

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## ORIGINAL APPLICATION NO. 262/2022

IN THE MATTER OF:

SANJAY SHARMA

... APPLICANT

VERSUS

UNION OF INDIA &amp; OTHERS

... RESPONDENTS

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Through



Date: 20.01.2025

Place: New Delhi

**PRIYANKA SWAMI**  
STANDING COUNSEL FOR STATE, UTTAR PRADESH  
F-13, JANGPURA, NEW DELHI 110014  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

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**REPLY ON BEHALF OF CHIEF ENGINEER, U.P. IRRIGATION  
DEPARTMENT ALONG WITH THE SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. The U.P. Irrigation Department (hereinafter “**the Department**”) most respectfully submits this Report in compliance with directions issued by this Hon’ble Tribunal in the captioned matter, wherein the Applicant has sought, among other reliefs, **the constitution of a High-Level Inter-State Committee** to address the alleged dumping of dead bodies in the River Ganga. The Applicant has relied on various precedents wherein this Hon’ble Tribunal, by invoking its wide powers under the National Green Tribunal Act, 2010, constituted committees to monitor and regulate environmental concerns. The Department **humbly places on record** its views, statutory obligations, and the **measures undertaken before, during, and after the COVID-19 pandemic** in respect of **the River Ganga’s sanctity**, flood management, and related public welfare initiatives.

2. The crisis precipitated by COVID-19 was **unprecedented in scale and gravity**, creating extraordinary circumstances across the globe. In India, it resulted in **periodic lockdowns**, a sudden strain on health infrastructure, and profound socio-economic challenges. **During the height of this pandemic, the Department continued its statutory tasks of river management, barrage operation, and flood control**, thereby preventing additional distress that could have arisen from potential flooding. By diligently following **COVID-19 protocol** ensuring that all workers wore masks, underwent temperature screening, and worked under sanitized conditions—**the Department not only safeguarded public health but also offered critical economic support to laborers** who might otherwise have struggled to meet their basic necessities.
  
3. It has been reported that, during the lockdown and its immediate aftermath, some deceased individuals lacking family, means, or awareness of proper funeral protocols were found **disposed of in the River Ganga**. While these events were indeed lamentable, they must be contextualized within the larger backdrop of a global pandemic that disrupted normal societal functions. **The Department, in its daily operational activities along riverbanks, occasionally encountered remains or received information regarding deceased bodies. In such instances, the Department promptly notified the competent local bodies and district administration**, who hold the statutory mandate and jurisdiction to ensure the **dignified cremation** of deceased persons. **This practice of immediate reporting** was vigilantly observed throughout the pandemic and beyond.

4. The Applicant, in making a case for the constitution of a High-Level Inter-State Committee, has drawn parallels to situations where this Hon'ble Tribunal appointed oversight bodies to address **persistent and continuous pollution** in rivers, groundwater, and other environmental domains. **The Department acknowledges and respects the Hon'ble Tribunal's prerogative** to form such committees in matters warranting sustained intervention but **humbly submits** that the unfortunate phenomenon of dead bodies being discovered in the Ganga during COVID-19 arose under a **singular, historic public health emergency**. By contrast, matters in which this Hon'ble Tribunal has formed **long-term oversight committees** often involve protracted, ongoing environmental damage—such as effluent discharge, solid waste management failures, or unmitigated air pollution—rather than **episodic occurrences triggered by an unprecedented crisis**.
  
5. **The Department further clarifies that its core functions revolve around the operation and maintenance of barrages, the demarcation of floodplain zones, and the prevention of floods through both structural and non-structural measures.** These include **regular inspection and repair of embankments, erection of pillars to clearly demarcate floodplains, and the proper regulation of water flow at barrages** in accordance with detailed operation manuals. The Department measures certain water parameters, such as Parts Per Million (PPM), but **does not function as a pollution control authority**, since regulation or enforcement of water quality standards falls under the jurisdiction of the Pollution Control Boards and other authorities constituted under environmental legislation, including the Water (Prevention and Control of Pollution) Act, 1974.

6. By consistently **executing its flood-control functions**, the Department has **safeguarded the lives and property of residents along the River Ganga**. During the COVID-19 waves in 2019–20 and 2020–21, **had these flood preparedness efforts been compromised**, Uttar Pradesh could have faced a devastating compound crisis of pandemic and flood. It is pertinent to note that **the Department’s workforce adhered to all pandemic-related guidelines while constructing, reinforcing, and repairing embankments, as well as installing and maintaining pillars to mark floodplain zones**. These markers help delineate the areas where intrusive or harmful activities are restricted by law. **The Department also coordinates with local district officials to prevent encroachments**, with the **Namami Gange project** supporting further through the development of ghats that **protect riverbanks** and encourage hygienic usage of the riverfront.
7. Insofar as the Applicant’s contention relates to **ensuring dignity in death**, it is well-established that the Hon’ble Supreme Court of India has recognized **the right to a dignified burial or cremation as intrinsic to Article 21 of the Constitution**. The Department wholeheartedly supports every measure taken by the State Government and local bodies to strengthen crematoria infrastructure and ensure that no individual is denied respectful final rites. However, **the Department reiterates that local municipalities and other such bodies have the statutory charge over the establishment, maintenance, and operation of crematoriums**. The Department neither has the authority nor the primary responsibility for creating or running these facilities; rather, **it provides cooperative support** as and when required, including promptly notifying relevant authorities if bodies are discovered along the riverbanks.

8. With respect to the Applicant's prayer for a **High-Level Inter-State Committee, the Department remains entirely amenable to following any directive that this Hon'ble Tribunal may pass**, recognizing the Tribunal's expertise and comprehensive approach to environmental governance. Nevertheless, **the Department respectfully submits** that the mere occurrence of body dumping, predominantly during a historically rare pandemic, **may not, by itself, suffice to warrant the same framework of permanent oversight committees** typically reserved for continuous and persistent pollution of environmental resources. **The Department's track record** shows that incidents were **immediately reported** to local authorities, supporting them in final rites, and maintaining **close inter-departmental communication**. Any further instructions from this Hon'ble Tribunal will be **scrupulously adhered to**.
9. **The Department affirms that the sanctity of the River Ganga has always been, and shall remain, a paramount concern**. Beyond routine operation and maintenance of irrigation structures, **the Department has consistently endeavored to contribute to broader river-rejuvenation initiatives**, including the Namami Gange program, aimed at preserving the river's ecological integrity. Officers at the district and commissioner levels, designated by the Department, **collaborate with various State Government agencies** to ensure that no unauthorized activities compromise either the floodplains or the river's flow regime.
10. That the Department further respectfully submits that it is **not the principal entity** vested with the responsibility of **preventing pollution or curbing illegal dumping** in the River Ganga. The **National Mission for Clean Ganga**

(NMCG) has established **District Ganga Committees (DGCs)** in districts abutting the Ganga or its tributaries, as per the **Office Memorandum dated 19.07.2024**. Further these **DGCs, chaired by the District Magistrate**, are entrusted with **protecting, restoring, and rejuvenating the river** within their respective jurisdictions. Copy of the office memorandum dated 19.07.2024 issued by Ministry of Jal Shakti (NMCG) is marked and annexed as **ANNEXURE-1**.

11. That the DGCs **ensure that no pollutants or waste materials are discharged** into the river or along its banks and that the **directives of this Hon'ble Tribunal** and other competent authorities are **diligently complied with**. The NMCG **supervises** the performance of these committees through the **Digital Dashboard for District Ganga Committees Performance Monitoring System (GDPMS)**, thereby ensuring **consistent oversight and accountability**. Therefore, the **central responsibility for environmental management and pollution control** at the district level **rests with the DGCs**, rather than with the Department.
12. That the **DGCs are specifically responsible** for protecting, restoring, and rejuvenating the river, **ensuring that no pollutants are discharged** into the river or its banks, and **monitoring the river to prevent pollution**. **That the NMCG monitors the performance** of the DGCs using the **Digital Dashboard for District Ganga Committees Performance Monitoring System (GDPMS)**, as per the **Office Memorandum dated 19.07.2024**.
13. In conclusion, **it is most respectfully prayed** that this Hon'ble Tribunal may be pleased to take note of the Department's submissions, including **the exceptional backdrop of the COVID-19 pandemic, the Department's**

**limited jurisdiction** in matters of pollution control and crematorium governance, and the **adequacy of existing channels of coordination** among government entities. **The Department stands ready to comply** with any order or direction that this Hon'ble Tribunal deems appropriate, while humbly suggesting that the sporadic, pandemic-specific instances of body disposal **may not be equated to sustained or intentional pollution** warranting continuous committee oversight. **Any further relief** that this Hon'ble Tribunal may consider necessary or expedient in the interests of justice, equity, and good conscience is **respectfully left to its wise**

**Through**



Date: 20.01.2025  
Place: New Delhi

**PRIYANKA SWAMI**  
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UTTAR PRADESH

GV 399272

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO. 262/2022

IN THE MATTER OF:

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... RESPONDENTS

AFFIDAVIT

I, R. K. Jain, aged about 59 years s/o Sh. Lakshoni <sup>Chennota</sup> is presently posted as Chief Engineer (Ramganga) Kanpur having an office at Kanpur.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.

- 2. That the accompanying Reply has been drafted by our counsel upon my instructions.
- 3. That the contents of the accompanying Reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.

*[Signature]*  
21/01/25

DEPONENT

**VERIFICATION**

Verified on solemn affirmation at Kanpur on this 21<sup>st</sup> day of 01, 2025. that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.



*[Signature]*  
21/01/25

DEPONENT

जयति देवता नमः शिवाय ॥  
by Smt. Shammy  
Contents of the affidavit have been read over and explained who is duly identified. Sd. [Signature]  
R. NARAYAN, Advocate  
Kanpur (U.P.)  
21/1/25

File No.:L-25012(11)/2/2024-LME NMCG-  
Ministry of Jal Shakti  
Do WR,RD&GR  
National Mission for Clean Ganga

Major Dhyanchand National Stadium  
Near India Gate, New Delhi  
Dated: 19<sup>th</sup> July, 2024

Office Memorandum

**Subject: Compliance of the order/directions dated 03.07.2024, passed by the Hon'ble National Green Tribunal (NGT) in the matter of OA No. 793/2023.**

1. Attention is invited to the order/directions dated 03.07.2024 (copy enclosed) passed by the Hon'ble NGT in the above subject matter involving, amongst other, the issuerelating to the throwing of flowers and garlands offered in pooja in the ghats of River Yamuna and Ganga in polythene bags resulting in pollution of river water.
2. That the Hon'ble NGT vide aforesaid order has inter -alia directed that in order to effectively tackle the problem and proper implementation of orders already passed earlier, the following further steps may be taken: -
  - a. The display boards may be placed on the bank of river at an appropriate distance (100 m from edge of river) mentioning not to throw religious offerings and making the general public aware about imposition of fine on violating it.
  - b. Mass awareness at school level be encouraged about Impact of religions offering on rivers.
  - c. Attempt be made to restrict Religious offering 100 m away from the edge of river and along the bank and not in the river water to protect the river flood plain.
  - d. The authorities to identify suitable locations at appropriate places along the river stretch for developing a dedicated Ghat where various religious ceremonies/rituals can be undertaken including idol immersion, pujas. These Ghats should have all arrangements for the said purposes. Routine monitoring should be undertaken to ensure that religious offering are properly managed without hurting religious feelings and sentiments. Each Ghats/location should have distinct plan and actions taken with respect to;

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- i. Idol immersion
  - ii. Collection, storage processing of flowers, coconut and other offerings by Temples, individually or collectively.
  - iii. Controlling and preventing direct/indirect disposal ("Visarjan") of offerings into river (presently in Ganga and Yamuna) which is from bridges, drains or on Ghats, etc.
  - iv. Collection and composting arrangements for treating the organic waste such as flowers, fruits, leaves, food material etc. should be established at identified location to prevent open decomposition along the Ghats/river stretches
3. That in the above context specific attention is invited to the "District Ganga Committee" constituted under the provisions of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 [herein after referred to as Authority's Order, 2016] wherein in paragraph 3 (j) of the said Authority's Order the "District Ganga Committee" has been defined; means the District Ganga Protection Committee mentioned in paragraph 53 of the said Authority's Order, 2016. Attention is also invited to the paragraph 4 providing the Principles to be followed for Rejuvenation, Protection and Management of river Ganga. Paragraph 6 of the Authority' order, 2016 provides provisions relating to the "Prevention, Control and Abatement of environmental pollution in river Ganga and its tributaries. Paragraph 6(4) clearly provides that "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."
4. The District Ganga Committee, being primarily responsible for ensuring the protection of river Ganga and its tributaries, shall ensure to protect, rejuvenate and restore river Ganga and its tributaries in the concerned Districts. It shall, thus, be ensured that no person directly or indirectly discharges any pollutant in river Ganga or its tributaries or their banks.
5. That each of the District Magistrate, as heads of District Ganga Committee in respect of the District abutting river Ganga and Yamuna, especially in respect of Garhmukteshwar, Kanpur, Bithur, Prayagraj and Varanasi on Ganga and Agra, Mathura, and Prayagraj on river Yamuna[ as directed by the Hon'ble NGT

in its order dated 03.07.2024] shall ensure that:-

- a. The orders issued by the Hon'ble NGT and the Guidelines issued by the different authorities to protect river Ganga and its tributaries are fully complied with;
  - b. to mark spots, stretches, sites etc. prone to such activities which cause pollution in the river and take steps for full compliance of the directions of the Hon'ble NGT and the Standard Operating Procedure (SoP) and Guidelines issued by the authorities/Boards in this regard;
  - c. to carry out the monthly monitoring of all the relevant spots, stretches, sites etc. which are prone to throwing of the flowers and garlands offered in puja and immersion of idols by deploying ground level staff and supervising the same;
  - d. to organize awareness camps and take all possible steps to make the general people aware in respect of the pollution being caused in the river by throwing such samagri.
6. That the action/steps taken shall be disclosed by submitting the monthly and annual reports to be submitted to the National Mission for Clean Ganga (NMCG) # [ed-technical@nmcg.nic.in] and State Ganga Committee (SGC) constituted in terms of paragraph 59 of the Authority's Order 2016
7. That the relevant extract of such report(s) shall be sent to the Registrar General of the NGT (PB) for next six months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF to ensure/ ascertain the compliance of the Hon'ble NGT' Order referred above.

This issues with the approval of the competent authority.



Anup Kumar Srivastava  
Executive Director (Technical)

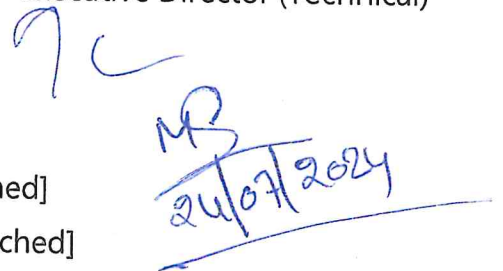
Encl: As above

To,

1. The State Ganga Committees [ as per list attached]
2. The District Ganga Committees [ as per list attached]

Copy for necessary action in the matter:

The Chief Secretaries of the all the State Government /UT(admn)[ as per list attached]



**Copy for information to:**

1. PS to the Secretary DoWR, RD&GR Ministry of Jal Shakti Shram Shakti Bhawan New Delhi
2. PS to the Secretary, MoEF&CC, Indra Paryavaran Bhawan, Jor Bagh New Delhi
3. PS to the DG, NMCG
4. DDG/ ED(P) /ED(Admn) /ED(F)/ED(Tech)
5. MS, CPCB, Delhi-110032
6. All the State PCBs/ PCCs (in UTs)
7. In-charge, Web-portal ,NMCG[ to put up on the website of the NMCG]

To,

1. Chief Secretary, Government of Andhra Pradesh, 1<sup>st</sup> Block, A.P Secretariat Office, Velagapudi – 522503
2. Chief Secretary, Government of Assam, Block- C, 3rd Floor, Assam Sachivalaya, Dispur - 781006, Guwahati
3. Chief Secretary, Government of Bihar, Main Secretariat, Patna – 800015
4. Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya, Raipur – 492002
5. Chief Secretary, Government of Goa, Secretariat, Porvrom, Bardez, Goa – 403521
6. Chief Secretary, Government of Gujarat, 1<sup>st</sup> Block, 5<sup>th</sup> Floor, Sachivalaya, Gandhinagar – 382010
7. Chief Secretary, Government of Haryana, 4<sup>th</sup> Floor, Haryana Civil Secretariat, Sector-1, Chandigarh – 160019
8. Chief Secretary, Government of Himachal Pradesh, H P Secretariat, Shimla –171002
9. Chief Secretary, Government of Jammu & Kashmir, R. No. 2/7, 2<sup>nd</sup> Floor, Main Building, Civil Secretariat, Jammu -180001
10. Chief Secretary, Government of Jharkhand, 1<sup>st</sup> Floor, Project Building, Dhurwa, Ranchi-834004
11. Chief Secretary, Government of Karnataka, Room No. 320, 3<sup>rd</sup> Floor, Vidhana Soudha, Bengaluru - 560001
12. Chief Secretary, Government of Kerala, Secretariat, Thiruvananthapuram -695001
13. Chief Secretary, Government of Madhya Pradesh, MP Mantralaya, Vallabh Bhavan, Bhopal – 462004
14. Chief Secretary, Government of Maharashtra, CS office main Building, Mantralaya, 6<sup>th</sup> floor, Madame Cama Road, Mumbai – 400032
15. Chief Secretary, Government of Manipur, South Block, Old Secretariat, Imphal – 795001
16. Chief Secretary, Government of Meghalaya, Main Secretariat Building, Room no 316, Shillong – 793001
17. Chief Secretary, Government of Mizoram, New Secretariat Complex, Aizwal – 796001
18. Chief Secretary, Government of Nagaland, Civil Secretariat, Kohima – 797004
19. Chief Secretary, Government of Odisha, General Administration Department, Odisha Secretariat, Bhubaneswar – 751001
20. Chief Secretary, Government of Punjab, Chandigarh – 160001
21. Chief Secretary, Government of Rajasthan, Secretariat, Jaipur – 302005
22. Chief Secretary, Government of Sikkim, New Secretariat, Gangtok – 737101
23. Chief Secretary, Government of Tamil Nadu, Secretariat, Chennai-600009
24. Chief Secretary, Government of Telangana, Block C, 3<sup>rd</sup> floor, Telangana Secretariat Khairatabad, Hyderabad, Telangana
25. Chief Secretary, Government of Tripura, New Secretariat Complex Secretariat – 799010, Agartala, West Tripura
26. Chief Secretary, Government of Uttar Pradesh, 1<sup>st</sup> floor, Room No. 110, Lal bahadur Sastri Bhawan, Uttar Pradesh Secretariat, Lucknow – 226001
27. Chief Secretary, Government of Uttarakhand, 4 Subhash Road, Uttarakhand, Secretariat Dehradun – 248001
28. Chief Secretary, Government of West Bengal, Nabanna, 13<sup>th</sup> Floor, 325, Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah – 711102
29. Administrator, Daman & Diu and Dadra and Nagar Haveli, Secretariat, Moti, Daman -396220
30. Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, IP Estate, New Delhi – 110002
31. Chief Secretary, Govt. of Puducherry, Main Building, Chief Secretariat, Puducherry-605001
32. Chief Secretary, Andaman & Nicobar, Secretariat, Port Blair
33. Administrator, Lakshadweep

**Details of SPCBs/PCCs**

1. Member Secretary, Chhattisgarh Environment Conservation Board, Paryavas Bhavan, North Block Sector-19, Naya Raipur, Chhattisgarh- 492002
2. Member Secretary, Madhya Pradesh Pollution Control Board, E-5, Arera Colony, Paryavaran Parisar, Bhopal, Madhya Pradesh- 462 016
3. Member Secretary, Rajasthan Pollution Control Board, 4, Jhalana Institutional Area, Jhalana Doongri, Jaipur, Rajasthan - 302 004
4. Member Secretary, Goa State Pollution Control Board, Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa – 403511
5. Member Secretary, Karnataka State Pollution Control Board, ParisaraBhavan, 4th & 5th Floor, # 49, Church St., Bangalore-560 001
6. Member Secretary, Kerala State Pollution Control Board, Plamoodu Jn., Pattom Palace P.O. Thiruvananthapuram-695 004
7. Member Secretary, Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
8. Member Secretary, Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector-19 B Madhya Marg, Chandigarh
9. Member Secretary, Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, Delhi-110006
10. Member Secretary, Haryana State Pollution Control Board, C-11, Sector-6. Panchkula-134109, Haryana
11. Member Secretary, Himachal Pradesh Pollution Control Board, Him Parivesh, Phase-III, Below BCS, New Shimla, Himachal Pradesh 171009
12. Member Secretary, Jammu & Kashmir State Pollution Control Board, (1) PariveshBhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu,

- Jammu and Kashmir 180004 (Nov – April) (2) Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar(J&K). (May – Oct)
13. Member Secretary, Punjab Pollution Control Board, VatavaranBhawan, Nabha Road, Patiala, Punjab
  14. Member Secretary, Andhra Pradesh State Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada – 520 010
  15. Member Secretary, Puducherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005
  16. Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai-600 032
  17. Member Secretary, Telangana State Pollution Control Board, ParyavaranBhawan, A-3, I.E. Sanath Nagar, Hyderabad-500 018
  18. Member Secretary, Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair – 744102
  19. Member Secretary, Bihar State Pollution Control Board, PariveshBhawan, Plot No. NS-B/2 Paliputra Industrial Area, Patliputra, Patna (Bihar) - 800 023
  20. Member Secretary, Jharkhand Pollution Control Board, T.A Building, HEC, P.O. Dhurwa, Ranchi – 834004
  21. Member Secretary, Odisha Pollution Control Board, A-118, Nilakanta Nagar, Unit –VIII, Bhubaneshwar – 751012.
  22. Member Secretary, West Bengal Pollution Control Board, ParibeshBhavan, 10A, Block-L.A., Sector III, Bidhan Nagar, Kolkata - 700 106
  23. Member Secretary, Uttar Pradesh Pollution Control Board, Building.No. TC-12V VibhutiKhand, Gomti Nagar Lucknow-226 010

24. Member Secretary, Uttarakhand Pollution Control Board, Gaura Devi Bhawan, 46 B IT Park Sahastradhara, Dehradun, Uttarakhand – 248001
25. Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 2nd – 4th Floor Opp. Cine Planet Cinema, Nr. Sion Circle, Sion (E) Mumbai – 400 022
26. Member Secretary, Arunachal Pradesh State Pollution Control Board, ParyavaranBhawan, Papu Hill, Yupia Road, Naharlagun- 791110
27. Member Secretary, Assam Pollution Control Board, Bamunimaidan, Guwahati, Assam – 781021
28. Member Secretary, Manipur Pollution Control Board, Lamphelpat, Near Imphal West D.C. Office, Imphal
29. Member Secretary, Meghalaya Pollution Control Board ArdenLumpyngngad Shillong: 793014
30. Member Secretary, Mizoram Pollution Control Board, New Secretariat Complex, KhatlaThlanmualPeng, Khatla, Aizawl, Mizoram: 796001
31. Member Secretary, Nagaland Pollution Control Board, Signal Point, Dimapur Nagaland:797112
32. Member Secretary, Sikkim State Pollution Control Board, Department of Forest, Environment & Wildlife Management Government of Sikkim, Deorali, Gangtok, -737102
33. Member Secretary, Tripura Pollution Control Board, VigyanBhawan Pandit Nehru Complex, Gorkhabasti, PO: Kunjaban Agartala: 799006
34. Member Secretary, Pollution Control Committee, Dadra and Nagar Haveli and Daman and Diu 1 st Floor, UdhyogBhavan Bhenslore, Dunetha NaniDaman, Daman – 396210
35. Member Secretary, Gujarat Pollution Control Board ParyavanBhavan, Sector 10- A Gandhinagar – 382 043

36. Ladakh Pollution Control Committee, Commissioner/Secretary, Forest &  
Ecology, UT Ladakh -194101

Item No.11

Court No. 1

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

Original Application No. 793/2023

News Item titled "गंगा-यमुना पर भारी पड़ रहे आस्था के फूल, पॉलीथीन में भरकर पुलों से डाल रहे 25 किग्रा पॉलीथीन रोज" appearing in Hindustan dated 07.12.2023

Date of hearing: 03.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB  
Ms. Tanisha Samanta, proxy counsel for Ms. Sakshi Popli, Adv. for DPCC  
(Through VC)

**ORDER**

1. This original application has been registered *suo-moto* on the basis of news item published in Hindustan dated 07.12.2013 relating to the throwing of flowers and garlands offered in pooja in the ghats of River Yamuna and Ganga in polythene bags resulting in pollution of river water.
2. Tribunal by order dated 15.01.2024 had impleaded the concerned parties and had issued notice to them.
3. National Mission for Clean Ganga (NMCG) has filed the status report enclosing therewith the directions issued by NMCG dated 16.09.2019 under Section 5 of the Environment (Protection) Act, 1986. Relevant part of the said directions is as under:-

- i. No use of synthetic material/non-biodegradable material, PoP, baked clay, resin fibers and thermocol etc., for making of idols (for immersion/visarjan thereof). Use of toxic and non-biodegradable chemical dyes/synthetic paints for painting of idols should be strictly prohibited.*
- ii. No idol immersion into River Ganga and its tributaries and on their banks.*

- iii. River banks and ghats should be cordoned off and barricaded to prevent any stray immersion of idols in the river or its banks.
- iv. Adequate arrangements should be made for designated idol-immersion sites within municipal area or bank of river Ganga and its tributaries by constructing temporary confined ponds with removable synthetic liners at the bottom.
- v. Sufficient numbers of separate bins/containers should be provided at designated idol-immersion sites for collection of flowers, garlands and decorating materials/clothing/ metal items.
- vi. Separate bins/receptacles should be also provided at ghats on river Ganga and its tributaries for collection of flowers, garlands and decorating materials/clothing/metal items.
- vii. Three bin system to be provided at all pooja pandals for proper segregation of biodegradable and non-biodegradable pooja refuse and other materials for ensuring efficient disposal
- viii. Biodegradable pooja materials like flowers, garlands, etc, should be composted while non-biodegradable materials like decorating materials (made of paper, plastic and clothing) and metal items etc. should be recycled, in an eco-friendly manner.**
- ix. **No pooja material to be disposed directly in the river.**
- x. A Co-ordination Committee comprising of District Administration Officials, Municipal Officials, Police, NGOs etc. may be set up for guiding the public & Puja Committees for carrying out puja and immersion with no adverse effect to the environment.
- xi. Within 48 hrs. of the immersion of idol (visarjan), the left over material at all designated idol immersion sites within municipal area/ panchayat/bank of river should be collected by the local bodies for disposal as per CPCB guidelines.
- xii. Notification of designated idol-immersion sites to Pooja Samitis, mela authorities, general public through newspaper advertisements and other means of information dissemination.
- xiii. Public and Pooja Samitis be educated regarding ill effects of idol immersion in the river and water bodies through mass awareness programmes. Messages should be constantly played by Pooja Samitis for information of devotees regarding the arrangements of designated idol-immersion sites.
- xiv. Adequate numbers of hoarding boards/banners to be municipal area and near Pooja Pandals with Do's and Don'ts in respect of idol Immersion during festivals. Similarly, hoarding boards/banners related to ban of idol immersion in rivers/water bodies/ill-effects of idol immersion in rivers and water bodies to be placed at designated idol immersion sites and important ghats on river Ganga and its tributaries.
- xv. District Magistrate shall enforce the above directions by issuing relevant instructions to the concerned officials for monitoring and enforcement of the directions. If any person violates above directions, then Rs. 50,000 as environment compensation should be levied, collected and deposited with State Pollution Control Boards."

4. Uttar Pradesh Pollution Control Board (UPPCB) has also filed the response dated 12.03.2024 stating the steps have been taken by it to prevent throwing of polythene bags with garlands and pooja items in River Ganga and Yamuna especially in reference to installation of screen over-bridges and in the drains and creating awareness through loudspeakers in the ghats and placement of Arpan Kalash in some of the ghats for collection of puja items, flowers etc., and appointment of Safai Mitra for cleaning the ghats and disposal of solid waste collected in the ghats. Reply also states about collection of flower waste from 34 temples by NOIDA Authority and its transport to sector 34-Nari Niketan Campus where by a team of self-help group, flowers are processed to make incense sticks, herbal colors etc.

5. Delhi Pollution Control Committee (DPCC) has also filed response dated 26.06.2024 disclosing the status of Wire Mesh/Wire Net installed in the bridges for prevention of dumping of waste from the bridges across River Yamuna in Delhi.

6. In the response dated 28.06.2024, UPPCB has disclosed the directions which have been issued by it under Section 5 of the Environment (Protection) Act, 1986 to Directorate of Local Bodies vide letter dated 28.06.2024 which are as under:-

1. यह कि प्रदेश के अन्तर्गत आच्छादित नदियों में जाने वाले समस्त नालों में बार-मेश स्थापित करते हुए उनके निरन्तर सफाई किये जाने एवं तत्पश्चात् प्लास्टिक प्राप्त होने पर प्राधिकृत रिसाइक्लर्स के माध्यम से उक्त प्लास्टिक का निस्तारण किया जाए।
2. यह कि पूजा घाट पर पूजा सामग्री एवं फूल, पॉलीथीन बैग को नदियों में न फेंके हेतु प्रबल कार्यवाही की जाए।
3. यह कि संबंधित नगर निकाय अधिकारी को निर्देशित किया जाए कि अपने क्षेत्रान्तर्गत ऐसे हॉट-स्पॉट चिन्हित करें जहाँ से पॉलीथीन में फूल एवं पूजा सामग्री को नदी एवं नालों में प्रवाहित किया जाता है तथा ऐसा करते हुए पाये जाने पर दोषियों के विरुद्ध नियमानुसार कार्यवाही की जाए।
4. यह कि नदियों के घाटों पर अभियान चलाकर प्लास्टिक पॉलीथीन को निकाला जाना सुनिश्चित किया जाए एवं तत्पश्चात् प्लास्टिक प्राप्त होने पर प्राधिकृत रिसाइक्लर्स के माध्यम से उक्त प्लास्टिक का निस्तारण किया जाए।

5. यह कि प्रदेश में आच्छादित नदियों में पॉलीथीन से भरे हुए फूल अथवा पूजा सामग्री न फेंके जाने हेतु व्यापक स्तर पर जन-जागरूकता अभियान चलाया जाए।”

7. After hearing the Learned Counsel for the parties and perusal of the record, we find that this issue has already been considered by Tribunal earlier in OA No. 06/2012 and OA No.300/2013 in the matter of Manoj Mishra V. Union of India & Ors. wherein the Tribunal by order dated 13.01.2015 had directed as under:.

“ xxx.....xxx.....xxxx.....”

- 94.vi. (a) *During the pendency of this application, it was brought on record that nearly 37,000 cubic m. construction debris are lying on the eastern bank of River Yamuna, while 53,000 cubic m. debris is lying on the western bank of the River. The major part of this debris has already been removed under the orders of the Tribunal during pendency of this application. The local Commissioners appointed had reported to the Tribunal that major part of debris had been removed by the DDA, DMRC, Corporations, the PWD and the UP Government. DMRC has removed 33,000 cu. m. from Sarai Kale Khan and 20,000 MT 88 from Shastri Park, the State of UP has removed 37,000 MT from the Flood Plain and DDA has removed 2500 cu. m. from Eastern Bank of River Yamuna and 7500 cu. m. from Western bank of River Yamuna, amongst others.*
- (b) *Indiscriminate dumping of debris and construction waste is a direct source of not only pollution of River Yamuna, but even the environment and ecology as a whole. In order to control and prevent such pollution, we confirm the interim order dated 22nd July, 2013, passed by the Tribunal, with the variation in payment of amount of compensation payable by the offender and direct that no person, authority, corporation and/or by whatever name or designation it is called, shall dump any kind of construction debris, municipal, or any other waste on the floodplain/river bed of River Yamuna and its associated water bodies. There shall be complete prohibition on dumping of any material in and around River Yamuna.*
- (c) *Whoever violates this direction relating to the dumping of debris, shall be liable to pay compensation of Rs. 50,000/- on the 'Polluter Pays' Principle and the Precautionary Principle. Such compensation shall be used for removal of such waste and restoration of environment.*
- (d) ***We hereby prohibit any person from throwing pooja material or any other material like, food-grain, oil, etc into River Yamuna, except on the designated site. Any person who is found disobeying this direction shall be liable to pay compensation of Rs. 5,000/- on the 'Polluter Pays' Principle.***

*At the same time, we direct the concerned authorities, particularly, the Irrigation Department and concerned Corporations or authorities to build special Ghats on the banks of River Yamuna, where people could offer or immerse such materials, which shall then be duly collected by the*

concerned authorities for immediate and proper disposal in a scientific manner. It shall be ensured that no such material is permitted to join the main stream of the river at any point. In this regard they may take such steps, as may be technically advised, including, providing of screens and barricades.

- (e) We have provided the above compensation payable by the offenders who are found to be throwing municipal or any other waste into the river or its flood plain and by the persons who are found to be dumping construction and heavy debris, based on the 'Polluter Pays' Principle. Even though, it is not practically possible to determine the amount of compensation with exactitude, that such offenders should be directed to pay, however, on a rough estimation based on manpower required, time and money spent for removal of such waste and debris as well as making the river free from adverse environmental impacts of such dumping into the river and on the flood plain, we have fixed the above compensation for environmental degradation under Section 15 of the NGT Act.
- (f) Whatever remnant construction or other waste is still lying on the banks of the entire stretch of Yamuna in NCT Delhi, would be removed positively within four months from today by the concerned authority/State under whose jurisdiction the said area falls

xxx.....xxx.....xxxx.....”.

8. DPCC had issued directions under Section 33A of Water (Prevention and Control of Pollution), Act, 1974 as amended on 29.08.2022 for effective implementation of guidelines for Immersion of Idols on the festive occasion of Ganeshotsav and Durga Pooja etc., in accordance with the revised guidelines of CPCB issued in May 2020.

9. Tribunal in OA 21/2023 in the matter of Ashwani Yadav v. Govt. of NCT of Delhi had constituted a High Level Committee (HLC). High Level Committee in its 5<sup>th</sup> meeting held on 09.06.2023 had taken the following decision-

“ (i) All the Bridge Maintaining Agencies which are maintaining their Bridges across river Yamuna in Delhi -

a. To ensure providing Wire Mesh/ Wire Net to prevent throwing of Pooja Material etc into river Yamuna and if the Wire Mesh/ Wire Net is broken/ damaged then replace / repair the same by June, 2023.

b. To keep Receptacles in form of Bins for storing Pooja Materials etc at the Bridges at suitable distances (at least at the Entry, Middle & Exit). Bridges shall be kept clean and it shall be ensured that there is no deposition of waste on the places other than the designated Bins.

*c. MCD will ensure proper collection & disposal of Pooja Materials and other waste collected from such Receptacles / Bins regularly on daily basis.”*

10. High Level Committee had taken further decision in its 6<sup>th</sup> meeting on 10.08.2023 to the following effect:-

*“(i) All the Bridge Maintaining Agencies (PWD / CPWD, NHAI, Northern Railway, etc) shall comply the decisions taken and mentioned in the Minutes of 5th meeting of HLC held on 09.06.2023 and submit their action taken report to the convener of HLC within 10 days.*

*(ii) PWD & other Bridge Maintaining Agencies to take urgent necessary action for repair of damaged /missing wire meshes over their bridges on river Yamuna and submit their action taken report to the convener of HLC within 10 days*

*Copy of the Minutes of 6th Meeting of High Level Committee held on 10.08.2023 are at Annexure - 3.”*

11. It is noticed that inspite of the earlier directions of the Tribunal and decisions taken by CPCB, DPCC and High Level Committee, problem of throwing of puja samagri and garlands is still subsisted. Report of the DPCC dated 26.06.2024 states that total 3916 number of challans were issued for dumping of malba and illegal parking on Yamuna River flood plain as on 31.05.2024 and total compensation amount of Rs. 7.882 crores was imposed , out of which Rs, 1.06575 crore was recovered.

12. In order to effectively tackle the problem and proper implementation of orders already passed, following steps may be taken:-

- i. Further, display boards may be placed on the bank of river at an appropriate distance (100 m from edge of river) mentioning not to throw religious offerings and making the general public aware about imposition of fine on violating it.
- ii. Mass awareness at school level be encouraged about Impact of religions offering on rivers.
- iii. Attempt be made to restrict Religious offering 100 m away from the edge of river and along the bank and not in the river water to protect the river flood plain.

- iv. The authorities to identify suitable locations at appropriate places along the river stretch for developing a dedicated Ghat where various religious ceremonies/rituals can be undertaken including idol immersion, pujas. These Ghats should have all arrangements for the said purposes. Routine monitoring should be undertaken to ensure that religious offerings are properly managed without hurting religious feelings and sentiments. Each Ghats/location should have distinct plan and actions taken with respect to;
- (a) Idol immersion
  - (b) Collection, storage processing of flowers, coconut and other offerings by Temples, individually or collectively.
  - (c) Controlling and preventing direct/indirect disposal ("Visarjan") of offerings into river (presently in Ganga and Yamuna) which is from bridges, drains or on Ghats, etc.
  - (d) Collection and composting arrangements for treating the organic waste such as flowers, fruits, leaves, food material etc. should be established at identified location to prevent open decomposition along the Ghats/river stretches.

13. Since, the present OA relates to throwing of flowers, garlands and other puja materials in river Ganga and Yamuna, therefore, action is required to be taken by the authority/body in terms of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, paragraph 3 (j) of the order defines "District Ganga Committee" means the District Ganga Protection Committee mentioned in paragraph 53. The paragraph 4 relates to the Principles to be followed for Rejuvenation, Protection and Management of river Ganga and paragraph 6 provides for Prevention, Control and Abatement of environmental pollution in river

Ganga and its tributaries. The paragraph 6(4) in clear terms provides that:-

**“6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.-**

*(1) xxx.....xxx.....xxx*

*(2) xxx.....xxx.....xxx*

*(3) xxx.....xxx.....xxx*

***(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.”***

14. Clause 53 of the order provides for Constitution of District Ganga Protection Committees with the District Collector in the specified District as ex-officio Chairman.

15. Clause 55 of the order provides for functions and powers of District Ganga Committees as under:-

**“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."*

16. The above scheme of the Ganga Rejuvenation Order, 2016 makes it clear that it is the responsibility of the District Ganga Committee to ensure that no person directly or indirectly discharges any pollutant in river Ganga or its tributaries or their banks. It is their primary responsibility to protect, rejuvenate and restore river Ganga and its tributaries in their Districts. Hence, each of the District Magistrate as heads of District Ganga Committee in respect of the District abetting river Ganga and Yamuna specially in respect of Garhmukteshwar, Kanpur, Bithur, Prayagraj and Varanasi on Ganga and Agra, Mathura, and Prayagraj on river Yamuna is required to ensure that:-

- i. The orders issued by the Tribunal and the Guidelines issued by the different authorities as noted above to protect river Ganga and its tributaries are fully complied with.
- ii. to mark spots, stretches, sites etc. prone to such activities which cause pollution in the river and take steps for full compliance of the

directions of the Tribunal and SoP and Guidelines issued by the authorities/Boards in this regard.

- iii. to carry out the monthly monitoring of all the relevant spots, stretches, sites etc. which are prone to throwing of the flowers and garlands offered in puja and immersion of idols by deploying ground level staff and supervising the same.
  - iv. to organize awareness camps and take all possible steps to make the general people aware in respect of the pollution being caused in the river by throwing such *samagri*.
  - v. to disclose steps taken in this regard in the monthly and annual reports submitted to the NMCG and State Ganga Committee in terms of paragraph 59 of the 2016 Order. They will also send the relevant extract of such report to the Registrar General of the Tribunal for next six months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF to ascertain the compliance of this Order.
17. Original Application is accordingly disposed of.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 03, 2024  
Original Application No. 793/2023  
JG.