

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO. 515/2023  
[WRIT PETITION (PIL) NO. 4003/2006]**

**IN THE MATTER OF:**

**RE: GANGA POLLUTION**

**...APPLICANT**

**VERSUS**

**STATE OF U.P. & ORS**

**...RESPONDENT(S)**

| SI NO. | PARTICULARS  | PG NO. |
|--------|--|--------|
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**HIGH COURT OF JUDICATURE AT ALLAHABAD**

Chief Justice's Court

Civil Misc. Writ Petition No. 4003 of 2006  
Harchetan Bramhchari Ji Maharaj vs. State of U.P. and others

Hon'ble Ajoy Nath Ray,CJ  
Hon'ble Ashok Bhushan,J

We have considered the report of Mr. Kazmi. The Court has expressed its obligation to the learned Special Officers. We have heard the petitioner and the newly impleaded party. The learned Advocate General has taken a fair and co-operative stand.

It is agreed by all that it is primarily the State's responsibility to look after the following three basic points.

- (i) Stoppage of unauthorised effluents discharging from tanneries and other factories like glue factories at Kanpur.
- (ii) Stoppage of untreated effluents from industries and also the city waste water from Allahabad into the Ganges.
- (iii) Maintenance of sufficient water release from Narora dam.

A sufficient number of reports and orders of Court are already on record. Those basically cover the three points. From now onwards the State is fixed with the responsibility of filing reports of the achievements, if any made, during the period covered between the two successive date of hearing. Copy of the report should be given latest to the parties appearing at the time of next hearing, preferably 24 hours before.

The first such report of the State will be examined on the next date of hearing which is fixed for 2nd Wednesday after reopening at 2:00 p.m., i.e. on 12.7.2006

Dated:24.5.2006  
RK(4003-06)

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**Civil Misc. Writ Petition No. 4003 of 2006**

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**Harchetan Brahmchari Ji Maharaj vs. State of U.P. & Ors.****Hon'ble Ashok Bhushan, J.****Hon'ble Arun Tandon, J.**

An affidavit has been filed by the learned Chief Standing Counsel today on behalf of Executive Engineer, Construction Division, U.P. Jal Nigam, Allahabad. The same be taken on record. An application supported by an affidavit filed on behalf of the petitioner today be also taken on record.

Heard Sri A.K. Gupta, Sri Shailesh Singh and Sri Arvind Agrawal, learned counsels for the petitioner, Sri M.C. Chaturvedi, learned Chief Standing Counsel along with Sri S.P. Kesharwani, learned Additional Chief Standing Counsel for the State-respondents and Dr. H.N. Tripathi, learned counsel for the U.P. Pollution Control Board.

In the affidavit, which has been filed today on behalf of the State-respondent i.e. U.P. Jal Nigam, a temporary plan with regard to waste water collected during the Magh Mela has been disclosed. In paragraph-6 of the affidavit it has been stated that the waste water will be collected in trenches, which are being constructed and thereafter it will be chemically treated and the recycled water shall be sprayed on the roads and open spaces with the help of dewatering pumps and bucket gangs manually. It has been further stated that in conformity recycled water will meet the standard norms and random testing of the same shall also be done after chemical treatment.

Magh Mela is held every year and the pollution created by the waste water generated by the various camps of the Magh Mela is a perennial problem. We feel sorry to record that to such a perennial problem, no permanent solution has been provided by the State-authorities till today. The level of pollution in river Ganges is increasing day-by-day because of non-setting up of sewage treatment plants in the big cities situate at the banks of river Ganges like

Kanpur, Varanasi and Allahabad. The State has to come up with some permanent plan with regard to the treatment of the perennial problem of dirty water during Magh Mela, which is occurring year to year as well as for treatment of sewage generated in these cities daily.

Learned Chief Standing Counsel has stated that the Nodal Authority for considering the matter is the department of Nagar Vikas. He submits that the State will come out with a permanent plan for treatment of waste water, which is generated during the Magh Mela so that no waste water is permitted to flow in the river Ganges. He submits that an affidavit of the Highest Officer of the department of Nagar Vikas shall be filed along with relevant permanent plan and proposal. He prays for and is allowed four weeks time for the same.

Sri A.K. Gupta, learned counsel for the petitioner in the affidavit filed today in support of the application has categorically stated that although the High Power Committee, headed by the Chief Secretary was constituted by the State Government vide order dated 17<sup>th</sup> May, 2007 in pursuance to the order of this Court passed in the present petition, it has not come up with any suggestions for treatment of sewage, which is admittedly flowing into Ganges nor any steps for implementing the various directions issued by this Court from time to time especially the directions issued by this Court on 13<sup>th</sup> July, 2007 have been complied with.

The High Power Committee has been constituted by the State to examine of the matter including setting up of treatment plants so that waste water is not permitted to flow into the river. It was expected that the High Power Committee after deliberating upon the issue and after consulting the experts in the field shall come up with concrete proposals for treatment of sewage and dirty water, generated in various cities, towns and Kasbas situate on the banks of river Ganges throughout the State of Uttar Pradesh.

For our purposes, it would be worthwhile to reproduce the relevant directions issued by this Court in the present petition vide order dated 13<sup>th</sup> July, 2008, which read as follows:

*“(1) The projects, which were undertaken, under the Ganga Action Plan Phase-I and Phase-II be looked into and it be found out as to whether those projects have been completed or in progress. The State Government may also ensure that those sewage treatment plans and other*

schemes, which were to be implemented under the Ganga Action Plan Phase-I and Phase-II are functioning properly or not and steps be taken towards ensuring proper functioning of those projects. The State Government may take steps and issue necessary directions and request to the Central Government and the other Central Government authorities and other bodies, who are in control of the aforesaid projects.

(2) That in all Nagar Nigams, Municipalities and Nagar Panchayat etc. it be ensured that sewage treatment plans are established to the capacity, which is required for treatment of sewage water of local bodies. The said project be initiated in phase manner first taking the big cities.

(3). A plan be also prepared for all the open Nalas falling directly in Ganges and to trap the Nalas and treat their water by treatment plan.

(4). The Local Bodies, Nagar Nigams, Municipalities and Nagar Panchayats be asked to make appropriate plan and implement the project of treating sewage and dirty water on priority basis. Apart from resources of Municipal boards, the State Government may make provisions for necessary finance in the project. Plans be prepared for all big cities situated on river Ganges in first stage.

5. All tanneries, industries, sugar factories, distilleries, paper manufacturing factories etc. be identified, which are situated throughout the river Ganges and are discharging effluents in the river Ganges. The State officials and the U.P. Pollution Control Board and the Municipal Boards be directed to coordinate and take effective steps for stopping the same. No industries, tanneries, factories etc. be permitted to run, which does not have effective treatment plan. Those tanneries or industries, which are discharging effluents and polluting the river Ganges be directed to be shifted to a place where it is not possible for them to pollute the river Ganges.

(6) The construction of barrage and reservoir be also undertaken at different places to store sufficient water for use in non MANSOON period both for purposes of irrigation and for release in the river Ganges for maintaining certain quantity of water.

(7). The depth of river Ganges is day by day reducing due to silt and accumulation of sand and other particulars. Unless a particular depth is maintained of the river Ganges throughout its stream running through State of U.P. sufficient water shall not be available throughout the year. Both the committees may examine as to whether in the leases, which are granted by the State for excavation of sand at the banks of river Ganges, whether along with right of excavation of sand duty to maintain a particular depth of the river Ganges up to both banks according to plan as submitted by the District Magistrates of respective districts can be provided for or any

*other department of the State can be entrusted to ensure the said job.”*

The directions issued by this Court on 13<sup>th</sup> July, 2007 were for early solution to the problem of polluted water being permitted to enter into river Ganges . The directions continue to exist on paper only.

It is matter of the record that in each city which is on the bank of river Ganges including the Allahabad, the sewage treatment plants which have been set up are wholly insufficient to deal with the quantity of dirty water, which is generated and released from the cities daily.

In the affidavit filed earlier by the Pollution Board as referred to in the order of this Court dated 10<sup>th</sup> December, 2008, it has been stated that from the city of Allahabad, total discharge of dirty water is 213 MLD and at present the capacity of STP at Naini is 60 MLD and STP at Salori is 29 MLD. Thus the total capacity of both the STP is only 89 MLD. Therefore, 124 MLD of dirty water is admittedly falling directly in river Ganges untreated through open Nala and other modes. The importance of potable and good quantity and quality of water in river Ganges needs no emphasis by the Court.

The problem of polluting the water of river Ganges has been noticed by the Court time and again. In spite of different directions issued from time to time by the Apex Court as well as this Court, we are sorry to record that no concrete steps/measures have been taken so far.

The Apex Court in the case of **M.C. Mehta (II) vs. Union of India & Ors.** reported in (1988) 1 SCC 471 had directed the State Government to take all effective steps to stop the dirty water from falling directly in river Ganges. All Local Bodes were required to carry out the directions by the same Judgement.

We have noticed in our earlier order that Nagar Nigam, Allahabad which is the responsible body to see that the water of river Ganges is not polluted, has neither come up with any plan nor has taken any steps for stopping the discharging of the dirty water directly into the river Ganges through open Nalas of the City.

In view of the aforesaid, We direct Sri M.C. Chaturvedi, learned Chief Standing Counsel to insist upon the High Power Committee to hold its

meeting and to submit its recommendations, proposals or plans for carrying out the directions of this Court. He submits that some time may be granted to the High Power Committee to consider and comply with the various directions issued by this Court from time to time and to come up with plans and suggestions for removal of the aforesaid perennial problem.

In view of the aforesaid, we direct that an affidavit with regard to steps taken for the compliance of various directions issued by this Court from time especially the directions issued by this Court on 13<sup>th</sup> July, 2007 be filed by the Principle Secretary of the Nagar Vikash, U.P. Government by the next date.

The U.P. Pollution Control Board shall monitor the quality of water of the river at different places during Magh Mela and shall also maintain the record on day-to-day basis qua testing of recycled water after chemical treatment as noticed above. U.P. Pollution Control Board shall take all necessary steps for controlling the pollution of water of river Ganges. Although the U.P. Pollution Control Board has to monitor the pollution level of water of river Ganges regularly but nothing has been brought on record to establish that the Board has successfully prosecuted any of the miscreants, who have been polluting the water of river Ganges year after year.

We are satisfied that strict steps have to be taken by the U.P. Pollution Control Board with regard to the pollution of water of river Ganges. An affidavit has been filed on behalf of Board, which refers to certain letters written by the U.P. Pollution Control Board seeking permission for prosecuting the miscreants. We only observe that such request of the U.P. Pollution Control Board shall be attended to by the State Government urgently and after permission is granted, U.P. Pollution Control Board shall take further steps for prosecuting those who are responsible for polluting the river Ganges, so that they are brought to book. The Board may also file an affidavit disclosing the status of the proceedings by the next date.

One more aspect of the matter needs to be highlighted i.e. the uncalled for huge expenditure undertaken by the State during Magh Mela where crores of rupees are spent every year by the State for extending various facilities to different kind of persons including the departments of the State, which have no concern with the administration of the Mela. This money could have been better utilised for checking pollution of river Ganges.

We are of the view that during Magh Mela, the State may extend the facilities only to those departments, who are directly connected with various duties and functions qua arrangement of Magh Mela. The State is not required and must stop such facilities to those departments, who have nothing to do with the arrangements and administration of Magh Mela immediately.

Learned Chief Standing Counsel submits that appropriate steps in this regard shall be taken and an affidavit giving the details of the departments, who perform various functions during Magh Mela shall be furnished to the Court on the next date.

Last submission, which has been made on behalf of the petitioner is that the State-authorities are duty bound to maintain the quality and quantity of water in river Ganges throughout the year including Magh Mela, but year after year orders have to be passed by the Court for release of water from Narora for the purpose. This is not required to be done. The State must preform its obligation.

Learned Chief Standing Counsel submits that with effect from 11<sup>th</sup> January, 2009, 1500 cusec water is being released from Narora Dam daily and that every care shall be taken to maintain the required depth as well as quality and quantity of water in the river Ganges during Magh Mela.

We direct that the State shall maintain the quality and quantity of the water of river Ganges and water level has to increase day-by-day. Appropriate steps including release of water shall be taken by the State and in no case water level of the river shall be permitted to decrease.

List on 22<sup>nd</sup> January, 2009 for further hearing. Affidavits be filed as indicated above by the said date.

13.01.2009

Sushil/-

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Civil Misc. Writ Petition No. 4003 of 2006

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Harchetan Brahmchari Ji Maharaj vs. State of U.P. & Ors.

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Hon'ble Ashok Bhushan, J.Hon'ble Arun Tandon, J.

Mr. Alok Ranjan, Principal Secretary, Urban Development, Government of U.P. Lucknow is present in the Court as per our earlier direction dated 21<sup>st</sup> August, 2009. Sri Anil Kumar Mishra, Chairman, U.P. Pollution Control Board, Lucknow, Municipal Commissioners, Municipal Corporations, Allahabad, Kanpur Nagar and Varanasi are also present.

Heard Sri S.G. Husnain, learned Additional Advocate General assisted by Sri S.P. Kesharwani, learned Additional Chief Standing Counsel for the State, Sri Ajay Bhanot, learned counsel for Union of India, Dr. H.N. Tripathi, learned counsel for U.P. Pollution Control Board, Sri Chandan Sharma, learned counsel for Municipal Corporation, Kanpur Nagar, Sri S.D. Kautilya, learned counsel for Municipal Corporation, Allahabad, Sri Vivek Verma, learned counsel for Municipal Corporation, Varanasi, Sri Udayan Nandan, learned counsel for Tanneries and Sri A.K. Gupta, learned amicus curiae.

We have informed that the National Ganga River Basin Authority, which has been constituted vide notification no. 328 dated 20<sup>th</sup> February, 2009 has held its meeting and projects pertaining to Allahabad, Varanasi and Kanpur Nagar regarding establishments of Sewerage Treatment Plants. In the affidavit filed by the Principal Secretary, Urban Development, details have been given with regard to sanction of STP of 60 MLD at Rajapur, Allahabad. The Central Government is to provide 50% of the cost, while the share of the State of U.P. will be of 30% and the remaining 20% is to be provided by Allahabad Nagar Nigam. It has been further stated that Allahabad Nagar Nigam has no funds to bear the financial burden, therefore, the

State Government shall allocate necessary funds in that regard also. Detail of the project of Rajapur has been sanctioned by the Central Government under the JNNURM scheme. We have been informed that National Ganga River Basin Authority has undertaken to process the other projects with regard to installation of other STP Plants at Allahabad also. With regard to Varanasi, the projects under JICA scheme shall be processed. Lastly the learned Additional Advocate General has submitted that by the next date, details of the plants under consideration and the specific time limit when the aforesaid plans will be completed and commissioned shall be indicated, stepwise, with regard to Allahabad, Varanasi, and Kanpur Nagar at the first instance. We only note that the date disclosed qua achievement of required capacity of STP plants is to distant and the respondents must reduce the time period.

Clause-10 of the notification dated 20<sup>th</sup> February, 2009 provides for constitution of the State River Conservation Authorities, which reads as follows:

**“10. Constitution of State River Conservation Authorities.-----The State Government concerned may constitute a State Ganga River Conservation Authority under the Chairmanship of the Chief Minister with such composition and such powers as deemed fit for coordinating and implementing the river conservation activities at the State Level.”**

Principal Secretary, Urban Development Government of U.P. Lucknow has informed that the State Ganga River Conservation Authority has already been constituted in the State of Uttar Pradesh. He has also informed that there is provision for co-option of experts to the State Ganga River Conservation Authority, this Authority shall coordinate with the National Ganga River Basin Authority for combating the pollution in the river Ganges through out the State of Uttar Pradesh. He submits that all plans including establishment of Sewerage Treatment Plants and another plans shall be executed by the said State Ganga River Conservation Authority in coordination with the National Ganga River Basin Authority. Proposals for setting STP projects at Allahabad of the total capacity of 105 MLD have already been submitted to the National Ganga River Basin Authority vide letter dated 20<sup>th</sup> October, 2009.

We are of the view that looking into a day-by-day increasing magnitude of pollution in the river Ganges, it is necessary to take expeditious measures and steps for controlling the pollution in the river Ganges. In the affidavit filed on behalf of the State, it is clear that total sewerage discharge at Allahabad is 228 MLD. Only two STP plants have been commissioned with a capacity of 60+29=89 MLD, thus 139 MLD untreated water is everyday falling in river Ganges. We, therefore, request the National Ganga River Basin Authority to consider the pending projects with regard to sanction of other STPs at Allahabad at the earliest.

Sri Ajay Bhanot, learned counsel for the Union of India has stated that proposals shall be expeditiously considered by the National Ganga River Basin Authority having regard to the huge quantity of dirty water which is falling in river Ganges at Allahabad. He shall file an affidavit qua the progress made by the next date.

The Additional Advocate General of the State as well as learned counsels for Municipal Corporation, Allahabad, Varanasi and Kanpur Nagar informed that steps have been taken for temporary tapping of Nalas by setting up screens i.e. put in iron wire mesh at the tail end of Nalas to stop the clothes, polythene and other solid garbage from falling directly in river Ganges. The said screens shall be cleaned manually, for which sweepers have been appointed. Municipal Commissioner, Municipal Corporation, Allahabad, Varanasi, and Kanpur Nagar may file affidavits by the next date giving details of steps taken for tapping the Nalas, which fall in river Ganges along with the name of the sweepers (employees), who have been assigned the duties of cleaning the iron wire nets.

The ***Amicus Curiae***, learned counsel for the petitioner has stated that STP plants in Allahabad, Kanpur Nagar and Varanasi, which have been commissioned are not regularly functioning and due to which even the available capacity of treatment of sewerage water is not being utilized.

We direct the Municipal Corporations, Allahabad, Varanasi and Kanpur Nagar as also U.P. Jal Nigam as well as another authorities who are entrusted with duty of maintaining the STP plants in the above three cities to take all necessary measures and steps, so that SPT plants, which have been commissioned in the aforesaid three cities may function regularly to their

maximum capacity and in no case their functioning should be stopped.

Attention of the Principal Secretary, Urban Development, U.P. Government Lucknow also invited to the directions of the Court dated 13<sup>th</sup> July, 2007, specifically direction no. 7, which was to the following effect:

*“7. The depth of river Ganges is day by day reducing due to silt and accumulation of sand and other particulars. Unless a particular depth is maintained of the river Ganges throughout its stream running through State of U.P. sufficient water shall not be available throughout the year. Both the committees may examine as to whether in the leases, which are granted by the State for excavation of sand at the banks of river Ganges, whether along with right of excavation of sand duty to maintain a particular depth of the river Ganges up to both banks according to plan as submitted by the District Magistrates of respective districts can be provided for or any other department of the State can be entrusted to ensure the said job.”*

The Principal Secretary, Urban Development, Government of U.P. Lucknow has assured the Court that the said State Ganga River Conservation Authority, which has the statutory duty of coordination for controlling the pollution in river Ganges, shall take up the issue with the State Government and shall see that directions are issued for enforcing the direction. The measures and the steps shall be brought on record by the next date fixed.

Report submitted on behalf of U.P. Pollution Control Board qua the status of the STP plant, stated to be functioning in Fort at Allahabad has been perused by us. The report submitted is highly unsatisfactory, it more or less establishes that the STP plant installed is not of the required capacity, septic tanks are in use. The situation is unhealthy. The affidavit filed on behalf of Fort authorities earlier records that necessary capacity of STP plant is operational in the Fort, which is belied by the report referred to above. Let a reply to the facts recorded in the report be filed by the Fort authority by the next date.

We direct the Chairman, U.P. Pollution Control Board to visit the Fort at Allahabad personally for inspection of the plant, which is established and submit a detail report including its functioning and capacity. He may also issue required directions to the concerned authorities to see that necessary is done within reasonable time.

A request has been made by the learned counsel for the Tanneries, who have made an application for permitting the tanneries to start their functioning.

Dr. H.N. Tripathi, learned counsel for U.P. Pollution Control Board has submitted that only those tanneries have been closed which could not comply with the pollution level qua the factories discharge.

We direct the Chairman, U.P. Pollution Control Board to inspect the tanneries at Kanpur. The district administration shall provide all helps for the inspection of tanneries. A detail report qua each tannery be submitted by the next date.

In the last order passed by this Court dated 21<sup>st</sup> August, 2009, we had recorded stand of the State that a Leather Park is proposed for providing alternative place for the tanneries to run their factories.

On a query being made by this Court, Sri S.P. Kesharwani, learned Additional Chief Standing Counsel informs that no steps could be taken, as no land is available. He is not in a position to inform the Court as to what further steps are contemplated towards shifting of the tanneries, which are causing maximum pollution in the river Ganges at Kanpur Nagar. We direct that the State Government must take effective steps for the establishment of the leather park as was proposed by the State Government itself and if necessary acquisition of necessary land for such public purpose be initiated, so that tanneries, which have been closed, may have an opportunity to start and run their business at different place. Let an affidavit be filed by the next date fixed qua the progress made.

Sri A.K. Gupta, Amicus Curiae, has pointed out that High Power Committee, which was constituted by this Court vide its earlier order has been coordinating with the State of Uttranchal. He submits that Magh Mela (2009-2010) is approaching fast, the quality and quantity of water in the river Ganges during the Magh Mela period shall be dependant upon the Coordination with the State of Uttranchal.

We have already noticed that said State Ganga River Conservation Authority has been constituted by the State Government which is a statutory body exercising powers under the Environment (Protection) Act, 1986 (Act No. 29 of 1986). The said body shall coordinate with the State of Uttranchal

and take appropriate steps with regard to release of water for the purposes of Magh Mela, as may be required.

In our earlier directions we had indicated that sewerage or dirty water, which is generated in the Magh Mela area itself should not be directly released in the river Ganges and we also directed for preparing a suitable plan, so that no sewerage or dirty waters generated during Magh Mela flows directly in the river Ganges.

Additional Advocate General, Mr. S.G. Husnain, has submitted that by the next date, appropriate plans and steps proposed/ taken in this regard shall be brought on record. He submits that competent authorities shall take appropriate action with regard to controlling of the pollution during the Magh Mela. Other steps including quality and quantity of the water being maintained through out the Magh Mela period, shall be ensured and appropriate affidavit shall be filed on the next date.

Sri A.K. Gupta has further pointed out that on the banks of river Ganges and another rivers throughout the State, the Development Authorities, Nagar Nigams and another local authorities have constructed residential colonies without making any provision for treatment of dirty water. He submits that on the river banks, housing colonies should not be permitted to be constructed unless sewerage treatment plant is established.

State Ganga River Conservation Authority may address itself to the above issue and appropriate directions to the Development Authorities, Nagar Nigams and Local Authorities with regard to the construction of sewerage treatment plant before construction of housing colony on the river bank be issued.

We also direct the U.P. Pollution Control Board to take appropriate steps to see that no industrial trade discharge particularly from chemical and sugar factories is released directly in the river Ganges.

List this matter on 27<sup>th</sup> November, 2009 at 2:00 p.m.

Certified copies of this order shall be issued to all the parties.

06.11.2009

Sushil/-4003-06

**Court No. - 29**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Shri A.K.Gupta, Advocate, Shri S.G.Hasnain, Additional Advocate General, Shri S.P. Kesarwani, Additional Chief Standing Counsel, Dr. H.N.Tripathi, Advocate on behalf of the Pollution Control Board.

Affidavits of General Manager, Ganga Pollution Control Unit, U.P. Jal Nigam, Kanpur dated 17.12.2009, General Manager, Ganga Pollution Control Unit, U.P. Jal Nigam, Varanasi, Chief Environmental Officer, U.P. Pollution Control Board, Lucknow and also a supplementary affidavit filed by V.C. Srivastava, Advocate annexing photographs be taken on record.

Dr. H.N.Tripathi, Advocate on behalf of U.P. Pollution Control Board has submitted that applications for prosecution of the Nagar Nigam and other authorities who were liable to be prosecuted, have been made but the State Government has not taken any decision.

Shri S.G.Hasnain, Additional Advocate General submits that the applications shall be considered and appropriate decision shall be taken with regard to sanction of prosecution within

three weeks from today.

We direct that appropriate affidavit giving details of decision taken on each application submitted by U.P. Pollution Control Board for prosecution be submitted by the State Government, by the next date fixed.

Shri S.P. Kesarwani, Additional Chief Standing Counsel submits that from 16.12.2009 the water to the extent of 2500 cusecs is being released from Narora. He also submits that the monitoring of the water is being done at Kanpur and there is no Canal where the water could have been diverted.

We direct that appropriate monitoring be done by the authority concerned to ensure that water released from Narora is not diverted/lifted.

Learned Additional Advocate General has also stated that on the next date log book will be produced.

In the affidavit filed on behalf of Pollution Control Board it is stated that one M/s. Genus Paper Product Ltd., Agwanpur, Moradabad and M/s. Shalimar Crafts and Tissues Pvt. Ltd. have released polluted effluent from factory untreated which has polluted the colour and quality of water of the river. In this regard Dr. Tripathi submits that directions have been issued on 20.11.2009 to the above factories to close down the factories.

We are of the view that those private companies having violated provisions of Act, it was necessary for the Pollution Control Board to have also initiated steps for prosecution.

Shri S.P. Kesarwani further submits that the feasibility of utilizing the mobile toilet with regard to Magh Mela has also been considered. He has referred to the report of the Chief Medical Officer, Allahabad expressing certain difficulties with

regard to the use of the mobile toilets. The difficulties are heavy traffic restriction and huge crowd due to which proper evacuation and cleaning is very difficult.

We are of the view that Magh Mela authorities can find the place where the mobile toilets can be used. Appropriate steps may be taken in this regard by the next date fixed. Mela Adhikari shall also take care of the same. The orders have also been issued for banning the use of the plastic. Notice be given through newspaper and appropriate hoardings be placed at appropriate places in the Magh Mela. We further direct that an affidavit of Magh Mela Officer and the Incharge of the U.P. Jal Nigam be filed by the next date ensuring that no open Nalas including the Mori Gate are flown directly in the river ganges, during Magh Mela.

With regard to Sewage Treatment Plan in Allahabad, General Manager, Ganga Pollution Control Board Unit may file an affidavit giving details of various steps under which the constructions of the Sewage Treatment Plan and allied work is to be accomplished.

An affidavit has also been filed today before us bringing various photographs of Magh Mela area showing that at various places open Nalas are flowing in the river ganges.

We direct the authorities to take appropriate action in that regard as identified in the photographs of 07.12.2009.

With regard to Kanpur it has been pointed out that the tanneries which are closed, an order was passed to disconnect the electricity connection by the U.P. Pollution Control Board. It has been submitted that there are several tanneries which are being run in the premises where the persons are residing, due to disconnection of electricity,

those residents are feeling great difficulty.

In the facts and circumstances of the case we are of the view that electricity connection may be restored back where the persons are residing in the same premises. The U.P. Pollution Control Board and the Power Corporation shall take appropriate steps for restoring only lights and fans, however this shall be done with a ride that if the electricity is used for the tanneries, it will be disconnected immediately. We also direct that supply of electricity be restored only in single phase for light and fan.

List this matter again on 04.01.2010.

**Dated : 18.12.09**

VR/PIL (WP) 4003/06

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

**Court No. 02**

**Civil Misc. Writ Petition No. 4003 of 2006 (PIL)**

Harchetan Brahmchari Ji Maharaj

vs.

State of U.P. & Others.

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Shri S.G.Hasnain, Additional Advocate General, Shri S.P. Kesarwani, Additional Chief Standing Counsel, Dr. H.N.Tripathi, Shri Ajay Bhanot, Advocates and counsels for the tanneries at Kanpur.

Principal Secretary, Urban Development and the Principal Secretary, Irrigation Department are present in the Court.

Shri Ajay Bhanot appearing for the Union of India has

stated that the proposal for installation of STP plant at the Fort, Allahabad is in process and requisite approval for installation of the STP is expected in this financial year itself from the competent authority.

With regard to the installation of STP plant at Fort, we direct the competent authority of the Defence establishment to take appropriate decision so that untreated polluted water may not be flown in the river ganges, at the earliest and in any case by 31.03.2010.

Shri S.G.Hasnain submits that Nagar Ayukt has written a letter on 19.02.2010 with regard to the land which is available at Mori Gate pumping station. An area of 0.21 hectare is required. The Nagar Nigam has resolved to give land of equal value at Mahewa, Purab Patti to the defence department.

Shri Ajay Bhanot, counsel for the defence authorities submits that decision taken on the request so made shall be brought on record on the next date fixed.

With regard to open Nalas which are directly flowing in the rivers at Allahabad, Shri S.G.Hasnain submits that Nagar Nigam, Allahabad has taken steps for tapping the dirty water by putting wire nets. He submits that similar process is being followed at Kanpur and Varanasi.

We direct that detail plan qua the aforesaid three cities for tapping the dirty water flowing from nalas into the rivers be brought on record. Nagar Ayukt of each Nagar Nigam shall supervise and monitor the process of tapping of nalas and they are made responsible to

ensure that no solid waste like plastic, cloth, wood etc. enters the river through the nalas.

The Principal Secretary, Urban Development has brought to our knowledge that Ganga Basin authority has approved one more project for the installation of STP in its meeting on 05.02.2010 for Allahabad city. The details of the project which has been sanctioned along with details including the period during which the project shall be completed, be brought on record by means of a separate affidavit by the next date fixed. The State may also file an affidavit furnishing progress of the STP project which has already been awarded to private contractor. The State will also disclose as to what action is proposed qua the cities of Varanasi and Kanpur and other smaller cities on the bank of river Ganga so that treatment of sewage water is taken care of.

The Principal Secretary, Irrigation has informed the Court that Irrigation Department has no mechanism of measuring the quantity of water which is released from Narora barrage down stream. He submits that measurements are taken and recorded by Central Water Commission (CWC). Shri Ajay Bhanot shall file an affidavit on behalf of CWC regarding the process and method of measurement of water level from Narora to Allahabad. The records in that regard for the month of January, 2010 may also be produced for examination of the Court on the next date fixed.

Shri S.G.Hasnain today handed over a copy of the Manual of the Irrigation Department. We find that the Manual is not complete. For the purposes of present case, we require the relevant orders pertaining to measurement and maintenance of river water at the district level as also at the pump canals, as well as for monitoring the water which is released from Narora barrage down stream. We direct that the complete set of Manual published in 1936 and the relevant Government Order and other statutory provisions issued by the State of U.P. for regulating/recording of water in the river Ganges at various places be brought on record by means of an affidavit.

With regard to shifting of tanneries from Kanpur Nagar, Shri S.G.Hasnain submits that a High Power Committee meeting was held and it was noticed that land about 25 acres is available with the Government. For the purpose, vide letter dated 16.02.2010 the UPSIDC has been asked to submit a project for acquisition of land for tanneries on the basis of self financing. Shri Vivek Verma appearing on behalf of the UPSIDC has stated that UPSIDC is proposing to invite applications from the tanneries. We direct that steps with regard to allotment of available land to the tanneries be immediately initiated. This shall be in addition to the scheme which is to be initiated by the UPSIDC.

Let the Managing Director, UPSIDC appear on the next date along with his affidavit giving relevant details and

steps taken by the UPSIDC.

The order of the Apex Court dated 15.01.2010 passed in Special Leave to Appeal No. 2463 of 2010 (M/s. Upper India Tanneries vs. State of U.P. and others) has been placed before this Court. The Apex Court has directed for consideration of the application for impleadment at the earliest possible at least within three months. The impleadment applications of all the tanneries have been taken on record and are allowed. Reports submitted by the U.P. Pollution Control Board are also taken on record. The applications filed on behalf of the tanneries for permission to start the process shall be considered on the next date fixed.

Dr. H.N.Tripathi may file an affidavit furnishing the ISI specifications qua potable water as well as bathing water on the next date.

This Court on 13.07.2008 issued several directions to the State to the following effect :

*“(1) The projects, which were undertaken, under the Ganga Action Plan Phase-I and Phase-II be looked into and it be found out as to whether those projects have been completed or in progress. The State Government may also ensure that those sewage treatment plans and other schemes, which were to be implemented under the Ganga Action Plan Phase-I and Phase-II are functioning properly or not and steps be taken towards ensuring proper functioning of those projects. The State Government may take steps and issue necessary directions and request to the Central Government and the other Central Government authorities and other bodies, who are in control of the aforesaid projects.*

*(2) That in all Nagar Nigams, Municipalities and Nagar Panchayat etc. it be ensured that sewage treatment plans are established to the capacity, which is required for treatment of sewage water of local bodies. The said project be initiated in phase manner first taking the big cities.*

(3). A plan be also prepared for all the open Nalas falling directly in Ganges and to trap the Nalas and treat their water by treatment plan.

(4). The Local Bodies, Nagar Nigams, Municipalities and Nagar Panchayats be asked to make appropriate plan and implement the project of treating sewage and dirty water on priority basis. Apart from resources of Municipal boards, the State Government may make provisions for necessary finance in the project. Plans be prepared for all big cities situated on river Ganges in first stage.

5. All tanneries, industries, sugar factories, distilleries, paper manufacturing factories etc. be identified, which are situated throughout the river Ganges and are discharging effluents in the river Ganges. The State officials and the U.P. Pollution Control Board and the Municipal Boards be directed to coordinate and take effective steps for stopping the same. No industries, tanneries, factories etc. be permitted to run, which does not have effective treatment plan. Those tanneries or industries, which are discharging effluents and polluting the river Ganges be directed to be shifted to a place where it is not possible for them to pollute the river Ganges.

(6) The construction of barrage and reservoir be also undertaken at different places to store sufficient water for use in non MANSOON period both for purposes of irrigation and for release in the river Ganges for maintaining certain quantity of water.

(7). The depth of river Ganges is day by day reducing due to silt and accumulation of sand and other particulars. Unless a particular depth is maintained of the river Ganges throughout its stream running through State of U.P. sufficient water shall not be available throughout the year. Both the committees may examine as to whether in the leases, which are granted by the State for excavation of sand at the banks of river Ganges, whether along with right of excavation of sand duty to maintain a particular depth of the river Ganges up to both banks according to plan as submitted by the District Magistrates of respective districts can be provided for or any other department of the State can be entrusted to ensure the said job."

The response to the said direction is not to our satisfaction. We direct that appropriate action be initiated and reported through the Principal Secretary (Mining). An affidavit of a responsible officer of the Department of Mining be filed by the next date fixed on the subject.

It has also been brought to our notice that several

Universities, Central institutes and other big industries are directly flowing dirty water in river Ganges through open Nalas. Let the State and Pollution Control Board identifying the same make enquiries and take appropriate action and the report be submitted before this Court by the next date fixed so that further directions can be issued by the Court.

State must also file an affidavit disclosing the status of proceedings pending qua sanction of prosecution against State Officials.

List on 26.03.2010 at 12:00 noon.

The presence of Principal Secretary, Urban Development is exempted unless directed otherwise. The Principal Secretary, Irrigation Department shall remain present before this Court on the next date fixed.

**Dated : 19.02.2010**  
VR/PIL (WP) 4003/06

**Date :- 19.2.2010**  
VR

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri Rajeev Lochan Shukla appearing for the private tanneries, Sri A.K. Gupta, amicus curiae, Sri G.S. Husnain, learned Additional Advocate General assisted by Sri S.P. Kesharwani, learned Addl. Chief Standing Counsel, Sri Ajay Bhanot, learned counsel for Union of India, Sri V. K. Birla, learned counsel for U.P.S.I.D.C. and Sri Vivek Verma, learned counsel for Municipal Corporation, Varanasi.

Sri Rajeev Lochan Shukla, learned counsel appearing for private tanneries refers to inspection report of U.P. Pollution Control Board with regard to M/s Imperial, M/s Saligram Leather and M/s Eastern Export, and submits that after inspection the Pollution Control Board has found the

adequate measures for treatment of the effluent have been taken and nothing adverse has been noticed. He submits that the tanneries, which are in operation, are only performing dry work, and the wet process has been completely closed.

The report qua M/s Imperial Leather (on page 130-131) in column no.12 mentions that no sample of the effluent could be collected for its analysis due to the reason that the tannery was not functional.

Sri Shukla has submitted that in view of the fact that tanneries satisfy all the norms for discharge of effluent, they may be permitted to work if not on regular basis, at least on trial basis, so that it can be found that they shall not pollute the Ganges any further.

Sri G.S. Husnain, learned Additional Advocate General has brought to our notice that for shifting of tanneries to an alternative site, proposal has been submitted by U.P.S.I.D.C. to the State Government, for acquiring 500 acres of land. It has further been stated that for the land, which is at present available with the U.P.S.I.D.C. is only 2500 Sq. Mtr. U.P.S.I.D.C. had invited applications for allotment of plots

from the tanneries for the same, advertisement had been published in the news paper on 24.3.2010 and response is awaited.

In respect of the proposal for acquisition of land measuring 500 acres, the State has decided to get the land acquired on self-finance basis. It is submitted that U.P.S.I.D.C has published an other advertisement dated 7.3.2000 for registration of applicants. It is submitted that although 51 persons had taken the application form but only 4 have responded till date. It is stated that the proposed acquisition is to be of land adjoining to the Leather Park at Banthar and the scheme is named as 'Banthar (Unnao Extension)'. On a query, about the steps initiated for acquisition, no satisfactory reply could be given. It has been explained that while submitting their applications, 20% of the assessed amount which required to be deposited by the proposed allottee and since requisite money has not been received from the applicants, no money could be deposited with the Collector and therefore no steps have been initiated for acquisition.

In our earlier order, we indicated the serious problem of water

pollution especially in river Ganga at Kanpur . The Apex Court in the case of **“M.C. Mehta Vs. Union of India”** reported in 1988(1) SCC 471 after noticing the *“serious pollution at Kanpur”* also referred to earlier order passed on September 22, 1987 in the case of **“M.C. Mehta Vs. Union of India”**, and in para 11 and 16 directed as below:-

*“11. Shri M.C. Mehta, the petitioner herein, drew our attention to the Progress Report of the Ganga Action Plan (July 1986 – January 1987) prepared by the Industrial Toxicology Research Centre, Council of Scientific and Industrial Research. At page 20 of the said report the details of the analysis of the Ganga water samples collected during August 1986 to January 1987 from Uttar Pradesh region are furnished. That report shows that the pollution of the water in the river Ganga is of the highest degree at Kanpur. The Ganga water samples taken at Kanpur show that the water in the river Ganga at Kanpur consisted of 29.200 units (mg/ml) of iron in the month of August 1986 when the ISI limit for river water is 0.3 and 0.900 (mg/ml) of managanese whereas the WHO limit of manganese for drinking water is 0.05. The Progress Report for the period February 1987- June 1987 of Microlevel Intensive Monitoring of Ganga under Ganga Action Plan describes the samples of the water taken from river Ganga at Kanpur thus:*

*BOD (Bio Oxygen Demand) values are found to be higher than prescribed values of ISI. COD (Chemical Oxygen Demand) values are also found to be higher. These values clearly indicate that river water is not fit for drinking,*

*fishing and bathing purposes.*

*Table II further shows that Total Coliform and Fecal Coliform bacteria are always found very high. This is due to disposal of large quantity of untreated municipal waste into river Ganga. These high values of bacteria indicate that water is not fit for drinking, bathing and fishing purpose.*

*To improve quality of water in Ganga, all nullahs should be trapped immediately and raw water should be treated conventionally at Water Works and disinfected by chlorination.”*

*16. In common law the Municipal Corporation can be restrained by an injunction in an action brought by a riparian owner who has suffered on account of the pollution of the water in a river caused by the Corporation by discharging into the river insufficiently treated sewage from discharging such sewage into the river. In *Pride of Derby and Derbyshire Angling Association Ltd. V. British Celanese Ltd*, the second defendant, the Derby Corporation admitted that it had polluted the plaintiff's fishery in the River Derwent by discharging into it insufficiently treated sewage, but claimed that by the Derby Corporation Act, 1901 it was under a duty to provide a sewerage system, and that the system which had accordingly been*

*provided had become inadequate solely from the increase in the population of Derby. The Court of Appeal held that it was not inevitable that the work constructed under the Act of 1901 should cause a nuisance, and that in any case the Act on its true construction did not authorise the commission of a nuisance. The petitioner in the case before us is no doubt not a riparian owner. He is a person interested in protecting the lives of the people who make use of the water flowing in the river Ganga and his right to maintain the petition cannot be disputed. The nuisance caused by the pollution of the river Ganga is public nuisance, which is widespread in range and indiscriminate in its effect and it would not be reasonable to expect any particular person to take proceedings to stop it as distinct from the community at large. The petition has been entertained as a Public Interest Litigation. On the facts and in the circumstances of the case we are of the view that the petitioner is entitled to move this Court in order to enforce the statutory provisions which impose duties on the municipal authorities and the Boards constituted under the Water Act. We have already set out the relevant provisions of the statute which impose those duties*

*on the authorities concerned. On account of their failure to obey the statutory duties for several years the water in the river Ganga at Kanpur has become so much polluted that it can no longer be used by the people either for drinking or for bathing. The Nagar Mahapalika of Kanpur has to bear the major responsibility for the pollution of the river near Kanpur City.”*

U.P. Pollution Control Board as well as the State Administration hopelessly failed to control the continuous pollution of river water at Kanpur in spite of several directions and in spite of several decades of directions issued by Apex Court.

We are of the opinion that appropriate action for stopping the pollution of the river water by the tanneries which at present situates at the bank of Ganga has to be taken and therefore to be shifted to appropriate place to be provided by the State Government, within a time frame. The State, which has constitutional obligation to provide a clean environment and clean water has to take all necessary steps in this regard.

From the submission of the Additional Advocate General and

learned counsel for U.P.S.I.D.C, it is clear that no satisfactory steps have been taken towards providing the alternative site to the tanneries. The acquisition of land for providing an alternative place for tanneries to shift from bank of river Ganga, is of public purpose within the meaning of Land Acquisition Act, 1894. For such kind of acquisition for public purpose, the State has to come up with its contribution to be paid from public revenue. The State can not simply say that the acquisition be done under self-finance. The acquisition for the purpose of shifting tanneries is not an acquisition for company so as to compel the tanneries to bear the entire compensation. The proposed site has been identified by U.P.S.I.D.C., concrete steps towards acquisition of the land must be taken by the Collector, Unnao and necessary initial deposit in accordance with U.P. Land Acquisition Act, must be made immediately.

We issue following directions for the purpose.

(a) U.P.S.I.D.C, which has been authorized by the State of U.P. to act as Nodal Agency for allotment of land to the tanneries, must allocate the land available with it to the

tanneries which ever made appropriate applications within two weeks.

(b) We direct the State to provide necessary amount of money to U.P.S.I.D.C for making the initial deposit with the Collector for initiating the process of acquisition. The Collector after receipt of the application and deposit, shall make the necessary recommendation to the State Government for acquisition. Let this be done within four weeks and affidavit of compliance be filed on the next date by the State authority.

We, therefore, direct the State to take a decision as to how much amount shall be provided from public revenue and how much amount shall be provided by the applicants under self-finance to U.P.S.I.D.C. for payment of the entire compensation for the acquisition of land.

The State, on receipt of the Collector's recommendation shall take steps in accordance with the provisions of U.P. Land Acquisition Act, 1894 by issuing notification under Section 4 of Land Acquisition Act within six weeks.

(c) The process of allotment of the land already available,

which has been initiated by U.P.S.I.D.C may continue.

Sri Rajeev Lochan Shukla contends that the process of allotment of alternative site to the various tanneries may take time, large number of tanneries, which fulfill all the norms are closed in the cities for years, they be permitted to run their tanneries till alternative land is produced.

Sri V. K. Birla has informed the Court that several tanneries which have already been allotted land at Leather Park Road have not shifted their tanneries.

We call upon the U.P.S.I.D.C to issue appropriate notice to such tanneries which have already been allotted land at Leather Park to shift at the alternative site within time to be specified, failing which their tanneries at Kanpur be closed.

The three tanneries referred to above, which claim to have established ETP etc. are permitted to be operationed for a period of four weeks, only during this period, let U.P. Pollution Control Board may monitor the functioning of the aforesaid three tanneries, samples of effluent be drawn and analyzed the report qua pollution norms being satisfied or not be submitted before us on the next date.

The three tanneries for the purpose shall inform U.P. Pollution Control Board of the particular date of their starting the process which shall be done in the presence of some of the officials of the Board.

We direct that these tanneries shall co-operate in inspection and taking of sample by the U.P. Pollution Control Board and no hindrance shall be placed. After receiving the report from the U.P. Pollution Control Board, the Court shall issue further orders qua their working.

Sri Ajay Bhanot, learned counsel for Union of India submitted that the proposal for providing land at Morigate for the pumping station to the State of U.P. was taken but final approval is still awaited.

We provide that the Officer Incharge shall take final decision on the proposal with regard to allotment of land keeping in mind the provisions of the Water (Prevention) Control of Pollution Act 1974 within four weeks from today. A copy of this order be forwarded by Sri Bhanot to the officer concerned.

Similarly with regard to establishment of S.T.P. plant at New

Cantt., Old Cantt. and Fort, Allahabad, we are informed that a decision had been taken for establishment of S.T.Ps. and was forwarded to Army Head Quarters for approval. Final communication has not been received from Headquarter.

We direct the Central Command to take up the matter with Army Headquarter for establishment of the S.T.Ps. plant at all three places for treatment of dirty water which is being permitted to flow into the river Ganga for decades from the said three Army areas. The Army Headquarter must consider the matter in light of the provisions of the Water (Prevention) Control of Pollution Act, 1974. The decision be taken within a period of 3 weeks and be brought on record by way of affidavit on next date.

We further direct that Sri Ajay Bhanot shall supply the information with regard to the water level and discharge of water in river Ganga, as measured at various places by Central Water Commission for the month of February, 2010. The status report qua establishment of S.T.Ps. plant at Allahabad be supplied by the next date. The Secretary, Irrigation, U.P. shall file his personal affidavit about the

oldest manual of Irrigation Department available in the State Library at Secretariat, Lucknow and shall ensure production of a copy of the oldest manual available on the next date. We shall also examine the correctness or otherwise of the orders of the State Government using to grant sanction for prosecution of the Nagar Ayukta, Varanasai and Allahabad on the next date.

The personal appearance of Managing Director, U.P.S.I.D.C and the Principal Secretary, Irrigation is exempted, till further orders.

List again on 30.4.2010.

|       |      |    |           |
|-------|------|----|-----------|
| Order | Date | :- | 26.3.2010 |
| Kpy   |      |    |           |

**Court No. - 2****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re: Ganga Pollution**Respondent :-** State Of U.P. And Others**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi**Hon.Ashok Bhushan, J.****Hon.Arun Tandon,J.**

Repeatedly the Additional Advocate General on the instructions of the officers, has been informing the Court that because of acute shortage of water at Narora Barrage adequate quantity of water is not being released so as to ensure that the river down stream till Allahabad has reasonable quantity and quality of water. The Court is sorry to note that the state respondents have deliberately not disclosed that the main stream of river Ganges enters into the State of Uttar Pradesh in the district of Bijnore; the water is diverted by canals even before it reaches Narora Barrage. The result is that the main stream at Allahabad has been rendered a mere 'Nala'. We have been informed that the water level at the canals is near the danger mark. We feel that a serious issue has arisen as to upto what extent the State can draw water from the main and normal stream of river Ganges to feed the canals. The issues are:

- (a) Can the State draw unlimited quantity of water from a river even to the extent of rendering its main stream a dry zone?
- (b) Can the State because of drawl of water from upper portion of river Ganges render its quantity or quality of water completely unfit for human use even for bathing purposes?
- (c) Can the natural resources like river Ganges be permitted to be completely destroyed by drawing unlimited quantity of water for irrigation purposes?

Let a personal affidavit by the Chief Secretary of the State be filed explaining the stand of the State on the said three legal issues. He will also indicate as to how the level of the water is recorded in various districts after examining the Irrigation Manual of the State of U.P. and what is the minimum

quantity of water required to maintain the main stream of river Ganges downstream.

The Chief Secretary shall also file a plan depicting the main stream of the river Ganges as it flows through the State of Uttar Pradesh, the number of canals constructed thereon and the total quantity of water drawn from the main stream for various canals.

In the matter of shifting of tanneries, the Additional Advocate General submitted that State has now changed its plan and wants to permit reopening of the tanneries at Kanpur. He stated that the STP of 36 MLD, which has been established, would be exclusively earmarked for the treatment of the discharge from the tanneries. The stand so taken is contrary to what was stated in earlier affidavits of the State.

At present the total discharge of dirty water in Kanpur is 409 MLD and the treating capacity of STPs at Kanpur is only 106 MLD, yet the State wants to suggest that STP of 36 MLD shall be exclusively used for the purposes of treatment of discharge from tanneries meaning thereby Kanpur Nagar will continue to discharge 303 MLD untreated sewage water in the river Ganges.

As early as on 23<sup>rd</sup> January, 2006 a Division Bench of this Court passed following order:-

*“We, therefore, direct the **Chief Secretary of the State of Uttar Pradesh** to file a detailed counter affidavit disclosing the steps taken and also the proposed steps to be taken by the State Government for permanent solution. The Member Secretary of the U.P. State Pollution Control Board shall also file an affidavit on behalf of respondent no.5 giving details regarding steps taken by the U.P. State Pollution Control Board for prevention and control of pollution in holy river Ganga.”*

We cannot approve of the scheme as suggested for opening of the tanneries by the State Government. The Chief Secretary of the State of U.P. must ensure immediate shifting of the tanneries and the STP at Kanpur shall be utilised for treatment of the sewage water as is being done till date.

The Chief Secretary must also visit the city of Allahabad himself for overseeing the laying of the sewer lines as well as the state of the roads, which have been dug for laying down the sewer to be connected with the new STP to be established. The Court has been informed today by the Additional Advocate General that the work of repairing of the roads after sewer pipeline is laid by the

contractor is to be done by the Nagar Nigam and the Public Works Department. Learned counsel for the Nagar Nigam submits that the roads cannot be repaired as rainy season is forthcoming and the repairing shall be done only after the rains when dug out mud settles down.

The contention so raised does not appeal to us. The roads for laying down the sewage pipeline have been dug in the City of Allahabad for last more than four months and the authorities are waiting for the rainy season to be over before repairing the road, only to avoid the manual filling of the dug portion of the road. The Court has also been informed that the earth which was dug out for laying the pipes has been removed by the contractor.

The Chief Secretary shall examine as to under which authority the earth has been removed by the contractor, with reference to the contract entered, for the purpose he shall indicate as to who is responsible for the state of affairs and as to what appropriate action is to be taken in this regard.

The Defence Department has been offered State land i.e., Plot Nos.614 and 615, total area 1055.60 square metres situate at Mehdauri, Allahabad, which is adjoining cantonment area in lieu of land provided at Mori Gate. Let the competent Military authority examine the offer and if the land is acceptable they may give their consent in writing. The competent Military authority shall, however, hand over the possession of the land at Mori Gate for establishment of the pumping station immediately as we have been assured on behalf of the State that it shall provide equivalent land, as asked for by the defence authority, adjoining any existing cantonment area. The competent Military authority may file an affidavit in respect of suitability of the land now offered by the next date.

The competent defence authority shall also file an affidavit stating as to when the STP at Fort New Cantt. and Old Cantt. shall be established and made operational, separate dates for the purpose may be indicated.

The Court has been informed that I.I.T., Kanpur has established its own STP and the discharge of used water is up to the standard prescribed. Further notices have been issued by the U.P. Pollution Control Board to the H.R.I., Allahabad, B.H.U., Varanasi, Allahabad University, Allahabad and other such institutions. In case no reply is received, appropriate action in accordance with the provisions of the Pollution Act shall be taken.

The U.P. Pollution Control Board shall file an affidavit disclosing the test report of the water as available in river Ganges at Allahabad on date.

Impleadment application filed today is allowed. Let M/s VIRCL

Infrastructure & Project Limited be impleaded as respondent No.18. Learned Standing Counsel may inform the newly impleaded respondent about the proceedings pending before this Court. A copy of the application filed today may also be forwarded to the newly impleaded respondent so that the said respondent may file its affidavit disclosing the progress report of sewer work and establishment of STP.

This Court by its order dated 26.3.2010 had permitted the three tanneries; M/s Renates Eastern Export Jajmau, Kanpur, M/s Imperial Leather Finishers Pvt. Ltd. Jajmau, Kanpur and M/s Salik Leather Finishers Jajmau, Kanpur to operate for a period of four weeks so as to enable the U.P. Pollution Control Board to monitor their functioning by drawing samples of the discharge. In the affidavit filed on behalf of U.P. Pollution Control Board, it has been submitted that samples of the effluent were drawn. The discharge from M/s Renates Eastern Export Jajmau, Kanpur and M/s Salik Leather Finishers Jajmau, Kanpur satisfies the norms. In view of the aforesaid stand taken by the U.P. Pollution Control Board, it may permit the running of the aforesaid tanneries subject to regular inspection and monitoring of the discharge. In respect of the third tannery M/s Imperial Leather Finishers, the Pollution Board may submit a fresh report by the next date.

Apart from the above, it has been stated in paragraph 20 of the affidavit of the U.P. Pollution Control Board that 12 tanneries submitted applications that they have removed their shortcomings and may be inspected. Out of the 12, five have removed their shortcomings as per the inspection report of the U.P. Pollution Control Board. These five tanneries are M/s Tanners Company, 91A, Wazidpur, Jajmau, Kanpur, M/s New Era International, 60C, Gajjupurwa, Jajmau, Kanpur, M/s Roshan Leather Industry, 10, Gajjupurwa, Jajmau, Kanpur, Ms.Sartaj Tanners, Wazidpur, Jajmau, Kanpur, and M/s Leather Tan ( Faiyaz Tanners), D.T.S.Road,Jajmau, Kanpur. The aforesaid five tanneries may be permitted by the Pollution Control Board to become operational subject to continuous monitoring and inspection by the Pollution Control Board and subject to the necessary report being filed by the next date.

M/s. Upper India Tannery Pvt. Ltd, have submitted an application that they will not adopt wet process and will operate the dry process only, let the Tannery file a proper affidavit and undertaking before the U.P. Pollution Control Board who may take appropriate action thereon.

U.P. Pollution Control Board may further inspect M/s Crown tanneries and submit a report by the next date. We however make it clear that the permission to be granted to U.P. Pollution Control Board is only conditional subject to review

and monitoring from time to time and if any deficiency/shortcoming is found, it shall be open to the U.P. Pollution Control Board to close the tannery immediately.

We also direct the respondent State authority to file an affidavit disclosing various steps taken in pursuance of our directions issued from time to time in this Public Interest Litigation and what are the proposed steps in that regard.

After having heard learned counsel for the parties and perusing the record, we have an impression that various departments of the State Government have not been coordinating amongst themselves resulting in slow progress in the matter and execution of projects. The Chief Secretary of the State has to intervene and take the command.

We hope and trust that the Chief Secretary of the State shall monitor the progress and compliance of the orders passed earlier in the matter. The pollution in the river Ganges is increasing alarmingly day by day, which effects the life of the common man of the State at large. The magnitude of the pollution in the river Ganges and its effect are not only being felt by the people of the State and country alone but by the international community as a whole. We may refer to an article in the magazine 'Time' ( July, 2010), where it has been stated as follows:-

“ From the Himalayas to the plains, rampant growth is turning the Ganges into a toxic sewer. It is not too late to put things right.”

We are of the view that serious efforts by the State Government can still restore the river Ganges to its earlier glory. We have been told that in other countries also rivers had been facing same problems. Their Governments have taken appropriate steps and the pollutants have been removed. Reference be had to the case of river Thames in U.K. It is for the Chief Secretary to assist the Court by his presence in the matter by effective and valuable suggestions and contributions towards the pious project which is to be implemented for cleaning the Ganges.

Let affidavits be filed within three weeks.

List on 13<sup>th</sup> August, 2010, on which date we request the Advocate General and the Chief Secretary of the State of U.P. to appear and assist the Court in the matter.

Let a copy of this order be supplied to the learned Standing counsel by the office.

13/7/2010  
sm/Rakesh

**Court No.35.****Civil Misc. Application No. 236222 of 2010.**

In

Civil Misc. Writ Petition (PIL) No. 4003 of 2006.

Re: Ganga Pollution .....Petitioner

Versus

State of U.P. and others .....Respondents.

.....

**Hon'ble Ashok Bhushan, J.****Hon'ble Arun Tandon, J.**

This application has been filed on behalf of Mokshda Paryavaran Evam Suraksha Samiti praying for modification of the order dated 21<sup>st</sup> May, 2010 passed by this Court to the extent that Mokshda Green Cremation System along with electric crematoria be accepted as a tool for reducing river and air pollution.

The applicant is not party to the proceeding. It has come up by means of this application supported by an affidavit claiming that applicant's Samiti has developed and improved wood based cremation system called "Mokshda Green Cremation System", which is capable of reducing wood consumption by about 60-75% besides minimizing air and river pollution significantly. The applicant's case is that Government of India through Ministry of Environment & Forest sanctions and provide funds for electric crematoria as well as other fuel efficient improved wood based crematoria under the ongoing programmes of the National River Conservation Plan and the National Ganga River Basin Authority. Letter dated 4<sup>th</sup> August, 2003 of the Government of India, Ministry of Environment and

Forests addressed to the applicant's Samiti has been filed as Annexure-4 to the affidavit advising the applicant to approach the local bodies/public representatives for suitable presentation of the system. The applicant's case further is that the applicant has set-up its system in various places including Dehradun (Uttarakhand), which are efficiently functioning. It is claimed that Mokshda Green Cremation System is environment friendly and fuel efficient. The applicant has further stated that it proposes to set-up its system at Allahabad on the bank of river Ganges and other places in the State and Nagar Nigams of Varanasi, Allahabad and Kanpur are actively considering the project of the applicant in the respective towns under the National Ganga Basin Authority Scheme.

After having heard the learned counsel for the parties and perusing the records, we are of the view that appropriate course open for the applicant is to approach the concerned local authorities/competent authorities for establishment of its system of cremation. This Court in its order dated 21<sup>st</sup> May, 2010 has stressed on proper functioning of electric crematoria run by the Nagar Nigam, Allahabad to emphasise more and more use and to modernise the same. It is open for the local authorities/competent authorities to examine other system as that of the applicant for giving permission to run the same for purposes of cremation of bodies. In this public interest litigation, we are not inclined to enter into the issue as raised by the applicant or to take a decision in this regard, which decision is to be taken by the local authorities/competent authorities. We do not find any reason to modify our order dated 21<sup>st</sup> May, 2010 as prayed in the application in view of the fact that the order does not prohibit the local authorities/competent authorities to consider any other system, which is environment friendly and fuel efficient. It is open for the

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local authorities/competent authorities to consider the applicant's prayer in accordance with law.

With the aforesaid observations, the application is disposed.

Dated: August 13, 2010.

Rakesh

**Re: Civil Misc. Writ Petition (PIL) No. 4003 of 2006.**

Re: Ganga Pollution .....Petitioner

Versus

State of U.P. and others .....Respondents.

.....

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Sri Jyotindra Mishra, learned Advocate General assisted by Sri S.P. Kesarwani for the State, Sri Arun Kumar Gupta, Advocate, who has appeared as amicus curiae, Sri Ajay Bhanot who has appeared for Union of India, Dr. H.N. Tripathi, who has appeared for U.P. Pollution Control Board, Sri B.D. Shukla, who has filed an affidavit on behalf of newly impleaded respondent No.18 and Km. Priyanka Midha, Advocate who has filed intervention application.

In pursuance of our order dated 13<sup>th</sup> July, 2010, an affidavit of Sri Atul Kumar Gupta, Chief Secretary of the State of U.P. has been filed. Another affidavit by Deputy Secretary, Urban Development Department, Government of U.P. has also been

brought on the record. Sri Ajay Bhanot learned counsel appearing for the Union of India has filed a short counter affidavit of Sub Area Commander, Sub Area, Allahabad. Dr. H.N. Tripathi, learned counsel for the U.P. Pollution Control Board has filed affidavit on behalf of respondent No.5.

Learned Advocate General in reply to the three issues, which were framed in our earlier order dated 13<sup>th</sup> July, 2010 regarding drawl of quantity of water from river, has contended that the canals in which the river water is diverted, were canals constructed 100 years ago and no new canal has been constructed. Relying on a report of the empowered committee in pursuance of the recommendations of Inter Disciplinary Group constituted for minimum flows and quality of water in river Ganges (Annexure-1 to the affidavit), learned Advocate General contends that a decision was taken in the year 1989-1990 that a minimum flow of 10 cumecs (350 cusecs) is to be maintained in the river. We have perused the report relied by the learned Advocate General. The said report was prepared in pursuance of the order of Ministry of Water Resources dated 12<sup>th</sup> December, 1989. The said study and report relate to a period of 20 years ago. In the last 20 years situations have gone to drastic change including increase of magnitude of pollution of river water as noticed by us in our earlier orders passed in this case. The drawl of water in canals has also substantially increased including drawl of water in different other sources resulting in less flow of water in main course of river on account of several factors including depreciation of ground water recharge. We are of the view that a fresh report by the State of U.P. based on scientific study and other relevant factors is necessary for considering the three issues, which were framed by us in our earlier order dated 13<sup>th</sup> July, 2010. On the basis of the report of 1990 filed

as Annexure-1 to the Affidavit and other materials brought on the record, we are of the view that it is not appropriate to consider the issues framed in our earlier order. Learned Advocate General has submitted that a fresh study will be undertaken on the issues and a detailed affidavit along with the report shall be placed before the Court.

Sri Ajay Bhanot, learned counsel appearing for the Union of India, has submitted that with regard to establishment of sewage treatment plants at Fort, New Cantt. and Old Cantt. steps have been taken, approval of two projects as communicated by letters dated 22<sup>nd</sup> June, 2010 and 6<sup>th</sup> July, 2010 have been filed as Annexure SCA-1 and SCA-2 to the short counter affidavit, which are subject to administrative approval by Chief of the Army Staff at IHQ of MoD (Army). Another approval dated 6<sup>th</sup> July, 2010, which is subject to administrative approval of the Chief of the Army Staff at IHQ of MoD (Army) has been referred to and relied. We are of the view that the said proposals be expeditiously considered for granting administrative approval preferably within a period of eight weeks so that execution of the work may start.

The application for intervention has been filed by Km. Priyanka Midha, Advocate on behalf of Rohit Vyas, resident of 20/22, Strachey Road, Civil Lines, Allahabad. It is stated that work of laying of sewer line is undertaken in whole of the Allahabad but sewer line on the Strachey Road between the Thronhill Road and Kanpur Road is not being laid.

Learned Advocate General and Additional Chief Standing Counsel appearing for the State has submitted that grievance of the applicant raised in the intervention application shall be looked into

by the competent authority and appropriate action will be taken. Let the grievance of the applicant with regard to laying of sewer line on the Strachey Road between Thronhil Road and Kanpur Road be considered by the competent authority and appropriate action be taken.

Learned counsel appearing for the parties have submitted that this public interest litigation encompasses various aspects with regard to control of pollution in river Ganges and specific heads be identified for facilitating the parties to submit materials and details with regard to each head separately. As submitted by the learned counsel for the parties, we are identifying following main heads under which various issues raised in this public interest litigation is to be considered, which may be subject to further modifications/editions:-

- A) SEWAGE TREATMENT PLANTS AND SEWAGE PUMPING STATIONS.
- B) SEWAGE TREATMENT PLANTS BY CANTONMENTS, DEFENCE ESTABLISHMENTS.
- C) MEASURES BY LOCAL BODIES, LOCAL AUTHORITIES, STATE INSTITUTIONS AND OTHERS TO CHECK POLLUTION OF RIVER GANGES.
- D) TENNARIES AT KANPUR.
- E) RELEASE OF WATER FROM DAMS, CHECK DAMS, BARRAGES, RESERVOIRS.
- F) RELEASE DIVERSION OF WATER OF GANGES IN CANALS AND OTHER WATER SOURCES.
- G) REMOVAL OF SAND, SILT FROM THE RIVER BED AND DREDGING.
- H) CREMATION OF DEAD BODIES ON RIVER BANKS.

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- I) MEASURES AT BANK OF RIVER TO STOP POLLUTION, PROHIBITION OF USE OF PLASTIC ETC.
- J) CONSTRUCTION OF PUCCA GHATS.
- K) MEASURES DURING KUMBH AT ALLAHABAD.

Learned counsel for the parties have submitted that on the next date the issues pertaining to sewage treatment plant, which is of the utmost importance, be taken for consideration.

List this writ petition on 26<sup>th</sup> August, 2010 at 2.00 P.M. On the next date the parties shall address on Head "A" and "B".

Dated: August 13, 2010.  
Rakesh

**Court No.36.**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra

**Respondent Counsel :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, M.C. Chaturvedi, N. Misra, P.S. Baghel, R.B. Shukla, Rajiv Lochan Shukla, S.A. Lari, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, T.M. Khan, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard learned Advocate General for the State, Sri Ravit Kant, Senior advocate for the U.P. Jal Nigam, Dr. H.N. Tripathi for the U.P. Pollution Control Board, Sri Ajay Bhanot for the Union of India and Sri Arun Kumar Gupta, Amicus Curiae. Sri Shailesh Singh, Sri D.S. Mishra and Sri S.G. Hasnain, Addl. Advocate General are present.

In pursuance of our earlier order, affidavit dated 25<sup>th</sup> November, 2010 of the Managing Director, U.P. Jal Nigam, Lucknow has been filed. The Court, in its earlier two orders, has directed the U.P. Jal Nigam to submit a report as to whether laying down of sewer line, its beds and other processes are being done in accordance with the approved D.P.R. or not. Neither satisfactory exercise has been done nor appropriate report has been brought on the record with any specific detail.

We had earlier directed the Central Government to file an affidavit stating therein as to what steps are being taken by the Central Government to ensure that the work done is in accordance with the approved D.P.R. which D.P.R. is approved by none else than the Central Government itself. Sri Ajay Bhanot, appearing for the Union of India, has sought further time to bring relevant materials on the record. In this context, we are of the view that an expert committee be appointed by

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the Secretary, Ministry of Urban Development to get the laying of sewer line at some places to be inspected and if necessary by digging the sewer line, for which we permit the expert committee to do so to find out as to whether sewer line is being laid in accordance with the approved D.P.R. The U.P. Jal Nigam shall take all necessary steps in this regard like showing of the design and places for the aforesaid purpose. The Secretary, Ministry of Urban Development shall constitute the committee of experts which shall visit the city of Allahabad and inspect the work of laying down of sewer line and submit its report indicating as to whether the laying down of sewer line is in accordance with the approved D.P.R. or not. The said exercise shall be completed within two weeks.

Learned Amicus Curiae has pointed out that due to no progress in the work at the Mori Gate for commissioning the pumping station, the dirty water has accumulated and unless the same is seriously tackled, it will spread various kind of diseases and may become a source of pollution and foul smell. We have earlier issued several orders in this context directing the responsible officers of the Ministry of Defence as well as the State Government to exchange the land from the Ministry of Defence in lieu of the land offered by the State of U.P. so that the State of U.P. may proceed to construct the pumping station at Mori Gate, which is under the Ministry of Defence. In our earlier order, it has been recorded that the State has submitted its offer of providing alternate land belonging to the State of U.P. in exchange of the land which is to be given at the Mori Gate by the Ministry of Defence. The total area of land which is required by the State of U.P. at Mori Gate is 0.21 hectare. We are pained to note that no concrete step has been taken in that regard although it has been stated by Sri Ajay Bhanot, appearing for the Union of India that Military authorities at local level have already recommended the exchange and the same is waiting requisite approval of the competent authority of the Ministry of Defence. The laying down of pumping station at Mori Gate and commissioning of project is need of ours and unless pumping station is commissioned and start working, the dirty water for treatment cannot be diverted to the S.T.Ps. at Gau Ghat

and hence we are left with no option but to direct the competent authority of the Ministry of Defence to take all necessary steps so that the proposed land be handed over to the State of U.P. It goes without saying that along with handing over of land by the Ministry of Defence, the State shall also handover the land which has already been offered to the Ministry of Defence. The entire exercise shall be completed within two weeks. The Union of India shall also file an affidavit in compliance of our earlier order dated 11<sup>th</sup> November, 2010.

With regard to accumulation of dirty water at Mori Gate, Sri S.P. Kesarwani, Additional Chief Standing Counsel has stated that the officials of the U.P. Jal Nigam as well as the State Government shall look into it and come with appropriate proposal within two weeks.

Dr. H.N. Tripathi has stated that with regard to launching of prosecution, request has already been sent to the Managing Director, U.P. Jal Nigam by several letters last being dated 23.11.2010. Learned Advocate General has submitted that by the next date appropriate steps with regard to sanctioning of prosecution shall be brought on the record.

List on 21<sup>st</sup> December, 2010 at 2.00 P.M. for hearing on sewage treatment plant and Magh Mela.

Let a certified copy of this order be furnished to the learned counsel for the parties by tomorrow.

Date: December 6, 2010.  
Rakesh.

**Court No. - 36**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Shri A. K. Gupta, learned amicus curiae, Shri S.G. Hasnain, Additional Advocate General assisted by Shri S.P. Kesharwani, Additional Chief Standing Counsel for the State-respondents, Shri Ajay Bhanot, Advocate for the Union of India and Dr. H.N.Tripathi, for the U.P. Pollution Control Board.

Shri Ajay Bhanot, Advocate for the Union of India submitted that in pursuance of our earlier order dated i.e. 6.12.2010 the Ministry of Urban Development could not constitute the Committee for necessary inspection. He seeks further time to take appropriate steps for compliance of our earlier order dated 6.12.2010. We further grant three weeks' time to the

Union of India, Ministry of Urban Development to take all necessary steps including constitution of expert committee for inspection of the laying down of sewer lines at Allahabad, and for report being submitted as per our earlier direction.

Shri Ajay Bhanot, Advocate further submits that qua STP at Fort, Allahabad, the Integrated Headquarters, Ministry of Defence has decided to advance the project during the current financial year itself. It has been further been stated that work shall commence at the earliest.

Since permission has already been granted for the current financial year. We direct that all formalities be completed by 31.3.2011 and the commissioning of the S.T.P. must start on or before 1.4.2011.

In respect of STP at New and Old Cantt, Allahabad it has been stated that the approval is likely to be received in near future. Commissioning of STP's at New and Old Fort, Allahabad is of utmost urgency since large quantity of sewage, without treatment is being permitted to flow into the river from the said areas. We direct that necessary formalities with regard to STPs at New and Old Cantt must also be completed by 31.3.2011 and all concerned may do the needful by that date. We direct that necessary affidavit with regard to the status of STPs must be filed by the Office of Engineer Chief, Integrated Headquarters, Ministry of Defence (Army) on the next date.

For the transfer of defence land at Morri Gate, it has been stated by Shri Bhanot, Advocate that the proposal has been forwarded to Integrated Headquarters of Ministry of Defence (Army) on 31.10.2010 and actual transfer of land can only

take place after receipt of the orders of the Ministry of Defence.

We in the backgrounds of the orders passed earlier and the urgency for transfer of land at morri gate for construction of sewerage pumping station direct the Ministry of Defence to take a decision on the proposal by 31.1.2011. An affidavit in that regard be filed by an Officer not below the rank of Joint Secretary, Ministry of Defence within three weeks.

Shri A. K. Gupta, learned amicus curiae has filed an affidavit enclosing a newspaper report published in Danik Jagan dated 18.12.2010. It has been reported that colour of river water at bathing ghats at Allahabad had become black. He submits that it is due to discharge of trade effluent by tanneries as well as sugar and paper industries. He submits that U.P. Pollution Control Board is not interested in monitoring the trade discharge, and has failed in its duties, for which prompt and strict action must be taken.

Dr. H.N.Tripathi, Advocate for U.P. Pollution Control Board submits that the main reason for change in the colour of the water is the dirty water received from the tributaries of river Ganga namely Kosi, Dhela and Ram Ganga. He submits that river Kosi comes from Kashipur area of Utrakhand State and merges into river Ram Ganga near Shahabad, District Rampur. Dhela comes from Kashipur area of Utrakhand State and merges into Ganga upstream at Moradabad and river Ram Ganga comes from Kalagarh area of Utrakhand State and enters into U.P. At Bijnore. To similar effect is the affidavit filed on behalf of tanneries.

There is no specific statement in the affidavit that the trade

effluent of the industries including paper and sugar industries on the banks of river Ganga in the State of U.P. had not been discharged in the river Ganga. The affidavit tries to oversimplify and to transfer the entire responsibility upon the State of Uttrakhand. We do not appreciate such affidavits.

Shri H.N. Tripathi, Advocate submits that letters have been written to the Members Secretary Uttrakhand Pollution Control Board dated 28.10.2010 and dated 15.12.2010 pointing out the aforesaid facts. He further submits that Members Secretary of Central Pollution Control Board had also been informed of the same on 20.12.2010.

We record that it is the duty of the Central Pollution Control Board to constantly monitor the quality of the water flowing from the aforesaid tributaries which merge in the river Gange at different places. We direct that daily tests be carried out and reports be submitted qua the quality of water in rivers entering State of U.P. From State of Uttrakhand. A copy of the report be sent daily to the Pollution Control Board, Uttrakhand as well as Central Pollution Control Board as also to the Registrar General of this Court for being kept on record of this petition.

U.P. Pollution Control Board shall ensure that the trade effluent of different industries which are situate on the banks of river Ganga is not discharged in river Ganga. We further direct that the Central Pollution Control Board shall continue a Monitoring Committee comprising of Officers of the Central Pollution Control Board and U.P. Pollution Control Board, Uttrakhand Pollution Control Board to monitor the quality of

the water of the tributaries which merge with river Ganga. The Chairman, Central Pollution Control Board shall constitute the monitoring committee within two weeks from today. The U.P. Pollution Control Board shall forward a copy of this order to the Central Pollution Board within one week. Shri Gupta, Advocate has further submitted that the quantity of water which is being released from Narora has to be increased. He submits that large quantity of water is being diverted to Noida, Greater Noida and Delhi for domestic use and the mainstream is being denied good quantity and quality of water.

Shri S.P. Kesharwani in reply states that a detailed programme for release of the water has been issued on 16.11.2010 by the Engineer in Chief. He however submits that the programme shall be revised and a fresh programme with the details of the quantity of water which shall be released from Narora during the Magh Mela shall be filed day after tomorrow. We impress upon the authorities to start releasing more quantity of water from last week of December 2010 itself.

Put up this matter date after tomorrow at 3.30 P.M for considering the question of the release of the water.

**Order Date :-** 21.12.2010

Puspendra

**Court No. - 36**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri Atul Kumar Gupta, Chief Secretary of the State and Sri Alok Ranjan, Principal Secretary, Urban Development present in person to assist the Court. Also, heard Sri S. G. Hasnain learned Additional Advocate General assisted by Sri S.P. Kesharwani, learned Additional Chief STanding Counsel for the State-respondents. Sri H.N. Tripathi, learned counsel for the U.P. Pollution Control Board, Sri Rajiv Lochan Shukla, learned counsel appearing for the owners of the tanneries at Kanpur, Sri Ajay Bhanot, learned counsel appearing for the Union of India and learned amicus curiae, have also been heard

An affidavit has been filed today on behalf of Sri Shafiq Hussain, Superintending Engineer, Irrigation Works Circle, Allahabad in response to our order dated 12.1.2011. In our order dated 12.1.2011 we had reproduced following three issues, which were framed on 13.7.2010:-

"(a) Can the State draw unlimited quantity of water from a river event to the extent of rendering its main stream a dry zone?

(b) Can the State because of drawl of water from upper portion of river Ganges render its quantity or quality of water completely unfit for human use even for bathing purposes?

(c) Can the natural resources like river Ganges be permitted to be completely destroyed by drawing unlimited quantity of water for irrigation purposes?"

We had further observe in our order to the following effect :-

"We after having considered different aspect are of the, prima facie, view that there should not be drawl of water from main course more than 50 per cent and at best 50 per cent of the river water could be diverted for other purposes. Learned Additional Advocate General has submitted that matter is coming on 19.1.2011 and the State, if necessary, shall bring relevant material to justify the drawl of water from river Ganges at different places. As noticed above due to disruption of release of water from Tehri dam sufficient water is not coming to Narora dam as has been submitted by the learned counsel for the respondent. The water being released from Narora dam to other places has not been denied by the respondents. We having arrived at, prima facie, conclusion that the drawl should not be more than 50 per cent, we issue an interim mandamus to the respondents to ensure that 50 per cent of the water released from Narora should reach in the main course with liberty to show cause to the respondents by the next date."

Issue which had come up for consideration was as to how much water can be drawn from the main course of river Ganges and how much water should be allowed to flow in the main river course percentage-wise. Although several details with regard to waters at Narora barrage, release of the water in the Lower Ganga Canal and Madhya Ganga Barrage has been mentioned but the issue has not been pointedly answered in the affidavit nor any relevant materials

have been brought in the affidavit so that the issue may be determined by us. It is relevant to notice that in an earlier affidavit filed by the Chief Secretary the report of empowered committee in pursuance of the recommendation of interim disciplinary group constituted for study of minimum flows and quality of water in river Ganga, was annexed at page 22 which reads as follows:-

**“(5) Availability of minimum flows all along the reach of river Ganga**

The Committee agrees that a minimum flow of 10 cumec of good quality of water (B Class with BOD level of less than 3 mg/1) if ensured all along the length of river, would be sufficient to maintain the necessary water front for bathing and other religious rituals. The reaches downstream of the major abstraction points like Upper Ganga Canal at Haridwar and Lower Ganga Canal at Narora where there is hardly any flow in the river are of particular importance from this consideration.”

There is no denial to the fact that natural resources of the country including river have to be maintained to provide a quality life to the people as enshrined under Article 21 of the Constitution of India. It is well settled that providing pure water has been read as a right enshrined under Article 21 of the Constitution of India. In our orders passed in this public interest litigation, it is noticed that there is substantial drawl of the water from the original course of the river for purposes of irrigation and for other purposes and even to other States including New Delhi. From the reports which has been filed with regard to the quality of water by the U.P. Pollution Control Board, it appears that as on date the quality of the water has alarmingly deteriorated. The test reports of the samples of the river water at Allahabad, which has been filed today by Dr. H.N. Tripathi, learned counsel appearing for the U.P. Pollution Control Board, indicates that the BOD (Bio Chemical Oxygen Demand) at main Sangam was 8.6 (Mg/L), i.e.,

nearly three times the maximum BOD, permissible for water to be used for bathing purposes which is (3Mg/L). Water for drinking purposes should be of better quality. One of the reason for the bad quality of the water is drawl of the water from main course at different places. The affidavit filed today does not bring on record relevant material nor answering the issues which were raised.

The Chief Secretary Sri Atul Kumar Gupta who has appeared before us has sought further three weeks time to file an affidavit to bring relevant materials so as the aforesaid issues be determined as to how much water may be taken out from the main course and how much percentage of water should be allowed to flow in the main course. We grant three weeks as prayed.

The second issue on which the counsels have addressed before us is shifting of the tanneries at Kanpur Nagar. It has been stated by the Chief Secretary of the State that the consultant who has been entrusted to submit the report is a consultant who is on the panel of the Central Government and a reputed consultant. The consultant is to submit the report shortly. The State Government has also contacted Indian Institute of Technology, Kanpur to study the matter and submit their report with regard to all aspects of the matter. He submits that the report of the consultant shall be produced before the Court on 28.2.2011 and shall also be sent to I.I.T., Kanpur to study the report and submit their comments and recommendations.

Sri Arun Kumar Gupta, learned Amicus Curiae has submitted that in the judgement of the Apex Court reported in 1997 (2) SCC 411, M.C. Mehta Vs. Union of India and others, the Apex Court while monitoring the shifting the tanneries at Calcutta had directed the National Environmental Engineering Research Institute (NEERI) to study and submit a report. The Chief Secretary of the State has readily agreed to the suggestion and stated that NEERI shall also be requested to study

the shifting of tanneries and submit the report. We direct that a report from National Environmental and Engineering Institute be obtained by the State Government and relevant materials and assistance to the NEERI should be provided by the State Government to study the matter including visit at the site and all help be rendered to it by the State Authorities. We make it clear that after reports as indicated above are received, after hearing the parties, the Court shall reconsider the issue as to which option should be accepted and which would be in the best interest of abating the river pollution.

We provide that the copy of the reports should also be given to Sri Rajeev Lochan Shukla who may file reply and the objections, if any, to the said report for consideration of the Court. It goes without saying that the learned Amicus Curiae shall also be provided the reports who may submit his objections and suggestions on the said report for consideration of the Court.

It was pointed out by learned Amicus Curiae that the colour and quality of the water at Sangam and several other places has deteriorated and the colour has become red and brown which clearly suggests that the quality of the water has deteriorated due to unabated pollution of river water including the pollution at Kanpur Nagar and other cities.

Dr. H.N. Tripathi, who is present for the U.P. Pollution Control Board, has filed affidavit bringing the report regarding analysis of the water which confirms that water quality has deteriorated. We fail to understand that the river water is continuously being polluted and the quality is going bad to worse but no appropriate action by the State Government and the Authorities of the U.P. Pollution Control Board is being taken in this regard who are statutorily obliged to check the pollution. We provide that by the next date all appropriate action shall be taken in this regard. Action taken be brought on record before the Court by means of an affidavit.

In earlier affidavits filed before the court in this case it was pointed out that road repairing shall be completed by February 2011. Learned Additional Advocate General has again assured the Court that the work shall be completed shortly as per time schedule and every steps shall be taken for early completion of the work as noticed above.

Interim mandamus earlier issued by this Court qua release of at least 50 per cent water in the main course of the river shall continue and the State shall disclose all relevant materials, including the details of the water which is diverted from the main course at different places so that the said issue may be decided. It goes without saying that the quantity of the water percentage-wise which is flowing in the main course should also be stated in the affidavit.

List on 14.2.2011 at 2.00 pm.

Date:19.1.2011

Ram Murti

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra

**Respondent Counsel :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, M.C. Chaturvedi, N. Misra, P.S. Baghel, R.B. Shukla, Rajiv Lochan Shukla, S.A. Lari, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, T.M. Khan, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Dr. Ashok Nigam, learned Assistant Solicitor General of India, Sri S.G. Hassnain, learned Additional Advocate General appearing for the State, Sri U.N. Sharma, learned Special Counsel for the State assisted by Sri S.P. Kesarwani, learned Additional C.S.C., Sri Arun Kumar Gupta, learned Amicus Curiae, Ms. Saumya Misra, learned counsel for the U.P. Leather Industries Association and Sri S.D. Kautilya, learned counsel for the Nagar Nigam, Allahabad. Sri Atul Kumar Gupta, Chief Secretary of the State, Sri Alok Ranjan, Principal Secretary, Urban Development and Sri Rajauria, Principal Secretary, Irrigation are also present.

An affidavit has been filed by the Additional Solicitor General of India in compliance of earlier order issued on 4.1.2011 bringing the inspection report of the Expert Committee. The learned Additional Advocate General and learned Special Counsel as well as learned Amicus Curiae may look into the report and submit their objections. The affidavits have been filed on behalf of the Urban Development Department, U.P. Jal Nigam as well as the Irrigation Department. Objections have also been filed by the Amicus Curiae which is taken on record. Counter affidavit has also been filed by U.P. Leather Industry Association which is taken on record. An affidavit has also been filed on behalf of the Union of

India that the report of the sub committee which was constituted by working group of the Government of India is still awaited. Further time has been prayed for in this context and it is submitted that the matter with regard to the issue of discharge of water be considered thereafter.

Learned counsel for the Nagar Nigam has also filed affidavit stating certain facts with regard to the land of sewage farms which was acquired by the Gazette dated 11.9.1915. Reference has also been made of a public interest litigation being PIL No. 54654 of 2009 filed before this Court where the Court notices that land in excess of 45 hectares can be utilized for the purpose of sewage farms. It was stated before the Division Bench that only 45 hectare has been given for the purposes of housing colony although the entire land was acquired for the purposes of sewage farm. Learned Amicus Curiae has pointed out that according to the affidavits submitted by the Nagar Nigam there has been other transfer of the said land details of which have been brought on record in the affidavit of Nagar Nigam, Allahabad, he further submits that there is another public interest litigation petition ( being PIL No. 1408 of 2011) which has been filed challenging the proposal of a housing colony on the river front. He prays time to file an objection to the affidavit filed for by the Nagar Nigam and to bring other material on the record, he do so by the next date.

Learned Special Counsel Sri U.N. Sharma has submitted that looking to the acute problem of untreated water of the sewerage of Allahabad being directly thrown in the river Ganges, and existing STPs treating only 93 MLD although sewage water in the District Allahabad is generated 232 MLD, hence, the State shall review the entire issue of sewage farm. Sri Atul Kumar Gupta, learned Chief Secretary assured the Court that the State shall review entire issue at its level with regard to the use of the land which was earlier acquired for the purpose of sewage farm by Gazette dated 11.9.1915. Learned Amicus Curiae has submitted that on the other side of the river Ganges near Sangam and adjoining river Yamuna there are proposals for constructions of housing colony which is being undertaken by the Allahabad Development Authority. After considering the entire aspects and taking into consideration that no effective management of treatment of discharge of the sewage from Allahabad have been taken or brought on record, we are of the view that permitting any construction on the river Bank at Allahabad near Sangam shall further pollute river water and cause difficulty in taking over the land for establishment of sewage treatment plant and other measures for treating the untreated

water. We direct that there shall be no construction within 500 meter from the mid stream of the Ganges and adjoining places across Sangam on the other side of the city by the Allahabad Development Authority or any private builder. The other relevant details may be brought before the court on the next date.

learned Special Counsel was asked to explain as to what measures have been taken with regard to repairing of the road which have been damaged in digging for the sewerage line, it has been pointed out by the learned Amicus Curiae that roads have not been repaired and big open pits are on the road causing great inconvenience to the public. Learned Special Counsel submitted that proper steps with regard to the repair of the road shall be urgently taken and by the next date an affidavit giving details of time table for completion of the work regarding repairing of the roads shall be provided.

In view of the aforesaid, we allow three weeks time to the State to file affidavit bringing on record the relevant time table for repairing of the roads.

Learned Amicus Curiae has pointed out that this Court by earlier order has directed the State Government to obtain report from NERI. It has been submitted that interim report has been submitted which discloses that the officials of NERI has not visited Jag Mau and are not actively associated in the project. Learned Chief Secretary has submitted that proper instruction in this regard shall be obtained and the Court shall be apprised with the same by the next date.

List on 22.4.2011 at 2.00 pm.

**Order Date :-** 28.3.2011

Ram Murti

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re: Ganga Pollution

Respondent :- State Of U.P. And Others

Petitioner Counsel :- Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

Respondent Counsel :- C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Shri U.N. Sharma, learned Senior Advocate, Special Counsel for the State of U.P., Sri S.G. Husnain, learned Additional Advocate General assisted by Sri S.P. Kesharwani, learned Additional Chief Standing Counsel for the State, Sri Ajay Bhanot for Union of India, Sri Ashwani Kumar Misra, learned counsel appearing for Allahabad Development Authority as well as for U.P. Jal Nigam, Dr. H.N. Tripathi, learned counsel for U.P. Pollution Control Board, Sri Om Prakash Yadav on behalf of Central Pollution Control Board and Sri A.K. Gupta, learned amicus Curiae.

Shri Ajay Bhanot, learned counsel appearing for the Union of India has filed an affidavit sworn by Sudhir Garg, Joint Secretary Ministry of Water Resources, Government of India and an affidavit has also been filed by Shri Surya Prakash Mishra, Special Secretary, Urban Development Department, Lucknow.

Shri S.P. Kesarwani, learned Additional Chief Standing Counsel submits that with regard to the transfer of defence land at Mori Gate, the State Government has communicated its concurrence to the proposal of the Central Government at the cost of defence land as per current (effective) Standard Table of Rent (STR). Copy of the letter dated 03/5/2011, has been brought on record as Annexure-1 to the affidavit. The land to be given in exchange by the State Government has also been communicated by the said letter.

We by our earlier order dated 22/4/2011, had already directed the State

Government to take all effective steps in this context and the Ministry of Defence was also directed to accordingly issue working permission for construction for sewage pumping station within four weeks. In view of the fact that the State Government has now already communicated their concurrence as required by the Ministry of Defence, we see no impediment for handing over possession of the defence land at Mori Gate to the State Government so that the construction work may start. We, accordingly direct the Sub-Area, Commander, Allahabad Cantonment and other authorities of the Ministry of Defence to take appropriate steps so that the possession of the defence land be transferred to the State authorities within one month from today.

The status of the STP plants to be set up at Fort, Old Cantt and New Cantt Allahabad must be disclosed through an affidavit of a Senior Officer on the next date by Shri Bhanot.

Shri Arun Kumar Gupta, learned Amicus Curiae, in this context has again repeated his earlier submission that in fact at Mori Gate a small sewage treatment plant be constructed and not a sewage pumping station. He submits that looking to the topography and the geographical situation, it will be difficult for the State Authorities to pump all sewage water from the sewage station for treatment and in fact the State Government should consider construction of Sewage Treatment Plant at Mori Gate. We, direct the State authorities, including the U.P. Jal Nigam, to consider the aforesaid request and after considering all relevant aspects, take a decision as to whether construction of Sewage Treatment Plant at Mori Gate shall be more beneficial as compared to construction of Sewage Pumping Station.

Shri Ajay Bhanot in the affidavit filed by Shri Sudhir Garg, Joint Secretary Ministry of Water Resources, Government of India today has brought on record the report of the Working Group submitted in July, 2007. It is submitted by Shri Ajay Bhanot, that the report of working group is a report on a very wide spectrum covering all categories of rivers and all connected aspects. Shri Arun Kumar Gupta, learned Amicus Curiae, submitted that while considering the issue of minimum flow of water in river Ganges, environmental aspect of the matter also needs to be considered and noted.

The present Public Interest Litigation is confined to river Ganges and the

issue before us as noticed in our earlier order dated 22/4/2011, is the minimum flow of water in the river Ganges required so that the natural course may not dry out and for the purpose excessive drawl of water from the river may be avoided. It has also been stated that the Ganga Basin Authority headed by Hon'ble Prime Minister is also considering all aspects to save the river Ganges.

It is useful to quote the directions issued earlier by this Court:

“ A report in this regard has been submitted on October 27, 2009 which was discussed on 11.10.2010 by Water Quality Assessment Authority when it was agreed that a sub committee be constituted. As noticed in earlier orders of this Court two of the issues which need to be considered are as follows:

- (a) Can the State draw unlimited quantity of water from a river even to the extent of rendering its main stream a dry zone?
- (b) Can the State because of drawl of water from upper portion of the river Ganges render its quantity or quality of water completely unfit for human use even for bathing purposes?

The aforesaid facts indicate that the issue of minimum flow of water in a river is engaging attention of various authorities and Committees of Ministry of Government of India for long about a decade but no final recommendation in this regard could be made. Sri Ajay Bhanot appearing for the Union has submitted that a report in this regard shall be shortly submitted and brought before the Court. We notice that large number of issues are being considered by Water Quality Assessment Authority but for the purpose of this case, recommendation/ report is required on following two issues:

- (i) Standards regarding quality of water in river Ganges which is fit for drinking and bathing purposes.
- (ii) issues '(a)' and '(b)' as quoted above with regard to minimum flow of water in river Ganges.

For the purposes of the present case, we are of the view that the Ministry of

Water Resources as well as the Ministry of Environment may submit their final report regarding minimum flow of water in the river Ganges, and if necessary a separate group of experts from both the Ministries be constituted so that the final recommendation may be expedited. We, direct the Government of India, Ministry of Water Resources and Ministry of Environment to submit a report with regard to above after taking into consideration all materials and reports already available with it and any additional report which may be required hereinafter. Such report be submitted to the Court within three months from today.

We further direct that an interim report be submitted by the Ministry of Water Sources qua the minimum discharge of water from Narora Dam so as to maintain a constant flow of water in the main stream within two weeks.

Shri Ashwini Kumar Mishra, learned counsel appearing for the Allahabad Development Authority has filed a counter affidavit on behalf of the Allahabad Development Authority along with an application praying for vacation of the interim order dated 22/4/2011.

Shri Ashwini Kumar Mishra, learned counsel appearing the Allahabad Development Authority sought to contend that according to the Master Plan 2021, of Allahabad Development Authority and the decisions taken by the Board of the A.D.A., the restriction for raising construction is only within 200 metres from the river bank. He submits that the river bank is to be found out according to the Revenue/Irrigation Department records .

Shri Ashwini Kumar Mishra, learned counsel appearing the Allahabad Development Authority referred to the Government Order dated 31/7/2000. He further submits that certain other relevant Government Orders and decisions of the Board of the Allahabad Development Authority could not be brought on record along with the counter affidavit, therefore, further time be allowed to the Allahabad Development Authority to bring other materials on record for consideration of the restrictions which were imposed by the Court on 22/4/2011, for not making any construction within 500 metres of highest flood level of river Ganges.

In view of the above prayer made by Shri Ashwini Kumar Mishra, learned counsel appearing for the Allahabad Development Authority, we allow further one

week time to file supplementary counter affidavit.

Shri Arun Kumar Gupta, learned Amicus Curiae, has filed an application praying for a direction to the Allahabad Development Authority, District Administration and the State Government to take steps for compliance of the order dated 22/4/2011. It is submitted by Shri Arun Kumar Gupta, learned Amicus Curiae that inspite of our order dated 22/4/2011, A.D.A. has not taken appropriate steps for stopping construction in the river bank which are being raised within 500 metres of the highest flood level of the river Ganges.

Shri Ashwini Kumar Mishra, learned counsel appearing for the Allahabad Development Authority submits that all constructions have been stopped by the A.D.A. after the order of this Court dated 22/4/2011. Shri Arun Kumar Gupta, learned Amicus Curiae, has filed certain photographs along with an affidavit indicating certain constructions which according to him are still going on. The Allahabad Development Authority is the statutory authority to see that no unauthorised constructions are made by any authority or private person within the restricted area. We direct the A.D.A and the District Administration to take appropriate steps for stopping all construction on the river bank within the restricted area as earlier directed by this Court vide order dated 22/4/2011. The application of the learned Amicus Curiae is disposed of accordingly.

A detailed affidavit of Managing Director, U.P. Jal Nigam, Allahabad has been filed purporting to be in compliance of our earlier order dated 22/4/2011. Shri Ashwini Kumar Mishra, learned counsel appearing for the Allahabad Development Authority has fairly submitted before the Court that the detailed project report which was prepared for carrying out laying down the sewer line in the Allahabad city has not been followed in actual implementation. He submits that there has been substantial deviation thereto in the actual laying down of the sewer line in Allahabad City. He further submits that the details of the deviation have already been informed to the authorities and approval has been sought. He submits that according to the note contained in the approval the Contractor was permitted to re-design the detailed project report and obtain approval from the competent authority not below the rank of Chief Engineer before the start of execution with a copy being forwarded to the Ministry. He submits that information about the deviations from the detailed project report has already been informed.

We notice that although the matter has been heard on earlier occasions and on more than two occasions, learned Chief Secretary of the State of U.P. was also present during the proceedings before the Court. The State authorities were specifically asked to inform the Court as to whether the laying down of sewer line is being done in accordance with the approved detailed project report or not. The correct information was not supplied to the Court as is apparent from the records. The affidavit which has been filed today admits substantial deviation. In spite of repeated directions, complete facts were concealed from the Court. We are constrained to observe that all relevant facts were not placed before the Court by the authorities who are responsible for laying down the sewer line. We direct the implementing agency U.P. Jal Nigam, to explain its conduct for not apprising the complete facts to the Court on earlier occasions. An appropriate affidavit of the Managing Director, U.P. Jal Nigam must be filed in this regard within two weeks.

In pursuance of our earlier order of this Court dated 22/4/2011, Chairman, Uttar Pradesh Pollution Control Board, Lucknow is present in the Court. An affidavit of Devkali Prasad Pasi has also been brought on record. It has been stated in paragraph 4 of the affidavit that Devkali Prasad Pasi has submitted his joining as Chairman of the Board on 22/12/2010. It has further been stated that the Uttar Pradesh Pollution Control Board, Lucknow shall take all efforts for ensuring that Polluted/Coloured trade effluent of the industries is not discharged in the holy river Ganges. From the affidavit and the materials brought on record, we are of the view that no effective action has been taken by the Chairman, Uttar Pradesh Pollution Control Board, Lucknow and other authorities of the Uttar Pradesh Pollution Control Board, Lucknow as was required to be done in view of the unabated and enormous pollution in the river and as was directed earlier. The Board has noticed that the S.E.T.P, S.T.P. and the Combined Sewage Pumping Station situate at Jajmau, Kanpur have not been found working satisfactorily. Copy of the letter dated 23/11/2010 has been brought on record as Annexure-2 to the affidavit. The General Manager, U.P. Jal Nigam may take appropriate steps as requested by Member, Secretary of the Uttar Pradesh Pollution Control Board, Lucknow. The Chairman of the U.P. Pollution Control Board need not appear in these proceedings unless again directed by this Court.

On a query made by the Court as to what steps have been taken by the

State Government for taking action against the entities/individual persons for the water of river Ganges becoming brown/black, in the Month of November, 2010, no affidavit has been brought on record regarding any action taken by the State Government.

Shri S.G. Hasnain, learned Additional Advocate General sought to contend that no directions were issued by the Court in its order dated 22/4/2011 to the State Government to take any action with regard to aforesaid. The Stand taken by Shri S.G. Hasnain, learned Additional Advocate General is wholly untenable. We have issued repeated directions to the State Government to take appropriate action against those who are polluting the river water including the officers of the Uttar Pradesh Pollution Control Board who have failed to perform their duties. Even in our earlier order dated 22/4/2011, we have noticed as follows:

“This Court vide order dated 19.1.2011 had issued following directions:

“It was pointed out by learned Amicus Curiae that the colour and quality of the water at Sangam and several other places has deteriorated and the colour has become red and brown which clearly suggests that the quality of the water has deteriorated due to unabated pollution of river water including the pollution at Kanpur Nagar and other cities.

Dr. H.N. Tripathi, who is present for the U.P. Pollution Control Board, has filed affidavit bringing the report regarding analysis of the water which confirms that water quality has deteriorated. We fail to understand that the river water is continuously being polluted and the quality is going bad to worse but no appropriate action by the State Government and the Authorities of the U.P. Pollution Control Board is being taken in this regard who are statutorily obliged to check the pollution. We provide that by the next date all appropriate action shall be taken in this regard. Action taken be brought on record before the Court by means of an affidavit.”

It has also been noticed in the earlier order that Chief Secretary of the State, who was present before the Court in earlier proceedings, have assured the Court that appropriate action in this regard be taken and brought on the record. As noticed above due to unabated pollution and

discharge of untreated water in river Ganges, the colour and quality of the water is deteriorating which become visible at Sangam. No satisfactory compliance in this regard has been brought on record by the State of U.P. The State of U.P. who is to oversee that bodies and persons polluting the water to such great extent which has changed the colour of water be identified and action be taken, has failed to do any substantial work in this regard.”

It is relevant to record that the order dated 19/1/2011, was passed when the Chief Secretary, of U.P. was present in the Court. We had directed both the State Government as well as the Uttar Pradesh Pollution Control Board to take appropriate action.

The stand taken by Shri S.G. Hasnain, learned Additional Advocate General is unfortunate. The State Government has not taken appropriate action as directed by this Court and Shri S.G. Hasnain, learned AAG is trying to justify the inaction of the State Government that no specific direction was issued on 22/4/2011, which is wholly untenable. We further direct the State Government to take appropriate action against the polluters of the river Ganges including the officers of the Uttar Pradesh Pollution Control Board and other authorities who have failed to take appropriate action in this regard.

Central Pollution Control Board, New Delhi, has also filed an affidavit sworn by Shri M.Q. Ansari, Additional Director of Central Pollution Control Board, New Delhi. It has been stated in paragraph 3 of the affidavit that the Regional Office Moradabad of Uttar Pradesh State Pollution Control Board has started monitoring of rivers Dhella, Kosi and Ramganga. Certain reports regarding status and analytical result has been annexed along with the affidavit. We direct the Central Pollution Control Board, New Delhi to take further and appropriate actions in this regard.

List the petition on 27/5/2011, at 2 P.M.

13/5/2011.

SB

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra

**Respondent Counsel :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, M.C. Chaturvedi, N. Misra, P.S. Baghel, R.B. Shukla, Rajiv Lochan Shukla, S.A. Lari, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, T.M. Khan, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Shri U.N. Sharma, learned Senior Counsel assisted by Shri S.P. Kesarwani, learned Additional C.S.C., Ajay Bhanot, learned counsel for the Union of India, Shri Ashwani Kumar Mishra, learned counsel for the Allahabad Development Authority and Jal Nigam, Dr. H.N. Tripathi, learned counsel for the Pollution Control Board and Shri Arun Kumar Gupta, Amicus Curie.

Shri Ajay Bhanot, learned counsel for the Union of India filed an affidavit and submitted that STP Old Cantt. Administrative Approval have been issued vide LWE Dte/LW (Central) IT No.A/52588/LW (Central) dated 22nd March, 2011. The work is now under post administrative planning, after which tender action shall be initiated. He submitted that the authorities themselves have taken steps for establishing of STP at Varanasi and the work is expected to start in mid June, 2011. With regard to STP at New Cantt, Allahabad it has been stated that administrative approval has been accorded vide LWE Dte/LW (Central) It No.A/52289/LW (Central) dated 18 March, 2011 and shortly tender process shall begin. With regard to STP at Fort Cantt. Allahabad it has been further stated that detailed Project Report has been cleared by Engineer-in-Chief's Branch, New Delhi. The work is at advance stage of sanction with Headquarter Central

Command. It has been further stated in the affidavit that work on the projects are likely to be complete by November/December, 2011. We have issued several directions, in this regard, in our earlier orders but much time has been taken in obtaining necessary sanction.

We are of the view that the army authorities may take appropriate steps so that the work in the aforesaid projects may start latest by 30.9.2011 and we are further of the view that the entire work should be completed tentatively by 31.12.2012. The completion of work by 31.12.2012 is necessary since Mahakumbh at Allahabad is scheduled to take place in January, 2013.

With regard to transfer of defence land at Morigate, we had already directed in our earlier order to complete all steps for handing over the possession of site to the state authority within one month. We direct that by the next date an affidavit of compliance be filed by the Sub Area Commander regarding transfer of land. By the next date a detailed programme with regard to work of STP project be filed by the Engineer in Chief, Army Headquarters, New Delhi.

Shri Ajay Bhanot has submitted that Ministry of Water Resources and Ministry of Environment has already constituted a I.I.T. Consortiam Authority for study of minimum discharge of ecological flow in the river of Ganga and interim report shall be submitted shortly.

Shri Ashwani Kumar Mishra, learned counsel for the Allahabad Development Authority has also filed an affidavit bringing on record Government Orders dated 23.9.1998, 5.2.2000 and resolution dated 29.9.2000. He submitted that according to relevant G.O., the restriction is within 200 meters from the river bank.

Shri Arun Kumar Gupta, Amicus Curie submitted that according to resolution of the Board it is already decided that restriction should be from the highest flood water level.

Shri Ashwani Kumar Mishra, learned counsel for the Allahabad Development Authority submitted that for determining the river bank records of revenue and irrigation are taken into consideration. However, it has not been explained that revenue and irrigation records of which year are taken into consideration for finding out the bank of the river.

Shri Ashwani Kumar Mishra seeks further time to file further affidavit bringing on record relevant revenue and irrigation records, which have taken into consideration by the ADA. He submitted that the master plan has already been demarcated at the river bank. Shri U.N. Sharma, learned Senior Counsel submitted that the State shall also file an affidavit bringing on record the relevant records to find out as to from where the bank shall begin. Both, Shri Ashwani Kumar Mishra, learned counsel appearing for the ADA and Shri U.N. Sharma, learned Senior Counsel, may file necessary affidavits in that regard within four weeks' time.

With regard to the action taken by the State Government against the officers of the Pollution Control Board for their failour to check the pollution in the river especially in colouring of the water an affidavit has been filed stating that one officer has been suspended and three others have been issued show cause notice.

Shri A.K. Gupta, learned Amicus Curie submitted that the officers were not vigilant about the places from where river water had become red/brown. Shri U.N. Sharma, learned Senior Counsel submitted that the state is vigilant in this regard and Chief Secretary of the State himself is monitoring the matter by holding regular high level meeting. He submitted that this is continuous process, which shall go on, and the State shall take necessary action, in this regard, as and when it is required.

Several counsel at the bar including Shri S.K. Garg, Advocate has brought into notice of the Court that there are some roads including the road, which goes to Rasoolabad, are in bad condition and way to burning ghat is not clear, which is causing hardship and problem to the local residents and public.

Both, Shri Ashwani Kumar Mishra, learned counsel appearing for the ADA and Shri U.N. Sharma, learned Senior Counsel submitted that immediate steps in this regard shall be taken to make the road in the shape. They may take appropriate action and file compliance report by the next date and complete the road within two weeks from today.

Shri A.K. Gupta, Amicus Curie submitted that restriction, which was imposed by this Court on 28.3.2011 for stopping construction within 500 meters from the highest flood water level, is not being followed and fresh constructions are still going on.

Shri Ashwani Kumar Mishra, learned counsel appearing for the ADA submitted that ADA has issued necessary direction, in this

regard. We are of the view that appropriate notices and written orders be issued by the ADA in this regard to the persons, who are making constructions and are violating orders of this Court, ADA shall file an affidavit in this regard by the next date of listing.

Shri Ashwani Kumar Mishra, learned counsel appearing for the Jal Nigam has filed an affidavit of Jal Nigam in compliance of our order dated 13.5.2011, the said affidavit shall be considered on the next date.

List on 8.7.2011 at 2 P.M.

**Order Date :- 27.5.2011**

Anupam

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K.

Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath

Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C.

Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr.

Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar

Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem

Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B.

Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P.

Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri Ashok Nigam, learned Additional Solicitor General of India for the Union of India, Sri U.N. Sharma learned Senior Advocate for the State of U.P. as well as Sri S.G. Hasnain learned Additional Advocate General, assisted by Sri S.P. Kesarwani learned Additional C.S.C., Sri Arun Kumar Gupta, Amicus Curiae.

Sri Ashok Nigam, learned Additional Solicitor General informs that in pursuance to the direction issued by this Court, Ministry of Defence, Government of India has granted approval for transfer of the Defence land at Mori Gate to the State Government vide letter dated 20<sup>th</sup> June, 2011. The letter has already been forwarded to U.P. Jal Nigam. He submits that physical handing over of the land will be completed within 10 days from today.

Let the handing over of the land be completed as aforesaid and an affidavit in that regard be filed by Sub Area Commander by the next date.

With regard to establishment of STPs in three cantonment areas at Allahabad, we had earlier directed that the work must commence before 30<sup>th</sup> September, 2011 and be completed latest by 31<sup>st</sup> December, 2012.

Learned counsel for the Union of India may file an affidavit giving the detail status report and the time schedule for the commissioning of three STPs at the cantonment areas of Allahabad.

With regard to the commissioning and establishment of the STP in the cities, which are on the bank of river Ganges throughout the State, we have today put a query to the learned Additional Solicitor General to answer as to why the Central Government shall not provide all financial assistance and shall not ensure establishment of STPs of required capacity in cities at the bank of river Ganges, which has been declared as National River under a notification by the Central Government itself.

Learned Additional Solicitor General seeks time to file a detail affidavit regarding the funding and establishment of required capacity' STPs to cope up with the total dirty sewage which is being thrown directly in the river Ganges through various drains managed by local bodies.

Such affidavit be filed by the Secretary of the Ministry of Environment after examining all aspects of the matter.

Sri Rajeev Mishra, Advocate has made a request on behalf of Sri A.K. Mishra, counsel for the Allahabad Development Authority and Jal Nigam for the hearing of the case being deferred for certain reasons.

In view of the request made on behalf of Sri A.K. Mishra, we defer further hearing of the case to 26<sup>th</sup> July, 2011.

Sri Arun Kumar Gupta, Amicus Curiae submits that the repair of roads, which were dug for laying the sewerage line, is still incomplete even in respect of major roads connecting the old city to Civil Lines area.

Learned Additional Advocate General has assured that needful shall be done immediately and a report shall be filed on the next date.

Sri Gupta has also filed an affidavit stating therein that construction within the prohibited area is still going on. The information in that regard has been given to the district authorities.

The Officers concerned shall ensure that the orders of the Court are not violated.

On being asked by the Court as to what is the progress in respect of the report asked for from the Central Leather Research Institute with regard to the shifting of tanneries at Kanpur, the learned Additional Advocate General prays that some time may be allowed so that proper progress in the matter, including the report, if any, be brought on record.

We, fixed 27<sup>th</sup> July, 2011 for hearing of the tanneries matter in place of 15<sup>th</sup> July, 2011 as was fixed by us earlier.

On 27<sup>th</sup> July, 2011 the matter of tanneries shall be heard. The State Government may file an affidavit bringing on record all the relevant reports pertaining to the shifting of tanneries at Kanpur Nagar.

Sri Ajay Bhanot, counsel for the Union of India may also file an affidavit giving detail with regard to the report pertaining to the minimum discharge of water required to maintain the river Ganges on its natural course.

List on 26<sup>th</sup> July, 2011 at 02 pm.

**Order Date :- 7.7.2011**

Pkb/

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C., A.G., Addl.A.G., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, Kashif Zaidi, M.C. Chaturvedi, M.K. Alam, Mohd. Khursheed Alam, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Hussain, Udain Nandan, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Shri Ajay Bhanot, learned counsel appearing for Union of India, Shri S.G. Husnain, learned Additional Government Advocate, Shri A.K. Mishra, learned counsel appearing for U.P. Jal Nigam and Allahabad Development Authority and Shri Arun Kumar Gupta, learned Amicus Curiae.

An affidavit has been filed by Shri Ajay Bhanot, learned counsel for the Union of India stating that as per direction of this Court the defence land at Mori Gate has been transferred to the Nagar Nigam and the Nagar Nigam has taken possession of the said land on 15.07.2011.

Shri A.K. Mishra, appearing for U.P. Jal Nigam and Allahabad Development Authority has submitted that as per earlier direction of this Court the experts in the field shall be consulted for proper use of the land transferred at Mori Gate.

Shri Ajay Bhanot, learned counsel appearing for Union of India has further submitted that with regard to S.T.P. at Fort the necessary financial approval has been made in the year 2010-2011, but necessary fund could not be released and the same has been carried forward for the year 2011-2012. The establishment of S.T.P. at Fort is of utmost necessity. The Ministry of Defence may take proper steps with regard to release of fund as well as listing and commissioning of the project so that the necessary S.T.P. may start working before start of the next Maha Kumbh i.e. by December 2012.

In so far as S.T.P. at Fort is concerned, we observe that the listing as well as releasing of necessary funds will be completed by 31st August, 2011. In so far as other 2 S.T.Ps. located in old cantt. and new cantt. are concerned, the status report regarding progress of the project be filed by filing an affidavit by the

Engineer in Chief, Army Headquarter by the next date fixed.

Shri Ajay Bhanot, learned counsel appearing for Union of India further submitted that memorandum of agreement has been signed by the Ministry of Environment with the consortium of Indian Institute of Technology (I.I.T.) in July 2010 for preparation of Ganga River Basin Authority Plan which is to be completed within a period of 18 months i.e. upto December 2011. He submits that a E-Flows Group is deliberating over the matter and several meetings have been held. It is submitted that it is not feasible to submit any interim report with regard to environmental flow in river Ganga specially with regard to exact quantification. He submitted that a final report shall be submitted with regard to aforesaid quantification with regard to Ganga.

Ministry of Environment and Forest had issued notification dated 20th February, 2009, under Section 3 of Environment (Protection) Act, 1986 constituting National Ganga River Basin Authority.

It is useful to quote the purpose and object of constituting the said authority. It is to the following effect :

*"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 effluents, trade effluents and other pollutants on account of rapid urbanisation and industrialisation;*

*And whereas the demand for river water is growing for irrigation, drinking purposes, industrial use and power due to increase in population, urbanisation, industrialisation and growth in infrastructure, and taking into account the need to meet competing demands;*

*And whereas there is urgent need,-*

*(a) to ensure effect abatement of pollution and conservation of the river Ganga by adopting a river basin approach to promote inter-sectoral co-ordination for comprehensive planning and management; and*

*(b) to maintain minimum ecological flows in the river Ganga with the aim of ensuring water quality and environmentally sustainable development;*

*And whereas it is required to have a planning, financing, monitoring and coordinating authority for strengthening the collective efforts of the Central and the State Governments for effective abatement of pollution and conservation of the river Ganga;"*

A perusal of the object for which Authority has been constituted clearly indicates that one of the purpose and object is to maintain minimum ecological flows in the river Ganga ensuring water quality and environmentally sustainable development.

In view of the aforesaid there is urgent need to come to a conclusion by the expert group constituted by Ministry of Environment and Forest. We direct that final report in the above regard be submitted on or before 31st December, 2011 copy of which be placed on the record along with affidavit.

Shri S.G. Husnain, learned A.G.A. who appears for State of U.P. has submitted that detail report of Sewage Treatment Plant along with the present status report for district of Allahabad, Varanasi and Kanpur shall be submitted on affidavit by the next date which shall include the details regarding status of project, fund and other relevant details and time to be taken by conclusion of the project.

Shri Arun Kumar Gupta, amicus curiae has submitted that there has not been substantial compliance of our order passed on 22nd April, 2011 by which we directed that there shall be no construction within 500 meters of highest flood level in river Ganga.

Shri A.K. Mishra has filed an affidavit on behalf of Allahabad Development Authority bringing on record certain notices published in the newspapers and other steps taken in that regard. He has also brought on the record reply of letter no. 20 dated 19.07.2011 as Annexure 5 to the affidavit given by Harish Chandra, Deputy Secretary, by which the Development Authority was informed that river bank is being taken as highest flood level hence the construction work is under progress, accordingly after 500 meters.

Shri Aurn Kumar Gupta, learned amicus curiae submitted that till date neither there is any map prepared nor any marking shown that what is the highest flood level from which the construction upto 500 meters have been prohibited by orders of this Court, on a query being asked by the court towards records which have been relied on by Development Authority for finding out the highest flood level, there is neither any material nor appropriate answer. Shri A.K. Mishra prays for time to file affidavit.

It is also observed that in so far as the present status of water of the river Ganga proper photographs be taken and map be prepared. It may be placed before the Court for its perusal on the next date.

Shri A.K. Mishra as well as S.G. Husnain submitted that the work regarding restoration of road dismantling for laying sewage pipe line is in progress.

On the next date details on affidavit regarding restoration of the road by respective departments be placed including the time schedule.

List on 19.08.2010 at 2:00 p.m.

**Order Date :-** 26.7.2011  
Sunil Kr. Gupta

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C., A.G., Addl.A.G., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, Kashif Zaidi, M.C. Chaturvedi, M.K. Alam, Mohd. Khursheed Alam, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Hussain, Udain Nandan, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Sri A.K. Gupta, learned Amicus Curiae, Sri A.K. Mishra, learned counsel for the Allahabad Development Authority and U.P. Jal Nigam and Sri S.G. Hasnain, Additional Advocate General assisted by Sri S.P. Kesarwani, Additional Chief Standing Counsel for the State-respondents.

Sri A.K. Mishra, counsel appearing for the Allahabad Development Authority submits that written request was made to the District Magistrate, Allahabad for providing details of the boundaries of the plots, which were submerged when the river Ganga reached its highest flood level. In reply only height of the highest flood level has been informed. He submits that Allahabad Development Authority at present has no records to demarcate the boundaries qua the highest flood level and 500 meter thereafter for ensuring strict compliance of the order of this Court dated 22<sup>nd</sup> April, 2011.

Sri S.G. Hasnain submits that an affidavit along with relevant Khasras/records for disclosing the plot numbers which were submerged with water at the highest flood level shall be placed before the Court on 25.08.2011. He further submits that this year the administration has videographed the areas submerged in water due to floods. The same shall also be produced along with the affidavit on the next date.

Sri A.K. Gupta submits that since the Allahabad Development Authority has yet not demarcated or fixed the area within 500 meter from the highest flood level, large number of constructions are being permitted, on that pretext even to the extent of violation of the order of the Court.

We had directed on 22<sup>nd</sup> April, 2011 that no constructions shall be made within 500 meter of the highest flood level. The order was challenged before the Supreme Court by Allahabad Development Authority vide Special Leave to Appeal. The special leave to appeal has been got dismissed as withdrawn. We are of the view that no construction should be permitted within 500 meter

of the highest flood level. The fact that the Allahabad Development Authority has not earmarked the extent of 500 meter from the highest flood level, cannot be a pretext for flouting the order of the Court.

Sri A.K. Mishra submits that the Allahabad Development Authority has already issued notices to several persons and shall ensure that all constructions in the area, which might be within the limit of 500 meter from the highest flood level, are stopped immediately.

The Allahabad Development Authority shall take all appropriate steps for restraining the constructions within 500 meter from the highest flood level immediately.

As stated by the learned Additional Advocate General, a detail affidavit of the Collector Allahabad, enclosing all relevant maps and Khasras along with plot numbers which should establish the exact plots submerged at the highest flood level, be filed by the next date.

Sri A.K. Gupta further points out that not even a single road in the city of Allahabad as on date is free from pits and holes. For maintenance of the roads no effective steps have been taken. The roads are in a very bad shape. He submits that Public Works Department, Nagar Nigam and U.P. Jal Nigam have not discharged their obligation to get the roads repaired after sewer lines were laid.

Learned Additional Advocate General as well as counsel for the Nagar Nigam and Jal Nigam have sought adjournment. It is submitted that by 25<sup>th</sup> August, 2011 efforts made for maintaining the roads shall be brought on record by means of affidavits. We direct that repair of the roads shall be done on war footing. By 25<sup>th</sup> August, 2011 this Court should be informed about the extent of restoration of the roads. There should be no laxity in the matter.

It has also been pointed out that the Nagar Nigam has failed to remove the garbage which has been collected on the road side throughout the city, as a result of which the drains have been choked. This results in water logging in residential areas. The filth ultimately travels with the help of rain water to the Ganges untreated.

We direct that on the next date Nagar Ayukt and Vice Chairman of the Allahabad Development Authority shall remain present in the Court along with their respective affidavits explaining the fact situation, as noticed above.

We clarify that the construction works of the sewage treatment plant, shall continue as before.

Learned Additional Advocate General may also bring on record the relevant details of the proposals sent with regards to Kumbh Mela 2012-13 both sanctioned and not sanctioned by 25<sup>th</sup> August, 2011.

List on 25<sup>th</sup> August, 2011.

**Order Date :- 19.8.2011**

Pkb/

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C., A.G., Addl.A.G.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra,Kashif Zaidi,M.C. Chaturvedi,M.K.Alam,Mohd.Khursheed Alam,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Hussain,Udain Nandan,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri Arun Kumar Gupta, learned Amicus Curiae, Sri S.G. Hasnain, learned Additional Advocate General assisted by Sri S.P. Kesharwani, learned Additional Chief Standing Counsel for the State, Sri Ashwani Kumar Misra, learned counsel for Allahabad Development Authority, Commissioner Allahabad Division, Allahabad and U.P. Jal Nigam.

In pursuance of our earlier direction dated 19.08.2011, an affidavit has been filed duly sworn by District Magistrate, Allahabad bringing on record the details of area, which were submerged in the recent flood 2011. We had directed by our order dated 19.08.2011 to bring on record disclosing the plot numbers which were submerged with water at the highest flood level, however, the same has not been brought on record and only details pertaining to recent flood i.e. flood of 2011 has been brought on record.

Sri S.G. Hasnain submits that detail records including the plot nos and map shall be placed before the Court regarding highest flood level, which was of the year 1978 by the next date by means of an affidavit. He further submits that after the appropriate orders by the Court, the State shall also proceed with the demarcation of the plots of the highest

flood level so that restriction of constructions upto 500 meter area shall also be found out. We are permitting the respondents to file a proper affidavit pertaining to the highest flood level which was the year 1978.

Sri A.K. Misra, learned counsel has filed an affidavit stating therein that constructions at the distance of 500 meters from highest flood level has also been stopped and the Zonal office is also created at the relevant place and a detailed report is being asked for conducting routine check in respect of their respective areas to ensure that no construction is allowed in their respective areas.

Sri A.K. Gupta, learned Amicus Curiae has placed before the Court certain photographs with regard to Jhunsi area where apparently certain constructions adjoining to river Ganga has been made. Sri A. K. Misra submitted that appropriate action has already been initiated against the illegal encroachment, which shall be brought to its logical end and the same be on record by filing an affidavit on the next date.

An affidavit has also been filed by Nagar Nigam, Allahabad purporting to be in compliance of our earlier order and in the affidavit the details regarding the road repairs, which was cut due to lying of the sewer lines has not been satisfactory laid down, nor there are any details as to who was responsible to carry on the road repairs.

Learned counsel for the U.P. Jal Nigam seeks time to bring before this Court by filing an affidavit pertaining to road repairs, including the responsibility and the appropriate finance for that.

Learned counsel for the Nagar Nigam Sri Kautilya has also filed an affidavit and Nagar Ayukt, Allahabad has also appeared as per our earlier order. It has been submitted by learned Amicus Curiae that since the drainage system in the city is not being properly maintained, nor there is any efforts that the Nalas are being cleaned due to which pollution is spreading in the city and also the pollution and garbage are flowing in the river. In the affidavit filed by Nagar Nigam, it has been stated that due to crunch of resources, Nagar Nigam is not able to remove complete garbage. He has also referred to in para 5 of the affidavit that due to financial crisis Nagar Nigam was not able to pay the dues of contract

employees engaged for sanitation work in the city. Learned counsel for the Nagar Nigam however seeks time to give an affidavit with regard to this matter. It is further submitted that the project for implementation of Solid Waste Management is under way and 22 wards shall start regarding collection of garbage with effect from 15.09.2011 and for the rest of the wards appropriate plan has been carved out and the project report shall be submitted by the next date.

We direct the Nagar Ayukt that the roads in the city, which are in bad shape, shall be maintained and repaired by Nagar Nigam and further large number of encroachment on the drains and Nali have been made and the people have encroached the streets and the roadside area adjoining their buildings/shops by making Pakka construction. The Nagar Ayukt, who is present in Court, is directed to take appropriate steps with regard to removal of the above encroachments, which has been covered by the un-authorised person and to realise the damages as well as to demolish the un-authorised constructions on the drains.

Sri A.K. Gupta has pointed out that the garbage which is taken out from the city is being dumped on the river bank, which is causing great pollution in the river. We direct that no garbage collected from the city shall be dumped at any river bank or at the places from where it can come in the river and it should be dumped at the places which are located for it and the Nagar Ayukt shall ensure that no garbage is dumped on the river side or at any other places as stated above. With regard to the financial crunch, which has been pointed by Nagar Ayukt, we are of the view that the State Government may also file an affidavit of the Secretary, Nagar Vikas (U.P.) explaining specially the above part, which has been referred to in the affidavit.

It was pointed out by Sri S.G. Hasnain, learned Additional Advocate General that an advertisement was issued in the year 2010 by the General Manager of Jal Nigam inviting application for awarding contract work for repairing the roads. We direct that an affidavit be filed by Managing Director of the Jal Nigam explaining the steps taken thereafter and further details regarding the award of contract.

Sri A.K. Misra, learned counsel for the Allahabad Development Authority submitted that raising constructions

within the area of 500 meters from highest flood level have been completely stopped, including the work of the Omex City (High-tech City).

Learned Additional Advocate General states that details of Checker plates which were laid by the P.W.D. before cutting the road for laying down the sewer line shall be brought on the record by an affidavit. Sri Hasnain, however, submits that at present the said Checker plates are not found out at the places where it was laid down.

Sri Ajay Bhanot filed an affidavit on behalf of Commander Works Engineers, Allahabad.

List this case on 23.09.2011 at 02.00 p.m. The Vice-Chairman, Allahabad Development Authority, Allahabad and Nagar Ayukt, Allahabad shall remain present in Court on the next date.

**Order Date :- 25.08.2011.**

Rks.

**Court No. - 21****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re: Ganga Pollution**Respondent :-** State Of U.P. And Others**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra**Respondent Counsel :-** C.S.C., A.G., Addl.A.G., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L.Pandey, Chandan Sharma, Dr. H.N.Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, J.J.Munir, Jyotindra Misra, Kashif Zaidi, M.C. Chaturvedi, M.K.Alam, Mohd.Khursheed Alam, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G.Hasnain, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M.Khan, Tahir Hussain, Udain Nandan, Vivek Birla, Vivek Verma, W.A. Hashmi

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**Hon'ble Ashok Bhushan,J.****Hon'ble Arun Tandon,J.**

Heard Sri Arun Kumar Gupta, learned Amicus Curiae, Dr. H.N. Tripathi, learned counsel for U.P. Pollution Control Board, Sri S.P. Kesharwani, learned Additional Chief Standing Counsel on behalf of the State-authorities, Sri Durga Shankar Mishra, Principal Secretary Urban Development, Sri S.D. Kautilya for Nagar Nigam, Allahabad,

Sri N.C. Tripathi, learned Counsel for Nagar Nigam, Kanpur and Sri S.D. Singh, learned counsel appearing for U.P. Leather Industries Association.

Dr. H.N. Tripathi, learned Counsel for U.P. Pollution Control Board has submitted that pursuant to earlier order of this Court dated 21.10.2011, inspections of the Common Chrome Recovery Plant and Central Effluent Treatment Plant at Kanpur were made. It has been stated by the Secretary of the U.P. Pollution Control Board Dr. Bhat, who appeared before the Court, that out of 205 chrome tanneries units in Jajmau, Kanpur, 79 tanneries units are member of Common Chrome Recovery Plant. The members of Common Chrome Recovery Plant, who have entered into agreement with the Nagar Nigam, Kanpur Nagar have been giving their sludge to the Nagar Nigam for being transported to the Common Chrome Recovery Plant for treatment. It has been submitted by the Principal Secretary, Urban Development that earlier the total collection by the Nagar Nigam was only 3 MLD which has now been increased up to 7 MLD. It has been further stated in the affidavit of U.P. Pollution Control Board that certain more tanneries have been closed and as per the analysis reports of the composite samples the total chromium at Inlet of CETP was found 12.76 milligram per liter and 10.85 milligram per liter respectively. It has been further stated that officers have inspected the Common Chrome Recovery Plant on 19.11.2011 and the chromium contents in the final outlet of CCRP is found 5.48 milligram per litre and 4.8 milligram per liter respectively. Samples have been collected from 77 tanning industries. During inspection, 43 units were found closed.

It is relevant to note that there are no figure with the Nagar Nigam or U.P. Pollution Control Board as to how much sludge is generated by the tanneries which are members of the Common

Chrome Recovery Plant. In view of the above, the U.P. Pollution Control Board may ask the members of the Common Chrome Recovery Plant to indicate the daily including monthly sludge generated by them and the Nagar Nigam, Kanpur is directed to ensure that total sludge discharge of each tannery is collected and transported to the Common Chrome Recovery Plant. The U.P. Pollution Control Board should also inspect those tanning industries who have their own chrome recovery plant and submit a detailed report by the next date.

Sri A.K. Gupta, leaned Amicus Curiae pointed out that apart from 402 tanneries, there are certain other tanneries which are unregistered and those unregistered tanneries did not have any no objection certificate from U.P. Pollution Control Board and and no action is being taken against them by the U.P. Pollution Control Board.

In this context, we direct the U.P. Pollution Control Board to inspect and take action against all such tanneries, which are unregistered and have not obtained any no objection certificate from the U.P. Pollution Control Board with the help of District Administration and we direct the District Administration Kanpur to help the U.P. Pollution Control Board for carrying out search and inspection of those unregistered tanneries.

Dr. H.N. Tripathi further submits that Pollution Control Board has closed certain tanneries but the Power Corporation has not disconnected their power connection inspite of the information being given. In this context, we provide that Executive Engineer of the concerned Power Corporation after receiving the information from U.P. Pollution Control Board that tanneries have been closed, shall ensure that their power connections are disconnected

temporarily. However, this disconnection shall not apply with regard to light and fan connection.

The Nagar Nigam, Kanpur shall file an affidavit giving details of the chromium discharge which has been recovered and the sludge discharge which is being collected by the Nagar Nigam. The Nagar Nigam, Kanpur shall also give report of collection to the U.P. Pollution Control Board. Statement has been made by Managing Director, Jal Nigam, Kanpur that all the plants in Kanpur Nagar Nigam are continuously running for 24 hours and generators back up has also been provided in each of the plant.

Sri A.K. Gupta, learned Amicus Curiae has further stated that pipeline which is going to common affluent treatment plant at Kanpur Nagar, has been damaged due to which untreated water is directly thrown in the river Ganges. We direct the U.P. Jal Nigam to take appropriate steps for change/repair of the said pipeline so that untreated water is not thrown directly in the river.

Sri S.D. Kautilya, learned counsel for the Nagar Nigam, Allahabad has filed an affidavit in which it has been stated that encroachments on various roads, Nalas, Nalis and certain other places have been removed and drains have been restored. It has been further stated that notice has been issued for recovery of fines from the encroachers. A report submitted by the Nagar Ayukta dated 22.11.2011 has also been filed at page 10 of the aforesaid affidavit, giving details of the removal of encroachments. Nagar Ayukt, who is present in the Court, states that he is taking steps for removing the encroachments. We direct the Nagar Nigam to publish a public notice specifying the details of the road on which encroachments are to be removed. Nagar Nigam should carry out the encroachment roadwise which shall also be notified in the news

papers. The notice should mention that encroachers may remove the encroachments themselves otherwise, they would be removed by the Nagar Nigam and appropriate expenses/damages be realised from the person concerned. Learned Counsel for the Nagar Nigam may file an affidavit by the next date, giving details of the work programme and removal of the encroachments.

Sri S.P. Kesharwani learned Additional Chief Standing Counsel has submitted that proposal which has been submitted with regard to Kumbh-2013 shall be submitted in the Court along with affidavit by the next date and some responsible officer shall also be present to explain the details on the next date.

Sri S.M.A. Kazmi, learned Counsel appearing on behalf of Pancham Realcon Pvt. Ltd. has pressed his application dated 21.10.2011 and submits that the project which has been initiated be allowed to carry out the finishing works. Sri A.K. Gupta, learned Amicus Curiae as well as learned counsel for the Allahabad Development Authority may file objection to the said application, and the same shall be considered on the next date.

Sri S.D. Singh Singh learned counsel appearing on behalf of U.P. Leather Industries Association has filed an affidavit, which is taken on record. Sri A.K. Gupta as well as Dr. H.N. Tripathi may filed objection to the said affidavit by the next date. The members of the Leather Association may also file an affidavit indicating the quality of discharge and they shall ensure that their discharge of chromium is not more than the permissible limit.

An affidavit has also been filed by Allahabad Development Authority, which is taken on record. Sri A.K. Mishra has submitted that no further step is being taken with regard to the tender notice

was inadvertently published relating to 'Nav Prayagam' and the said tender notice has been withdrawn.

Sri A.K. Gupta further submits that certain constructions are being made within the limit of 500 meters of Highest Flood Level at the Naini side, against which no action is being taken by the Allahabad Development Authority. Sri A.K. Misra states that appropriate inspection be made and thereafter action be taken in this regard.

Sri Pradeep Kumar has filed a rejoinder affidavit. Learned Counsel for the Nagar Nigam may submit a report with regard to the suggestions which have been given in the rejoinder affidavit.

It has been pointed out that pipelines taking the municipal waste in Salori STP at Allahabad is damaged resulting untreated water flowing in the river Ganges. Sri A.K. Mishra learned counsel for the respondents after obtaining instructions, states that repair/change of pipeline shall be completed by 15.1.2012, which may be done by above date.

List on 5.1.2012.

Sri Durga Shankar Misra, Principal Secretary Urban Development, who is present in Court, need not be present on the next date.

**Order Date :- 25.11.2011**

LA/-

**Court No. - 21**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C., A.G., Addl.A.G., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, Kashif Zaidi, M.C. Chaturvedi, M.K. Alam, Mohd. Khursheed Alam, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Hussain, Udain Nandan, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Sri S.M.A. Kazmi, Senior Advocate for the applicant M/s Pancham Realcon Private Limited.

Learned counsel for the applicant submitted that under notice, issued by the Allahabad Development Authority, Allahabad, the constructions of the entire High Tech City Project has been stopped.

Learned Amicus Curiae points out that the Allahabad Development Authority has only issued direction for complying with the order of this Court dated 22.04.2010 whereby constructions within 500 meter of highest flood level of the river Ganga have been stopped.

Sri S.G. Hasnain, learned Additional Advocate General submits that an affidavit has already been filed on behalf of the District Magistrate dated 23<sup>rd</sup> September, 2011 bringing on record the maps depicting the exact area, the plot number with the Khasra number, which was inundated in the floods of 1978.

Learned Amicus Curiae explains that it has to be determined first as to at what point the highest flood level should be taken for calculating the radius of 500 meter where in construction stands prohibited. .

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority submits that the Development Authority shall, on the basis of the map submitted by the District Magistrate, measure the area giving the plot number, Khasra number and the name of villages for demarcating the highest flood level in 1978 and submit its own map.

Let this be done within two weeks from today. A copy of the map be supplied to the applicant, Amicus Curiae and the Additional Advocate General before filing the same before the Court.

Learned Amicus Curiae points out that at Bakshi Bandh area the garbage filling area has now been levelled and plots are being carved out, which is within 500 meter of the highest flood level. Constructions are also likely to be

raised. He submits that the Development Authority be directed to ensure that no constructions are so made.

Sri A.K. Mishra has taken notice of the information and has assured that appropriate action shall be taken.

List on 16<sup>th</sup> March, 2012.

**Order Date :-** 16.2.2012

Pkb/

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :- Re: Ganga Pollution**

**Respondent :- State Of U.P. And Others**

**Petitioner Counsel :- Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra**

**Respondent Counsel :- C.S.C., A.G., Addl.A.G.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra,Kashif Zaidi,M.C. Chaturvedi,M.K.Alam,Mohd.Khursheed Alam,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Hussain,Udain Nandan,Vivek Birla,Vivek Verma,W.A. Hashmi**

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri S.M.A. Kazmi, learned Senior Advocate for the applicant, namely, M/s Pancham Relcon Private Limited, Sri A.K. Mishra, learned counsel for the Allahabad Development Authority, Sri S.P. Keshwani, learned Additional Chief Standing Counsel for the State and Sri A.K. Gupta, Amicus Curiae.

Sri S.M.A. Kazmi, learned Senior Advocate for the applicant submits that under a notice issued by the Allahabad Development Authority, the applicant has been asked to stop the entire construction work, as was being undertaken in connection of High Tech City Jhunsi, Allahabad. He submits that demarcation of 500 meter from the highest flood level has not been done till date. It is not known as to what part of the constructions are within the prohibited area. He submits that the applicant is entitled to carry on the constructions, which are not within the prohibited area.

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority has filed an affidavit of Sri Baij Nath, Joint Secretary/Prabhari Adhikari (Vidhi), Allahabad Development Authority, Allahabad, in compliance to the earlier order of the Court dated 16th February, 2012, wherein the Development Authority was directed to verify and identify the area with plot number, Khasara number and the name of villages for demarcating the highest flood level as the year in 1978 and to submit its own map. In the affidavit it has been stated that a letter has been received from the District Magistrate, Allahabad on 16th March, 2012 informing that the maps, as have been submitted before the High Court by the District Magistrate, have been prepared on the scale, of one inch equal to Jarib Shahjehani. Sri A.K. Mishra, submits that on the receipt of the said information, immediate steps shall be taken by the Allahabad Development Authority for preparing its own map. Sri Mishra has referred paragraph 6 of the affidavit, wherein it has been stated that necessary technical experts required for the work is not available with the Development Authority. The map, which has been received, has to be digitized. Sri Mishra submits that the Development Authority is contemplating engagement of an expert agency.

The Allahabad Development Authority has an engineering and a town planner department, which consists of experts. The statement made in paragraph-6 of the affidavit appears to be a lame excuse. In any view of the matter, the Allahabad Development Authority is entitled and competent to engage more experts in the field for carrying out the work, for fulfilment of its duties.

Sri S.P. Kesharwani, learned Additional Chief Standing Counsel submits that the map submitted by the District Magistrate discloses the plot numbers, Khasara numbers and the name of villages, upto which the flood waters in 1978 had reached. The map had been prepared by the teams constituted by the District Magistrate with four Tehsildars separately. Copies of the such maps have been brought on record along with affidavit of Suryamani Lalchand, Additional District Judge (Finance and Revenue), Allahabad dated 27th September, 2011.

In view of the fact that the maps have already been prepared and filed disclosing the exact plot numbers/ Khasara numbers, where flood waters in 1978 had reached, we are of the view that the District Magistrate may constitute a committee for actual demarcation on spot of the same, in accordance with the maps already prepared. The

Committees, which were earlier constituted by the District Magistrate tehsil-wise, shall cooperate with the Committee to be constituted by the District Magistrate for actual spot markings. The Allahabad Development Authority shall also coordinate in the exercise and any assistance as required with the District Magistrate shall be provided by the Allahabad Development Authority in that regard.

The Allahabad Development Authority shall also continue with the exercise of preparation of its own map, as had been earlier directed by the Court vide order dated 16th February, 2012.

The Allahabad Development Authority as well as the Committee to be constituted by the District Magistrate shall complete the exercise within three weeks from today. While making the demarcation on spot of the highest flood level, it shall also affix pillars, so that further steps may be taken, as and when directed.

We clarify that the aforesaid measurement is to be carried out first on the other side of the river Ganges i.e. towards Phaphamu, Jhunsi and Naini.

Sri A.K. Gupta, Amicus Curiae and Sri S.M. Kazmi, learned counsel for the applicant have pointed out that several construction within the restricted zone are still in progress. In that regard, certain photographs and information has been given by both the counsels.

We had repeatedly directed that no constructions shall take place within 500 meter of highest flood level. The Allahabad Development Authority shall ensure that all constructions to the contrary are stopped and sealed.

List this matter on 18th May, 2012 at 2:00 p.m.

(Ashok Bhushan, J.)

(Arun Tandon, J.)

Order Date :- 20.4.2012

Sushil/-

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C., A.G., Addl.A.G.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra,Kashif Zaidi,M.C. Chaturvedi,M.K.Alam,Mohd.Khursheed Alam,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Hussain,Udain Nandan,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri S.P. Gupta, learned Advocate General, assisted by Sri S.P. Kesharwani, learned Addl. Chief Standing Counsel, Sri SMA Kazmi, learned Senior Advocate for Pancham Real Com., Sri Arun Kumar Gupta, learned Amicus Curie, Sri A.K. Mishra Allahabad Development Authority.

An affidavit has been filed by Sri Surya Mani Lal Chand, Addl. District Magistrate (F & R), Allahabad. It has been stated in the said affidavit that the District Magistrate has passed an order on 21st April, 2012, constituting a committee for demarcation of the highest flood level of the year 1978 and putting the pillars thereon. The District Magistrate has also written to the Vice Chairman of the Allahabad Development Authority.

Sri Kesharwani has submitted before the court that the demarcation and laying of pillars at a distance of 60 meters has been completed in three villages. Learned counsel for the Allahabad Development Authority has also brought on record that the Indian Institute of Technology, Allahabad has also been associated with the work of digitalization of the map and substantial work pertaining to the preparation of map for demarcating highest flood level line has been completed. It has been submitted by learned counsel for the Allahabad Development Authority as well as learned Standing Counsel that the demarcation with regard to the highest flood level shall be completed within ten days.

In view of aforesaid, we direct that within ten days from today, the demarcation of highest flood level and putting pillars thereon should be completed and an affidavit regarding compliance along with the maps should be placed before the court by the next date which is fixed as 31<sup>st</sup> May, 2012 at 2.00 p.m.

Sri S.M.A. Kazmi, learned Senior Advocate submits that that after highest flood level is drawn the authority should also draw the appropriate line regarding 500 meters area from the aforesaid line, so that the embargo on the construction may be relaxed. The aforesaid prayer of Sri Kazmi would be considered on the next date after the map is submitted with regard to the highest flood level.

Sri S.D. Kautlya, appearing for the Nagar Nigam, Allahabad has filed an affidavit of Sri Prem Nath Dubey and has submitted that certain work regarding the work carried of the removal of encroachment and restoration of Nali/Nalas in the Civil Lines area has been completed. In paragraph 3 of the affidavit certain details have been given and in Annexure-1 to the affidavit certain site plans have also been disclosed.

Learned Amicus Curie has pointed out that the restoration of work of Nali/Nalas in Civil Lines area itself is not complete and in several places beyond Nali Nalas there are unauthorized constructions, which are still in existence and the drains and Nalis are not in running condition. On earlier occasion the Nagar Nigam has filed an affidavit of Prem Nath Dubey, dated 11<sup>th</sup> May, 2012 in which in Annexure-7 it has been pointed out that programme for removal of encroachment was prepared at item no. 1 of the said programme, it was proposed that encroachment shall be removed from Ambedkar Murti crossing to P.D. Tandon Park, Hanuman Mandir crossing. Learned counsel submits that the said plan was for removal of encroachment. For restoration of Nali and Nalas removal of encroachment is necessary. We had earlier directed in our earlier orders that the restoration of Nali and Nalas be made in a manner that the entire length of Nali/Nala be clear and to make Nali and Nalas in running condition. We are of the view that the restoration of Nali and Nalas is not being carried out in the manner as directed by our earlier orders.

In view of above, we are constrained to observe that strict directions are necessary to the Municipal Commissioner, Allahabad to start acting and taking steps for restoration of entire Nali/Nalas so as to make them flowing. As test case, since in the programme which has been given by the Nagar Nigam dated 8<sup>th</sup> May, 2012 first item was mentioned for removal of encroachment from Ambedkar Murti to P.D. Tandon Park and Hanuman Mandir crossing. We direct that by the next date the entire length of Nali/Nalas as mentioned at item no. 1 from Ambedkar Charurah to Hanuman Mandir Chauraha be restored in the manner that there is no obstruction in between the entire length of Nali Nalas. The Municipal Commissioner shall also ensure that the entire length of Nali Nalas is restored in the aforesaid road and shall file an affidavit and compliance report. Unauthorized constructions whether Pakka or Kachcha shall be removed, so that the drains and Nali Nalas through the entire length of road may start running. The Municipal Commissioner shall also be present in court and shall file his own affidavit, giving details of the compliance of the orders as directed by us earlier, along with photographs of the work done.

In our earlier orders dated 11.5.2012 and 23.4.2012, we have noticed the reports submitted by the WEBCOS. The court has also observed that dredging of the river may be necessary at certain places and the learned Advocate

General has assured to the court that appropriate steps shall be taken and be brought on record.

Sri S.P. Gupta, learned Advocate General who is present in court states that he has communicated the observation of the court to the Government. In the affidavit filed by Sri Basudev Singh, Supertending Engineer , the order dated 14<sup>th</sup> May, 2012 has been brought on record which indicates that a committee has been constituted regarding considering the dredging of the river. A perusal of the order indicates that before the Committee headed by the Chief Secretary, Police Prashashan and Mela Prashashan stated that there is no requirement of dredging, when we have directed to get the matter scientifically studied with regard to the constructions of Pakka Ghat at river Gangas and to explore other methodology including constructing the sluice gate, we fail to see that on what basis the police administration and Mela administration have made above statement before the Committee. Let an affidavit be filed by the Mela Adhikari, as well as the police administration, who has brought the aforesaid information before the State Government clarifying their stand, which shall be considered on the next date.

Sri S.D. Kautlya, learned counsel for the Nagar Nigam has submitted that one of the obstructions in removing the obstructions from drains and Nali Nalas are the trnsformers and other installations of the U.P. Power Corporation/Transmission Corporation. Sri Kesharwani submits that if any, request is received from the Nagar Nigam, appropriate department of Power Corporation shall consider the matter and take immediate action in the matter. Sri S.D. Kautlya submits that request in this regard has been sent in January, 2012 to the Railway administration.

List on 31.5.2012 at 2.00 p.m.

**Order Date :-** 18.5.2012  
KCS

Court No. - 32

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K.

Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath

Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C.

Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr.

Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh

Krishna Mishra

**Respondent Counsel :-** C.S.C., A.G., Addl.A.G., A.K. Mishra, Ajay

Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr.

H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra

Misra, Kashif Zaidi, M.C. Chaturvedi, M.K. Alam, Mohd. Khursheed Alam, N.

Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B.

Shukla, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, S.M.A.

Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel

Dubey, T.M. Khan, Tahir Hussain, Udain Nandan, Vivek Birla, Vivek

Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Sri S.P. Kesharwani, learned Addl. Chief Standing Counsel for the State, Sri SMA Kazmi, learned Senior Advocate for Pancham Real Com., Sri Arun Kumar Gupta, learned Amicus Curie, Sri A.K. Mishra, Advocate for the Allahabad Development Authority and the U.P. Jal Nigam, Sri H.N. Tripathi, Advocate for the U.P. Pollution Control Board and Sri S.D. Kautilya, Advocate for the Nagar Nigam.

Vakaltnama filed today on behalf of Harchetan Brahmchariji Maharaj by Sri Tanmay Agarwal, Advocate, is taken on record.

Sri S.P. Kesharwani has filed the affidavit of Pushkar Srivastava, S.D.M. Karchhana stating therein that in pursuance to the earlier order dated 18.05.2012 demarcation work of highest flood level has almost been completed. The work of fixation of pillar has also been substantially completed and the remaining work shall be completed soon. The progress reports of the Tehsildars of tehsil-Karchhana, Soraon and Phoolpur and Sadar have been brought on record.

Sri A. K. Mishra submits that the work of demarcation is being done with the joint efforts of Allahabad Development Authority and the Revenue Officers.

Sri Arun Kumar Gupta learned Amicus Curie submits that a copy of the map containing demarcation of highest flood level and 500 meter thereafter may be provided to him so that he may file objections, if any.

Sri A.K. Mishra has provided a copy of the map to Sri Arun Kumar Gupta, who is granted four weeks' time to file objection to the said

map, if any. Sri Kazmi is also provided opportunity to file his objections to the map, if any.

An affidavit has also been filed on behalf of the Irrigation Department of the State of U.P. stating therein that a decision has been taken by the High Level Committee to purchase two dredging machine for Allahabad for the purposes of Kumbh Mela. In the meeting dated 27<sup>th</sup> May, 2012 a decision has been taken that the dredging work shall start after the rainy season in consultation with technical experts.

Sri S.P. Kesharwani has submitted that the process for purchasing of two dredging machines as per the decision dated 27<sup>th</sup> May, 2012 shall be initiated without delay and by the next date progress report made in the matter of purchase of the machines shall be placed on record.

Sri Ravi Kant, Senior Advocate has filed an application on behalf of Sam Higginbottom Educational and Charitable Society, Allahabad stating therein that unauthorized constructions are being raised in tehsil Karchhana within the prohibited area of 500 meter from the highest flood level. In his application dated 30.05.2012 the details of various plots of village Abhaichandpur has been mentioned where such unauthorized constructions are being undertaken.

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority shall obtain instructions with regard to the action taken on the application. Allahabad Development Authority shall ensure that no constructions within the prohibited taken place. A detail report be filed by the next date disclosing the action taken by the Allahabad Development Authority.

Sri S.D. Kautilya, learned counsel for the Nagar Nigam has filed the affidavit of Municipal Commissioner stating that as per the earlier order of the Court the work for removing the encroachments from Nala/Nali has been started. He further submits that after removal of encroachment from over the Nala/Nali, the encroacher again occupy the place. He further submits that the officers of Nagar Nigam face difficulty during anti encroachment drive because of lack of police help. Some more time is prayed to complete the work as directed by this Court for restoration of Nala/Nali from Ambedkar Murti Crossing to Hanuman Mandir Crossing. Certain photographs have also been filed showing the work of restoration of Nala/Nali after removing the encroachment.

In view of the aforesaid, we direct the Senior Superintendent of Police, Allahabad to provide adequate police force to the Nagar Nigam as and when written request is received from the Municipal Commissioner for effectively removal of encroachments from over the Nala/Nali and for the restoration work being done.

We further provide that in case the encroacher reoccupy the area after the anti encroachment drive, then fine must be imposed and such other action be taken against the allottees/person concerned,

as may be permissible under law. The Municipal Commissioner, who is present in the Court, shall ensure that the removal of encroachments and restoration of Nali/Nallas, as directed under our earlier order, is completed by the next date and no leniency in the matter is to be shown. By the next date an affidavit along with photographs be filed by the Municipal Commissioner for establishing compliance of our order.

Dr. H.N. Tripathi has filed an affidavit bringing on record the inspection report filed by the U.P. Pollution Control Board with regard to the pumping stations, common effluent treatment plants, sewage treatment plants and common chrome recovery plants at Kanpur, certain shortcoming have been noticed.

We direct the U.P. Jal Nigam, Nagar Nigam Kanpur and the other authorities concerned to look into the inspection report and take remedial measures as required for removing the shortcoming noticed in the inspection report dated 11<sup>th</sup> May, 2012.

Another important aspect of the matter which is not being taken due care by the district and Municipal authorities is the enforcement of prohibition imposed upon use of the polythene within the prohibited areas. Every attempt has to be made to make the Maha Kumbh 2013 polythene free. Strict and effective measures are mandatory in the prevailing circumstances. The District Magistrate, Allahabad, the Mela Adhikari and the Nagar Ayukt must file their personal affidavits disclosing the action proposed in that regard on the next date. Amicus Curie may also submit his suggestions on the issue by the next date.

List on 13<sup>th</sup> July, 2012.

**Order Date :-** 31.5.2012

Pkb/

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K.

Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath

Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C.

Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr.

Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh

Krishna Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar

Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N.

Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra,

A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C.

Tripathi,M.K.Alam,Mohd.Khursheed Alam,Mridul Tripathi,N.

Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B.

Shukla,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain,

Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel

Dubey,T.M.Khan,Tahir Hussain,Tanmay Agarwal,Udain Nandan,Umesh

Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Shri Arun Kumar Gupta, learned Amicus-curiae, Shri S.P. Kesarwani, learned Standing Counsel for the State, Shri A.K. Mishra, learned counsel for the Development Authority, Dr. H.N. Tripathi for the U.P. Pollution Control Board, Shri Ajai Bhanot for Union of India, Shri M.A. Haseen who filed an application on behalf of Mohd. Nasim Hashmi for intervener.

An Affidavit has been filed by Shri S.P. Kesarwani as well as by Shri A.K. Mishra stating that the demarcation of highest flood level in Tehsils Karchana, Phoolpur and Soraon has already been completed. It has further been stated that pilers with regard to highest flood level has already been erected.

Shri Arun Kumar Gupta, learned Amicus-curiae has raised certain objections with regard to the demarcation of highest flood level. He submits that there are several shortcomings in demarcation of the highest flood level. He submits that the five hundred metres from the highest flood level at some places are con sidering with the highest flood level.

Shri M.A. Haseen who has filed the application for intervention in his affidavit has brought certain photographs pertaining to the flood level of the different years including 2008 and 2011,

showing the level of flood in Jhunsi area of District Allahabad. He submits that highest flood level in the aforesaid years have submerged various areas as has been shown in photographs. He submits that highest flood level which has been demarcated is not in consonance with the correct highest flood level of the year 1978. He further submits that highest flood level in year 1978 was 88 metres which was measured on the Railway Bridge, Jhunsi.

We are of the view that for the time being the measurement with regard to 500 metres from the highest flood level be also completed and necessary pilers be erected subject to consideration of the objections as raised against the highest flood level which may be subsequently decided.

As we have already directed that no construction should be made within 500 metres from the highest flood level the said order should be implemented by the Allahabad Development Authority and the District Administration and no construction within 500 metres of highest flood level be permitted. We, however, make it clear that any construction which have been carried out within the said area and has already been completed can very well be dealt with by the Development Authority in accordance with the provisions of the U.P. Urban Planning and Development Act, 1973 and our order in no manner creates any protection or restraint with regard to such illegal constructions. At this juncture, it is relevant to note that an application was earlier filed by Shri Ravi Kant, Senior Advocate on behalf of the Sam Higginbottom Educational and Charitable Society (formerly Board of Directors, Allahabad Agricultural Institute).

Shri A.K. Mishra submits that after the order of this Court, the Development Authority has examined the complaint and has noticed that only four feet boundary wall was constructed by the Blind School.

Shri A.K. Mishra further points out that even the Sam Higginbottom and Charitable Society itself has been carrying out various constructions unauthorizingly which was also complained by the Blind School. It is not necessary for us to enter into the allegations or counter-allegations at this stage. Suffice it to observe that Allahabad Development Authority is duty bound to take appropriate actions against all unauthorized constructions and the constructions falling within five hundred metres of highest flood level including drawing the appropriate proceedings in accordance with law.

Shri S.P. Kesarwani submits that as far as the purchase of two dredging machine is concerned, the appropriate tender has already been issued and the steps are being taken for acquiring two dredging machines in the river Ganga at Allahabad. He submits that tender has been issued and according to the tender notice, the tender shall be finalized in August.

We observe that appropriate steps be completed with regard to acquiring of two dredging machines as early as possible.

Shri Arun Kumar Gupta submits that an Officer, Tehsildar posted in the Allahabad Development Authority was transferred since he effectively implemented the orders of this Court passed in this Writ Petition and the large number of inquiries have been initiated against him and he is being victimized at the instance of certain persons.

Shri S.P. Kesarwani may obtain instructions in the above regard and apprise the Court by the next date.

Shri S.D. Kautilya and Shri Rajendra Kumar Mishra have filed affidavits on behalf of the Nagar Nigam of Prem Nath Dubey, Municipal Commissioner and on behalf of U.P. Power Corporation of Ajay Kumar Singh. It has been stated that 80% work of restoration of Nali and Nala of M.G. Marg has been completed. He further submits that Power Corporation has started shifting of transformers from 11 July, 2011. He further submits that due to Local Body Election the anti-encroachment drive was hampered which has been again started from 9th July, 2012. We by our earlier order passed in this writ petition have directed that Nalis and Nalas through out the M.G. Marg from Ambedkar Crossing to Hanuman Mandir crossing be restored.

In the affidavit filed by Nagar Nigam although certain photographs have been annexed showing restoration of certain works but there is no sufficient material to indicate that the work has been completed.

We are not happy with the progress which has been made by the Nagar Nigam regarding the restoration of Nalis and Nalas of M.G. Marg. As the last opportunity we grant time till 31st July, 2012 to the Nagar Nigam to ensure completion of entire work on the aforesaid road from Ambedkar Crossing to Hanuman Mandir Crossing on both sides and will submit detail report annexing all relevant photographs, failing which appropriate action be taken.

Shri S.P. Kesarwani, learned counsel for the State submits that out of five Pakka Ghats in Yamuna River construction of four have already been started but the Pakka Ghats at Kila Ghat was stopped due to certain objections raised by Defence Authorities.

Shri Ajai Bhanot, learned advocate submits that no construction near the Fort is permissible unless an appropriate permission is obtained.

In view of the above, we are of the view that the construction of Pakka Ghat at Kila Ghat be not undertaken unless the requisite permission is obtained from the Competent Authority.

In so far as construction of S.T.P. At Allahabad in the Cantt. Area, Shri Bhanot submits that the work has started and more than 30% work has been completed.

We have already indicated in our earlier orders that all the S.T.Ps which are to be constructed at Allahabad are to be commissioned on or before 31st December, 2012.

We direct that the aforesaid deadline be complied with since the Kumbh Mela is to start from January, 2013 before which the S.T.Ps should be made functional.

Dr. H.N. Tripathi has filed an affidavit bringing various reports by the U.P. Pollution Control Board at Kanpur Nagar. In the affidavit, the reports have been submitted, which indicate that C.E.T.P and S.T.Ps at Kanpur Nagar are not functioning efficiently. Although the U.P. Jal Nigam in its affidavit has claimed that C.E.T.P. And S.T.Ps at Kanpur Nagar are continuously working but from the reports which have come on record it is clear that the functioning is unsatisfactory.

We are of the view that there has to be complete monitoring of the working of the C.E.T.P. And S.T.Ps at Kanpur Nagar.

Learned Amicus-curiae has submitted that the C.C. T.V. Cameras be installed with regard to aforesaid C.E.T.P and S.T.Ps to monitor and maintain a complete record of their functioning.

Shri S.P. Kesarwani, learned counsel for the State may submit an appropriate proposal in this regard by the next date.

Shri S.P. Kesarwani has filed an affidavit bringing on record the notification dated 2.2.2011 by which use or sale of plastice has

been prohibited within a radius of two kilometers area of mid-stream of river Ganga.

Shri S.P. Kesarwani further submits that there are several proposals to implement the aforesaid prohibition and in the affidavit he has mentioned about 10 such proposals. In paragraph 3, he further submits that the State shall consider to prohibit the use of polythene in entire District of Allahabad due to ensuing Kumbh Mela which is starting from January, 2013.

We are of view that State may consider to prohibit the use of polythene in the entire District Allahabad looking to ensuing Kumbh Mela. An appropriate reply be given by the next date.

Shri Arun Kumar Gupta, learned Amicus-curiae has pointed out that restoration and repair of roads which were dug for laying sewer lines is in very unsatisfactory stage. He submits that various roads which were dug are still laying open without carrying any repair work endangering the life of citizens.

We are of the view that the Public Works Department, Nagar Nigam and U.P. Jal Nigam who are responsible for the aforesaid repair and restoration have to discharge their duties efficiently which is their liability.

We direct that appropriate action in this regard be taken by concerned departments and progress report with regard to reapiir and restoration of roads shall be submitted by the next date.

Shri Kazmi, learned Senior Advocate submits that the applicant submitted by M/s Pancham Realcon Private Limited should be considered on the next date.

List on 17th August, 2012 at 2:00 p.m.

**Order Date :-** 13.7.2012  
S.Prakash

**Court No. - 37****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 31229 of 2005**Petitioner :-** Kautilya Society Thru' General Secy. & Another**Respondent :-** State Of U.P. Thru' Principal Secy. & Others**Petitioner Counsel :-** Neeraj Tiwari, Neera Tiwari, Sandeep Chaturvedi, Suneet Kumar, Suneet Tewari, U.N. Sharma, Virendra (In Person), Vrinda Dar**Respondent Counsel :-** C.S.C., A.N. Tewari, Ajay Kumar Singh, Ajit Kumar Singh, S.M.A. Kazmi**Hon'ble Ashok Bhushan, J.****Hon'ble Arun Tandon, J.**

Heard Mrs. Vrinda Dar, petitioner No.2, appearing in person, Mr. Ajit Kumar Singh, learned counsel appearing for the Varanasi Development Authority and the learned Standing Counsel. Mr. B.D. Mandhyan, Senior Advocate, assisted by Mr. A.K. Singh has appeared for respondents No.5 to 8.

The petitioner No.2 has submitted that in spite of several orders passed by this Court large number of constructions, which have already been directed to be demolished, have not yet been demolished and the Varanasi Development Authority and its officials are not serious in taking action against the unauthorised constructions on the banks of river Ganga at Varanasi. It is submitted that the Ghats, which are on the bank of city side of the river, have large number of such constructions. It is pointed out that a Division Bench of this Court while hearing this petition earlier on 24<sup>th</sup> February, 2011 has noticed the details of the scheme which was proposed by the Varanasi Development Authority itself mentioning the details of cases of different wards. Subsequently, the Division Bench has also appointed a Commissioner to submit a detail report after personally inspecting the site and the Varanasi Development Authority was also directed to file an affidavit. A report dated 21<sup>st</sup> March, 2011 has been submitted by Mr. C.B.

Srivastava, Former District Judge, after visiting various sites. In the report itself the Commissioner appointed by the Court has stated that several unauthorised constructions have been demolished but some unauthorised constructions have not been demolished/fully demolished and reference has been made of some cases where stay orders have been granted either by the Civil Court or Commissioner's Court. The difficulties of certain locals regarding repairs have also been pointed out who are residing within 200 metres of banks of river Ganga.

The petitioner No.2 has further submitted that on other sides of river Ganga certain unauthorised constructions are coming up which shall affect the river adversely.

On a query put to learned counsel for the Varanasi Development Authority as to whether there is any restriction regarding construction on the banks of river Ganga, learned counsel prays for time to look into the relevant Government orders and master plan in this regard.

While hearing, Public Interest Litigation (PIL) No. - 4003 of 2006, Re: Ganga Pollution, a Division Bench of this Court has already put a restriction on making construction within 500 metres from highest flood level at Allahabad. The construction on the banks of river Ganga are rapidly increasing threatening very existence of the river and causing unabated pollution. Both banks of river Ganga are flooded with construction due to which the river is being eroded. We are of the considered opinion that there should be immediate restriction on construction at both the banks of river Ganga at varanasi. There shall be no construction within the 200 metres area from the highest flood level at both the banks of river

Ganga at Varanasi. The Varanasi Development Authority and the district administration of Varanasi shall ensure that no construction is made and appropriate notice and boards be placed at the banks of river Ganga in this regard for the notice of public in general.

The report, which has been submitted by the Commissioner appointed by this Court, is also being objected by filing written objection by petitioner No.2. Before we consider the objection on the report, we are of the view that at least the unauthorised constructions which have already been identified and are not removed should be first removed and a compliance report in this regard be filed by the Varanasi Development Authority before the Court. In those cases where appeals are pending before the Commissioner, who is Chairman of the Varanasi Development Authority, the same shall be disposed of expeditiously preferably within a period of two months from the date a copy of this order is produced. The Varanasi Development Authority shall bring into the notice of the Commissioner this order and make a request for disposal of the appeal at an early date so that appropriate action is taken by the Varanasi Development Authority. Sri Ajit Kumar Singh, learned counsel for the Varanasi Development Authority shall file a detail affidavit regarding demolition of construction with regard to whom order of demolition has already been passed and the difficulty, if any, be also brought before the Court. We make it clear that in those cases where there is no stay order by any Court, the Varanasi Development Authority shall ensure demolition of the construction and file compliance report by the next date.

List this case on 24<sup>th</sup> September, 2012 at 2.00 P.M.

As directed above, the Varanasi Development Authority shall

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ensure that no further constructions within 200 metres from the highest flood level at banks of river Ganga at Varanasi is made and file a compliance report by the next date fixed.

**Order Date :-** 27.7.2012

Rakesh

**Court No. - 37****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re: Ganga Pollution**Respondent :-** State Of U.P. And Others**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Hussain,Tanmay Agarwal,Udain Nandan,Umesh Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi**Hon'ble Ashok Bhushan,J.****Hon'ble Arun Tandon,J.**

Heard Sri S.P. Gupta, learned Advocate General, assisted by Sri S.P. Kesarwani, Additional Chief Standing Counsel, for the State, Sri Ajay Bhanot for Union of India, Sri A.K. Mishra for Allahabad Development Authority and U.P. Jal Nigam, Sri S.D. Kautilya for Nagar Nigam, Allahabad, Sri Ravi Kant, Senior Advocate and Sri J. Nagar, Senior Advocate for Sam Higginbottom Educational and Charitable Society, who has filed an application, Sri L.P. Singh and Sri M.A. Haseen who have filed affidavits along with intervention applications.

In the application filed on behalf of Sam Higginbottom Education and Charitable Society (hereinafter referred to as the Society) prayer has been made to permit the Society to complete the existing construction work and carry out the repairs/

renovation/extension.

Sri L.P. Singh, who has filed an intervention application, has filed various photographs along with the affidavit showing the construction which are being proceeded with by the Society. It has been stated in the affidavit that on 15<sup>th</sup> August, 2012 the Society was laying slab.

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority has submitted that Vice Chairman and Secretary of the Allahabad Development Authority visited the premises of the Society and has directed not to proceed with any construction. It has been stated that several notices were earlier issued to the Society asking to stop construction including the notice given on 25<sup>th</sup> July, 2012. Sri Mishra has submitted that inspection was made in August, 2012 by the authorities of the Allahabad Development Authority and it was found that constructions have proceeded with by the Society including the work of laying slab. Sri Mishra has also submitted that the constructions which are being made by the Society, have been undertaken without their being any sanction plan and the Society in spite of various directions and orders has proceeded with the construction in flagrant violation of various directions and orders of Allahabad Development Authority and the provisions of U.P. Urban Planning and Development Act, 1973. It has further been stated that this Court has already on 22<sup>nd</sup> April, 2011 has passed an order stopping all constructions within 500 meters of highest flood level of river Ganga and on either sides of the city across the Sangam. It is submitted that constructions are also being made in the teeth of the direction of this Court dated 22<sup>nd</sup> April, 2011.

The Society claims to be a deemed University and an institution which has been running since 1910 with large faculty. An affidavit has been filed on behalf of the Society which does not indicate that any sanction plan has been obtained by the Society from the Allahabad Development Authority for constructions which are being undertaken. Learned counsel appearing for the Society has not denied the allegation that no plan has yet been sanctioned. A plea has been taken that plan has been submitted several years ago.

Be that as it may, when plan has not yet been sanctioned, we fail to see how the institution of such repute is violating the provisions of the U.P. Urban Planning and Development Act, 1973 and direction issued by this Court. The Society which consists of eminent persons and has a place in the society is more expected to act in accordance with law and follow the provisions of U.P. Urban Planning and Development Act, 1973 moreso when it claims to be a society running an educational institution. The sequence of events and specially the conduct of the society in carrying on with the construction cannot be approved. Sri A.K. Mishra submits that notice has been issued on 16<sup>th</sup> August, 2012 to the Society asking to show cause as to why construction be not demolished.

We are of the view that Allahabad Development Authority may proceed with the demolition of unauthorised constructions and if necessary seal the construction so that no further unauthorised constructions be made. We further direct the Allahabad Development Authority to initiate proceedings for prosecution of the Society since it has proceeded with the construction work in flagrant violation of the 1973 Act. The appropriate steps be taken and in this regard an affidavit be filed by the Allahabad

Development Authority by the next date.

In view of the aforesaid, the application filed by the Society praying to permit it to complete the construction and carry on the repairs/renovation/extension work is **rejected**.

Sri M.A. Haseen has filed a supplementary affidavit along with the intervention application in which fixation of pillar at 500 meters from highest flood level by the District Magistrate as well as the Allahabad Development Authority has been challenged. It has been stated that pillars have been fixed not at highest flood level, rather they have been fixed at sea level. Along with the affidavit several photographs have been enclosed from Annexure 4 to 19 which bring on record various relevant facts including the places where the pillars have been fixed alleging to be on highest flood level as well as various photographs showing the unabated construction at Jhansi side of the Allahabad. The photographs of various constructions by Satyam Kriyayog have also been brought on the record and it is submitted that said constructions are being made within 500 meters from highest flood level in breach of the direction of this Court.

We have issued direction to the District Magistrate, Allahabad as well as the Vice Chairman of the Allahabad Development Authority for marking the highest flood level. From the affidavit which has been brought on the record as well as from the submission made by learned Amicus Curiae it appears that marking of highest flood level is not in accordance with the highest flood level of 1978 and consequently the pillars at 500 meters from highest flood level are also not correctly placed. In our earlier order, we have noted the objections raised against highest flood

level and marking of 500 meters from the said level and the said objections were to be considered subsequently. The District Magistrate as well as the Vice Chairman of the Allahabad Development Authority shall file reply to the supplementary affidavit filed by Sri M.A. Haseen, Advocate and the objection regarding highest flood level and marking at 500 metres shall be considered thereafter. We further direct the Allahabad Development Authority to ensure that no further constructions be made by any person, institute or society within 500 meters from highest flood level and the photographs which have been filed along with the affidavit be verified and if it is found that constructions are being made within the prohibited area, the same be stopped.

An affidavit has been filed on behalf of Sri Ashok Kumar Srivastava, Superintending Engineer, Irrigation Works Circle, Allahabad stating that for purchase of two dredging machine the tender process is already proceeded and Part-A of the tender has been opened on 13<sup>th</sup> August, 2012 and the technical bid has been opened on 16<sup>th</sup> August, 2012 and thereafter the financial bid is scheduled to be opened on 28<sup>th</sup> August, 2012. It is stated that after completion of bidding process, the dredging machine shall be shortly acquired and appropriate progress in this regard shall be brought on the record by the next date.

An affidavit has been filed on behalf of Sri Shree Prakash Singh, Special Secretary, Urban Development Department, Lucknow in which it has been stated that matter to prohibit use of polythene in the whole district of Allahabad for a specified period in view of Kumbh Mela-2013 is under consideration of the State Government. We have already noticed that notification has been issued prohibiting use of polythene within two kilometres radius of river

Ganga and in our earlier order it was observed that looking to the Kumbh Mela–2013, the State Government may consider to prohibit the use of polythene in the entire district of Allahabad. We are of the view that State Government instead of considering prohibition for use of polythene for a specified period, may consider prohibition of polythene for indefinite period.

An application has been filed by Learned Amicus Curiae along with the affidavit of Sri Rajesh Kumar Srivastava, Tahsildar in Allahabad Development Authority in which it has been pointed out that earlier the officer had taken certain actions in pursuance of the order of this Court dated 22<sup>nd</sup> April, 2011 as well as other orders of this Court, who is being victimised by the respondents despite the fact that matter is under consideration in this Court. We have directed the learned Additional Chief Standing Counsel to obtain instructions in this regard. He has stated that the said officer has been relieved on 16<sup>th</sup> August, 2012 as his deputation period was over. In view of serious allegation of taking action with intention to victimise the officer only due to action taken by him in compliance of the order of this Court, we are unhappy with the steps taken in this regard. We are of the view that such officers be not victimised. Learned Additional Chief Standing Counsel submits that officer was on deputation and after completion of his deputation period, he has been relieved. Learned Amicus Curiae in this regard submits that he will submit details of other officers who have not been relieved even after completion of their deputation period. We are of the view that since the matter regarding victimisation of the officer is under consideration before this Court, the officer be allowed to function at the place where he was functioning till yesterday i.e. 15<sup>th</sup> August, 2012. The learned Additional Chief Standing Counsel may file reply to the affidavit filed by Sri Rajesh Kumar Srivastava

and the matter will be further considered on the next date.

In pursuance of the order of this Court dated 13<sup>th</sup> July, 2012 the Managing Director, Ganga Pollution Control Unit, U.P. Jal Nigam, Allahabad has submitted a project report to the State Government for administrative and financial sanction and allotment of fund for installing CCTV cameras at CETP, STPs and Sewage Pumping Station at Kanpur. It has been stated that process for inviting tenders has already been initiated and shortly after receipt of administrative and financial sanction, the steps shall be taken for installation of CCTV cameras. By the next date progress report in this regard may be filed.

An affidavit has been filed by Municipal Commissioner, Nagar Nigam, Allahabad stating that in compliance of the order of this Court drains and Nalas from Ambedkar Crossing to Hanuman Mandir, Civil Lines have been restored. Certain photographs in this regard have also been brought on the record. Learned Amicus Curiae submits that entire drains and Nalas have not been restored and at several places drains have been left unattended. Learned Amicus Curiae further submits that in certain places encroachments have been made and there are several unauthorised constructions. We are of the view that learned Amicus Curiae may inspect the aforesaid places along with learned counsel for the Nagar Nigam and the Municipal Commissioner and submit a report by the next date. The Municipal Commissioner shall take appropriate steps for removal of encroachments and ensure that entire Nalas and drains have been restored.

Sri H.N. Tripathi, Advocate has filed an affidavit of Radhey Shyam, Regional Officer, U.P. Pollution Control Board, Kanpur. The

said affidavit be kept on the record and the same shall be considered on the next date.

Learned Amicus Curiae has also pointed out that in large number of roads in district Allahabad where roads are narrow and are of short width, the construction of divider has started further narrowing the road and causing great hardship to the traffic and the public in general. He further submits that several crossings in Allahabad City are being widened although there are no place in the crossing available and such widening shall hamper smooth functioning of the traffic. He submits that said work is being done in the name of beautification to utilise the fund received of Kumbh Mela-2013. We direct that no work in the name of beautification be undertaken unless the same is looked into and all technical aspects are considered. Learned Advocate General who is present in the Court, has assured the Court that he shall call all relevant officers in this regard and shall apprise the Court about the stand taken by the next date. We are of the view that till we consider the matter, no work regarding construction of divider and widening of crossings or any new crossing in Allahabad be undertaken until we consider the matter further.

Sri Pradeep Kumar, Advocate has pointed out that earlier this Court has made certain observations pertaining to low lying locality at Malviya Road and it was stated by the learned Standing Counsel that certain short term and long term plan are underway to tackle with the entry of sewage water in the low lying area. Learned Standing Counsel may obtain instructions and affidavit an affidavit as to what steps have been taken regarding the aforesaid plan.

Sri Ajay Bhanot , learned counsel for the Union of India,

submits that with regard to Kumbh Mela-2013, the Central Government has released fund under the head "STP" for carrying out the works at Allahabad to the extent of 70% and last of such instalments has been released on 31<sup>st</sup> March, 2012. Learned Amicus Curiae submits that State Government has not released its 30% share due to which the work progress is hampered. Learned Advocate General may obtain instructions and ensure that 30% share of the State is released and utilised in the project. Learned Additional Chief Standing Counsel shall also submit a status report regarding release of fund, construction of STPs and Pakka Ghats which are to be constructed at the banks of rivers Yamuna and Ganga.

List on 31<sup>st</sup> August, 2012 at 2 P.M.

**Order Date :-** 16.8.2012

Rakesh

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K.

Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath

Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C.

Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr.

Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh

Krishna Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar

Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N.

Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra,

A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C.

Tripathi,M.K.Alam,Mohd.Khursheed Alam,Mridul Tripathi,N.

Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B.

Shukla,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain,

Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel

Dubey,T.M.Khan,Tahir Hussain,Tanmay Agarwal,Udain Nandan,Umesh

Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Shri S.P. Gupta, learned Advocate General assisted by Shri S.P. Kesarvani, Additional Chief Standing Counsel for the State. Shri A.K. Mishra has appeared for Allahabad Development Authority, Shri R.N. Trivedi, Senior Advocate and Shri S.M.A. Kazmi, Senior Advocate has appeared for Omaxe Limited. Shri Ravi Kant, learned Senior Advocate and Shri J. Nagar has appeared for Sam Higginbottom Educational and Charitable Society (formerly Board of Directors, Allahabad Agricultural Institute). Shri S.D. Kautilya has appeared for Nagar Nigam, Allahabad, Shri H.N Tripathi, learned counsel appeared for U.P. Pollution Control Board and Shri Arun Gupta, learned Amicus Curiae.

Shri A.K. Mishra, learned counsel for Allahabad Development Authority has filed an affidavit of Secretary, Allahabad Development Authority stating that in pursuance of the order of the Court dated 17th August, 2012 Allahabad Development Authority has proceeded to pass an order on 29th August, 2012 sealing the premises and also has initiated proceedings under Section 26 of the U.P. Urban Planning and Development Act. Orders and notices for demolition have also been brought on the record. Insofar as allegations made by intervener Mohd. Naseem Hashmi regarding raising of constructions by Kriya Yog Sansthan,

it has been stated in the affidavit that no new construction is now taking place at the said premises and constructions and photographs, which have been filed relate to constructions which had been raised prior to passing of the order by this Court dated 22nd April, 2011. An intervention application has been filed on behalf of Kriya Yog Sansthan by Shri Shaikendra Kr. Singh, learned Advocate in which Shri K.R. Sirohi, Senior Advocate has appeared, which is taken on record.

Shri A.K. Mishra, learned advocate submitted that for widening and beautification of various crossings, a project was submitted to the State Government, which consisted of improvement and beautification of 20 intersections (crossings) and allied works, namely, construction of suitable island. It has further been stated that Allahabad Development Authority is to provide eight rotaries out of 20 intersections in accordance with the guidelines of Central Road Research Institute. It is submitted that constructions of traffic rotaries was to be undertaken along with the widening of the road and the Development Authority has taken into consideration the road traffic also.

Shri S.P. Gupta, learned Advocate General appearing for the State submitted that construction of rotaries is to be undertaken along with the widening of road because it is beneficial only when the roads are widen to smoothen the traffic. He further submitted that as far as construction of dividers between the road is concerned, the same is to be undertaken after widening of roads.

Shri S.P. Kesarwani, learned Additional Chief Standing Counsel submitted that road dividers are to be constructed when on both sides of dividers at least seven meters road is available. Thus only those roads where the roads excluding the pavement is more than 14 meters the construction of dividers can be undertaken.

Learned Amicus Curiae submitted that construction of rotaries have been undertaken without completing the road widening exercise, which is causing difficulty for the traffic. He further submits that there is no requirement of constructing dividers in the roads which are narrow.

After having heard learned counsel for the parties, we are of the view that our earlier order stopping the constructions of dividers shall continue and no dividers be further constructed on the roads. The question of permitting construction of dividers shall be taken only after widening of roads is complete and entire report of work be brought before the Court by way of affidavits.

We have by our earlier order dated 17th August, 2012 stopped widening of crossings. Our order did not stop the authorities from undertaking the process of widening of roads. It shall be open for the respondents to carry on with the widening of roads, so as to consider permission to the respondents to construct rotaries.

Shri Arun Kumar Gupta, learned Amicus Curiae has submitted a report on the basis of inspection made alongwith Nagar Ayukt and learned counsel for the Nagar Nigam on 18/19/29th August, 2012.

Learned Amicus Curiae has pointed out that although certain Nalies have been constructed between Ambedkar Chawraha to Subhash Chawraha but there was no flow in the Nalies and there were certain encroachment still there. He has submitted that certain pakki gomties have been constructed either by Nagar Nigam or by Allahabad Development Authority, which have been indiscriminately allotted to the persons without there being any need to construct any gomti. The copy of the inspection report along with certain photographs have been given to the counsel for the Nagar Nigam, who may look into the report and take remedial action by the next date.

Shri S.P. Kesarwani, learned Additonal Chief Standing Counsel submitted that the steps for acquiring two dredger machines are under way and after opening the bid the matter has been referred to the Departmental Purchase Committee and the purchase of machines is under consideration and by the next date further steps shall be brought in the notice of the Court.

Shri Kesarwani further submits that in so far as installation of Close Circuit Cameras at the Kanpur Nagar is concerned, proposal for administrative/financial sanction is pending before the State Government.

An application has been filed by Shri Ravi Kant, learned Senior Advocate on behalf of Sam Higginbottom Educational and Charitable Society (formerly Board of Director, Allahabad Agricultural Institute), which shall be considered on the next date.

Shri S.D. Kautilya has also filed an affidavit of compliance sworn by Prem Nath Dubey, the Municipal Commissioner bringing details of certain works carried out by Nagar Nigam. An affidavit has also been filed by Sub Divisional Magistrate, Karchana on behalf of the District Magistrate, Allahabad regarding demarcation and laying of the stone pillars at 500 meters after H.F.L.

Shri R.N. Trivedi has also appeared on behalf of Omaxe Limited and referring to our order dated 22nd April, 2011 has made submission with regard to order of the Court fixing 500 meters beyond highest Flood Level as the area in which no construction has been made. He submits that he may be allowed some more time to address the Court.

Shri S.P. Kesarwani insofar as, the prohibition of polythene is concerned has submitted that matter is under consideration of the Environment Department of the State and after receipt of the opinion of Environment Department, appropriate action may be taken.

We are of the view that steps with regard to prohibition of polythene may take place expeditiously an appropriate decision be taken regarding prohibition on polythene in District Allahabad in context of ensuing Kumbh Mela, 2013 and the same may be brought on record. With regard to constructions of Pakka Ghats it has been submitted that as far as the Kila Ghat is concerned, the work has been stopped and appropriate permission from the Defence Department of the Government of India is awaited. He submits that there is a progress about 60-50% in other four Ghats .

We are of the view that the State Government may pursue their application praying for permission from the Defence Department of the Government of India in which an early decision be taken in that regard by the Defence Department of the Government of India.

Let the matter be listed again on 24th September, 2012 at 2 p.m.

**Order Date :-** 31.8.2012  
S.Prakash

**Court No. - 37**

**Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**

**Petitioner :- Re: Ganga Pollution**

**Respondent :- State Of U.P. And Others**

**Petitioner Counsel :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, A.G., Kashif Zaidi, M.C. Chaturvedi, M.C. Tripathi, M.K. Alam, Mohd. Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, Addl. A.G., S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Hussain, Tanmay Agarwal, Udain Nandan, Umesh Narain Sharma, Vivek Birla, Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Heard Sri A.K. Gupta, learned Amicus Curiae, Sri S.P. Gupta, learned Advocate General assisted by Sri S.P. Kesharwani, learned Additional Chief Standing Counsel for the State, Dr. H.N. Tripathi, learned counsel for the U.P. Pollution Control Board, Sri A.K. Mishra, learned counsel for the Allahabad Development Authority, Sri S.D. Kautilya, learned counsel for Nagar Nigam, Allahabad.

An application had been filed on behalf of the District

Judge, Allahabad seeking permission to raise construction of the Court building over Plot Nos. 361 and 406 situate at Belly Uprahar, Allahabad.

Sri A.K. Gupta, learned Amicus Curiae and learned Additional Chief Standing Counsel were allowed time to file objections.

Sri A.K. Gupta, learned Amicus Curiae has filed his affidavit dated 10<sup>th</sup> January, 2013. It has been stated that in the no objection granted by the Allahabad Development Authority dated 14<sup>th</sup> December, 2012 it has been mentioned in paragraph-2 that the proposed constructions are to be made on Arazi No. 361 and 406, Village Belly Uprahar, Tehsil Sadar, District Allahabad. In the no objection certificate it has also been mentioned that Arazi no. 406 is situate within 500 metre of the highest flood level while Arazi no. 361 is situate partially within 500 metre of the highest flood level, hence no construction can be permitted on the proposed Arazi nos. 361 and 406 of village Belly Uprahar, Tehsil Sadar.

Sri Gupta refers to the affidavit filed by Sri Suryamani Lal Chandra, the Additional District Magistrate Finance and Revenue, wherein he has disclosed that the numbers of Arazis, which were submerged during the floods of 1978, as per the list enclosed were Arazis Nos. 1 to 120 Belly Uprahar. Sri Gupta submits that the marking of 500 metres from the highest flood level in vilalge Belly Uprahar has not been correctly done and that Arazi No. 361 and 406 of Belly Uprahar do not fall within 500 metres of the Highest Flood Level. He further submits that the District Administration may re-examine and re-measure the plot nos. 361 and 406 and may take an appropriate decision.

We direct the Additional District Magistrate (Finance and

Revenue), Allahabad to file an affidavit by the next date explaining the exact situation with regard to plot nos. 361 and 406 for further consideration of the application filed on behalf of the District Judge, Allahabad by this Court.

An affidavit of compliance has been filed on behalf of Secretary, Allahabad Development Authority dated 10<sup>th</sup> January, 2013 today, which is taken on record.

Sri M.A. Haseen, Advocate on behalf of the intervenor states that in pursuance to the earlier order of the Court, he has been supplied some photographs by the Allahabad Development Authority, but the same are blurred.

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority has supplied another set of photographs to the learned counsel for the intervenor today in the Court, who may look into the same and file reply by the next date.

An application has been filed on behalf of Sam Higginbottom Educational and Charitable Society seeking permission to carry out certain repairs/renovation/extension and strengthening of the existing constructions raised before the Uttar Pradesh Urban Planning and Development Act, 1973, came into force.

Learned counsel for the Allahabad Development Authority may obtain instructions in the matter and file reply, if any, by the next date.

An affidavit has also been filed today on behalf of the Allahabad Development Authority through its Secretary, in respect of the sanction of the map in favour of the society. It is taken on record.

Sri Ravi Kant, learned Senior Advocate assisted by Sri

Tarun Agarwal, learned counsel for Sam Higginbottom Educational and Charitable Society prays for and is granted a week's time to file reply.

Sri A.K. Gupta, learned counsel for the Amicus Curiae submits that colour of the water of river Ganges has become reddish and pollution has increased, due to release of trade effluent in the river. He also submits that sufficient water is not available in the river Ganges at Allahabad.

Sri S.P. Gupta, learned Advocate General informs that the State has already decided to release more water from Sharda Sahayak Cannal to the extent of 400 cusec per day. This quantity of water shall be released two days before each main bathing day (Snan) and shall continue till one day after the main bathing day (Snan) commencing from 11<sup>th</sup> January, 2013 till 10<sup>th</sup> March, 2013. He submits that with the release of 400 cusec additional water from Sharda Sahayak Cannal, there shall be sufficient water available on each day of main Snan. Sri S.P. Gupta, further submits that the question as to whether any more water can be released from Narora Dam shall also be examined and every attempt shall be made to ensure the availability of sufficient water in the river Ganges during the entire period of Maha Kumbh. He also submits that Kumbh Mela Administration shall take steps for securing the banks of river Ganges after release of additional water.

Sri S.P. Kesharwani, learned Additional Chief Standing Counsel submits that in view of the fact that crores of pilgrims are likely to visit Kumbh Mela, supply of large quantity of milk to be used by these persons has to be ensured. It is not possible to make any arrangement for sufficient supply and sale of milk except in poly pouches of ½ and 1 litre packs. The

Court had imposed a ban on the use of polythene in the city of Allahabad, which includes the Kumbh Mela area. He contends that this restriction may be relaxed and permission may be granted for supply of milk in poly pouches in view of the extraordinary situation specially in the Kumbh Mela area. He assures that Kumbh Mela Administration shall ensure that no polythene bags or any other polythene good, is permitted to be sold or used in the Kumbh Mela area.

In view of the aforesaid submission of learned Additional Chief Standing Counsel, we permit distribution of milk in poly pouches of one or half litre capacity in the Kumbh Mela area only till the period the Mela lasts. However, we clarify that this relaxation is only for supply of milk and no other material or article or food stuff shall be supplied in the Kumbh Mela area in poly bags/packets. This relaxation is only for Kumbh Mela area and not for other places of the city. The Kumbh Mela administration shall ensure amongst others that there is no use/sale of plastic cups, plastic glasses, plastic plates, thermo-coal cups, plates and glasses in the Mela area. All shops using/selling the aforesaid, shall be sealed by the Mela administration. Any violation of this direction shall be viewed seriously.

Sri S.P. Kesharwani, learned Additional Chief Standing submits that functioning of Sewage Treatment Plants, which were to be stated from 31<sup>st</sup> December, 2012, is in progress. An affidavit regarding functioning of Sewage Treatment Plants at Allahabad shall be brought on record by the next date along with details of drains, which shall be taken care of by those Sewage Treatment Plants.

Sri A.K. Gupta, learned Amicus Curiae has produced

photographs along with an affidavit disclosing therein that water from open nalas and drains is directly flowing in the river Ganges and Yamuna specifically in the Samgam area. He submits that no steps have yet been taken on behalf of the State/Kumbh Mela administration for stopping the flows of dirty water into the river.

Sri S.P. Gupta, learned Advocate General states in reply that the State shall take appropriate measure for tapping and diverting the drains and open nalas which are directly flowing in the river specially around the Mela area. The Action taken along with photographs shall be reported to the Court by means of an affidavit by the next date.

Dr. H.N. Tripathi, learned counsel for U.P. Pollution Control Board has filed an affidavit sworn by Sri S.D. Mishra, Regional Officer, U.P. Pollution Control Board, Regional Office, Kanpur, along with test reports. A letter of the Principal Secretary, U.P. Government at Lucknow dated 7<sup>th</sup> January, 2013 addressed to the Chief Secretary, Uttarakhand Government at Dehradun has also been brought on record. He submits that colour of the river water at Allahabad has substantially changed because of the pollution in the river Kosi, Dhela and Ram Ganga at Uttrakhand, as trade effluent and other polluted material is flowing directly into the said rivers. In support thereof, a summary chart and analysis report have also been enclosed along with the said letter.

He informs that the State has already discussed the said fact with the Chief Secretary, Uttarakhand and further steps shall be taken so that flow of untreated/polluted water into the rivers is stopped. He submits that looking into the serious problem of pollution in river ganges, U.P. Pollution Control

Board has taken serious action against tanneries and 23 Agro based industries situate at different places in the State of Uttar Pradesh. The same have been closed by the Pollution Control Board, details whereof have been enclosed as Annexure-7 to the affidavit.

We direct the U.P. Pollution Control Board to keep monitoring the closure of the aforesaid industries and to ensure that no further trade effluent and polluted water is discharged in the river Ganges.

Analysis reports of the water of river Ganges collected at different places have also been brought on record. Perusal of the reports clearly indicate that Bio-chemical Oxygen Demand is much more than the permissible limits prescribed. The Bio-chemical Oxygen Demand is more than 5, when the maximum limits is 3 only. This clearly indicates that the quality of water in the river has deteriorated substantially.

The State shall take appropriate measures to ensure that quantity and quality of water is improved immediately. Analysis of water shall be done daily and reports shall be brought on record by the U.P. Pollution Control Board on the next date.

Learned Amicus Curiae submits that the aforesaid 23 agro based industries, which have been closed are responsible for polluting the water of river Ganges by releasing trade effluent and other polluted water in the river Ganges directly. The State must take appropriate action against the officers responsible, who have permitted the discharge of trade effluent and polluted water in the river Ganges. Similarly action should also be taken against the officers at Kanpur, who permitted the sealed tanneries to start production stealthily.

We direct the State to hold an enquiry in the matter and

to take appropriate action against the officers responsible, so that in future such acts are not repeated. In no case trade effluent and other polluted water by the industries should be permitted to be flown into the river.

An affidavit has been filed today on behalf of Nagar Nigam, Allahabad disclosing the anti encroachment drive undertaken on various roads i.e. M.G. Marg, Nawab Yusuf Road, Leader Road and Old G.T. Road. Details of the drains and nalas which have been cleaned/are in the process of being cleaned, has also been furnished.

We find that removal of the encroachments is yet to be completed. The roads mentioned are vital for the movement of the pilgrims from Railway Station to the Kumbh Mela area. Let the work of removal of encroachments from all the said roads be completed within ten days with no exception. An affidavit shall be filed by the next date along with photographs disclosing the compliance. Similarly cleaning of the drains/nalas must also be expedited and the work done be informed to the Court by the next date.

Our earlier direction to provide for footpaths on M.G. Marg, Kamla Nehru Road and Stanley Road has yet not been complied with.

Sri S.P. Kesharwani, learned Additional Chief Standing Counsel with reference to the affidavit filed today on behalf of Sri Bhagwati Prasad Sharma, Chief Engineer, Allahabad Zone, Public Works Department, Allahabad, submits that appropriate proposal along with estimate for construction of the road patri and footpath has already been forwarded to the Chief Engineer (Headquarter-1), Office of the Engineer-in-Chief, Public Works Department, Lucknow vide letter dated 4<sup>th</sup> January, 2013 for

sanction, which is under active consideration of the State.

The learned Advocate General has assured that he shall personally look into the matter and within shortest possible time, necessary shall be done. We have no doubt that looking into the need of footpaths on the said three roads which are used amongst others by students from city side to reach their schools and the University, prompt action shall be taken. An affidavit shall be filed by some responsible officer disclosing the compliance of our earlier order.

Mr. Anand Mohan, a Social Activist, has informed the Court that after widening of the Road, large number of trees had been cut away. No steps for re-plantation of the trees has yet been taken.

Let the Forest Department of the State as well as Nagar Nigam, Allahabad take appropriate steps for plantation of the trees at the suitable places. Compliance report in this regard shall be filed by the next date.

Sri A.K. Gupta, learned Amicus Curiae has brought to the notice of the Court that after the encroachments have been removed, certain persons re-occupy the same. He points out that the State itself has issued a Government Order dated 14<sup>th</sup> December, 2012, a copy whereof has been enclosed as Annexure-2 to the affidavit filed today on behalf of Sri Pravir Kumar, Principal Secretary, Department of Urban Development, Government of U.P., Lucknow and Principal Secretary, Department of Housing and Urban Planning, Government of U.P. Lucknow. In the Government Order, the State has emphasized that it shall be ensured that no further encroachment is made at places, which had been cleared. The said Government Order refers to the Order passed by the

Lucknow Bench of this Court dated 6<sup>th</sup> April, 2005 in Writ Petition No. 2435 (M/B) of 2001 and the orders which have been passed from time to time in various writ petitions.

We are of the view that the District Magistrate as well as Senior Superintendent of Police may look into the aforesaid matter and take appropriate steps for compliance of the aforesaid Government Order. Appropriate proposal for ensuring that no person is permitted to re-occupy the place, from where encroachments had been removed, be submitted before the Court for approval by the next date.

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority has informed the Court that a detail project for beautification of the Civil Lines area at Allahabad, after removal of the encroachments, has already been prepared and is pending approval of the Chief Engineer.

Let necessary decision on the proposal be taken and work started for beautification without any unnecessary delay. All steps and proposal shall be brought on record by means of an affidavit by the next date fixed.

List on 30<sup>th</sup> January, 2013 at 02:00 P.M.

(Ashok Bhushan, J.)

(Arun Tandon, J.)

**Order Date :- 10.01.2013**

**Sushil/-**

**Order on Civil Misc. (Modification) Application****No. 6668 of 2013****Hon'ble Ashok Bhushan,J.****Hon'ble Arun Tandon,J.**

Sri Vijay Chandra Srivastava, learned counsel for the applicants states that he wants to withdraw the present modification application.

Prayer is allowed.

The present modification application is rejected as withdrawn.

(Ashok Bhushan, J.)

(Arun Tandon, J.)

**Order Date :- 10.01.2013**

**Sushil/-**

**Order on Civil Misc. Listing Application No.****6667 of 2013****Hon'ble Ashok Bhushan,J.****Hon'ble Arun Tandon,J.**

List with previous papers.

(Ashok Bhushan, J.)

(Arun Tandon, J.)

**Order Date :- 10.01.2013**

**Sushil/-**

**Court No. - 37**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain Nandan,Umesh Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Shri S.P. Kesarwani, Additional Chief Standing Counsel, Dr. H.N. Tripathi on behalf of U.P. Pollution Control Board, Shri S.D.Kautilya on behalf of the Nagar Nigam and Shri Ajay Bhanot on behalf of Union of India.

A request has been made on behalf of learned Amicus Curiae, Shri Arun Kumar Gupta to excuse his presence today in view of certain preoccupation. His presence is exempted.

Shri M.A. Haseen, Advocate has filed an affidavit sworn by Mohd. Nasim Hashmi bringing on record various photographs with regard to constructions raised by Kriya Yog Sansthan,

Naini in violation of the order of the Court within prohibited area. It has been mentioned in the affidavit that certain constructions are still going on within the restricted area and the officers of Allahabad Development Authority (A.D.A.) are not taking appropriate action. (Ref. Paragraph 5 of the affidavit). Photographs of the constructions have also been enclosed.

Shri Ashwani Kumar Mishra, counsel for the A.D.A. submits that the officers of the A.D.A. shall visit and inspect the constructions, referred to in paragraph 5 of the affidavit. Any construction made after 22.04.2011, shall be demolished immediately. Learned counsel appearing for the Kriya Yog Sansthan and counsel for the A.D.A. pray for and are granted two weeks' time to file reply to the affidavit filed by Mohd. Hashmi.

We have received several applications from intervenors pointing out the constructions which are being made within 500 mtrs. of the highest flood level and that the A.D.A. is not responding to such unauthorized constructions.

We feel that the Secretary, Avas Vikas must himself visit the places where such unauthorized constructions, specifically those indicated in the affidavit of Mohd. Hashmi, have been made/are being made within 500 mtrs. of the highest flood

level of river Ganga. An affidavit may be filed by the Secretary giving details of the action taken, by the next date fixed. Application 6-C in Suit No. 1164 of 2010 which is pending before the Court of Civil Judge, is being deferred at the instance of counsel for the A.D.A. We direct that the A.D.A. shall take appropriate steps so that application 6-C is finally decided expeditiously.

A report along with an affidavit has been filed by the Additional District Magistrate (Finance & Revenue), Allahabad in respect of construction of Court building at Allahabad. We find that only a small portion of the proposed constructions are stated to be within 500 mtrs. of highest flood level. Shri Manish Goyal, Advocate disputes the fixation of highest flood level mark. He submits that the entire area over which the constructions of Civil Court building at Allahabad are to be raised is outside 500 mtrs. from the highest flood level.

There is no restraint in respect of constructions to be raised on the land outside 500 mtrs. of the highest flood level and no permission from this Court is required.

So far as the dispute pertaining to the area within 500 mtrs. of the highest flood level is concerned, District Judge, Allahabad may file objections to the report along with survey map etc.

The matter shall be considered on the next date fixed.

U.P. Pollution Control Board has filed an affidavit of compliance sworn by Shri V.K. Mishra for bringing on record the analysis report of water of river Ganga taken at different places. The analysis report indicates that Biochemical Oxygen Demand is much more than the permissible limits prescribed. Learned counsels before the Court state that the quality of water on 27.01.2013 was not up to the mark.

An affidavit has also been filed by the Irrigation Department wherein details of release of water from Narora Dam has been brought on record as Annexure -2. It is submitted by Shri S.P. Kesarwani that in addition to release of water from Sharda Sahayak Cannal, there has been release of more than 3500 cusec of water from Narora Dam for main bathing day. We are of the view that from a day before, to the day after of main bathing days, there should be ample water in the river. The quality and quantity of water should be maintained. We direct that water to the extent of 3500 cusec per day be released so as to reach Allahabad one day before the main bathing days i.e. 10.02.2013, 15.02.2013, 25.02.2013 and 10.03.2013 respectively. The release of water shall continue so as to maintain the level up to the day after the main bathing day. The Irrigation Department may

examine as to whether there is still need to release water from Sharda Sahayak Cannal or not. Sufficient water should be maintained on all the main bathing days plus one day before and one day after.

An affidavit has been filed by Shree Prakash Singh, Special Secretary, Urban Development Department, Government of U.P., Lucknow wherein it has been mentioned that 05 Sewage Treatment Plants which were to be made operational by the end of previous year have been made operational. With regard to Rajapur S.T.P. the operational capacity has been shown as 30 MLD. Dr. H.N. Tripathi submits that inspection by the officers of the U.P. Pollution Control Board shall be made and report with regard to all the STPs shall be submitted by the next date fixed. He may also file an affidavit of compliance insofar as the directions of this Court for banning of use of polythene in the cities situate at the bank of river Ganga is concerned. It has been mentioned that the matter is still under consideration of the State.

An affidavit has also been filed by the District Magistrate and S.S.P., Allahabad enclosing the report dated 28.01.2013 jointly signed by the D.M. and the S.S.P. Proposed constitution of Committees for monitoring that the land from where the encroachment were removed are not again re-

encroached has been disclosed. The Committees so constituted shall perform their task with due diligence. The D.M. and the S.S.P. themselves shall overall supervise the working of the aforesaid Committee.

An affidavit has been filed by Lal Ji Rai, Special Secretary, Environment Department, Government of U.P., Lucknow. It has been mentioned that a Committee has been constituted under an order dated 22.01.2013 to enquire and take action against the to industries which had discharged trade effluent in river Ganges. The action taken be reported on the next date fixed.

An affidavit has been filed by R.D.Yadava, Sub Divisional Officer, Social Forestry Division, Allahabad. It has been mentioned that about 7933 trees were cut for widening of the road and more than 53178 new plants have been planted. There is no report or mention in the affidavit as to how many of these trees which have been newly planted have survived. Let appropriate affidavit be filed after proper inspection about the survival of the newly planted trees.

Affidavit of Principal Secretary, Department of Urban Development as well as Department of Housing and Urban Planning Government of U.P. at Lucknow has been filed which is taken on record. Along with the affidavit a copy of

the Government Order dated 22.12.2012 has also been enclosed whereby the State Government has issued strict instructions qua removal of encroachments in district Allahabad. In the affidavit it has also been stated that the Nagar Nigam, Allahabad and A.D.A. have informed that the railing erected on one side of Kamala Nehru Road has already been removed and that survey work for preparation of project report for development of Kamala Nehru Road has been undertaken by the Construction Division-I of Public Works Department, Allahabad which includes construction of footpath and service lane. It has also been stated that anti-encroachment drives for the other areas of the Allahabad shall be taken in a planned manner jointly by A.D.A, Nagar Nigam and P.W.D. with the help of district administration. Action taken in that regard be submitted by the next date fixed, along with the photographs.

On the previous occasion the plan for beautification of the areas from where encroachments had been removed in the city of Allahabad was informed to be pending before the State Government. Let the decision be taken and actual work be started without any delay.

We also notice that removal of encroachments including Nurseries from M.G. Marg, Kamla Nehru Road and Stanley

Road has been done in selected manner. We do not approve of such selective action. The Nagar Nigam, the A.D.A. and the District Administration shall ensure removal of all encroachments on these roads uniformly and strictly. The authorities are only reminded of the law which has been laid down by the Division Bench of this Court in the case of Raj Mani vs. State of U.P. and another reported in A.I.R. 1995 (25), 281 to the effect that “no one can occupy a public road or sidewalks, including a public body or the State.”

Compliance affidavit be filed by the next date fixed.

An affidavit has also been filed by Shri Suresh Kumar Shukla, Advocate with regard to demarcation of highest flood level. The said affidavit is also taken on record and shall be considered on the next date fixed.

Shri V.C.Srivastava, Advocate pointed out that while widening of road, several small rotaries have been removed because of which accidents have increased. The P.W.D., Nagar Nigam and the A.D.A. may look into the said grievance and a report be submitted on the next date fixed.

List on 14.02.2013 at 2:00 p.m.

**Dated : 30.01.2013**  
VR/PIL (WP) 4003/06

**Court No. - 9**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Petitioner Counsel :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Respondent Counsel :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain Nandan,Umesh Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri Sudhir Chandra, Senior Advocate and Sri S.M.A. Kazmi, Senior Advocate appearing for the M/s Pancham Realcon Private Limited.

Sri Sudhir Chandra submits that the restriction imposed restraining constructions up to a distance of 500 meters from the highest flood level under order dated 22.04.2011 be modified and the restriction be reduced to 200 meters only. He, in order to substantiate his request, seeks two weeks time to file a supplementary affidavit.

Time prayed is allowed.

Sri G.K. Singh, Advocate has also filed an application on behalf of Harish Chandra Research Institute (Department of Atomic Energy Government of India) for permission of the Court to complete the constructions, which were being raised pursuant to the order sanctioning the map dated 20<sup>th</sup> April, 2010 passed by the Allahabad Development Authority.

Sri A.K. Gupta, learned Amicus Curiae has been served with a copy of the application. He may examine the same and file objections, if any, by the next date.

Put up both these applications on 18<sup>th</sup> April, 2013 for further consideration.

Sri S.P. Kesarwani, learned Addl. Chief Standing Counsel has filed an affidavit on behalf of the Irrigation Department seeking further time to file relevant proposal and project pertaining to use of water discharged by the sewage treatment plants (STP). He submits that the issue is under consideration of the Irrigation Department of the State and appropriate proposal shall be placed before the Court on the next date.

We are of the view that the issue with regard to use of water discharged by STP's needs coordination of Irrigation Department and the Urban

Development Department, inasmuch as a comprehensive project must be prepared so as to take care of all the cities which have installed STPs or are likely to install the same. The project must disclose as to for what purpose the water discharged from the STPs can/shall be used. Effort should be to ensure zero discharge of water from the STPs in the river.

Sri S.D. Kautilya, counsel for the Nagar Nigam has filed an affidavit stating that the list of encroachments removed has been submitted to the concerned police station. The committee, entrusted with the job to ensure that there is no re-encroachment, shall submit its report by the next date with photographs.

With regard to the nurseries which have been established on the various Road Patries of the city it has been stated that for maintaining the greenbelt a PPP model is being worked out by the Nagar Nigam and the appropriate proposal shall be placed before the Court within four weeks. He further submits that appropriate steps shall be taken for removal of all the constructions which have been made in these nurseries.

We are of the view that maintenance of greenery on the road side is a necessity, however in the garb of establishing nurseries and maintenance of greenery no permanent/temporary construction can be made. All constructions which are existing in any form on the road patri and nalas should be removed with all firmness. The Nagar Ayukt shall file his personal affidavit with photographs for establishing strict compliance of the said direction by the next date.

We also find that encroachments over the drains especially over M.G. Marg have not been removed despite our repeated orders. Needful must be done by the next date, failing which we will be constrained to take action. Let an affidavit be filed by the Nagar Ayukt with photographs disclosing the action taken by the next date.

An affidavit has also been filed by Sri V.C. Srivastava, Advocate, which is taken on record.

Sri S.P. Kesarwani, learned Addl. Chief Standing Counsel has filed an affidavit of Sub Divisional Officer, Phoolpur Social Forestry, Forest Division, Allahabad. It has been submitted by Sri Kesarwani that plantation has survived up to 95% to 98% as per the report dated 13<sup>th</sup> March, 2013 (Annexure-2 to the affidavit).

The officers of the Forest Department shall monitor the safety of the plants and shall submit periodical reports qua their survival before the Court along with all relevant details and figure.

Sri S.P. Kesarwani has submitted that with regard to the construction of footpath on four major roads at Allahabad the Chief Engineer has approved the proposal and has forwarded the same for financial sanction to the State Government, where the matter is pending consideration.

Let the decision taken by the Government be brought on record by the next date.

We had directed the U.P. Pollution Control Board and the State Government earlier to conduct an enquiry regarding change in the colour of the river water which turned reddish during Kumbh Mela. Sri S.P. Kesarwani informs that the enquiry is in progress and by the next date action taken report shall be filed.

With regard to the STPs at Allahabad, Varanasi and Kanpur the appropriate progress report be filed by the authority concerned.

The issue of tanneries in the city of Kanpur has to be separately dealt with. The action taken by the State for stopping the pollution of river Ganga by the trade effluent of tanneries and industries shall be brought on record by means

of an affidavit on the next date.

The report from Central Leather Research Institute, which was earlier said to be awaited, may also be brought on record.

We fix 25<sup>th</sup> April, 2013 for hearing of the issues pertaining to tanneries as well as in respect of establishment of STPs and other issues.

Learned Amicus Curiae has pointed out that in the city of Allahabad several open drains/nalas are still falling directly in the river Ganga, the same be directed to be tapped.

Let an affidavit be filed by the State bringing on record the future action plan with regard to the tapping of the open drains which are falling directly in the river.

We are informed that with regard to the banning of polythene in the entire State the matter is under consideration of the State Government. The decision taken by the Government be brought on record by the next date.

Learned Amicus Curiae points out that the district authorities is not enforcing the ban imposed on use of polythene in the city of Allahabad.

Appropriate action taken report be brought on record by the District Magistrate as well as Nagar Nigam.

Sri M.A. Haseen, Advocate prays for time to file an affidavit in reply.

As prayed three weeks' time is granted.

The affidavit filed by Sri H.N. Tripathi, counsel for the U.P. Pollution Control Board is taken on record.

Sri Ajay Bhanot, Advocate may also file an affidavit disclosing the progress with regard to the STPs to be established in the cantonments at Allahabad and Varanasi by the next date.

List on the dates as mentioned above.

**Order Date :- 21.3.2013**

Pkb/

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain Nandan,Umesh Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri A.K. Gupta, Amicus Curiae, Sri Ashwani Kumar Mishra, learned counsel for the Allahabad Development Authority, Sri Ajay Bhanot, learned counsel for the Union of India, Sri M.A. Haseen, learned counsel for Intervener, Sri Pradeep Kumar, learned counsel for Intervener and Sri R.B. Pradhan, learned Additional Chief Standing Counsel for the State.

Sri M.A. Haseen, learned counsel for the Intervener has filed an affidavit bringing on record the areas to be used for Kumbh/Magh Mela. It is his submission that on the area so earmarked to be used for Kumbh/Magh Mela, no construction can be permitted.

Reply to the said affidavit may be filed by the Allahabad Development Authority by the next date.

We have heard Sri Sudhir Chandra, learned Senior Advocate on behalf of M/s Pancham Realcon Private Limited and Sri Ashwani Kumar Mishra, learned counsel for Allahabad Development Authority in support of their prayer for modification of our earlier order dated 22nd April, 2011. Both the learned counsels have prayed that restriction imposed on construction upto 500 metres from the highest flood level of river Ganges and Yamuna in Allahabad is causing undue hardship. It is also pointed out that there are certain residential colonies within the city of Allahabad, which are within the restricted zone of construction.

However, both the learned counsel agree that the very purpose of Development Authority is to ensure planned development.

Sri Mishra, learned counsel for the Allahabad Development Authority seeks time to inform the Court as to what development has been done in the localities with specific reference to sewage treatment qua which relaxation is being prayed for. The details of the sewer lines and Sewage Treatment Plants, as may be available for treatment of sewage generated in the city of Allahabad, may be disclosed locality-wise by the next date through an affidavit, for which Sri Mishra prays for four weeks' time.

Prayer whereof is granted.

In the affidavit to be filed by the Allahabad Development Authority, it shall also be indicated as to what development has been affected in other areas, which have been earmarked in the master plan as residential and as to whether master plan of 2021 provides for stages of development as per Section 8 of the U.P. Urban Planning and Development Act, 1973, with specific reference to sewage treatment and the sewage farms. Details of action taken for Harit Patti being created at the distance of 200 metres around the river Ganges, as per the master plan, shall also be disclosed.

Sri Pradeep Kumar, Advocate on behalf of intervener has highlighted the difficulties faced by the residents of George Town Area of the city of Allahabad, during rainy season, because of sewage and dirty water being not drained off from the area. On earlier occasion, learned Chief Standing Counsel had assured that some concrete steps shall be taken for permanent solution to the problem, but no plan has been submitted before this Court till date.

The State Government may file an affidavit bringing on record the steps taken for overcoming the difficulties of the residents of George Town area by the next date.

A dredging machine had been provided for the river at Allahabad. To what use, the machine is being put, is not known. We feel that if dredging is down for providing a course to the river Ganga near the city side of Allahabad during this lean season than the effect, it has on the flow of river during rainy season when the flow of the water is at its maximum and the status of the course after the floods could be ascertained. Let the concerned authority do the needful and file an action taken report by the next date.

Let the matter be listed on 5th July, 2013 at 02:00 p.m.

(Ashok Bhushan, J.)

(Arun Tandon, J.)

**Order Date :- 29.5.2013**

Sushil/-

Court No. - 37

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Amit Negi, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, Tarun Agarwal, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, A.G., Kashif Zaidi, M.C. Chaturvedi, M.C. Tripathi, M.K. Alam, Mehboob Ahmad, Mohd. Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajendra Kumar Misra, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, Addl. A.G., S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Husain, Tanmay Agarwal, Udain Nandan, Umesh Narain Sharma, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Ashok Bhushan, J.**

**Hon'ble Arun Tandon, J.**

Sri S. D. Kautilya, counsel for Nagar Nigam on instructions states that because of the differences with the contracting company A.W.P the garbage from the Allahabad city is not being lifted since August 2013 regularly. The Allahabad city has been permitted to stink.

We are sorry to record the uncaring attitude of the officers of the Nagar Nigam, Allahabad and the manner in which the city has been made to suffer for want of cleanliness. We direct the Secretary, Local Bodies/Housing to act and to take action against the Nagar Ayukt and also others responsible for the situation. In no case the city can be permitted to suffer filth and unhealthy conditions for months together because of statutory duties being not performed by the Nagar Nigam. Responsibility must be fastended and the officers must be brought to book without leniency. They must be made accountable for the situation. The action taken

shall be reported to the Court by the next date under an affidavit of the Secretary himself.

This is an application filed on behalf of Maa Ganga Sewa Samiti for direction to Allahabad Development Authority to not to change the nature of public utility of the oxidation plant area by making construction of multi storied building.

It is stated in the affidavit that the nature of land of Oxidation plant is being changed as awasi and the Allahabad Development Authority has now invited application for the multi storied building to be constructed namely Alaknanda Apartment. Sri A. P. Paul, Advocate appearing for the Allahabad Development Authority prays for time to reply to the affidavit and bring the relevant facts on record.

He may do so within 2 weeks time. The matter shall be heard on 19.12.2013.

Till the next date of listing no constructions shall take place over the land of Govindpur Oxidation Plant.

An affidavit has been filed by Md. Naseem Hashmi. It is stated in the affidavit that in spite of the interim stay order of this Court from restraining any construction within 500 meter of the highest flood level, several constructions are still being raised. It is further submitted that tin shed constructions have also come up just at the bank of the river within prohibited area. No action is being taken by Allahabad Development Authority.

Sri A. K. Mishra, learned Senior Advocate on behalf of the Allahabad Development Authority seeks time to obtain instructions. He submits that appropriate action shall be taken by the ADA with regard to illegal construction, which

are raised within 500 meter of the highest flood level. An affidavit disclosing the action taken shall be filed by the next date.

We direct that the Allahabad Development Authority shall ensure that no constructions take place within the prohibited area specially in the area, as pointed out in the affidavit filed by Md. Naseem Hashmi.

Affidavit filed on behalf of the Irrigation Work Circle, Allahabad Ganga Pollution Control Unit, U. P. Jal Nigam and on behalf of respondent no.3 as well as on behalf of respondent no.15 are taken on record.

Sri Ramesh Upadhyay, learned Standing Counsel seeks further time to file an affidavit in compliance to the directions issued by this Court regarding immersion of idols in the city of Allahabad as well as in other districts of the State. He submits that detail projects and schemes regarding the entire State as proposed to be implemented shall be brought on the record by the next date.

Counsel for the Allahabad Development Authority submits that a project report indicating the places which shall be developed for immersion of idols shall be placed before Court on the next date.

In so far as the prohibition qua use of polythene as well as disposal and management of plastic waste is concerned, Counsel for Nagar Nigam and Standing Counsel seeks time to file an affidavit giving details of the action taken in the matter.

They may do so by the next date.

Affidavit filed today on behalf of Allahabad Development Authority by Sri Ramesh Upadhyay is also taken on record.

An application has been filed by Sri A. K. Mishra learned counsel for the Allahabad Development Authority praying that the order dated 16.08.2012 be modified and repatriation of the official Sri Rajesh Kumar Srivastava, who was working on deputation with Allahabad Development Authority be permitted since the official is to retire in January 2014 and the maximum period of deputation is over.

We modify our order dated 16.08.2012 and direct that it shall be open for the Allahabad Development Authority to take steps to relieve the official to join in the parent department. If possible the parent department may permit the official to continue at Allahabad after repatriation. His application stands disposed of accordingly.

Affidavit filed by Smt. Sunita Sharma, Advocate is also taken on record.

Sri Sudhir Chandra, learned Senior Advocate has appeared on behalf of Pancham realcon Private Limited. Sri Ashwani Kumar Misra has appeared on behalf of Allahabad Development Authority. Sri Arun Kumar Gupta, learned Amicus Curiae for the petitioner is present.

As jointly agreed by learned Counsel for the parties, list on 19.12.2013 at 2 pm for further hearing on the application filed by M/s Pancham Realcon Private Ltd for modification of the order dated 22.04.2011.

List on 19.12.2013.

**Order Date :- 4.12.2013**

M. Himwan

**Chief Justice's Court****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re: Ganga Pollution**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Amit Negi, Anil Tiwari, Arun Kumar, Arvind Agarwal, Ashfaq Husain, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, Tarun Agarwal, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, Anoop Trivedi, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, A.G., Kashif Zaidi, M.C. Chaturvedi, M.C. Tripathi, M.K. Alam, Mayank Agrawal, Mehboob Ahmad, Mohd. Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajendra Kumar Misra, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, Addl. A.G., S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Husain, Tanmay Agarwal, Udain Nandan, Umesh Narain Sharma, Vijay Kumar Rai, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice**  
**Hon'ble Dilip Gupta, J.**

An order was passed by the Division Bench on 4 December 2014 following reports in the news media which indicated that the water of the river Ganges at Sangam has turned into a reddish colour. Basically, the order of the Court referred to three issues:

- (i) The change in the colour of the river water (which obviously indicated the presence of contaminants which were causing the discolouration);
- (ii) The consequential death of fish and migratory Siberian birds; and
- (iii) The likelihood of the sewerage lines running along the bridge being damaged and water pollution being caused by

bursting of the pipes.

This Court had directed the District Magistrate, Allahabad as well as the responsible officers of the U P State Pollution Control Board to immediately conduct a survey and to report to the Court on the next date of listing.

The learned *amicus curiae* has placed on the record a report by way of an application dated 10 December 2014. The *amicus curiae* has stated in his report that the Sewage Treatment Plants<sup>1</sup> at Allahabad are not in a regular and continuous working order, and that various nalas and drains are discharging their dirty water into the river directly. The *amicus curiae* visited the Salori STP at 2.30 pm on 28 November 2014, when he found that only one unit of the STP was in working order, whereas the other 3 units were not running. The container in which the waste material was being automatically collected was dry and the place of collecting sludge was also dry. The Assistant Engineer failed to even indicate the correct position of the electricity consumed by the STP and it appeared that the STP was not in regular and continuous running order. On visiting the Sangam, it was found that the water had turned reddish and, at some places, it was blackish in colour. It has been submitted in the report that it appears that the industries and tanneries are discharging untreated water directly into the river and as a result of the presence of heavy pollutants, the water has been discoloured. The Maghmela is going to commence in the second week of January 2015, when several lacs of people would assemble on the

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<sup>1</sup> STP

banks of the river. The Kalpawasis will use the water as potable and there is a likelihood of danger to their health and safety.

Now, it is in this background that the work which has been carried out by the authorities will have to be assessed.

The District Magistrate, Allahabad Shri Bhav Nath Singh has filed a supplementary affidavit dated 10 December 2014. It is only to be presumed that as a responsible officer of the State, he would have perused the order of this Court dated 4 December 2014 before he put his signature to the affidavit. The affidavit deals, in a rather cavalier manner, with one sample of a dead fish which, he states, was made available to him by an Ex-Corporator of the Nagar Nigam which, according to him, has no market value and is inedible and was perhaps caught in a fishing net at the upper region of the river. As regards the dead Siberian bird, it has been stated that three Veterinary Officers conducted an examination and reported that it was due to an accident. The District Magistrate has stated that these incidents are not due to increased level of pollution into the river.

We are constrained to take a serious view of the manner in which the District Magistrate has deposed to the affidavit. The issues which were required to be considered by him by the order of this Court dated 4 December 2014 have not been considered. The affidavit is totally silent on the cause of the discolouration of the water of the river. This Court had observed that the cause of pollution must be tapped and, whenever necessary, immediate requisite measures shall be taken. Evidently, no steps have been taken, because the District Magistrate believes that there is no

pollution in the river in the district of Allahabad. His statement is not based on any scientific data nor has any effort been made to utilise the presence of the State Pollution Control Board to analyse and test the water samples collected from the river. This Court had also expressed serious concern over whether the sewage lines running along the bridge are in proper order or there has been any bursting of the pipes leading to environment pollution. The affidavit of the District Magistrate is totally silent on this aspect. We are, therefore, unimpressed by the manner in which the District Magistrate has carried out the duty which was assigned to him by the order of this Court and we deprecate the conduct of the officer in clearest terms. If this is the manner in which a responsible officer of the State, who is the head of the administration at Allahabad, deals with a pressing problem relating to the contamination of the river, little progress can be expected to be achieved.

We are conscious of the fact that many of the problems which confront the issue of pollution of the river, require a long term solution, but the Court must express its concern about the total absence of awareness on the part of the District Magistrate and a complete non-application of mind to the issues which he was required to consider.

The next affidavit which has been filed before the Court is of the U P Jal Nigam, Allahabad through its General Manager. The affidavit briefly mentions in a few paragraphs the present status of sewage lines running along the old bridge across the river Yamuna and is as follows:

“3. That the present sewage lines, running on both sides

of the bridge, was built around 80 years ago. The project for replacing the old sewer lines was initiated after obtaining requisite permission from the Ministry of Railways in November 2012. However, the work could not be initiated in November 2012 in view of the upcoming Maha Kumbh Mela in the month of January 2013. Thereafter, the district of Allahabad witnessed massive floods in the monsoon of 2013.

4. That, however, one of the sewer lines has already been replaced. The replaced sewer line remains to be connected at the city end. The work of connection is likely to be completed in the next twenty days.

5. That once the new sewer line is connected and starts functioning, then the other sewer line would be dismantled and replaced.

6. That the old sewer line is in a dilapidated condition and is repaired whenever leakage occurs.

7. That, while repairing the several leakages, it has to be borne in mind that the old bridge is a railway bridge and any leakage must be checked at the point of pillars of the bridge.

8. That, if leakage occurs on the pillars of the old railway bridge, then it may weaken the bridge rendering the same unfit for use by the railways. Therefore, the first priority is to avoid leakage at the pillars, sometimes even at the cost of leakage at other parts of the sewer line.”

The aforesaid affidavit indicates that, as a matter of fact, the sewer lines along the bridge are in a dilapidated condition. The General Manager

has opined that since the old bridge is a railway bridge, if a leakage occurs on the pillars, that may render the bridge weak and unfit for use by the railways and, therefore, the first priority is to avoid such leakages at the pillars even at the cost of leakage at other parts of the sewer line. Evidently, the General Manager of the Jal Nigam has missed the enormity of the problem. The Court has been apprised of the actual situation through photographs, which have been placed on the record. The photographs, which are of 10 December 2014, reveal that the sewer pipes have burst resulting in tall showers of sewage which is escaping from the burst pipes and landing into the river. Evidently, the Jal Nigam does not consider it to be a serious problem and its apathy is reflective of the general malaise on the part of the State in rectifying a serious problem.

Learned counsel appearing on behalf of the State Pollution Control Board is unable to even inform the Court as to whether any officer of the Board has visited the site after the passing of the previous order or had collected the samples for analysis and testing. In fact, it is only from the affidavit of the District Magistrate that the Court has been apprised that on 3 December 2014, a survey was conducted along with the officials of the State Pollution Control Board. In fact, this survey, as stated by the District Magistrate, was prior to the passing of the order dated 4 December 2014.

The problem of discolouration of the water is not something which has been recently noticed. This issue was present to the mind of the Court when the earlier order dated 10 January 2013 was passed. As a matter of fact, several orders even prior to that have dealt with the issue. In the order

of the Court dated 10 January 2013 reference was made to the fact that the reports indicated that the Bio-chemical Oxygen Demand<sup>2</sup> and Chemical Oxygen Demand<sup>3</sup> levels in the samples, which had been drawn, were not in accordance with the permissible limits. The State was directed to take appropriate measures to ensure that the quantity and quality of the water was improved immediately, and reports of the State Pollution Control Board after analysis of the water on daily basis were also directed to be produced on the next date.

As regards the cause of pollution, the *amicus curiae* had informed the Court that 23 agro-based industries and tanneries were responsible for the pollution of the river. The State was directed to hold an enquiry into the matter and to take an appropriate action, including against its officers, who were responsible. This Court was informed by the State Pollution Control Board that the Board had taken serious action against tanneries and 23 agro-based industries had been closed by the Board. The Board was directed to keep monitoring the closure of the industries and to ensure that no trade effluent and polluted water is discharged into the river.

If only the competent authorities of the State Pollution Control Board, the Jal Nigam and other authorities of the District Administration were to perform their statutory duties, the dimensions of the problem would, at least, not be as serious as they are today. The affidavit in these proceedings by Ms Sunita Sharma annexes, at Annexure SA-3, a report of Professor (Dr) D N Shukla of the Department of Botany, University of

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2 BOD

3 COD

Allahabad, which is indicative of the fact that the BOD and COD levels of the river water samples are far in excess of the permissible limits. Evidently, the matter has not received serious attention of any of the authorities—the District Magistrate, the Jal Nigam or the State Pollution Control Board.

We are now constrained to direct that a team of officers consisting of (i) the Commissioner, Allahabad Division, Allahabad; (ii) the Managing Director of the U P Jal Nigam; (iii) the District Magistrates of Allahabad and Kanpur; and (iv) the Chief Environmental Officer of the State Pollution Control Board shall convene a meeting forthwith on the receipt of a certified copy of this order.

We assign to the aforesaid five officers a personal and individual responsibility of chalking out a concrete plan of action for dealing with the problem. Immediate steps shall be taken by the State Pollution Control Board to monitor, on a daily basis commencing from tomorrow, the samples of the water at different places in and around the Sangam. The State Pollution Control Board shall immediately take steps to verify whether any trade or industrial effluents are being discharged into the river by any agro- based industries or tanneries, as referred to in the previous order of the Court dated 10 January 2013. In the event that it is found that any industry or tannery is releasing untreated trade effluents or industrial effluents into the river, necessary action in accordance with law shall be taken. The State Pollution Control Board shall forthwith carry out an inspection of the STP at Salori and verify whether the plant is in a

continuous and running order. We also direct that the State Pollution Control Board shall duly monitor all the STPs at Allahabad and at Kanpur. The District Magistrate, Kanpur shall also co-operate by providing all necessary assistance as required. We also direct that the problem pertaining to the sewer pipes along the old Yamuna bridge, which have burst, shall be taken up for rectification with a sense of priority.

We direct that the petition shall now be listed on 22 December 2014 at 3.30 pm, when the Court shall be apprised of the steps which have been taken and concrete progress which has been made on the ground.

**Order Date :-** 11.12.2014  
AHA

(Dr D Y Chandrachud, CJ)

(Dilip Gupta, J)

**Hon'ble Dr D Y Chandrachud, CJ**  
**Hon'ble Dilip Gupta, J**

For orders, see order of date passed on separate sheets.

**Order Date :- 11.12.2014**

AHA

(Dr D Y Chandrachud, CJ)

(Dilip Gupta, J)

**Chief Justice's Court****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re: Ganga Pollution**Respondent :-** State Of U.P. And Others**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind Agarwal,Ashfaq Husain,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mayank Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A. Hashmi**Hon'ble Dr. Dhananjaya Yeshwant Chandrachud,Chief Justice****Hon'ble Dilip Gupta,J.**

During the course of the hearing, this Court has been informed by the learned Amicus Curiae that the National Green Tribunal is seized of the issue which is sought to be raised in these proceedings and judgment has been reserved. A copy of the order of the Tribunal has been placed on the record from which, it appears that the Tribunal has issued an interim direction to the effect that no Corporation, Authority, Board and/or Panchayat shall grant any permission for construction of any building, house, hotel or any type of

construction within 200 meters from the highest flood level of the river without the approval of the Tribunal.

Having regard to the fact that the Tribunal is seized of an issue which would have a bearing on these proceedings and particularly, in view of the interim direction which has been issued by the Tribunal, we deem it appropriate and proper to direct that these proceedings be listed in the month of January 2016, so that the Court can be apprised of the decision that may be delivered by the Tribunal in the meantime.

List on 15 January 2016 at 2:00 PM.

**Order Date :-** 19.11.2015

RKK/-

(Dilip Gupta, J)

(Dr D Y Chandrachud, CJ)

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Amit Negi, Anil Tiwari, Arun Kumar, Arvind Agarwal, Ashfaq Husain, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, Tarun Agarwal, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, Anoop Trivedi, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, A.G., Kashif Zaidi, M.C. Chaturvedi, M.C. Tripathi, M.K. Alam, Mayank Agrawal, Mehboob Ahmad, Mohd. Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajendra Kumar Misra, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, Addl. A.G., S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Husain, Tanmay Agarwal, Udain Nandan, Umesh Narain Sharma, Vijay Kumar Rai, Vivek Birla, Vivek Verma, W.A. Hashmi

**Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice**

**Hon'ble Dilip Gupta, J.**

The learned Chief Standing Counsel has placed on the record the documents including the correspondence exchanged inter alia by the Principal Secretary, Irrigation and Water Resources Department, the Special Secretary, Environment, Collector and District Magistrate, Allahabad and the Chief Engineer of the Irrigation and Water Resources Department, Lucknow with competent authorities. The Court has been informed that necessary steps have been taken to ensure the release of 4000 cusecs of water inter alia from Narora Barrage on bathing days during the course of the ensuing Magh Mela. Besides, it has been stated that 27 Nalas have been connected to the STPs and 23 are being treated by

means of a bioremedial technique. This is seriously contested on behalf of the petitioners and a supplementary affidavit has been filed to indicate that untreated waste water is being discharged into the Nalas.

At this stage since the Magh Mela is already underway, we are of the view that it is necessary for the Commissioner, Allahabad Division and Collector and District Magistrate to carefully monitor the situation including the measures which have been made available for the release of water and for the tapping of Nalas. The Collector and District Magistrate shall cause a due enquiry to be made in regard to the tapping of Nalas and submit his report before this Court on 15 March 2016.

Place the matter on 15 March 2016 at 2.00 pm.

**Order Date :-** 5.2.2016  
VMA

(Dr. D.Y. Chandrachud, C.J.)

(Dilip Gupta, J.)

Chief Justice's Court

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 31229 of 2005

**Petitioner :-** Kautilya Society Thru' General Secy. & Another

**Respondent :-** State Of U.P. Thru' Principal Secy. & Others

**Counsel for Petitioner :-** Neeraj Tiwari, Neera Tiwari, S.T. Ali, Sandeep Chaturvedi, Suneet Kumar, Suneet Tewari, Tahir Husain, U.N. Sharma, Virendra (In Person), Vrinda Dar

**Counsel for Respondent :-** C.S.C., A.N. Tewari, Ajay Kumar Singh, Ajit Kumar Singh, C.K. Parekh, Gyan Prakash, Manish Goyal, Prakash Padia, Q.H. Siddiqui, Raunak Parekh, Sanjay Kumar Om, Shambhu Chopra, Swati Agrawal, Vivek Varma

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice  
Hon'ble Dilip Gupta, J.

**A. Repair Bye-laws and Model Heritage Bye-laws**

In the affidavit which has been filed by the Superintending Engineer of the Varanasi Development Authority<sup>1</sup> on 17 February 2016, it has been stated that in pursuance of the orders passed by this Court, building construction and development bye-laws have been amended after obtaining the prior approval of the State Government after which the bye-laws have been adopted by VDA. Bye-law 3.1.10 as amended contains provisions for regulating repairs and reconstruction of buildings situated within 200 meters of the banks of the river. At this stage, we may note that bye-law 3.1.10 has provided a complete mechanism to ensure that no new or fresh construction is raised in a manner that would either alter the exterior portion of an existing building or result in an alteration of the footprint, ground

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<sup>1</sup> VDA

coverage area, floor area ratio or height of the building.

In this context for convenience of reference, we may extract clause (III) (छ) of the amended bye-laws which reads as follows:

“(छ) पूर्व निर्मित भवन के बाह्य स्वरूप में कोई परिवर्तन अनुमन्य नहीं होगा, बल्कि विद्यमान स्वरूप में ही मरम्मत/पुर्ननिर्माण की अनुमति दी जायेगी तथा भवन का फ्रन्ट एलिवेशन पूर्व निर्मित भवन के अनुसार ही रखा जायेगा। इसके अतिरिक्त विद्यमान भवन के 'फुट-प्रिन्ट', भू-आच्छादन, एफ.ए.आर. तथा भवन की ऊँचाई में कोई वृद्धि/अनुमन्य नहीं होगा। बल्कि पूर्व निर्मित भवन की सीमान्तर्गत ही अनुमन्य होंगे।”

The amended bye-laws also include various other requirements including the submission of the plan in respect of the existing building and relevant documents and contain stipulations to the effect that there would be no change of the use of the existing structure and there would be no discharge of sewage into the river. Provisions have also been made for inspection of the constructions so as to enable the development authority to verify that there has been a breach of the bye-laws.

The State Government in exercise of its powers conferred by Section 57 read with Section 9 (2) of the UP Urban Planning and Development Act 1973 has also notified on 20 January 2016 the Model Heritage Bye-laws which have been adopted by the VDA on 22 January 2016.

Since the amended bye-law 3.1.10 of the Building Construction and Development Bye-laws has now received the approval of the State Government and has been adopted by the VDA, we deem it appropriate and proper to order and direct that all permissions for repair and development strictly in accordance with the approved Bye-laws may be processed by the VDA. However, we clarify that this order shall not be construed as an order permitting the regularization of any construction which has been carried out in violation of the provisions of the UP Urban Planning and Development Act 1973 which, in any case, shall be dealt with in accordance with the provisions of the law by the VDA.

**B. The Project of Inland Waterways Authority of India (IWAI)**

The Inland Waterways Authority of India, which is a statutory body constituted under the Inland Waterways Authority of India Act 1985<sup>2</sup>, is proposing to develop a multi modal water terminal at Ram Nagar, Varanasi. The land acquisition proceedings were completed in 2010 and approximately 5.6 hectares of land have been acquired. Among the waterways which have been declared as National Waterways, in implementation of the provisions of Section 14, is NW-1 which covers the Ganga – Bhagirathi – Hooghly river system from Allahabad to Haldia at a distance of 1620 Kms, traversing the States of Uttar Pradesh, Bihar, Jharkhand and West Bengal.

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<sup>2</sup> IWAI Act

Permanent jetties with mechanical handling facilities have been set up at Patna and Kolkata in addition to which jetties for berthing facilities have been provided at two other places. The project envisages as many as twenty floating terminals at various locations between Haldia and Allahabad. The Vice Chairperson of IWAI, who has assisted the learned Senior Counsel during the course of the hearing of these proceedings, has stated before the Court that the project is being implemented with the technical and financial assistance of the World Bank involving a total of USD 859 million. The project at Ram Nagar is on the south bank of the river and involves the construction of off shore jetties which will not impede the flow or current of the river.

The Environmental Impact Assessment Notification of the Ministry of Environmental and Forests dated 14 September 2006 covers in item 7 (e) of its schedule, projects for ports and harbours. The Court has been apprised of the fact that though the provisions of the notification of MOEF dated 14 September 2006 are not attracted to the project, detailed environmental impact assessments and cumulative impact assessments have been carried out for the project.

The learned Additional Solicitor General of India has placed on the record a copy of the Draft Environmental Assessment Report in respect of Phase 1A of Multi Modal River Water Terminal at Ram Nagar, Varanasi. The submissions which have been made before the

Court indicate that the draft EIA report deals with the environmental impact assessment up to the stage of the commissioning of the project and hence, it would be appropriate if IWAI also undertakes to carry out an environmental impact assessment of the position after the commissioning of the project. We deem this suggestion to be fair and proper and the suggestion of the learned Amicus Curiae has not been opposed by the IWAI.

Accordingly, we allow the application which has been filed by IWAI and permit the authority to proceed with the project, subject to the receipt of all the required statutory clearances. This shall, however, be subject to the condition, which we have proceeded to accept of a requirement of obtaining an environmental impact assessment in respect of the project after the date of its commissioning.

**C. Repair and Construction of Ghats**

Applications have been submitted by the State (Irrigation Department) and (Jal Nigam) for (i) construction and development of four new Ghats on the banks of the river Ganga at Varanasi; and (ii) for carrying out the work of repair at the Ghats.

I. By orders dated 11 September 2014 and 29 January 2015, this Court had directed both the Union Government and the State Government to extend cooperation in the preparation of a

comprehensive analysis and plan by a team of experts, consisting of eminent persons drawn from diverse branches, including conservation architecture, ecology, hydro-geology, civil engineering and urban planning for the purpose of formulating a perspective plan for preserving the intrinsic character and heritage importance of Varanasi. The issues which were flagged in the order of this Court included the following:

- “(i) identification of the historic ghats, assessment of their heritage value, determining the present condition as well as the need and extent of restoration;
- (ii) repair of old constructions along side the banks of the river and the need to monitor the nature of the work that would be permitted and implemented;
- (iii) monitoring any new construction;
- (iv) pollution of the river caused due to new constructions along side the ghats;
- (v) public utilities and services on the ghats;
- (vi) sanitation and hygiene along side the ghats;
- (vii) addressing the issue of ecological imbalance.”

In pursuance of the order of this Court, a notification has been issued by the Union Government (National Mission for Clean Ganga), Ministry of Water Resources, River Development & Ganga Rejuvenation. A committee of experts has been constituted consisting

of the following members:

- i. Chairman, Varanasi Development Authority.....Chairman
- ii. Nominee of State Government, Uttar Pradesh
- iii. Commissioner, Nagar Nigam, Varanasi
- iv. District Magistrate, Varanasi
- v. Shri Jahnwaj Sharma, Director- Conservation, ASI  
(Representative of Ministry of Culture, Govt. of India)
- vi. Shri R.P. Singh, Supdt. Engineer, CPWD, Varanasi  
(Representative of Ministry of Urban Development,  
Govt. of India)
- vii. Shri Udit Ratna, Town & Country Planner, Town &  
Country Planner Organization  
(Representative of Ministry of Urban Development,  
Govt. of India)
- viii. Regional Director, Central Ground Water Board,  
Lucknow  
(Representative of MoWR, RD & GR, GoI as Hydro-  
geology expert)
- ix. Nominee, Department of Environment, Govt. of UP (as  
Ecology expert)
- x. Additional Mission Director, National Mission for Clean  
Ganga, MoWR, RD & GR, Delhi  
.....Member Convener”

The terms of reference of the committee are as follows:

- i. To preserve and restore the intrinsic character and heritage importance of Varanasi Ganga Ghats with comprehensive analysis and Plan.

- ii. Identification of the historic Ghats, assessment of their heritage value, determining the present condition as well as the need and extent of restoration of existing Ghats and proposal of new Ghats.
- iii. Consider and recommend repair of old constructions alongside the banks of River Ganga and the need to monitor the nature of work that may be permitted.
- iv. Assess the extent of pollution and recommend mitigative measures arising due to new construction, waste disposal, throwing of pious materials, and river-surface cleanliness along the Ghats.
- v. Mechanism for monitoring of new construction, if any that may be permitted.
- vi. Public utilities and services, sanitation and hygienic condition alongside of the Ghats.
- vii. Addressing the issue of ecological imbalance.”

In the application which has been filed by the State (Jal Nigam) for repair of the Ghats, it has been stated that the plan for repairs has been sanctioned by the State Government so as to ensure the availability of basic infrastructure to cater to the needs of domestic and international tourists and pilgrims by providing facilities of toilets, drinking water, information kiosk, guiding tours, telecommunications and other ancillary facilities. The sanctions which were received cover the period from 2011 to 2015, details of which have been provided as follows:

“The plan for the year 2011-12 envisages installation of

electrical poles, sanitary and plumbing equipment, external illumination and also dismantling work, amongst other things for which the Government has been pleased to sanction the amount of Rs. 1165.96 crores.

The plan for the year 2012-13 for which a sanction for an amount of Rs. 1173.85 crores has been accorded, envisages construction of horticulture operations, street furniture, earth work, dredging work, clearance of site and civil and conservation work.

The plan for the year 2013-14 has been sanctioned at a total cost of Rs. 1174.81 lacs and the plan for 2014-15 has been sanctioned at an estimated cost of Rs.1155.31 lacs.”

In our view, now that a broad based committee has been constituted by the National Mission for Clean Ganga, consisting both of the representatives of the State Government as well as the Union Government, it would be appropriate and proper if the proposals for repair of the Ghats are placed before the committee. The terms of reference of the committee include the preservation and restoration of the intrinsic character and heritage importance of the Ghats on the banks of the river at Varanasi. The terms of reference are broad enough to cover proposals for repair and restoration of the Ghats.

Hence, we are of the view that it would be but appropriate and proper that the broad based committee which has been constituted considers the proposals which have been moved before the Court. Upon the receipt of the consent of the committee, the State

Government would be at liberty to proceed with the work of repair. In order to facilitate the fulfillment of the urgent need of repairing of the Ghats and to provide amenities to tourists, pilgrims as well as the local residents who visit the Ghats on a daily basis, we would request the committee initially to meet at least once every fortnight so as to facilitate an early decision on the proposal for repair. Once the requisite consent has been granted, the committee would be at liberty to schedule its meetings in accordance with the exigencies of work. To facilitate the work of repair of the Ghats, we lift the order of restraint. We clarify that subject to the above, the interim order shall not stand in the way of the carrying out of repairs to the Ghats.

II. Insofar as the proposal for the construction of four new Ghats is concerned (the learned Chief Standing Counsel has informed the Court that the initial proposal for four Ghats has now been enhanced to five new Ghats), we propose to issue a direction to the effect that this proposal should also be initially placed before the committee constituted on 17 February 2016 by the office memorandum referred to above. This application which has been submitted before the Court for construction of new Ghats and for the grant of permission by the Court would be taken up after the committee has an opportunity to consider the proposal and to submit a report in regard thereto containing its observations and findings. The committee would be at liberty to consider the matter from all its perspectives and suggest

such environmental and other safeguards as may be necessary if the proposal is found to be in order. We would request the committee to finalize its report on these aspects preferably within a period of two months from today. We direct that the representative of INTACH be also associated with the work of the committee.

**Order on the Order Sheet**

We direct that these proceedings be listed on 27 May 2016 at 2:00 pm so that the Court can be apprised of the status of the proceedings.

**Order Date :- 28.4.2016**

RK

(Dilip Gupta, J) (Dr D Y Chandrachud, CJ)

**Court No. - 39**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K.

Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun

Kumar,Arvind Agarwal,Ashfaq Husain,Baij Nath

Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish

Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K.

Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita

Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek

Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay

Bhanot,Anjani Kumar Mishra,Anoop Trivedi,B.D.

Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N.

Singh,H.P. Dubey,Hem Pratap Singh,Iqbal

Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C.

Chaturvedi,M.C. Tripathi,M.K.Alam,Mayank

Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul

Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar

Shukla,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan

Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A.

Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel

Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain

Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek

Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Dilip Gupta,J.**

**Hon'ble Yashwant Varma,J.**

The Amicus Curiae has placed before the Court some of the important issues involved in this Public Interest Litigation. For the present, we propose to take up the following issues:

(i) The establishment of Sewage Treatment Plants (STPs) in Allahabad, Kanpur, Varanasi and other districts situated on the bank of river Ganga in the State of Uttar Pradesh;

(ii) The management of STP's and the prevention of discharge of sewerage into river Ganga;

(iii) The management of affluent discharge in Kanpur district from the tanneries situated on the bank of river Ganga and also

in other cities of the State; and

(iv) The management of Industrial affluent discharge in the river Ganga from Industries situated in cities through which the river passes.

The learned Chief Standing Counsel appearing for the respondents, Sri Shambhu Chopra, appearing for the Central Pollution Control Board as well as Dr. H.N. Tripathi appearing for the State Pollution Control Board, shall file their affidavits of a responsible officer on all these four issues within three weeks. The affidavit shall specifically state what steps have been taken and what are intended to be taken.

List on 9 December 2016 at 10 a.m.

**Order Date :- 19.11.2016**

Arun K. Singh

**(Dilip Gupta, J)**

**(Yashwant Varma, J)**

**Court No. - 39****Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006****Petitioner :-** Re: Ganga Pollution**Respondent :-** State Of U.P. And Others**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K.Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind  
Agarwal,Ashfaq Husain,Baij Nath Yadav,BaleshwarChaturvedi,D.B. Mishra,D.S. Mishra,Indramani Tripathi,Jagdish  
Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K.Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Surya  
Pratap Singh Parmar,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek  
Mishra,Yogesh Krishna Mishra**Counsel for Respondent :-** C.S.C.,A.K. Mishra,AjayBhanot,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,Bheem  
Singh,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N.

Singh,H.P. Dubey,Hem Pratap Singh,Iqbal

Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C.

Chaturvedi,M.C. Tripathi,M.K.Alam,Manoj Kumar Singh,Mayank  
Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul

Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar

Shukla,Pradeep Pandey,R.B. Shukla,Rajendra Kumar Misra,Rajiv

Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A.

Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Sudeep

Harkauli,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay

Agarwal,Udai Chandani,Udain Nandan,Udayan Nandan,Umesh

Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A.

Hashmi

**Hon'ble Dilip Gupta,J.**  
**Hon'ble Yashwant Varma,J.**

These proceedings were taken up for review of compliance of directions issued by the Court on 19 November 2016 and 9 December 2016. We are constrained to note that although our earlier orders had noted the prayer made by the learned Chief Standing Counsel for grant of further time to file a further affidavit in respect of the functioning of STPs in all districts through which the river Ganges flows, no such affidavit has been filed even today. It had also been pointed out on earlier occasions that the affidavit filed on behalf of the Ganga Pollution Control Unit and affirmed on 8 December 2016 left much to be desired. It was in that light that the learned Chief Standing Counsel was directed to file a further affidavit. This affidavit has not been filed on behalf of the State.

The U.P. Pollution Control Board has filed an affidavit in these proceedings today. If the averments made in this affidavit be true and correct, it clearly evidences a dismal state of affairs in the State of U.P. The Board asserts that none of the STPs established at Kanpur and Allahabad do not conform to the norms prescribed by the Central Pollution Control Board (CPCB). It has further asserted that untreated sewage water continues to be directly discharged into Ganges. Insofar as Varanasi is concerned,

the Board avers that the three STPs established in that city are only partially functional and that only the DLW STP complies with the norms prescribed by the CPCB. In light of the seriousness of the allegations levelled, we call upon the General Manager of the Ganga Pollution Control Unit to file his personal affidavit in reply to the compliance affidavit filed by the Board. We further direct the General Manager of the Ganga Pollution Control Unit to be personally present along with complete records relating to the functioning of various STPs in the State. We clarify that the affidavit of the General Manager shall bring on record details of the STPs which have been established in the 26 districts of the State through which the Ganges is stated to flow. The affidavit shall detail the total solid waste generated in the area which is serviced by the concerned STP, its total capacity and the actual quantity of solid waste treated by the concerned STP in the last three months. We further direct both the General Manager of the Ganga Pollution Control Unit as well as the concerned authority of the U.P. Jal Nigam to file their affidavits indicating the number of drains which are yet to be tapped and connected to the STPs established in these 26 districts. In order to streamline the monitoring exercise by this Court, we propose to take up the cities of Kanpur, Allahabad and Varanasi in the first instance. The concerned authority shall therefore, also keep ready all requisite

records relating to this aspect. We further make it clear that no further time shall be granted since this abysmal condition cannot be permitted to continue.

The learned Amicus Curiae has filed a detailed affidavit consequent to the personal visits undertaken by him. The Ganga Pollution Control Unit shall file its response to this affidavit also on or before the next date fixed.

From the affidavit filed on behalf of the Board, we note that according to it, it has identified 129 industries in Varanasi which are stated to be discharging trade effluents directly or indirectly into the Ganges. The Board is stated to have issued show cause notices to these industries. The status of the proceedings so initiated shall be brought on record by way of an affidavit of a responsible officer of the Board on or before the next date fixed. We further take notice of the assertions made by the Board in paragraph 11 of the affidavit filed today, wherein it has averred that there are 701 polluting industries which are discharging trade effluents directly into the river. The Board shall file a detailed affidavit disclosing therein the steps taken by it to control this menace.

Shri Shashi Nandan, learned Senior Counsel and Sri Anoop Trivedi, learned counsel appearing for the Allahabad Development Authority have requested for disposal of two

applications bearing C.M. Stay Vacation Application No. 125684 of 2011 and C.M. Stay Vacation Application Nos. 148387 of 2011 seeking recall of the injunctions issued by this Court on 28 March 2011 and 22 April 2011. These applications shall also be taken up for hearing on the next date. All concerned parties may complete their pleadings, if so desired on these applications on or before the next date fixed.

Post this matter for further hearing on 13 April 2017.

**Order Date :- 2.2.2017**

LA/-

**(Dilip Gupta, J.)**

**(Yashwant Varma, J.)**

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Amit Shukla,Anil Tiwari,Arun Kumar,Arvind Agarwal,Ashfaq Husain,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Indramani Tripathi,Jagdish Tewari,K.C. Pandey,P.N. Mishra,Ravi Prakash Pandey,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Surya Pratap Singh Parmar,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,Bheem Singh,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Manoj Kumar Singh,Mayank Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,Pradeep Pandey,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Sudeep Harkauli,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udai Chandani,Udain Nandan,Udayan Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Govind Mathur,Chief Justice**

**Hon'ble Chandra Dhari Singh,J.**

This petition for writ pertains to several issues relating to cleanliness of river Ganges by different orders, different directions, have been given by this Court in relation to keep the river clean and to maintain its pious nature. Certain directions have also been made to have adequate sewerage system without causing any pollution to river Ganga, stoppage of constructions in the areas nearby and for closure of different industrial units including the tanneries, which are situated close to it. The writ

petition in the light of different orders passed time to time has acquired multi-dimensions and those are required to be adjudicated independently and adequately. Looking this aspect of the matter, we deem it appropriate to direct the registry to permit learned Standing Counsel appearing on behalf of Allahabad Development Authority, Allahabad and his assisting counsel to inspect the file and take note of the different orders passed by this Court time to time. Learned Standing Counsel shall make a complete report of the issues raised in this petition for writ and also ancillary thereto for appropriate adjudication of the matter. The entire exercise is required to be made within a period of three weeks from today.

Let this Public Interest Litigation (PIL) be listed on **22.02.2019** showing the name of Sri Vijay Kumar Rai, Advocate, as counsel for respondent nos.19 and 20, Sri Rajesh Tripathi, Advocate, as counsel for respondent nos.6, 7, 8 and 17 and Sri Sudhanshu Srivastava, Advocate, as counsel for respondent no.11, respectively.

**Order Date :- 17.1.2019**  
Prajapati

**[Chandra Dhari Singh, J.] [Govind Mathur, C.J.]**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re Ganga Pollution

**Respondent :-** State of U.P. and Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Amit Shukla,Anil Tiwari,Arun Kumar,Arvind Agarwal,Ashfaq Husain,B.P. Singh Kachhawah,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Indramani Tripathi,Jagdish Tewari,K.C. Pandey,P.N. Mishra,Ravi Prakash Pandey,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Surya Pratap Singh Parmar,Tarun Agarwal,Uttar Kumar Goswami,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Ajit Singh,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,Bheem Singh,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mahesh Narain Singh,Manoj Kumar Singh,Mayank Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,Prabhash Pandey,Pradeep Pandey,R.B. Shukla,Rajendra Kumar Misra,Rajesh Tripathi,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Santosh Kumar Shukla,Saumya Misra,Sudeep Harkauli,Sudhanshu Srivastava,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udai Chandani,Udain Nandan,Udayan Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Manoj Kumar Gupta,J.**

**Hon'ble Siddhartha Varma,J.**

**Hon'ble Ajit Kumar,J.**

Heard Sri V.C. Srivastava and Ms. Sunita Sharma for the intervenor Ms. Tripti Verma, Sri Vibhu Rai for the Prayagraj Development Authority, Prayagraj, Sri Shailesh Singh learned counsel for the petitioner in a connected petition, Dr. H.N.

Tripathi for the U.P. Pollution Control Board, Sri Vijay Kumar Rai and Sri Prabhas Pandey learned counsel for M/s Pancham Realcon Pvt. Ltd., Sri Rajesh Tripathi learned counsel for the respondents no. 6,7 and 8, Sri Satyavrat Sahai holding brief of Sri S.D. Kautilya, learned counsel for the Nagar Nigam Prayagraj, Sri Manoj Kumar Singh, learned counsel for the Union of India and Sri Manu Gildyal brief holder for the State.

An application seeking intervention has been filed by Ms. Tripti Verma, Advocate. It is alleged that she visited Magh Mela recently, being held on the banks of rivers Ganga and Yamuna at Prayagraj and found that water of both the rivers had deteriorated to such an extent that it had turned dirty and blackish and was stinking. It was neither fit for bathing nor drinking. It is also alleged that Kalpwasees and Sadhoos who have assembled on the bank of two rivers during the auspicious month of Magh are drinking R.O. water as the water of two rivers is not fit for human consumption. It is also alleged that the Sewage Treatment Plants are not functioning properly. Untreated water is being discharged directly into Ganga and Yamuna rivers. The water level has also fallen.

Sri Shailesh Singh, learned counsel for the petitioner, in one of the connected petitions, has drawn our attention towards the order dated 20.10.2010 whereby a direction was issued to the State to produce notification, if any, issued for imposing ban on

the use of polythene/plastic within a radius of two kilo meters of the holy river Ganga and in all the major cities situated on its bank. It is submitted that despite the above direction, the plastic/polythene is being permitted to be used by shopkeepers and Kalpwasees. The authorities are not taking any action. It is adding to the pollution of the rivers.

Dr. H.N. Tripathi, learned counsel appearing for the U.P. Pollution Control Board, submitted that he would take instructions from the Board and apprise the Court of the latest position regard quality of water in the two rivers, working of the Sewage Treatment Plants, and discharge of effluents.

Sri Satyavrat Sahai, Advocate, holding brief of Sri S. D. Kautilya, learned counsel for the Nagar Nigam, seeks time to apprise the Court of the latest position regarding drains which flow into two rivers and measures being taken to prevent industrial effluents and other pollutants entering the rivers.

Learned Standing Counsel and learned brief holder appearing on behalf of the State also seek time to apprise the Court of the latest status regarding any notification being in place banning use of polythene/plastic in areas adjoining the two rivers and with regard to actual user of the polythene/plastic by those presently staying in Magh Mela area.

Having regard to the above submissions, we issue the following

directions:-

A. The U.P. Pollution Control Board shall forthwith take three samples of water from three different places of the rivers Ganga and Yamuna in Prayagraj and after getting it tested, submit report relating to its quality on the next date. The report shall specifically state whether the water is fit for human consumption and if not what steps are being taken to make it fit for human consumption.

B. The District Magistrate, Prayagraj, is directed to submit status report regarding the working of the sewage treatment plants in and around Prayagraj in the light of the allegation that most of the S.T.P.'s are not in working condition. Necessary documentary evidence including photographs shall be annexed with his report. He shall also state in his report the steps taken to ensure uninterrupted water supply in the two rivers during the auspicious month of Magh. In this respect it is open to him to obtain requisite data from the relevant authorities.

C. The Municipal Commissioner, Nagar Nigam, shall file his personal affidavit giving details of the number of drains flowing directly into river Ganga and Yamuna in District Prayagraj and what measures are in place to tap the impurities and pollutants. He shall also submit a report regarding the use of plastic/polythene in Magh Mela area.

D. The State Government shall bring on record notification, if any, issued by it regulating use of polythene/plastic in and around river Ganges and Yamuna.

On the next date, learned counsel for the parties shall place on record, a list of surviving issues which are required to be dealt with.

List on 28.1.2021 at 2:00 pm.

**Order Date :- 21.1.2021**

PK

(Manoj Kumar Gupta,J.)

(Siddhartha Varma,J.)

(Ajeet Kumar,J.)

1.

**Court No. - 51****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re Ganga Pollution**Respondent :-** State of U.P. and Others**Counsel for Petitioner :-** Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Amit Negi, Amit Shukla, Anil Tiwari, Arun Kumar, Arvind Agarwal, Ashfaq Husain, B.P. Singh Kachhawah, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Indramani Tripathi, Jagdish Tewari, K.C. Pandey, P.N. Mishra, Ravi Prakash Pandey, S.K. Srivastava, S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, Surya Pratap Singh Parmar, Tarun Agarwal, Uttar Kumar Goswami, V.B. Singh, V.C. Mishra, Vivek Mishra, Yogesh Krishna Mishra**Counsel for Respondent :-** C.S.C., A.K. Mishra, Ajay Bhanot, Ajit Singh, Anjani Kumar Mishra, Anoop Trivedi, B.D. Shukla, Bheem Singh, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra A.G., Kashif Zaidi, M.C. Chaturvedi, M.C. Tripathi, M.K. Alam, Mahesh Narain Singh, Manoj Kumar Singh, Mayank Agrawal, Mehboob Ahmad, Mohd. Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, Prabhash Pandey, Pradeep Pandey, R.B. Shukla, Rajendra Kumar Misra, Rajesh Tripathi, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain Addl. A.G., S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Santosh Kumar Shukla, Saumya Misra, Sudeep Harkauli, Sudhanshu Srivastava, Suneel Dubey, T.M. Khan, Tahir Husain, Tanmay Agarwal, Udai Chandani, Udain Nandan, Udayan Nandan, Umesh Narain Sharma, Vijay Kumar Rai, Vivek Birla, Vivek Verma, W.A. Hashmi**Hon'ble Manoj Kumar Gupta, J.****Hon'ble Siddhartha Varma, J.****Hon'ble Ajit Kumar, J.**

1. Heard Sri A. K. Gupta Amicus Curiae, Sri V.C. Srivastava and Sri Shailesh Singh, learned counsel for the petitioners, Sri M.C. Chaturvedi, Senior Advocate assisted by Sri Ravi Prakash Pandey on behalf of Harish Chandra Research Institute, Dr. H.N. Tripathi learned counsel for U.P. Pollution Control Board, Sri S.D. Kautilya, learned counsel for Nagar Nigam, Sri Manoj Kumar Singh & Sri Rajesh Tripathi learned counsel for

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Union of India, Sri Om Prakash Yadav, learned counsel for Central Pollution Control Board, Sri Prabhas Pandey learned counsel for M/s Pancham Realcon Pvt. Ltd., Sri Sudhanshu Srivastava, learned counsel for respondent No.11 and Sri Manu Ghildiyal brief holder for the State.

2. In compliance of our previous order dated 21.1.2021 an affidavit has been filed by the General Manager, Ganga Pollution Control Unit, U.P. Jal Nigam, Prayagraj on behalf of the District Magistrate, Prayagraj. Sri S. D. Kautilya has filed affidavit of the Municipal Commissioner, Nagar Nigam, Prayagraj and Dr. H.N. Tripathi has filed affidavit on behalf of U.P. Pollution Control Board. Learned counsel for the petitioner has filed a supplementary affidavit. All the affidavits are taken on record.

3. In the affidavit filed on behalf of the District Magistrate, Prayagraj, it is alleged that as per current status report, all STPs are functional and all parameters are within range prescribed by the Government of India vide its gazette notification dated 13.10.2017. The discharge status of the STPs is being monitored by the Ganga Pollution Control Unit, Uttar Pradesh Jal Nigam, Prayagraj. The discharge parameters are within prescribed norms. A report in relation to testing of samples has also been annexed.

4. In the affidavit filed by U.P. Pollution Control Board, it is stated that the water of river Ganga is not fit for drinking purpose but is fit for bathing purpose. A test analysis report dated 27.1.2021 regarding quality of water has also been annexed alongwith the said affidavit.

5. In the affidavit of the Municipal Commissioner, Nagar Nigam,

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Prayagraj, it is stated that 17 drains which fall in river Ganga and 25 drains in river Yamuna are being treated through the process called bio-remediation. It is stated that Nagar Nigam has appointed three private agencies for treatment of discharge of these drains through the said process. It is further stated that the process of bio-remediation has been adopted in different cities under the direction of Central Pollution Control Board and National Green Tribunal. U.P. Pollution Control Board is regularly monitoring the treatment process and also analysing samples of water/discharge before and after treatment.

6. It is vehemently urged by Sri A. K. Gupta, learned Amicus Curiae and learned counsel for the petitioners that the disclosures made in these affidavits are not correct. Untreated water of various drains are being directly flown in two rivers. As a result, the water has changed in colour. It is pointed out that even as per affidavit filed before this Court, number of *nalas* are still untapped despite several directions by this Court from time to time that all *nalas* be connected through STPs in phased manner. On a query made by the Court from learned counsel appearing on behalf of the State-respondent as well as learned counsel representing U.P. Pollution Control Board and Nagar Nigam, Prayagraj as to how remaining 42 *nalas* which are not connected to existing STPs or which are not being treated on site through *up-flow filters* are being treated, it is stated that the same is being done by installing a mechanical iron mesh and some by the process of bio-remediation. It is submitted that six drains are being treated by National Environmental Engineering Research Institute (NEERI). However the

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process adopted by the said organisation in treating the *nalas* coming under its control, has not been disclosed.

7. Learned counsel for the petitioners and learned Amicus Curiae seek time to bring on record photographs and other evidence to show that untreated water is still being flown into two rivers and even water of *nalas* which are connected to STPs is overflowing as the STPs are of under capacity. In other words, the contention is that the STPs are unable to bear the inward load and are discharging untreated water into the two rivers.

8. In respect of the environmental flow of water that has to be maintained in two rivers, our attention has been drawn towards the order passed on 19.1.2011 wherein, this Court has recorded that prima facie drawal of water exceeding 50% should not be allowed. By another order dated 3.2.2012, this Court had taken note of the constitution of Ganga Basin Authority entrusted with task of preserving the Ganga Basin. By the same order, time was granted to the Central Government to file an affidavit, bringing on record the details of the project and programmes of the said Authority to combat menace of increasing pollution in river Ganga.

9. We have been informed that till date the said direction has not been complied with. We are also informed that in the same order, this Court had recorded submission of learned counsel for Union of India that Ministry of Environment had signed a memorandum of agreement with the IIT Consortium for preparation of Ganga River Basin Management Plan. As part of the aforesaid Plan, a separate group was constituted by IIT Consortium which had also held its meeting. At that time the Court was

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informed that the said Consortium would complete its study within 18 months and thereafter its report would be available. We have been informed that till date the Central Government has failed to bring on record any report whether interim or final by the said Consortium.

10. Learned counsel for Union of India Sri Rajesh Tripathi is also not in a position to make any statement in this regard and seeks time to complete his instructions.

11. In respect of the query made on issue of ban of plastic in and around Magh Mela area, the stand taken is that the State Government had issued a notification dated 15.7.2018 prohibiting use, manufacture, sale, distribution, storage, transport, import or export of all kinds of disposable plastic carry bags of thickness less than 50 microns w.e.f. 2.10.2018. It is stated that the duty of enforcing the said notification lies with the Nagar Nigam, Prayagraj. The Municipal Commissioner, Nagar Nigam, in his affidavit has taken a stand that the provision of the said notification are to be implemented in Mela areas by the Magh Mela Authority. He has also taken the stand that there is complete ban throughout the territorial limits of Municipal jurisdiction to use plastic polythene bags which do not meet the stipulation prescribed in the notification. It is also stated that those who are violating the ban, are being subjected to prosecution and penalty. However, the affidavit is completely silent regarding the amount realised as fine since the date of enforcement of the notification and also the number of prosecutions launched so far.

12. Having regard to the stand taken by the respondents in different

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affidavits filed today, we direct impleadment of National Environmental Engineering Research Institute (NEERI) as a party respondent to the instant petition.

13. Issue notice to the newly impleaded respondent.

14. We also issue the following directions :-

(A) The Municipal Commissioner, Nagar Nigam, Prayagraj shall file his personal affidavit bringing on record the agreement with the three private agencies to whom work of treatment of drains through the process of bio-remediation, has been entrusted. The amount paid till date under the aforesaid contract, shall be clearly disclosed. The manner in which these agencies are being monitored in relation to discharge of their obligation under the contract, shall be brought on record supported by documentary evidence. The amount of microbial consortia that had been mixed by these agencies while carrying out the treatment process, shall be disclosed in view of the contention of learned counsel for the petitioners that the said process is operational only on paper and infact little or virtually no microbial consortia is being mixed to treat water flowing through these drains. It shall be open to the petitioners to bring on record any expert opinion regarding viability and effectiveness of the process of cleaning drains through bio-remediation and whether it is a short term measure or could be permitted to be continue indefinitely.

(B) The State Government shall state on affidavit to be filed by an officer not below the rank of Additional Secretary that in how much time it proposes to connect the remaining drains to STPs. The petitioners are also

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granted liberty to bring on record evidence to show that STPs are working or not and whether untreated water, as alleged by them, is being discharged in rivers Ganga and Yamuna directly.

(C) The Central Government shall file affidavit disclosing whether IIT Consortium has submitted any report in respect of the work entrusted to it for the management of Ganga River Basin and in case, report has been submitted, the same shall be brought on record. It shall also be clearly disclosed as to what measures has been adopted by the Central Government so far to ensure the optimal environmental flow in two rivers in compliance of the directions issued by this Court on 19.1.2011 and 3.2.2012. The Central Government shall also disclose the project, if any, undertaken by Ganga Basin Authority to preserve environmental flow of the two rivers and flora and fauna in Ganga Basin.

(D) The Municipal Commissioner, Nagar Nigam, Prayagraj, in his affidavit shall also disclose details of fine imposed till date for violation of the notification dated 15.7.2018 as well as number of prosecutions launched so far. Similar disclosure shall be made by the Mela Officer Incharge, Magh Mela, Prayagraj in respect of enforcement of the notification in the area coming under his control.

(E) We direct that the Nagar Nigam, Prayagraj and Magh Mela Authority shall ensure rigorous enforcement of the notification banning plastic bags and other disposables of thickness less than 50 microns within their territorial limit and that no plastic waste is littered on the ghats and banks of two rivers.

(F) Sri A.K. Gupta, Amicus Curiae alongwith Dr. H.N. Tripathi, learned counsel appearing for the U.P. Pollution Control Board, Sri Rajesh Tripathi,

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learned counsel for Central Government and Sri Manu Ghildiyal, brief holder for the State are permitted to personally visit the STPs and other discharge points and ghats in order to apprise themselves of current position relating to working of STPs and other process by which drain and sewerage water is being allegedly treated. To facilitate the same, we direct the District Magistrate, Prayagraj and Superintendent of Police, Prayagraj to render all assistance to the above team.

List on 4 February, 2021 at 2:00 p.m.

**Order Date :-** 28.1.2021  
skv

(Manoj Kumar Gupta, J.)

(Siddhartha Varma, J.)

(Ajit Kumar, J.)

**Court No. - 51****Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006**Petitioner :-** Re Ganga Pollution**Respondent :-** State of U.P. and Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Amit Shukla,Anil Tiwari,Arun Kumar,Arvind Agarwal,Ashfaq Husain,B.P. Singh Kachhawah,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Indramani Tripathi,Jagdish Tewari,K.C. Pandey,P.N. Mishra,Ravi Prakash Pandey,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Surya Pratap Singh Parmar,Tarun Agarwal,Uttar Kumar Goswami,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Ajit Singh,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,Bheem Singh,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mahesh Narain Singh,Manoj Kumar Singh,Mayank Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,Prabhash Pandey,Pradeep Pandey,R.B. Shukla,Rajendra Kumar Misra,Rajesh Tripathi,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Santosh Kumar Shukla,Saumya Misra,Sudeep Harkauli,Sudhanshu Srivastava,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udai Chandani,Udain Nandan,Udayan Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Manoj Kumar Gupta,J.****Hon'ble Siddhartha Varma,J.****Hon'ble Ajit Kumar,J.**

Affidavits filed on behalf of Union of India and the State of U.P. are taken on record.

Heard Sri A. K. Gupta Amicus Curiae, Sri V.C. Srivastava and Sri Shailesh Singh, learned counsel for the petitioners, Sri Shashank Shekhar Singh, Additional Chief Standing Counsel for the State of U.P., Sri Manoj Kumar Singh & Sri Rajesh Tripathi learned counsel for the Union of India, Sri Shambhu Chopra, Senior Advocate, assisted by Sri Om Prakash Yadav, learned counsel for the Central Pollution Control Board and Ms. Anjana Singh on behalf of respondent no. 9.

In compliance of our previous order dated 28.1.2021, Sri A.K. Gupta, Amicus Curiae, Dr. H.N. Tripathi, learned counsel for the U.P. State Pollution Control Board, Sri Rajesh Tripathi, learned counsel for the Central Government and Sri Manu Ghildiyal, brief holder for the State personally visited the STPs and various ghats and have submitted their joint inspection report. According to the report, many of the STPs were found to be of less capacity than the actual requirement, e.g. Numaya Deeh Sewage Treatment Plant which has installed capacity of 50 MLD was receiving 61.15 MLD of sewerage. Likewise, the installed capacity of Godra STP is 25 MLD, but on an average, it was receiving between 23.5 MLD to 26 MLD. It is also stated in the report that at present, only 6291 houses are connected to the sewer line, whereas the said STP was constructed to cater to the sewerage water coming from 24,089 houses. As and when all the houses are connected to sewer line, the STP will not be able to meet the inflow of sewerage. In similar fashion, the details of other STPs is also given in the said report. The team found that the drains which are untapped and are being presently treated by process of bio-remediation are discharging foul smelling water. The Committee has raised doubts about the very process of treating sewerage water by process of bio-remediation. The report also specifically mentions that 50% of the existing nallas are still not connected with sewerage treatment plants, or if connected, are overflowing. In nutshell, the team had concluded that large quantity of untreated water is still flowing into the rivers and a huge amount of public money is getting wasted. The team also mentioned that use of plastic bags is rampant in the city and the plastic waste which gets generated is choking the sewer lines.

An affidavit has been filed by Ms. Sunita Sharma, Advocate, along with which number of photographs of different nallas and sewage treatment plants have been filed. She has also supported the findings of the joint inspection team.

Another affidavit has been filed by Harchetan Brahmachari Ji Maharaj. It is stated that garbage and municipal waste is still being dumped in Mela area and on the banks of the two rivers. Certain photographs have also been filed in support of the said allegation.

An affidavit has been filed by Officer Incharge, Magh Mela, Prayagraj, stating that 4,000 cusec water is being released from Narora Barrage on regular basis. Sri Shashank Shekhar Singh, learned Additional Chief Standing Counsel, after verifying from the officer present in court, stated that 4,000 cusec water is being discharged on daily basis. We hope that during entire mela, a constant water level shall be maintained so that no difficulty is caused to the pilgrims taking dip in the holy rivers.

In the said affidavit, a report given by U.P. State Pollution Control Board has been annexed. According to it, the PH level of the water samples taken at different points is around 8.5 on an average. The range within which the PH level should be maintained as per the said report is 6.5 to 8.5. Sri A.K. Gupta, learned Amicus Curiae, pointed out that the very fact that PH level of water is touching the maximum permissible limit, is ample proof of the fact that quality of water is not good, nor fit even for bathing purposes. He submitted that the optimum PH level that should be maintained is 7, whereas it far exceeds the said limit. He further pointed out that the report is silent in respect of fecal coliform. The report also does not disclose that at which point the sample was taken. According to him, the sample should be taken at two points, i.e. upstream and

downstream and then only it would be possible to ascertain the quality of water. He further pointed out that even in the testing report relating to effluents being discharged by STPs, the parameter relating to fecal coliform is missing. At this point, we may also note that there are repeated allegations that during night time, the STPs are shut down and the sewage water is directly discharged into the rivers.

In the above backdrop, we would require the Chairman, U.P. State Pollution Control Board to file his personal affidavit, making the following disclosures: -

(a) The interval at which water samples are taken for testing. It shall clearly be specified whether any water sample is taken after sunset and before sunrise. In this regard, the extract of relevant records maintained by the Board in last three months shall be brought on record.

(b) What is the procedure being followed by the Board to monitor discharge of effluents from STPs during night time.

(c) Whether the effluents are tested on the parameters laid down by the Central Pollution Control Board. The relevant records relating to testing of effluents from sewage treatment plants of last three months shall be brought on record.

(d) The relevant records relating to monitoring of the effluents from untapped nallas that are allegedly being treated by process of bio-remediation shall also be filed. The affidavit shall disclose the mode of monitoring the water discharge from such drains and whether the same meets the laid down standards or not.

Learned Additional Chief Standing Counsel prays for a weeks' further time to file affidavit on behalf of the State Government, as directed by order dated 28.1.2021. The time prayed for is

granted.

The Nagar Ayukt, Nagar Nigam, Prayagraj and the Officer Incharge, Magh Mela, Prayagraj shall file their personal affidavits disclosing further action taken by them in the meantime for ensuring compliance of the ban imposed by the State Government on use of plastic bags of thickness less than 50 microns. In order to implement the said direction, we hereby direct the Senior Superintendent of Police to provide all possible assistance to the Mela Authorities/Municipal Authority. All efforts should be made to cut the supply chain of plastic bags of thickness below the prescribed norms.

Union of India is granted time to respond to the findings in Para 5 of the joint inspection report that certain STPs though installed, are still not functional.

List on 22nd February, 2021, at 02:00 p.m.

**(Manoj Kumar Gupta, J.)**

**(Siddhartha Varma, J.)**

**(Ajit Kumar, J.)**

**Order Date :- 9.2.2021**

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**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**Public Interest Litigation (PIL) No. 4003 of 2006**

(Re Ganga Pollution v. State of U.P. and others)

With

(PIL Nos.- 31229 of 2005, 8864 of 2006, 27206 of 2012, 22459 and 35250 of 2017, 1059 of 2019 and Writ- C Nos.- 37019 of 2011, 45456 and 46398 of 2012, 69796 of 2015 and 30703 of 2017)

**Counsel for the petitioner:-** Mr. Arun Kumar Gupta, Senior Advocate with Mr. Shailesh Singh, Ms. Sunita Sharma and Mr. V.C. Srivastava, Advocates

**Counsel for the respondents:-** Mr. Rajesh Tripathi, Counsel for Union of India, Mr. Neeraj Tripathi, Additional Advocate General with Mr. Shashank Shekhar Singh, Additional Chief Standing Counsel for State respondents

**CORAM: HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE MANOJ KUMAR GUPTA, JUDGE  
HON'BLE AJIT KUMAR, JUDGE**

**ORDER**

In terms of the earlier order passed by this Court, the Registry has prepared Index of the paper books datewise. However, as suggested by learned counsel for the parties, it would be appropriate if the separate paper books are prepared containing the pleadings as under:

- i. All the orders passed by the Court shall be arranged datewise and mentioned in the Index.
- ii. The pleadings filed by the petitioners.
- iii. The pleadings filed by the Amicus Curiae.

- iv. The affidavits and reports filed by the different departments in different compilations such as Central Government, Jal Nigam and Pollution Control Board etc.

Soft copy of the aforesaid pleadings shall be supplied to the learned counsel for the parties, except the Court orders.

Adjourned to March 3, 2022. To be taken up at 2:00 p.m. along with all connected matters.

Copy of the order be placed on files of connected cases.

(Ajit Kumar, J.) (Manoj Kumar Gupta, J.) (Rajesh Bindal, C.J.)

Allahabad  
14.02.2022  
Atmesh/IrfanUddin

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006  
(With WPIL Nos. 31229 of 2005, 8864 of 2006, 27206 of 2012, 22459 &  
35250 of 2017 and 1059 of 2019 Writ - C Nos. 37019 of 2011, 45456 &  
46398 of 2012, 69796 of 2015 and 30703 of 2017)**

Re Ganga Pollution .....Petitioner

Through :- Mr. Arun Kumar Gupta, Senior Advocate/ Amicus Curiae, Mr. Vijay Chandra Srivastava, Advocate with Ms. Sunita Sharma, Advocate and Mr. Shailesh Singh, Advocate

v/s

State of U.P. and others .....Respondents

Through :- Mr. S.P. Singh, Additional Solicitor General with Mr. Rajesh Tripathi and Mr. Manoj Kumar Singh, Advocates for Union of India,  
Mr. Ajay Kumar Mishra, Advocate General with Mr. Rajeshwar Tripathi, Chief Standing Counsel-II and Mr. Sudhanshu Srivastava, Advocate for Tehri Hydro Development Corporation,  
Mr. Bal Mukund, Advocate for Central Pollution Control Board,  
Mr. H.N. Tripathi, Advocate for State Pollution Control Board,  
Mr. Vijay Bahadur Singh, Senior Advocate with Mr. Prabhash Pandey, Advocate and Mr. Tarun Agarwal for respondent No. 19  
Mr. Sanjay Kumar Om, Advocate for U.P. Jal Nigam (Rural)  
Mr. S.D.Kautilya, Advocate for Nagar Nigam, Prayagraj

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE MANOJ KUMAR GUPTA, JUDGE  
HON'BLE AJIT KUMAR, JUDGE**

**ORDER****C.M. Impleadment Application No.145 of 2023**

1. At the time of hearing, it was pointed out that in the order passed by

this Court on December 14, 2022, Pancham Realcon Private Limited was directed to be impleaded as respondent no. 19. The impleadment of Pancham Realcon Private Limited should have been as respondent no. 26. A perusal of memo of parties shows that number of respondents were impleaded from time to time and, in fact, respondent no. 19 is already there as the State Level Environment Impact Assessment Authority, Uttar Pradesh. Hence, it should have been at number 26.

2. Learned counsel for the applicant submitted that the name of Pancham Realcon Private Limited was changed to Omaxe Pancham Realcon Private Limited on July 21, 2021. However, as the application for impleadment was filed prior thereto inadvertently the aforesaid fact could not be pointed out. The prayer made in the present application is for correction in the name of respondent no. 26.

3. The application is allowed. The name of respondent no. 26 already impleaded is directed to be corrected as 'Omaxe Pancham Realcon Private Limited'.

4. The order passed by this Court on December 14, 2022 is directed to be modified accordingly.

5. Registry to carry out necessary correction in the memo of parties.

**On main petition**

6. In response to the order passed by this Court on January 19, 2023, Abhishek Tiwari, Secretary Environment, Forest and Climate Change Department is present in Court.

7. He has been apprised of the different issues being faced with reference to environment and treatment of affluent and sewerage waste, part of which is being discharged in River Ganga and Yamuna. Some solutions have also been suggested by learned counsel appearing for the petitioner and Mr. Gupta, learned Senior Counsel who has been appointed as Amicus Curiae.

8. Connectivity of various residential houses with the sewerage lines already laid was also matter in issue.

9. One of the issue raised by learned counsel for the petitioner is with

reference to overflow of sewerage lines in Krishnapuri Colony which requires immediate attention of the authorities to avoid spread of any water borne disease.

10. The issue regarding collection and treatment of solid waste and also plans to take care of the migratory population in the city on different festivals was also discussed. It is a matter of fact that crores of people visit Prayagraj City on different occasions, as a result there is extra generation of sewerage water and also the solid waste.

11. Request has been made for grant of some time to examine the issues in detail and place the report before the Court, as the idea is to create the facilities before the next Mahakumbh, which is scheduled in December 2024/January 2025.

12. In case, any other departments are to be coordinated, needless to add that heads of the other departments shall coordinate in this mission.

13. List again on February 22, 2023 at 2.00 P.M.

(Ajit Kumar)  
Judge

(Manoj Kumar Gupta)  
Judge

(Rajesh Bindal)  
Chief Justice

Allahabad  
02.02.2023  
IrfanUddin/Sanjeev

**Reserved on 01.05.2023**

**Delivered on 21.07.2023**

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re Ganga Pollution

**Respondent :-** State of U.P. and Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi, Amit Shukla,Anil Tiwari, Arun Kumar, Arun Kumar Gupta(Senior Adv.), Arvind Nath Agrawal, Ashfaq Husain, B.P. Singh Kachhawah, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Indramani Tripathi, Jagdish Tewari,K.C. Pandey,P.N. Mishra, Ravi Prakash Pandey, S.K. Srivastava,S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma,Surya Pratap Singh Parmar, Tarun Agarwal, Uttar Kumar Goswami, V.B. Singh, V.C. Mishra,Vivek Mishra, Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C., A.K. Mishra, Anjana Singh, Anoop Trivedi, B.D. Shukla, Bal Mukund, Bheem Singh, Bipin Bihari Pandey, C.L.Pandey, Chandan Sharma, Dharmendra Prasad Singh, Dr. H.N.Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, Jyotindra Misra A.G., Kashif Zaidi, M.C. Chaturvedi, M.K.Alam, Mahesh Narain Singh, Manoj Kumar Singh, Mayank Agrawal, Mehboob Ahmad, Mohd.Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, Prabhash Pandey, Pradeep Pandey, Pranjal Mehrotra, R.B. Shukla, Rajendra Kumar Misra, Rajesh Tripathi, Rajiv Lochan Shukla, Ravi Kant, Ravi Prakash Pandey, S.A. Lari, S.D. Kautilya, S.G.Hasnain Addl.A.G.,S.M.A. Kazmi, S.P. Singh, Sanjay Kumar Om, Santosh Kumar Shukla, Saumya Misra, Shiv Om Vikram Singh Chauhan, Shivam Yadav, Sudeep Harkauli, Sudhanshu Srivastava, Suneel Dubey, T.M.Khan, Tahir Husain, Tanmay Agarwal, Tarun Agrawal, Udai Chandani, Udayan Nandan, Umesh Narain Sharma, Vibhu Rai, Vijay Kumar Rai, Vimlesh Kumar Rai, W.A. Hashmi

**Hon'ble Pritinker Diwaker,Chief Justice**

**Hon'ble Manoj Kumar Gupta,J.**

**Hon'ble Ajit Kumar,J.**

**In Re: Transfer Application No. 149 of 2023**

The State of Uttar Pradesh, the main respondent, who has to carry out various orders passed by this court from time to time in this Public Interest Litigation (PIL petition) aimed at making river water

of Ganga and Yamuna free from pollutants, securing and restoring floodplains of two rivers from unauthorised construction activities and ensuring that treated domestic sewage and drain water only flows to the rivers in the city of Prayagraj, Varanasi, Kanpur and other districts in the State of Uttar Pradesh, has moved this transfer application seeking transfer of this PIL petition and other similarly connected pending writ petitions to National Green Tribunal at New Delhi (hereinafter referred to as "National Green Tribunal").

2. The Stand taken is that the issues involved in this PIL petition are related to the subject matter falling under one Act or the other given in the Schedule I of the National Green Tribunal Act, 2010 (hereinafter referred to as "Act, 2010").

3. It is argued by the learned Advocate General Shri Ajay Mishra that the order of the National Green Tribunal dated 07.08.2019 gives bullet points to the state respondents to report on them and those bullet points cover the subject matters like CETPs, STPs, drain tapping, unauthorized constructions and other development activities on river banks that are in issue herein this PIL petition as well. He has drawn our attention to the order of the National Green Tribunal in the case of **M.C. Mehta v. Union of India and Others, Original Application No. 200 of 2014**, in which such issues have been covered vide paragraph 13 of the order, which runs as under:

*"13. It may be appropriate to note the precise issues which need immediate focus:*

*i) Prevention of discharge of untreated industrial waste and sewage in the River Ganga and its tributaries, including tapping of drains and bio-remediation, as applicable;*

*ii) Installation of STPs, CETPs, and making existing CETPs functional (including at Jajmau, Banthar and Unnao) and enhance the capacities, so assessed and monitoring of the standards before discharge of water into Ganga River;*

*iii) Installation of continuous Emission Monitoring System (CEMS) at appropriate locations and Online Monitoring System (OMS);*

*iv) Usage of treated waste water, of sludge manure and setting up of bio-digesters and septage management;*

*v) Preventing dumping of waste and scientific waste management including bio-medical wastes, plastic wastes and decentralizing waste processing, including waste generated from hotels, ashrams, etc.;*

*vi) Floodplains identification and zone demarcation with restrictions against any development/ construction/ encroachment;*

*vii) Maintenance of E-flow as notified by Ministry of water Resources including releasing water by Hydel projects and barrages; and*

*viii) Other directions including displaying water quality data in public domain and at prominent places, development of bio-diversity parks, prohibition of river bed mining, remediation of chromium dumpsites in Uttar Pradesh, collection of compensation from violators and involvement of society including religious, charitable, social and educational institutions for preventing and remedying pollution of River Ganga.*

4. Learned Advocate General has also relied upon the judgment of the Supreme Court in the case of **Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India (2012) 8 SCC 363**. The Supreme Court in the said case has highlighted the prime issues covering environmental laws and these laws being special laws, the NGT to be dealing with them as a judicial body of experts being a specialized National Green Tribunal and so such matters should be referred to the National Green Tribunal. The Court observed that it is also necessary to avoid conflicting approach in terms of orders while dealing with issues concerning environmental laws. The relevant paragraphs relied upon, are reproduced hereunder:

*40. Keeping in view the provisions and scheme of the National Green Tribunal Act, 2010, 2010 (for short the 'NGT Act') particularly Sections 14, 29,30 and 38(5), it can safely be concluded that the environmental issues and matters covered under the NGT Act, Schedule 1 should be instituted and litigated before the National Green Tribunal (for short 'NGT'). Such approach may be necessary to avoid likelihood of conflict of orders between the High Courts and the NGT. Thus, in unambiguous terms, we direct that all the matters instituted*

*after coming into force of the NGT Act and which are covered under the provisions of the NGT Act and/or in Schedule I to the NGT Act shall stand transferred and can be instituted only before the NGT. This will help in rendering expeditious and specialized justice in the field of environment to all concerned.*

*41. We find it imperative to place on record a caution for consideration of the courts of competent jurisdiction that the cases filed and pending prior to coming into force of the NGT Act, involving questions of environmental laws and/or relating to any of the seven statutes specified in Schedule I of the NGT Act, should also be dealt with by the specialized tribunal, that is the NGT, created under the provisions of the NGT Act. The Courts may be well advised to direct transfer of such cases to the NGT in its discretion, as it will be in the fitness of administration of justice.*

5. Thus, it is prayed that this PIL petition and connected pending petitions be transferred to the National Green Tribunal.

6. Learned Advocates appearing for the petitioner have opposed transfer application on following grounds:

*(i) Transfer application ought to have been made within six months of the NGT coming into existence;*

*(ii) This court will be better able to monitor Ganga Action Plan in terms of locally placed STPs and drainage system to ensure that treated clean water flows to rivers particularly in cities of Prayagraj, Varanasi, Kanpur and Unnao;*

*(iii) The issues relating to Magh Mela, Ardh Kumbh/ Kumbh Mela and Mahakumbh Mela arrangements are directly concerning the city of Prayagraj and for this purpose a local Mela Authority has been constituted and so this court will not only be easily accessible to the citizens and pilgrims coming during mela, for reliefs temporarily and specific to mela arrangements but even working of the Authority can be monitored better on day to day basis;*

7. It is further argued that the local bodies like, Municipal Corporation and Development Authority are under obligation to discharge their duties relating to local issues of citizen of Prayagraj and at times, such issues may remotely or incidentally relate to the river front areas and this court if sends the entire matter, the citizens may be denied remedy available to them through PIL petitions or even individually and upon approaching this Court, State may always take excuses for certain similar matters pending before Tribunal like increasing amount of water in rivers by ensuring release from different barrages.

8. Sri Vijay Bahadur Singh, learned Senior Advocate appearing for a Real State Company namely, Omaxe Pancham Realcom Pvt. Ltd. has argued that Omaxe Housing Project got well approved Housing Scheme by all the Authorities, including Prayagraj Development Authority and so his recall application in respect of interim order 19.08.2011 in this PIL Petition may be allowed first, and then the matter may be transferred. He even argued that this PIL petition looking to the reliefs prayed for, has nothing to do with the housing development scheme of his client facing river front of river Ganga.

9. Sri Singh showed concern that if transfer request was acceded to, his application for recall of the order of the High Court would remain undecided and his clients would continue to be penalised for no fault on their part. He submitted that huge investments made in the housing scheme have cost it very high and those innocent citizens who have already invested their hard earned money to get their dream house a reality, have been made to suffer and all this has also put a severe dent to the reputation of the company besides the fact that a planned development in the city by Omaxe as model housing scheme has been put on hold indefinitely.

10. Having heard learned counsel appearing for the respective parties and their arguments advanced across the bar upon transfer application, we find the only question to be answered; as to whether

the subject matter of this PIL petition and the orders passed therein from time to time deal with the same issues as are involved in the pending matter being OA No. 200 of 2014 before the National Green Tribunal, New Delhi.

11. This PIL petition is pending since 2006 and while it is true that initially prayers made were simply to ensure sufficient and clean water flow in river Ganga, but looking to various orders passed in this petition from time to time over last 17 years, some times on miscellaneous applications moved and at times even *suo motu* taking cognisance on variety of subject matters of public importance that may not be connected with the issue of Clean Ganga Project or issues incidental thereto, we find that over these years this petition acquired importance in large magnitude covering issues of public importance but still, broadly speaking, the orders passed are mainly covering the area of river water pollution and protection of river flood-plains and thus aimed at protecting and conserving the river Ganga in its full breadth and length as a heritage river which is also known as lifeline of this nation.

12. Having closely examined the scope of orders passed in this PIL petition, we can summarize the issues that have been addressed to, by this Court in this petition, as under:

- (i) Protection of river Ganga and Yamuna from flow of untreated sewage water, industrial affluent and domestic wastes etc.
- (ii) Protection of flood plain area of the two rivers from encroachment and unauthorized construction activities.
- (iii) Unauthorized construction activities in the City of Prayagraj.
- (iv) Unorganized and unchecked development activities against the master plan of the development authorities.

(v) Encroachment of public places.

(vi) Encroachment on roadside lands causing major traffic issues in city areas.

(vii) Magh Mela activity and matters connected with and relating to Mela Authority of Prayagraj.

13. A large number of orders form part of bulky ordersheet of this Public Interest Litigation petition and many of the orders deal with item nos. (iii), (iv), (v), (vi) and (vii), but looking to the entire ordersheet, we find that mainly focus has been to ensure continuous flow of water in the river Ganga and to ensure that ETPs are set up near every industrial area and drains are tapped and connected to STPs in districts through which, the rivers Ganga and Yamnua pass to ensure that no untreated sewage water and water with industrial effluents is flown into the two rivers.

14. The orders passed from time to time by this Court were also to ensure that flood plain areas of two rivers are not subjected to any kind of construction activity or encroachment. In the circumstances, therefore, we are clearly of the view that the above subject matters of item nos. (i) and (ii) are already engaging attention of the National Green Tribunal in the pending case, being OA No. 200 of 2014.

15. We have considered the objections raised by learned counsel for the petitioners. In so far as objection that transfer application having not been filed within six months of the Constitution of Green Tribunal and, therefore, transfer application cannot be entertained is concerned, we do not find merit in this submission. For better appreciation of the argument, we reproduce the provisions as contained under Sections 14 and 29 of the Act, 2010 as under:

**"14 Tribunal to settle disputes. -**

*(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including*

*enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

*(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.*

***(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:***

***Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.***

***29 Bar of jurisdiction. -***

*(1) With effect from the date of establishment of the Tribunal under this Act, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine under its appellate jurisdiction.*

***(2) No civil court shall have jurisdiction to settle dispute or entertain any question relating to any claim for granting any relief or compensation or restitution of property damaged or environment damaged which may be adjudicated upon by the Tribunal, and no injunction in respect of any action taken or to be taken by or before the Tribunal in respect of the settlement of such dispute or any such claim for granting any relief or compensation or restitution of property damaged or environment shall be granted by the civil court."***

(emphasis added)

16. Upon bare reading of the above provisions, we find that Section 14(3) of the Act, 2010 only provides a period of limitation of six months from the date of cause of action has arisen for the National Green Tribunal to entertain a petition, but proviso added to Sub-section 3 of Section 14 vests discretion in the National Green Tribunal to condone the delay, if sufficient cause is shown by the party approaching it. We further find that Section 29 of the Act, 2010 clearly bars the jurisdiction of civil courts to entertain any matter which the National Green Tribunal is empowered to adjudicate upon and determine the questions arising therein. The civil courts'

jurisdiction to settle the dispute that may be adjudicated upon by the National Green Tribunal has thus been clearly barred.

17. The aforesaid provisions, in our view, cannot be interpreted to mean that there would be bar for constitutional law court from transferring the matter already entertained on merits, to the National Green Tribunal at a later stage. It is always open for the court of law including Constitutional law Court to transfer the case to National Green Tribunal having jurisdiction *qua* the subject matter at any point of time, if it so chooses in its discretion.

18. In so far as the other objection that Clean Ganga Project or Ganga Action Plan/ Namami Gange Project can be better monitored at local level considering the importance of city of Prayagraj, Varanasi and Kanpur being religious and industrial cities is concerned, we are of the view that since Namami Gange Project is a National Level Project, it would involve several States and, therefore, it would be more appropriate that National Green Tribunal that has nationwide jurisdiction in ensuring that river does not get polluted from its source to its end (upstream and downstream) the project is monitored by it. The National Green Tribunal can better bind administration of various districts of various other States at the same time to ensure that Namami Gange Project ultimately achieves its object. While it is true that Magh Mela is organized every year in the city of Prayagraj and so also Ardhkumbh/ Kumbh Mela at every six years and Maha Kumbh at every 12 years but only for that, generally and broadly speaking, we should not invite a situation where our orders may come in conflict with that of National Green Tribunal begetting more and more confusion regarding its enforcement by agencies. After all it is the public interest that is to be served first and it hardly matters whether Clean Ganga or Namami Gange Project is monitored here by this Court or by the Green Tribunal. One is to see only where public interest would be better served and in our considered view, the National Green Tribunal being more equipped with powers relating to environmental laws under the Special Acts

given in Schedule 1 of the National Green Tribunal Act 2010 covering areas nationwide, it would better serve public interest *qua* Clean Ganga/ Namami Gange Project and Clean Yamuna Project.

19. In view of the above, we find merit in the argument of learned Advocate General that this PIL petition and connected pending PIL petitions may also be transferred to be tagged with Original Application no. 200 of 2014 pending with the National Green Tribunal. In our view, we find support in the observations made vide paragraph nos. 40 and 41 by the Supreme Court in the case of **Bhopal Gas Peedith Mahila Udyog Sangathan** (*supra*).

20. However, at this stage, we may also hold that matters relating to illegal development activities being carried out against master plan of Prayagraj Development Authority, encroachment of public places, roadside lands, discharge of statutory duties by Municipal Corporations of different districts and municipalities, in the field of civic administration and other 'incidental' and allied issues related to it, will still be cognizable by this Court. Likewise activities of Mela Authority, Prayagraj during Magh Mela, Ardhkumbh/ Kumbh and Mahakumbh may also be subject matter of monitoring by this court, if Public Interest Litigation petitions are filed by the aggrieved parties because these all would involve local issues relating to allotment of land, cleanliness in the Magh Mela area, basic amenities to be made available to kalpwasis etc., the requirement of sufficient water in river Ganga in Prayagraj and also if there arises any complaint in respect of administration of the Mela Authority, Prayagraj.

21. We may add here that in order to ensure speeding up of the work of tapping of drains in the city of Prayagraj and ensuring that untreated sewage water does not flow into rivers during Magh Mela, Ardhkumbh/Kumbh/Mahakumbh Mela, such matters may be taken up by this Court during such period even if such issues may overlap a little bit with pending matters before National Green Tribunal, but for this limited mela purposes. This Court would certainly not shirk away

from its constitutional duty in entertaining petitions during Mela period as object is only there to ensure that Clean Ganga and Yamuna water is available for bathing purposes for Kalpwasis during one of the world's largest religious congregation held here at Prayagraj during the month of Magh.

22. Again city drainage system, its maintenance and supply of clean and potable water to the residents of the city are local issues, and needed to be addressed locally for better administration of justice so as to serve public interest. The Constitutional Law Courts, like, High Courts having their territorial jurisdiction in respect of cities and districts cannot be denied access in the name of larger environmental issues falling within the domain of National Green Tribunal and, therefore, this Court upon being approached, in exercise of its extra ordinary power under Article 226 of the Constitution will certainly be intervening to set right things by asking local bodies and local administration to discharge their duties cast upon them under statutes. Our power of judicial review of legislative action and/ or administrative action does not get divested altogether with Constitution of National Green Tribunal, even under parliamentary legislation. Reiterating doctrine of basic structure of the Constitution as conceived of by Supreme in Kesavanand Bharti's case , the 9 Judges bench in **L.Chandra Kumar v. Union of India and Others( AIR 1997 SC 1125)** held that *"the power of judicial review over legislative action vested in the High Courts under Article 226 and in this Court (Supreme Court) under Article 32 of the Constitution is an integral and essential feature of the Constitution, constituting part of its basic structure."* The Court further held that *"power vested in the High Courts to exercise judicial superintendence over the decision of all Court and Tribunals within their respective jurisdiction is also part of the basic structure of the Constitution"* and *"this is because a situation where the High Courts are divested of all other judicial functions apart from that of constitutional interpretation, is equally to be avoided."*

23. Accordingly, we are of the considered view that these above local issues of Prayagaj and other districts of Uttar Pradesh may well still be within the jurisdiction of this Court and will not be in any manner having any conflict with the issues that are subject matter of adjudication before the National Green Tribunal in OA No. 200 of 2014.

24. We have examined the records of the other Public Interest Litigation petitions that are connected and pending and we find that prayers in most of them are either relating to Prayagraj where the sanction of map has been refused by the development authority on account of places, where constructions are sought to be raised, falling within 500 meters of HFL (High Flood Level) as this Court under its order dated 19.08.2011 has restrained every construction activity within this limit; and in some of Public Interest Litigations, the demolition notices have been challenged as the areas fall within the prohibited distance of 500 meters from rivers Ganga and Yamuna of district Prayagraj and within the prohibited distance of 200 meters from the both side of banks of river Ganga in city of Varanasi.

25. In our view, all these above issues since are related to conserving and maintaining flood plane zones of the two rivers Ganga and Yamuna in various districts of Uttar Pradesh, these would fall within the subject matter of pending O.A No. 200 of 2014 before the National Green Tribunal.

26. We have also considered the grievance of the M/s Omaxe Pancham Realcom Pvt. Ltd., Prayagraj, respondent no. 26 who has moved a miscellaneous recall application in respect of an order of this Court dated 19<sup>th</sup> August, 2011 that restrains any construction activity within 500 meters from high flood level at the bank of rivers Ganga and Yamuna in the city of Allahabad/ Prayagraj.

27. In the above regard, we find that even the National Green Tribunal has passed an order on 13<sup>th</sup> July, 2017 in the pending O.A.

No. 200 of 2014 while dealing with solid waste management and its dumping in relation to areas that may fall within flood plain zones in respect of State of Uttarakhand, the National Green Tribunal has already issued directions to the public authorities, Nagar Nigams and Municipalities etc. to ensure that even temporary sites to be used as dumping ground should not be within 500 metres distance from the end of the flood plane of river Ganga or its tributaries. The Tribunal in its order dated 13.07.2017 under direction no. (v) has observed that *“ the area beyond 100 meters and less than 300 meters would be treated as regulatory zone in the hilly terrain, for which State will comply with the above directions. The area upto 200 meters shall be prohibited area in the plain terrain and more than 200 meters and less than 500 meters would be treated as regulatory zone. Area/ River bank/ flood plain 2 kms upstream to Rishikesh and till border of the State of Uttarakhand towards U.P. in river Ganga would be treated as plain terrain while upstream the above hilly terrain”*. Even though in respect of State of U.P. there appears to be no such direction by the Tribunal under the order, but in our considered view, since Tribunal is dealing with the matter and certain directions have been issued to the State Government of Uttar Pradesh, U.P. Jal Nigam, U.P. Pollution Control Board and Central Pollution Control Board, Uttar Pradesh, the Tribunal would be in a better position to appreciate the controversy regarding 500 meters from High Flood Zone as prohibited area for raising any temporary or permanent structure. Thus it will be within the domain of the Tribunal to pass appropriate orders and, therefore, in our considered view, it would be more appropriate for the National Green Tribunal to consider the miscellaneous recall application of respondent no. 5 and pass appropriate order.

28. We, therefore, do not see any prejudice going to be caused to the respondent no. 26 in the event matter is transferred to the National Green Tribunal, New Delhi . It will remain open for the respondent no. 26 to move appropriate application before the

National Green Tribunal for early disposal of miscellaneous recall application, if so advised.

29. In view of above, the transfer application moved by the State of Uttar Pradesh stands granted. The Public Interest Litigation No. 4003 of 2006 and other connected pending petitions and PIL petitions are transferred to National Green Tribunal, New Delhi.

30. Registrar General is to ensure that all the records are transmitted to the National Green Tribunal, within a fortnight while retaining a copy of the entire order-sheet and the leading PIL petition in one set. The respective parties are directed to appear before the National Green Tribunal, New Delhi and pursue their matter there.

31. We also find that large number of PIL petitions are being listed with this PIL petition, even though those Public Interest Litigation petitions have been disposed of by this Court previously giving liberty to the petitioners to move their application in the main Public Interest Litigation petition being no. 4003 of 2006 .

32. Registry is accordingly directed to detag the decided PIL petitions and consign them to records.

**Order Date :- 21.07.2023**

Sanjeev

(Ajit Kumar)  
Judge

(Manoj Kumar Gupta)  
Judge

(Pritinker Diwaker)  
Chief Justice

## PART 2

### GOVERNMENT ORDERS /NOTIFICATIONS

| Sr No.   | Date       | PARTICULARS   | Pg no. |
|----------|------------|---|--------|
| <b>1</b> | 23.09.1998 | Notification Dated 23.09.1998 stating any construction activity would be prohibited within 200 mtrs. of Ganga.  |        |
| <b>2</b> | 31.07.2000 | Govt. order extended relaxations with regard to total prohibition of construction within 200 mtrs. from the river bank.   |        |
| <b>3</b> | 29.09.2000 | Allahabad Development Authority (ADA) Resolution No. 1116 total prohibition of any construction within 200 mtrs. from river bank. Further 300ms from there would be permitted by the ADA for special project.   |        |
| <b>4</b> | 27.12.2004 | Meeting of the board of the ADA vide <b>Resolution No. 1318</b> resolving that ADA will adopt the Order dated 31.07.2000.   |        |
| <b>5</b> | 03.04.2005 | ADA further deliberated upon the aforesaid Resolution No. 1318 dated 27.12.2004 in its <b>83rd Board meeting</b> categorically and finally adopted G.O. dated 31.07.2000 vide <b>Resolution 1337</b> in respect to the subject of construction activity within 200 mtrs with conditional exemption to maths, temples ashrams etc. |        |
| <b>6</b> | 07.10.2016 | Ministry of Water Resources, River Development, and Ganga Rejuvenation Notification.  |        |

संख्या: 2810/9-अ-1-98

श्री प्रमल कुमार गुप्ता,  
सचिव,  
उत्तर प्रदेश शासन।

उपरोक्त,  
संगठन विकास प्राधिकरण,  
उओप्र० ।

आयुक्त,  
उओप्र० आवास एवं विकास परिषद,  
लखनऊ ।

आवास/संगठन-।

लखनऊ: दिनांक: 23 सितम्बर, 1998

विषय:- मानवीय उद्योग न्यायालय, इलाहाबाद में पितारती बंधन याचिका संख्या: 21552/97 के पंजीयन में नदियों को प्रदूषण से बचाने के लिए नव विकसित कालोनियों में सी वेज, ड्रेनेज की व्यवस्था सुनिश्चित किये जाने विषयक ।

संदर्भ,

उपरोक्त विषय के संदर्भ में उसे यह कहने का निर्देश हुआ है कि प्राधिकरण/

आवास विकास परिषद, नव विकसित कालोनियों के "ले-आउट प्लान" के अनुमोदन के

पूर्व कालोनी के सी वेज, ड्रेनेज की व्यवस्था सुनिश्चित करें तथा यह भी सुनिश्चित करें

कि सी वेज/ड्रेनेज उचित ट्री ट्रीटमेंट के पर्याप्त हो नदियों में छोड़ा जाय । इस कार्य

के "परिशिष्ट" का "मास्टर प्लान" जल निगम, प्राधिकरण के परामर्श व इनकी आर्थिक

सहायता से बनायेगी ।

इसके अतिरिक्त संगठन नदी तट पर लगे भवनों में कितारे से 200 मीटर तक

किसी भी प्रकार की गतिविधियां अनुमत्य न की जाय ।

प्रसदीय,

*[Signature]*

श्री प्रमल कुमार गुप्ता ।

सचिव

संख्या: 2810/ /9अ-1-98, तल दिनांक ।

1. प्रतिनिधि मुख्य अभियंता संगठन । एवं नोडल अधिकारी, उओप्र० जल निगम लखनऊ को सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित ।

2. प्रतिनिधि सचिव, नगर विकास को इस अनुरोध के साथ प्रेषित कि जल निगम को तदनुसार कार्यवाही प्राथमिकता पर करने हेतु निर्दिष्ट करने का कट करें ।

आशा है,

*[Signature]*

अससचिव ।

शुभ कुमार गुप्ता,  
उत्तर प्रदेश शासन।

:::39:::

उपाध्यक्ष,  
संस्त विकास प्राधिकरण,  
उत्तर प्रदेश।  
आवास आयुक्त,  
आवास एवं विकास परिषद,  
सखनऊ।  
मुख्य नगर एवं ग्राम नियोजक,  
नगर एवं ग्राम नियोजन विभाग,  
उत्तर प्रदेश, सखनऊ।

सिमा-3

सखनऊ : दिनांक : 31 जुलाई, 2000

गंगा नदी तट पर बसे नगरों में किनारे से 200 मीटर तक किसी भी प्रकार की गतिविधियाँ अनुमत्त न किये जाने के अन्तर्गत को शिथिल किये जाने के सम्बन्ध में।

उपरोक्त विषयक शासनादेश संख्या-320/9-आ-3-2000-127 कांम्/89, दिनांक 5 फरवरी, 2000 की ओर आपका ध्यान दिये गये हैं यह कहने का निदेश हुआ है कि गंगा नदी के तट के किनारे 200 मीटर तक लगाये जाने वाले प्रतिबन्धों की पृष्ठभूमि प्रदूषण से बचाने की है। दूसरी ओर यह भी सत्य है कि बादागरी व हरिद्वार जैसे प्रमुख तीर्थ स्थल गंगा के तट पर हैं और इसी तथा उसके तट पर धार्मिक मान्यताओं से जुड़े हुए मठ एवं आश्रम वहाँ की संस्कृति के अभिन्न अंग हैं। धार्मिक भावनाओं को सुरक्षित रखने, जो सार्वजनिक सुविधाओं का ही एक भाग है, को पूर्णतः प्रतिबन्धित किया जाना उपयुक्त न होगा परन्तु गंगा नदी को संरक्षित करने के लिये भी समुचित व्यवस्था आवश्यक होगी।

उपरोक्त वर्णित स्थिति में शासनादेश दिनांक 5 फरवरी, 2000 द्वारा पूर्व में किये गये शिथिलीकरण के स्थान पर यह निर्णय लिया गया कि गंगा नदी के किनारे ऐसे स्थानों का जो धार्मिक मान्यताओं से जुड़े हैं, जहाँ का स्वरूप प्रमुखतः तीर्थ है, वहाँ पर मठ, आश्रम, शिथिलीकरण कतिपय शर्तों के अधीन अनुमत्त कर दिया जाय। यह शर्तें निम्नवत् होंगी।

आयुक्त 35 प्रतिशत तथा तट क्षेत्र अनुपात (एफ०ए०आर०) 1.5 सार्वजनिक सुविधाओं के अनुपात ही अनुमत्त हो।

आयुक्त को गहन मानचित्र अनुमति के आदेशन के साथ एक योजना प्रस्तुत करनी होगी, जिसमें यह सुनिश्चित हो कि नदी का प्रदूषण न हो।

अगर गंगा नदी में अप्रयुक्त नहीं किया जायेगा बल्कि अन्य नालों आदि में से जाने की व्यवस्था करनी होगी।

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~~158~~ 264  
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क्षेत्र में सीवरेज व्यवस्था नहीं है तो निवास स्थान/धर्मशाला आदि इन प्रयोजनों में अनुमत्य नहीं की जायेगी ताकि नदी में प्रदूषण न हो सके।  
निम्नलिखित जल निगम/जल संस्थान अथवा विकास प्राधिकरण द्वारा स्वीकार पाये जाने पर नियमानुसार मानचित्र स्विकृत किया जायेगा।  
निर्गम शक्ति/निर्गम 5 फरवरी, 2000 तक स्वीकृत समझा जाय।

भवदीय,  
अतुल कुमार गुप्ता  
सचिव।

24.सी0एग0(1)/9-आ-3-2000 तदुद्दिनांक।

निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-  
1. जल निगम अथवा (गंगा) नोडल अधिकारी, उ० प्र० जल निगम, धरमगंज।  
2. नगर विकास विभाग, उ० प्र० शासन।  
3. सहायक, सार्वजनिक क्षेत्र विकास प्राधिकरण, उत्तर प्रदेश।

आज्ञा से,  
जावेद एहतेशाम  
उपसचिव।

Regarding prohibiting any kind of construction within the area 200 mtr. from the river banks of Ganges and Yamuna,

Resolution No. 1166

After due consideration, it was resolved that any kind of building construction <sup>on</sup> the banks of Ganga, Yamuna and Sangam area. It was also decided that while treating the highest water level to be the banks of these rivers, permission shall not be granted to any kind of construction activities within 200 mtr. from both sides of the aforesaid river banks and for the next 300 meters from the river banks, constructions can be permitted after obtaining permission from the Development Authority only for special project like Research Centers and Sports Centres belonging to religions, cultural, tourism. Ground coverage area in such projects shall not be more than 10 percent. It was also decided that a discreet survey shall be conducted to earmark the existing construction on the river banks and videography and photography shall be done so that the existing constructions could be properly earmarked.

With the aim to preserve the legendry and cultural heritage of Allahabad city, it has been decided that the Kumbh Mela area shall be properly demarcated and defined on record and it shall be appropriately shown in

विचारोपरान्त सर्वसम्मति प्रस्तुत प्रस्ताव की स्वीकृति प्रदान करते हुए गंगा, यमुना एवं संगम क्षेत्र में भवन निर्माण की गतिविधि को प्रतिबंधित किए जाने का निर्णय लिया गया। यह भी निर्णय लिया गया कि उपरोक्त नदियां के दोनों तरफ उच्चतम जल स्तर को किनारा मानते हुए उससे 200 मीटर की दूरी तक दोनों तरफ कोई निर्माण अनुमत्य नहीं होगा तथा उसके आगे 300 मीटर तक निर्माण प्राधिकरण बोर्ड की अनुमति से विशेष परियोजनाओं हेतु ही अनुमत्य किया जायेगा। यह परियोजनायें धार्मिक, सांस्कृतिक, पर्यटन से संबंधित शोध केन्द्र क्रीडा आदि को ही अनुमत्य होगी तथा इसमें ग्राउण्ड कवरेज 10 प्रतिशत से अधिक नहीं होगी तथा निर्माण भी विशेष परिस्थितियों में प्राधिकरण बोर्ड के अनुमोदन के पर्याप्त ही किया जायेगा। यह भी निर्णय लिया गया है कि वर्तमान निर्माण को चिन्हित करने के लिये सर्वेक्षण कराया जाय तथा सम्पूर्ण क्षेत्र की वीडियोग्राफी, फोटोग्राफी करा ली जाये ताकि आज के निर्माण का स्तर भली प्रकार चिन्हित किया जा सके।

इलाहाबाद नगर के पौराणिक एवं सांस्कृतिक पहचान को सुरक्षित रखने के उद्देश्य से यह भी निर्णय लिया गया कि कुम्भ मेले के सम्पूर्ण क्षेत्र को भली प्रकार परिभाषित कर महायोजना में इसका सही अंकन कर दिया जाये तथा प्रत्येक वर्ष में दो बार उपरोक्त क्षेत्र में होने वाले अवैध निर्माण को चिन्हित कर व्यापक ध्वस्तीकरण अभियान चलाया जाये।

(सत्य प्रतिलिपि)

मद संख्या:-5 अवैध भू-विभाजन तथा कालोनियों के विनियमितीकरण के अन्तर्गत भवन मानचित्रों की स्वीकृति में ओपेन स्पेस/उप विभाजन शुल्प निर्धारण हेतु सर्किल रेट के सम्बन्ध में ।  
संकल्प संख्या:-1317 दिनांक: 27.12.2004

सर्व सम्मति से प्रस्तुत प्रस्ताव की स्वीकृति प्रदान की गयी और यह भी निर्णय लिया गया कि ऐसे भवनों के मानचित्र की स्वीकृति के समय सम्बन्धित निर्माणकर्ता से इस आशय का शपथ पत्र अवश्य ले लिया जाये कि उसके द्वारा प्रस्तावित भवन का निर्माण स्वीकृत मानचित्र के अनुरूप ही किया जायेगा । ऐसे प्रकरणों में कम से 10 प्रतिशत की जाँच अवश्य करा लिया जाये ।

मद संख्या:-6 गंगा नदी से 200 मी० दूरी तक किसी भी प्रकार के निर्माण की गतिविधियाँ अनुमन्य न किये जाने के सम्बन्ध में ।  
संकल्प संख्या:-1318 दिनांक: 27.12.2004

इस सम्बन्ध में निर्णय लिया गया कि भविष्य में गंगा नदी के बाढ़ तट के उच्चतम स्तर से 200 मी० तक भवन निर्माण की अनुमति नहीं प्रदान की जायेगी ।

मद संख्या:-7 निरूपमा आवास योजना के अन्तर्गत मा० राज्यमंत्री, उच्च शिक्षा श्री राम आसरे विश्वकर्मा को आवंटित भवन संख्या-36, सपना-॥ का ब्याज माफ करने एवं पुर्नमूल्यांकन कराये जाने के सम्बन्ध में ।  
संकल्प संख्या:-1319 दिनांक: 27.12.2004

सर्व सम्मति से प्रस्तुत प्रस्ताव की स्वीकृति प्रदान की गयी और यह भी निर्णय लिया गया कि पक्ष द्वारा पुर्नमूल्यांकन के अनुसार बकाया धनराशि एक माह के अन्दर जमा करा लिया जाये ।

मद संख्या:-8 कसारी-मसारी-प्रथम कौशाब्दीकुंज आवास योजना के भवन संख्या-के०के०-१, एच० आई० जी० के मद में आवंटी श्री राम प्रकाश के द्वारा जमा धनराशि की वापसी के सम्बन्ध में ।  
संकल्प संख्या:-1320 दिनांक: 27.12.2004

विचारोपरान्त सर्व सम्मति से निर्णय लिया गया कि आवंटी द्वारा जमा मूल धनराशि तत्काल वापस कर दिया जाये । एक वर्ष से कम अवधि तक जमा धनराशि को ब्याज सहित भुगतान किये जाने का कोई औचित्य नहीं है ।

भद संख्या: 5- गंगा नदी से 200 मी० दूरी तक शासनादेश सं०- 124/

सौ०एम०-9-3-2000-127काम्प/99

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दिनांक 31.07.2000 के अनुसार निर्माण अनुमत्य किये जाने के सम्बन्ध में।

गंगा नदी तट पर बसे गंगों से 200 मी० तक किसी भी प्रकार की गतिविधियाँ अनुमत्य न किये जाने के प्रतिबन्ध को शिथिल किये जाने के सम्बन्ध में शासनादेश सं० 124/सौ०एम०-9-3-2000-127काम्प/99 दिनांक 31.07.2000 द्वारा गंगा नदी के किनारे से ऐसे स्थानों का जो धार्मिक मान्यताओं से जुड़ी है; जहाँ का स्वरूप प्रमुखतः तीर्थ है, वहाँ पर मठ, आश्रम, मन्दिर का निर्माण कतिपय शर्तों के अधीन अनुमत्य किये जाने के निर्देश प्राप्त हुये थे।

प्राधिकरण की पूर्व बैठक दिनांक 29.09.2000 के भद संख्या-17 सकल्प संख्या- 1116 द्वारा गंगा/यमुना नदी के किनारे से 200मी० की दूरी तक कोई निर्माण अनुमत्य न करने का तथा उसके आगे 300मी० तक की दूरी तक निर्माण प्राधिकरण की अनुमति से विशेष परियोजनाओं हेतु अनुमत्य किये जाने का निर्णय लिया गया, जिसमें धार्मिक, सांस्कृतिक पर्यटन से संबंधित शोध केन्द्र एवं क्रीडा केन्द्र की ही अनुमति दिखे जान का उल्लेख है। इसमें गाऊन्द कवरेज 10 प्रतिशत से अधिक नहीं होगी।

प्राधिकरण से उपरोक्त निर्णय के अनुपालन में व्यावहारिक कठिनाईयों को देखते हुए प्राधिकरण की गत बैठक दिनांक 27.12.2004 का भद संख्या-6 में प्रकरण में पुनर्विचार करते हुए शासनादेश सं० 124/सौ०एम०-9-3-2000-127काम्प/99 दिनांक 31.07.2000 में प्रावधानों के अंतर्गत गंगा/यमुना नदी के किनारे से 200 मी० तक मात्र तीर्थ, मठ, आश्रम, केन्द्र आदि निर्माणों को कतिपय शर्तों के अंतर्गत-निर्माण-की अनुमति यथा स्वरूप पालन करते हुए तदनुसार महायोजना प्रारूप 2001 में भी प्रावधान करने का प्रस्ताव रखा गया था। प्राधिकरण की सकल्प संख्या- 1318 द्वारा नियम लिया गया कि भविष्य में गंगा नदी के बाढ़ तट के उच्चतम स्तर से 200 मी० तक भवन निर्माण की अनुमति नहीं प्रदान की जायेगी।

प्राधिकरण के उपरोक्त निर्णय से नदी तट से 200 मी० तक की उपरोक्त सीमा तक किसी भी प्रकार का निर्माण अनुमत्य नहीं होगा, जबकि उपरोक्त शासनादेश दिनांक 31.07.2000 द्वारा धार्मिक मान्यताओं से जुड़े भवनों को कतिपय शर्तों के अंतर्गत अनुमत्य किया गया है।

अतः शासनादेश सं० 124/सौ०एम०-9-3-2000-127काम्प/99 दिनांक 31.07.2000 के अनुसार ही गंगा नदी के तट से 200 मी० तक के क्षेत्र में उल्लिखित धार्मिक मान्यताओं से जुड़े भवनों को उन्ही शर्तों के अधीन अनुमत्य किये जाने एवं तदनुसार महायोजना प्रारूप 2021 में भी प्रावधान किये जाने का प्रस्ताव प्राधिकरण के समक्ष विचारार्थ एवं अनुमोदनार्थ प्रस्तुत है।

सकल्प संख्या- 1337

दिनांक : 03.04.2005

शासनादेश सं० 124/सौ०एम०-9-3-2000-127काम्प/99 दिनांक 31.07.2000 के अनुसार की कार्यवाही किये जाने की स्वीकृति प्रदान की गयी।



# भारत का राजपत्र

## The Gazette of India

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PART II—Section 3—Sub-section (ii)

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जल ससं ाधन, नदी िंवकास और गगं ा सरं

ण मं ालय िअधसचू ना नई द ली, 7 अ तूबर,

2016

का.आ. 3187(अ).—गंगा नदी म पयावरणीय दषू ण क रोकथाम, िंनयं ण एवं उपशमन और जल का सतत पया वाह सुिंिन त करने के उपाय करन े तथा इससे संबंिंधत अथवा ासंिंंगक मामल हते ु के , रा य और िंजला तर पर ांिंधकरण का गठन करना ज री ह,ै िंजससे गगं ा नदी का पनार करके इसे इसक ाकृिंतक एवं मूल िंथित म लाया जा सके।

जहां, गगं ा नदी भौगोिंलक, िऐतहािंसक, सामािंजक-सां कृिंतक एवं आ थक कारण से िअ तीय मह व क ह ै जो इसे रा

ीय नदी का दजा दते ा ह;ै और जहां, गगं ा नदी तेजी से हो रह े शहरीकरण एवं औ ोिंंगक करण के कारण सीवेज, औ ोिंंगक िवह ाव एवं अ य दषू क के बढ़ने के कारण गंभीर िंथित म ह;ै

और जहां, िंत पध मांग को पP ोा करन े क आव यकता को यान म रखत े ए जनसं या, शहरीकरण, औ ोिंंगक करण, अवसंरचना िंवकास म वृिं के कारण सचाई, पेयजल आपू त, औ ोिंंगक उपयोग एवं जल िंव तु के िंलए गंगा नदी के जल

क मांग बढ रही ह;ै और जहां, िअवलंब िंन िंलिखत कारवाई कए जान े

क आव यकता है- -----

(ए) ापक आयोजना एवं बंधन के िंलए इस अंतरा यीय एवं अंत ीय सम वय को ो सांिंहत करन े के िंलए नदी बेिंसन

Vदू कोण अपनाकर गगं ा नदी म दषू ण म भावी कमी तथा नदी का संर ण सुिंिन त करना;

(बी) नदी क पूरी लंबाई के े म सतत वाह सुिंिन त करने के उ े य स े गंगा नदी म पा Wर िथितक य वाह बनाए रखना

जिससे इसका परिणाम यह होगा कि नदी के किनारे बसे हुए लोगों को नुकसान हो सके और यह वन को अपना पनुार करने में सक्षम हो सके;

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(1)

(सी) गंगा नदी के आस-पास के क्षेत्र में संबंधित लगाना जहां उद्योग, चालन अथवा यांत्रिक अथवा उद्योग का ढग, चालन अथवा यांत्रिक जांघी अथवा कुछ सुरक्षा उपाय के साथ क जांघी;

(डी) कसी भवन, संयंत्र, उपकरण, मशीन, निम्नमाण अथवा अयया, सामाजिक अथवा पदाथ के निम्नरीण का ावधान करना और ऐसे ांघिकरण, िअधकार्य तथा िंय को गंगा नदी में पयावरणीय दूषण को रोकथाम, िंनयंत्रण एवं कमी लाने के िंलए कदम उठाने के िंनदश दने ा जैसा क यह आवयक समझे।

(ई) गंगा नदी में पयावरणीय दूषण को समया से संबंधित अंघेण एवं ं अनुसंधान करना एवं ं ायोिंजत करना और पयावरणीय दूषण फैलाने वाली संभांघित िंनमाण या, सामी तथा पदाथ क जांच करना;

(एफ) गंगा नदी में पयावरणीय दूषण से संबंधित मामल के संदभ में सूचना एवक त एवं सारत करना और पयावरणीय दूषण को रोकथाम, िंनयंत्रण एवं कमी लाने के संबंध में मैनधुल, कोड अथवा गाइड तैयार करना; और जहां, गंगा नदी के पुनार के िंलए समान प से उरदायी होने के कारण संबंधित राय सरकार को राय तर पर नदी संरण याकलाप का समवय एवं काया वयन करना होगा और उनके राय में गंगा नदी के ापक बंधन के िंलए कदम उठाने हग;े और जहां, गंगा नदी में दूषण को समा करने और संरण, सुरक्षा और बंधन के िंलए इस आदशे के अंतगत क सरकार और राय सरकार तथा ांघिकरण के सामूिंहक यास को सुदृढ़ करने के िंलए आयोजना, िंव पोषण, िंनगरानी और समवय क आवयकता होगी। अब, इसलए, पयावरण (संरण) िंघिनयम, 1986 (1986 का 29) (इसके बाद उ िंघिनयम कहा गया है) क धारा 3 तथा 4, 5, 9, 10, 11, 19, 20 और 23 क उपधारा (2) तथा (3) के अनु छेद (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xii) तथा (xiii) के साथ उपधारा (1) ारा दी गई िंशय का योग करत ए और पूववत पयावरण एवं वन मंालय में भारत सरकार क 30 िंसतंबर 2009 क िंघिसूचना संया का.आ. 1111(अ), 30 िंसतंबर 2009 क िंघिसूचना संया का.आ. 2539(अ), 30 िंसतंबर 2009 क िंघिसूचना संया का.आ. 2493(अ), 30 िंसतंबर 2009 क िंघिसूचना संया का.आ. 2494(अ), 30 िंसतंबर 2009 क िंघिसूचना संया का.आ. 2495(अ) और 8 फरवरी 2010 क का.आ. 287(अ) और जल संसाधन, नदी िंवकास और गंगा संरण में 29 िंसतंबर 2014 क का.आ. संया 2539(अ) का िंघिमण करते ए, ऐसे िंघिमण से पहले कए गए अथवा छोड़े गए काय को छोड़कर, के सरकार एत ारा-

(i) ऐसी िंशय तथा काय को करने के उेय से इस आदशे में उ िंलखत नाम से ांघिकरण गठत करती है (उ िंघिनयम क धारा 5 के तहत िंनदश जारी करने के िंश के साथ और इस आदशे में उ िंलखत मामल के संदभ में उपाय करने के िंलए);

(ii) के सरकार के पयवेण एवं िंनयंत्रण और इस आदशे के ावधान के शताधीन इस आदशे में िंविन द ांघिकारी अथवा

ांघिकार्य को िंनदश दते ि है क वे इस आदशे में उ िंलखत िंशय का योग अथवा काय का िंन पादन अथवा उपाय करगें जैस के इन ांघिकार्य को उ िंघिनयम ारा इन िंशय का योग करने,े इन काय का िंन पादन करने अथवा ऐसे उपाय करने के िंघिकार दया गया है;

(iii) यह िंनदश दते ि है क उ िंघिनयम के कसी ावधान के तहत गंगा नदी और उससे जड़ा ं मामल के संबंध में इसक सभी िंशय एवं काय (धारा 3 क उपधारा (3) के तहत कसी ांघिकरण के गठन क िंश और उ िंघिनयम क धारा 6 और 25 के तहत िंनयम बनाने के छोड़कर) का योग इस आदशे में िंविन द शत एवं ं सीमा के शताधीन इस आदशे ारा गठत ांघिकरण और इस आदशे में िंविन द िंघिकार्य ारा भी कया जा सकेगा।

1. लघु शीषक एव ंारंभ- (1) इस आदशे को गंगा नदी (संरण, सुरा एवं ंबंधन) ािंधकरण आदशे, 2016 कहा जाए।  
(2) यह सरकारी राजप म काशन क तारीख से लागू होगा।
2. आदशे को लागू करने के काे - यह आदशे गंगा नदी म दषू ण क भावी कमी तथा संरण, सुरा एवं ंबंधन के उे य से गंगा नदी बेिंसन वाले राय अथात िंहमाचल दशे, उराखंड, उर दशे, मय दशे, छीसगढ, िंबहार, झारखंड, हरयाणा, राजथान, िपम बंगाल और राीय राजधानी देदली और ऐसेे अयराय िंजनम गंगा नदी क मखु उपनदयां िंथत ह, पर लागू होगा, जैसा क गंगा नदी के संरण, सुरा तथा ंबंधन के िंलए राीय प रषद िंनणय ले।
3. प रभाषाए, यद संदभम अयपम अपेिं तन हो- ं
  - (ए) “िंभिधनयम” का अथ पयावरण (संरण) िंभिधनयम, 1986 (1986 का 29) होगा।
  - (बी) “बेिंसन” का अथे म मृदा, जल, वन िपत तथा अय ाकृिंतक संसाधन िसहत जल िंनकाय अथवा जल माग के संपणू आवाह देसे है और इसम आवाह आधार पर भूिंम, जल, वन िपत एवं अय ाकृिंतक संसाधन शािंमल है।
  - (सी) “बफरे” का अथ उस देसे है जो नदी के बाढ मैदान से आग देहै।
  - (डी) “आवाह” अथवा “आवाह दे” म वह संपूण भूिंम देशािंमल है िंजसम वषा, िंहम अथवा बफ का अपवाह जल माग के गंगा नदी अथवा इसक उपनदय म िंमलन देअथवा गंगा नदी अथवा इसक उपनदय म जल छोडन देसे पहल देएक जल िंनकाय अथवा जल माग म िंगरता है।
  - (ई) “ावसािंयक मछली पालन” का अथ गंगा नदी अथवा इसक उपनदय म नेट, जहर अथवा अय आधुिंनक फ शग गयेर अथवा प िंतय ारा ावसािंयक योजन से बडे पैमान देपर मछली पालन से है।
  - (एफ) “सम ािंधकारी” का अथ के सरकार से है।
  - (जी) “वनकटाव” का अथ िंवशेष प से गंगा नदी के आवाह देम वन देम कमी, िंवशेषतौर पर मानविजनत याकलाप ारा अथवा वन के वै ािंनक ंबंधन के िंलए िंनयोिंजत प से इस हटान देको छोडकर वन म पेड अथवा वन िपत को हटान देसे है।
  - (एच) “अव िंमत वन” का अथ गंगा नदी अथवा इसक उपनदय के आस-पास आवाह देम मूल वन देअथवा वन िपत घन व म कमी वाले वन से है।
  - (आई) “िंनदश” का अथ िंभिधनयम क धारा 5 के तहत जारी िंनदश से है और “िंनदश दने” के अथ इसी के अनुसार होगा।
  - (जे) “िंजला गंगा िंसिमत” का आशय, परै ा ाफ 53 म िउ िलिखत िंजला गंगा सुरा िंसिमत से है।
  - (के) “इंजीिंनयड डायवजन” का अथ गंगा नदी अथवा इसक उपनदय के जल को नहर अथवा अय इंजीिंनय रग संरचना म अंत रत करने के िंलए बनाई गई अथवा संथािंपत संरचना अथवा यं से है।
  - (एल) “बाढ मैदान” का अथ गंगा नदी अथवा इसक उपनदय के ऐसे देसे है जो इसके िंधकतम वाह के संगत बाढ अथवा 100 वष म एक बार आने वाली बाढ के समान बाढ के कारण दोन ओर जल के अंदर आ जाता है।
  - (एम) “घाट” का अथ गंगा अथवा इसक उपनदय के तट पर ढलान वाले भाग से है िंजसम कृिंम प से िंनमत सी ढयां और गंगा नदी अथवा इसक उपनदय के जल तक मानव क सरल प चं के िंलए यु भूिंम के ढलान वाले देशािंमल है और धामक अथवा अय संबंिंधत योजन से ऐसे भाग का योग शािंमल है।

(एन) “थानीय ािंधकरण” म पंचायती राज सं थाएं, नगरपािंलकाएं, िंजला बोड, छावनी बोड, नगर िंनयोजन ािंधकरण अथवा िंजला प रषद अथवा अ य कोई िंनकाय अथवा ािंधकरण, िंजस भी नाम से जाना जाता हो, िंजसे एक िंविश थानीय े म आव यक सेवाएं दने े हते ु अथवा नाग रक सेवा के िंनयं ण एवं बंधन के िंलए कानून ारा मा यता दी गई हो।

(ओ) “रा िय व छ गगं ा िंमशन” का अथ परै ा ाफ 31 म िउ िलखत ािंधकरण हाै

(पी) “िअधसूचना” का अथ सरकारी राजप म कािंशत िअधसूचना से ह है और “िअधसूिंचत करन”े का अथ इसी के अनुसार होगा।

(यू) “Vदू षत पदाथ” म ठोस अिपश शािंमल होगा िंजसम पशु के शव, रसोई अथवा अ तबल का अिपश , गोबर, कचरा, सड़ी ई अथवा दगु धयु साम िी और कसी भी कार क गंदगी शािंमल ह है जो सीवेज म नह आती।

(आर) “ िं ” म िंन िंलखत शािंमल ह-

- (i) एक िं अथवा समूह अथवा िं य का संघ शािंमल कया गया हो अथवा नह ;
- (ii) कंपनी िअिधनयम, 2013 (2013 का 18) के तहत थािंपत कंपनी;
- (iii) कसी के िीय अथवा रा य िअिधनयम ारा थािंपत कोई िंनगम;
- (iv) एक थानीय ािंधकरण;

(V) उपयु उपखंड म से कसी म भी न आने वाला येक यािंयक िं ।

(एस) “नदी तल” का अथ गगं ा नदी अथवा इसक उपन दय के े के सूखे िंह से से ह है और इसम वह थान शािंमल ह है जहां गंगा नदी अथवा इसक उपन दयां बहती ह जब व े जल स े भर जाती ह और गगं ा नदी अथवा इसक उपन दय के कनारे िं थत भूिंम शािंमल ह है जो जल का सवािंधक वाह होने पर अपने ाकृिंतक चनै ल म जल को बनाए रखती हाै

(टी) “नदी तल खेती” म जल के कम वाह के समय गगं ा नदी अथवा इसक उपन दय के नदी तल पर मौसमी कृिष अथवा खेती से हाै

(यू) “गंगा नदी” धारा का अथ उ राखंड रा य म 6 मुख धारा क संपूण लंबाई अथात अलकनदं ा, धौलीगंगा, नंदा कनी, पडर, मंदा कनी और भागीरथी से ह है जो अपने मलू लेिंशयर से िं व ण ु याग, नदं याग, कण याग, याग और दवे याग म उनके संबिंधत संगम तक ह है और नदी क मु य धारा भी इसम शािंमल ह है और उसके बाद यागराज िसहत गगं ा सागर तक और इसक सभी उपन दयां शािंमल हाै

(वी) “कूडा करकट” का अथ राख, टूटी ई ट , गारे, टूटे ए कांच, धलू अथवा कसी कार के अिपश और गदं गी से हाै

(ड यू) “िंम िी के खनन” का अथ सूखे चैनल बे ट, बाढ मैदान अथवा गंगा नदी अथवा इसक उपन दय के भाग से नदी म बडे पैमाने पर िंम िी को हटाने से हाै

(ए स) “सीवेज अिपश ” का अथ कसी सीवेरेज णाली अथवा सीवेज िंनपटान काय के िवह ाव से ह है और इसम खुल े नाल का सीवेज शािंमल हाै

(वाई) “सीवेरेज क म” का अथ ऐसी क म से ह है जो एक थानीय ािंधकरण भूिंमगत बंद सीवर के मा यम से जल को लश करके सीवेज हटाने क या शु कर।

(जेड) “अनुसूची” का अथ इस आदशे के साथ संल अनुसूची हाै

(जेडए) “िंविन द िंजल”े का अथ िंहमाचल दशे, उ राखंड, उ र दशे , म य दशे, छ िीसगढ, िंवहार, झारखंड , ह रयाणा, राज थान, िप म बंगाल और रा िीय राजधानी े द ली और ऐसे अ य रा य िंजनाम इस आदशे म िउ िलखत

गंगा नदी क मुख उपन दयां िं थत ह, म गगं ा नदी अथवा इसक उपन दय के 15 कमी. के े म गंगा नदी के आस-पास िं थत येक

िंजले के े से हाै

(जेडबी) “रा य गगं ा िसिमत” का अथ पैरा 2 म िउ िलखत रा य म से येक रा य के िंलए इस आदशे के तहत ग ठत रा य गंगा संरण, सुर ा एवं बंधन िसिमत से हाै

(जेडसी) रा य गंगा नदी संरण ािंधकरण का अथ येक रा य म िधिधनयम के तहत पूव ग ठत ािंधकरण से ह है अथात:-

(i) पयावरण एवं वन मं ालय म दनांक 8 फरवरी, 2010 क भारत सरकार क िअधसूचना सं या का.आ. 287(अ) ारा ग ठत िंबहार रा य गगं ा नदी संरण ािंधकरण।

(ii) पयावरण एवं वन मं ालय म दनांक 30 िंसतंबर, 2009 क भारत सरकार क िअधसूचना सं या का.आ. 2495(अ) ारा ग ठत झारखंड रा य गंगा नदी संरण ािंधकरण।

(iii) पयावरण एवं वन मं ालय म दनांक 30 िंसतंबर, 2009 क भारत सरकार क िअधसूचना सं या का.आ. 1111(अ) ारा ग ठत उ राखंड रा य गगं ा नदी संरण ािंधकरण।

(iv) पयावरण एवं वन मं ालय म दनांक 30 िंसतंबर, 2009 क भारत सरकार क िअधसूचना सं या का.आ. 2493(अ) ारा ग ठत उ र दशे रा य गगं ा नदी संरण ािंधकरण।

(v) पयावरण एवं वन मं ालय म दनांक 30 िंसतंबर, 2009 क भारत सरकार क िअधसूचना सं या का.आ. 2494(अ) ारा ग ठत िप म बंगाल रा य गगं ा नदी संरण ािंधकरण।

(जेडडी) “धारा” म नदी, जल माग ( वािंहत हो रहे ह अथवा कुछ समय के िंलए सूखे ह ), अंतदशीय जल ( ाकृिंतक अथवा कृिं म) और उपे जल शािंमल हाै

(जेडई) “गगं ा नदी क उपन दय ” का अथ उन न दय अथवा धारा से ह है जो गगं ा नदी म वािंहत होती ह और इनम यमुना नदी, सोन नदी, महानंदा नदी, कोसी नदी, गंड क नदी, घाघरा नदी और महाकाली नदी तथा उनक उपन दयां अथवा ऐसी अ य न दयां िंज ह रा िय गगं ा नदी संरण, सुर ा एवं बंधन प रषद इस आदशे के उे य से िंविन द करे, शािंमल ह।

2. इस आदशे म यु कए गए तथा प रभािंषत नह कए गए श द एवं पद का अथ य द पयावरण (सुर ा) िधिधनयम, 1986 (1986 का 29) म प रभािंषत कया गया ह है तो उनका अथ वही समझा जाएगा जो उ िधिधनयम म दया गया हाै

4. गगं ा नदी क सांा, बंधं न एवं संरण के िंलए उपाय करन हे हते ु अपनाए जाने वाले िंस ातं - (1) गंगा नदी के संरण, सुर ा एवं बंधन के िंलए उपाय करन हे हते ु िंि िंिलखत िंस ांत अपनाए जाएंगे अथात:-

(i) गंगा नदी को एक एकल णाली के प म बंिंधत कया जाएगा;

(ii) गंगा नदी के जल क रासायिनक, भौिंतक एवं जीव िंव ानीय गणु व ा को पुनः थािंपत करन हे एवं इस बनाए रखन हे का काय समयब ढंग से कया जाएगा;

(iii) गगं ा नदी को पा Wर िथतक य ढंग से सतत प िंत म बंिंधत कया जाएगा;

(iv) गगं ा नदी म ाकृिंतक मौसमी िंिवधता म प रवतन कए िंबना नदी म वाह बनाए रखा जाएगा;

(v) गंगा नदी के दशे ा तरीय, लेटरल तथा ऊ वाधर आयाम (कनेिं Wटवटी) नदी बंधं न या तथा प िंतय म शािंमल कए जाएंगे;

- (vi) सतही वाह तथा उपसतही जल (भूजल) के बीच सम संबंध को पुनः थापित किया जाएगा एवं बनाए रखा जाएगा;
- (vii) आवाह में खोई का कृत्रिम तट को पुनः सृजित किया जाएगा एवं बनाए रखा जाएगा;
- (viii) गंगा नदी बेसिन में जलीय एवं तटीय जैव-विविधता को पुनः सृजित एवं संरक्षित किया जाएगा;
- (ix) दूषण को रोकना, दबाव को कम करने और इसके कृत्रिम तट भूजल पुनर्भरण विशेषता को बनाए रखने के लिए गंगा नदी के तट और इसके बाढ़ मैदान को नियंत्रण में जोना बनाया जाएगा;
- (x) संरक्षण, सुरक्षा एवं बंधन में जनता की भागीदारी, कृषि विनियम, मानक में संशोधन करना एवं लागू करना, संरक्षण, सुरक्षा एवं बंधन के लिए विहंगवाव यूनीकरण योजना अथवा कायम को लागू साहज दिया जाए और गंगा नदी के संरक्षण, सुरक्षा एवं बंधन का एवं पतन का अभिहित सा बनाया जाएगा;

(2) राष्ट्रीय वृद्ध गंगा निम्नलिखित दशक के लोग का आवयकता, औद्योगिक म उद्यम तथा लोग का सामाजिक-आर्थिक स्थिति को ध्यान में रखते हुए और राष्ट्रीय संयुक्त तंत्रित समुद्र विरासत के संरक्षण के लिए उपर्युक्त (1) के तहत विनियमन के अंतर्गत के अंतर्गत विनियमन कर सकता है।

5. गंगा नदी में जल का पावर स्थितक य वाह बनाए रखा जाए- (1) येक राय सरकार, यह सुनिश्चित करने का यास करेगी कि पैरा के उपर्युक्त (iv) में दए गए अनुसार गंगा नदी में हर समय जल का अबाधित वाह बनाए रखा जाए।

(2) येक राय सरकार भी गंगा नदी में इसक पावर स्थितक य समता को बनाए रखने के लिए विविध मौसम में जल का पर्याय वाह बनाए रखने के यास करेगी और इस लय को लागू करने के लिए सभी संबंधित अधिकरण समयबद्ध ढंग से उचित कारवाई करेगी।

(3) इस पर्युक्त के योजन से जल के औसत वाह का निम्नधारण राष्ट्रीय वृद्ध गंगा निम्नलिखित द्वारा गंगा नदी पर विनियमन के अंतर्गत जल वैधानिक के लागू किया जाएगा। बशत कि राष्ट्रीय वृद्ध गंगा निम्नलिखित द्वारा पावर स्थितक को ध्यान में रखते हुए गंगा नदी पर विविध विहंगवाव के लिए नदी में जल का औसत वाह निम्नधारण कर दिया जाएगा।

6. गंगा नदी और उसक उपनद्य में पर्यावरणीय दूषण को रोकना, निम्नलिखित एवं संकमी लाना

(1) कोई भी गंगा नदी अथवा इसक उपनद्य अथवा इसके तट पर यूप से अथवा अयूप से अशोधित अथवा शोधित सीवेज अथवा सीवेज का चढ़ नह डालेगा; बशत कि जहां संकसी स्थानीय अधिकरण के पास इस आदेश के लागू होने के तारीख को सीवेज अथवा का चढ़ के एकण, भंडारण, ले जाने और निम्नपटान के लिए सीवेज का अथवा अवसंरचना नह है अथवा गंगा नदी अथवा इसक उपनद्य के आस-पास के में उपयुक्त तारीख तक ऐसी अवसंरचना चालन में नह, ऐसा येक स्थानीय अधिकरण इस आदेश के लागू होने के तारीख से राष्ट्रीय वृद्ध गंगा निम्नलिखित द्वारा विनियमन अविध में स्थानीय अधिकरण के में सीवेज के एकण, भंडारण, ले जाने एवं निम्नपटान के लिए ऐसी अवसंरचना विवक्षित करेगा अथवा ऐसी अवसंरचना चालन में लाएगा।

(2) कोई भी यूप से अयूप से गंगा नदी अथवा इसक उपनद्य अथवा इनके तट पर अशोधित अथवा शोधित वासायिक विहंगवाव, औद्योगिक अपशिष्ट नह छोड़ेगा; बशत यह भी कि जहां संकसी उद्योग अथवा औद्योगिक के बंधन के पास इस आदेश के लागू होने के तारीख को औद्योगिक विहंगवाव शोधन का अथवा अवसंरचना नह अथवा गंगा नदी अथवा इसक उपनद्य के आस-पास के में उपयुक्त तारीख को ऐसी अवसंरचना चालन में नह, ऐसा येक उद्योग अथवा औद्योगिक के बंधन उद्योग अथवा औद्योगिक के बंधन के काय में इस आदेश के लागू होने के तारीख से राष्ट्रीय वृद्ध गंगा निम्नलिखित द्वारा विनियमन अविध में वासायिक विहंगवाव, औद्योगिक अपशिष्ट के एकण, भंडारण, ले जाने एवं निम्नपटान के लिए अवसंरचना विवक्षित करेगा अथवा ऐसी अवसंरचना चालन में लाएगा।

(3) कोई भी गंगा नदी में अथवा गंगा नदी या इसक उपनद्य के तट अथवा इनके साथ बाढ़ मैदानों में आवासीय अथवा वाणिज्यिक अथवा औद्योगिक अथवा अय कसी योजन से स्थायी अथवा अस्थायी संरचना का निम्नलिखित नह करेगा;

बशत क, अपवाद क िं िथतय जैसे ाकृिंतक आपदा अथवा पारंपरिक थल पर धा मक आयोजन के िंलए रा य गंगं ा िसिमत और िंजला गंगं ा िसिमत के मा यम स े रा िय व छ गंगं ा िमशन क पूव अनुिमित से अ थायी संरचनाए ं बनायी जा सकती ह;ै बशत यह भी क इस आदशे के लाग ू होने से पहले गंगं ा नदी अथवा इसक उपन दय के तट अथवा स य बाढ मैदान म य द कोई ऐसी संरचना बनाई गई ह ै तो रा िय व छ गंगं ा िमशन ऐसी संरचना क समी ा करेगा ता क यह जांच क जा सके क ऐसी संरचनाए ं गंगं ा नदी अथवा इसक उपन दय म जल के सतत बाह को बािंधत नह कर रही अथवा नदी म दषू ण नह फैला रही और य द ऐसा ह ै तो यह उ ह हटान े क कारवाई कर सकता हा ै

(4) कोई िं ऐसा कोई याकलाप अथवा कसी प रयोजना अथवा या अथवा याकलाप नह करेगा अथवा जारी रखेगा। िंजससे गंगं ा नदी म दषू ण हो, चाह े यह याकलाप इस आदशे म िउ िलखत हो या न हो।

(5) रा िय व छ गंगा िंमशन का यह कत होगा क यके िंविन द रा य गंगं ा िसिमत अथवा िंविन द िंजला गंगा संरण िसिमत, थानीय ािंधकरण और सभी अ य ािंधकरण तथा िं गंगा नदी और इसक उपन दय के आस-पास के येक

गांव/नगर, शहर तथा अ य े म थानीय भाषा म रपोट म दी गई सूचना तथा उपयु उपाय का िंविभ मा यम से ापक चार करग े तथा जनता के यान म लागं े।

7. गंगं ा नदी और इसक सहायक न दय के दषू ण के मामल े म आपातकालीन उपाय- कसी दघु टना अथवा अनदखे े काय अथवा घटना के कारण गंगा नदी म कोई भी िंवषैला हािंनकारक अथवा दषू क कारक पाया जाता ह ै अथवा वेश कया ह,ै और त काल कारवाई करन े क आव यकता होती ह,ै तो ऐस े काय को करन े के िंलए त काल कारवाई शु करनी होगी अथवा िंविन द ट रा य गंगा िसिमत अथवा िंविन द ट िंजला गंगं ा िसिमत अथवा थानीय ािंधकरण अथवा कोई अ य ािंधकरण अथवा बोड अथवा िंनगम ारा ऐसे काय को करन े हते ु िंनदश दया जाएगा, चूं क इसे िंन िनिलखत सभी अथवा कसी उ े य के िंलए आव यक समझा जाए। अथात्

(क) दषू क क डिप िथत के कारण कसी दषू ण के उपशमन अथवा िंनपटान के िंलए इस ढंग स े जैसा क िंविन द ट कया गया ह,ै गंगं ा नदी स े दषू क साम िी को हटान े क प िंत और िंनपटाना के साथ साथ ऐस े काय को करन े के िंलए यथा उपयु समझा जाता हा ै

(ख) गंगं ा नदी म कसी भी िंवषैल,े हािंनकारक अथवा दषू क साम िी को छोड़न े स े कसी य िं अथवा थानीय ािंधकरण अथवा संबिंधत अ य ािंधकरण अथवा बोड अथवा िंनगम को िंनयंिं त करन े अथवा िंनषेध करन े संबिंधी िंनदश जारी करना। (ग) इस कार क आपातकालीन सम या के समाधान के िंलए कोई िंअतर त काय अथवा काय प िंत शु करना जैसा भी आव यक हो।

8. िंनदश जारी करन े क िश - रा िय व छ गंगं ा िंमशन, इस आदशे के तहत अपनी िश य और िंन पादन अथवा अपन े काय प िंतय का योग कर सकता ह,ै िंजसे दषू ण का िंनवारण और गंगा नदी के संरण, संर ा एवं बंधन के िंलए आव यक समझा जाए। संबिंधत ािंधकरण अथवा थानीय ािंधकरण अथवा अ य ािंधकरण अथवा बोड अथवा िंनगम अथवा िय को िंलिलखत म िंअिधनयम के तहत ऐस े िंनदश जारी करना और वे ऐस े िंनदश का पालन करन े के िंलए बा य ह गे।

या या- संदहे के िंनवारण के िंलए एतद ारा घोिंषत कया जाता ह ै क इस धारा के तहत िंनदश जारी करन े क िश

शािंमल क जाती ह ै ले कन िंनदश दने े क िश को सीिंमत नह कया जाता ह ै- (क)

कसी उ ोग, चालन अथवा या को बंद करना, िंनषेध अथवा िंविनयमन; अथवा

(ख) िंव ुत अथवा जल क आपू त अथवा अ य कसी सेवा को रोकना अथवा िंविनयमन

(ग) इस आदेश अथवा िउ िलखत िअिधनयम अथवा बनाए गए िनयम अथवा इसके तहत जारी िनदश के िवरोधी कसी काय को रोकना अथवा बंद करना।

(घ) इस आदेश अथवा िउ िलखत िअिधनयम म ििविनद ट उपाय का भावी काया वयन

9. गंगं ा सतं ा लखे ा परी ा- येक ििविनद ट िजला गंगं ा िसिमत वा षक समय ढांचा के भीतर और ऐसे िजला के िलए गंगं ा नदी के े हते ु रा िय व छ गंगा िमशन ारा ििविनद ट कए जान े वाले ोटोकॉल के अनुसार गंगा सुर ा लेखा परी क

ारा गंगं ा सतं ा लेखा परी ा करवाई जाएगी और ििविनद ट रा य गंगं ा िसिमत तथा रा िय व छ गंगं ा िमशन को इस संबंध म शु क गई सुधारा म क कारवाई िसहत इस सुर ा लेखा परी ा क रपोट क िंत अ े िषत करेगी, िजस पर उपयु त कारवाई क जाएगी, य द आव यक हो।

10. गंगं ा नदी तथा इसक सहायक न दय म दषू ण क िनगरानी कया जाना- (1) गंगा नदी तथा इसक सहायक न दय म दषू ण क िनगरानी रा िय व छ गंगं ा िमशन ारा वयं अथवा उप ह के िंच तथा अ य दप संवेदी ौ ो िंग कय के उपयोग ारा ििविनद ट रा य और के सरकारी िअभकरण के साथ-साथ इसके ारा ििविनद ट कए जान े वाले िवधक आधार पर वा ितवक के , ऑनलाइन िनगरानी और वतं िअभकरण के मा यम से िनदश ारा क जाएगी।

(2) उप-पैरा ाफ के ावधान के बावजूद (1) के सरकार गंगं ा तथा इसक सहायक न दय म ऊपर िउ िलखत दषू ण क िनगरानी के िलए कसी अ य तकनीक अथवा प िंत, िजसे िनदश म ििविनद ट कया जा सके, को अपनाकर गंगा तथा इसक सहायक न दय म दषू ण क िनगरानी के काय को कसी अ य िअभकरण अथवा िनकाय अथवा सीधे, ौ ो िंगक को अ तन करने के उ े य से, स प सकती है।

11. गंगं ा नदी के संरण, सतं ा और वधं न सबं धं ि रा िय प रषद का गठन - इस आदेश को लागू करने क ितथ से िअिधनयम के उ े य तथा इस आदेश और िउ िलखत िअिधनयम के तहत यथा ििविनद ट िश य का उपयोग करने तथा काय को करने के िलए गंगं ा नदी के संरण, संर ा, बंधन संबंधी रा िय प रषद के नाम से (िजसे इस आदेश म इसके प चात् रा िय गंगं ा प रषद कहा जाएगा) एक ा िधकरण का गठन कया जाएगा।

| 12. रा िय गंगं ा प रषद क संरं चना- रा िय गंगं ा प रषद म िन िनिलखत सद य शा िमल ह ग, े नामतः- |              |
|---|--------------|
| (क) धानमं ि   | अ य , पदने   |
| (ख) के िय जल संसाधन, नदी िवकास और गंगा संरण मं ि  | उपा य , पदने |
| (ग) के िय पयावरण वन एव ं जलवायु प रवतन मं ि   | सद य, पदने   |
| (घ) के िय िव त मं ि   | सद य, पदने   |
| (ङ) के िय शहरी िवकास मं ि   | सद य, पदने   |
| (च) के िय िव ुत मं ि  | सद य, पदने   |
| (छ) के िय िव ान एवं ौ ो िंगक मं ि   | सद य, पदने   |
| (ज) के िय ामीण िवकास मं ि   | सद य, पदने   |
| (झ) के िय पेयजल एवं व छ ता मं ि   | सद य, पदने   |

|   |                 |
|---|-----------------|
| (ज) के िय पोत प रवहन मं ि                           | सद य, पदने      |
| (ट) के िय पयटन रा य मं ि                            | सद य, पदने      |
| (ठ) उपा य , नीिंत आयोग                              | सद य, पदने      |
| (ड) मु यमं ि, िबहार                                 | सद य, पदने      |
| (ढ) मु यमं ि, झारखंड                                | सद य, पदने      |
| (ण) मु यमं ि, उ तराखंड                              | सद य, पदने      |
| (त) मु यमं ि, उ तर दशे                              | सद य, पदने      |
| (थ) मु यमं ि, िप म बंगाल                            | सद य, पदने      |
| (द) िसचव, जल संसाधन, नदी िवकास और गंगा संरण मं ालय- | सद य, पदने      |
| (ध) महािंनदशे क, रा िय व छ गंगा िमशन                | सद य-िसचव, पदने |

(2) रा िय गंगा प रषद सद य के प म रा िय गंगं ा प रषद म िितिनध व नह करने वाले ऐसे रा य के एक अथवा एक से िअधक मु यमंिं य को शािंमल कर सकती ह है जहा ं गंगं ा नदी क मुख सहायक न दयां ह, है िजससे गंगा नदी के जल क गुणव ता भािंवत होन े क संभावना हा है

(3) रा िय गंगं ा प रषद य द आव यक समझे तो एक अथवा िअधक के िय मंिं य को भी शािंमल कर सकती हा है

(4) रा िय गंगं ा प रषद नदी संरण, नदी पा Wर िथतक और नदी बंधन, जल िव ान, पयावरण िअभयांिं क , सामािंजक जाग कता के े म तथा अ य संबंिंधत े के िवशेष तथा िवशेष संगठन अथवा सं थान के साथ परामश कर सकती हा है

(5) रा िय गंगं ा प रषद का मु यालय नई द ली म अथवा ऐसे कसी अ य थ ान पर होगा, जैसा िंनधा रत कया जाए।

(6) रा िय गंगं ा प रषद का िसचवालय रा िय व छ गंगा िमशन म होगा।

(7) के सरकार म जल संसाधन, नदी िवकास और गंगा संरण मं ालय नोडल मं ालय के प म काय करेगा।

13. रा िय गंगं ा नदी िबे सन ािंधकरण का िवघटन- (1) परै ा ाफ 11 म रा िय गंगं ा प रषद के गठन क िितथ को और से, जल संसाधन, नदी िवकास और गंगा संरण मं ालय, नई द ली क िअधसूचना का.आ. 2539(अ), दनांक 29 िंसत बर, 2014 के ारा ग ठत रा िय गंगा नदी बेिंसन ािंधकरण को िवघ टत माना जाएगा।

(2) िवघटन से पहले रा िय गंगा नदी बेिंसन ािंधकरण ारा कए गए अथवा छोड़े गए सभी काय अथवा शु क गई कारवाई अथवा खच क गई अथवा खच कए जान े हते ु ािंधकृत कसी रािंश को इस आदशे के समान ावधान के तहत कया आ अथवा शु कया जाना माना जाएगा।

14. गंगं ा नदी के पयवे ण, िंनदशन और िंनयं ण का काय रा िय गंगं ा प रषद को स पना- गंगा नदी के पयवे ण, िंनदशन,

िंनकास और िंनयं ण तथा गंगं ा नदी म पयावरण दषू ण के संरण, रोकथाम, िंनयं ण और िंनवारण के िंलए संपूण नदी बेिंसन (िंन तीय एवं शािसनक मामल िसहत) तथा इसक ाकृिंतक और मलू िं िथत का संरण नदी

म जल के पया त बहाव क िंनरंतरता और इसके साथ जडा े मामल के िंलए रा िय गगं ा प रषद, इस आदशे म शािंमल कसी भी चीज के बावजूद, संपूण प से िंज मेवार मानी जाएगी।

15. रा िय गगं ा प रषद का े ािंधकार- गगं ा नदी के सरं ण, सरं ा और बंधन संबंधी रा िय प रषद का े ािंधकार पैरा ाफ 2 म दए गए े तक होगा।

16. गगं ा नदी के सरं ण, सरं ा और बंधं न सबंधं ि रा िय प रषद क बैठे क-

- (1) रा िय गगं ा प रषद अपनी बैठक िसहत अपने काय को करने के िंलए अपनी वयं क या का ििवनयमन कर सकती है।
- (2) रा िय गगं ा प रषद के अ य बैठक क अ य ता करगे और उनक अनुिप िथित म रा िय गगं ा प रषद क बैठक क अ य ता उपा य करगे और इसके काय यवहार को आगे बढ़ाएंगे।
- (3) उपा य के पास अगली बैठक म संपुिं के शताधीन प रषद क दो बैठक के आयोजन के बीच म प रषद के उ े य को ा त करने े हते ु रा िय गगं ा प रषद के िंलए आव यक िंनणय लेने े क िश होगी।
- (4) रा िय गगं ा प रषद अपने िंववेक से ेक वष कम से कम एक अथवा िअधक बैठक आयोिंजत कर सकती है।

17. ािंधकरण के प म गगं ा नदी सबंधं ि िअधकार ा त कायबल का गठन- (1) इस आदशे को जारी करने े क िितथ से िअधनयम के उ े य तथा इस आदशे और िउ िलखत िअधनयम के तहत यथा ििवन द ट िश य का उपयोग करने तथा काय को करने के िंलए गगं ा नदी सबंधं ि िअधकार ा त कायबल के नाम से एक ािंधकरण का गठन कया जाएगा।

|   |             |
|---|-------------|
| 2 गगं ा नदी संबंधी िअधकार ा त कायबल म िंन िनिलखत शािंमल ह, नामत:-     |             |
| (क) के िय जल संसाधन, नदी िंवकास और गगं ा सरं ण मं ि अ य , पदने        |             |
| (ख) के िय जल संसाधन, नदी िंवकास और गगं ा सरं ण रा य मं ि उपा य , पदने |             |
| (ग) िसचव, जल संसाधन, नदी िंवकास और गगं ा सरं ण सद य , पदने            |             |
| (घ) िसचव, िंव त मं ालय ( यय िंवभाग)                                   | सद य, पदने  |
| (ङ) सीईओ, नीिंत आयोग  | सद य, पदने  |
| (च) मु य िसचव, उ तराखंड रा य  | सद य, पदने  |
| (छ) मु य िसचव, उ तर दशे रा य  | सद य, पदने  |
| (ज) मु य िसचव, िंबहार रा य  | सद य, पदने  |
| (झ) मु य िसचव, झारखंड रा य  | सद य, पदने  |
| (ञ) मु य िसचव, िप म बगं ाल रा य                                       | सद य, पदने  |
| (ट) महािंनदशे क, रा िय व छ गगं ा िंमशन                                | सद य , िसचव |

(3) गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन, एक अथवा एक से अधिक के क्षेत्रों में मंत्रालय के सचिव अथवा संबंधित अथवा किसी राज्य के मुख्य सचिव को सदस्य के पत्र में शामिल कर सकती है, यदि आवश्यक समझा जाए।

(4) गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन अपने विवेकानुसार कम से कम एक से तीन महीने में एक अथवा इससे अधिक बैठक आयोजित करेगा।

(5) के सरकार, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय में गंगा संबंधी अधिकारों का तत्काल कार्यान्वयन को शामिल करने और तकनीक सहायता उपलब्ध कराएगी और यह मंत्रालय ऐसी शामिल करने और तकनीक सहायता देने के उद्देश्य से नोडल मंत्रालय होगा।

(18) गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन के कार्य और शिष्टाचार:

(1) गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन गंगा नदी और इसका सहायक नदियों के संरक्षण, संरक्षण और बंधन से संबंधित सभी मामलों में समय पर करेगा और सलाह देगा।

(2) खासकर और उप-पैरा (1) के प्रावधान के अंतर्गत गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन के कार्य और शिष्टाचार में गंगा नदी के संरक्षण, संरक्षण और बंधन से संबंधित निम्नलिखित मामलों में से सभी अथवा किसी एक के संबंध में उपाय को शामिल किया जा सकता है। अर्थात्-

(क) यह सुनिश्चित करना कि संबंधित मंत्रालय, विभाग और राज्य सरकार के पास-

(i) गंगा नदी के संरक्षण और पररण के उद्देश्य को अंतिम करने के लिए खास गतिविधियाँ, उद्देश्य और समयबद्धता सहित एक कार्य योजना है।

(ii) इसका कार्य योजना के कार्यान्वयन की निगरानी करते हुए एक तंत्र है।

(ख) समयबद्ध आधार पर इसका कार्य योजना के कार्यान्वयन के लिए संबंधित मंत्रालय, विभाग और राज्य सरकार के बीच समन्वय।

(ग) कार्यान्वयन या निगरानी, बाधा को दूर करना, शीघ्र कार्यान्वयन सुनिश्चित करने के लिए आवश्यक सुझाव और निष्कर्ष लेना।

(घ) घरेलू और विदेशी सहायता के माध्यम से विगत पोषित परियोजना सहित नमामि गंगे

(ङ) गंगा नदी के संरक्षण और संरक्षण तथा बंधन के उद्देश्य को अंतिम करने के लिए यथा आवश्यक समझे गए ऐसे अथवा कार्य को करना अथवा यथा आवश्यक समझी गई शिष्टाचार का योग करना अथवा के सरकार द्वारा संपादित हो अथवा राष्ट्रीय गंगा परिषद द्वारा विनिर्दिष्ट कार्य को करना।

19. एक हजार करोड़ पैसे के मुख्य से अधिक कार्यक्रमों के लिए अनुमोदन

(1) गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन, एक हजार करोड़ पैसे के मुख्य से अधिक कार्यक्रमों के अनुमोदन करते हुए विजय मेवार होगा, समय-समय पर यथा संश्लेषित।

(2). गंगा नदी संबंधी अधिकारों का तत्काल कार्यान्वयन उप-पैरा (1) के उद्देश्य से इनके सदस्यों के बीच एक अधिकार प्रणाली के उचित गठन कर सकता है।

20. विनिर्दिष्ट राज्य गंगा संरक्षण संरक्षण एवं बंधन निश्चितता का निश्चिंतता के पत्र गठन तथा इनका संघटन- इस आदेश के लागू होने की तारीख से पैरा 2 में दिए गए अनुसार एक राज्य में गंगा संरक्षण, संरक्षण एवं बंधन निश्चितता

नामक एक ािंधकरण ग ठत कया जाएगा। िंजसम इस आदशे तथा िंजिधनयम िंविन द ट िश य का योग करने े तथा काय का िंन पादन करने के िंलए अनसु ूची म िंविन द ट कए गए अनुसार एक अ य और सद य शािंमल ह गे।

21. रा य गगं ा िंसिमत क बैठक- (1) य के िंविन दषट् रा य गगं ा िंसिमत अपनी बैठक िसहत अपन े काय को करने के िंलए अपनी वयं क या का िंविनयमन कर सकती है।

(2) येक रा य गगं ा िंसिमत 3 महीने क िवध म कम से कम अपनी एक बैठक करेगी।

(3) िंविन द ट रा य गगं ा िंसिमत के अ य इसक बैठक क अ य ता करगे और उनक अनुिप िथत म िउ िलखत िंसिमत अपना उपा य का चुनाव करगे, जो िंविन द ट रा य गगं ा िंसिमत क बैठक क अ य ता करगे े और इसके काय यवहार को आगे े बढाएंगे।

22. िंसिमत का अधी ण, िंनदशन एव ं िंनयं ण- गंगा नदी और इसक सहायक न दय म संर ण, संर ा पयावरणीय दषू ण क रोकथाम, िंनयं ण एव ं कमी लान े के उ े य स े इस आदशे म कए गए कसीभी ावधान के बावजूद िंजला गगं ा िंसिमतय का अधी ण िंनदशन एवं िंनयं ण रा य गगं ा िंसिमत के पास होगा िंजससे गंगा नदी ाकृिंतक एवं मूल िं िथत का संर ण कया जा सके और संबंिंधत रा य म गगं ा नदी के संर ण एवं बंधन के िंलए गगं ा नदी म जल का सतत एव ं पया त बाह सुिंिन त कया जा सके।

23. रा य िंसिमत के िंनणय बा य कारी ह ग- े -- िंविन द ट रा य गगं ा िंसिमत क बैठक म िंलए गए िंनणय इस आदशे म िंनहत कसी भी मामल े के बावजूद येक िंजला गंगा िंसिमत और येक थानीय ािंधकरण अथवा अ य ािंधकरण अथवा बोड अथवा ऐसे िंनणय म संद भत िय पर लागू ह गे और व े रा य गगं ा िंसिमत के िंनणय का अनुपालन करगे।

24. रा य गगं ा िंसिमतय के िंधकार, कत य और काय- (1) येक रा य गगं ा िंसिमत को इस िंजिधनयम के ावधान तथा उसके तहत बनाए गए िंनयम अथवा उसके तहत जारी िंनदश तथा इस आदशे के ावधान म िंनधा रत िंनयम के शताधीन पैरा 6, 7 और 8 म िउ िलखत उपाय िसहत ऐसे सभी उपाय जो वह गंगा नदी म भावी दषू ण िंनवारण और नदी के संर ण हते ु तथा रा िय गगं ा प रषद तथा रा िय व छ गंगा िंमशन के िंनणय को लागू करने हते ु आव यक अथवा िंनवाय समझे, को करने का िंधकार होगा।

(2) रा य गगं ा िंसिमत रा िय गंगा प रषद और रा िय व छ गंगा िंमशन ारा िंविभ न काय म और प रयोजनाए ं कायािं वत करेगी।

(3) िंवशेषकर और उप-पैरा (1) और (2) के ावधान क सामा यता के पूवा ह के िंवना इन उपाय म िंन िंनिलखत सभी अथवा इनम से कोई मामला शािंमल कया जा सकता है अथात :-

(क) सीवरेज अवसंरचना के सवं धन, आवाह े सुधार, बाढ मैदान क सुर ा, जन जाग कता फैलाने तथा रा य तरीय अ य उपाय और गगं ा नदी म उसक जल गणु व ता बरकरार करने के िंलए उसम दषू ण िंनवारण, िंनयं ण और कम करने े िसहत गगं ा नदी के संर ण सबं ंधी काय का सम वय और काया वयन, तथा नदी इकोलॉजी और संबंिंधत रा य म बधं न संबंधी अ य उपाय करना;

(ख) संबंिंधत रा य म नदी बेिंसन बंधन योजना का काया वयन

(ग) संबंिंधत रा य म गगं ा नदी म यूनतम इकोलॉजी वाह को बरकरार रखना और त संबंधी काया।

(घ) इस आदशे के तहत अपने िंधकार के योग और काय के िंन पादन हते ु िंजिधनयम क धारा 10 के अंतगत वेश एवं िंनरी ण तथा धारा 11 के अंतगत नमूना लेन े का िंधकार;

(4) रा य गगं ा िंसिमत को परै ा 7 म रेखां कत मु पर िंनदश दने े का िंधकार होगा।

(5) राय गंगा सिमित को परै सिमित को अधिनयम क धारा 5 के तहत िनदश देने के का अधिकार होगा।

(6) राय गंगा सिमित के अधिकार और काय अधिनयम, के ावधान के अनुपन होत पर, कसी के िय अथवा राय अधिनयम के तहत राय सरकार को सपे गए कसी अधिकार के पूवाह से मुतहगे।

25. िजला गंगा सिमितय क योजना और काय म के िनप ादन क िनगरानी- येक ििवन द ट राय गंगा सिमित अपनी सभी िजला गंगा सुर ा सिमितय तथा अय ािधकाय क योजना, काय म और पयोजना के िनपादन क

िनगरानी करेगी और त संबंधी िगत रपोट रा िय व छ गंगा िमशन को सपगे ि।

26. सभी िजला गंगा सिमितय क समेकत रपोट तयै ार करना और त संबंधी सधु ाराम क उपाय करना---

(i) येक राय गंगा सिमित सभी िजला गंगा सुर ा सिमितय, थानीय ािधकरण अथवा अय ािधकरण अथवा बोड अथवा िनगम अथवा िय ारा तुत येके िंतमाही क समेकत रपोट तैयार करेगी िजसम गंगा नदी और उसक सहायक नदय क सीमा म आने के वाले येक ििवन द ट िजले का उलेख होगा।

(क) उनके ारा कायािं वत क जा रही योजना क िंथित और उनके ारा कए गए उपाय तथा गंगा नदी और उसक सहायक नदय क दशा के िवषय म कोई अय काय;

(ख) येक ििवन द ट िजले म गंगा नदी और उसक सहायक नदय म जल गुणवता तथा त संबंधी सुधारा मक कारवाई;

(ग) येक ििवन द ट िजले म गंगा नदी म बाह म कोई अवरोध तथा त संबंधी कारण;

(घ) िजला गंगा सिमित अथवा थानीय ािधकरण अथवा अय ािधकाय को क गई िंशकायत के समाधान के िलए कए गए उपाय;

(ङ) येक ििवन द ट िजले म गंगा सुर ा लेखापरी ा ारा क गई कोई िंतकूल रपोट;

(च) गंगा नदी उसक सहायक नदय क दशा के संबंध म कोई अय सूचना।

(2) उप-पैरा (1) म िउ िलखत रपोट त संबंधी सुधारा मक उपाय िसहत वष क समािं के एक माह के भीतर रा िय व छ गंगा िमशन को सपे जाएगी।

27. गंगा सांख्ये ा परी ा का आयोजन और राय सिमितय ारा ऐसी लखे ा परी ा रपोट ततु करना--- (1) राय गंगा सिमितय का यह कत होगा क वे िजला गंगा सुर ा सिमितय ारा गंगा लेखापरी ा क रपोट त संबंधी क गई सुधारा मक कारवाई िसहत रा िय व छ गंगा िमशन को तुत कर तथा उसे साविजनक के म उपलध भी कराएं और अपनी वेबसाइट पर भी दशाएं।

(2) गंगा सुर ा लेखापरी ा म ये िववरण शािंमल कए जाएंगे और रा िय व छ गंगा िमशन ारा जारी िधसूचना के अनुसार ििवन द अंत राल (इस आदशे म िउ िलखत अथवा सुWर त) पर यथा िनधा रत ढंग से लेखापरी ा क जाएगी।

28. राय गंगा सिमित का नोडल िअभकरण होना--- राय गंगा सिमित, राय म इस आदशे के ावधान के काय वयन तथा गंगा नदी और उसक सहायक नदय म दपू ण के भावी िनवारण तथा नदी का संरण, सुर ा एव ं बंधन के िलए राय ापी नोडल िअभकरण होगी।

29. रा िय गंगा प रषद तथा रा िय व छ गंगा िमशन के िनदश राय गंगा सिमित पर बायकारी हगे --- येक राय गंगा सिमित इस आदशे के ावधान को अनदखे ा करन के पूवाह के िवना इस आदशे के तहत अपने िअधिकार का योग अथवा काय का िनपादन करते समय वह ऐसे िनणय अथवा िनदश (तकनीक और शािसनक

मामल से संबंधित होने वाले निम्नलिखित (जो राष्ट्रीय परियोजना तथा राष्ट्रीय वृद्ध गंगा निम्नलिखित समय-समय पर गंगा नदी में दूषण निवारण तथा उसके संरक्षण, सुरक्षा एवं बंधन के लिए उसे लिखित में दिए जाएं, का पालन करेगी।

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

(2) ऐसे विघटन से पहले, उप-पैरा (1) के अंतर्गत अधिनियम और निमित्त द्वारा किए गए अथवा हटा दिए जाने वाले सभी कार्य अथवा क गई कारवाई अथवा खर्च क गई राशि अथवा खर्च के लिए अधिनियम को निम्न पावन कर लिया माना जाएगा अथवा इस आदेश के संगत पावन के तहत ले लिया गया माना जाएगा।

31. एक अधिनियम के पारित राष्ट्रीय वृद्ध गंगा निम्नलिखित का गठन— (1) इस आदेश के लागू होने की तारीख से सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अंतर्गत पंजीकृत एक सोसाइटी राष्ट्रीय वृद्ध गंगा निम्नलिखित अधिनियम के उद्देश्य से और इस आदेश तथा अधिनियम और इसके तहत बनाए गए नियम अथवा जारी किए गए निम्नलिखित के अंतर्गत निम्नलिखित कए गए अनुसार निम्नलिखित का योग करने तथा कार्य का निम्न पावन के करने के लिए इस अधिनियम के अंतर्गत इसी नाम से गठित एक अधिनियम होगा।

(2) राष्ट्रीय वृद्ध गंगा निम्नलिखित का संघटन पर्यंत 35 म दिए गए अनुसार होगा।

32. राष्ट्रीय वृद्ध गंगा निम्नलिखित के चालन का पैरा (1) - राष्ट्रीय वृद्ध गंगा निम्नलिखित के चालन का पैरा (2) म परेखा दिया गया होगा।

33. राष्ट्रीय वृद्ध गंगा निम्नलिखित नोडल एजेंसी होगा --- इस आदेश के अधिनियम के राष्ट्रीय वृद्ध गंगा निम्नलिखित का भावी उपशमन और गंगा नदी तथा उसके उप-नदी के पुनर्वास, संरक्षण और बंधन के लिए राष्ट्रीय वृद्ध गंगा निम्नलिखित एक नोडल एजेंसी होगा।

34. एक अधिनियम द्वारा संगठन के पारित राष्ट्रीय वृद्ध गंगा निम्नलिखित- राष्ट्रीय वृद्ध गंगा निम्नलिखित दो तरीके बंधन के साथ एक अधिनियम द्वारा संगठन होगा निम्नलिखित के पास इस आदेश म निम्नलिखित कए गए अनुसार शासिक, मूलांकन एवं अनुमोदन निम्नलिखित होंगी और कृत कार्य तथा निम्नलिखित होंगी।

35. राष्ट्रीय वृद्ध गंगा निम्नलिखित का संघटन:- राष्ट्रीय वृद्ध गंगा निम्नलिखित द्वि-तीय निम्नलिखित संरचना होगी और इसमें गवर्नर परियोजना और कार्यकारी निमित्त शासिक होंगी

(1) गवर्नर परियोजना निम्नलिखित सदस्य शासिक होंगे नामतः

| (क) | राष्ट्रीय वृद्ध गंगा निम्नलिखित के महा निम्नलिखित                          | अध्यक्ष पदने |
|-----|--|--------------|
| (ख) | संयुक्त निम्नलिखित, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय          | सदस्य पदने   |
| (ग) | संयुक्त निम्नलिखित, शहरी विकास मंत्रालय                                    | सदस्य पदने   |
| (घ) | संयुक्त निम्नलिखित, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय               | सदस्य पदने   |
| (ङ) | संयुक्त निम्नलिखित, ग्रामीण विकास  | सदस्य पदने   |
| (च) | निम्नलिखित आयोग के निम्नलिखित (संयुक्त निम्नलिखित के तुरंत से कम कम न हों) | सदस्य पदने   |
| (छ) | अध्यक्ष, राष्ट्रीय दूषण निवारण बोर्ड                                       | सदस्य पदने   |
| (ज) | धान निम्नलिखित, शहरी विकास, बिहार सरकार                                    | सदस्य पदने   |

|     |   |           |
|-----|---|-----------|
| (अ) | धान िसचव, शहरी िवकास, झारखंड सरकार                  | सद य पदने |
| (ब) | धान िसचव, शहरी िवकास, उ तर दशे सरकार                | सद य पदने |
| (ट) | धान िसचव, पेयजल, उ तराखंड सरकार                     | सद य पदने |
| (ठ) | धान िसचव, शहरी िवकास, िप म बंगाल सरकार              | सद य पदने |
| (ड) | ऐ जी यू टव ऑ फसर (िंड टी डीजी), रा िय व छ गंगा िमशन | सद य पदने |
| (ढ) | ऐ जी यू टव डायरे टर (तकनीक ), रा िय व छ गंगा िमशन   | सद य पदने |
| (ण) | ऐ जी यू टव डायरे टर (िव त), रा िय व छ गंगा िमशन     | सद य पदने |
| (त) | ऐ जी यू टव डायरे टर (प रयोजना), रा िय व छ गंगा िमशन | सद य पदने |
| (थ) | ऐ जी यू टव डायरे टर ( शासन), रा िय व छ गंगा िमशन    | सद य-सिचव |

(2) गव नग प रषद म से ग ठत क गई कायका रणी िसिमत म िन िनिलखत सद य शािमल हूे नामत:-

(क) महािनदशे क, रा िय व छ गंगा िमशन-अ य पदने

(ख) संयु त िसचव, यय िवभाग-सद य पदने

(ग) नीित्त आयोग के िितिनध (संयु त िसचव के तर का) -सद य पदने

(घ) संबिंधत रा य (रा य ) के धान िसचव-सद य पदने

(ङ) ऐ जी यू टव िअधकारी (िंड टी डीजी), रा िय व छ गंगा िमशन - सद य पदने

(च) ऐ जी यू टव डायरे टर (िव त) -सद य पदने

(छ) ऐ जी यू टव डायरे टर ( तकनीक ) -सद य पदने

(ज) ऐ जी यू टव डायरे टर (प रयोजनाएं) -सद य पदने

(3) महािनदशे क, रा िय व छ गंगा िमशन य द आव यक स मझते हू तो कायकारी िसिमत, गव नग प रषद के अ य कोई सद य के साथ काम कर सकते हूै

(4) गव नग प रषद अपने सद य म से एक उप-सिमत का गठन कर सकती हूै और प रयोजना के मू यांकन हूते उ कुछ तकनीक िवशेष के साथ भी काय कर सकते हू।

(5) संबिंधत रा य के िितिनध उप-सिमत के सद य हूेगे।

(6) गव नग काउंसिल के पास आधे सद य का कोरम होना चािंहए।

36. (1) 1000 करोड पये तक के सभी अनुमोदन ईसी म िनिहत हूेगे। इसके बदल े म ईसी तीन महीने म कम से कम एक बार जीसी को रपोट करेगे।

(2) तकनीक िवशेष /या मा यता ा त सं थाना या भारतीय तकनीक सं थान के कंसॉ टयम ारा प रयोजना के तृतीय प मू यांकन के पूण होने के प चात जीसी क उप िसिमत परयोजना का मू यांकन करेगी।

(3) तृ िय प , तकनीक मू यांकन उनके मू य को यान म न रखते ए सभी प रयोजना के िलए हूेगा।

37. रा िय व छ गंगा िमशन के महािनदशेक और कायकारी िनदशे क क िनियु

- (1) रा िय व छ गंगा िंमशन के महािंनदशे क क िंनयुिं के सरकार ारा क जाएगी। महािंनदशे क का पद भारत सरकार के अपर िसचव अथवा िसचव के समक होगा। िंनयुिं क शत के सरकार ारा िंनधा रत क जाएगी।
- (2) कायकारी िंनदशे क, िंव क िंनयुिं िंनधा रत भत िंनयम के अनुसार िंनयुिं के आधार पर के सरकार क संग ठत लेखा सेवा के िअधका रय म से क जाएगी िंजसका पद भारत सरकार के संयु िसचव के समक होगा।
- (3) रा िय व छ गंगा िंमशन म शासन और प रयोजना के िंलए अलग-अलग कायकारी िंनदशे क का कम से कम एक पद होगा िंजसका ओहदा भारत सरकार के संयु िसचव के समक ।
- (4) कायकारी िंनदशे को म से एक को रा िय व छ गंगं ा िंमशन को उप महािंनदशे क के प म पदनािंमत कया जाएगा, िंजसक िंनयुिं के सरकार ारा क जाएगी।
- (5) कायकारी िंसिमत को कोई भी मनोनीत सद य का तर भारत सरकार के संयु त िसचव क ेणी से कम नह होगा।
38. (1) रा िय व छ गंगं ा िंमशन के क त य : रा िय व छ गंगा िंमशन के िंन िनिलखत क त य ह गे-
- (i) इस आदशे के पैरा ाफ 5 म दए गए िंस ांत और उसम दए गए ावधान का अनुसरण करना,
- (ii) रा िय गंगा प रषद के िंनणय और िंनदशे का अनुपालन करना और इसके ारा अनुमो दत गंगं ा बेिंसन बंधन योजना का रा िय गंगं ा प रषद के िंनदशानुसार काया वयन करना,
- (iii) समयब तरीके से नदी गंगं ा प रषद के पुन ार और संरण के िंलए सभी कायकलाप को सिम वत करना ।
- (iv) सभी अ य काय करना अथवा कुछ काय को नह करना जो गंगा नदी और इसक उप न दय के पुन ार और संरण के िंलए आव यक ह ।
39. रा िय व छ गंगं ा िंमशन के काय..... (1) इस आदशे के ावधान के पूवा ह के िंबना रा िय व छ गंगं ा िंमशन िंन िनिलखत क पहचान करेगी अथवा पहचान का कारण बनगे ि ।
- (क) सीवरेज और औ िंगक िपश ट, शव को जलान े और गाइने तथा पशु के अवशषे के िंनपटान और वािंण यक, मनोरंजन और धा मक कायकलाप से खतरे िसहत गंगा और उसक उप न दय के पास िंजल े के येक गांव और क ब े म गंगं ा नदी के िंलए ििवश ट खतरे ।
- (ख) गंगा नदी और इसक उप-न दय के पास ऐसे सभी िंजल के येक गांव और क ब े म येक गांव म ऐसे खतर का सामना करने के िंलए अपेिं त उपाय के कार ।
- (ग) व े ििवश ट े जहा ं गंगं ा नदी और इसक उप-न दय के संरण और संर ा के िंलए ऐस े उपचारा मक कारवाई क जानी अपेिं त ह ै ।
- (घ) वे उपाय, जो शोिंधत जल के पुन: उपयोग के िंलए आव य क ह गे तथा के सरकार के मं ालय जैसे रेलव, े पॉवर और पे िंलयम, ाकृिंतक गैस आ द रा य सरकार , के और रा य सरकार के वाय त िंनकाय , मा यता ा त सं थ ान और सभी अ य संगं ठन के साथ समझौता ापन करना, जो रा िय व छ गंगं ा िंमशन सही समझे ।
- (2) रा िय व छ गंगं ा िंमशन, गंगं ा नदी और इसक उप-न दय के पास ऐस े िंनद ट िंजल के येक गांव और क ब े म गंगा नदी और इसक उप-न दय के संरण और संर ा के िंलए अ य व तु म लागत, समयब ता और उ तरदािंय व के आवंटन के साथ गंगं ा नदी बेिंसन बंधन योजना बनाएगा अथवा बनाने का कारण, बनेगा और इसके िंलए प रयोजना का काया वयन करेगा।
- (3) रा िय व छ गंगं ा िंमशन िंन िनिलखत काय करेगा :-

(क) जल गणव ता सुििन त करन े तथा पयावरण प से थायी संरण, गंगा नदी और उसक उप-न दय का संरण और बंधन और इस े िअधसूिचत करना तथा पया त पा Wर िथतक य वाह को बनाए रखन े के िलए आव यक सभी उपाय को लने े अथवा िनVदशत करन े के िलए सभी समय पर ििवभ न े म ििवभ न बहु पर रख े जाने के िलए अपेिं त गगं ा नदी और उसक उप-न दय म पा Wर िथतक य वाह और प रणाम के िनधारण का कारण बनगे ा ।

(ख) ऐसे थ ान को पहचानने का कारण बनना; जहां गंगा नदी के जल के पयावरणीय वाह को आशोिंधत कया गया ह ै तथा इसके सुधार के िलए उपाय करना ता क गंगा नदी और इसक उप-न दय के संरण, संर ा और बंधन के िलए जल के सतत वाह को बनाए रखा जा सके ।

(ग) जल के इंजीििनयड डाइवजन अथवा जल के भडं ारण अथवा कसी अ य साधन के कारण गंगा नदी और इसक उप-न दय म जल के अंतराल के थ ान पहचानना और इनके संबंध म योजनाएं लागू करना अथवा इसके िलए उपचारा मक कारवाई करना ।

(घ) गगं ा नदी और इसक उप-न दय म जल के वाह और दषू ण के तर क लगातार िनगरानी करन े के िलए एक णाली तैयार करना ।

(ङ.) ऐसे सभी उपाय करना, जो रा िय गगं ा प रषद के िनणय को लागू करन े के िलए आव यक ह ता क गगं ा नदी और इसक उप-न दय म पया त पा Wर िथतक य वाह बनाये रखा जा सके ।

(च) रा य सरकार , ििवश ट रा य गगं ा िसिमतय , ििवनद ट िंजला गंगा िसिमतय अथवा थानीय ािंधका रय अथवा कसी िय अथवा िनकाय, कसी ािंधकरण, बोड या िनगम को दषू ण के उपशमन और संरण गगं ा नदी और इसक उपन दय के संरण और बंधन के िलए िव तृत प रयोजना रपोट तैयार करने अथवा प रयोजना के काया वयन के िलए कसी एजसी ारा सहायता दान करना अथवा सहायता का कारण बनना ।

(छ) दषू ण के उपशमन तथा गंगा नदी और इसक उप-न दय के संरण, संर ा और बंधं न के संबंध म ान आधार तथा िव लेषणा मक उपकरण के शोध, िवकास और सार के िलए एक या िअधक मौजूदा क क थापना करना या थापना को सुकर बनाना अथवा नामो ट और िनVदशत करना ।

(ज) कोई अ य उपाय करना, जो जल के सतत वाह और गंगा और इसक उप-न दय म दषू ण के उपशमन के िलए आव यक हो ।

(4) रा िय व छ गगं ा िंमशन पैरा ाफ 7 म बताए गए सभी ऐसे अ य आपात उपाय करेगा ।

40. गगं ा नदी और इसक उप-न दय के कनारे कसी उपयु त थ ान पर गगं ा नदी मॉनीट रग के क थ ापना----- रा िय व छ गंगा िंमशन गंगा नदी बेिंसन से थान को पहचानेगा अथवा ऐस े थ ान पर थापना करेगा अथवा कसी मौजूदा योगशाला अथवा के अथवा सं थान को के के प म नामो ट करेगा िंजसे ' र वर गगं ा मॉनीट रग सटर' कहा जाएगा, जो अ य बात म इस आदशे के अंतगत यथापेिं त जल के लगातार वाह और दषू ण के तर को मॉनीटर करगे े और वहां उपचारा मक कारवाई करने के िलए रा िय व छ गगं ा िंमशन को तुरंत रपोट करगे े ।

41. रा िय व छ गगं ा िंमशन क िश यां- ----- (1) रा िय गगं ा प रषद के पयवे ण और िनदशे के अंतगत गंगा नदी और उसक उप-न दय के संरण, संर ा और बंधन के काय को सुकर बनान े क भूिंमका, उ तरदािंय व और िश य से यु त रा िय एजसी होन े के कारण रा िय व छ गंगा िंमशन गगं ा नदी के संरण, संर ा और बंधं न के िलए रा िय प रषद अथवा के सरकार को िंसफा रश करेगा अथवा वय ंही रा य गगं ा िसिमतय अथवा िंजला गगं ा िसिमतय अथवा थानीय ािंधकरण अथवा कसी अ य ािंधकरण अथवा कसी य िं सं था, समूह अथवा एजसी को अपने िनणयानुसार िनदशे जारी करेगा तथा इसके पास ऐसे सभी उपाय करन े और काय करन े क िश यां

ह गी, जो यह गंगा नदी तथा इसक उप-न दय म पयावरणीय दषू ण के िनषधे , िनयं ण और उपशमन के िलए आव यक अथवा िउच्चत समझे, िंजनसे गंगा नदी को इसक ाकृिंतक तथा पुरातन िं थित तक संWर त कया जा सके तथा गगं ा नदी तथा इससे संबंिधत मामल के संर ण और बंधन के िलए गगं ा नदी म जल के सतत तथा पया त वाह को सुिंिन त कया जा सके ।

2. िंवशेष प स े तथा उप-पैरा ाफ 1 के ावधान क सामा यतया के पूवा ह के िंबना तथा इस आदशे म यथा अ यथा उपबंिधत ऐसे िंनदशे गंगा नदी के बंधन के सभी अथवा कसी मामले को शािंमल कर सकती ह,ै नामत:- (क) परै ा ाफ 4 म दए गए िंस ांत के अनुसार म इस आदशे के पैरा ाफ 55 म िउ िलखत काय को पूरा करना;

(ख) के सरकार के अनुमोदन स े दषू ण के उपशमन तथा गंगा नदी के संर ण, संर ा और बंधन के िलए रा िय नीिंत बनाना ।

(ग) गंगा नदी और इसक उप-न दय म संर ण, संर ा, दषू ण के िनषधे, िंनयं ण और उपशमन के िलए गंगा बेिंसन बंधन योजना के भावी काया वयन के िलए के सरकार के अनुमोदन स े कसी दशे अथवा िंवदशे ि एजसी के साथ समझौता ापन करना ।

(घ) आशोधन के साथ अथवा उसके िंबना नदी गंगा बेिंसन बंधन योजना को अनुमो दत करना और सीधे संशोधन, य द कोई हो, उस पर करना;

(ङ.) िंगत रपोट का पयवे ण करना, समी ा करना और रा य गंगा िसिमतय , िंजला गंगा संर ण िसिमतय अथवा थानीय ािंधकरण और अ य ािंधकरण को बुिंनयादी बधं न योजना और गंगा नदी और इसक उप-न दय के मामल से संबंिधत कसी अ य मामले पर िंनदशे जारी करना ।

(च) सीवरेज के बढने और िबह ाव शोधन अवसंरचना, आवाह े उपचार, बाढ़ मैदान के संर ण, जन-जाग कता सृजन करना, जलीय और राइपे रयन जीवन और जैव ििववधता के संर ण और पयावरणीय प स े थायी नदी संर ण के संवधन के िलए ऐसे अ य उपाय िसहत गगं ा नदी म दषू ण के उपशमन के िलए काय म क योजना बनाना, िंव तपोषण और काया वयन अनुमो दत करना ।

(छ) दषू ण के िनषधे, िंनयं ण और उपशमन तथा गगं ा नदी और इसक उप-न दय के संर ण और बंधन के िलए आरंभ कए गए ििवभ न काय म अथवा कायकलाप के काया वयन का सम वय, मॉनीट रग और समी ा करना ।

(ज) नदी क पा Wर थितक को पुनः बहाल करन े और नदी गगं ा बेिंसन रा य के बधं न से संगत उपाय को करन े के िलए कसी िय अथवा ािंधकरण को िंनदशे दने ा ।

(झ) पेशल पपज वेिंहकल के सृजन के िलए के सरकार को िंसफा रश करना (चाह े कंपनी िधिधनयम, 2013 (2013 का 18) अथवा सोसाइटी पंजीकरण िधिधनयम, 1860 (1860 का 21) के अंतगत एक कंपनी के प म अथवा भारतीय यास िधिधनयम, 1882 (1882 का 2) के अधीन एक यास के प म) जैसा क इस आदशे अथवा उ त आदशे के योजन के काया वयन के िलए उपयु त हो ।

(ञ) दषू ण के भावी िंनषधे, िंनयं ण और उपशमन, गगं ा नदी और इसक उप-न दय म संर ण और संर ा और बंधन को सुिंिन त करन े के िलए नीिंत और काय के बेहतर सम वय के िलए ऐसे उपाय करना, िंजसे आव यक समझा जाए ।

(ट) प रयोजना के उपयु त तथा शी काया वयन के िलए कसी संगत िय अथवा ािंधकारी को ऐसे िंनदशे जारी करना अथवा ऐसी प रयोजना को िंनर त करना अथवा िंनिधय के जारी रखने को रोकना अथवा पहले से जारी क गई धनरािंश को सीधे रफंड करना और कसी अ य िय अथवा बोड अथवा कॉरपोरेशन को इसे शी काया वयन हते ु स पना ।

(ठ) पहले से जारी किसी भी कानून के अंतर्गत पूरा रखे बिना लेख या अथवा दस्तावेज के रख-रखाव से किसी संबंधित या संबंधित को नुकसान देने का जैसा करारा विलक्षण गंगा अंशन द्वारा विनियमित किया जाए;

(ड) ऐसे अथवा उपाय करना जो कि गंगा नदी और उसके सहायक नदीय प्रणाली के बचाव, नियंत्रण और उपशमन को उपलब्ध, संरक्षण और निवारण और बंधन के लिए आवश्यक है;

(3) करारा विलक्षण गंगा अंशन को मुद्रा नुकसान को जारी करने की शक्ति होगी जो कि अधिनियम की धारा 5 में निश्चित की गई है।

(4) करारा विलक्षण गंगा अंशन अपने नियंत्रण के कार्यालय में होंगे तथा करारा विलक्षण गंगा अंशन के नियंत्रण के लिए उपयुक्त गैर-सरकारी तैयार करें।

(42) एकतर्फी मामलों में पूर्व अनुमोदन देने का— यह नियम गंगा नदी के सिमांत, जिला गंगा संरक्षण सिमांत और स्थानीय

संबंधित तथा अथवा अधिकारी गंगा नदी से संबंधित तथा गंगा नदी या इसके सहायक नदीय प्रणाली के दायरे में आने वाले क्षेत्र से संबंधित निम्नलिखित मामलों पर, यह करारा विलक्षण गंगा नदी के नियंत्रण को कार्यान्वित करना अपेक्षित है, तो करारा विलक्षण गंगा अंशन का पूर्व अनुमोदन प्राप्त करना होगा। नामतः-

(क) गंगा नदी के डाउन स्ट्रीम जल को भावि बनाने के लिए गंगा नदी में जल के भंडारण के डाइवजन को गैर-सरकारी;

(ख) गंगा नदी या नदी के तट पर या इसके बाढ़ योजना के तट पर पुल और सहायक सड़क तथा तट का निर्माण;

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

(घ) घाट का निर्माण;

(ड.) जल के संग्रह अथवा डाइवजन या नियंत्रण के लिए स्थायी जलीय संरचना का निर्माण अथवा गंगा नदी अथवा इसके सहायक नदीय प्रणाली का चैनलीकरण;

(च) पहाड़ी ढलान और अधिसूचित वन तथा अथवा पर्यावरणीय दृष्टि से संवेदी क्षेत्र का वन कटाव;

(छ) कोई अथवा कार्यालय जो कि पैरा 4 में संश्लेषित के विवर्तित निश्चित करारा विलक्षण गंगा अंशन द्वारा विनियमित किया जाए।

43. विवर्तित ढलान का— (1) करारा विलक्षण गंगा अंशन द्वारा बजटीय आवंटन अपने कार्यालय, लक्ष्य और उद्योग को पूरा करने से संबंधित अथवा आपना अथवा को वहन करने होंगे उपयोग किया जाएगा। इसके लिए शत प्रतिशत यह है कि अनुदान, ऋण और उधार के प्रस्ताव तदनंतर उद्योग विनियमित करने के लिए वहन किया जाएगा निम्नलिखित के लिए यह अनुदान, ऋण और उधार प्राप्त आ है।

(2) करारा विलक्षण गंगा अंशन लेख तथा अथवा संवर्धन का उपयुक्त रूप से रख-रखाव रखेगा और वाष्पक अथवा विवरण तैयार करेगा।

(3) करारा विलक्षण गंगा अंशन के लेख की सांख्यिक लेखा परीक्षा भारत के नियंत्रक और महालेखा परीक्षक द्वारा की जाएगी और वाष्पक लेखा परीक्षा परीक्षा होने के प्रस्ताव लेखा परीक्षा एजसी वाष्पक लेखा परीक्षा माण प्रभेजेगी।

(4) रा िय व छ गंग ा िंमशन के काय के िय सतकता आयोग के िनय ण म ह और सतकता संबंघी मामल क दखे रेख के िंलए एक सतकता िअधकारी होगा।

(5) लेखा परी ा रपोट के साथ वा षक यय िंवरण िंत वष िअधकार ा त कायबल को भेजा जायेगा और के सरकार इसे संसद के दोन सदन म त ुत करेगी।

44. काननू िंवशषे को काय पर लगाना रा िय व छ गंग ा िंमशन के पास एक उपयु त िंवधायी यव था होगी िंजसके

िंलए रा िय व छ गंग ा िंमशन कानूनी िंवशषे परामशदाता और िंवधायी फम क सेवाएं लेगी जो क रा िय व छ गंग ा

िंमशन को िंवधायी मामल पर सलाह दने े के िंलए तथा अपने कत य का िंनवाह करने के िंलए रा िय व छ गंग ा िंमशन को सहयोग दान करन े के िंलए आव यक हाै

45. रपोट क समी ा इसके कायकलाप से संबंिंधत सभी रपोट तथा रा य गंग ा िंसिमत, िंजला गंग ा िंसिमत या था नीय

ािंधकरण या बोड या िंनगम या कसी अ य िय से ा त रपोट क रा िय व छ गंग ा िंमशन ारा समी ा क जायेगी और इन रपोट म बताए गए मामल पर अपन े िंवचार के साथ यह रपोट रा िय गंग ा प रषद के स मुख दशािंनदश हते ु तुत क जायेगी, य द ऐसा आव यक हाै

46. गंग ा स ा लखे ा परी ा रपोट का समेकन ----- रा िय व छ गंग ा िंमशन गंग ा नदी क गंग ा सुर ा लेखा परी ा क समे कत रपोट तैयार करेगा तथा उसे रा िय गंग ा प रषद को उन पर उपचारा मक कारवाई के साथ तुत करेगा तथा इसे साविजनक े म भी उपल ध कराया जायेगा और इसे वेबसाइट पर दशाया जायेगे ा।

47. सचू ना, िंनरी ण आयोिंजत करन े , रपोट कािंशत करन े इ य ा द के सबं धं म रा िय व छ गंग ा िंमशन क िश या --- (1) जहां रा िय व छ गंग ा िंमशन िंिधनयम क धारा 5 के तहत इसे आव यक समझ उसे वह िंिलखत म आदशे दके र यह कह सकता हाै ----

(ए) कसी भी रा य गंग ा िंसिमतय , िंजला गंग ा संर ण िंसिमतय या थानीय ािंधकरण या अ य ािंधकरण या बोड या

िंनगम या िय िंजसे भी कसी भी प रयोजना के काियन पादन या ऐसी प रयोजना स े संबंिंधत कोई काय स पा गया हाै या कसी भी समय िंिनधय के उपयोग के बारे म सूचना या प रयोजना के काय िंन पादन के िंलए आवं टत ऐसी प रयोजना से संबंिंधत प टीकरण या काियन पादन या आवं टत िंिनध के उपयोग के बारे म सूचना को िंिलखत म या साविजनक प से चार- सार करन े हते ु पूछा जा सकता हाै जैसा भी रा िय व छ गंग ा िंमशन अपेिं त समझे; अथवा

(बी) एक या एक से िअधक य िं या कसी ािंधकरण को िंनयु त करना जो काय करन े अथवा काियन पादन के िंलए आवं टत प रयोजना तथा आवं टत िंिनध के उपयोग के संबंघ म पूछताछ कर सके।

(सी) अपने कसी भी िअधकारी या कमचारी अथवा के सरकार या रा य सरकार अथवा कसी अ य ािंधकरण के िअधका रय और कमचा रय को कसी भी आवं टत प रयोजना के कायकरण अथवा काियन पादन अथवा िंिनध के उपयोग के संबंघ म रा य गंग ा िंसिमतय , िंजला गंग ा संर ण िंसिमतय अथवा अ य ािंधकरण अथवा बोड अथवा िंनगम अथवा संबंिंधत िय स े उनके लेख और अ य द त ावेज के िंनरी ण हते ु िंनदश दने ा।

(डी) ऐसा कोई नियम, अधिकारी, राज्य सरकार या अधिकरण अपेक्षित है जो इस से संबंधित किसी भी कारक रिपोर्ट, रटन, सांख्यिक और अन्य सूचना भेजे और ऐसा नियम, अधिकारी, राज्य सरकार अथवा अधिकरण को यह कार्य करना बाध्य होगा।

48. निम्न पोषण और कायाव्ययन मॉडल - (1) राष्ट्रीय वृद्ध गंगा निम्नशतन का विकास होगा और यह निरंतर अपने निम्न वृद्ध मॉडल को संशोधित करेगा जिससे परियोजना के कारियन पादन और सततता में सुधार होगा और जिससे दूषण के उपशमन और गंगा नदी के पनुार और संरण तथा बंधन के लिए राज्य गंगा सिमितय, निम्न जला गंगा संरण सिमितय अथवा अधिकरण अथवा नियम द्वारा अपनाया जा सकता है।

49. समेकित रिपोर्ट को तैयार करना --- (1) राष्ट्रीय वृद्ध गंगा निम्नशतन निम्न दृष्टि राज्य गंगा सिमितय, निम्न दृष्टि निम्न जला गंगा सिमितय, स्थानीय अधिकरण, अधिकरण, बोर्ड, निम्नगम अथवा नियम द्वारा भेजी गयी रिपोर्ट और अन्य सूचना के आधार पर एक समेकित रिपोर्ट तैयार करेगा जिसमें एक निम्न जले के द्वारा गंगा नदी और उसका सहायक नदी के आस-पास के संबंध में सूचना दी जायेगी।

(ए) उनके द्वारा कारियन पादन क जा रही योजना के निम्न स्थित और उनके द्वारा कए गए उपाय तथा गंगा नदी और उसका सहायक नदी के निम्न स्थित से संबंधित अधिकरण कायकलाप के निम्न स्थित;

(बी) गंगा नदी और उसका सहायक नदी में जल कणुव और इस संबंध में उपचारात्मक कारवाई;

(सी) गंगा नदी में जल क किसी भी प्रकार कावट और उसके कारण;

(डी) निम्न दृष्टि निम्न जले में नदी तट और बाढ़ मैदान और आवास के स्थित;

(अ) निम्न जला गंगा सिमितय या स्थानीय अधिकरण द्वारा जनता से शिकायत पर कए गए उपचारात्मक उपाय;

(एफ) निम्न वृद्ध उपचारात्मक कारवाई के साथ आने वाले शेष बाधा का पता लगाना;

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

(एच) गंगा नदी और उसका सहायक नदी के दशा के बारे में संबंधित अधि सभी सूचना;

(2) राष्ट्रीय वृद्ध गंगा निम्नशतन उपपैरा-1 में निम्न लिखित समेकित रिपोर्ट के समीक्षा करने के पचात कायबल को उपचारात्मक कारवाई के साथ उसे तृप्त करेगा।

50. वार्षिक रिपोर्ट----- (1) राष्ट्रीय वृद्ध गंगा निम्नशतन अगले वर्ष से तंतु पहल में अपने द्वारा और गंगा नदी के संबंध में अधिकारिता कायबल, निम्न दृष्टि राज्य गंगा सिमितय, निम्न दृष्टि निम्न जला गंगा संरण सिमितय, संबंधित स्थानीय अधिकरण अथवा अधिकरण अथवा बोर्ड अथवा निम्नगम अथवा नियम द्वारा कए गए सभी कार्य के समेकित वार्षिक रिपोर्ट के वर्ष के अंत के 3 माह में तैयार करेगा।

स्थानीय

अधिकरण अथवा अधिकरण अथवा बोर्ड अथवा निम्नगम अथवा नियम द्वारा कए गए सभी कार्य के समेकित वार्षिक रिपोर्ट के वर्ष के अंत के 3 माह में तैयार करेगा।

(2) राष्ट्रीय वृद्ध गंगा निम्नशतन अपने द्वारा कए गए तथा गंगा नदी संबंधी अधिकारिता कायबल, राज्य सरकार, निम्न दृष्टि राज्य गंगा सिमितय, निम्न दृष्टि निम्न जला गंगा संरण सिमितय, संबंधित स्थानीय अधिकरण अथवा अधिकरण अथवा बोर्ड अथवा निम्नगम अथवा नियम द्वारा कए गए सभी कार्य उपपैरा-1 में निम्न लिखित इसका समेकित

कत वा षक रपोट म अलग-अलग भाग के तहत शांिमल करेगी और इस समे कत वा षक रपोट को रा िय गंगा प रषद और के िय सरकार को ेिंषत करेगी तथा इसे साविजनक े म भी उपल ध कराया जायेगा। इसे वेबसाइट पर भी दशाया जायेगा।

51. िसिमतय का गठन – रा िय व छ गगं ा िंमशन अपन े सद य म से एक या यादा गगं ा नदी बंधन िसिमतयां बनाना' और न दय अथवा जल के े म ऐस े िंवशेष इस आदशे के तहत अपन े काय के कुशल िंनवहन के िंलए उपयु त कदम उठाए।

52. मागदशन ा त करना- रा िय गंगा प रषद के िंनणय अथवा इस आदशे के ावधान के काया वयन म य द कोई सम या उ प न होती है, तो यह रा िय व छ गंगा िंमशन का कत य होगा क रा िय गगं ा प रषद का माग दशन ा त कर और तदनुसार उपयु त कारवाई कर।

53. िंजला गगं ा संरण िसिमतय का गठन ---(1) के सरकार गंगा नदी म पयावरणीय दषू ण को रोकने, िंनयंिं त करन े और समा त करन े के िंलए इस आदशे के ार भ से एक िंिन त समय के भीतर िअधसूचना ारा िंिवन द ट रा य गंगा िसिमत के परामश स े िंहमाचल दशे, उ तराखंड, उ तर दशे, म य दशे, छ तीसगढ, िंबहार, झारखंड, ह रयाणा, राज थ ान, िप म बगं ाल और रा िय राजधानी े द ल ि तथा ऐस े अ य रा य म , जहां गंगा नदी क मुख सहायक न दयां ह, येक िंजल े म (इस आदशे म इसके बाद िंिवन द ट िंजला कहा गया ह)ै उ त िअधनयम क धारा 23 क उपधारा(3) के अंतगत " िंजला गंगा संरण िसिमतय " के नाम से एक ािंधकरण का गठन करेगी।

|   |
|---|
| (2) येक िंिवन द ट गगं ा िंजले म येक िंजला गगं ा िसिमत म िंन िनिलखत सद य ह गे, नामत: --  |
| (ए) िंिवन द ट िंजले म िंजला कले टर। अ य , पदने  |
| (बी) िंिवन द ट िंजल े नगर पािंलका और ाम पंचायत स े रा य सरकार ारा नािंमत दो से िअधक िंितिनध सद य  |
| (सी) रा िय नदी गगं ा के साथ लगन े वाल े िंिवन द ट िंजल े म कायरत लोक िंनमाण, सचाई, जन वा य, इंजीिंनय रग और ामीण पेयजल िंवभाग, और रा य दषू ण िंनयं ण बोड य ेक का एक िंितिनध जो िंजला कले टर ारा नािंमत कया जाएगा। सद य, पदने |
| (डी) िंिवन द ट िंजले म िंजला कले टर ारा नािंमत गगं ा संरण कायकलाप से संब दो पयावरिणवद और थानीय उ ाग संघ का एक िंितिनध। सद य   |
| (ई) िंिवन द ट िंजले का एक िंिडव जनल वन िअधकारी । सद य, पदने   |
| (एफ) एक िंजला िअधकारी िंजसे िंजला कले टर िंलए नािंमत करे।<br><br>सद य   |

(2) िंजला कले टर िंजला गगं ा िसिमत के अ य ह ग े और िंिडवीजनल वन िअधकारी िंजला गंगा िसिमत के संयोजक ह

गे।

(3) िंजला गगं ा िसिमतय क बैठक का समय और थान का िंनधारण उस िसिमत के अ य करगे और इस आदशे के तहत द त क गई िश य और काय का योग करगे। बशत क िंजला गगं ा िसिमत क कम से कम एक बैठक येक तीन माह म आयािंजत क जाएगी।

(4) कोई गैर पदने सद य सरकार को अथवा संबंिधत िंजला कले टर के, जैसा भी मामला हो, ििलिखत नो टस दते े ए अपन े पद स े यागप द े सकता ह ै और सरकार ारा अथवा िंजला कले टर ारा, जैसा भी मामला हो, उसका यागप वीकार कए जाने के बाद सद य नह रहगे ा।

54. िंजला गंगं ा संरण िसिमत का अधी ण, िंनदशन और िंनयं ण – िंजला गंगं ा संरण िसिमत के बंधन (िंव तीय और शािसनक मामल िसहत ) बंधन का अधी ण िंनदशन और िंनयं ण इस आदशे म कसी बात के होते ए रा िय व छ गंगा िंमशन म ििवहत होगा, जो इसके ारा य प से अथवा ििवन द ट रा य गंगं ा िसिमत अथवा इसके कसी िअधिकारी अथवा इसके ारा ििवन द ट अ य कसी ािंधकारी के मा यम से योग कया जाएगा।

55. िंजला िसिमतय के काय और िश या- ं (1) येक िंजला गंगा िसिमत पैरा ाफ चार म बताए गए िंस ांत के अनसु ार पैरा ाफ छः और सात म ििवन द कए गए अनुसार येके ििवनद ट िंजले म गंगं ा नदी और इसक सहायक न दय के पुन ार, संरण, मर मत और पुन वासन के िंलए काय का िंनवहन और िश य का योग करेगी।

(2) िंवशेष प से गंगं ा नदी और इसक सहायक न दय के साथ लगन े वाल े िंड डे डे के पुन ार, संरण, मर मत और पुनवासन के िंलए उप-पैरा ाफ 1 के सामा य ावधान के अलावा और इस आदशे और िअिधनयम के अ य ावधान तथा इनके अंतगत बनाए गए िंनयम के अधीन येक गंगा िसिमत को ििवन द ट िंजले म गंगं ा नदी और इसक सहायक न दय के संबंध म िंन िनिलिखत िश या ं और िअधिकार ा त ह गे नामत :-

(ए) गंगं ा नदी अथवा इसक सहायक न दय अथवा रवर बेड के संरण के िंलए गंगा नदी के साथ लगने वाले ििवन द ट िंजले के े म संभािंवत खतर क पहचान करना और उसके सबं ंध म सुधारा मक कारवाई क योजना बनाना और कारवाई करना।

(बी) ििवन द ट िंजले म गंगं ा नदी और इसक सहायक न दय अथवा इसके रीवर बेड के संरण के िंलए अपनी ओर से सुधारा मक कारवाई करना (इस आदशे के ावधान को छोड़कर)।

(सी) उपचारा मक कारवाई करने क िं िथित म स म न होने पर रा िय व छ गंगं ा िंमशन और संबंिधत रा य सरकार, गंगं

ा रा य िसिमत, जैसा भी मामला हो, को गंगं ा नदी के बचाव के िंलए िंनदश जारी करन े हते ु रप टग (इलै ोिंनक और ििलिखत म हाड कापी भेजकर) और उपयु त बंधन अथवा उपचारा मक कारवाई तैयार करना।

(डी) इस आदशे के ावधान को भावी बनाने के िंलए उपयु त शािसनक और अ य उपाय करना ता क इस आदशे के ावधान से अलग न होत े ए या कसी भी कानून को कुछ समय के िंलए लाग ू करन े क बजाए गंगं ा नदी और इसक सहायक न दय म पयावरणीय दषू ण को रोका जा सके।

(3) य द िंजला गंगा संरण िसिमत का यह मत ह ै क इस िअिधनयम के तहत िंवसंिगतयां क गयी ह या कोई अ य कानून कुछ समय के िंलए लाग ू कया जा रहा ह ै या इस आदशे के ावधान से अलग ह ै तो इसे कुछ समय के िंलए कानून के अनु प करके उपयु त कारवाई करेगी।

(4) िंजला गंगा संरण िसिमत पैरा ाफ 7 म ििवन द ऐसे सभी आपातकालीन उपाय करेगी।

56. नोडल िअधिकारी का पदनाम---- (1) येक िंजला गंगं ा िसिमत िंन िनिलिखत को नोडल िअधिकारी के प म नािंमत करेगी--

(ए) गंगं ा नदी और इसक सहायक न दय के आसपास के े म येक गांव के ाम सभा के सरपंच

(बी) ऐसे मामले में जो गांव गंगा नदी से सटे ए नह ह, नगरपालिका योजना सिमित या महानगर योजना सिमित के अ य या कसी थानीय ािंधकरण के अ य को इस आदशे के योजन हते ु, िंजला गंगा संरण सिमित के अ य के प म मनोनीत कया जा सकता है।

(2) येक नोडल िअधकारी जो उप-पैरा ाफ के तहत मनोनीत आ है (1) गंगा नदी क और उसक सहािंयका म दषू ण को रोकने हते ु कदम उठा सकते और वयं गंगा नदी और उसक सहािंयका के संरण हते ु उपचारा मक उपाय कर सकते या उनके नदी तट जो ऐसे गांव के साथ सटे ए ह या अ य े, जैसा भी मामला हो, िंजसके िंलए वह नोडल िअधकारी है और य द वह ऐसा नह कर पाते ह तो वे इस आदशे क अवहले ना को उपचारा मक कारवाई हते ु िंजला गंगा सिमित के अ य के यान म ला सकत े ह।

(3) उप-पैरा ाफ (2) के तहत रपोट क ािं के प ात िंजला गंगा सिमित का अ य गंगा नदी या इसके नदी तट से सटे िंविन द िंजल के संरण हते ु उपचारा मक कदम उठा सकते ह।

57. योजना क तयै ारी--- (1) येक िंजला गंगा संरण सिमित गंगा नदी और उसक सहािंयका और उनके नदी तट से सटे िंविन द िंजल के संरण हते ु अपनी आयोजना क तैयारी करेगा और उ को उसके बाद एवं रा िय व छ गंगा िंमशन के अनुमोदन के िंलए तुत करेगा।

(2) उप-पैरा ाफ (1) के तहत योजना म िंविन द िंजला गंगा संरण सिमित ारा गंगा नदी और उसक सहािंयका और उनके नदी तट से सटे िंविन द िंजल से पयावरणीय दषू ण से संरण, िंनयं ण और उसे हटाने हते ु उठाए गए कायकलाप शािंमल ह गे, िंजसे रा य सरकार, रा य गंगा िसिमतय या रा िय व छ गंगा िंमशन या कोई अ य ािंधकरण या बोड और ऐसी योजना हते ु शािंमल य सं तुत कया जा सकता है और समय िंजसम ऐसे कायकलाप को पूण कया जाएगा।

(58) बजट क तयै ारी और लखे का रखरखाव--- येक िंजला गंगा संरण सिमित यके िंव वष म अपेिं त फंड को और उन उ े य िंजसके िंलए फंड खच कया जाएगा, और समय सीमा िंजसके भीतर बजट म उ लेख कए गए कायकलाप को पूरा कया जाएगा को दशात े ए अपन े बजट को तैयार करेगी और संबंिंधत रा िय व छ गंगा िंमशन को सूचना दते े ए संबंिंधत रा य गंगा िसिमत को ततु करेगी और यह िसिमत, भारत सरकार के िंनयं क एवं महालेखा परी क (सीएजी)

ारा अथवा सीएजी ारा िंनयु कसी अ य िअभकरण ारा लेखा परी ा के िंलए, रा िय व छ गंगा िंमशन ारा िंनधा रत लेख का उपयु रखरखाव सुिंिन त करेगी और यह लेखे रा िय गंगा ा प रषद, रा िय व छ गंगा ा िंमशन रा य गंगा िसिमत अथवा उनके ारा िंनयु कसी सं था ारा िंनरी ण के शताधीन ह गे।

(59) मािंसक और वा षक रपोट--- (1) येक गंगा संरण सिमित, रा िय व छ गंगा िंमशन और रा य िसिमतय जैसा क रा िय व छ गंगा ा िंमशन ारा िंविन द समय सीमा के भीतर िंनधा रत कया गया है, रा िय गंगा प रषद को मािंसक और वा षक रपोट ततु करेगी।

(2) उप परै ा (1) म उ लेख क गई वा षक रपोट के िअत र िंजला गंगा संरण सिमित रा िय व छ गंगा ा िंमशन को ऐसे समय और ऐसे फोम और तरीके से रपोट ततु करेगी िंजससे िंविन द िंजले म उसके आसपास के े म गंगा नदी बेिंसन योजना हते ु अ य रटन, िंववरण और कोई तािंवत या मौजूद ा काय म के संबंध म अ य यौरे हते ु िंनदश द।

60. बजट आवटं न--- रा िय व छ गंगा ा िंमशन बजट आव यकता को समे कत और तैयार कर सकता है और उ जल संसाधन मं ालय, नदी िंवकास और गंगा संरण मं ालय को तुत कर सकता है।

61. क िय सरकार ारा िंनदश--- इस आदशे म दी गई कसी भी बात के बावजूद, क िय सरकार के िंलए यह िंविधपूण हो क वे मं ालय या भारत सरकार के िंवभाग या रा य सरकार तथा रा य गंगा िसिमतय, रा िय व छ गंगा ा िंमशन या िंजला गंगा िसिमतय या थानीय ािंधकरण या अ य ािंधकरण तथा सांििवधक िंनकाय या

उनके िअधकारी या कमचारी, जैसा भी मामला हो ििलखत म िनदश जारी करे िजससे वे गंगं ा नदी और उसके सहािंयका के पुन ार, संरण और बंधन म सहायता दान कर सके और ऐसा मं ालय या िवभाग या ािंधकरण या िमशन या बोड या सरकार और सांििवधक िनकाय, िअधकारी या कमचारी ऐसे े िनदश के अनुपालन हते ु बा य ह गो।

62. िअधनयम क धारा 19 के तहत िशकायत करना--- इस आदेश के तहत ग ठत सभी ािंधकरण या ऐसे ािंधकरण ारा ािंधकृत कए गए उनके िअधकारी कोट के सम उ धारा के अंतगत कसी उ लघं न को सं ान म रखते ए उ िअधनयम क धारा 19 के तहत िशकायत कर सकते ह।

63. अ य दािंय व के िअतर आदेशे —इस आदेश के ावधान कसी थानीय ािंधकरण या अ य ािंधकरण या बोड या कॉरपोरेशन या कसी िं ारा गंगा नदी म कुशल दषू ण िनयं ण और पुन ार के योजन से उपाय करने हते ु अपन े काय के िनवाह म और उसके संरण और बंधन और अभी लागू कोई अ य कानून म अपने काय के िबना कसी प पात के हाै।

### अनसु चूी

(परै ा ाफ 20 दखे) रा य और

बधं न िसिमतय क सरं चना

| .स.ं | ििवन द रा य गंगं ा सरं ण और बधं न का नाम | रा य गंगं ा सरं ण और बधं न िसिमतय क सरं चना                                  |
|------|--|--|
| (1)  | (2)                                      | (3)  |
| 1.   | (नाम) रा य गंगं ा संरण और बंधन िसिमत     | (क) मु य िसचव, रा य सरकार (नाम) पदने सद य                                    |
|      |  | (ख) धान िसचव, िव िवभाग रा य सरकार (नाम) सद य, पदने                           |
|      |  | (ग) धान िसचव, शहरी िवकास और आवास िवभाग, (नाम) सरकार-<br>सद य, पदने           |
|      |  | (घ) धान िसचव, पयावरण एवं वन िवभाग, रा य सरकार (नाम)-<br>सद य, पदने           |
|      |  | (ङ) धान िसचव, जल संसाधन िवभाग, रा य सरकार (नाम)-<br>सद य, पदने               |
|      |  | (च) धान िसचव, साविजनक वा य इंजीििनय रग िवभाग, रा य सरकार<br>(नाम) सद य, पदने |
|      |  | (छ) अ य (नाम) रा य दषू ण िनयं ण बोड<br>-सद य, पदने                           |

|  |  |   |
|--|--|---|
|  |  | (झ) (नाम) रा य म काया वयन एजसी के चीफ ऐ जी यू टव िअधकारी-<br>सद य, पदने           |
|  |  | (ञ) वन के धान मु य संर क, रा य सरकार (नाम)<br>-सद य, पदने                         |
|  |  | (ट) सरकार (नाम) ारा संबंिधत े से पांच िवशेष से िअधक<br>मनोनीत नह कए जाएंगे।- सद य |

[फा. सं. था.-01/2016-17/111/एनएमसीजी]

संजय कुंडू, संयु िसचव

**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-

- 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;
- 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;
- 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;
- 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;
- 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;
- 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 coordinate 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 30<sup>th</sup> September, 2009, S.O. 2493 (E), dated the 30<sup>th</sup> September, 2009, S.O. 2494 (E), dated the 30<sup>th</sup> September 2009, S.O.

2495 (E), dated the 30<sup>th</sup> September 2009, S.O. 287 (E) dated the 8<sup>th</sup> February, 2010 and in the Ministry of Water Resources, River Development and Ganga Rejuvenation No. S.O. 2539 (E), dated the 29<sup>th</sup> 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 8<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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, biomedical 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.

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| <b>12.Composition of National Ganga Council.</b> -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 29<sup>th</sup> 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 ViceChairperson 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,<br>River Development and Ganga Rejuvenation           | - Chairperson, <i>ex-officio</i> ;      |
| (b) Union Minister of State for Water Resources,<br>River Development and Ganga Rejuvenation  | - Vice-Chairperson, <i>ex-officio</i> ; |
| (c) Secretary in the Ministry of Water Resources,<br>River Development and Ganga Rejuvenation | - Member, <i>ex-officio</i>             |
| (d) Secretary in the Ministry of Finance<br>(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, ex-officio; |
| (i) Chief Secretary, State of Jharkhand                 | - Member, ex-officio; |
| (j) Chief Secretary, State of West Bengal               | - Member, ex-officio; |
| (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, Peyjal, 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 subparagraph (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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HARINDRA  
KUMAR

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KUMAR  
Date: 2016.10.08 12:01:30  
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(II) संरक्षित स्मारकों के अतिरिक्त सांस्कृतिक, ऐतिहासिक एवं वास्तुकलात्मक अभिकल्पन की धरोहर के संरक्षण की दृष्टि से महत्वपूर्ण स्थलों/भवनों के आस-पास विकास/निर्माण की अनुज्ञा प्रदान करने हेतु प्राधिकरण समुचित शर्तों एवं प्रतिबन्ध निर्धारित कर सकता है।

1.10 : गंगा नदी के किनारे 200 मीटर के क्षेत्र में निर्माण अनुज्ञा

(I) यह उपविधि गंगा नदी के किनारे बसे नगरों में नदी तट से 200 मीटर क्षेत्र में 'दि एनासिएन्ट मान्यूमेन्ट्स एण्ड आर्किओ-लोजिकल साइट्स एण्ड रिमेन्स एक्ट, 1958' तथा 'उ.प्र. पुरातत्व सर्वेक्षण विभाग द्वारा 'दि उत्तर प्रदेश एन्सिएन्ट एण्ड हिस्टोरिकल मान्यूमेन्ट्स एण्ड आर्किओलोजिकल साइट्स एण्ड रिमेन्स प्रिजर्वेशन एक्ट, 1958' के अर्धीन घोषित संरक्षित स्मारकों पर लागू नहीं होगी।

स्पष्टीकरण- नदी तट का आशय सम्बन्धित विभागों (राजस्व/सिंचाई) के अभिलेखों में अंकित नदी तट से है।

(II) उक्त दोनों अधिनियमों से आच्छादित भवनों के अतिरिक्त अन्य चिन्हित हैरिटेज स्थलों/भवनों में किसी भी प्रकार के मरम्मत/पुनर्निर्माण की अनुमति यथास्थिति सम्बन्धित विभागों (भारतीय पुरातत्व सर्वेक्षण विभाग/उ.प्र. राज्य पुरातत्व विभाग) से अनापत्ति प्राप्त करने के उपरान्त 'इन्टैक' (INTACH) के परामर्श से देय होगी।

(III) गंगा नदी के किनारे नदी तट से 200 मीटर क्षेत्र में स्थित निजी भवनों (हैरिटेज स्थलों/भवनों को छोड़कर) के मरम्मत/पुनर्निर्माण की अनुमति निम्नलिखित शर्तों के अधीन देय होगी :-

(क) आवेदक द्वारा भवन की मरम्मत/पुनर्निर्माण हेतु आवेदन-पत्र के साथ विद्यमान भवन का मानचित्र, स्वनिर्दिष्ट तल-तल अनिलेख, भवन की लोकेशन का 'की-प्लान' साइट प्लान, भवन की वर्तमान स्थिति के सभी उपलब्ध दिशाओं के फोटोग्राफ्स (फोटोग्राफ लेने की तिथि अंकित करते हुए), स्थल पर मौजूद भवन का वर्तमान भू-आच्छादन, विद्यमान तट-बैंक, सभी तलों के प्लान, सेक्शन, ऐलीवेशन, आदि अन्य वांछित अभिलेखों के साथ प्राधिकरण में जमा किए जाएंगे।

(ख) आवेदन-पत्र के साथ आवेदक द्वारा निम्न शपथ-पत्र भी प्राधिकरण को प्रस्तुत किया जाएगा-

(I) भवन के वर्तमान उपयोग में परिवर्तन नहीं किया जाएगा।

(II) सीवरेज एवं ड्रेनेज का निस्तारण सीधे गंगा नदी में नहीं किया जाएगा।

(ग) आवेदक द्वारा उपरोक्त (क) एवं (ख) के अनुसार विकास प्राधिकरण को केवल दस्तावेज/सूचनाएं प्रस्तुत की जाएगी, मानचित्र स्वीकृत कराना अनिवार्य नहीं होगा। परन्तु प्राधिकरण द्वारा स्थलीय पुष्टि के उपरान्त यदि प्रस्तुत मानचित्र एवं अन्य दस्तावेजों में कोई विसंगति पाई जाती है अथवा स्थल पर प्रस्तुत मानचित्र के विपरीत उल्लंघन पाया जाता है, तो ऐसे निर्माण के विरुद्ध नियमानुसार कार्यवाही की जाएगी।

(घ) भवन की मरम्मत/पुनर्निर्माण कार्य प्रारम्भ करने से पूर्व आवेदक द्वारा प्राधिकरण को इस आशय की लिखित सूचना दी जाएगी।

(ङ) आवेदक द्वारा भवन के मरम्मत/पुनर्निर्माण के विभिन्न चरणों (फ्लिन्थ लेबल, प्रथम तल का स्लैब, द्वितीय तल का स्लैब, तृतीय तल का स्लैब, आदि) के फोटोग्राफ्स भी यथा-समय प्राधिकरण में जमा किए जाएंगे, जिनके आधार पर प्राधिकरण द्वारा मरम्मत/पुनर्निर्माण कार्यों की समय-य पर स्थलीय पुष्टि की जाएगी।

(च) भवन की मरम्मत/पुनर्निर्माण का कार्य पूर्ण होने के उपरान्त आवेदक द्वारा उसकी सूचना प्राधिकरण को अनिवार्य रूप से दी जाएगी एवं निर्मित भवन के फोटोग्राफ्स (सभी उपलब्ध दिशाओं से) भी जमा किए जाएंगे।

(छ) पूर्व निर्मित भवन के बाह्य स्वरूप में कोई परिवर्तन अनुमत्य नहीं होगा, बल्कि विद्यमान स्वरूप में ही मरम्मत/पुनर्निर्माण की अनुमति दी जाएगी तथा भवन का फ्रन्ट ऐलीवेशन पूर्व निर्मित भवन के अनुसार ही रखा जाएगा। इसके अतिरिक्त विद्यमान भवन के 'फुट-प्रिन्ट', भू-आच्छादन, एफ.ए.आर. तथा भवन की ऊँचाई में कोई वृद्धि/अनुमत्य नहीं होगा। बल्कि पूर्व निर्मित भवन की सीमान्तर्गत ही अनुमत्य होंगे।

- (ज) भवन के आन्तरिक ले-आउट में परिवर्तन (स्ट्रक्चरल परिवर्तन को छोड़कर) अनुमन्य होगा। उदाहरणस्वरूप, पुराने भवनों में सीमित तल क्षेत्रफल के बेहतर उपयोग अथवा वास्तुदोष के निराकरण हेतु आन्तरिक परिवर्तन अनुमन्य होंगे।
- (झ) भवन के वर्तमान उपयोग में कोई परिवर्तन अनुमन्य नहीं होगा। भवन जिस उपयोग में लाया जा रहा है, वही उपयोग अनुमन्य होगा। यदि किसी भवन का उपयोग प्राधिकरण को प्रस्तुत मानचित्र के विपरीत अन्य उपयोग यथा-होटल/लॉज/रेस्टोरेन्ट/दुकान अथवा किसी अन्य व्यवसायिक उपयोग के लिए किया जाता है, तो उसके विरुद्ध नियमानुसार कार्यवाही की जाएगी।
- (ञ) गंगा नदी के किनारे नदी की ओर स्थित भवनों की वास्तुकला एवं सौन्दर्य (Aesthetics) का संरक्षण सुनिश्चित किया जाएगा।
- (ट) भवन की मरम्मत/पुनर्निर्माण हेतु प्रस्तुत आवेदन-पत्रों का निम्न समिति द्वारा परीक्षण कर उपाध्यक्ष, विकास प्राधिकरण को संस्तुति प्रस्तुत की जाएगी :-

|   |              |
|---|--------------|
| ● सचिव, विकास प्राधिकरण                 | अध्यक्ष      |
| ● नियोजन प्रभारी, विकास प्राधिकरण       | सदस्य-संयोजक |
| ● प्रभारी अभियन्ता भवन, विकास प्राधिकरण | सदस्य        |

- नोट:- (I) अध्यक्ष की अनुमति से आवश्यकतानुसार नगर निगम, जल निगम अथवा अन्य विभागों के अधिकारियों को उक्त समिति की बैठकों में आमन्त्रित किया जा सकेगा।
- (II) विकास प्राधिकरण के सम्बन्धित तकनीकी कार्मिकों/अभियन्ताओं द्वारा स्थलीय सत्यापन, स्थल पर हो रहे मरम्मत/पुनर्निर्माण का विभिन्न चरणों में निरीक्षण तथा कार्य पूर्ण होने के उपरान्त मानचित्र के अनुरूप/विपरीत निर्माण पूर्ण होने की रिपोर्ट उपाध्यक्ष, विकास प्राधिकरण को प्रस्तुत की जाएगी।
- (उ) उपरोक्तानुसार अनुमन्य मरम्मत/पुनर्निर्माण सम्बन्धी कार्यों के अतिरिक्त इस क्षेत्र में अन्य विकास एवं निर्माण कार्य निषिद्ध होंगे।
- (ड) गंगा नदी के किनारे नदी तट से 200 मीटर क्षेत्र में किए गये अनाधिकृत निर्माणों का शमन अनुमन्य नहीं होगा।
- (ढ) महायोजना/जोनिंग रेगुलेशन्स/भवन निर्माण एवं विकास उपविधि के विद्यमान प्राविधान उपरोक्त सीमा तक संशोधित समझे जाएंगे।

- 3.1.11 आर्कीटेक्चरल किसी क्षेत्र विशेष में भवनों का आर्कीटेक्चरल फसाड/एलीवेशन अथवा उस सीमांकित क्षेत्र के आर्कीटेक्चरल कन्ट्रोल फीचर्स विकास प्राधिकरण द्वारा निर्माण अनुज्ञा हेतु निर्धारित शर्तों एवं प्रतिबन्धों के अनुरूप होंगे। आर्कीटेक्चरल कन्ट्रोल में परिस्थिति के अनुसार निम्न शर्तों/प्रतिबन्धों में समस्त या किसी एक का प्राविधान सुनिश्चित कराया जा सकता है :-
- (क) सामने अथवा गली/सड़क की ओर भवन के अभिदर्शित पार्श्व की अनिवार्य ऊँचाई, जहाँ तक भवन निर्माण किया जा सकता है।
- (ख) तलों की अनिवार्य ऊँचाई,
- (ग) कार्निस सिल, खिड़कियों के ऊपरी भाग, सन-शेड तथा प्रथम एवं अनुवर्ती तलों पर प्रोजेक्शन की अनिवार्य ऊँचाई एवं डिजाइन,
- (घ) भवन निर्माण के साथ अनिवार्य विल्डिंग लाइन,
- (च) बालकनी के अनिवार्य टाइप डिजाइन,
- (छ) कलर स्कीम।