

प्रेषक,

दिनांक: 25.09.2022

जुनैद अय्युबी पुत्र तारीक अय्युबी
बी-204, हिल व्यू अपार्टमेन्ट,
सहस्रधारा रोड़, नियर गंगोत्री मार्बल
डंडा लखौर, देहरादून, उत्तराखण्ड

सेवा में,

श्रीमान चेरमैन
मा0 राष्ट्रीय हरित प्राधिकरण
फरीदकोट हाउस, कॉपरनिक्स मार्ग
नई दिल्ली-110001

विषय:- मा0 राष्ट्रीय हरित प्राधिकरण (एन0जी0टी0) के ओ0 ए0 नं0 230/2022 के आदेश दिनांक 25.08.2022 के अनुपालन में यमुना नदी (गंगा नदी की उप-नदी) के फ्लड प्लेन की सीमा के निर्धारण के सम्बन्ध में।

महोदय,

निवेदन इस प्रकार है कि जिला सहारनपुर के सैयद मोहम्मदपुर गढ़ तहसील बेहट, जिला सहारनपुर, उ0प्र0 के खसरा नं0 27/1 व 35 पर अकाश गंगा स्टोन केशर को स्थापित करने की अनुमति दी गई थी। जिसकी स्थापना गाइडलाइन्स 2010 में दी गई दूरियों को छिपाकर प्रतिबन्धित क्षेत्र में दी गई थी जिसको प्रार्थी ने मा0 एन0जी0टी0 के समक्ष चुनौती दी थी जिसमें अनेकों बिन्दुओं पर रिपोर्ट प्रस्तुत की गई थी जिस पर मा0 एन0जी0टी0 द्वारा फ्लड प्लेन के सम्बन्ध में स्पष्टीकरण के लिए आदेश दिनांक 25.08.2022 जारी किया था **आदेश दिनांक 25.08.2022 की प्रति संलग्न है।**

प्रार्थी द्वारा सभी तथ्यों को स्पष्ट करते हुए मय प्रमाणित साक्ष्यों के पत्र दिनांक 08.09.2022 प्रेषित किया गया था **जिसकी प्रति संलग्न है।** लेकिन प्रार्थी की जानकारी में आया है कि पुनः स्टोन केशर को फ्लड प्लेन से दूर कथित बिना किसी साक्ष्या के किया जा रहा है। प्रार्थी की जानकारी में कुछ वैज्ञानिक तथ्य फ्लड प्लेन के निर्धारण से सम्बन्धित व इसरो (ISRO) द्वारा संचालित वेबसाइट डाटा आया है व जिससे स्पष्ट है कि आकाश गंगा स्टोन केशर गंगा नदी के एक्टिव फ्लड प्लेन के अन्दर स्थापित है जिसको तत्काल नोटिफिकेशन दिनांक 07.10.2016 के प्रावधानों के अर्न्तगत जिला कमेटी द्वारा भी हटाया जाना है जिसका विस्तार से विवरण निम्न प्रकार है-

1. भारत सरकार द्वारा पवित्र गंगा के संरक्षण एवं उसके अस्तित्व को बनाये रखने के लिए लगातार प्रयास कर रही है जिसके लिए एक अलग से एक मंत्रालय **MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION** बनाया गया मंत्रालय द्वारा समय समय पर गाईडलाइन्स, नोटिफिकेशन जारी कर गंगा संरक्षण उद्देश्य को पूरा करने के लिए लगातार प्रयास कर रहे है। उसी के अर्न्तगत गंगा नदी के बचाव के लिए उसका नक्शा व उसके अन्दर फैलाये जा रहे प्रदूषण को रोकने के लिए डाटा व उसके फ्लड प्लेन के सीमाओं के निर्धारण के लिए व विभिन्न प्रकार का डाटा सैटेलाईट से लेकर आम जनता को उपलब्ध कराने के लिए मोबाईल एप्प बनाने के लिए भारत सरकार द्वारा National Remote Sensing Center(NRSC) Indian Space Research Organization(ISRO) के साथ

Memorandum of Understanding (MOU) दिनांक 23.06.2015 को किया गया था। MOU में निम्न कार्य एन0आर0एस0/ इसरो को दिया गया है—

5. SCOPE OF THE WORK

Both the parties would work together in the areas of applying geospatial technology in the various aspects of Clean Ganga initiative. The areas identified, that are of mutual interest are as under:

- Use of geospatial technology for water quality monitoring
- Development of mobile application for enabling community participation in monitoring/ up-linking of field data
- Customizing Bhuvan geoportal for visualizing, query and analysis of datasets related to Ganga basin
- Co-ordinate and initiate necessary linkages with other agencies, such as, Survey of India, C-DAC, etc with regard to geo-spatial database and web-based applications, for river water quality monitoring
- Any other areas of mutual interest

6. GUIDELINES ON DATA/ MAP SECURITY

Data collected during the execution of the study by NRSC and NMCG will be shared through necessary OGC WMS services and be kept safely in secure environment.

MOU दिनांक 23.06.2015 की प्रति संलग्न है।

उक्त MOU के अर्न्तगत इसरो द्वारा गंगा नदी से सम्बन्धित सभी डाटा सैटेलाईट के माध्यम से भू-वन पोर्टल संचालित किया गया है जिसमें विभिन्न प्रकार का डाटा ऑनलाईन किया गया है जिसमें गंगा नदी के फ्लड प्लेन क्षेत्र को भी लोड किया गया है जिसको उनके द्वारा सैटेलाईट के 2005-2006 के डाटा से बनाया गया है जिसमें सारे क्षेत्रों का Metadata व टैक्नीकल विवरण दिया गया है कि उसको किस तरह से बनाया गया है किस किस की मदद ली गई है मौके पर भी जाँच की गई है व सर्वे ऑफ इन्डिया की भी मदद ली गई है। इस डाटा में गंगा नदी जिसमें उसकी उप-नदियाँ भी शामिल है और यमुना नदी उसमें शामिल है। यह सारा डाटा ऑनलाईन पोर्टल पर आम लोगों के लिए पोर्टल पर उपलब्ध है।

प्रार्थी द्वारा आकाश गंगा स्टोन केशर को भू-वन गंगा पोर्टल पर चिन्हित किया गया है जिसकी मैटाडाटा रिपोर्ट नक्शे के साथ पोर्टल के स्क्रीनशॉट संलग्न है। जिसमें स्पष्ट है कि यह नक्शा सैटेलाईट के डाटा वर्ष 2005 व वर्ष 2006 के आधार पर बनाया गया है इस पोर्टल पर गंगा फ्लड प्लेन का डाटा कहाँ से लिया गया है कैसे फ्लड प्लेन जोन को दिखाया गया है सारा विवरण दिया गया है जो पोर्टल से डाउनलोड किया गया है जिसकी प्रति संलग्न है।

भू-वन गंगा पोर्टल पर आकाश गंगा स्टोन केशर को मार्क करते हुए यमुनानगर व सहारनपुर के मध्य यमुना नदी के फ्लड प्लेन क्षेत्र का स्क्रीनशॉट लिया गया है व आकाश गंगा स्टोन केशर के भाग को बड़ा कर स्क्रीनशॉट्स लिए गये है जिसमें यह स्टोन केशर यमुना नदी (गंगा नदी की उप-नदी) के एक्टिव फ्लड प्लेन के क्षेत्र के अर्न्तगत स्थापित है जो अधिसूचना दिनांक 07.10.2016 के अर्न्तगत भी प्रतिबन्धित क्षेत्र में है जबकि सहारनपुर के विभाग उसको फ्लड प्लेन से

भी 500 मी० दूर कथित कर रहे हैं जो अपने आप में बड़ा भ्रष्टाचार का उदाहरण है। भू-वन गंगा पोर्टल से उपरोक्त लिए गये स्क्रीनशॉट्स की प्रति साथ में संलग्न है। उपरोक्त विवरण का सत्यापन भू-वन गंगा पोर्टल से किया जा सकता है।

भारत सरकार द्वारा पवित्र गंगा नदी के अस्तीत्व को खतरे में देखकर उसके उद्देश्यों की पूर्ति के लिए पर्यावरण संरक्षण अधिनियम 1986 के अर्न्तगत अधिसूचना जारी की गई है। जिसमें गंगा नदी की परिभाषा उसकी उप-नदियों की परिभाषा, उद्देश्य उसके लागू होने के क्षेत्र, फ्लड प्लेन की परिभाषा, गंगा नदी की परिभाषा, धारा की परिभाषा, गंगा नदी की उप-नदियों की परिभाषा व गंगा नदी को सुरक्षित रखने के लिए विभिन्न प्राविधान अधिसूचना दिनांक 07.10.2016 लागू की गई है अधिसूचना दिनांक 07.10.2016 की प्रति संलग्न है जिसके मुख्य प्राविधान निम्न प्रकार हैं—

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;

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, -

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.....
(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;
.....

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.....
(u) " River Ganga" means the entire length of six head-streams in the State of Uttarakhand namely, Rivers Alakananda, Dhaul 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;**
.....

.....
.....
(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.

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: -

.....

 (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;

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:

.....

(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.

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.

उपरोक्त अधिसूचना में गंगा नदी की परिभाषा में यमुना नदी शामिल है व फ्लड प्लेन वह क्षेत्र है जहाँ पर नदियों का पानी पीछले 100 वर्षों में अधिकतम पहुँचा है इसके अतिरिक्त डिस्ट्रिक्ट गंगा संरक्षण कमेटी का गठन किया गया है और उनके कर्तव्य पैरा 6 व 7 में दिये गये है जिसमें पैरा 6 सब पैरा 3 में गंगा रिवर या उसकी उप नदी के फ्लड प्लेन के किसी भी स्थायी या अस्थायी निर्माण को प्रतिबन्धित किया गया है और उसको हटाने की जिम्मेदारी भी जिला गंगा संरक्षण कमेटी को दी गई है।

उपरोक्त अधिसूचना पैरा 2 के अनुसार उत्तर प्रदेश में भी लागू है व पैरा 53 के अनुसार जिन जिन डिस्ट्रिक्ट में गंगा नदी व उसकी उप नदी प्रभावित है उन जिलों के लिए केन्द्र सरकार द्वारा अधिसूचना के माध्यम से जिला गंगा संरक्षण कमेटी बनायी गई है जिसमें जिला सहारनपुर भी शामिल है जिसके लिए जिला गंगा संरक्षण कमेटी अधिसूचना दिनांक 21.08.2021 को मनोनित की गई है जिसको भारत गजट में 24.08.2021 को प्रकाशित किया गया है जिसकी प्रति संलग्न है। जिसमे निम्न सदस्यों को मनोनित किया गया है।

A. Ex-officio Members:

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|---------------------------------------------------------------------------------------------|--------------------|
| 1. <u>District Magistrate, Saharanpur</u> | - Chairperson; |
| 2. Shri Vipin Garg, Nominated Member, Nagar Palika Parishad, Deoband, Saharanpur | - Member; |
| 3. <u>Executive Engineer, Upper Division Eastern, Canal, Saharanpur</u> | - Member; |
| 4. <u>Executive Engineer, Regional Division, People Works Department, Saharanpur</u> | - Member; |
| 5. Chief Medical Officer, Saharanpur | - Member; |
| 6. <u>Regional Officer, Pollution Control Board, Saharanpur</u> | - Member; |
| 7. <u>Executive Engineer, Construction Unit, Jal Nigam, Saharanpur</u> | - Member; |
| 8. Chief Development Officer, Saharanpur | - Member; |
| 9. Mr. Ravindra Miglani, President, Industry Association, Saharanpur | - Member; |
| 10. Divisional Director, S.W. Division, Saharanpur | - Member Convener. |

B. Nominated Members:

- | | |
|-------------------------------------------------------------------------------|-----------|
| 1. Dr. Umar Saif, Environmental Scientist, Saharanpur | - Member; |
| 2. Mr. A.C. Papneja, Environmentalist, Saharanpur | - Member; |
| 3. Professor Jalal Umar, Retired Principal, Islamia Inter College, Saharanpur | - Member. |

मा0 एन0जी0टी0 में विचाराधीन मामले में उपरोक्त जिला गंगा संरक्षण कमेटी के कुछ सदस्यों द्वारा अपनी रिपोर्ट प्रस्तुत की गई है जिसमें पवित्र गंगा के फ्लड प्लेन क्षेत्र में स्थापित स्टोन केशर को 500 मीटर से अधिक दूरी पर कथित किया जा रहा है लगातार मा0 न्यायालय के समक्ष गलत

तथ्य पेश किये जा रहे हैं और फ्लड प्लेन की सीमा से दूरी बताने के लिए आईआईटी रुड़की जैसे संस्थानों का सहारा लिया जा रहा है ताकि अवैध स्टोन केशरों को संचालित कराया जा सके जबकि उपरोक्त भू-वन गंगा पोर्टल पर स्पष्ट फ्लड प्लेन के डाटा उपलब्ध है जिसमें स्टोन केशर फ्लड प्लेन में स्थापित है जबकि उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड की गाईडलाईन्स 2010 व 2022 के अनुसार स्टोन केशर फ्लड प्लेन से 500 मी० की दूरी तक स्थापित करना प्रतिबन्धित है और जिला गंगा संरक्षण कमेटी के सदस्य जो मा० न्यायालय में जवाब प्रस्तुत कर रहे हैं उपरोक्त तथ्यों जानबूझकर संज्ञान न लेते हुए स्टोन केशर को संचालित करा रहे हैं जो अधिसूचना दिनांक 07.10.2016 का भी उल्लंघन है। उपरोक्त डाटा जानकारी में आने के बाद भी यदि फ्लड प्लेन से 500 मीटर दूर बताया जाता है तो स्पष्ट होगा की यह सब भ्रष्टाचार का नतीजा है।

अतः आपसे प्रार्थना है कि उपरोक्त दिये गये तथ्यों पर संज्ञान लेते हुए गंगा नदी के फ्लड प्लेन पर स्थापित स्टोन केशर को तत्काल डिस्मैन्टल कराया जाए एवं दोषी लोगों के विरुद्ध कानूनी कार्यवाही की जाए। आपकी अति कृपा होगी।

धन्यवाद

संलग्नक: उपरोक्तानुसार
प्रतिलिपि:

1. मा० मुख्यमंत्री महोदय
उत्तर प्रदेश सरकार, सचिवालय
लोक भवन, लखनऊ, उत्तर प्रदेश
2. श्रीमान चेयरमैन,
उ०प्र० प्रदूषण नियन्त्रण बोर्ड,
बिल्डिंग नं० टीसी 12 वी
विभूति खण्ड, गोमती नगर, लखनऊ-226001
3. श्रीमान महानिदेशक
राष्ट्रीय स्वच्छ गंगा मिशन
जल शक्ति मन्त्रालय, भारत सरकार
(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)
पहली मंजिल, मेजर ध्यान चन्द नेशनल स्टेडियम
इन्डिया गेट, नई दिल्ली-110002
4. श्रीमान एच०ओ०डी०, सिविल इन्जीनियरिंग विभाग
भारतीय प्रौद्योगिकी संस्थान रुड़की
जिला हरिद्वार, रुड़की, उत्तराखण्ड
5. श्रीमान अधिशासी अभियन्ता
सिंचाई विभाग, जिला सहारनपुर
उत्तर प्रदेश
6. श्रीमान जिलाधिकारी महोदय
(चेयरमैन, जिला गंगा संरक्षण कमेटी)
कलैक्ट्रेट, जिला सहारनपुर
उत्तर प्रदेश

प्रार्थी



जुनैद अय्युबी पुत्र तारीक अय्युबी
बी-204, हिल व्यू अपार्टमेन्ट,
सहस्रधारा रोड़, नियर गंगोत्री मार्बल
डंडा लखौर, देहरादून, उत्तराखण्ड

7. श्रीमान क्षेत्रीय अधिकारी
(सदस्य, जिला गंगा संरक्षण कमेटी)
उ० प्र० प्रदूषण नियन्त्रण बोर्ड
कपिल विहार, सहारनपुर, उ०प्र०
8. श्रीमान एस०डी०एम० महोदय
तह० बेहट, जिला सहारनपुर, उत्तर प्रदेश
9. श्रीमान खनन अधिकारी, जिला सहारनपुर
उत्तर प्रदेश
10. श्रीमान जिला उद्यान अधिकारी
जिला सहारनपुर, उत्तर प्रदेश
11. श्रीमान अपर जिलाधिकारी (वित्त एवं राजस्व)
जिला सहारनपुर, उत्तर प्रदेश।

Item No. 08

Court No. 2

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

(By Video Conferencing)

Original Application No.230/2022

(With report dated 22.07.2022)

Junaid Ayubi

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 25.08.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ajit Sharma, Advocate

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

ORDER

1. Shri Junaid Ayubi, applicant has filed this Original Application (hereinafter referred to as 'OA') under Section 14 read with Section 18 of National Green Tribunal Act, 2010 complaining that a stone crusher of Respondent 6, Akash Ganga Stone Crusher, been allowed to function at Khasra No. 27/1 by official respondents/authorities ignoring the fact that the said area is within 500 meters of river flood plain zone and within 1 km from abadi/village areas, hence against the guidelines issued by U.P. State Pollution Control Board in 2010. Learned Counsel for the applicant also stated that in respect to this very land, matter was also considered by Supreme Court in SLP (C) Nos. 19628-19629/2009, *Deepak Kumar etc. vs.*

State of Haryana & Ors., (2012) 4 SCC 629 and in the order dated 16.01.2012, Supreme Court issued following directions:

“In such circumstances, we are inclined to issue the following order:

- (1) The District Collector, Superintendent of Police, Mining Officer, Alwar will take immediate steps to stop all illegal mining activities going on in the village Udhanwas and to seal all crusher plants, screening plants etc. operating illegally in Udhanwas and the nearby areas.*
- (2) Mining operations going on at Chopanki, Gawalada and Hasanpur blocks without complying with the conditions imposed for environment clearance and proper sanction, be immediately stopped;*
- (3) Screening plants/crushers illegally functioning there be seized so also the illegally mined materials and also the vehicles used for illegal transportation of those material.*
- (4) State of Rajasthan would make available the details of the number of current mining leases granted District-wise, its duration, area with or without clearance from the State Pollution Control Board, MoEF, National Board for Wildlife etc.*
- (5) Compliance report to this respect this filed within two weeks.*

The Chief Secretary to the State of Rajasthan shall personally ensure compliance of this order.”

2. Referring to direction No. 3, it is said that in respect to the land in question, mining was directed to be stopped and dismantled and the action taken report (Annexure-R-1 to this OA), filed before Supreme Court contained a list in which item no. 14 relates to the mine which was dismantled on the plot in question. Entry No. 14 in the list on page 93 reads as under:

जनपद सहारनपुर में स्थित स्कीनिंग प्लांट की सूची जिन्हें बन्द/डिस्मैन्टल कराया गया है।

(उत्प्रेष रिट याचिका सं० 19628-19629/2008 के अन्तर्गत पी० सी० आर० न्यायालय द्वारा पारित आदेश दिनांक 16.01.12 के अनुपालन में जिलाधिकारी महोदय, सहारनपुर के आदेश सं० 526(4)/एनजे दिनांक 20.01.12 के अनुपालन में मसिदा रोड द्वारा की गयी जांचवादी।)

क्र.सं.	स्कीनिंग इकाई/को के नाम व पते	कृत कार्यवाही	अंतिम उपर्युक्त (बन्द/बंदी व सी०ए०) की सीज की मात्रा (घन मी०)
1.	श्री राम स्कीनिंग प्लांट ग्राम मढ़तीखेड़ी पी० रायपुर, सहारनपुर।	बन्द	0
2.	श्री माधव स्कीनिंग प्लांट, ग्राम प्रफ्जा अहलवाल, रायपुर	डिस्मैन्टल	0
3.	श्री दिवाय स्कीनिंग प्लांट, ग्राम मढ़तीखेड़ी लाम्पापुर पी० रायपुर, सहारनपुर।	डिस्मैन्टल	0
4.	श्री राम सिंह स्कीनिंग प्लांट, ग्राम अरवलमपुर बरवा, पी० कम्बोह माजरा, सहारनपुर।	डिस्मैन्टल	16035
5.	श्री ज्योति स्कीनिंग प्लांट, ग्राम अरवलमपुर बरवा, पी० कम्बोह माजरा, सहारनपुर।	डिस्मैन्टल	3558
6.	श्री जयक स्कीनिंग प्लांट, ग्राम अरवलमपुर बरवा, पी० कम्बोह माजरा, सहारनपुर।	डिस्मैन्टल	0
7.	श्री रामाशंकर स्कीनिंग प्लांट, ग्राम अरवलमपुर बरवा, पी० कम्बोह माजरा, सहारनपुर।	डिस्मैन्टल	0
8.	श्री मन्मथी स्कीनिंग प्लांट, ग्राम अरवलमपुर बरवा, पी० कम्बोह माजरा, सहारनपुर।	डिस्मैन्टल	10070
9.	श्री लक्ष्मि स्कीनिंग प्लांट, ग्राम अर्बुतालमपुर करवागढ़, सहारनपुर।	डिस्मैन्टल	489
10.	श्री शिवशंकर स्कीनिंग प्लांट, ग्राम अर्बुतालमपुर करवागढ़, सहारनपुर।	डिस्मैन्टल	0
11.	श्री सत्यम स्कीनिंग प्लांट, ग्राम अर्बुतालमपुर करवागढ़, सहारनपुर।	डिस्मैन्टल	1259
12.	श्री जय प्रदीप स्कीनिंग प्लांट, ग्राम अर्बुतालमपुर करवागढ़, सहारनपुर।	डिस्मैन्टल	1256
13.	श्री महालक्ष्मी स्कीनिंग प्लांट, ग्राम अर्बुतालमपुर करवागढ़, सहारनपुर।	डिस्मैन्टल	1200
14.	श्री जय हनुमान स्कीनिंग प्लांट, ग्राम सैद मोहम्मदपुर गढ़	डिस्मैन्टल	3835

3. He has also relied on a sale deed dated 17.03.2020 in which boundaries of the land in question, subject matter of transaction in the sale deed, has been given as under:

घोहददी-पू० मे खेत राजकुमार व जयपाल
 ५० मे यमुना
 ३० मे खेत प्रदीप आदि
 ६० मे सुभाष आदि का खेत

English translation by Court:

*“Boundary: Farm of Rajkumar and Jain in the East
 Yamuna in West
 Farm of Pradeep etc. in North
 Farm of Subhash etc. in South”*

4. Considering the above facts, this Tribunal found it appropriate to have a factual and action taken report and for the purpose constituted a joint Committee comprising District Magistrate, Saharanpur and State PCB vide order dated 08.04.2022. The joint Committee submitted report dated 22.07.2022 through Additional District Magistrate (Finance and Revenue), Saharanpur and the relevant extract of the report is as under:-

“xxxxxx.....xxx

6. Report dated 04.06.2022 submitted by the irrigation. As per report Department distance from Yamuna River Flood Plain Zone to the site of M/s. Akash Ganga Stone Crusher is more than 500meter. The report enclosed as Annexure —I.

7. District Horticulture Officer, Saharanpur has mentioned in the report on dated 24.06.2022 that M/s. Akash Ganga Stone Crusher, Khasra No 27/1, 35M Village Said Mohammadpur Garh Ahatmal, Tehsil- Behat, District- Saharanpur in question is not situated in the fruit belt area and there is no mango orchard categorised as fruit orchard at the distance of 1500 meter in East-West and 500 meter in North-South Direction. The report enclosed as Annexure —II.

8. U.P. Pollution Control Board, Saharanpur has submitted its report dated 24.06.2022. As per report the Board has issued Consent to Establish (CTE) to M/s. Akash Ganga Stone Crusher, Khasra No 27/1, 35M Village Said Mohammadpur Garh Ahatmal, Tehsil- Behat, District Saharanpur vide letter no 95175 / UPPCB / Saharanpur (UPPCBRO) / CTE / Saharanpur / 2020 dt 11.06.2020 on the basis of certified distance provided by mining officer, irrigation department, forest department, District Horticulture Officer and Revenue Department. The Distance provided is as per U.P. Pollution Control Board Guidelines, 2010. Later on Board has issued CTO (Consent to Operate) Air/Water to M/s. Akash Ganga Stone Crusher, Khasra No 27/1, 35M Village Said Mohammadpur Garh Ahatmal, Tehsil-Behat, District- Saharanpur. The validity of CTO is upto 31.07.2022. The CTE &CTO and Reports enclosed as Annexure-III.

9. Joint Magistrate / SDM, Behat has submitted report dated 05.07.2022 regarding the M/s. Akash Ganga Stone Crusher, Khasra No 27/1, Village Said Mohammadpur, Garh Ahatmal, block Faizabad. The report is as follow:

- i. The distance of village Said Mohammadpur Garh (Must) Pargana Faizabad to the Akash Ganga Stone Crusher is 748 mtr.
- ii. The distance of Main Stream of Yamuna River to the Akash Ganga Stone Crusher is 740 mtr.
- iii. The distance of nearest orchard from the Akash Ganga Stone Crusher is 503 mtr.

The report is enclosed as **Annexure —IV**

10. It is also to be reported that the unit has engaged Indian Institute of Technology, Roorkee for the measurement of shortest distance between the site of M/s. Akash Ganga Stone Crusher, Khasra No 27/1, 35M Village Said Mohammadpur Garh Ahatmal, Tehsil-Behat, District- Saharanpur. Finding of IIT Roorkee is on the basis of Survey and Measurement using GPS coordinates. As per report the shortest distance between site of M/s. Akash Ganga Stone Crusher, Khasra No 27/1, 35M Village Said Mohammadpur Garh Ahatmal, Tehsil- Behat, Saharanpur and HFL of Yamuna River is 616.518 mtr (say 616.52 mtr). The report of IIT Roorkee is enclosed as Annexure —V.

11. A screening Plant Viz Jay Hanuman Screening Plant mentioned by the complainant is dismantled in compliance of Hon'ble Supreme Court order dated 16.01.2012. As the screening plant installed without obtaining NOC from the concerned authorities and no revenue record available.

12. UP Pollution Control Board Guideline as amended dated 10.02.2022 is attached as Annexure-VI.

13. The following Chart shows a permitted distance in the U.P. Pollution Control Board Guidelines and Certified distance by the concerned authorities

Permitted Distance		Certified by concerned authorities
1.	Minimum distance from habitation (min 20 houses) -500 mtrs	748 mtr from Village Said Mohammadpur
2.	Minimum distance from mango orchard/mango fruit orchard (min 100 fruit trees) -500 mtrs	1500 mtr from East-West Direction 500 mtr from North- South Direction
3.	Minimum distance from River flood Zone Area -500 mtr	More than 500 mtr in irrigation Belt and 616.52 mtr in the report of IIT Roorkee.

14. The unit has applied for registration of well from ground Water Department Gov. of Uttar Pradesh on dated 17.06.2022. The report enclosed as Annexure —VII.”

5. Applicant has objected to the said report and filed a written objection. Learned Counsel for the applicant has stated that the distance has been given based on High Flood Level (hereinafter referred to as ‘HFL’) of the river but without properly or actually measuring the same on the spot or without relying on any credible information from Irrigation Department, in respect of HFL.

6. The written objections with respect to the IIT report relied upon by the joint Committee, read as under:

“xxxxxx.....xxx

v. Objections to the Report of IIT Roorkee dt. 10.05.2022.

1. The Joint Committee in its report has also adverted to and annexed a report of IIT Roorkee, which states that the stone

crusher is located at a distance of 616.52 meters from the High Flood Level of River Yamuna. Disappointingly, the Report of IIT Roorkee merits rejection due to obvious technical and legal flaws as enumerated herein.

2. Firstly, the IIT Report assumes the High Flood Level of River Yamuna at 207.49 meters (see internal page 31 of Jt. Committee's Report) and cites three references in support. A bare perusal of these three references reveals that High Flood Level at Delhi is 207.49 meters while that at Yamuna Nagar/ Saharannpur is much higher.
3. The IIT Report relies firstly upon a study titled "Floods and Flood Monitoring in Yamuna: July 2018" available at <https://sandrp.in/2018/07/28/floods-flood-monitoring-in-yamuna-july-2018/>. A copy of this Report is annexed as Annexure 1. A bare perusal of this report itself reveals that High Flood Level varies from place to place and was computed at 207.49 meters at downstream level of River Yamuna at Delhi while the HFL upstream, i.e. at Karnal city in Haryana, is much higher at 250.07 while at Paonta, HP is 384.6 meters. The HFL altitude at different places on River Yamuna, as per the same study, is as follows:

SN	River	Site	District / State	WL	DL	HFL (M)	HFL Date
1	Yamuna	Paonta	Sirmaur, HP	383.5 M	384.5 M	384.6 M	05-09- 1995
2	Yamuna	Karnal	Karnal, Haryana	248.8 M	249.5 M	250.07 M	17-06- 2013
3	Yamuna	Mawi	Muzzafar Nagar, UP	230.0 M	230.85 M	232.75 M	18-06- 2013
4	Sahibi	Dhansa	South West, Delhi	211.44 M	212.44 M	213.58 M	06-08- 1977
5	Yamuna	Delhi Railway Bridge	North, Delhi	204.0 M	204.83 M	207.49 M	06-09- 1978
6	Yamuna	Mathura (Prayag Ghat)	Mathura	165.2 M	166.0 M	169.73 M	08-09- 1978
7	Yamuna	Agra (J.B.)	Agra, UP	151.4 M	152.4 M	154.76 M	09-09- 1978
8	Betwa	MOHANA	Jalaun, UP	121.66 M	122.66 M	133.35 M	11-09- 1983
9	Yamuna	Etawah	Etawah, UP	120.92 M	121.92 M	126.13 M	11-09- 1978
10	Yamuna	Auraiya	Auraiya, UP	112.0 M	113.0 M	118.19 M	25-08- 1996
11	Yamuna	KALPI	Jalaun, UP	107.0 M	108.0 M	112.98 M	25-08- 1996
12	Yamuna	SHAHJI NA	Hamirpur, UP	103.54 M	104.54 M	108.67 M	NA
13	Ken	BANDA	Banda, UP	103.0 M	104.0 M	113.29 M	07-07- 2005
14	Yamuna	HAMIRP UR	Hamirpur, UP	102.63 M	103.63 M	108.59 M	12-09- 1983

15	Yamuna	CHILLAG HAT	Banda, UP	99.0 M	100.0 M	105.16 M	06-09- 1978
16	Yamuna	NAINI	Allahabad, UP	83.74 M	84.73 M	87.99 M	08-09- 1978

4. *Secondly, the IIT Report also relies upon two other studies, which are both inconsequential to the assessment of HFL of River Yamuna. A true copy of both report relied upon by IIT Roorkee in its report are annexed herewith as Annexure 2.*
5. *Thus, what the IIT ought to have done is to measure the HFL level at the site where measurements were being carried out. IIT however conveniently assumes HFL at 207.49 meters to be the HFL for District Saharanpur site also, which is wholly and grossly misleading. The Report of IIT thus gives a misleading impression that the stone crusher is located beyond 500 meters of Yamuna River's HFL by assuming HFL to be 207.49 meters.*
6. *Thirdly, the Report of the IIT was perhaps not provided with a copy of the Original Application filed by the Applicant herein as the photos annexed with the Application reveal that River Yamuna flowed adjacent to the stone crusher site in the year 2011 as is evident from Google images.*
7. *Fourthly, IIT Roorkee report was prepared at the behest of the private stone crusher and has been prepared for his benefit. Despite its reputation, the report is clearly misleading and it is most unfortunate that experts from one of India's leading institutes would permit such a report to be prepared at the behest of a private stone crusher unit.*
8. *It is therefore prayed that the Report of the IIT Roorkee be rejected by this Hon'ble Tribunal and a fresh survey be ordered to. Be conducted by Geological Survey of India or the Central Water Commission. Further, it is prayed that an explanation be called for from IIT Roorkee with respect to the calculation of HFL at District Saharanpur site where the stone crusher is located.*
9. *Fifthly, the report of the IIT measures the HFL on an island within the River stream ignoring the fact that during floods the river stream would flow on either side of the island and adjacent to the stone crusher site. This is evident from a bare perusal of the site pictures, which show clearly that the floodplain of River Yamuna begins from the edge of the stone crusher site and that there is also a steep slope at the edge of the crusher site. These obvious geological features have been deliberately ignored by IIT Roorkee officials preparing the report so as to unduly benefit the stone crusher."*

7. We have also gone through the letter dated 04.06.2022 sent by an Executive Engineer, Irrigation Construction Region, Saharanpur stating that the Akash Ganga Stone Crusher is situated at more than 500 mtrs.

from the flood plain zone of Yamuna river and but details as to on what basis the said distance computed, has not been given.

8. In these facts and circumstances, we find that clarification needs to be obtained from the concerned authorities. Let joint Committee submits its comments to the objections raised by the applicant to joint Committee report with regard to the measurement of distance of the situation of the stone crusher and also the basis on which the distance has been measured.

9. The Executive Engineer, Irrigation Department concerned may also submit detailed report to show as to in what manner and basis distance has been measured.

10. Further, we issue Notice to Respondent no. 6 who may also file its reply to the averments stated in the original application, to the joint Committee report and the objections to the report filed by applicant, by the next date. The Notice shall be sent by the Registry and also by the State PCB.

List for further consideration on 28.09.2022.

A copy of this order be forwarded to District Magistrate, Saharanpur, State PCB and Executive Engineer, Irrigation Department by e-mail for compliance.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 25, 2022
Original Application No.230/2022
SN

प्रेषक,

दिनांक: 08.09.2022

जुनैद अय्युबी पुत्र तारीक अय्युबी
बी-204, हिल व्यू अपार्टमेन्ट,
सहस्त्रधारा रोड़, नियर गंगोत्री मार्बल
डंडा लखौर, देहरादून, उत्तराखण्ड

सेवा में,

श्रीमान मुख्य सचिव
उत्तर प्रदेश सरकार, सचिवालय
101, बी ब्लॉक, लोक भवन, लखनऊ
उत्तर प्रदेश-226001

विषय: माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 25.08.2022 ओ0ए0 230/2022 के अनुपालन के सम्बन्ध में ।

महोदय,

सविनय निवेदन इस प्रकार है कि प्रार्थी द्वारा माननीय राष्ट्रीय हरित अधिकरण के समक्ष ओ0ए0 नं0 230/2022 प्रस्तुत किया गया था जिसमें आकाश गंगा स्टोन केशर की स्थापना गैर कानूनी होने के कारण चुनौती दी गई थी ओ0ए0 नं0 230/2022 की प्रति संलग्नक नं0 01 है जिसमें मुख्य बिन्दु निम्न प्रकार है-

1. उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड की गार्डलाईन्स 2010 का उल्लंघन किया गया है।
2. आबादी, बाग, यमुना नदी फ्लडप्लेन से दूरी को गलत दिखाकर स्टोन केशर स्थापित किया गया है।
3. मा0 सर्वोच्च न्यायालय के आदेश से फ्लडप्लेन में स्थापित स्टोन केशर/स्क्रीनिंग प्लान्ट को डिस्मेन्टल किया गया था उसी स्थान पर पुनः स्टोन केशर स्थापित करने की अनुमति मा0 सर्वोच्च न्यायालय के आदेशों की अवहेलना कर दी गई।
4. ग्राउण्ड वॉटर से अनापत्ति प्राप्त नहीं की गई।

जिस समय स्टोन केशर को CTE व CTO जारी की गई थी उस समय उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड की गार्डलाईन्स 2010 लागू थी दिनांक 08.04.2022 को निम्न आदेश दिये गये आदेश दिनांक 08.04.2022 की प्रति संलग्नक नं0 02 है। उपरोक्त आदेश के बाद प्रार्थी द्वारा पुनः सभी तथ्यों को साक्ष्य सहित दिनांक 14.04.2022 को कमेटी के समक्ष प्रस्तुत किया गया था दिनांक 14.04.2022 की प्रति संलग्नक नं0 03 है। लेकिन कमेटी ने जानबूझकर तथ्यों को छुपाते हुए मिलिभगत के कारण रिपोर्ट प्रेषित की गई।

उक्त बिन्दुओं पर कमेटी गठित की गई थी जिसके द्वारा रिपोर्ट दिनांक 22.07.2022 प्रस्तुत की गई थी रिपोर्ट दिनांक 22.07.2022 की प्रति संलग्नक नं0 04 है। उपरोक्त रिपोर्ट पर प्रार्थी द्वारा मा0 एन0जी0टी0 के समक्ष आपत्तियाँ प्रस्तुत की गई।

आपत्ति के पश्चात माननीय एन0जी0टी0 द्वारा दिनांक 25.08.2022 को पुनः विस्तार से रिपोर्ट प्रस्तुत करने के आदेश दिये गये है और आई0आई0टी0 की रिपोर्ट पर लगे प्रश्नचिह्नों को स्पष्ट करने के आदेश दिये गये है।

जिस पर संज्ञान लेते हुए मा0 एन0जी0टी0 द्वारा निम्न आदेश दिनांक 25.08.2022 को दिया गया आदेश दिनांक 25.08.2022 की प्रति संलग्नक नं0 05 है। उपरोक्त आदेश में प्रार्थी की आपत्तियों पर संज्ञान लेते हुए पुनः रिपोर्ट प्रस्तुत करने के आदेश दिये गये हैं। उक्त सम्बन्ध में वास्तविक तथ्य निम्न प्रकार हैं रिपोर्ट दिनांक 22.07.2022 के पैरा नं0 06 में सिंचाई विभाग की रिपोर्ट दिनांक 04.06.2022 जिसमें कथित किया गया है कि 500 मीटर से अधिक दूरी है पैरा 10 में कथित किया गया है कि आकाश गंगा स्टोन केशर द्वारा स्वयं आई0आई0टी0 रूडकी के प्रोफेसरों से रिपोर्ट तैयार करायी गई है जिसमें दूरी स्टोन केशर से HFL यमुना रीवर से 616.52 मीटर है पैरा नं0 09 में एस0डी0एम0 बेहट द्वारा दिनांक 05.07.2022 को रिपोर्ट प्रस्तुत की गई है कि आकाश गंगा स्टोन केशर वर्तमान यमुना नदी के मुख्य धारा से लगभग 740 मीटर की दूरी पर स्थित है। जो गलत है जिसके निम्न कारण हैं—

फलड्प्लेन की परिभाषा:—

फलड्प्लेन से दूरी का विवरण:—

1. गाइडलाइन्स 2010 के अनुसार फलड्प्लेन से स्टोन केशर की दूरी 500 मीटर निर्धारित है जबकी स्टोन केशर फलड्प्लेन पर लगा हुआ है जिसको स्पष्ट करने के लिए OA-230/2022 का संलग्नक नं0 07 व पेज नं0 131 से 139 तक है। जिसके पेज नं0 137 पर लगे गूगलअर्थ का नक्शा वर्ष 2011 का है जिसमें यमुना नदी का पानी खसरा नं0 27 में को बह रहा है। जिससे स्पष्ट है कि यह जलधारा का भाग है यानि की नदी में है और फलड्प्लेन इससे बाहर है। फलड्प्लेन की दूरी यमुना नदी के उस बिन्दु से नापी जायेगी जहां तक कभी पहले अधिक जल स्तर गया है न कि गर्मीयो की वर्तमान जल धारा के किनारे से है।
2. भारतीय भूवैज्ञानिक सर्वेक्षणक के सहारनपुर नक्शे में फलड्प्लेन क्षेत्र को स्पष्ट दिखाया गया है जिसमें स्टोन केशर क्षेत्र फलड्प्लेन में आ रहा है जी0एस0आई के नक्शों पर आकाश गंगा स्टोन केशर को मार्क किया गया है जो OA-230/2022 का संलग्नक नं0 07 व पेज नं0 131 से 135 तक है।
3. राजस्व रिकॉर्ड में खसरा नं0 27 के दो भाग है 27/1 में स्टोन केशर है व 27/2 में यमुना नदी जल मग्न भूमि जमुना के नाम दर्ज है जिस खसरे पर राजस्व विभाग के रिकॉर्ड में ही जमना नदी जल मग्न दर्ज है उसको फलड्प्लेन से बाहर कैसे दिखाया जा सकता है स्पष्ट है कि प्रमाण पत्र आँखे बन्द कर जारी किया गया है। 27/1 जिस खसरे नं0 में प्रार्थी का भी भाग है जिसका अभी तक बटवारा भी नहीं हुआ है और वह वहाँ की परिस्थिति भलिभांति जानता है। जिसके सिजरा/नक्शा व फर्द की प्रति OA-230/2022 के संलग्नक नं0 10 पेज नं0 144 से 146 तक है।
4. खसरा नं0 27/2 में यमुना दर्ज है मौके पर भी वह 27/1 से लगभग 25 फीट गहरा है जो गूगल अर्थ के एलिवेशन से स्पष्ट है जिसकी फोटो OA-230/2022 के संलग्नक नं0 07 पेज नं0 131 से 139 तक है।
5. है। यमुना नदी की एक धारा हरियाणा सीमा पर बह रही है और एक धारा स्टोन केशर के खसरा नं0 27/1 से होकर बह रही है। यह दूरियाँ हरियाणा की साईड बहने वाली धारा से नाप कर दर्शा रहे है जो एक धोखाधड़ी है।
6. आकाश गंगा स्टोन केशरों के पार्टनरों द्वारा उक्त भूमि दिनांक 17.03.2020 को खसरा नं0 27/1 खरीद की गई थी जिसके पृष्ठ नं0 06 पर चौहददी निम्न प्रकार है—

पू0 में खेत राजकुमार व जयपाल

प० में यमुना
उ० में खेत प्रदीप आदि
द० में सुभाष आदि का खेत

उपरोक्त के अनुसार खसरा नं० 27/1 के पश्चिम में यमुना नदी बेचने वाले ने व खरीदने वाले ने स्वीकार की है इसके अतिरिक्त 27/1 के बराबर में 27/2 पड़ता है और राजस्व रिकॉर्ड में खसरा नं० 27/2 जलमग्न भूमि जमुना के नाम दर्ज है जिससे प्रमाणित है कि 27/1 यमुना नदी का किनारा है और फ्लडप्लेन का भाग है। बैनामे की प्रति OA-230/2022 के संलग्नक नं० 06 पेज नं० 99 से 130 तक है।

7. लेखपाल/तहसीलदार की रिपोर्ट दिनांक 14.02.2020 जिसमें नदी/फ्लडप्लेन से दूरी लगभग 800 मीटर दूर दिखायी गई है। जो प्रमाण पत्र रिपोर्ट के साथ संलग्न है। लगभग शब्द से स्पष्ट है कि मौके पर कोई दूरी नहीं नापी गई है और मिलिभगत से दूरियाँ जानबूझकर गलत लिख दी गई है जबकि राजस्व रिकॉर्ड अनुसार खसरा नं० 27 का 27/2 भाग ही जलमग्न है इससे बड़ी धोखाधड़ी नहीं हो सकती है। अब एस०डी०एम० बेहट की रिपोर्ट के साथ यमुना की मुख्य धारा से लगभग 740 मी० दूरी है जनबूझकर यमुना की मुख्य धारा से दूरी दिखायी गई है फ्लडप्लेन से दूरी नहीं दिखायी गई है क्योंकि उनको मालूम है कि खसरा नं० 27/2 का एक भाग यमुना नदी का भाग है। स्पष्ट है कि दिनांक 14.02.2020 में फ्लडप्लेन से दूरी 800 मीटर लिखी गई है और अब 740 मी० लिखी गई है राज्य सरकार को कोई जानकारी फ्लडप्लेन की नहीं है।
8. कार्यालय अधिशासी अभियन्ता द्वारा दिनांक 23.03.2020 को यमुना नदी के फ्लडप्लेन से दूरी 730 मी० कथित की गई है जो प्रमाण पत्र रिपोर्ट के साथ संलग्न है। सिंचाई विभाग का ही प्रमाण पत्र दिनांक 04.06.2022 में उल्लेख है कि मेरी प्रार्थी की शिकायत दिनांक 18.04.2022 में दूरी 500 मीटर से कम है लेकिन प्रमाण पत्र पुनः जारी करते समय लिखा गया है कि दूरी 500 मीटर से अधिक है प्रमाणित दूरी का उल्लेख नहीं है जबकि दिनांक 23.03.2022 के प्रमाण पत्र में दूरी फ्लडप्लेन से दूरी 730 मी० कथित की गई है उक्त प्रमाण पत्र अपने आप में गलत है। उक्त प्रमाण पत्र में कोई उल्लेख नहीं किया गया है कि उनके द्वारा किस रिकॉर्ड के आधार पर यह दूरी प्रमाण पत्र जारी किया गया है और न ही इसमें कोई बिन्दुओं का विवरण दिया गया है कि किस बिन्दु से किस बिन्दु तक की जानकारी किस दस्तावेज से ली गई है उपरोक्त तथ्यों के अनुसार वास्तविकता में स्टोन क्रेशर यमुना नदी के बिल्कुल किनारे फ्लडप्लेन में स्थापित है। रिपोर्ट के साथ आई०आई०टी० रूडकी द्वारा प्रस्तुत रिपोर्ट को संलग्न किया गया है जिस पर प्रार्थी ने विस्तार से अपत्ति मा० एन०जी०टी० के समक्ष प्रस्तुत की गई थी जिसका आदेश दिनांक 25.08.2022 में उल्लेख विस्तार से किया गया है। जो निम्न प्रकार है—

“6. The written objections with respect to the IIT report relied upon by the joint Committee, read as under:

“xxxxxx.....xxx

v. Objections to the Report of IIT Roorkee dt. 10.05.2022.

1. The Joint Committee in its report has also adverted to and annexed a report of IIT Roorkee, which states that the stone crusher is located at a distance of 616.52 meters from the High Flood Level of River Yamuna. Disappointingly, the Report of IIT Roorkee merits rejection due to obvious technical and legal flaws as enumerated herein.

2. Firstly, the IIT Report assumes the High Flood Level of River Yamuna at 207.49 meters (see internal page 31 of Jt. Committee's Report) and cites three references in

mt

support. A bare perusal of these three references reveals that High Flood Level at Delhi is 207.49 meters while that at Yamuna Nagar/ Saharanpur is much higher.

3. The IIT Report relies firstly upon a study titled “Floods and Flood Monitoring in Yamuna: July 2018” available at <https://sandrp.in/2018/07/28/floods-flood-monitoring-in-yamuna-july-2018/>. A copy of this Report is annexed as Annexure 1. A bare perusal of this report itself reveals that High Flood Level varies from place to place and was computed at 207.49 meters at downstream level of River Yamuna at Delhi while the HFL upstream, i.e. at Karnal city in Haryana, is much higher at 250.07 while at Paonta, HP is 384.6 meters. The HFL altitude at different places on River Yamuna, as per the same study, is as follows:

SN	River	Site	District / State	WL	DL	HFL (M)	HFL Date
1	Yamuna	Paonta	Sirmaur, HP	383.5 M	384.5 M	384.6 M	05-09-1995
2	Yamuna	Karnal	Karnal, Haryana	248.8 M	249.5 M	250.07 M	17-06-2013
3	Yamuna	Mawi	Muzzafar Nagar, UP	230.0 M	230.85 M	232.75 M	18-06-2013
4	Sahibi	Dhansa	South West, Delhi	211.44 M	212.44 M	213.58 M	06-08-1977
5	Yamuna	Delhi Railway Bridge	North, Delhi	204.0 M	204.83 M	207.49 M	06-09-1978
6	Yamuna	Mathura (Prayag Ghat)	Mathura	165.2 M	166.0 M	169.73 M	08-09-1978
7	Yamuna	Agra (J.B.)	Agra, UP	151.4 M	152.4 M	154.76 M	09-09-1978
8	Betwa	MOHAN A	Jalaun, UP	121.66 M	122.66 M	133.35 M	11-09-1983
9	Yamuna	Etawah	Etawah, UP	120.92 M	121.92 M	126.13 M	11-09-1978
10	Yamuna	Auraiya	Auraiya, UP	112.0 M	113.0 M	118.19 M	25-08-1996
11	Yamuna	KALPI	Jalaun, UP	107.0 M	108.0 M	112.98 M	25-08-1996
12	Yamuna	SHAHJI NA	Hamirpur, UP	103.54 M	104.54 M	108.67 M	NA
13	Ken	BANDA	Banda, UP	103.0 M	104.0 M	113.29 M	07-07-2005
14	Yamuna	HAMIRPUR	Hamirpur, UP	102.63 M	103.63 M	108.59 M	12-09-1983

4. Secondly, the IIT Report also relies upon two other studies, which are both inconsequential to the assessment of HFL of River Yamuna. A true copy of both report relied upon by IIT Roorkee in its report are annexed herewith as Annexure 2.

5. Thus, what the IIT ought to have done is to measure the HFL level at the site where measurements were being carried out. IIT however conveniently assumes HFL at 207.49 meters to be the HFL for District Saharanpur site also, which is wholly and grossly misleading. The Report of IIT thus gives a misleading impression that the stone crusher is located beyond 500 meters of Yamuna River's HFL by assuming HFL to be 207.49 meters.

6. Thirdly, the Report of the IIT was perhaps not provided with a copy of the Original Application filed by the Applicant herein as the photos annexed with the Application

reveal that River Yamuna flowed adjacent to the stone crusher site in the year 2011 as is evident from Google images.

7. Fourthly, IIT Roorkee report was prepared at the behest of the private stone crusher and has been prepared for his benefit. Despite its reputation, the report is clearly misleading and it is most unfortunate that experts from one of India's leading institutes would permit such a report to be prepared at the behest of a private stone crusher unit.

8. It is therefore prayed that the Report of the IIT Roorkee be rejected by this Hon'ble Tribunal and a fresh survey be ordered to be conducted by Geological Survey of India or the Central Water Commission. Further, it is prayed that an explanation be called for from IIT Roorkee with respect to the calculation of HFL at District Saharanpur site where the stone crusher is located.

9. Fifthly, the report of the IIT measures the HFL on an island within the River stream ignoring the fact that during floods the river stream would flow on either side of the island and adjacent to the stone crusher site. This is evident from a bare perusal of the site pictures, which show clearly that the floodplain of River Yamuna begins from the edge of the stone crusher site and that there is also a steep slope at the edge of the crusher site. These obvious geological features have been deliberately ignored by IIT Roorkee officials preparing the report so as to unduly benefit the stone crusher.”

पिछले काफी समय से फलड्प्लेन से दूरी सत्यापन के लिए स्टोन केशर वाले आई0आई0टी0 रूडकी में धनराशि जमा कराते है और वहाँ से रिपोर्ट बनवाकर प्रस्तुत करते जबकि आई0आई0टी0 रूडकी इस कार्य के लगभग 2 लाख रू0 जमा करा रही है और दो प्रोफेसरों (प्रो0 श्री पी0 के0 गर्ग एवं प्रो0 श्री आर0 डी0 गर्ग) द्वारा जो सिविल इन्जीनियरिंग विभाग से है जबकि फ्लड प्लेन के सम्बन्ध में हाइड्रोलॉजिक विशेषज्ञ ही अधिक जानकारी रखने के कारण कोई रिपोर्ट बना सकता है लेकिन सिविल इन्जीनियरिंग विभाग अपनी रिपोर्ट बनाकर दे रहे है जिससे भारत सरकार के जाने माने इन्स्टीट्यूट की साख खराब हो रही है क्योंकि उनके पास जिला सहारनपुर के इस क्षेत्र का फलड्प्लेन डाटा नहीं है और बिना किसी डाटा के फलड्प्लेन सीमा का निर्धारण नहीं किया जा सकता उनके द्वारा कोई सैटेलाइट इमेजिस का भी विवरण प्रस्तुत नहीं किया जा रहा है वह वर्तमान में बह रही जल धारा से दूरी नाप कर फलड्प्लेन से दूरी का उल्लेख कर रहे है उनके द्वारा जानबूझकर पब्लिक डोमेन में उपलब्ध गूगल मैप का भी उल्लेख नहीं किया जा रहा है क्योंकि उसमें कई वर्षों तक जल स्टोन केशर के मध्य में बहता दिख रहा है।

आई0आई0टी0 रूडकी के प्रोफेसरों के पास न तो कोई प्रमाणित डाटा है और नहीं वह फलड्प्लेन के व नदियों के विशेषज्ञ है केवल आई0आई0टी0 संस्था को ऐसी आधारहीन रिपोर्ट प्रस्तुत कर छवि खराब की जा रही है लगभग 2 लाख रू0 यूनिवर्सिटी के खाते में जमा कराये जा रहे है और जो रिपोर्ट बना रहे है उनकी भी छवि पर प्रश्नचिन्ह है। रिपोर्ट सहारनपुर की दे रहे है जहाँ का डाटा ही नहीं है और डाटा दिल्ली का लगा रहे है जबकि वास्तविकता कुछ ओर है। ऐसी रिपोर्ट जिसके लिए किसी न्यायालय द्वारा या अधिकारी द्वारा कोई आदेश रिपोर्ट बनाने के नहीं दिये गये है ऐसे में ऐसी रिपोर्ट शक के दायरे में है। रिपोर्ट बनाते समय तथ्यों को छुपाया गया है यहाँ तक की गूगल अर्थ के नक्शों को रिपोर्ट में प्रस्तुत नहीं किया गया है क्योंकि उनमें यमुना नदी स्टोन केशर के मध्य से बहती नजर आ रही है। रिपोर्ट मिलिभगत से व न्यायालय को धोखा देने की नजर से बनायी गयी है। भविष्य में आई0आई0टी0 को ऐसे मामलो में गार्डलाईन्स जारी करनी चाहिए

अन्यथा आई0आई0टी रूडकी जैसी नामी संस्था जिस पर भारत वर्ष के लोग गर्व करते हैं उसकी छवि समाप्त हो जाएगी।

फ्लडप्लेन वह क्षेत्र है जहाँ पर पिछले 100 वर्षों में नदी का अधिकतम जल स्तर गया है न की वर्तमान में बह रही जलधारा के किनारे से है क्योंकि सभी रिपोर्टों में दूरिया न्यूनतम जलधारा के किनारे से दिखायी जा रही है जिसको जानने के लिए पूर्व के नक्शे व सैटेलाइट इमेजिस से ही पता लगाया जा सकता है। वन एवं पर्यावरण मन्त्रालय, भारत सरकार द्वारा यमुना नदी के फ्लडप्लेन सीमा के निर्धारण के लिए न्यायालय के आदेशों के अर्न्तगत आई0आई0टी0 कानपुर व अन्य संस्थाओं को दिया गया था जिनके द्वारा विस्तार से बताया गया है कि फ्लडप्लेन क्षेत्र को किस तरीके से निर्धारण किया जा सकता है उसकी प्रति संलग्नक नं0 06 है। यदि आई0आई0टी0 रूडकी या किसी विभाग को फ्लडप्लेन से दूरी का सत्यापन करना है तो सर्वप्रथम फ्लडप्लेन क्षेत्र का निर्धारण किसी वैज्ञानिक विधि से ही करने के बाद किया जा सकता है। जिसकी विधि संलग्न रिपोर्ट में भी दी गई है। प्रश्नगत मामले में केवल गूगल इमेज में ही स्पष्ट है कि स्टोन केशर के बराबर में वर्ष 2011 में जल धारा बह रही है।

उपरोक्त विवरण से स्पष्ट है कि स्टोन केशर यमुना नदी के अन्दर स्थित है फ्लडप्लेन की दूरी नापने के लिए विभागीय डाटा व सैटेलाइट इमेजिस से ही निर्धारण किया जा सकता है मा0 सर्वोच्च न्यायालय के आदेशों से इसी क्षेत्र में सभी स्टोन केशर डिस्मेन्टल कर दिये गये थे लेकिन अब 10 वर्ष बाद पुनः उसी क्षेत्र पर फ्लडप्लेन से बाहर बताकर मिलिभगत के कारण स्टोन केशर स्थापित कराये जा रहे हैं।

आबादी से दूरी का विवरण:-

1. रिपोर्ट दिनांक 22.07.2022 के पैरा नं0 09 में आबादी की दूरी मोहम्मदपुर गढ़ मस्त से दूरी 748 मी0 कथित की गई है। प्रार्थी द्वारा ग्राम शहजादपुर से ग्राम कोठरा से व ग्राम नंगली से दूरियाँ दिखायी गई है लेकिन रिपोर्ट में केवल मोहम्मदपुरगढ़ मस्त से दूरी दिखायी गई है बाकी गाँव से दूरियाँ छुपा ली गई है क्योंकि CTO जारी करते समय गाईडलाईन्स 2010 लागू थी और जिसमें आबादी से दूरी 1 किमी0 निर्धारित थी जिसके अर्न्तगत तीन गाँव आते थे लेकिन राजस्व विभाग की रिपोर्ट दिनांक 14.02.2020 जो रिपोर्ट के साथ संलग्न है गाँव व आबादी व धार्मिक स्थल से दूरी 1 किमी0 कथित की गई है। अब तथाकथित गाईडलाईन्स 2022 में आबादी से दूरी घटा कर 500 मी0 कथित की जा रही है। रिपोर्ट में यह तथ्य स्पष्ट नहीं किया गया कि CTE जारी करते समय 1 किमी0 की दूरी निर्धारित थी तो दूरी 1 किमी0 से अधिक दिखायी गई अब दूरी 500 मी0 हो गई तो दूरी 748 मी0 स्वीकार की गई है जिससे स्पष्ट है कि राजस्व विभाग दूरियाँ नियमों की आवश्यकता के अनुसार घटाते व बढ़ाते रहते हैं और यह भी स्पष्ट है कि CTE जारी करने के समय जो रिपोर्ट राजस्व विभाग द्वारा प्रस्तुत की गई थी वह जानबूझकर गलत प्रस्तुत की गई थी और इस दूरी पर जो CTE जारी की गई है वह गाईडलाईन्स 2010 के उल्लंघन में जारी हुई है जो निरस्त होने योग्य है। जिस राजस्व विभाग के जिन लोगों ने दूरी प्रमाण पत्र जारी किया है उनके विरुद्ध कार्यवाही किया जाना चाहिए।
2. गाईडलाईन्स 2010 के अनुसार आबादी से दूरी 1 किमी0 निर्धारित है जबकी गाव की दूरी ग्राम शहजादपुर से 614 मीटर व ग्राम कोठरा से 748 मीटर व ग्राम नंगली से 761 मीटर है। जो प्रतिबंधित जोन में आता है इसके अतिरिक्त इस दूरियों के मध्य भी आबादी स्थित है जिसको मौके पर सत्यापन किया जा सकता है नक्शे पर स्टोन केशर से मुख्य गाँवों की

आबाद से दूरी दिखायी गई है। जिसका गूगलअर्थ नक्शा OA-230/2022 का संलग्नक नं० 08 व पेज न० 137 पर है।

- दिनांक 14.02.2020 को लेखपाल/तहसीलदार की आख्या के अनुसार ग्राम की आबादी से दूरी 1 किमी० से अधिक दर्शायी गई है वास्तविक दूरी का कोई उल्लेख नहीं है न ही कोई बिन्दु दर्शाया गया है जिससे की यह पता लग सके की प्रमाण पत्र जारी करने वाले ने किस बिन्दु से किस बिन्दु को नाप कर दर्शाया गया है। इसलिए जारी प्रमाण पत्र आधारहीन, गैरकानूनी और मिलिभगत से कार्यालय में बैठकर जारी किया गया है। जिसका सत्यापन आपके द्वारा मौके पर किया जाना है। जिसमें स्पष्ट होगा कि किस बिन्दु से किस बिन्दु तक नापा गया है।

बाग से दूरी का विवरण:-

- रिपोर्ट दिनांक 22.07.2022 के पैरा नं० 07 में जिला उद्यान अधिकारी सहारनपुर द्वारा प्रमाण पत्र जारी किया गया है कि उत्तर और दक्षिण में 500 मी० में कोई बाग नहीं है। गार्डलार्न्स के अनुसार न्यूनतम दूरी 500 मी० निर्धारित है राजस्व विभाग द्वारा रिपोर्ट दिनांक 14.02.2020 में दूरी 1 किमी० दिखायी गई है अब रिपोर्ट दिनांक 05.07.2022 को नजदीकी बाग से दूरी 503 मी० दिखायी गई है जबकि वास्तविकता यह है कि यह दूरी 250 मी० से भी कम है जिसका पूर्ण विवरण विस्तार से पूर्व में भी कमेटी को भेजा गया था लेकिन किसी भी तथ्य का संज्ञान न लेते हुए दूरियों को छुपाते हुए रिपोर्ट प्रस्तुत की गई है और उनके द्वारा यह नहीं दर्शाया गया है कि किस बाग से किस दिशा में किस गाँव के किस खसरा नं० से दूरी नापी गई है ओर केशर के किस बिन्दु से नापी गई है क्योंकि सभी तथ्य छुपाकर ही रिपोर्ट प्रस्तुत की गई है जबकि रिपोर्ट में केशर के बिन्दु का लोगीट्यूट व लैटीट्यूट व बाग के खसरे नम्बर का विवरण आवश्यक होना चाहिए था ताकि उसका सत्यापन वैज्ञानिक विधि से भी किया जा सके। CTE खसरा नं० 27/1 व 35 पर ली गई है जबकि दूरियाँ 27/1 से नापने की कोशिश की जा रही है जबकि निकटम दूरी से की जाती है।
- उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड के पत्र दिनांक 19.04.2011 के अनुसार पूर्व-पश्चिम में 1500 मी० एवं उत्तर-दक्षिण से 500 मी० की दूरी तक प्रतिबन्धित है। खसरा नं० 27/1 व 35 के पूर्व में बाग स्थित है और 1.5 किमी० पूर्व से प्रतिबन्धित है बाग खसरा नं० 35 से 250 मीटर व खसरा नं० 27 से उस बिन्दु से जिस बिन्दु पर प्रदूषण अनापित्त ली गई है उससे 450 मीटर दूरी है यह दूरी ग्राम नित्यानन्दपुर अहतमाल के खसरा नं० 14 से है जिसमें आम के पुराने 200 पेड़ लगे हैं जो 2.797 है० में लगे हैं जो बाग की श्रेणी में आता है और जो राजस्व रिकार्ड में दर्ज है प्रार्थी द्वारा एक प्रार्थना पत्र 24.03.2022 को भी प्रस्तुत किया गया था जिसकी प्रति पत्र दिनांक **24.03.2022 संलग्नक नं० 07 है** व राजस्व रिकार्ड के खसरा व खतौनी की प्रति व गूगलअर्थ पर बाग व खसरा नं० 27/1 व 35 मार्क किया गया है और जिसमें दूरी को दर्शाया गया है संलग्नक नं० 06 है। जबकि लेखपाल/तहसीलदार की रिपोर्ट दिनांक 14.02.2020 में नजदीकी बाग से दूरी लगभग 1000 मी० कथित की गई है। इस रिपोर्ट में कोई उल्लेख नहीं है कि यह दूरी उनके द्वारा कौन से बाग से नापी गई है और लगभग शब्द का इस्तेमाल क्यों किया गया है। रिपोर्ट अनुमान के आधार पर बनायी गई है।
- कार्यालय जिला उद्यान अधिकारी जिला सहारनपुर द्वारा अनापत्ति दिनांक 04.05.2020 जारी की गई है जिसमें कथित किया गया है कि पूर्व व पश्चिम में 1500 मी० व उत्तर दक्षिण में 500 मी० में कोई ऐसा पेड़ नहीं जो बाग की श्रेणी में आता हो। जबकि खसरा नं० 35 व

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27/1 के पूर्व मात्र 250 मीटर पर बाग है और पूर्व दिशा में 1500 मीटर तक प्रतिबन्धित है और तहसीलदार आख्या में 1000 मीटर लिखा है लेकिन दिशा नहीं लिखी गई है तहसीलदार की रिपोर्ट के अनुसार ही प्रतिबन्धित क्षेत्र में है। इनके द्वारा भी कोई विवरण नहीं दिया गया है कि इनके द्वारा किस बिन्दु से किस बिन्दु तक नाप की गई है नहीं तो खसरा नं० 35 से 250 मी० की दूरी पर 200 पुराने आम के पेड़ 2.7 है० पर लगे हुए नजर नहीं आए और यह गैर कानूनी प्रमाण पत्र जारी किया गया है। विवादित स्थल बाग से मात्र 250 मी० की दूरी पर है जबकि पूर्व दिशा में 1500 मीटर तक प्रतिबन्धित है और 1.500 मीटर में असंख्य बाग है लेकिन न तो तहसील को दिख रहे हैं और न ही उद्यान अधिकारी को दिखा रहे हैं इसलिए प्रतिबन्धित क्षेत्र पर आता है।

बाउण्ड्री से प्लान्ट की दूरी का विवरण:-

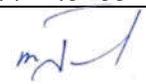
1. गार्डलान्ड्स 2010 के अनुसार स्टोन केशर की चार दीवारी से प्लान्ट की दूरी 50 मीटर निर्धारित की गई है जबकि स्टोन केशर के खसरा नं० 27/1 की कुल चौड़ाई लगभग 100 मी० है दोनों तरफ यदि 50-50 मी० छोड़ते हैं तो इस भूमि पर स्टोन केशर की स्थापना नहीं हो सकती। इस बिन्दु की जाँच किसी भी विभाग और अधिकारी द्वारा नहीं की गई है गार्डलान्ड्स 2010 का खुल्ला उल्लंघन किया गया है और स्टोन केशर की स्थापना चार दीवारी के साथ की गई है और पेड़ लगाने के लिए भी भूमि को नहीं छोड़ा गया है जिससे स्पष्ट है कि स्टोन केशर नियमों का उल्लंघन कर लगाया गया है।

ग्राउण्ड वॉटर की NOC नहीं ली गई है।

1. उत्तर प्रदेश ग्राउण्ड वॉटर नियमों के अनुसार ग्राउण्ड वॉटर विभाग से NOC प्राप्त करना आवश्यक है लेकिन इनका प्रार्थना पत्र 2 बार निरस्त किया जा चुका है लेकिन इनके द्वारा लगातार ग्राउण्ड वॉटर का इस्तेमाल किया जा रहा है जो नियमों का उल्लंघन है। CTO का उल्लंघन है इनके विरुद्ध कोई कार्यवाही नहीं की गई लगातार स्टोन केशर चल रहा है प्रशासन द्वारा कोई कार्यवाही नहीं की गई है और रिपोर्ट में पैरा 14 में तथ्य छुपाया गया है वैसे भी एक बार एप्लीकेशन रिजेक्ट होने के बाद अपील ही की जा सकती है पुनः एप्लीकेशन नहीं दी जा सकती है और रिजेक्ट एप्लीकेशन का विवरण छिपाया गया है और पुनः आवेदित प्रार्थना पत्र का विवरण दिया गया है पहले की रिजेक्ट एप्लीकेशन की प्रति संलग्नक नं० 08 है।

मा० सर्वोच्च न्यायालय के आदेशों की अवहेलना की गई है।

1. रिपोर्ट के पैरा नं० 11 में उल्लेख किया गया है कि जय हनुमान स्क्रीनिंग प्लान्ट का रिकॉर्ड राजस्व रिकॉर्ड में उपलब्ध नहीं है जय हनुमान स्क्रीनिंग प्लान्ट कहाँ लगा था यह तथ्य भी गलत प्रस्तुत किया गया था। माननीय सर्वोच्च न्यायालय के आदेश दिनांक 16.01.2012 के द्वारा इसी भूमि पर गैर कानूनी तरीके से स्थापित जय हनुमान स्क्रीनिंग प्लान्ट को डिस्मेन्टल किया गया है जो प्रशासन द्वारा बनायी गई लिस्ट में उसके खसरे नं० का उल्लेख नहीं है लेकिन गाँव का उल्लेख है। खसरा नं० 27/1 का खसरा राजस्व विभाग से प्राप्त किया गया है जिसमें 2012 से पूर्व स्टोन प्लान्ट दर्ज है जिसकी प्रति संलग्नक नं० 09 है। इसके अतिरिक्त जिलाधिकारी कार्यालय द्वारा अवैध खनन का नोटिस भी 20.02.2015 को जारी किया गया था जिसकी प्रति OA-230/2022 के संलग्नक नं० 05 का पेज नं० 98 है।



इसके अतिरिक्त इसी भूमि पर जिस पर आकाश गंगा स्टोन केशर स्थापित है गूगलअर्थ पर मार्क किया गया है और जब हम गूगलअर्थ पर बैक ईयरस् में देखते हैं तो 2011 में इसी भूमि पर स्टोन केशर स्थापित है। जिसका गूगल अर्थ का स्क्रीन शॉट OA-230/2022 के संलग्नक नं० 07 का पेज नं० 138 है। जिसमें स्पष्ट रूप से स्टोन केशर/स्क्रीनिंग प्लान्ट दिखायी दे रहा है उसके बाद गूगल अर्थ के वर्ष 2019 के स्क्रीन शॉट पर इस भूमि पर कोई स्टोन केशर नहीं है और हल्के हल्के गढढे दिखायी दे रहे हैं क्योंकि यहाँ पर स्थापित स्टोन केशर/स्क्रीनिंग प्लान्ट मा० सर्वोच्च न्यायालय के आदेश दिनांक 16.01.2012 के अनुपालन में डिस्मैन्टल कर दिया गया है। वर्ष 2019 के गूगलअर्थ की फोटो OA-230/2022 के संलग्नक नं० 07 का पेज नं० 139 है।

यदि उपरोक्त तथ्यों के बावजूद भी यह कथन किया जाता है कि जय हनुमान स्क्रीनिंग प्लान्ट इस भूमि पर स्थापित नहीं था तो प्रशासन को यह कथन करना आवश्यक है कि वह कौन सी भूमि पर व किस कारण से स्थापित था उसका क्या प्रमाण है नहीं तो मा० सर्वोच्च न्यायालय के सामने डिस्मैन्टल की लिस्ट में नाम दिया जाना अपने आप में मा० सर्वोच्च न्यायालय के आदेशों की अवहेलना होगी। क्योंकि गूगलअर्थ में आज जहाँ आकाश गंगा स्टोन केशर स्थापित है उसी भूमि पर वर्ष 2011 में स्थापित दिखायी दे रहा है और राजस्व रिकॉर्ड में भी उस भूमि पर स्टोन प्लान्ट दर्ज है यदि वह जय हनुमान स्क्रीनिंग प्लान्ट नहीं है तो उस भूमि पर कौन से नाम का स्टोन प्लान्ट स्थापित था यह भी स्पष्ट किया जाना आवश्यक है।

विशेष बिन्दु

1. उपरोक्त सभी दूरियों जैसे आबादी, फ्लडप्लेन, बाग की दूरियों नापते समय जिन बिन्दुओं से दूरियों नापी जा रही है उनके लॉगीट्यूट व लैटिट्यूट दिया जाना आवश्यक है ताकि उनको वैज्ञानिक विधि से सत्यापन कराया जा सके।
2. अवैध खनन के लिए स्टोन केशर पर धनराशि 12,26,660/- रुपये आरोपित की गई है आदेश दिनांक 21.06.2021 की प्रति संलग्नक नं० 10 है। इसके अतिरिक्त आकाश गंगा के स्टोन केशर के पार्टनरों पर अवैध खनन मुकदमें कई थानों में दर्ज है लेकिन खनिज विभाग द्वारा अनापत्ति जारी की गई है। जिसको भी संज्ञान में लिया जाना आवश्यक है।
3. स्टोन केशर की CTO दिनांक 31.07.2022 तक वैध थी लेकिन उसके बाद भी लगातार स्टोन केशर चल रहा है प्रार्थना पत्र दिनांक 27.08.2022 को निरस्त कर दिया गया है फिर भी स्टोन केशर संचालित है बिजली के बिल से चैक किया जा सकता है। लगातार लगभग 40 ट्रक प्रतिदिन अवैध तरीके से माल बेचा जा रहा है जबकि समाप्त होने पर व प्रार्थना पत्र निरस्त होने के बाद भण्डारण लाईसेन्स स्वयं ही समाप्त है। उसके बाद जो भी बिक्री की जा रही है वह अवैध है तत्काल स्टोन केशर बन्द कराकर बिक्री बन्द करायी जाए।
4. मा० एन०जी०टी० में दायर ओ०ए० नं० 268/2021 जहाँगीर बनाम हरियाणा राज्य सरकार में यमुना नदी में हो रहे खनन के सम्बन्ध में मा० एन०जी०टी० द्वारा स्वयं संज्ञान लेते हुए रिपोर्ट मांगी गई थी जो उत्तर प्रदेश हरियाणा के अधिकारियों द्वारा मिलकर प्रस्तुत की गई थी जिसके बाद मा० एन०जी०टी० द्वारा दिनांक 12.08.2022 को दोनों राज्यों के मुख्य सचिव को कार्यवाही के आदेश दिये गये हैं आदेश दिनांक 12.08.2022 की प्रति संलग्नक नं० 11 है।
5. यह जाँच बरथा कोरसी के खनन क्षेत्र से सम्बन्धित थी जिसका ठेका स्टार माईन्स द्वारा संचालित है। जिसके पार्टनर रविन्द्र मलिक, दीपक चौधरी व भानू कर्णवाल हैं। उनके द्वारा ही इसी खनन क्षेत्र के पास आकाश गंगा स्टोन केशर स्थापित किया गया है। जिसमें दीपक



चौधरी का सगा भाई आकाश चौधरी, रविन्द्र मलिक की पत्नी व भानू कर्णवाल का भाई शरद जायसवाल पार्टनर है। दोनों को एक ही ग्रुप ऑपरेट कर रहा है।

6. रिपोर्ट पेश की गई मा0 एन0जी0टी0 ने अपने आदेश में दोनों राज्यों के सरकारी लोगों की मिलिभगत पायी गई यही वह कमेटी है और यह वही अधिकारी है व वही लोग है और खनन करने वाले ही स्टोन केशर के मालिक है।

उपरोक्त तथ्यों के सत्यापन के लिए सभी प्रमाणित दस्तावेज व नक्शे संलग्न किये गये है इनमे कोई असत्यता या विरोधाभास कथित किया जाता है तो प्रार्थी को भी जाँच के समय मौके पर बुलाया जाए ताकि वह मौके पर भी सत्यापन करा सके।

अतः आपसे अनुरोध है कि मा0 राष्ट्रीय हरित प्राधिकरण के आदेश दिनांक 08.04.2022 के अनुपालन में उपरोक्त सभी तथ्यों को संज्ञान में लेते हुए रिपोर्ट प्रस्तुत की जाए एवं आकाश गंगा स्टोन केशर के विरुद्ध कानूनी कार्यवाही कराते हुए डिस्मेन्टल कराया जाए। आपकी अति कृपा होगी।

धन्यवाद

संलग्नक: उपरोक्तानुसार

प्रतिलिपि:

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कपिल विहार, सहारनपुर, उ0प्र0
8. श्रीमान जिलाधिकारी महोदय
कलैक्ट्रेट, जिला सहारनपुर
उत्तर प्रदेश
9. श्रीमान एस0डी0एम0 महोदय

प्रार्थी



जुनैद अय्युबी पुत्र तारीक अय्युबी
बी-204, हिल व्यू अपार्टमेन्ट,
सहस्रधारा रोड़, नियर गंगोत्री मार्बल
डंडा लखौर, देहरादून, उत्तराखण्ड

- तह0 बेहट, जिला सहारनपुर, उत्तर प्रदेश
10. श्रीमान खनन अधिकारी, जिला सहारनपुर
उत्तर प्रदेश
 11. श्रीमान जिला उद्यान अधिकारी
जिला सहारनपुर, उत्तर प्रदेश
 12. श्रीमान अपर जिलाधिकारी (वित्त एंव राजस्व)
जिला सहारनपुर, उत्तर प्रदेश।

Memorandum of Understanding

for

Use of Geospatial Technology in Clean Ganga Mission

between

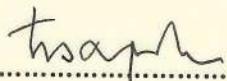
**National Mission for Clean Ganga (NMCG)
Ministry of Water Resources, River Development & Ganga Rejuvenation
(MoWR, RD & GR)
Government of India**

and

**National Remote Sensing Centre (NRSC)
Indian Space Research Organization (ISRO)
Government of India**

This MoU is entered into at New Delhi on the 23rd day of June, 2015

**Mission Director, NMCG
MoWR, RD&GR**



.....

Representative of NMCG, MoWR, RD & GR *

**Deputy Director, RSAA
NRSC, ISRO**



.....

Representative of NRSC, ISRO

1. PREAMBLE

NMCG is established as a society under the Societies Registration Act 1860 for the implementation of the projects under National Ganga River Basin Authority (NGRBA). NMCG has been brought under the administrative purview of Ministry of Water Resources, River Development and Ganga Rejuvenation from 1st of August, 2014.

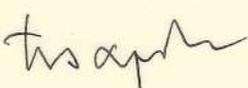
NMCG is the planning financing, monitoring and coordinating body at the Centre and being supported by suitable State level Programme Management Groups (SPMGs) for the purpose of achieving the twin objectives of NGRBA - effective abatement of pollution and conservation of the river Ganga by adopting a comprehensive river basin approach. For this purpose NMCG is empowered to take all necessary actions that may be necessary or incidental for the achievement of the objectives.

National Remote Sensing Centre (NRSC), a constituent of the Indian Space Research Organization (ISRO), located at Hyderabad with four Regional Remote Sensing Centres located at Bengaluru, Nagpur, Kolkata & Jodhpur and is responsible for: Acquisition planning, data reception, processing and dissemination of satellite data from various Indian and foreign satellites; Carrying out aerial surveys and extending large scale mapping services cartographic mapping and digital data services to the civilian sector; Providing geospatial solutions to various user agencies; Extending a 24X7 service to support disaster management during floods, agricultural drought, forest fires, cyclones, landslides and earthquakes; Outreach through training, workshops, student projects & promotional activities related to remote sensing applications at regional and national level; Extending services to set up ground stations and processing facilities; Scheduling service to all ground stations through web based downlink service.

And Whereas

NMCG has identified the need of utilizing the space and other cutting-edge technologies for effective planning and monitoring the activities taken up for Clean Ganga Mission.

National Remote Sensing Centre (NRSC) is the important segment of ISRO with the mandate of providing earth observation (EO) data from space and aerial platforms to users, develop technologies for the management of natural resources, support disaster monitoring and management and capacity building for utilization of EO data.



NMCG and NRSC collectively have found it mutually rewarding to partner for utilizing space technology in the Clean Ganga Mission and have agreed to have a long term partnership through a Memorandum of Understanding (MoU).

2. PARTIES

2.1 Executing party:

National Remote Sensing Centre (NRSC), Indian Space Research Organization (ISRO), Dept. of Space, Govt. of India, Balanagar, Hyderabad, hereinafter called as **NRSC**.

2.2. Indenting party:

National Mission for Clean Ganga (NMCG), Ministry of Water Resources, River Development & Ganga Rejuvenation (MoWR, RD & GR), Govt. of India, hereinafter called as **NMCG**.

3. AUTHORIZED SIGNATORY

National Remote Sensing Centre (NRSC), ISRO, Department of Space, Government of India, Hyderabad, represented by **Deputy Director (RSAA), NRSC, Hyderabad** on one part (Hereinafter referred to as the **First Party**)

and

Mission Director (NMCG), New Delhi on the other part. (Hereinafter referred to as the **Second Party**)

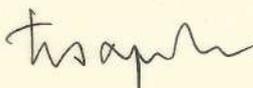
4. DATE OF SIGNING, EFFECTIVE DATE AND DURATION OF MoU

This Memorandum of Understanding (MoU) shall be deemed to have come into force with effect from the date of signing of this MoU and shall remain in force for **five years**. Further extension shall be by mutual consent of the parties.

5. SCOPE OF THE WORK

Both the parties would work together in the areas of applying geospatial technology in the various aspects of Clean Ganga initiative. The areas identified, that are of mutual interest are as under:

- Use of geospatial technology for water quality monitoring
- Development of mobile application for enabling community participation in monitoring / up-linking of field data



- Customizing Bhuvan geoportal for visualizing, query and analysis of datasets related to Ganga basin
- Co-ordinate and initiate necessary linkages with other agencies, such as, Survey of India, C-DAC, etc with regard to geo-spatial database and web-based applications, for river water quality monitoring
- Any other areas of mutual interest

6. GUIDELINES ON DATA / MAP SECURITY

Data collected during the execution of the study by NRSC and NMCG will be shared through necessary OGC WMS services and be kept safely in secure environment.

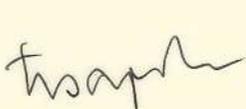
7. RESPONSIBILITIES OF EACH PARTY

7.1 National Remote Sensing Centre

- I. Prepare concept proposal documents on envisaged tasks using geo-spatial data products, tools and services.
- II. Web GIS Applications development and design on Bhuvan geoportal, to facilitate easy access, visualization, upload and spatial analysis to NMCG users.
- III. Development of "Bhuvan-Ganga Mobile Application" for facilitation of monitoring through community participation
- IV. Ensure easy data sharing, through OGC WMS services, between the two parties, as agreed upon by NMCG & NRSC, and facilitate in providing necessary technical support and/or training, as required, for NMCG to use the products and tools developed by NRSC.

7.2 NMCG, Ministry of Water Resources, River Development & Ganga Rejuvenation

- I. Share all spatial and non-spatial data sets, currently available and to be procured during the project execution to NRSC. Ensure all real-time and historical water quality data acquired in Ganga river basin by different organisations.
- II. Through it's Focal Point Officer(s) would continuously support NRSC for data collection, data organization and applications development and for maintaining "Bhuvan-Ganga" Portal.
- III. As part of data analysis activity, the requirements of specific parameters from the field, as suggested by NRSC will be facilitated by NMCG



8. TRAINING

NRSC will provide training to NMCG officials for Mobile based field data collection, geo-spatial data handling and usage of Bhuvan geoportal with specific access mechanism as per the requirements of NMCG from time to time and as per the norms and procedures of NRSC.

9. PROJECT MONITORING

The project activities identified for NRSC and NMCG will be monitored jointly through existing project review mechanism in ISRO and MoWR.

10. CONFIDENTIALITY

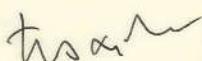
The confidentiality of data shall be maintained wherever required as per the existing norms.

11. INTELLECTUAL PROPERTY RIGHTS

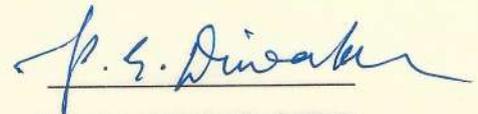
Any intellectual property that is process/know-how/design/technique generated in the PROJECT shall be jointly owned by NRSC and NMCG. Any publication coming out of this study shall be a joint publication of NRSC and NMCG.

12. MODIFICATIONS IN MoU

The project is designed and formulated after detailed discussion. Modification may not be a criteria. However, if required it will be done with mutual consent of both the parties and the same to be amendment of this agreement. The modification / changes shall be effective from the date on which they made, unless otherwise agreed to.



IN WITNESS WHEREOF, Sworn and signed by both the parties herein on this 23rd day of June, 2015

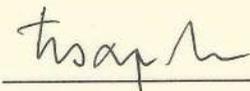


For and on behalf of NRSC

In the presence of

Witness 1

Witness 2



For and on behalf of NMCG

In the presence of

Witness 1

Witness 2

-0-0-0-



- Enter City or Lat, Lon(ex:chennai or 13)
- Administrative Boundary**
- Drainage**
- Pollution Sources**
- Water Quality**
- Utilities**
- Treatment Plants**
- Monitoring Locations**
- Project related information**
- National park and Sanctuary**
- Others**
- Query Village Statistics New**
- Ganga Flood Plain**
- Geomorphology (50K): 2005-06** ⓘ
[Metadata](#)
 Technical document
- Aggregated Flood Layer**
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- Overlay**
- Field Data**
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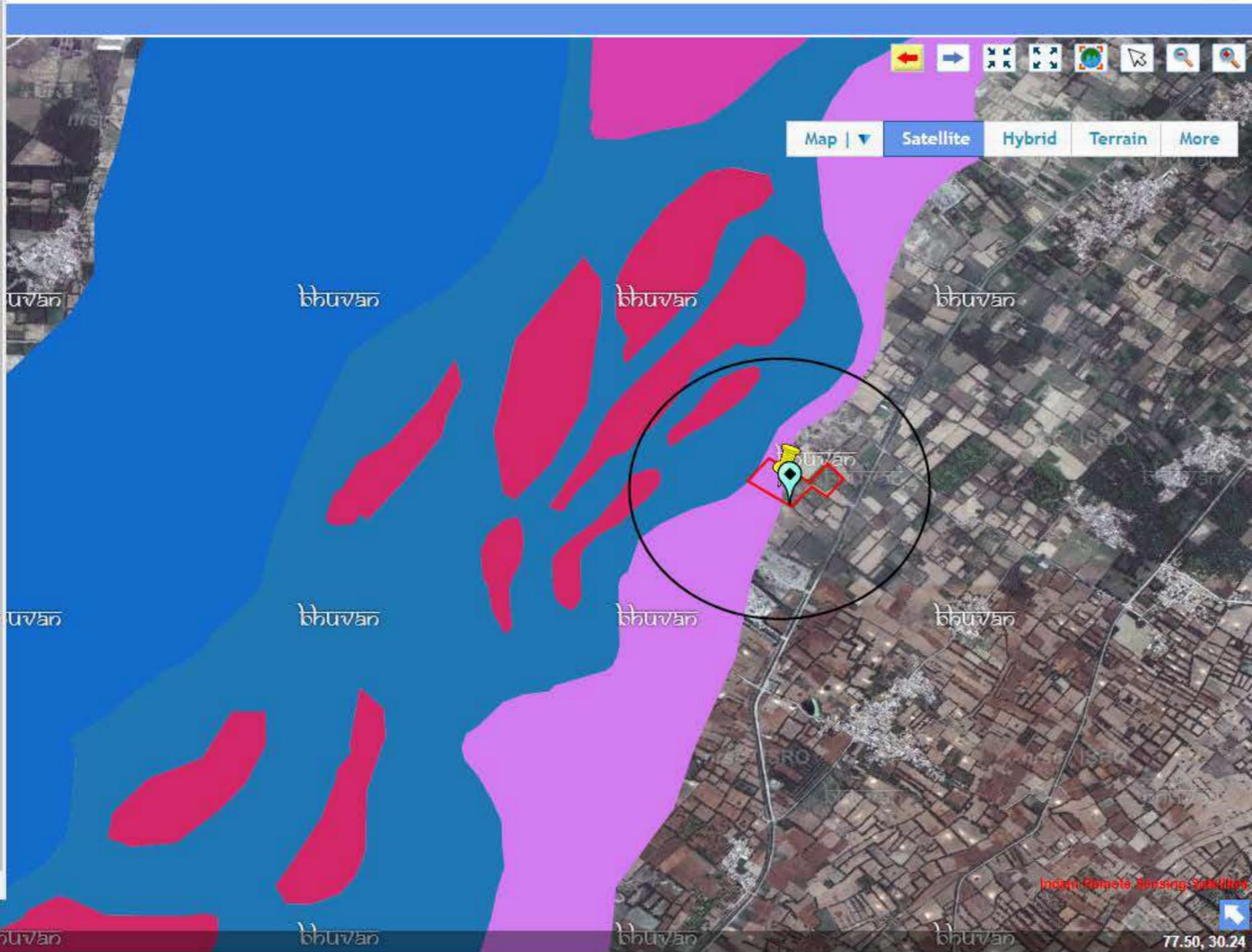
Metadata

V. Citation	
1. Data Prepared by	National Remote Sensing Centre, Hyderabad.
2. Original Source	Multi-temporal satellite data of 2005-06 from Resourcesat-1 LISS III
3. Source Date	Resourcesat-1 Data from LISSIII sensor of 3 seasons pertaining to 2005-06 (Monsoon Season-Kharif: August - October, Post-Monsoon-Rabi: December - March, Pre-Monsoon-Zaid: April - May)
VI. Metadata Stamp	
1. Metadata Date Stamp	02/11/2011
VII. Dataset Topic Category	
1. Data Identification topic category	Geomorphology and Lineament Data
VIII. Language	
1. Language ISO 0639-2Bsh	English
IX. Abstract describing the data	
1. Data Identification abstract	<p>Geomorphology and lineament map is an important geoscientific data for applied geological investigations such as mineral exploration, geo-hazard studies, geo-technical applications etc.</p> <p>Geomorphological and lineament mapping was taken up in association with Geological Survey of India under the NNRMS standing committee on geology activities. The geomorphology and lineament maps were prepared using satellite data and other collateral data sources with limited field work.</p>
X. Data Quality	
1. Accuracy	Geomorphological boundaries are gradational nature. Therefore, collateral data (DEM, toposheets) were referred during the mapping to increase the

Bhuvan Ganga

National Mission for Clean Ganga

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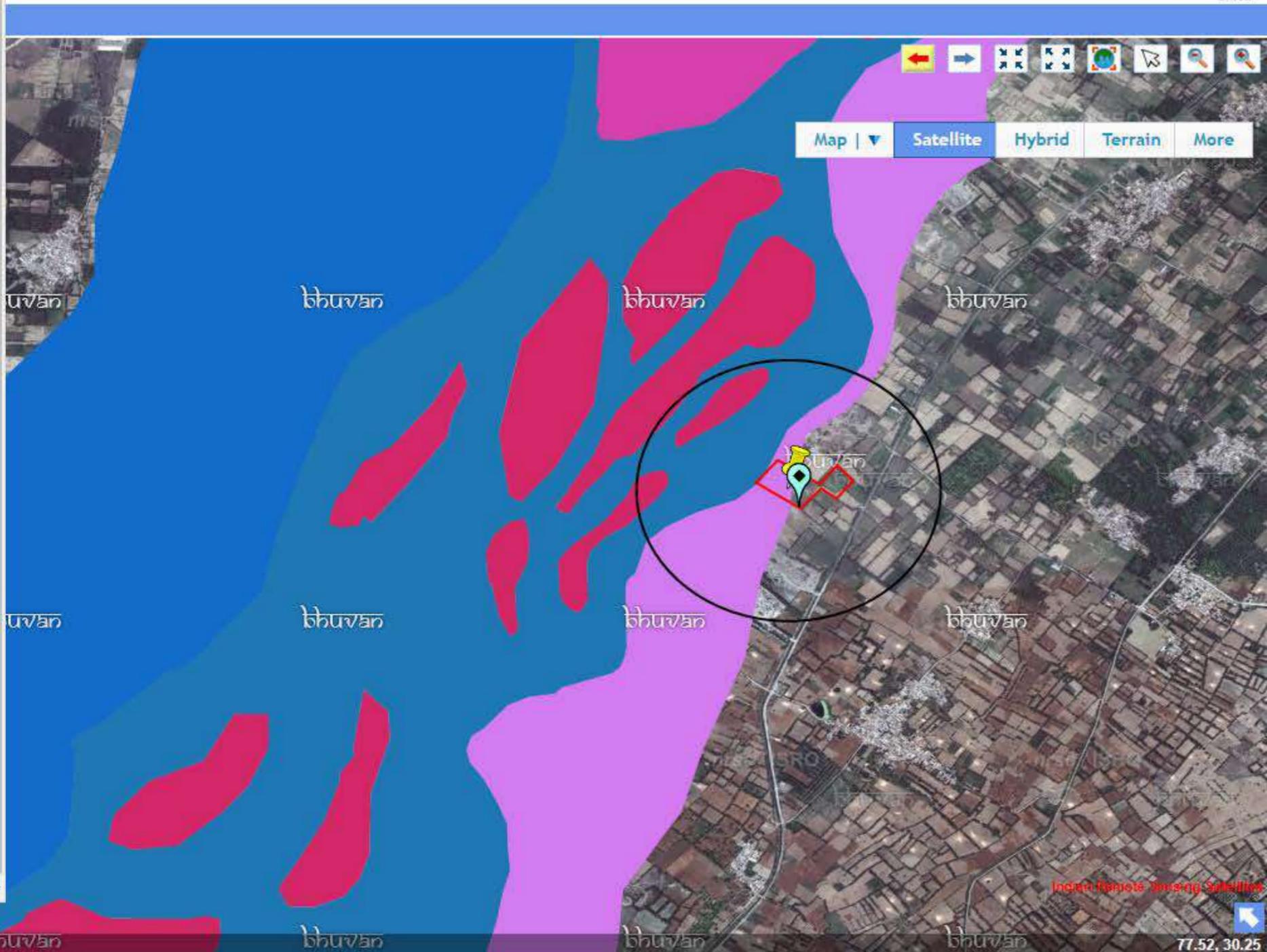




Metadata

- Administrative Boundary
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- Pollution Sources
- Water Quality
- Utilities
- Treatment Plants
- Monitoring Locations
- Project related information
- National park and Sanctuary
- Others
- Query Village Statistics **New**
- Ganga Flood Plain
 - Geomorphology (50K): 2005-06 **i**
 - Metadata
 - Technical document
 - Aggregated Flood Layer
 - Metadata
 - Technical document
- Overlay
- Field Data
- Varanasi Ghats
- 3D View
- Kumbhmela - 2013
- Mobile App Download

I. Data Identification Information	
1. Name of the Dataset	Geomorphology (50K): 2005-06
2. Theme	Geomorphology and Lineament
3. Keywords	NGLM, Landform, 50K, NRSC, ISRO, Thematic Services, Bhuvan
4. Access Constraints	As per NRSC Data Dissemination Policy
5. Use Constraints	As per NRSC Data Dissemination Policy
6. Purpose of creating data	To generate digital geomorphology and lineament database
7. Data Type	Vector data
8. Edition	First
9. Status	Completed
II. Contact Information	
1. Contact Person	DD(RSA-A)
2. Organisation	National Remote Sensing Centre
3. Mailing Address	Balanagar
4. City/Locality	Hyderabad
5. Country	India
6. Contact Telephone	040-23884101
7. Contact Fax	040-23875932
8. Contact Email	ddapp@nrsc.gov.in
III. Geographic Location	
1. Spheroid / Datum	GCS, WGS-1984
IV. Coverage	
1. Upper left	X = 73.41E, Y = 31.44N
2. Upper right	X = 89.09E, Y = 31.44N
3. Lower right	X = 89.09E, Y = 21.9N
4. Lower left	X = 73.41E, Y = 21.9N
V. Citation	
1. Data Prepared by	National Remote Sensing Centre, Hyderabad.
2. Original Source	Multi-temporal satellite data of 2005-06 from Resourcesat-1 LISS III






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Bhuvan Ganga

Geospatial Support for National Mission for Clean Ganga

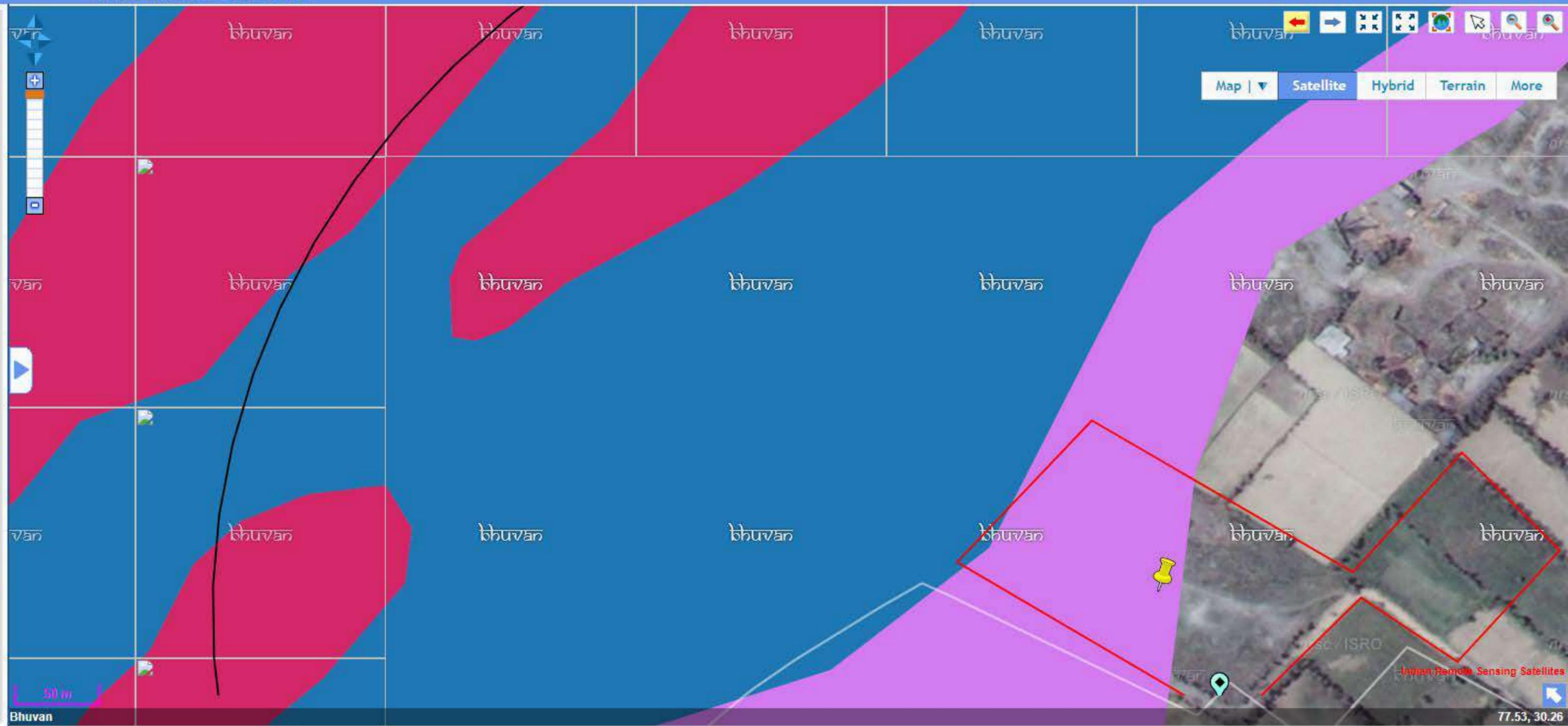
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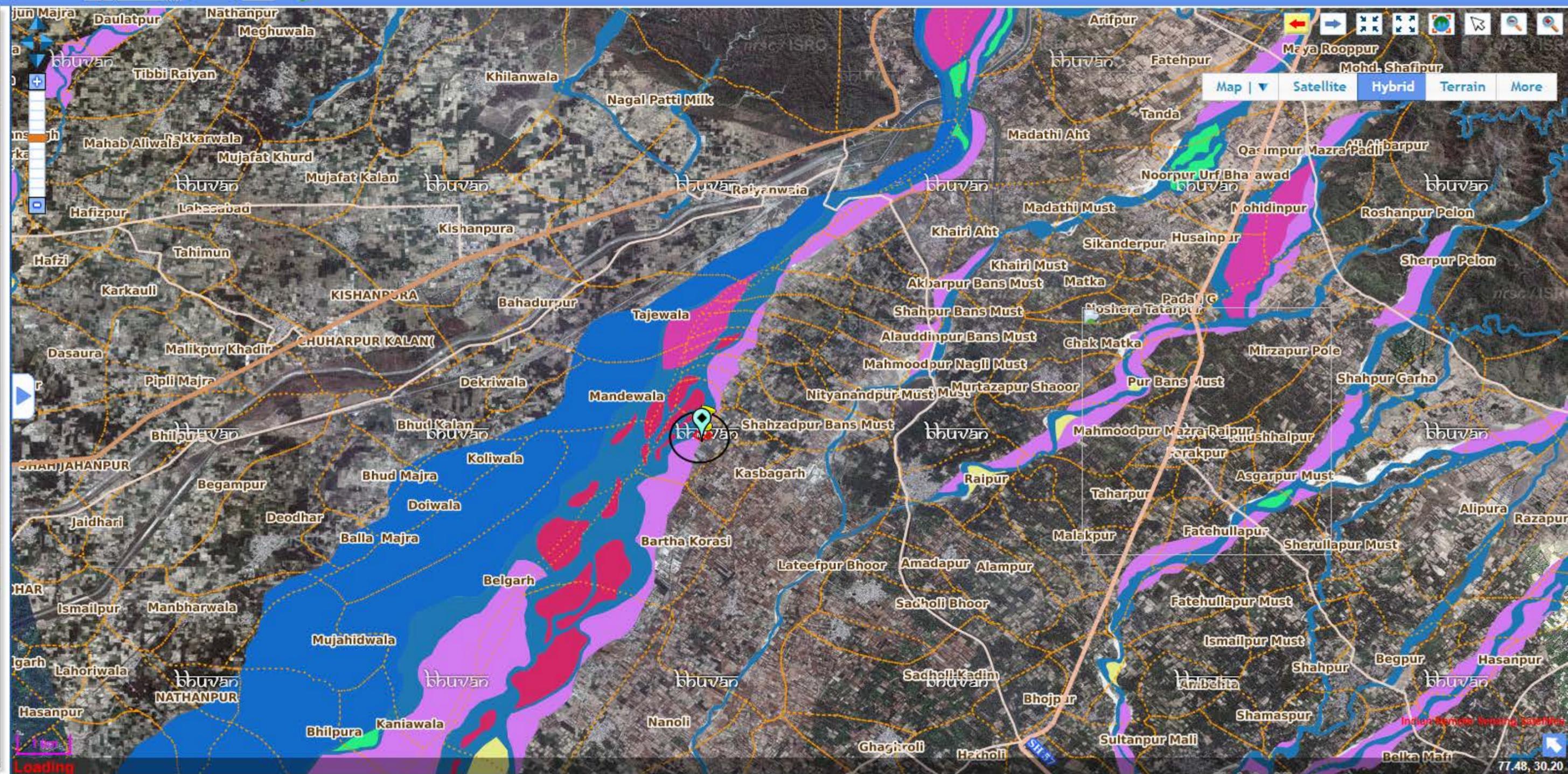
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- Kumbhmela - 2013
- Mobile App Download



		(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, Dhauri 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, Pevjal, 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.

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|-----|-----------------------------------------------------|-------------------|
| 7. | अधिशासी अभियंता, निर्माण इकाई, जल निगम, सहारनपुर | - सदस्य; |
| 8. | मुख्य विकास अधिकारी, सहारनपुर | - सदस्य; |
| 9. | श्री रविंद्र मिगलानी, अध्यक्ष, उद्योग संघ, सहारनपुर | - सदस्य; |
| 10. | प्रभागीय निदेशक, सा.वा. प्रभाग, सहारनपुर | - सदस्य व संयोजक। |

ख. नामित सदस्यगण

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|----|-------------------------------------------------------------------------|----------|
| 1. | डॉ. उमर सैफ, पर्यावरण वैज्ञानिक, सहारनपुर | - सदस्य; |
| 2. | श्री ए.सी. पपनेजा, पर्यावरणविद्, सहारनपुर | - सदस्य; |
| 3. | प्रो. जलाल उमर, सेवानृत्ति प्रधानाचार्य, इस्लामिया इंटर कॉलेज, सहारनपुर | - सदस्य। |
2. नामित सदस्यों का कार्यकाल इस अधिसूचना की प्रकाशन की तारीख से दो साल की अवधि के लिए वैध होगा।
3. जिला गंगा सुरक्षा समिति ऊपर उल्लिखित आदेश में दी गई शक्तियों का प्रयोग करेगी और इसमें दिए गए कार्यों का निष्पादन करेगी।
4. नामित सदस्यों को यात्रा भत्ता/दैनिक भत्ता और सिटिंग फीस राज्य सरकार के नियमों के अनुसार देय होगी।
5. अध्यक्ष ऊपर उल्लिखित आदेश के अनुसार बैठकें आयोजित करने के लिए प्रक्रिया तथा अवधि के संबंध में निर्णय ले सकते हैं।

[फा. सं. स्था. - 01/2016-17/111/एनएमसीजी (खंड-II)]

रोजी अग्रवाल, कार्यकारी निदेशक (वित्त)

ORDER

New Delhi, the 23rd August, 2021

S.O. 3432(E).—In exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with paragraph 53 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (hereinafter referred to as the said order), the Central Government in consultation with the Uttar Pradesh State Ganga Committee hereby constitutes an authority to be called as the District Ganga Committee for District Saharanpur comprising of the following members, namely:—

A. Ex-officio Members:

- | | | |
|-----|-------------------------------------------------------------------------------|--------------------|
| 1. | District Magistrate, Saharanpur | - Chairperson; |
| 2. | Shri Vipin Garg, Nominated Member, Nagar Palika Parishad, Deoband, Saharanpur | - Member; |
| 3. | Executive Engineer, Upper Division Eastern, Canal, Saharanpur | - Member; |
| 4. | Executive Engineer, Regional Division, People Works Department, Saharanpur | - Member; |
| 5. | Chief Medical Officer, Saharanpur | - Member; |
| 6. | Regional Officer, Pollution Control Board, Saharanpur | - Member; |
| 7. | Executive Engineer, Construction Unit, Jal Nigam, Saharanpur | - Member; |
| 8. | Chief Development Officer, Saharanpur | - Member; |
| 9. | Mr. Ravindra Miglani, President, Industry Association, Saharanpur | - Member; |
| 10. | Divisional Director, S.W. Division, Saharanpur | - Member Convener. |

B. Nominated Members:

- | | | |
|----|-----------------------------------------------------------------------------|---------|
| 1. | Dr. Umar Saif, Environmental Scientist, Saharanpur- | Member; |
| 2. | Mr. A.C. Papneja, Environmentalist, Saharanpur- | Member; |
| 3. | Professor Jalal Umar, Retired Principal, Islamia Inter College, Saharanpur- | Member. |

2. The nominated members shall hold office for a term of two years from the date of this notification.
3. The District Ganga Committee shall exercise such power and perform such functions as specified in the said order.
4. Travelling allowance or daily allowance and sitting fees of the nominated members shall be governed by the relevant rules of the State Government.
5. The Chairperson may decide the procedure and frequency for holding the meeting as per the said order.

[F. No. Estt.01/2016-17/111/NMCG (Vol-II)]

ROZY AGARWAL, Executive Director (Finance)

आदेश

नई दिल्ली, 23 अगस्त, 2021

का.आ. 3433(अ).—केंद्र सरकार दिनांक 7 अक्टूबर, 2016 के का. आ. 3187 (अ) द्वारा भारत के राजपत्र, असाधारण, भाग-II, खंड 3- उप-खंड (ii) में प्रकाशित अधिसूचना के पैरा 53 के साथ पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) तथा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा बिहार राज्य के जिला अररिया के लिए जिला गंगा सुरक्षा समिति नामक प्राधिकरण का गठन करती है, जिसमें निम्नलिखित सदस्य शामिल होंगे :

क- पदेन सदस्यगण

- | | |
|----------------------------------------------------------------------------|-------------------|
| 1. जिला पदाधिकारी, अररिया | - अध्यक्ष; |
| 2. कार्यपालिका पदाधिकारी, नगर परिषद, अररिया | - सदस्य; |
| 3. श्री दिवाकर विश्वास, मुखिया, ग्राम पंचायत, रमई, फारविसगंज, जिला- अररिया | - सदस्य; |
| 4. कार्यपालक अभियंता, लोक निर्माण कार्य, अररिया | - सदस्य; |
| 5. कार्यपालिका अभियंता, बाढ़ नियंत्रण प्रमंडल, अररिया | - सदस्य; |
| 6. कार्यपालक अभियंता, जन स्वास्थ्य अभियांत्रिकी, अररिया | - सदस्य; |
| 7. जिला पंचायतीराज पदाधिकारी, अररिया | - सदस्य; |
| 8. राज्य प्रदूषण नियंत्रण बोर्ड द्वारा प्राधिकृत प्रतिनिधि, अररिया | - सदस्य; |
| 9. श्री दिलीप कुमार, वरीय उप समाहर्ता, अररिया | - सदस्य; |
| 10. वन प्रमंडल पदाधिकारी, अररिया, वन प्रमंडल, अररिया | - सदस्य व संयोजक। |

ख. नामित सदस्यगण

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| 1. श्री सुदन सहाय, ग्राम-पो. काली बाजार, प्रखंड- अररिया, जिला अररिया | - सदस्य; |
| 2. कर्नल अजीत दत्त (पूर्व सैनिक), सा.-प्रोफेसर कॉलोनी (सत्या कुटी), फारविसगंज, प्रखंड- फारविसगंज, जिला- अररिया | - सदस्य, संयोजक; |
| 3. श्री राम गोपाल गोयल, प्रो. अशोक ट्रेडिंग कंपनी, चकरदाहा राईस मिल, फारविसगंज, जिला- अररिया | - सदस्य। |
2. नामित सदस्यों का कार्यकाल इस अधिसूचना की प्रकाशन की तारीख से दो साल की अवधि के लिए वैध होगा।
 3. जिला गंगा सुरक्षा समिति ऊपर उल्लिखित आदेश में दी गई शक्तियों का प्रयोग करेगी और इसमें दिए गए कार्यों का निष्पादन करेगी।