

L-25012(11)/11/2023-LME/NMCG
National Mission for Clean Ganga
Department of Water Resources, River Development
& Ganga Rejuvenation
Ministry of Jal Shakti

Major Dhyanchand National Stadium,
Near India Gate, New Delhi-110002
Dated: 27.10. 2023

Subject: Report of the National Mission for Clean Ganga (NMCG), DoWR, RD&GR, Ministry of Jal Shakti, in the matter OA no 203/2023- Tushar Goswami vs Union of India & Ors

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Sir,

This is with reference to the Hon'ble NGT's Order dated 29.05.2023 and 21.09.2023 in the above cited subject matter and to say that the Report of the National Mission for Clean Ganga(NMCG), DoWR, RD&GR, Ministry of Jal Shakti in the said matter is attached. The same may kindly be placed before the Hon'ble NGT for consideration in the matter.

2. This issues with the approval of the competent authority.


Nalin Kumar Srivastava
Deputy Director General

Encl: As above

To

The Registrar, Hon'ble National Green Tribunal, Faridkot House, Copernicus Marg
New Delhi.

Copy for information to:

- (1).PPS to the Secretary, DoWR, RD&GR, Ministry of Jal Shakti,
Shram Shakti Bhawan, New Delhi
- (2). PS to the DG, NMCG,
- (3). Director (Co-ordination), NMCG

**BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH) NEW DELHI**

O.A NO 203/2023

IN THE MATTER OF:

Tushar Goswami Applicant

Versus

Union of India & Ors..... Respondents

**Report on behalf of the National Mission for Clean Ganga(NMCG)
(Department of WR, RD&GR) Ministry of Jal Shakti, New Delhi**

**NATIONAL MISSION FOR CLEAN GANGA
(DEPARTMENT OF WR, RD&GR)
MINISTRY OF JAL SHAKTI, GOVERNMENT OF INDIA,
NEW DELHI**

NATIONAL MISSION FOR CLEAN GANGA

Subject: Report on behalf of the National Mission for Clean Ganga (NMCG) in the matter of OA 203/2023 - Tushar Goswami Vs Union of India & Ors. before the Hon'ble NGT(PB)

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The above matter inter-alia involves issue regarding establishment of the "Tent City Project" [herein after referred to as "TCP"] in the riverbed of River Ganga at Varanasi, stated to be about 100 acres' area which may cause or likely to cause adverse effect to flora and fauna. The TCP may also result in the discharge of untreated/treated sewage directly or indirectly into river Ganga.

2. The Hon'ble NGT, vide order dated 17.03.2023, constituted a joint Committee, comprising NMCG, MoEF&CC, CPCB, Chief Wildlife Warden, Uttar Pradesh, Irrigation and Water Resource Department, Uttar Pradesh, State PCB and District Magistrate, Varanasi to submit a factual report.

3. The Joint Committee has submitted a Report in the matter on 24.05.2023, in compliance of the order, passed by the Hon'ble NGT. The Hon'ble NGT vide order dated 29.05.2023 asked the NMCG may also file its response and clarify on notification and demarcation of flood plain zone and accordingly regulating such activities. The matter was further considered by the Hon'ble NGT and to submit as under:

(i) The Report submitted by the Joint Committee has been duly perused by the NMCG and in particular on the aspects of the establishment of the TCP and its cause or likely cause to adverse environmental impact on the river morphology, ecology, and aquatic life, etc.;

(ii) The demarcation of flood plain zone and prohibition and/or regulation of TCP and other allied activities falling therein.

(iii) In case setting up TCP is considered in the category of regulated activities, by which authority and in which manner the aspects are to be dealt with.

4. That the Central Government, vide S. O. 3187(E) dated 07.10.2016 has notified the River Ganga (Rejuvenation, Protection and Management)

Authorities Order, 2016[herein after referred to as "Authority's Order 2016" and constituted 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.

5. In paragraph 4(1) of the Authority's Order, the following principles are stipulated to be followed for rejuvenation, protection and management of River Ganga:

- (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.

In sub-para 2 of the para 4 of the Authority's Order, 2016, it is provided that "National Mission for Clean Ganga(NMCG)" 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).

6. That as per paragraph 33 and 35, the NMCG is constituted as “National Agency” and nodal agency for the nationwide implementation of the provisions of the Authority’s Order, 2016 and for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries.

7. That it is mentionable that as per paragraph 42 of the Authority’s Order, 2016 it is specifically mandated that prior approval shall be obtained, for the matters mentioned in the said paragraph, by every person, the State Ganga Committees, District Ganga Protection Committees, local authorities and other authorities from the NMCG with respect to the matters, relating to River Ganga and any area abutting River Ganga or its tributaries:

(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

8. That paragraph 6 of the Authority “Order, 2016, inter-alia envisage for prevention, control and abatement of environmental pollution in River Ganga and its tributaries. As per paragraph 6 of the Authority’ Order, 2016, 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 and that 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, however, 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(NMCG) acting through the State Ganga Committee and the District Ganga Committee. It is also provided that in case any such construction has been completed, before the commencement of the Authority's Order , in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the NMCG is empowered to 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.

9. That it is submitted that the approval sought by the Varanasi Development Authority (VDA, vide application no NMCG 202342718929, dated 21.04.2023 and subsequent communications thereto have been duly examined. The clarifications furnished by the VDA did not address many observations of the NMCG.

10 That it is submitted that there is no provision in the Authority's Order for grant of post fact approval. The prior approval from the NMCG is mandated in terms of paragraph 42 of the Authority' Order, 2016 and shall covers "event to event / year- wise basis" besides other permission/consent/compliance, as envisaged from the U.P State PCB, in terms of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Environment(Protection)Act,1986, permission from the Fire Safety department. The suggestions/recommendation expressed by the Joint Committee in its report dated 24.05.2023 needs to be scrupulously adhered to.

11. That in response to the application of the VDA, a communication dated 26-10-2023 was sent by the NMCG inter-alia conveying the following:

- (a) Application for the '*Prior-Approval*' for the project "*Development of Tent City in Varanasi*" has been made after the project has already been implemented at site in year 2022. The application for the year 2022 has accordingly not been considered as there only exists provision for '*Prior-approval*' in the Ganga Authority Notification 2016. The application was accordingly examined further.

- (b) The *prior-approval* applications in this matter will be considered on year on year basis. VDA may accordingly seek *prior-approval* on annual basis while also submitting the *Environmental Impact Assessment* of the previous year implementation.
- (c) For the consideration of the application for the year 2023
- i. VDA to provide Environmental Impact Assessment study and flood plain demarcation notification.
 - ii. VDA may develop the project in the proposed location on a limited scale (not more than 40% of the VDA proposed tent city area & cottages) that too with temporary structures, which are not detrimental to the environment, subject to the conditions that:
 - (a) No-Objection-Certificate taken from the State Ganga Committee and District Ganga Committee and furnished to NMCG, as per para 6(3) of the Authority Order, 2016
 - (b) the proposed Tent City shall comply with provisions of Water Act (1974) and Environment Protection Act 1986, as amended,
 - (c) No waste from the project shall be disposed of into to river Ganga or its flood plains,
 - (d) development of emergency preparation and compliance,
 - (e) compliance with the conditions imposed by various agencies like VDA, UPPCB, VNN, Fire & Safety department, D/o Irrigation etc.
 - (f) these temporary structures shall be removed and that status-ante is restored within a period of 6 months or earlier, from the date the permission is granted, as the case may be.
 - iii. VDA may also propose to develop such temporary facility outside the active flood plains, duly notified by the Government and identifiable on the ground and subject to the conditions that:

(a) plan for putting up tents outside active floodplain including coverage proposed to be submitted,

(b) flood plain demarcation duly notified by State Govt. be furnished to NMCG,

(c) the proposed Tent City shall comply with Environment Protection Act 1986, as amended,

(d) No waste from the project shall be disposed of into to river Ganga or its flood plains,

(e) development of emergency preparation and compliance to the and

(f) compliance with the conditions imposed by various agencies like VDA, UPPCB, VNN, Fire & Safety department, D/o Irrigation etc.

(d) NMCG reserves the right to revoke the permission granted, without assigning any reasons.