concerned – Member, *ex-officio*;
- (e) Executive Director (Deputy Director General)
National Mission for Clean Ganga – Member, *ex-officio*;
- (f) Executive Director (Finance)
National Mission for Clean Ganga – Member, *ex-officio*;
- (g) Executive Director (Technical)
National Mission for Clean Ganga – Member, *ex-officio*;
- (h) Executive Director (Projects)
National Mission for Clean Ganga – Member, *ex-officio*;
- (i) Executive Director (Administration)
National Mission for Clean Ganga – Member, *ex-officio*;

(3) The Director General, National Mission for Clean Ganga may, if he considers necessary, may associate with the Executive Committee, any other member from the Governing Council.

(4) The Governing Council may constitute a sub-committee from out of its members and also by associating some technical experts for appraisal of the projects.

(5) The representative of the State concerned shall also be one of the members of sub-committee.

(6) Half of the members of the Governing Council shall form the quorum.

36. (1) All approvals up to one thousand crores rupees shall be granted by the Executive Committee and it shall report to the Governing Council at least once in three months.

(2) The Sub-Committee of the Governing Council shall appraise the project only after completion of Third Party Appraisal of the project by technical experts or consortium of recognized institutes or Indian Institutes of Technology, as the case may be.

(3) The Third Party Appraisal shall be for all projects irrespective of their value.

37. Appointment of Director General and Executive Directors of National Mission for Clean Ganga.-

- (1) Director General, National Mission for Clean Ganga shall be appointed by the Central Government who shall be equivalent to the rank of Additional Secretary or Secretary to the Government of India and his terms and conditions of services shall be determined by Central Government.
- (2) The Executive Director (Finance) shall be appointed on deputation from any of the organised accounts services in the Central Government in the rank equivalent to Joint Secretary to Government of India in accordance with the recruitment rules of the said services.
- (3) National Mission for Clean Ganga shall have at least one position for each of the Executive Directors in the rank of Joint Secretary to Government of India.
- (4) One of the Executive Directors shall be designated as Deputy Director General of the National Mission for Clean Ganga and he shall be appointed by the Central Government.
- (5) None of the nominated members of the Executive Committee shall be below the rank of Joint Secretary in Government of India.

38. Duty of National Mission for Clean Ganga.- It shall be the duty of the National Mission for Clean Ganga to -

- (i) follow the principles laid down in paragraph 4

(ii) comply with the decisions and directions of the National Ganga Council and implement the Ganga Basin Management Plan approved by it;

(iii) co-ordinate all activities for rejuvenation and protection of River Ganga in a time bound manner as directed by the National Ganga Council;

(iv) do all other acts or abstain from doing certain act which may be necessary for rejuvenation and protection of River Ganga and its tributaries.

39. Functions of National Mission for Clean Ganga.- (1) Without prejudice to the provisions of this Order, the National Mission for Clean Ganga shall identify or cause to be identified -

- (a) the specific threats to the River Ganga in areas in each village and town of such specified District abutting River Ganga and its tributaries, including sewerage and industrial waste, cremation and burial of corpses and disposal of animal carcasses, and threats from commercial, recreational and religious activities;
- (b) the type of measures required to address such threat in each village and town of all districts abutting River Ganga and its tributaries;
- (c) the specific areas where such remedial actions are required to be taken for rejuvenation and protection of River Ganga and its tributaries.
- (d) the measures which may be necessary for reuse of treated water and enter in to Memorandum of Understanding in this regard with the Ministries of the Central Government like Railways, Power, Petroleum and Natural Gas etc., State Governments, autonomous bodies at the Central and State level, recognized Institutes and organizations which the National Mission for Clean Ganga may deem fit.

(2) The National Mission for Clean Ganga shall make or cause to make the River Ganga Basin Management Plan along with cost, timelines and allocation of responsibilities, among other things, for rejuvenation and protection of River Ganga and its tributaries in each village and town of specified District abutting River Ganga and its tributaries and execute projects there for.

(3) The National Mission for Clean Ganga shall ----

- (a) cause to be determined the magnitude of ecological flows in the River Ganga and its tributaries required to be maintained at different points in different areas at all times with the aim of ensuring water quality and environmentally sustainable rejuvenation, protection and management of River Ganga and its tributaries and notifying the same and take or direct all such measures necessary to maintain adequate ecological flows;
- (b) cause to be identified places where the environmental flow of water of River Ganga has been modified and take measures for correction thereof to maintain the continuous flow of water for rejuvenation, protection and management of River Ganga and its tributaries;
- (c) identify places of discontinuity of water in River Ganga and its tributaries due to engineered diversion of water or storage of water or by any other means and execute plans in respect thereof or take remedial action therefor;
- (d) devise a system to be put in place for continuous monitoring of flow of water and pollution levels in River Ganga and its tributaries;
- (e) take all such measures which may be necessary to give effect to the decisions of the National Ganga Council so as to maintain adequate ecological flows in the River Ganga and tributaries;
- (f) render assistance or cause them to be rendered by any agency for preparation of detailed project reports or execution of projects for abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries to the State Governments, the State Ganga Committees, District Ganga Committees or local authorities or any person or body, any authority, Board or Corporation;
- (g) set up or facilitate setting up or designate and direct one or more existing centers to research, develop and disseminate knowledge base and analytical tools on abatement of pollution and rejuvenation, protection and management of River Ganga and its tributaries;
- (h) take any other measures which may be necessary for continuous flow of water and abatement of pollution in River Ganga and its tributaries

(4) The National Mission for Clean Ganga shall take all such other emergency measures as outlined in paragraph 7.

40. Establishment of River Ganga Monitoring Centres at suitable locations along River Ganga and its tributaries.- The National Mission for Clean Ganga may identify the places in the River Ganga Basin and establish at such places or designate any existing laboratory or station or institute as Centres to be called the "River Ganga

Monitoring Centre” for monitoring amongst other things, continuous flow of water and pollution levels as required under this Order and such Centre shall report immediately to the National Mission for Clean Ganga for taking remedial action therefor.

41. Powers of National Mission for Clean Ganga.- (1) The National Mission for Clean Ganga being the national agency charged with the role, responsibility and powers to facilitate the task of rejuvenation, protection and management of River Ganga and its tributaries, under the supervision and direction of the National Ganga Council, shall recommend to the National Ganga Council or Central Government for issuing directions or issue directions itself, to the State Ganga Committees or District Ganga Committees or local authority or any other authority or any person, institution, consortium or agency, as it may decide, for the rejuvenation, protection and management of River Ganga and have the power to take all such measures and discharge such functions as it may deem necessary or expedient for prevention, control and abatement of environmental pollution in River Ganga and its tributaries so as to rejuvenate the River Ganga to its natural and pristine condition and ensure continuous and adequate flow of water in River Ganga and for protection and management of River Ganga and for matters connected therewith.

(2) In particular and without prejudice to the generality of the provisions of sub-paragraph (1), and save as otherwise provided in this Order, such directions may include all or any of the following matters in the management of River Ganga, namely:-

- (a) fulfillment of the functions mentioned in paragraph 55 in accordance with the principles in paragraph 4;
 - (b) formulate, with the approval of the Central Government, the National policy for effective abatement of pollution and rejuvenation, protection and management of River Ganga;
 - (c) enter into memorandum of understanding, with the approval of the Central Government, with any country or foreign agency for effective implementation of the River Ganga Basin Management Plan for rejuvenation, protection, prevention, control and abatement of pollution in the River Ganga and its tributaries;
 - (d) approve, with or without modifications, the River Ganga Basin Management Plan and direct amendments, if any, to be made therein;
 - (e) supervise and review the progress reports, and issue directions to the State Ganga Committees, District Ganga Committees or local authorities and other authorities in the implementation of the River Ganga Basin Management Plan and any other matter connected with affairs of the River Ganga and its tributaries;
 - (f) approve the planning, financing and execution of programmes for abatement of pollution in the River Ganga including augmentation of sewerage and effluent treatment infrastructure, catchment area treatment, protection of flood plains, creating public awareness, conservation of aquatic and riparian life and biodiversity and such other measures for promoting environmentally sustainable river rejuvenation;
 - (g) coordination, monitoring and review of the implementation of various programmes or activities taken up for prevention, control and abatement of pollution and protection and management in the River Ganga and its tributaries;
 - (h) direct any person or authority to take measures for restoration of river ecology and management in the River Ganga Basin States;
 - (i) recommend to the Central Government, for creation of special purpose vehicles (whether as a company under the companies Act, 2013(18 of 2013) or Societies Registration Act, 1860 (21 of 1860) or a Trust under the Indian Trust Act, 1882 (2 of 1882)), as may be considered appropriate, for implementation of this Order and for the purposes of the Act;
 - (j) take such measures as may be necessary for the better co-ordination of policy and action to ensure effective prevention, control and abatement of pollution, rejuvenation and protection and management in the River Ganga and its tributaries;
 - (k) issue such directions to any person or authority, as it may consider necessary, for proper or prompt execution of the projects or cancel such projects or stop release of funds or direct refund of amount already released and assign the same to any other person or authority or Board or Corporation for prompt execution thereof;
 - (l) direct any person or authority to maintain such books of account or other documents, without prejudice to any law for the time being in force, as may be specified by the National Mission for Clean Ganga;
 - (m) take such other measures which may be necessary for achievement of prevention, control and abatement of pollution, rejuvenation and protection and management in the River Ganga and its tributaries;
- (3)The National Mission for Clean Ganga shall have the power to issue directions mentioned under section 5 of the Act.
- (4)The National Mission for Clean Ganga may evolve an appropriate mechanism for implementation of its decisions and the decisions of the National Ganga Council.

42. Giving of prior approval in certain matters.- Every person, the State Ganga Committees, District Ganga Protection Committees, local authorities and other authorities shall obtain prior approval of the National Mission for Clean Ganga, on the following matters, relating to River Ganga and any area abutting River Ganga or its tributaries, if required to implement the decisions of the National Ganga Council, namely:-

- (a) engineered diversion and storage of water in River Ganga without affecting the flow of water downstream of the River Ganga;
- (b) construction of bridges and associated roads and embankments over the River Ganga or at its River Bank or its flood plain area;
- (c) construction of Ghats or extension of any existing Ghat;
- (d) construction of jetties;
- (e) construction of permanent hydraulic structures for storage or diversion or control of waters or channelisation of River Ganga or its tributaries;
- (f) deforestation of hill slopes and notified forest and other eco-sensitive areas;
- (g) any other activity which contravenes the principles laid out in paragraph 4 which the National Mission for Clean Ganga may specify.

43. Financial framework.- (1) The budgetary allocation shall be utilised by the National Mission for Clean Ganga for meeting expenses in connection with the discharge of its functions, objects and purposes and establishment expenditure: Provided that the money received by way of grants, loans and borrowings shall be expended for the specific purpose for which such grants, loans and borrowings have been received.

(2) The National Mission for Clean Ganga shall maintain proper accounts and other relevant records and prepare an annual expenditure statement.

(3) The audit of National Mission for Clean Ganga accounts shall be done by the Comptroller and Auditor-General of India and after completion of annual audit, the audit agency shall furnish annual audit certificate.

(4) The affairs of National Mission for Clean Ganga shall be subject to the control of Central Vigilance Commission and there shall be a Vigilance Officer to look after vigilance related matters.

(5) The annual expenditure statement with the audit report shall be forwarded annually to the Empowered Task Force, and the Central Government for being laid before each House of Parliament.

44. Engagement of legal experts.- The National Mission for Clean Ganga shall have proper legal set up for which it may engage legal experts, consultants and legal firms as may be necessary for advising it on legal matters and providing support for discharging its duties.

45. Scrutiny of reports.- All the reports relating to its activities and reports received from the State Ganga Committees, District Ganga Committees, local authority, Board, Corporation or any person shall be scrutinised by the National Mission for Clean Ganga and placed by it along with its views on the matters mentioned in such report before the National Ganga Council for soliciting its guidance thereon, if required.

46. Consolidated report of Ganga Safety audit.- The National Mission for Clean Ganga shall prepare and submit a consolidated report of the Ganga safety audits of River Ganga to the National Ganga Council along with the remedial action taken thereon and also make available the same in public domain and exhibit the same at its website.

47. Powers of National Mission for Clean Ganga to call for information, conduct inspection, publish reports, etc.-

(1) Where the National Mission for Clean Ganga considers it expedient so to do under section 5 of the Act, it may, by order in writing,-

(a) call upon any State Ganga Committees, District Ganga Protection Committees, local authority, other authority, Board, Corporation or person, who has been allotted any project for execution or connected with such project or utilisation of funds, at any time, to furnish in writing or make public for dissemination such information or explanation relating to such project allotted for execution or executed or utilisation of fund allotted as the National Mission for Clean Ganga may require; or

(b) appoint one or more persons or any authority to make an inquiry in relation to project allotted for execution or executed or utilisation of fund allotted; or

(c) direct any of its officers or employees or the officers or employees of the Central Government or State Government or any other authority to inspect the books of account or other documents of the State Ganga Committees, District Ganga

Committees, local authority, other authority, Board, Corporation or person related to any project allotted for execution or executed or utilisation of funds; or

(d) require any person, officer, State Government or authority to furnish to it any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

48. Financing and implementation model.— The National Mission for Clean Ganga shall develop and constantly refine financial models that would improve the performance and sustainability of projects, and which can be adopted by the State Ganga Committees, District Ganga Committees, local authority, other authority or person for abatement of pollution and rejuvenation, protection and management of the River Ganga.

49. Preparation of consolidated reports.— (1) The National Mission for Clean Ganga shall, on the basis of the reports and other information forwarded by the State Ganga Committees, District Ganga Committees, local authorities, other authorities, Board, Corporation or person, prepare a consolidated report every year indicating therein in respect of each specified District abutting River Ganga and its tributaries.—

(a) the status of the plans being executed and measures taken by them and any other activity relating to the health of River Ganga and its tributaries;

(b) the quality of water in River Ganga and its tributaries and remedial action in respect thereof;

(c) any interruption of water in the River Ganga and reasons therefor;

(d) condition of River Bed and flood plains and habitat in the specified District;

(e) remedial measures taken on the complaints received from public by the District Ganga Committee or local authorities;

(f) threats remaining to be addressed by them with remedial action proposed therefor;

(g) report if any as reported by Ganga safety auditors;

(h) all other information relevant about the health of River Ganga and its tributaries.

(2) The National Mission for Clean Ganga shall submit a consolidated report referred to in sub-paragraph (1) after review thereof to the Empowered Task Force along with remedial action thereof.

50. Annual report.— (1) The National Mission for Clean Ganga shall, within three months of the end of every year, prepare an annual report of all work undertaken by it and by the Empowered Task Force on River Ganga, the State Ganga Committees, District Ganga Committees, concerned local authorities, other authorities, Board, Corporation or persons during the immediately preceding year.

(2) The National Mission for Clean Ganga shall include under separate parts in its annual report referred to in sub-paragraph (1), all works undertaken by it and the Empowered Task Force on River Ganga, the State Governments, the State Ganga Committees, District Ganga Committees, concerned local authorities, other authorities, Board, Corporation or person, and forward the said annual report to the National Ganga Council and the Central Government and also make available in public domain and exhibit at its website.

51. Constitution of Committees.— The National Mission for Clean Ganga may, constitute one or more River Ganga Management Committees from amongst its members and such experts in the field of rivers or water as it may consider appropriate for the efficient discharge of its functions under this Order.

52. Soliciting guidance.— In case any difficulty arises in implementing decisions of the National Ganga Council or the provisions of this Order, it shall be duty of the National Mission for Clean Ganga to solicit the guidance of the National Ganga Council and take appropriate action accordingly.

53. Constitution of District Ganga Protection Committees.— (1) The Central Government shall immediately after the commencement of this Order, in consultation with concerned State Ganga Committee, by notification constitute, in every specified District abutting River Ganga and its tributaries in the States mentioned in paragraph 2, the “District Ganga Committees” for the prevention, control and abatement of environmental pollution in the River Ganga.

(2) Every District Ganga Committee in each specified District shall consist of the following members, namely:—

(a) the District Collector in the specified District; - Chairperson, ex-officio;

(b) not more than two nominated representatives from Municipalities and Gram Panchayats of the specified District nominated by the State Government. - Members;

(c) one representative each of the Public Works, Irrigation, Public Health Engineering, and Rural Drinking Water Departments, and State Pollution Control Board working in the specified District abutting River Ganga to be nominated by the District Collector	- Member, ex-officio;
(d) two environmentalists associated with River Ganga protection activities and one representative of local industry association in the specified District to be nominated by the District Collector	- Members,;
(e) one Divisional Forest Officer of the specified District	- Member, ex-officio
(f) one District official to be nominated by the District Collector.	- Member;

(2) The District Collector shall be the Chairperson of the District Ganga Committee and the Divisional Forest Officer shall be the Convener of the District Ganga Committee.

(3) The District Ganga Committees shall meet at such times and at such places as the Chairperson of that Committee may decide and exercise such powers and functions as may be conferred under this Order:

Provided that at least one meeting of the District Ganga Committee shall be held every three months.

(4) A non ex-officio member may resign his office by giving notice in writing thereof to the Central Government or to the District Collector concerned, as the case may be, and shall cease to be a member on his resignation being accepted by the Government or the District Collector concerned, as the case may be.

54. Superintendence, direction and control of District Ganga Committee.- The superintendence, direction and control of the management of the District Ganga Committee (including financial and administrative matters) shall, notwithstanding anything contained in this Order, vest in the National Mission for Clean Ganga which may be exercised by it either directly or through the State Ganga Committee or any of its officer or any other authority specified by it.

55. Functions and powers of District Ganga Committees.- (1) Every District Ganga Committee shall discharge functions and exercise powers for rejuvenation, protection, restoration and rehabilitation of River Ganga and its tributaries in each specified District as laid out in paragraph 6 and 7 as per the principles specified in paragraph 4.

(2) In particular, and without prejudice to the generality of the provisions of sub-paragraph (1) for rejuvenation and protection and restoration or rehabilitation of degraded areas abutting River Ganga and its tributaries and subject to other provisions of this Order and rules made thereunder, every District Ganga Committee shall have the following powers and functions in relation to River Ganga and its tributaries abutting in the area in specified District, namely:-

(a) identifying activities which may be threats in the area of specified District abutting the River Ganga for protection of River Ganga and its tributaries or its River bed and making a plan for remedial action and take remedial action in respect thereof;

(b) taking remedial action at its own end for protection of River Ganga and its tributaries or its River bed abutting in the specified District (excluding enforcement of the provisions of this Order)

(c) in the event of its inability to take remedial action, reporting (electronically as well as by sending written communication in hard copy) to the National Mission for Clean Ganga and concerned State Government, the State Ganga Committee, as the case may be, for issue of direction for protection of River Ganga and to formulate appropriate management or remedial actions.

(d) taking suitable administrative and other measures, to give effect to the provisions of this Order so as to prevent the environmental pollution in the River Ganga and its tributaries, not being inconsistent with the provisions of this Order, or any law for the time being in force.

(3) In case, the District Ganga Committee is of the opinion that any contravention has been made of any other law for the time being in force or in respect of provisions of this Order, it shall take appropriate action in accordance with the law for the time being in force.

(4) The District Ganga Committee shall take all such emergency measures as specified in paragraph 7.

56. Designation of Nodal Officer.- (1) Every District Ganga Committee shall nominate as Nodal Officer for the purposes of this Order -

(a) the Sarpanch of Gram Sabha of every village in the areas abutting the River Ganga and its tributaries;

(b) in case of an area, not being village abutting the River Ganga, the Chairperson of Municipality Planning Committee or Metropolitan Planning Committee or Chairperson of any local authority, as the Chairperson of the District Ganga Committee.

(2) Every Nodal Officer nominated under sub-paragraph (1) shall take measures to prevent the pollution of River Ganga and its tributaries and take remedial action for protection of River Ganga and its tributaries or their River bed abutting in such village or other area, as the case may be, of which he is the Nodal Officer and in case of his failure to do so, he shall report the violation of this Order to the Chairperson of the District Ganga Committee for remedial action.

(3) After receipt of the report under sub-paragraph (2), the Chairperson of the District Ganga Committee shall take remedial action for protection of River Ganga or its River bed abutting the specified District.

57. Preparation of plans.- (1) Every District Ganga Committee shall prepare its plan for protection of River Ganga and its tributaries and their River bed abutting the specified District and submit the same to the National Mission for Clean Ganga for its approval.

(2) The plan under sub-paragraph (1) shall include the activities to be undertaken by the District Ganga Committee for protection, control and abatement of environmental pollution in River Ganga and its tributaries and their River Bed area abutting the specified District which may be recommended by the State Government, State Ganga Committees, the National Mission for Clean Ganga, any other authority or Board and the expenditure involved for such plan and time within which such activities shall be completed.

58. Preparation of budget and maintenance of accounts.- Every District Ganga Committee shall prepare its budget for every financial year indicating therein the funds required and purposes for which such funds shall be spent and the time limit within which the activity mentioned in the budget shall be completed and submit to concerned State Ganga Committee under intimation to National Mission for Clean Ganga and such Committee shall ensure proper maintenance of accounts as directed by National Mission for Clean Ganga, for audit by the Comptroller and Auditor-General of India or any other agency appointed by the Comptroller and Auditor-General of India and such accounts shall be subject to inspection by National Ganga Council, National Mission for Clean Ganga, State Ganga Committee or any of their appointed entities.

59. Monthly and annual reports.- (1) Every District Ganga Committee shall, submit monthly and annual reports to the National Ganga Council, National Mission for Clean Ganga and State Ganga Committee as directed by National Mission for Clean Ganga within specified timelines.

(2) In addition to the annual report referred to in sub-paragraph (1), the District Ganga Committee shall furnish to the National Mission for Clean Ganga at such time and in such form and manner it may direct to furnish such other returns, statements and other particulars in regard to any proposed or existing programme for the River Ganga Basin Plan for the abutting area in the specified District.

60. Budget allocation.- The National Mission for Clean Ganga shall consolidate and prepare the budget requirement and submit the same to the Ministry of Water Resources, River Development and Ganga Rejuvenation.

61. Direction by Central Government.- Notwithstanding anything contained in this Order, it shall be lawful for the Central Government to issue directions in writing to the Ministries or Departments of the Government of India, or the State Government or the State Ganga Committees, the National Mission for Clean Ganga or District Ganga Committees, or local authority or other authority or statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the rejuvenation, protection and management of River Ganga and its tributaries in such manner as it may direct, and such Ministry or Department or Authority or Mission or Board, Committee or Government or statutory body, officer or employee shall be bound to comply with such directions.

62. Making of complaint under section 19 of the Act.- All the authorities constituted under this Order or their officers authorised by such authorities may make complaint before the court under section 19 of the Act for taking cognizance of any offence under the said section.

63. Order to be in addition to other laws.- The provisions of this Order are without prejudice to the discharge of functions by any local authority or other authority or Board or corporation or any person for taking measures for the purposes of effective abatement of pollution and rejuvenation of the River Ganga and its protection and management and any other law for the time being in force.

SCHEDULE

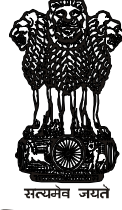
[See paragraph 20]

COMPOSITION OF STATE GANGA COMMITTEES

Serial No.	Name of the State Ganga Committee	Composition of the State Ganga Committees
(1)	(2)	(3)
1.	(Name) State Ganga Protection and Management Committee	(a) Chief Secretary, Government of State of (Name) - Chairperson, ex-officio;
		(b) Principal Secretary, Department of Finance, Government of State of (Name) - Member, ex-officio;
		(c) Principal Secretary, Department of Urban Development and Housing, Government of (Name) - Member, ex-officio;
		(d) Principal Secretary, Department of Environment and Forests, Government of State of (Name) - Member, ex-officio
		(e) Principal Secretary, Department of Water Resources, Government of State of (Name) - Member, ex-officio;
		(f) Principal Secretary, Department of Public Health Engineering, Government of State of (Name) - Member, ex-officio
		(g) Chairman, (Name) State Pollution Control Board - Member, ex-officio;
		(h) Chief Executive Officer of executing agency in the State of (Name) - Member, ex-officio;
		(i) Principal Chief Conservator of Forests, Government of State of (Name) - Member, ex-officio;
		(j) not more than five experts from relevant fields to be nominated by the Government of (Name) - Members

[F. No. Estt-01/2016-17/111/NMCG]

SANJAY KUNDU, Jt. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1601]

नई दिल्ली, बुधवार, मई 22, 2019/ज्येष्ठ 1, 1941

No. 1601]

NEW DELHI, WEDNESDAY, MAY 22, 2019/JYAISTHA 1, 1941

जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय

(राष्ट्रीय स्वच्छ गंगा मिशन)

आदेश

नई दिल्ली, 21 मई, 2019

का.आ. 1793(अ).—केंद्र सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धाराओं (2) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्द्वारा गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण आदेश, 2016 को संशोधित करने के लिए निम्नलिखित आदेश देती है:-

1. (1) इस आदेश को गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण (संशोधन) आदेश, 2019 कहा जाएगा।
(2) यह आधिकारिक राजपत्र में प्रकाशन की तारीख से लागू होगा।
2. गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) आदेश, 2016 के अनुच्छेद 56, उप अनुच्छेद (1) के खंड (बी) में लिखे शब्दों "किसी भी स्थानीय प्राधिकारी, जिला गंगा समिति के अध्यक्ष के रूप में" के स्थान पर शब्दों "किसी भी स्थानीय प्राधिकारी" को प्रतिस्थापित किया जाएगा।

[फा. सं. स्था. 01/2016-17/111/एन एम सी जी (खंड-III)]

राजीव किशोर, कार्यकारी निदेशक (प्रशासन)

नोट: प्रमुख आदेश भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), का.आ. 3187 (अ), दिनांक 7 अक्टूबर, 2016 को प्रकाशित किया गया था।

**MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA
REJUVENATION**

(National Mission for clean Ganga)

ORDER

New Delhi, the 21st May, 2019

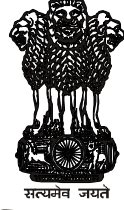
S.O.1793(E). — In exercise of the powers conferred by sub-sections (2) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following Order to amend the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, namely: —

1. (1) This Order may be called the River Ganga (Rejuvenation, Protection and Management) Authorities (Amendment) Order, 2019.
(2) It shall come into force on the date of its publication in the Official Gazette.
2. In the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, in paragraph 56, in sub-paragraph (1), in clause (b), for the words “any local authority, as the Chairperson of the District Ganga Committee”, the words “any local authority” shall be substituted.

[F. No. Estt.01/2016-17/111/NMCG-Vol-III]

RAJIV KISHORE, Executive Director (Admin.)

Note: The principal Order was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O. 3187 (E), dated the 7th October, 2016.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2896]

नई दिल्ली, सोमवार, सितम्बर 2, 2019/भाद्र 11, 1941

No. 2896]

NEW DELHI, MONDAY, SEPTEMBER 2, 2019/BHADRA 11, 1941

जल शक्ति मंत्रालय

(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)

(राष्ट्रीय स्वच्छ गंगा मिशन)

आदेश

नई दिल्ली, 2 सितम्बर, 2019

का.आ. 3163(अ).—केंद्रीय सरकार, गंगा नदी में पर्यावरण, प्रदूषण की रोकथाम, नियंत्रण और उपशमन के लिए उपाय करने का और निरंतर पर्याप्त जल प्रवाह को सुनिश्चित करने का आशय रखती है जिससे गंगा नदी का पुनरुद्धार करके इसे इसकी प्राकृतिक और पुरातन अवस्था में लाया जा सके;

और, जबकि उपरोक्त लक्ष्य को प्राप्त करने के लिए केंद्रीय सरकार ने केंद्रीय, राज्य और जिला स्तरों पर विभिन्न प्राधिकरणों के गठन करने का विनिश्चय किया है।

और, जबकि केंद्रीय सरकार के तत्कालीन जल संशोधन नदी विकास और गंगा संरक्षण मंत्रालय ने भारत के राजपत्र, भाग-2, खंड 3, उप-खंड (ii), तारीख 7 अक्टूबर, 2016 में प्रकाशित अधिसूचना सं. का. आ. 3187 (अ) तारीख 7 अक्टूबर, 2016 द्वारा गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण आदेश, 2016 किया था ;

जबकि राष्ट्रपति ने संविधान के अनुच्छेद 77 के खंड (3) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए भारत सरकार (कार्य का आवंटन) तीन सौ और पचासवां संशोधन नियम, 2019 बनाया और एक नया मंत्रालय अर्थात् "जल शक्ति मंत्रालय" सृजित किया जिसको अन्य बातों के साथ-साथ, जल संसाधन, नदी विकास और गंगा संरक्षण से संबंधित उन विषयों का आवंटन किया जिन्हे उक्त मंत्रालय द्वारा प्रशासित किया जाए ;

और जबकि, जल शक्ति मंत्रालय के सृजन के परिणामस्वरूप, केंद्रीय सरकार द्वारा उक्त अधिसूचना में और उसमें अंतर्विष्ट गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण आदेश, 2016 में आवश्यक परिणामी संशोधन करने का विनिश्चय लिया गया है ;

अतः, अब, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 के 29) की धारा 3 की उप-धारा (2) और उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिसूचना में निम्नलिखित संशोधन करती है और उसमें अंतर्विष्ट गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण के आदेश, 2016 का और संशोधन करती है, अर्थात् ;

1. संक्षिप्त नाम और प्रारंभ — (1) इस आदेश का संक्षिप्त नाम गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण (दूसरा संशोधन) आदेश, 2019 है।
(2) यह, राजपत्र में, इसके प्रकाशन की तारीख को प्रवृत्त होगा।
2. उक्त अधिसूचना में, "जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय" शीर्षक के स्थान पर "जल शक्ति मंत्रालय" शीर्षक रखा जाएगा।
3. गंगा नदी (संरक्षण, सुरक्षा और प्रबंधन) प्राधिकरण आदेश, 2016 में (जिसे इसमें इसके पश्चात् उक्त आदेश कहा गया है), प्रस्तावना के अब, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) (इसके बाद उक्त अधिनियम कहा गया है) की धारा 3 तथा 4,5,9, 10, 11,19,20 और 23 की उपधारा (2) तथा (3) के अनुच्छेद (i), (ii), (v), (vii), (viii), (ix), (x), (xii) तथा (xiii) के साथ उपधारा (i) द्वारा दी गयी शक्तियों के प्रयोग करते हुए शब्दों के साथ प्रारम्भ होने वाले है तथा "केंद्रीय सरकार एतद्वारा" शब्दों के साथ समाप्त होने वाले पैरा में "जल संसाधन मंत्रालय" शब्दों के स्थान पर , "तत्कालीन जल संसाधन मंत्रालय" शब्द रखे जाएंगे।
4. उक्त आदेश के पैरा 12 में,
(क) उप-पैरा (1) के स्थान पर निम्नलिखित रखा जाएगा:
(1) राष्ट्रीय गंगा परिषद में निम्नलिखित सदस्य होंगे :

क)	प्रधान मंत्री	-अध्यक्ष, पदेन;
ख)	केंद्रीय जल शक्ति मंत्री	-उपाध्यक्ष, पदेन;
ग)	केंद्रीय पर्यावरण, वन एवं जलवायु परिवर्तन मंत्री	-सदस्य, पदेन
घ)	केंद्रीय वित्त मंत्री	-सदस्य, पदेन
ङ)	केंद्रीय आवास और शहरी कार्य मंत्री	-सदस्य, पदेन
च)	केंद्रीय विद्युत मंत्री	-सदस्य, पदेन
छ)	केंद्रीय विज्ञान एवं प्रौद्योगिकी मंत्री	-सदस्य, पदेन
ज)	केंद्रीय ग्रामीण विकास मंत्री	-सदस्य, पदेन
झ)	केंद्रीय पोत परिवहन मंत्री	-सदस्य, पदेन
ञ)	केंद्रीय पर्यटन राज्य मंत्री	-सदस्य, पदेन
ट)	उपाध्यक्ष नीति आयोग	-सदस्य, पदेन
ठ)	मुख्य मंत्री, बिहार	-सदस्य, पदेन
ड)	मुख्य मंत्री, झारखंड	-सदस्य, पदेन
ढ)	मुख्य मंत्री, उत्तराखंड	-सदस्य, पदेन
ण)	मुख्य मंत्री, उत्तर प्रदेश	-सदस्य, पदेन
त)	मुख्य मंत्री, पश्चिमी बंगाल	-सदस्य, पदेन
थ)	सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण विभाग	-सदस्य, पदेन
द)	सचिव, पेय जल एवं स्वच्छता विभाग	-सदस्य, पदेन
ध)	सचिव, आवास और शहरी कार्य	-सदस्य, पदेन
न)	सचिव, कृषि एवं किसान कल्याण विभाग	-सदस्य, पदेन
त)	महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन	-सदस्य सचिव, पदेन

(ख) उप-पैरा (7) में, "जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय" शब्दों के स्थान पर, "जल शक्ति मंत्रालय" शब्द रखे जाएंगे।

5. उक्त आदेश के पैरा 17 में —

(ख) उप-पैरा (2) में, मद (क), (ख) और (ग) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्;

(क) केंद्रीय जल शक्ति मंत्री	-अध्यक्ष, पदेन;
(ख) केंद्रीय जल शक्ति राज्य मंत्री	-उपाध्यक्ष, पदेन;
(ग) सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण विभाग	सदस्य, पदेन;";

(ख) उप-पैरा (5) में, "जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय" शब्दों के स्थान पर "जल शक्ति मंत्रालय (जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)" शब्द और कोष्ठक रखे जाएंगे।

6. उक्त आदेश के पैरा 35 के उप-पैरा (1) में, मद (ख) और मद (ग) और उससे संबंधित प्रविष्टियां के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्;

(ख) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण विभाग	-सदस्य, पदेन;
(ग) संयुक्त सचिव, आवास और शहरी कार्य विभाग	-सदस्य, पदेन;

7. उक्त आदेश के पैरा 60 में, "जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय" शब्दों के स्थान पर "जल संसाधन, नदी विकास और गंगा संरक्षण विभाग" शब्द रखे जाएंगे।

[फा. सं. स्था. 01/2016-17/0111/एनएमसीजी-खंड-तृतीय]

राजीव किशोर, कार्यकारी निदेशक (प्रशासन)

टिप्पण : मूल आदेश, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में अधिसूचना संख्या का.आ. 3187 (अ), तारीख 7 अक्टूबर, 2016 और अंतिम बार अधिसूचना संख्या का.आ. 1793 (अ), तारीख 21 मई, 2019 द्वारा संशोधित किया गया था, द्वारा प्रकाशित किया गया था।

MINISTRY OF JAL SHAKTI

(Department of Water Resources, River Development and Ganga Rejuvenation)

(NATIONAL MISSION FOR CLEAN GANGA)

ORDER

New Delhi, the 2nd September, 2019

S.O. 3163(E).—Whereas, the Central Government intends to take measures for prevention, control and abatement of environmental pollution in river Ganga and to ensure continuous adequate flow of water so as to rejuvenate the river Ganga to its natural and pristine condition;

And whereas, to achieve the aforesaid objective, the Central Government decided to constitute various authorities at Central, State and District levels;

And whereas, *vide* notification number S.O. 3187 (E), dated the 7th October, 2016 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 7th October, 2016, the Government of India in the erstwhile Ministry of Water Resources, River Development and Ganga Rejuvenation made the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016;

And whereas, in exercise of the Powers conferred by clause (3) of article 77 of the Constitution, the President made the Government of India (Allocation of Business) Three Hundred and Fiftieth Amendment Rules, 2019 and created a new Ministry, namely "Ministry of Jal Shakti (Jal Shakti (Mantralaya), *inter alia*,

allocating the subject matters relating to water resources, river development and Ganga rejuvenation to be administered by the said Ministry;

And whereas, consequent upon the creation of the Ministry of Jal Shakti, it has been decided by the Central Government to make necessary consequential amendments in the said notification and in the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 contained therein;

Now, therefore, in exercise of the powers conferred by sub-sections (2) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following amendments in the said notification and further amendments in the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 contained therein, namely:—

1. Short title and commencement.—(1) This Order may be called the River Ganga (Rejuvenation, Protection and Management) Authorities (Second Amendment) Order, 2019.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the said notification, for the heading “MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION”, the heading “THE MINISTRY OF JAL SHAKTI” shall be substituted.

3. In the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (hereinafter referred to as the said Order), in the preamble, in the paragraph beginning with the words “Now, therefore, in exercise of the powers” and ending with the words “the Central Government hereby”, for the words “Ministry of Water Resources”, the words “erstwhile Ministry of Water Resource” shall be substituted.

4. In the said Order, in paragraph 12,—

(a) for sub-paragraph (1), the following shall be substituted, namely: —

“(1) The National Ganga Council shall consist of the following members, namely:—

(a)	Prime Minister	Chairperson, ex-officio;
(b)	Union Minister for Jal Shakti	-Vice-Chairperson, ex-officio;
(c)	Union Minister for Environment, Forests and Climate Change	-Member, ex-officio;
(d)	Union Minister for Finance	-Member, ex-officio;
(e)	Union Minister for Housing and Urban Affairs	-Member, ex-officio;
(f)	Union Minister for Power	-Member, ex-officio;
(g)	Union Minister for Science and Technology	-Member, ex-officio;
(h)	Union Minister for Rural Development	-Member, ex-officio;
(i)	Union Minister for Shipping	-Member, ex-officio;
(j)	Union Minister of State for Tourism	-Member, ex-officio;
(k)	Vice Chairman, NITI Aayog	-Member, ex-officio;
(l)	Chief Minister, Bihar	-Member, ex-officio;
(m)	Chief Minister, Jharkhand	-Member, ex-officio;
(n)	Chief Minister, Uttarakhand	-Member, ex-officio;
(o)	Chief Minister, Uttar Pradesh	-Member, ex-officio;
(p)	Chief Minister, West Bengal	-Member, ex-officio;
(q)	Secretary, Department of Water Resources, River Development and Ganga Rejuvenation	-Member, ex-officio;
(r)	Secretary, Department of Drinking Water & Sanitation	-Member, ex-officio;

(s)	Secretary, Ministry of Housing and Urban Affairs	-Member,ex-officio;
(t)	Secretary, Department of Agriculture and Farmers' Welfare	-Member,ex-officio;
(u)	Director General, National Mission for Clean Ganga	-Member Secretary, ex-officio.”.

(b) in sub-paragraph (7), for the words “the Ministry of Water Resources, River Development and Ganga Rejuvenation”, the words “the Ministry of Jal Shakti” shall be substituted.

5. In the said Order, in paragraph 17,—

(a) in sub-paragraph (2), for items (a), (b) and (c) and the entries relating thereto, the following shall be substituted, namely:—

“(a) Union Minister for Jal Shakti	-Chairperson, <i>ex-officio</i> ;
(b) Union Minister of State for Jal Shakti	-Vice-Chairperson, <i>ex-officio</i> ;
(c) Secretary, Department of Water Resources, River Development and Ganga Rejuvenation	-Member, <i>ex-officio</i> .”;

(b) in sub-paragraph (5), for the words “the Ministry of Water Resources, River Development and Ganga Rejuvenation”, the words and brackets “the Ministry of Jal Shakti (Department of Water Resources, River Development and Ganga Rejuvenation)” shall be substituted.

6. In the said Order, in paragraph 35, in sub-paragraph (1), for items (b) and (c) and the entries relating thereto, the following shall be substituted, namely—

“(b) Joint Secretary, Department of Water Resources, River Development and Ganga Rejuvenation	-Member, ex-officio
(c) Joint Secretary, Ministry of Housing and Urban Affairs	-Member, ex-officio”.

7. In the said Order, in paragraph 60, for the words “the Ministry of Water Resources, River Development and Ganga Rejuvenation”, the words “the Department of Water Resources, River Development and Ganga Rejuvenation” shall be substituted.

[F. No. Estt.01/2016-17/0111/NMCG-Vol-III]

RAJIV KISHORE, Executive Director (Admin.)

Note : The Principal Order was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide notification number S.O. 3187 (E), dated the 7th October, 2016 and last amended vide notification number S.O. 1793(E), dated the 21st May, 2019.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 3007]	NEW DELHI, SATURDAY, SEPTEMBER 14, 2019/BHADRA 23, 1941

जल शक्ति मंत्रालय

(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)

(राष्ट्रीय स्वच्छ गंगा मिशन)

शुद्धिपत्र

नई दिल्ली, 14 सितम्बर, 2019

का.आ. 3287(अ).—भारत सरकार के जल शक्ति मंत्रालय (जल संसाधन, नदी विकास और गंगा संरक्षण विभाग) के का. आ. 3163 (अ) तारीख 2 सितंबर 2019 की अधिसूचना में भारत के राजपत्र में प्रकाशित, असाधारण, भाग II, खंड 3, उपखंड (ii) पृष्ठ 2 पर 21 लाइन के पश्चात सन्निविष्ट करें -

“(घ,क)	केंद्रीय कृषि और किसान कल्याण मंत्री	-सदस्य, पदेन;”
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[फा. सं. स्था. 01/2016-17/0111/एनएमसीजी-खंड-III]

राजीव किशोर, कार्यकारी निदेशक (प्रशासन)

MINISTRY OF JAL SHAKTI

(Department of Water Resources, River Development and Ganga Rejuvenation)

(NATIONAL MISSION FOR CLEAN GANGA)

CORRIGENDUM

New Delhi, the 14th September, 2019

S.O. 3287(E).—In the notification of the Government of India, in the Ministry of Jal Shakti (Department of Water Resources, River Development and Ganga Rejuvenation), number S.O. 3163(E) dated the 2nd September, 2019, published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), at page 4, after line 28, insert—

“(da)	Union Minister for Agriculture and Farmers Welfare	-Member, ex-officio;”
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[F. No. Estt. 01/2016-17/0111/NMCG-Vol-III]

RAJIV KISHORE, Executive Director (Admn.)

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