

F.No. No. L-25011(11)/5/2022-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: 09.01 .2023

Subject: Hon'ble NGT's Order dated 20.09.2022 in O. A. No. 316/2022- Dr. Sharad Gupta Vs. State of U. P., before NGT(PB)- Submission of response behalf of the National Mission for Clean Ganga(NMCG), DoWR, RD&GR, Ministry of Jal Shakti in the said matter

Sir,

This is with reference to the Hon'ble NGT's Order dated 20.09.2022 in the above cited subject matter and to say that the response on behalf of the National Mission for Clean Ganga(NMCG), DoWR, RD&GR, Ministry of Jal Shakti in the said matter is attached. The same kindly be placed before the Hon'ble Tribunal for consideration please

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


Binod Kumar
Director(P), NMCG

Encl: As above

To

1. The Registrar, Hon'ble national Green Tribunal, 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 e-mail [secy-mowr@nic.in]
- 2.PS to the DG, NMCG,
- 3.ED(T)/NMCG/ED(P)

Response of the National Mission for Clean Ganga, Department of Water Resources, River Development, Ganga Rejuvenation, Ministry of Jal Shakti on the Joint Committee Report in the matter of OA no 316/2022- Dr Sharad Gupta vs State of U.P

1. In the aforesaid matter the Hon'ble Tribunal, vide its order dated 20.09.2022 after due consideration of the Joint Committee's Report submitted before this Tribunal, has *inter-alia* asked the response of the following:

(i) State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh, (ii) Ministry of Jal Shakti, Government of India (iii) Regional Office of MoEF & CC, Lucknow, (iv) Chairman of Taj Trapezium Zone (TTZ) (v) Director, Mining and Geology, State of Uttar Pradesh, (vi) Commissioner, Municipal Corporation, Agra (vii) State PCB and (viii) District Magistrate, Agra

2. That the issue involved in the matter *inter-alia* relates to large scale destruction of forests ravines, which are natural habitat for over 1000 species of animals and plants. It was alleged that large scale mining in the vicinity of Taj Mahal and restricted flood plain zone of river Yamuna is being undertaken resulting in destruction of the forest ravines. Consequently, vide order dated 09.05.2022, the Hon'ble Tribunal constituted a Joint Committee comprising of representatives from (i) Ministry of Jal Shakti, Government of India, (ii) Regional Office of MoEF & CC, Lucknow, (iii) TTZ Authority, (iv) UP. State Pollution Control Board and (v) District Magistrate, Agra and sought "Factual and Action Taken Report" from the Joint Committee.

3. That in compliance thereof, the Factual and Action Taken Report was submitted by the Joint Committee on 19.09.2022 before this Hon'ble Tribunal.

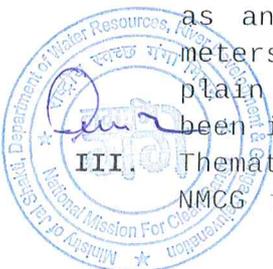
4. Now a response to the Joint Committee's Report is to be submitted by Ministry of Jal Shakti, Government of India through NMCG (Ministry of Jal Shakti is one of the impleaded respondents in the matter as mentioned in para 1 above). The matter is listed on 10.01.2023.

5. The para-wise inputs towards the response of the National Mission for Clean Ganga, Department of Water Resources, River Development, Ganga Rejuvenation, Ministry of Jal Shakti on the Joint Committee Report in the matter of OA no 316/2022- Dr Sharad Gupta vs State of U.P. are as under:

I. The site was visited by the members of Joint Committee in the presence of the applicant Dr. Sharad Gupta in the OA No. 316/2022 on 26.07.2022.

II. Flood plain zone behind the Taj Mahal (which is downstream end of Yamuna River in the city of Agra) has not been demarcated and notified by UP State Irrigation Department. Accordingly, Irrigation department has been requested to complete it immediately. However, as an interim measure, NGT directions which mandates that 100 meters from the edge of the river to be considered as flood-plain and hence treated as no development/construction zone has been implemented by Irrigation Department (Uttar Pradesh).

III. Thematic maps have been generated using geospatial technology by NMCG for the concerned site of Agra District, from the available



data sources. As per the observation based on prepared thematic maps, check dams' locations were far from 100 meters from the edge of the river and this was accepted by committee members. As per assessment of Irrigation Department official, the site in question is located approx. 500 meters from Yamuna River bank.

- IV. Check dams that are being constructed in Forest area are not for mining activity but for retaining soil moisture.
- V. Past & present record of biodiversity status is not available with Forest Department including aspects of natural habitats of wildlife in the ravines.
- VI. Thereby field observation using sign survey was conducted by Biodiversity expert of NMCG. It was suggested that the TTZ's ravine restoration is among the best examples of ravine restoration for biodiversity protection. This restored land is being used by various mammals, birds, and butterfly species. Although no reptile species were observed during the survey, except burrows which may potentially indicate the presence of reptiles. These species are cryptic and elusive hence specialized surveys are required to detect these species in any area.
- VII. In a similar attempt to restore ravines for biodiversity conservation in the TTZ area, earthen check dams were built to reduce the runoff in the area and the construction of earthen check dams it seems has created a negligible disturbance to the wildlife other area.
- VIII. A Meeting was held under chairmanship of Executive Director (Technical), NMCG Ministry of Jal Shakti on dated 17.08.2022 to review the status in the aforesaid O.A No. 316/2022. Based on discussion in the meeting it was conveyed to UP Irrigation Department that the exercise of flood plain zone demarcation should be finished on priority.
- IX. Key components that are still pending from departments are as under:
 - a. GIS boundary of forest area from Forest Department;
 - b. Biodiversity data loss to ascertain the scenario-base line from Forest Department;
 - c. Demarcation of the flood plain zone in GIS format including the geo-coordinates or locations of marking pillars from Irrigation Department
 - d. Any other activities outside forest land, as per complaint such as earth cutting resulting in soil erosion/changing land use pattern etc. from other concerned departments of the State Government.
- X. TTZ Authority, constituted by MoEF&CC should do periodical surveillance and monitoring for comply with the orders of NGT and ensure follow up with the departments concerned.

