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राष्ट्रीय स्वच्छ गंगा मिशन
National Mission for Clean Ganga

F. No. L-25012(11)/8/2023-LME NMCG

Dated:17.10.2023

Subject: - Response of the National Mission for Clean Ganga (NMCG), D/O WR, RD&GR, Ministry of Jal Shakti -in the matter of O.A No. 581/2022- Vikas Kumar vs State of Haryana & Ors. before the Hon'ble NGT(PB)

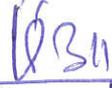
Sir,

This is in compliance of the Hon'ble NGT' order dated 05.10.2023 in the above subject matter. The Response of the National Mission for Clean Ganga (NMCG), Department of WR, RD&GR, Ministry of Jal Shakti in the said matter is annexed herewith. The same may kindly be placed before the Hon'ble NGT for consideration.

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

Encl: As above

Your faithfully


D.P.Mathuria

Executive Director (Tech)

To
The Registrar,
Hon'ble National Green Tribunal(PB)
Copernicus Marg, New Delhi

Copy for information to:

- (1) PPS to secretary, DOWR, RD & GR, MoJS
(2) PS to D.G., NMCG

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

O.A NO 581/2022

IN THE MATTER OF:

VIKAS KUMAR.... APPLICANT

VERSUS

STATE OF HARYANA & OTHERS... RESPONDENTS

Response 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

RESPONSE ON BEHALF OF THE NATIONAL MISSION FOR CLEAN GANGA(NMCG) TO THE REPORT FILED BY THE JOINT COMMITTEE IN OA NO 581/2022- VIKAS KUMAR VS STATE OF HARYANA & ORS.

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The Joint Committee constituted by the Hon'ble NGT vide order dated 25.05.2023 has submitted a report dated 25.08.2023, in compliance of the order passed by the Hon'ble NGT. The Report has been duly considered by the NMCG and response thereto is as under:

2. That the term of reference of the Joint Committee, amongst other, provides the following:

(a) Whether any mining activity be allowed across different streams of river, if more than one at any place and any temporary bridge be allowed to be constructed for facilitating extraction/transportation of the mined material and other allied activities;

(b) Whether permitting such mining activity and construction of such temporary bridge has any adverse environmental impact on the river morphology, ecology, discharge and aquatic life, etc.;

(c) Whether construction of any such temporary bridge across river for facilitating mining/allied activities be completely prohibited or permitted by imposing conditions to ensure minimum impact on river ecology and aquatic life, and

(d) In case construction of any such temporary bridge is to be kept in the category of regulated activities, by which authority and in which manner the aspects of grant of permission ought to be dealt with.

3. That with regard to the "Construction of Temporary Bridges" the Joint Committee in its report in para 6 "General Recommendations" has inter-alia mentioned that: -

The State Government should institute a detailed study on impact of temporary bridges for sand mining with Terms of References. The State Governments may review their existing policies accordingly. The Removable box sections may be used to maintain integrity of the natural river bed and full water way. The natural resources must be utilized in environment friendly manner in scientific and systematic way and with the objective of sustainable development the policy on the subject should have provisions for protection of environment & ecology. These factors can be accounted for in a most efficient manner at district level, though river profiling may be carried out at State level for the entire river/tributary length. These should be carried out by the State Government at regular intervals, say once in five years. The sustainable mining plan needs to be dynamic.

4. In the above context it is stated that the Central Government, vide S. O. 3187(E) dated 07.10.2016 has issued 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 provided and 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, it is provided that "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).

6. That as per para 33 and 35 the National Mission for Clean Ganga(NMCG) is constituted as "National Agency" and nodal agency for the nationwide implementation of the provisions of the Order 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, it is specifically mandated that prior approval shall be obtained, for the matters mentioned in the said para, by every person, the State Ganga Committees, District Ganga Protection Committees, local authorities and other authorities from the National Mission for Clean Ganga 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 the views expressed by the Joint Committee in its report, as extracted in para 3 of this Note, are absolutely contrary to the scope and mandate of the provisions provided in Authority's Order and may not be conceded to in its totality

9. That the NMCG submits as under: -

(a) That while the state governments, if so advised (also as recommended by the NMCG in its response dated 18th April, 2023 and the committee in its report) may undertake studies of its own or in association with the central government or any other expert agencies/institutions for mining in accordance with the statutory rules/notifications, issued from time to time by the central and the state government.

(b) Permission for construction of temporary structures should be given keeping in view of the principles enunciated in paragraph 4 and the provisions of paragraph 42 of the Authority's Order, 2016 and only after studying the impact of the activities on the river ecology, its morphology and aquatic life etc.

(c) That to take up any work, attracting the provisions of paragraph 42 of the Authority's Order, including the construction of bridges, even if of temporary or seasonal character but situated in the areas in the flood plain or making embankments near the River Ganga or at its River Bank, shall mandatorily require prior approval from the NMCG. NMCG has already evolved a mechanism (a web-based portal) to examine and consider the proposals attracting paragraph 42 of the Authority's Order, 2016

(d) NMCG reiterates its stand in response to the Hon'ble NGT on 18th April, 2023 that no permission shall be granted for activity which may impact or likely to impact the flow of the river.

(e) That any deviations and /or contravention of the provisions of the Authority's Order shall attract consequences provided therein.


D.P. Mathuria 17 X 2023
Executive Director(Tech)