

#Dated: 17.02.2020.

Sub: Institutional Mechanism for Yamuna River Front Management for ecological restoration of Yamuna River Front.

Ref: Order of Hon'ble NGT in the matter Manoj Mishra vs Union of India and others dated 22nd January 2020.

As per order of Hon'ble NGT dated 22.01.2020, DDA is required to submit the response in terms of para 14 of the order.

1. Background:

Yamuna River enters the NCT of Delhi at Palla in the North and leaves at Jaitpur in the southern side. Most of the historical monument like Red fort, Old Fort and Humaan tomb are built on the Western side of River Yamuna. There was no existence of any city on eastern bank in older times.

Following are the predominant features:

- 1 River Yamuna in Delhi has total length of 52 kms approx. from Palla to Jaitpur including 22 kms in the urban area from Wazirabad to Okhla. The width varies from 1.5 to 3 kms.
- 2 Eight road bridges, two Railway Bridges, two metro bridges and two pontoon bridges cross River Yamuna.
- 3 22 major drains are discharging effluent in River Yamuna.
- 4 River bed slopes from 210 MSL in North and 199 MSL in the South thus, 11 meters gradient in the River is from North to South.
- 5 The distribution of area is as under:-

Total area of Zone 'O'	9700 hact. Approx
Area under 1 in 25 floodplain	6880 hact apprx
Area outside 1 in 25 floodplains	1674 hact. Apprx
River Yamuna, channel area	1146 hact. Apprx

2. Current status of Institutional Mechanism in Place:-

a) Upper Yamuna River Board

Upper Yamuna River Board has been constituted under the Chairmanship of Member, Central Water Commission and has nominees of States of Uttar Pradesh, Haryana, Rajasthan, Himachal Pradesh and National Capital of Delhi.

The function of the "Upper Yamuna River Board" includes the regulations of supply of water from old storages, barrages and maintenance of minimum

flow through the year from ecological consideration and monitoring the return flows from the water from Yamuna by different states(details of constitution and functioning of the Board is annexed at “A”).

b) Unified Centre for Restoration and Rejuvenation of River Yamuna (UCRRY).

A Committee for the part of River Yamuna in Delhi has been constituted under Section 5(A) of DDA Act, vide S.O. No.2050 (E) dated 28th July, 2015. The aim of the committee is to ensure conservation, restoration and rejuvenation of River Yamuna promote and secure requisite development activity along the River and its flood plains within the NCT by using sustainable practices (a detailed copy of Gazette notification is annexed at Annexure “B”).

The committee is chaired by Hon’ble LG of Delhi. It has members from GNCTD like Chief Secretary, Commissioners of three MCDs, Principal Secretary- Irrigation (Govt. of UP), representatives of Ministry of Urban Development, Ministry of Environment and Forest, Ministry of Jal Shakti (Water Resources) and other senior officers of agencies related to River Yamuna in Delhi.

3. River Yamuna – “O” Zone Status :-

- The area of River Yamuna and its floodplains falls under Zone “O” of the Master Plan of Delhi.
- DDA has taken up 10 projects as per the guidelines of Hon’ble NGT for restoration and rejuvenation of flood plains on Eastern and Western banks spreading over an area of 1283 ha (approx).
- The Babu/Gosain/Brij Gopal Expert committee (as also mentioned in para 9 of the order of Hon’ble NGT) meeting:-
 - *To set up a separate, independent body (like Authority) to plan and execute the entire restoration programme for the River Zone in the NCR that involves three State Govts.*
 - *To provide statutory protection to flood plain under either the Indian Forest Act (Protected Forest) or the Environment Protection Act (Eco-sensitive Zone). Ministry of Environment and Forests, GOI and govt. of NCT of Delhi was expected to take action.*
 - *The Zone O (River Zone) must become a place of attraction and active indulgence by the city dwellers without compromising the river’s ecological and social functions.*
- The recommendations of the Expert Committee emphasize on the higher protection status to the flood plain. It also focuses on active indulgence of city dwellers without compromising the river’s ecology.
- Restoration of river ecology technically restricts use of riparian zone and flood plains for any use other than the green use.

- The area beyond 1:25 year also falls within Zone “O”. Some constructions including some public utility buildings already exist within Zone “O”. While DDA owes some land in flood plain, some land is owned by other agencies and some is private/un-acquired.
4. In case, the River is to be managed by an Organization, there could be several alternatives. It could be a company or a society or an Authority through act. This organization could look after only the portion flowing through Delhi or a larger stretch covering at least flow through Haryana, Delhi and Uttar Pradesh.

5. COMMENTS REGARDING WORK FRONT MANAGEMENT AUTHORITY

The suggestion of Yamuna Monitoring Committee (YMC) is for setting up of Water Front Management Authority under the aegis of DDA. It is submitted that DDA already is an Authority constituted through a separate Act. Therefore, constituting another Authority under the aegis of DDA may not be possible legally as the constitution of the Authority may again require legislative provision.

The Monitoring Committee has further suggested to consider establishing a dedicated set up like a Society to manage the area including encroachments and pollution caused by the allottees. The Monitoring Committee has very rightly pointed that INTACH and DDA are not equipped to do enforcement work and they have no Regulatory Authority and therefore help from MCD and Police is very essential. It is therefore, agreed that there are several stakeholders involved in management of River Front namely DJB, MCD, Police and Irrigation & Flood Control Department, besides DDA. Several experts are also involved from time to time like INTACH. These organizations have defined powers under various Acts and have their defined Rules. These organizations can access funds from their own budgets. While coordination between all these agencies is of utmost important, but any Society or other body may not be able to exercise the powers of these organisations nor may be able to access funds from the available budgets or these organisations/departments. The function of police in any case will remain with the police only and is most critical effective control on encroachment and unauthorized construction in the area. Land in Delhi is with Government of India and DDA is the agency authorized to manage land parcels in Delhi. Therefore, the land owned by DDA along the Riverfront cannot be transferred to any other agency.

It is also to mention that so far all the development being taken up by DDA is restricted to developing wetlands which involves plantation, development of water-bodies etc. Some landscaping, recreational areas are being done away from the River. Riverfront Development or commercial exploitations of the area has so far not been planned and may not be possible with the Riverfront. Therefore, if separate organization is given the management of the entire Riverfront, raising resources may also be a challenge .

It is therefore, suggested that the mechanism to ensure better coordination amongst the various agencies could be considered for setting up of Riverfront Society or Special Purpose Vehicle (SPV) which can look after all the functions of the various agencies involved as otherwise it may be quite difficult.
