

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO 537/2023

In the matter of:

News Item titled "Why Flooding Has Forced DDA's Master Plan Rethink" appearing in Times of India dated 22.08.2023.

NDOH: 21.03.2024

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Filed by:

Delhi Pollution Control Committee

Delhi

Dated :-14.03.2024

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In the matter of:

News Item titled "Why Flooding Has Forced DDA's Master Plan Rethink" appearing in Times of India dated 22.08.2023.

**RESPONSE OF DELHI POLLUTION CONTROL COMMITTEE (DPCC)
WITH RESPECT TO ORDER DATED 30.01.2024.**

1. That this Hon'ble Tribunal has taken up the above referred matter suo- moto on 17.10.2023 based on the News Item titled "Why Flooding Has Forced DDA's Master Plan Rethink" published in Times of India dated 22.08.2023 regarding flooding in Delhi on account of unauthorized constructions in the river flood plain.
2. That Hon'ble Tribunal vide said order dated 17.10.2023 has constituted a High Level Committee headed by Chief Secretary, Delhi and comprising of nominee from Delhi Development Authority, Secretary, Environment, Govt. of NCT of Delhi, Secretary, Ministry of Jal Shakti, Executive Director, National Mission for Clean Ganga and Commissioner Municipal Corporation of Delhi for ensuring demarcation of flood plains of Yamuna and suggesting measures to prevent and remove encroachment and unauthorized constructions falling within the flood plains.
3. That the Report of the above mentioned Joint Committee constituted by the Hon'ble Tribunal vide order dated 17.10.2023 was submitted to the Hon'ble Tribunal on 29.01.2024.

4. That Hon'ble Tribunal looking to the nature of the issue and also seriousness of the matter including need for inter-departmental coordination found it appropriate to implead Govt. of NCT of Delhi, DPCC, Ministry of Jal Shakti, National Mission for Clean Ganga, Ministry of Environment, Forests and Climate Change and Municipal Corporation of Delhi as respondents vide order dated 30.01.2024 and directed to file their responses within one month from date of receiving notice. In the said order it is also mentioned that Respondents may also file their responses to the Report of the Joint Committee.
5. That vide order dated 09.01.2023 in OA. No. 21/2023 in the matter of "Ashwani Yadav Vs. Govt. of NCT of Delhi", Hon'ble Green Tribunal has constituted a High Level Committee (HLC) of concerned authorities in Delhi with the Chief Secretary, Delhi, as Convener; and consisting of Secretaries of Irrigation, Forest & Environment, Agriculture and Finance, GNCTD ; CEO, DJB; Vice Chairman, DDA; Secy or his nominee (not below the rank of Addl. Secy), Ministry of Agriculture, GoI; DG Forest or his nominee (not below the rank of DDG), MoEF&CC, GoI; Secy, MoJS or his nominee not below the rank of Addl. Secy, Secy, MoEF&CC or his nominee not below the rank of Addl. Secy, DG NMCG and Chairman CPCB. The Committee is to deal with all issues as set out in order dated 27.01.2021 of Hon'ble Tribunal in OA No. 06/2012 in the matter of Manoj Mishra Vs. Union of India & Ors and other ancillary matters. Now the said matter is being dealt by the Hon'ble Green Tribunal in OA No. 06 / 2012 in the matter of "Nizamuddin West Association Vs. Union of India & Ors."
6. That High Level Committee has prepared Department wise detailed Action Plan for Rejuvenation of River Yamuna including Regulation of River Yamuna Flood Plain (Restorative Projects and Removal of all Encroachments) and Nodal Officer for each project after its first meeting on 20.01.2023. An order dated 27.01.2023 was also issued by Chief Secretary, Delhi. Copy of the said Action Plan and order dated 27.01.2023 were sent to concerned departments for necessary action and also submitted to Hon'ble Tribunal on 31.01.2023.

Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Meetings of the HLC were held on 14.02.2023, 14.03.2023, 21.04.2023, 09.06.2023, 10.08.2023, 10.10.2023, 10.01.2024 and 20.02.2024 respectively.

The progress of various projects and action points mentioned in the said Action Plan including Regulation of River Yamuna Flood Plain (Restorative Projects and Removal of all Encroachments) were reviewed by the HLC in the said meetings. Status Reports were also filed in the aforementioned matter before the Hon'ble Green Tribunal on 31.01.2023, 05.07.2023, 16.10.2023, 21.12.2023 and 12.02.2024.

7. That above mentioned order dated 17.10.2023 of Hon'ble Tribunal in OA No. 537 / 2023 was also discussed in the eighth meeting of HLC held on 10.01.2024 and DDA, GSDL and Revenue Department, GNCTD were directed to submit information relevant to the mandate of the Joint Committee.
8. That the Hon'ble Tribunal vide Judgment dated 13.01.2015 in Original Applications No. 6 of 2012 and 300 of 2013 in the matter of Manoj Mishra Vs. Union of India and Ors. has already given various directions including following in respect of demarcation of flood plain of river Yamuna in Delhi and for repossessing the flood plain area under the unauthorised and illegal occupation of any person and /or any other body :

"Para 94 (v).....

(a) Having given our considered view to the various reports placed on record, submissions made by the Learned Counsel appearing for the parties and the Experts, we are of the opinion that presently the flood plain should be identified for the flood of once in 25 years in the interest of ecology, biodiversity and the river flow. Thus, we direct accordingly and also direct that the DDA shall prepare a map in this regard and would physically demarcate the entire flood plain. Above interim prescription of the flood plain is not rigid, but is subject to change, in the event any of the public authorities, including the MoEF, moves the Tribunal, based upon some collected data or any other specific information in that regard .

(b) We direct and prohibit carrying on of any construction activity in the demarcated flood plain henceforth. We further direct the Principal Committee to identify or cause to be identified, all existing structures as of today which fall on the so identified and demarcated flood plain. Upon identification, the Principal Committee shall make its recommendations as to which of the structures ought or ought not to be demolished, in the interest of environment and ecology, particularly, if such structures have been raised in an unauthorised and illegal manner.

(c) The Principal Committee may keep in mind that certain structures need to be protected, amongst other reasons, for their historical, mythological and heritage importance and/or are protected structures. The Committee shall clearly spell out the regulatory regime that should be provided for dealing with such existing structure in the flood plain.

(d) We direct all the concerned authorities including the DDA, Municipal Corporations and the NCT of Delhi, to take immediate and effective steps for repossessing the Flood Plain area under the unauthorised and illegal occupation of any person and/or any other body. This direction is also necessitated for the reason that as per the records before the Tribunal, out of total area of 9700 hectares for River Front Development ('O' Zone), only 1452 hectare is presently available with the DDA for development and the remaining area is occupied in an unauthorised manner and is under agriculture activity for which leases had been granted by the DDA or even otherwise.

(e) It is an established fact that presently, vegetables, fodder grown and allied projects at the flood plain of River Yamuna are highly contaminated. Besides containing ingredients of high pollutants, such produce is even found to contain metallic pollutants. Thus, it is an indirect but a serious public health issue as the persons eating or using such agricultural produce can suffer from serious diseases including cancer. Therefore, we direct that no authority shall permit and no person shall carryout, any edible crops /fodder cultivation on

the Flood Plain. This direction shall strictly be adhered to till Yamuna is made pollution free and is restored to its natural wholesomeness.....”.

9. That DPCC Laboratory is monitoring the Water Quality of River Yamuna at Eight locations including BOD, COD, and DO & Faecal Coliform on monthly basis. Analysis Results of Water Quality of River Yamuna are placed on the website of DPCC and also submitted to Hon'ble Green Tribunal from time to time along with Status Reports filed in OA No. 06 of 2012.
10. The flood plain needs to be protected from all kinds of encroachments. Further all STPs of DJB must meet the prescribed standards which is not the case at present. There is need for conservation of water and proper water tariff to that effect so that public values water as resource. Further, there is need to enforcing planned development of Delhi where proper civil amenities exist, rather than allowing slums/ JJ Clusters and having a policy framework to that effect.
12. That the above Response of DPCC may please be taken on records please.



(K. S. Jayachandran)

Member Secretary,

Delhi Pollution Control Committee

Delhi

Dated : 14.03.2024