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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 262 OF 2022

IN THE MATTER OF:

Sanjay Sharma

...Applicant

VERSUS

Union of India Ors.

...Respondents

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WRITTEN ARGUMENTS ON BEHALF OF THE APPLICANT

I. BACKGROUND

1. That *vide* order dated 12.01.2023, passed by this Hon'ble Tribunal in the present matter, the Applicant and Respondents No. 4, 6, and 7 were directed to file written arguments, if so desired.
2. That, previously, *vide* order dated 10.05.2022 passed by this Hon'ble Tribunal in the present matter, the Applicant was also directed to "*file his affidavit giving suggestions regarding creating of public awareness by the media, promoting public participation and involvement of civil society for the cause and improving efficacy of steps already taken and modalities of steps required to be taken.*" For convenience, a copy of the said affidavit of suggestion including the steps taken by the Applicant are filed before this Hon'ble Court is annexed hereto as **Annexure A-1.**

II. THE APPLICATION HAS NOT BECOME INFRACTUOUS

A. Scope of the Application and powers of NGT

3. The Application seeks reliefs which are not confined to deaths in the pandemic, even though the immediate need to approach this Hon'ble Court is on account of the experience during the pandemic. The Applicant seeks curative and preventive steps qua the relief sought. It is submitted that the instant Application, which involves on adjudication of rights infringed by the State inaction, has *not* become infructuous, because (a) the relief is not confined to the pandemic; (b) the relief is preventive and curative; (c) and in any event, the pandemic is not over; (d) India's climate change obligations require robust responses. The Application raises substantial questions concerning interpretation and scope of the rights under Article 21 and corresponding obligations of the State—to its citizens and the environment.

4. It is a well settled proposition that it is open to the court to grant, mould or restrict the relief in a manner most appropriate to the situation before it in such a way as to advance the interests of justice. [*Orissa Cement Ltd. v. State of Orissa, 1991 Supp (1) SCC 430*, Para. 69]. It is stated this Hon'ble Court has exercised its powers to appoint committees in relation to almost every aspect of environment including air, water, solid waste even though there is no specific section in the NGT Act that allows formation of committee and arrogation of quasi-judicial powers of adjudication. Therefore, in this case also, it is open to the Tribunal, and the Applicant humbly requests the Tribunal to constitute a committee so that

the issue of dumping of dead bodies in the rivers can be monitored. Since, the Hon'ble NGT has done so in many cases, it can even do the same in the present case. (Example: The High Level Committee (HLC) constituted by this Tribunal in ***Ashwani Yadav v. GNCTD, OA 21 of 2023, Para. 18 of Order dt. 09.01.2023*** in relation to unabated pollution of the Yamuna river; ***Arti v. CGWA, OA 438 of 2018*** in relation to ground water).

5. It is respectfully submitted, that this Tribunal has in the matter of ***Ashwani Yadav v. GNCTD, O.A. 21 of 2023*** (*vide* Para. 18 of Order dated 09.01.2023) constituted a High Level Committee (HLC) of concerned authorities in Delhi where pollution of river Yamuna is higher, compared to other river basin States, and appointed the Lieutenant Governor, Delhi, to head the Committee. This HLC had, in turn, after its first meeting, issued detailed orders to several government agencies with specific tasks and timelines related to the rejuvenation of the Yamuna. **These include deployment of the Territorial Army in Delhi to confront the issue of waste-dumping into drains of varying lengths and specifications leading to the river, among others.**
6. It is further submitted that this Tribunal is vested with a wide and decisive scope of power and has, in Para. 14 of the aforementioned order dated 09.01.2023, stated that any "*violation of orders of this Tribunal is by itself offence under section 26 of the NGT Act. Order of this Tribunal is also executable as decree of civil court.*" A copy of this order is annexed herewith as **Annexure A-2**. The said order passed by this Hon'ble Court also takes into account the "*River Ganga (Re-*

juvenation, Protection and Management) Authorities Order 2016 (“**Ganga Order 2016**”) which also regulates dumping into the said holy river and its tributaries. It is stated that dumping of dead bodies would also be covered within the said Order. **Annexed as A-3: “River Ganga (Rejuvenation, Protection and Management) Authorities Order 2016”**

7. An order similar to the order dated 09.01.2023 can be passed in respect of Uttar Pradesh and the instant petition can be taken up along with the said case as this O.A. has necessary pleadings to hold Government of UP accountable.

B. Covid is not over, and even otherwise State has an obligation

8. **It is respectfully submitted, that neither the WHO nor other renowned public health experts have, as yet, proclaimed the end of the Covid-19 pandemic. In light of recent events that have occurred in the wake of China relaxing pandemic restrictions and the resultant surge of cases and deaths plaguing the region, it is clear that the pandemic is not over.** In any event, the reliefs in the O.A. seek to reconcile environmental challenges with funeral practices in India and beseech this Hon'ble Court to pass orders that bring dignity and at the same time do not harm the environment.
9. In fact, the most recent Lancet study [The Lancet (Editorial), January 2023, “*The COVID-19 pandemic in 2023: far from over*”] dated 14.01.2023, reiterates that the pandemic is far from over in the following words:

“...rather than hoping for the end, letting our guard down, and thinking that the problem is somewhere else, everyone needs to

remain alert; encourage maximum transparency in reporting cases, hospital admissions, and deaths; and accelerate collaborative surveillance of variant testing and vaccinations. The pandemic is far from over.”

A copy of this report is annexed herewith as **Annexure A-4**.

10. Similarly, it is submitted, that the WHO has convened its 14th meeting—since the Coronavirus outbreak in January 2020—on 27.01.2023, wherein the WHO’s Emergency Committee will discuss whether the Covid outbreak still meets the definition of a PUBLIC HEALTH EMERGENCY OF INTERNATIONAL CONCERN (PHEIC), the agency’s highest risk level. A copy of relevant news coverage reporting this event is annexed herewith as **Annexure A-5**.

11. Further, an October 2022 report by The Harvard Gazette features opinions from several subject matter experts who assert, that *“despite the temptation to consider the pandemic over, past lessons caution us to wait and see”* and that *“though the advent of vaccines and effective treatments have transformed the fight against the ailment, doses remain scarce in some low- and middle-income nations. And the more the virus circulates... the more chances it has to mutate into something worrisome.”* A copy of this article is annexed herewith as **Annexure A-6**.

12. That even the Government of India has not declared that the pandemic is over. The Hon’ble Prime Minister himself reappeared with mask and covid protocol in December 2022 and appeal was made to follow the protocols.

13. That, during the pandemic and even otherwise, it is incumbent upon Respondent States and instrumentalities of state, to ensure that suitable preventive measures and substitutive practices against undignified burials and funerals are in-stated and any relief sought by way of compensation and/or rehabilitation is afforded to the people. It is stated that people should not be allowed to, or should never be in a situation whether they have to resort to throwing dead bodies in a

river or any other water body. During the pandemic, the areas along major rivers in North India had become an exhibition of impoverishment and lack of resources, compelling families to unceremoniously bid farewell to their loved ones. The Applicant is seeking judicial intervention and expansion of already settled right concerning right to a dignified funeral / burial.

III. RIGHT TO DIGNIFIED BURIAL

14. In the case of **MC Mehta v. Union of India**, popularly known as 'Municipalities case,' reported in **AIR 1988 SC 1115**, relating to the enforcement of the statutory provisions which impose duties on municipal authorities and the SPCB constituted under the Water Act, 1974, the Hon'ble Supreme Court observed that the municipal authorities have the statutory duty to prevent public nuisance caused by pollution of the river Ganga and, therefore, the municipal corporation of Kanpur was directed to bear the major responsibility for river pollution near the city. The Court also took note of the fact that many of the provisions of the Water Act and the municipal laws for prevention and control of water pollution have just remained on paper without any adequate action being taken pursuant thereto. The Hon'ble Court issued the following direction (Page 19):-

“One other aspect to which our attention has been drawn is the practice of throwing corpses and semi-burnt corpses into the river Ganga. This practice should be immediately brought to an end. The co-operation of the people and police should be sought in enforcing this restriction. Steps shall be taken by the Kanpur Nagar Mahapalika and the Police authorities to ensure that dead bodies or half burnt bodies are not thrown into the river Ganga.”

15. That since 1988, no credible and concrete steps have been taken in this respect despite the clean Ganga mission etc and the Ganga Order, 2016.

16. Dignity in death and the right to a decent burial, even in times of the Covid pandemic, has repeatedly been underscored by our Courts in the following cases:

- a. In **Anandhi Simon v. State of Tamil Nadu, Represented by Chief Secretary Government, (2021) 3 Mad LJ 479**, the Madras High Court held that:

“16. The protection of life and personal liberty which is guaranteed under Article 21 of the Constitution of India has been interpreted by the Hon'ble Supreme Court in many cases. There are lot of rights which are included in Article 21 such as right to privacy, right against solitary confinement, right to legal aid, right to speedy trial etc. The Hon'ble Supreme Court in many cases has also observed and interpreted that right to have a decent burial is also included in Article 21 of the Constitution of India. The right to human dignity is not restricted to living human being but is available even after the death also.....”

- b. In **Ramji Singh @ Mujeeb Bhai v. State of U.P. & Ors: 2009 SCC OnLine All 310 (2009) 5 All LJ 376**, a Division Bench of the Allahabad High Court held that the word and expression ‘person’ in Article 21 of the Constitution includes a dead person in a limited sense and right to life with dignity should be extended in such a manner that his dead body is given respect, which he would have deserved, had he been alive, subject to his tradition, culture and the religion which he professed. The society should not be permitted to show any disgrace to the deceased. The relevant excerpt is extracted below:

“12. ...The word person may not be construed narrowly so as to exclude the dead body of a human being, who was the person, when alive, which is not claimed and which is required to be cremated or buried with in accordance with the religious beliefs of the person, if such beliefs can be found establishing his identity...”

- c. In **Pradeep Gandhi vs. State of Maharashtra: 2020 SCC OnLine Bom 662**, the Bombay High Court dealt with the issue of disposing of a dead body of a person who succumbed to the COVID-19 virus. In **Para 38** of its judgment, the Court, while referring to **Pt. Paramanand Katara**, held as follows:

“38... Right to a decent burial, commensurate with the connected matters dignity of the individual, is recognized as a facet of the right to life guaranteed by Article 21 of the Constitution. There is, thus, no reason as to why an individual who dies during this period of crisis because of suspected/confirmed COVID-19 infection would not be entitled to the facilities he/she would have otherwise been entitled to but for the crisis...”

- d. In **Vineet Ruia v. Principal Secretary, Ministry of Health and Family Welfare, Government of West Bengal, AIR 2020 Cal 308**, the Calcutta High Court held that:

23. ...the right of the family of a Covid-19 victim to perform the last rites before the cremation/burial of the deceased person is a right akin to Fundamental Right within the meaning of Article 21 of the Constitution of India. While exercising their power to impose restrictions on citizens in their way of life in the wake of outbreak of an endemic like Covid-19, a fine balance must be struck by the State and the local self-government institutions so that the aforesaid right of a citizen to perform the obsequies of his near and dear ones does not stand abridged or abrogated excepting for very compelling reasons...”

17. While is further submitted, and reiterated in the course of the intervention before this Hon'ble Tribunal, that long-term measures may be instated in keeping with the relevant provisions of Article 21 of the Constitution, as well as pertinent di-

rectives from the Hon'ble Supreme Court, wherein it has repeatedly been upheld that "...the right to dignity and fair treatment under Article 21 of the Constitution is not only available to a living man but also to his body after his death.." [See: **Mohammad Latief Magrey Vs Union Territory of Jammu and Kashmir and Others, 2022 SCC OnLine SC 1203, Para. 36]**

18. While one does not pray for disinterment of said corpses, but at least that suitable directions may be issued by this Hon'ble Court to ensure such ghastly practices are not repeated again and that the Hon'ble Supreme Court's well established mandate regarding the fundamental right to decent burial and cremation is honoured and upheld.

IV. REPORT AND RECOMMENDATION BY SEVEN IITs

19. It is respectfully submitted that in the original application, as well as in aforementioned written submissions, the applicant had annexed a report prepared by seven IITs together on "Ganga river basin management plan." The said report has a chapter on cremation practices, which notes that for a variety of reasons alternative methods of cremation have not appealed to the society at large; and the report notes that the reservations are attributable to social religious beliefs, customs and traditions or plain technical issues that relate to their performance and cost. **As per the IIT Report, there are about only 125 crematoria installed in India, and under Yamuna Action Plan two such facilities were installed in Delhi. In a country of 1.4 Billion, it is unfortunate that there are only 125 such crematorium. Therefore, rightly, the suggestion came in that more such facilities are needed; and more importantly, the Government should encourage the use of electric crematorium.** It is stated that some suggestions, and also said IIT Report, alluded to a lack of conclusive proof that electric crematoriums are 'environment friendly'.

20. Therefore, before issuing firm directions for installation of electric crematorium, this Hon'ble Court may consider directing a carbon footprint study of electric crematorium, regular funeral pyre, and other crematoria so that State funds can be used for the most efficient and environmentally sustainable mode of cremation.
21. This Hon'ble Court may direct that assistance of IITs that have authored the report may be taken for this purpose. In rural areas where electricity supply remains a problem, non-electric but energy efficient and cheap crematoria must be provided. It is stated that in areas where rural electrification is not a problem, the pricing may be worked out to incentivize electric or such other method of cremation that is found environmentally sustainable.

V. Monitoring Stations

22. The **Monitoring stations for pollution level in river water should be set up on all district borders so that responsibility can be fixed on State which pollute more in their jurisdiction than receiving water quality level from upper districts.** It is stated that the attention of the applicant was drawn to the World Bank funded WQM project, where reportedly water quality monitoring of river Ganga is carried out through bio-monitoring as well as sensors based real time system. This is being done, apparently, by CPCB under *Water Quality Monitoring (WQM) System for River Ganga Overview*. It is unfortunate that even though the exercise is done with the public money but the outcome of such project, especially such on going monitoring is not disclosed on any public platform. **Therefore, directions be issued to set up WQM display monitors for River Ganga on live basis on the CPCB website, so that people can be made aware on "live basis" the changes in water quality.**
23. That accordingly, the Applicant seeks the following specific directions:

- A. **The Respondent States should instate cohesive preventative measures**

- (a) The crematoriums should not be set up near and around the catchment areas of the rivers and lakes.
- (b) Devising permanent mechanisms (like electric crematorium) to regulate disposal of dead bodies into the rivers/burial of dead bodies on river bed as suggested by IIT Report (**Annexure A-9, page 114, recommendations at page 141/Para. 5**)

Note: This obligation has to rest with State Governments as per Entry 10, List II of the Seventh Schedule of the Constitution and with Local Bodies under Part IX and IX-A of the Constitution.

- (c) Incentivizing **resort to crematorium to give effect to the fundamental right to decent burial and cremation**. It is stated that it appears that UP Government did issue a Government Order during the pandemic [*See page 14, para 13 of the O.A.*] to pay a meagre fixed sum for taking care of cremation expenses, and such an approach is laudable as it allow even the poorest of the families to afford a funeral or a cremation. However, no such scheme is available in Bihar, Jharkhand or in West Bengal even though the Holy river flows through the area. This can be easily operationalized through National Mission for Clean Ganga.

This Hon'ble Court may kindly direct all states to come up with such policies.

- (d) **Conducting proper and complete health checkup of those living near the river beds where the human corpses were buried / set afloat and ensuring their proper treatment and rehabilitation**. It is respectfully submitted, again, that the prayer in the application is also for issuance of directions to the States' Primary Health Centre to display information on 'Do's and Dont's' of disposal of human corpses, so that such an unsettling occurrence and practice may be mitigated in the future. It is stated that this Hon'ble

Court has powers under NGT Act, Section 15(1)(a) allows for such an order to be passed.

- (e) States where rural posting or rural experience is mandatory for doctors pursuing MBBS in aided/unaided colleges, an explanation on environmentally sustainable methods of burial should be included as a part of interaction with the rural populace. This may also involve other aspects of being sensitive to environmental degradation and climate change.
- (f) That, further, the **concerned State governments/Respondents should consider providing mechanisms to ensure free burial/cremation to certain identified class of citizens irrespective of their religion** and that in States such as Uttar Pradesh, where there has been an ad hoc scheme to give Rs. 5,000/- to the families; a status report of its beneficiaries may be called upon and it may be examined as to why despite the Government offering money, there were no takers and many bodies were dumped in the river.
- (g) The State Pollution Control Boards (SPCBs) of all catchment states should be accountable for any lapse by any persons or unit(s) for violating discharge standards or throwing dead bodies and other pollutants in the river. It is very respectfully submitted that in the absence of specific responsibility, the Government departments tend to shift the blame. Therefore, it is prayed that a nodal officer being an officer of certain rank be made responsible for enforcement and receiving public grievances.
- (h) It is prayed for rigorous implementation of legal provisions regarding decent burial/ cremation.

Hence, it is therefore most earnestly prayed that the aforesaid final submissions may be considered by this Hon'ble Tribunal and may be implemented/ directed to be implemented by various authorities, as has been prayed for ab initio in this matter before this Hon'ble Tribunal.

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ANNEXURE A-1

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Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.262/2022

Sanjay Sharma

Applicant

Versus

Union of India & Ors

Respondents

Date of hearing: 10.05.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Harsh Vardhan Kedia, Mr. Shaz Khan and Mr. Talha Abdul Rahman, Advocates

ORDER

1. The applicant, a journalist with an illustrious profile as highlighted, has statedly filed the present application in the larger public interest, seeking urgent intervention and directions from this Hon'ble Tribunal for the protection of environment and ecology in the following terms as prayed for:-

“ i) Direct the Respondents to ensure that proper Covid-19 protocol is followed for the disposal of the Covid-19 impacted human corpses, with such suitable amendments that an expert committee appointed by this Hon'ble Court may suggested and as directed by this Hon'ble Court.

ii) Direct the Respondents to devise permanent mechanisms to regulate disposal of dead bodies into the rivers, and issue directions to incentivize resort to crematorium to give effect to the fundamental right to decent burial and cremation;

- iii) Direct Respondent No. 4 & 5 to ensure a proper and complete health checkup of those living near the river beds where the human corpses are buried / set afloat and ensure their proper treatment;*
- iv) Direct Respondents No. 4 & 5 to identify the individuals dependent on the rivers for their livelihood whose right to livelihood is impacted on account of disposal of dead bodies in the river Ganga;*
- v) Direct the Respondents to initiate immediate corrective action and identify the areas where the corpses are buried on the river beds; and to ensure proper cremation of the bodies so buried, in light of the Report of Seven IITs by improving cremation facilities;*
- vi) Pass such other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case."*

2. The applicant has acknowledged that after the nation was hit by the Covid-19 pandemic, nation- wide lockdowns were imposed in order to curb the spread of the virus and Various precautionary and safety measures were announced to check the contagion of the Covid-19 virus. In view of the detrimental effect an infected human corpse could have on the environment and human lives, the Ministry of Health and Family Welfare, Union of India issued Standard Operating Procedure/ Directions titled "COVID-19: GUIDELINES ON DEAD BODY MANAGEMENT", based on the then epidemiological knowledge about the Covid-19 virus. The National Human Rights Commission (NHRC), in view of the rights guaranteed under Article 21 of the Constitution and keeping in view the large number of deaths because of the Covid-19 pandemic and challenges in the management of the dead bodies, issued an "Advisory for Upholding the Dignity and Protecting the Rights of the Dead". As per the press release issued by the Press Information Bureau (PIB) the Centre had directed States to prevent dumping of dead bodies in Ganga and

focus on their safe disposal and providing support for ensuring dignified cremation. The press release also referred to steps taken to prevent dumping of dead bodies in river and burying of dead bodies in sand along the river, launching of suitable awareness generation program and extending financial support for cremation. However the applicant has claimed that the same have remained on paper without implementation on ground.

3. While referring to news reports regarding Covid-19 infected dead bodies being dumped in the river Ganga and also being buried along the river, the applicant has submitted that the Covid-19 pandemic is far from over, and it is uncertain when it will resurrect – despite vaccination. The issue of throwing dead bodies in the river needs to be tackled from environmental point of view and standing directions need to be issued and followed. In respect of COVID, the situation in the rural parts of India continues to be grim where the RT- PCR tests are at a bare minimum and poverty is forcing people with limited means to float the corpses of their family members in rivers or to bury them near the river beds. Even though now mortality has gone down, but preventive and curative steps are required to be taken for avoidance and management of such a situation in the future. Since rotting bodies may have had an impact on the health of those living along the rivers, curative steps are required to be taken their complete health check-up and proper treatment.

4. Grievance of the applicant is also that he made representation dated 24.05.2021 to the respondents but no action has been taken on the same.

5. Learned Counsel for the applicant has reiterated the factual and legal submissions made in the application for intervention by this Tribunal.

6. We are of the considered view that this case, which is stated to have been filed by the applicant on account of the flagrant violation of the statutory norms by the instrumentalities of the State whose lackadaisical attitude in attending to the victims of the COVID-19 pandemic and their failure in assisting the families of those succumbing to this pandemic by providing them decent funeral/ cremation is forcing them to either float the corpses in rivers including the holy river Ganga, or forcing them to bury the said corpses on the river beds, also raises the issue of creating public awareness by all instrumentalities of democratic form of government particularly the electronic and print media and not just the agencies of government/instrumentalities of State and the more important issue of public participation for the cause of preserving and improving environment, which is not only the statutory obligation of the State but also fundamental duty of all the citizens who collectively known as “we the people of India” constitute the State and confer authority on all its instrumentalities and legitimacy to the working thereof. The case also raises the questions of adequacy and efficacy of measures/steps already taken and further measures/steps required to be taken to deal with the issues.

7. In view of the averments made in the application, we consider it appropriate to seek reports from Additional Chief Secretary (Home) and Additional Chief Secretary/Principal Secretary (Health), Governments of Uttar Pradesh and Bihar respectively to submit factual verification reports as to the following aspects:

- (i) How many dead bodies were documented/found (a) to have been floating in river Ganga and (b) to have been buried on the river bed in the States of Uttar Pradesh and Bihar before Covid 19 in the years 2018 and 2019 and after Covid 19 in the years 2020, 2021 and till 31.03.2022?
- (ii) In how many cases financial support was extended by Governments of Uttar Pradesh and Bihar respectively for cremation funeral or burial of the dead bodies?
- (iii) What steps were taken for creating public awareness and promoting public participation for preventing floating of dead bodies in river Ganga or their burial in or near the river bed?
- (iv) Whether any criminal case was registered and any prosecution was launched against any person for violation of the guidelines for management of dead bodies covid infected or otherwise?
- (v) Whether there was any violation of environmental norms and, if so, the details of the remedial measures taken may be furnished?

8. Report may be furnished by Additional Chief Secretary (Home) and Additional Chief Secretary/Principal Secretary (Health), Governments of Uttar Pradesh and Bihar respectively within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

9. List the matter for further consideration on 04.08.2022.

10. In the meanwhile notice of the petition be also issued to the respondents for filing their replies with reference to the material averments made in the petition besides their observations/recommendations regarding steps taken/to be taken.

11. The applicant is also directed to file his affidavit giving suggestions regarding creating of public awareness by the media, promoting public participation and involvement of civil society for the cause and improving efficacy of steps already taken and modalities of steps required to be taken.

12. A copy of this order, along with a copy of the application and its enclosures be forwarded to Additional Chief Secretary (Home) and Additional Chief Secretary/Principal Secretary (Health), Governments of Uttar Pradesh and Bihar respectively by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 10, 2022
Original Application No. 262/2022
AG

Item No. 01

Court No. 1

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

Original Application No. 21/2023

Ashwani Yadav

Applicant

Versus

Govt. of NCT of Delhi

Respondent

Date of hearing: 09.01.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. This is yet another petition on the issue of unabated pollution of River Yamuna and continued failure of the authorities in taking adequate remedial measures in terms of specific orders on the subject passed by the Hon'ble Supreme Court and this Tribunal.

2. It may be mentioned that the issue was dealt with by this Tribunal earlier vide order dated 27.01.2021 in OA No. 06/2012, *Manoj Mishra vs. Union of India & Ors.* The Tribunal, in continuation with earlier orders, issued specific final directions for remedial measures in time bound manner. Vide order dated 21.10.2022 in Civil Appeal No. 3465/2022, *Nizamuddin West Association vs. Union of India & Ors.*, the Hon'ble Supreme Court has directed further monitoring of compliance of the said directions by this Tribunal for which order dated 27.01.2021 to the extent

it directed disposal of the application has been set aside and OA No. 06/2012 has been restored. Text of the said order is as follows:

- “1 This appeal arises from an order dated 27 January 2021 of the National Green Tribunal in OA No 6 of 2012.
- 2 The issue which was considered by the NGT pertained to the rejuvenation of the river Yamuna through the execution of the directions contained in a previous order dated 13 January 2015 and subsequent orders, including those dated 8 May 2015 and 7 December 2017. The NGT also noted that certain directions had been issued by this Court.
- 3 In this backdrop, the NGT directed that the Chief Secretary, NCT of Delhi, in coordination with other authorities such as the Additional Chief Secretary, Urban Development, DDA, IDMC, DPCC and DJB and the Chief Secretaries of Haryana and Uttar Pradesh, may personally monitor the progress by providing an effective administrative mechanism to handle the grim situation of the river caused by years of neglect. The NGT has issued certain ancillary directions for monitoring. However, the NGT has disposed of the OA at that stage.
- 4 Pursuant to the issuance of notice by this Court on 25 April 2022, the Union of India has been represented by Ms Aishwarya Bhati, Additional Solicitor General.
- 5 We have heard Ms Mugdha, counsel appearing on behalf of the appellant and Ms Aishwarya Bhati, Additional Solicitor General.
- 6 **In our considered view, having regard to the previous directions which have been issued by the NGT for monitoring the steps to be taken for cleaning of the river Yamuna, the ends of justice require that the matter be monitored by the NGT.**
- 7 Ms Aishwarya Bhati has stated that the Ministry of Jal Shakti has been filing status reports before the NGT.
- 8 **In order to facilitate judicial oversight by an expert adjudicating body, we request the NGT to monitor the matter and compliance of its orders at periodic intervals. To facilitate this process, we set aside the direction contained in the impugned order dated 27 January 2021 for the disposal of the application. OA No 6 of 2012 shall continue to remain on the file of the NGT. The NGT shall list the OA at an early date so that necessary directions can be given so as to enable it to assess the status of compliance with its previous orders and for considering whether any further orders are necessary to meet the exigencies of the situation.”**

3. In view of above, since this Tribunal is to monitor compliance of directions already issued as per earlier order dated 27.01.2021, we have looked into the grievance in the present application mentioning the compliance status as follows:

“i. There is still huge in generation and treatment of sewage with 35 STPs treating 573.5 MGD, with a gap of 194.5 MGD. The timelines of all STPs (except Coronation Pillar which was commissioned in March, 2022 against the timeline of June, 2020) has been continuously extended and presently stands extended upto June, 23.

ii. All drains in which untreated sewage is being discharged are not intercepted and diverted so that the untreated sewage is not conveyed to the river. DJB is yet to trap 147 drains out falling into Najafgarh and Shahdara Drains and timelines for each stage of trapping of different segments of the drains is yet to be assigned to specific officers.

iii. DJB is yet to ensure that all the households in the areas where sewerage network has been provided are connected with the sewerage network and environmental compensation is yet to be imposed.”

We have also seen the data of October – December 2022 about water quality of river Yamuna on the website of DPCC. It shows high level of BOD, exceeding 50 mg/l and innumerable numbers of faecal coliform much beyond laid down parameters.¹

4. Thus, compliance of directions in order dated 27.1.2021 does not appear to have been ensured. The status of pollution of Yamuna was noted in the said order from report of YMC and it was found that violations were continuing and violators included the State authorities. Chief Secretaries of concerned States were directed to remedy the situation. It will suffice to refer to findings in paras 19 to 21 of the said order which are as follows:

“19. From the report of the Committee, it is clear that major problem of preventing pollution by discharge of sewage, industrial effluents and other pollutants remains unaddressed. This was so observed in para 18 the last order also, as quoted above in the paragraph 14.

¹ https://www.dpcc.delhigovt.nic.in/home/monthly_analysis_report#gsc.tab=0

There is hardly any improvement in evolving meaningful and effective institutional mechanism for monitoring. Though IDMC is reported to have started functioning, tangible results are yet to be shown, as noted in the report of the YMC. The Committee has particularly found that 147 drains in the catchment of Najafgarh and Shahadra drains have not been tapped, as earlier directed. **Against heading 6, dealing with repair and maintenance of drains, the Committee has noted huge gap in generation and treatment of sewage. The Committee has rightly recommended that all the drains in which untreated sewage is being discharged need to be intercepted and diverted so that the untreated sewage is not conveyed to the river. Such gaps need to be bridged in UP and Haryana also. The IDMC and DJB have to ensure this for Delhi.** The monitoring by Additional Chief Secretary and Chief Secretary Delhi in terms of order of the Hon'ble Supreme Court dated 24.07.2017 has yet to take place. Necessary devices for sewage and effluent treatment have still not been installed to the required extent. In spite of availability of huge funds, DJB is not working in a professional manner, as observed by the YMC. Water quality remains highly deteriorated as pollutants are still being discharged into the drains. Flood plains are not being made encroachment free, affecting the riverine ecology. Awareness programmes are inadequate. Biodiversity parks and other measures have also been found to be inadequate. **Frothing frequently found is in absence of regulating composition of detergents, which find place in the river through sewage, for which action needs to be taken by DPCC/CPCB/Ministry of Consumer Affairs.** E-flow needs to be managed by resolving inter state issues administratively. Accountability needs to be enforced against failure of timelines which are being changed at leisure with no adverse consequences against non-performers. **Compensation regime needs to be strictly followed on 'polluter pays' principle which was not happening depicting failure of the regulators.** The observations in respect of authorities in Delhi equally apply to the States of Haryana and UP.

20. There is, thus, need for continuous and effective working of the IDMC to plan and oversee prevention of untreated sewage being discharged in the drains or the river. Apart from discharge of sewage, there is need to stop industries from discharging effluents by concerned statutory authorities, including the DPCC. The issue of protection of flood plains by the DDA remains to be satisfactorily addressed even though steps are said to have been taken for constitution of a SPV for the purpose. **Encroachment is huge and steps taken are miniscule. Meaningful working of SPV by DDA will depend on success to remove encroachment and keeping continuous vigilance.** Thus, on the part of concerned Authorities in the State of Delhi, Haryana and UP further actions in terms of the earlier orders of this Tribunal as well as the current recommendations of the Committee need to be taken, which may be overseen by the Chief Secretaries of concerned States on regular basis by constituting a cell of experts on the subject directly reporting to the Chief Secretary for meaningful monitoring in coordination with authorities like DDA, IDMC, DPCC, DJB etc.(in the context of Delhi). **Non-adherence to timelines must result in adequate and stringent action against accountable persons. Timely**

completion of projects must be ensured, otherwise for generations the problem will remain untackled, as vested interests will like the projects to remain pending and delayed to the detriment of the public interest. Interim measures like phytoremediation need to be employed where permanent solution is delayed. Earlier directions of the Tribunal, which by and large remain un-complied so far, need to be strictly followed with meaningful coercive measures against the erring officers and the violators.

21. As already noted, the matter has been dealt with by the Hon'ble Supreme Court for 23 years, before transfer of the matter to this Tribunal in the year 2017 and by this Tribunal for almost nine years. Finding inadequate compliance, the Tribunal constituted a Monitoring Committee on 26.07.2018 with the hope that day to day monitoring by an independent Committee may result in some improvement. The Committee has functioned for more than two years and contributed in a big way in steering the authorities with a clear road-map by its exhaustive reports on every aspect but the authorities' action has been every time found to be inadequate and continues to be so. This requires the authorities to change their attitude and rise to the occasion to discharge their Constitutional obligation to the citizens to provide clean environment by protecting the scarce sources of water by stringent steps against the erring officers and the violators and by effective monitoring at appropriate higher levels, reviewing/modifying the failed models and failed officers. All the issues have been duly identified and categorical directions issued. Recommendations made for future compliance need to be taken up seriously by the concerned statutory and administrative authorities."

5. The Tribunal disposed of the application with the observation that there has been judicial oversight of the matter for more than 23 years and issues stood identified and categorical directions were issued. It was directed that henceforth further monitoring be undertaken by the Chief Secretary, Delhi in coordination with other authorities in Delhi and similarly, by Chief Secretaries in Haryana and Uttar Pradesh as follows:

"23. Accordingly, we direct that in terms of directions of the Hon'ble Supreme Court and earlier orders of this Tribunal, henceforth the Chief Secretary, NCT of Delhi, in coordination with other authorities (such as, Additional Chief Secretary Urban Development, DDA, IDMC, DPCC, DJB) and the Chief Secretaries of Haryana and UP may personally monitor the progress, by evolving effective administrative mechanism to handle grim situation caused by years of neglect. Causes of failure of existing mechanism and remedial measures required be addressed in the light of reports of the Committee. This needs to be

*further overseen at National level by the Central Monitoring Committee, headed by Secretary Jalshakti, which also includes NMCG and CPCB, in terms of earlier orders of this Tribunal. To give effect to the orders of the Hon'ble Supreme Court, the Tribunal has already directed constitution of River Rejuvenation Committees (RRCs) in all the States/UTs by order passed in OA No. 673 of 2018 in Re: News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted : CPCB, to be headed by the Environment Secretaries of States/UTs, to prepare and execute action plans for restoration of the polluted river stretches, under the oversight of the Chief Secretaries of the States/UTs. Such action plans are already in place. **The RRCs of Delhi, Haryana and UP may accordingly monitor execution of the action plans with proper inter-departmental coordination, to remedy the polluted stretches of river Yamuna in their respective jurisdiction, subject to oversight of the Chief Secretaries on quarterly basis, who may thereafter give their quarterly reports to the Central Monitoring Committee (CMC) headed by the Secretary, Jal Shakti in terms of order dated 21.09.2020 in O.A. No. 673/2018, supra.**"*

6. We may also mention that the applicant has referred to recent efforts to desilt Najafgarh drain with the object of restoring Sahibi river, which stands converted to dirty drain by discharge of pollution. It is stated that desilting has been done by DJB, Irrigation Department and Municipal Corporation with initiative of LG Delhi at 7.5 km stretch and huge amount of silt/garbage has been removed. While such effort may be useful, it cannot be substitute for stopping pollution in terms of order of the Tribunal dated 27.1.2021. Further, desilting material has to be duly managed. It is further stated that Rs.1500 crore has already been spent without much result and thus change of pattern of monitoring and processes used may be required. Data of extent pollution is also mentioned with the grievance that there is detriment to the environment and public health which needs to be effectively remedied in the light of already finalised directions of this Tribunal and the Hon'ble Supreme Court. It is thus stated that there is flagrant violation of environmental norms and binding orders of this Tribunal, without any accountability of the violators.

7. We may also mention here particulars of overlapping issues before the Tribunal atleast in three other matters. First matter is OA 6/2012, already referred to above. Second matter is OA 562/2022 in which the Tribunal has sought response from the Chief Secretaries of concerned States about the allegation of continuing non compliance and inadequate remedial action, as reported in media. This may involve coercive measures and fixing accountability of the violators in the light of response. Third matter is EA No. 16/2019 in OA No. 153/2014, *Indian National Trust for Art and Cultural Heritage vs. Govt. of NCT of Delhi & Ors.* on the issue of pollution of Najafgarh lake which is connected to Najafgarh drain which finally joins Yamuna. The Tribunal directed remedial action for restoration of lake by Haryana and Delhi to be coordinated by inter ministerial group constituted by MoEF, as per earlier orders of this Tribunal. The matter was disposed of but progress report has been sought for consideration which is yet to be received. The said three matters are listed for 7.2.2023.

8. We may now mention the background of the proceedings which led to passing of order dated 27.1.2021. Cognizance of Yamuna pollution was first taken by the Hon'ble Supreme Court in the year 1994 in WP No. 725/1994, *News Item "Hindustan Times" AQFM Yamuna v. Central Pollution Control Board & Anr.* From 1994 till 24.04.2017, when the matter was transferred to this Tribunal for further consideration, the Hon'ble Supreme Court passed several orders in 23 years, including orders dated 4.8.2004, 27.2.2012 and 10.10.2012, (2012) 13 SCC 736². By order dated 4.8.2004, a Committee headed by Secretary Urban Development, GoI with other concerned departments being members was constituted to oversee steps for bridging the gap in waste generation and treatment which was necessary for rejuvenation of Yamuna. By order dated 10.10.2012, it was

² News Item published in Hindustan Times titled "And Quite Flows the Maily Yamuna"

noted that even after monitoring by the Hon'ble Supreme Court for 18 years (till then), there remained high level of fecal coliform (FC) and BOD (which situation continues even now after 11 years of the said order). The Hon'ble Supreme Court directed that 'C' category quality of water be achieved by preventing industrial/domestic pollution and all encroachments atleast upto 300 meters on both sides of the river be removed. There should be action plan covering all relevant issues for rejuvenation of river Yamuna. Finally, the matter was transferred to this Tribunal on 24.04.2017 for further consideration as in the meanwhile, the Tribunal had taken up the issue in petitions filed before it, including OA No. 06/2012, *Manoj Mishra vs. Union of India & Ors.*

9. Before above order dated 24.4.2017, the Tribunal passed orders including orders dated 13.01.2015 (*2015 SCC Online NGT 840*), 08.05.2015 (*2015 SCC Online NGT 841*). Further orders include those dated 07.12.2017 in OA 65 of 2016³ and OA 76 of 2016⁴, final order dated 27.1.2021 in OA6/2012, *Manoj Mishra*, as already noted. By order dated 13.01.2015, two reports of Expert Committees constituted by the Tribunal dated 19.04.2014 and 13.10.2014 were accepted and on that basis, directions were issued for preventing discharge of pollutants into the river, maintaining environmental flow, protecting flood plain zones by river front development activities and removing encroachments. The work was to be completed by 31.3.2017, including provision for 32 additional STPs for 32 major and minor drains, upgradation and maintenance of existing sewer network. Committee was constituted to oversee compliance comprising MoEF&CC; Ministry of Water Resources; Chief Secretary, Delhi Administration; Vice Chairman, DDA; Commissioner of all the Municipal

³ *Manoj Misra v. Delhi Development Authority & Ors.*

⁴ *Pramod Kumar Tyagi Vs. Art of Living International Center & Ors.*

Corporations; Commissioner, DJB; Secretary, Department of Irrigation, NCT of Delhi and concerned Secretaries of the States of Haryana, Uttar Pradesh, Himachal Pradesh and Uttarakhand to oversee execution of orders of Tribunal. By order dated 24.07.2017, constitution of Committee was modified to the effect that it will be headed by Secretary, Ministry of Water Resources (now Jal Shakti). Proceedings for execution continued before the Tribunal. By order dated 26.07.2018, the Tribunal after noting that the progress remained inadequate, constituted Yamuna Monitoring Committee (YMC) to be headed by former Chief Secretary, Ms. Shailja Chandra and also comprising former Expert Member of this Tribunal, Mr. B.S. Sajwan. The Committee took stock of the situation and gave its first report dated 16.01.2019 flagging the issues to be focused and noting that FC count was upto 6,400 times above the prescribed standards. Only 14% of the 1797 colonies had sewage pipelines. DDA had failed to remove the debris and secure the area by erecting barbed wire fencing. It had not undertaken demarcation of flood plains. Next order of the Tribunal is order dated 11.09.2019 dealing with all the micro issues by laying down exhaustive guidelines and directions and timelines as well as action to be taken for violation of the timelines. Timelines extended till 31.12.2020. Steps to be taken included tapping 147 drains not covered by interceptor (ISP) project and diverting them to STPs, connecting unsewered areas to STPs., recovery of sewage charges from all generators of sewage. Further, order dated 05.03.2020 was passed while considering YMC's 3rd report dated 05.02.2020 recommending single agency to deal with control of pollution in all the drains of Delhi and also single coordinating authority by DDA for:

- Protection of the flood plain;
- Creation of wetlands at identified locations:

- Demolition plans and action taken to retrieve flood plain land and free it of encroachments,
- Enforcement against vehicles dumping debris in and around the flood plain
- Progress on financial devolution by the State of Uttar Pradesh on DDA to undertake
- Floodplain rejuvenation on the Eastern bank of the river,
- Progress of 10 identified projects which DDA had undertaken to complete by specific dates.
- Tree plantation drives,
- Closure of bore wells and plans for larger use of treated waste water dealt with in Chapter – 10, Use of Treated Waste Water.

10. The Tribunal directed constitution of Special Purpose Vehicle (SPV) by DDA for management of flood plains and Integrated Drain Management Cell (IDMC) by Delhi Government under the Chief Secretary with representatives from other concerned agencies including the DJB, Delhi Municipal Corporation and Irrigation Department, not below the level of Chief Engineers.

11. Other orders of Hon'ble Supreme Court which have been referred to by the Tribunal in its earlier order dealing with pollution of river Yamuna will include judgment of Hon'ble Supreme Court in *Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.* (2017) 5 SCC 326 to the effect that under Article 243 W, 243X and 243 Y read with entry 6 of the 12th Schedule to the Constitution, onus to handle public health sanitation and waste management was on Municipalities, to be coordinated by Urban Developments of the States. Under the Water Act, preventing water pollution is responsibility of Pollution Boards by enforcing consent conditions against concerned industries and local bodies. Pollution free environment being part of right to life, the States are under constitutional obligation to prevent pollution. It was directed that funding may be arranged by 31.3.2018 and pollution control devices be installed within three years from judgment i.e. 22.2.2017, failing which concerned Secretaries to the Government be prosecuted. NGT was directed to

implement the judgment. In pursuance of order of Hon'ble Supreme Court, directing this Tribunal to monitoring compliance, the Tribunal dealt with the matter in OA No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.* and several orders have been passed and last order being dated 22.02.2021. In OA No. 673/2018, *In re: News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB*, the Tribunal considered the issue of pollution of rivers and constituted a Monitoring Committee to be headed by Secretary, Ministry of Jal Shakti, NMCG and CPCB as its members at National level. Last order passed in the said matter is dated 22.02.2021.

12. Vide order dated 02.09.2014 in WP No. 888/1996, *Almitra H. Patel Vs. Union of India & Ors.*, Hon'ble Supreme Court remitted the issue of solid waste management to this Tribunal which is currently being dealt with in OA No. 606/2018. Chief Secretaries of all States/UTs have been required to appear in person before NGT and directed to ensure that no untreated effluent/waste is discharged/dumped in water bodies/rivers. The Tribunal has also levied compensation @ Rs. 2 crore per MLD on States/UTs for gap in generation and treatment of sewage, on polluter pays principle, to be utilised for remedial measures in time bound manner. Some States have appeared while others have yet to appear. It will suffice to refer to order dated 10.11.2022 in OA No. 606/2018 with respect to State of Madhya Pradesh, particularly discussion in paras 38 to 46 on the subject which may need to be considered in the present context also.

13. Further, the Tribunal dealt with the issue of Najafgarh Jheel which is an overlapping issue. The said wetland is receiving pollution from Najafgarh drain from Haryana as well as Delhi. Vide order dated 21.01.2022 in *Indian National Trust for Art and Cultural Heritage vs. Govt.*

of *NCT of Delhi & Ors.*, the Tribunal noted that the MoEF&CC vide order dated 19.01.2022 has constituted 'Inter-Ministerial Expert Group' for taking measures for conservation and protection of the lake. The Tribunal accordingly disposed of the application with further directions that status reports be filed with the Registrar General of this Tribunal. In OA No. 365/2021, *Shamsher Singh vs. Govt. of NCT of Delhi*, the Tribunal dealt with the issue of unscientific disposal of sewage by vehicles of septic tank cleaners in Delhi and considering the report of the Committee headed by Justice S.P. Garg, former Judge of Delhi High Court, the Tribunal vide order dated 21.12.2022 in OA. No. 365/2021 directed remedial action. Needless to say that such action is necessary for control of pollution of river Yamuna. The direction in the said matter includes monitoring of dumping of septage into the drains and water bodies in Delhi which will include levy of compensation for the violations with reference to the provisions of the Water Act and the Air Act by the DPCC and also necessary action by Delhi Police as water pollution involved criminal offences. In OA No. 562/2022, *Ishika vs. Govt. of NCT of Delhi*, the Tribunal has taken up the same issue vide order dated 30.08.2022 and after noting earlier proceedings required the Chief Secretary to ascertain latest factual position and give his report with explanation why coercive penal measures be not taken in terms of fixing accountability for taking requisite measures. Similar reports have been sought from Haryana and UP. The relevant extracts from the said order are reproduced below:-

“5. Thus, while the proceedings were disposed of after specific directions with the expectation that the concerned authorities will show due sensitivity to the matter but unfortunately this does not appear to have happened. The present application depicts grim situation calling for further intervention of this Tribunal. The Chief Secretary of Delhi is required to ascertain latest factual position and give his report by email within two months with explanation why coercive and penal measures be not taken in terms of fixing accountability for such blatant failure of the authorities in protecting

the water quality of river Yamuna, which is tributary of Ganga, by preventing discharge of pollution. It may also be necessary to seek similar reports from Haryana and Uttar Pradesh. The reports of Chief Secretaries may be in a consolidated manner in the light of inter-departmental review and ground realities.

6. *It remains a matter of concern that authorities should not be able to maintain river flowing in the Capital of India clean inspite of clear roadmap for its rejuvenation and clear directions of Tribunal. How the continuing loss to environment and public health should be ignored is beyond anyone's comprehension. **It is shocking to note the data relating to water quality of river Yamuna and the pollution load posted by DPCC on its website depicting that drains remain un-trapped even after a year of the last order. This shows utter lack of adequate action and monitoring by higher authorities. Delhi, Haryana and UP have to review the situation at higher levels and take remedial action. They may place factual status on progress made in the last one year, whether the higher authorities are satisfied with the same, if not, further plan of action with timelines and fixing accountability, extent of sewage and trade effluents being still discharged. Based on these reports the Tribunal may have to fix accountability of concerned authorities and financial liability for compensation for damage to the environment.***

7. *Further, the Central Monitoring Committee constituted by this Tribunal by the last order referred to earlier, headed by Secretary, Ministry of Jal Shakti which also includes NMCG and CPCB may also file latest status report of compliance status in the matter and its action taken report and recommendations within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

14. Another significant development which has taken place is issuance of Notification dated 07.10.2016 – River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (Ganga Order, 2016) constituting statutory authorities for superintendence and control of pollution of Ganga and all its tributaries and drains and conferring statutory powers on such authorities. Para 6 of the order prohibits pollution of Ganga and its Tributaries and drains connected thereto. NMCG is main authority empowered to issue any directions and to monitor compliance. Yamuna is principal tributary of Ganga and all drains connected thereto are governed by the said orders. Any violation thereof is offence under the EP Act, 1986, apart from offences under Water Act and

IPC. Violation of orders of this Tribunal is by itself offence under section 26 of the NGT Act. Order of this Tribunal is also executable as decree of civil court.

15. In the present application, it is suggested that following actions are critical for control of pollution of river Yamuna:

Sr. No.	Actions
1.	<i>Construction of 03 new Sewage Treatment Plants and 41 Decentralized Sewage Treatment Plants</i>
2.	<i>Rehabilitation of 3 existing Sewage Treatment Plants and upgradation of existing 16 Sewage Treatment Plants</i>
3.	<i>Trapping of all major drains out falling into river Yamuna</i>
4.	<i>Sewerage network in all 1799 unauthorised colonies and 630 JJ Clusters.</i>
5.	<i>Regulation of River Yamuna flood plain including removal of all encroachments/Dhobi Ghats</i>
6.	<i>Enforcement of Septage Management Regulations</i>
7.	<i>Utilisation of treated waste water</i>
8.	<i>Upgradation of 13 Common Effluent Treatment Plants</i>

16. In above background, we have pondered over the question as to how to enforce the order dated 27.1.2021, as directed by the Hon'ble Supreme Court. Substantial works remain unexecuted in terms of identified steps for rejuvenation of Yamuna. There is still huge gap in generation of sewage and available treatment facilities as shown by website of DPCC and as mentioned in the application. Estimated gap is said to be 194.5 MGD of sewage. Interception and diversion of about 147 drains (connected to Najafgarh and Shahdra drains) and other small drains joining bigger drains remains. Waste water from 1799 unauthorized colonies and 630 JJ clusters is reportedly going to Yamuna. Further, work of river front

development projects by DDA remains incomplete, besides desilting/desludging of drains.

17. Having multiple authorities in Delhi may be one of the reasons for not achieving success so far. There appears to be lack of ownership and accountability. Huge amount has already spent without desired results. Judicial oversight has continued for almost 29 years. DDA has to take measures for protecting flood plain zones while drain owning agencies – DJB, Irrigation Department, Municipal Corporation etc. have to maintain drains free from pollution. IDMC was directed to be constituted with Chief Secretary as head to coordinate with the concerned departments. In terms of directions of the Hon'ble Supreme Court, 'C' category water quality is to be achieved in Yamuna and all its connected drains. Mandate of Water Act requires preventing any industrial or domestic waste to be discharged or dumped into any stream or water body. Punishable offences are provided not only in Water Act but also under IPC. DPCC does not appear to be taking coercive measures against erring industries or even local authorities who rampantly continue to discharge pollution in Yamuna and the drains. There does not appear to be any meaningful penal action taken against the violators. There is also huge unauthorized dumping of septage and even solid waste at different locations in absence of satisfactory management of sewage from unauthorized colonies which have been set up and later regularised without requisite infrastructure for sewage treatment to the detriment of citizens. There appears to be reluctance in collecting necessary charges required for remedial measures and adopting effective methodology for prevention of pollution and availability of funds may be an excuse for not preventing pollution. Coercive and penal measures are not being taken against violators and erring officers. There is no meaningful engagement of citizens, who are the victims. While it is

for authorities to devise strategies, available options may be business or other models with involvement of stake holders. Beautification of flood plain zones and dense plantations can add great value to the aesthetics of national capital which has international significance. Meaningful remedial action in Delhi can lead way to tackle polluted rivers in the country. One of the sources of funding is the NMCG. The Tribunal in the earlier orders entrusted monitoring to the Secretary, MoJS, DDA and the Chief Secretaries of concerned States. It does appear that the situation to a great extent remains unsatisfactory, in violation of judgment of the Hon'ble Supreme Court and orders of this Tribunal, fixing rigid timelines which are being defied at whims, without accountability and without visible improvement in ground situation. Thus, effective execution regime appears to be necessary with involvement of topmost administrative authorities with flexibility of procedures for award of works for execution of pollution prevention projects. Involvement of stake holders is also required. There may be need for relaxing procedural requirements like statutory clearances, without compromising on compliance of environmental norms. Only agencies with track record of performance in time bound manner instead of mere lowest bidders may have to be considered. DPR/tender processes need to be simplified and shortened. The service provider should be able to produce expected results within stipulated time. Accountability of the officers through whom the work is to be executed has to be ensured. Huge amount of public money has been already spent without much results and without accountability, as noted by Hon'ble Supreme Court in the context of Yamuna. Further expenditure has to be incurred with a sense of responsibility, ensuring tangible results. Comprehensive planning is required for taking suitable measures for reduction of pollution load by in-situ and ex-situ treatment strategies,

prevention strategies and utilizing the treated water for non-potable purposes. There may be need to plant trees in coordination with the forest department on the flood plains of the river and buffer zones of the drains. There is need for comprehensive catchment area treatment plan and its execution which may include undertaking engineering, structural as well as biological measures. There is also need to consider utilization of treated sewage water for agriculture or other purposes, discouraging the use of chemical fertilizer and insecticides, to the extent viable. For maintaining and restoring ecological integrity of river Yamuna, eco technology may be used involving Ministry of Fisheries and Animal Husbandry. All other specific points are already mentioned in the order of the Tribunal dated 27.01.2021.

18. In the light of above discussion, we constitute High Level Committee (HLC) of concerned authorities in Delhi where pollution of Yamuna is higher (about 75%), compared to other river basin States. We request the Lieutenant Governor, Delhi, who is Chairman DDA and Administrator of Delhi under Article 239 of the Constitution, to head the Committee. Other members of the Committee will be Chief Secretary, Delhi, who will act as Convener, Secretaries, Irrigation, Forest and Environment, Agriculture, and Finance, Govt. of Delhi, CEO, DJB, Vice Chairman, DDA, Secretary or his nominee (not below the rank of Additional Secretary), Ministry of Agriculture, GoI, D.G. Forest or his nominee (not below the rank of DDG), MoEF&CC, GoI, Secretary, MoJS or his nominee not below the rank of Additional Secretary, Secretary, MoEF&CC or his nominee not below the rank of Additional Secretary, DG NMCG and Chairman CPCB.

19. The Committee will deal with all issues as set out in order dated 27.1.2021 and other ancilliary matters mentioned above. It may also

coordinate with all other departments, to the extent necessary. It may meet physically within one week and take stock of the situation with regard to the directions of the Tribunal, extent of compliance, extent of non-compliance, proposed remedial action for compliance of law, updated plan for compliance of directions, sources of funding, accountability for past failures, methodology for execution of the projects, timelines consistent with the spirit of orders of the Hon'ble Supreme Court and this Tribunal. After its first meeting, the Committee may continue to meet at least once in every week for next six months so as to achieve tangible results within the said period. The Committee may consider opening separate dedicated account, hire dedicated subject matter experts, coordinate with and take on board existing departments, agencies and stake holders, civil society, including voluntary organisations. It may also set up its website and place its proceedings on the said website for information of all concerned and also to enable public participation.

20. The Committee will also be free to interact with corporates interested in their duty to the society and not merely in commercial interest. The timelines prepared be adhered to with laid down penal consequences against violations. Officers of rank of Chief Engineers, given responsibility, be named for fixing responsibility. The Committee may compile data of pollution as on 1.1.1994, 1.1.2012, 1.1.2017, 1.1.2019, 1.1.2021 and 1.1.2023. Thereafter, pollution graph may be prepared on quarterly basis with goal of substantial reduction by 1.7.2023. As already observed, planning may include all action points as per last report of YMC, incorporated in order of this Tribunal dated 27.1.2021, including plan for using treated water for agriculture, horticulture or industrial purposes, preventing discharge/dumping of any waste, protection of flood plain zones, maintaining e-flow, plantations, de-silting and dredging of drains

and the river. MoJS and MoEF&CC may be consulted for norms for dredging and utilising dredged material for developing river front works. The Committee may explore provision for separate channels for carriage of sewage instead of mixing the same with storm water. Treated water may be used for non-potable purposes and not mixed with potable river water. The Committee may ensure that de-silt/de-sludged/dredged material is disposed of as per norms at the earliest, preventing re-entry in the river and damage to the flood plains.

21. Success of the Committee will be viewed by outcome in terms of reduction of pollution load and thus targets of the Committee should be measurable and identifiable. If experiment is successful at Delhi, it may help the country as a whole facing huge problem of water pollution. The Committee will be free to conduct proceedings online/hybrid as found necessary. It will also be free to undertake field visits.

22. The Committee may give its first report by 31.01.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image/PDF.

23. Chief Secretaries of Haryana and Uttar Pradesh may also give their respective reports in the matter by that date, as directed in connected matter.

24. Any interstate issues may be resolved by the Committee comprising Secretary, MoEF & CC, DG, NMCG and Chairman, CPCB.

25. CPCB will monitor water quality of river Yamuna at interstate borders and compile the results. CPCB will also compile data about the quality of effluents being drained into river Yamuna and compliance of STPs and the mode of disposal / utilisation of treated sewage.

26. Authorities already undertaking remedial measures may continue in tandem with and subject to control of the Committee.

27. Inter-Ministerial Expert Group constituted for remediation of Nazafgarh Lake in EA No. 16/2019 in OA No. 153/2014, *Indian National Trust for Art and Cultural Heritage vs. Govt. of NCT of Delhi & Ors.* may also continue till completion of remedial measures in tandem with the working of the Committee.

28. Dr. A.B. Akolkar, retired Member Secretary, CPCB, who had been required to facilitate working of Committees, appointed by the Tribunal, vide order dated 31.05.2022, for monitoring waste management issues in OA No. 606/2018, may continue to facilitate working of the Committee, without any extra financial implications. He will not be a part of the Committee nor involved in its working as such.

List for further consideration on 07.02.2023 alongwith OA No. 562/2022, *Ishika vs. Govt. of NCT of Delhi* and OA No. 06/2012, *Manoj Mishra vs. Union of India & Ors.* and other connected matters.

A copy of this order be forwarded to Chief Secretaries of Delhi, Haryana and Uttar Pradesh, Lieutenant Governor of Delhi, Secretaries, Irrigation, Forest and Environment, Agriculture, Finance, Govt. of Delhi, CEO, DJB, Vice Chairman, DDA, Secretaries of Ministry of Agriculture, MoJS, MoEF&CC, GoI, D.G. Forest, MoEF&CC, GoI, DG NMCG and Chairman, CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 09, 2023
Original Application No. 21/2023



भारत का राजपत्र The Gazette of India

असाधारण

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जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय

अधिसूचना

नई दिल्ली, 7 अक्टूबर, 2016

का.आ. 3187(अ).—गंगा नदी में पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं उपशमन और जल का सतत पर्याप्त प्रवाह सुनिश्चित करने के उपाय करने तथा इससे संबंधित अथवा प्रासंगिक मामलों हेतु केन्द्र, राज्य और जिला स्तर पर प्राधिकरणों का गठन करना जरूरी है, जिससे गंगा नदी का पुनरुद्धार करके इसे इसकी प्राकृतिक एवं मूल स्थिति में लाया जा सके।

जहां, गंगा नदी भौगोलिक, ऐतिहासिक, सामाजिक-सांस्कृतिक एवं आर्थिक कारणों से अद्वितीय महत्व की है जो इसे राष्ट्रीय नदी का दर्जा देता है;

और जहां, गंगा नदी तेजी से हो रहे शहरीकरण एवं औद्योगिकीकरण के कारण सीवेज, औद्योगिक बहिस्त्राव एवं अन्य प्रदूषकों के बढ़ने के कारण गंभीर स्थिति में है;

और जहां, प्रतिस्पर्धी मांग को पूरा करने की आवश्यकता को ध्यान में रखते हुए जनसंख्या, शहरीकरण, औद्योगिकीकरण, अवसंरचना विकास में वृद्धि के कारण सिंचाई, पेयजल आपूर्ति, औद्योगिक उपयोग एवं जल विद्युत के लिए गंगा नदी के जल की मांग बढ़ रही है;

और जहां, अविलंब निम्नलिखित कार्रवाई किए जाने की आवश्यकता है-----

(ए) व्यापक आयोजना एवं प्रबंधन के लिए इस अंतर्राज्यीय एवं अंतर्देशीय समन्वय को प्रोत्साहित करने के लिए नदी बेसिन दृष्टिकोण अपनाकर गंगा नदी में प्रदूषण में प्रभावी कमी तथा नदी का संरक्षण सुनिश्चित करना;

(बी) नदी की पूरी लंबाई के क्षेत्र में सतत प्रवाह सुनिश्चित करने के उद्देश्य से गंगा नदी में पारिस्थितिकीय प्रवाह बनाए रखना जिससे इसकी पारिस्थितिकीय समग्रता को पुनः स्थापित किया जा सके और यह स्वयं अपना पुनरुद्धार करने में सक्षम हो सके;

(सी) गंगा नदी के आस-पास के क्षेत्रों में प्रतिबंध लगाना जहां उद्योग, प्रचालन अथवा प्रक्रियाएं अथवा उद्योगों का वर्ग, प्रचालन अथवा प्रक्रियाएं नहीं की जाएंगी अथवा कुछ सुरक्षा उपायों के साथ की जाएंगी;

(डी) किसी भवन, संयंत्र, उपकरणों, मशीनों, निर्माण अथवा अन्य प्रक्रियाओं, सामग्री अथवा पदार्थों के निरीक्षण का प्रावधान करना और ऐसे प्राधिकरणों, अधिकारियों तथा व्यक्तियों को गंगा नदी में पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाने के लिए कदम उठाने के निर्देश देना जैसा कि यह आवश्यक समझे।

(ई) गंगा नदी में पर्यावरणीय प्रदूषण की समस्या से संबंधित अन्वेषण एवं अनुसंधान करना एवं प्रायोजित करना और पर्यावरणीय प्रदूषण फैलाने वाली संभावित निर्माण प्रक्रियाओं, सामग्री तथा पदार्थों की जांच करना;

(एफ) गंगा नदी में पर्यावरणीय प्रदूषण से संबंधित मामलों के संदर्भ में सूचना एकत्रित एवं प्रसारित करना और पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाने के संबंध में मैनुअल, कोड अथवा गाइड तैयार करना;

और जहां, गंगा के पुनरुद्धार के लिए समान रूप से उत्तरदायी होने के कारण संबंधित राज्य सरकारों को राज्य स्तर पर नदी संरक्षण क्रियाकलापों का समन्वय एवं कार्यान्वयन करना होगा और उनके राज्य में गंगा नदी के व्यापक प्रबंधन के लिए कदम उठाने होंगे;

और जहां, गंगा नदी में प्रदूषण को समाप्त करने और संरक्षण, सुरक्षा और प्रबंधन के लिए इस आदेश के अंतर्गत केंद्र सरकार और राज्य सरकारों तथा प्राधिकरणों के सामूहिक प्रयासों को सुदृढ़ करने के लिए आयोजना, वित्त पोषण, निगरानी और समन्वय की आवश्यकता होगी।

अब, इसलिए, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) (इसके बाद उक्त अधिनियम कहा गया है) की धारा 3 तथा 4, 5, 9, 10, 11, 19, 20 और 23 की उपधारा (2) तथा (3) के अनुच्छेद (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xii) तथा (xiii) के साथ उपधारा (1) द्वारा दी गई शक्तियों का प्रयोग करते हुए और पूर्ववर्ती पर्यावरण एवं वन मंत्रालय में भारत सरकार की 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 1111(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2539(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2493(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2494(अ), 30 सितंबर 2009 की अधिसूचना संख्या का.आ. 2495(अ) और 8 फरवरी 2010 की का.आ. 287(अ) और जल संसाधन, नदी विकास और गंगा संरक्षण में 29 सितंबर 2014 की का.आ. संख्या 2539(अ) का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पहले किए गए अथवा छोड़े गए कार्यों को छोड़कर, केन्द्र सरकार एतद्वारा-

(i) ऐसी शक्तियों तथा कार्यों को करने के उद्देश्य से इस आदेश में उल्लिखित नामों से प्राधिकरण गठित करती है (उक्त अधिनियम की धारा 5 के तहत निर्देश जारी करने की शक्ति के साथ और इस आदेश में उल्लिखित मामलों के संदर्भ में उपाय करने के लिए) ;

(ii) केन्द्र सरकार के पर्यवेक्षण एवं नियंत्रण और इस आदेश के प्रावधानों के शर्ताधीन इस आदेश में विनिर्दिष्ट प्राधिकारी अथवा प्राधिकारियों को निर्देश देती है कि वे इस आदेश में उल्लिखित शक्तियों का प्रयोग अथवा कार्यों का निष्पादन अथवा उपाय करेंगे जैसे कि इन प्राधिकारियों को उक्त अधिनियम द्वारा इन शक्तियों का प्रयोग करने, इन कार्यों का निष्पादन करने अथवा ऐसे उपाय करने का अधिकार दिया गया है;

(iii) यह निर्देश देती है कि उक्त अधिनियम के किसी प्रावधान के तहत गंगा नदी और उससे जुड़े मामलों के संबंध में इसकी सभी शक्तियों एवं कार्यों (धारा 3 की उपधारा (3) के तहत किसी प्राधिकरण के गठन की शक्ति और उक्त अधिनियम की धारा 6 और 25 के तहत नियम बनाने को छोड़कर) का प्रयोग इस आदेश में विनिर्दिष्ट शर्तों एवं सीमाओं के शर्ताधीन इस आदेश द्वारा गठित प्राधिकरणों और इस आदेश में विनिर्दिष्ट अधिकारियों द्वारा भी किया जा सकेगा।

1. लघु शीर्षक एवं प्रारंभ- (1) इस आदेश को गंगा नदी (संरक्षण, सुरक्षा एवं प्रबंधन) प्राधिकरण आदेश, 2016 कहा जाए।

(2) यह सरकारी राजपत्र में प्रकाशन की तारीख से लागू होगा।

2. आदेश को लागू करने का क्षेत्र- यह आदेश गंगा नदी में प्रदूषण की प्रभावी कमी तथा संरक्षण, सुरक्षा एवं प्रबंधन के उद्देश्य से गंगा नदी बेसिन वाले राज्यों अर्थात् हिमाचल प्रदेश, उत्तराखंड, उत्तर प्रदेश, मध्य प्रदेश, छत्तीसगढ़, बिहार, झारखंड,

हरियाणा, राजस्थान, पश्चिम बंगाल और राष्ट्रीय राजधानी क्षेत्र दिल्ली और ऐसे अन्य राज्य जिनमें गंगा नदी की प्रमुख उपनदियां स्थित हैं, पर लागू होगा, जैसा कि गंगा नदी के संरक्षण, सुरक्षा तथा प्रबंधन के लिए राष्ट्रीय परिषद निर्णय ले।

3. परिभाषाएं, यदि संदर्भ में अन्य रूप में अपेक्षित न हो-

(ए) “अधिनियम” का अर्थ पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) होगा।

(बी) “बेसिन” का अर्थ क्षेत्र में मृदा, जल, वनस्पति तथा अन्य प्राकृतिक संसाधन सहित जल निकाय अथवा जल मार्ग के संपूर्ण आवाह क्षेत्र से है और इसमें आवाह आधार पर भूमि, जल, वनस्पति एवं अन्य प्राकृतिक संसाधन शामिल है।

(सी) “बफर क्षेत्र” का अर्थ उस क्षेत्र से है जो नदी के बाढ़ मैदान से आगे है।

(डी) “आवाह” अथवा “आवाह क्षेत्र” में वह संपूर्ण भूमि क्षेत्र शामिल है जिसमें वर्षा, हिम अथवा बर्फ का अपवाह जल मार्ग के गंगा नदी अथवा इसकी उपनदियों में मिलने अथवा गंगा नदी अथवा इसकी उपनदियों में जल छोड़ने से पहले एक जल निकाय अथवा जल मार्ग में गिरता है।

(ई) “व्यावसायिक मछली पालन” का अर्थ गंगा नदी अथवा इसकी उपनदियों में नेट, जहर अथवा अन्य आधुनिक फिशिंग गेयर अथवा पद्धतियों द्वारा व्यावसायिक प्रयोजन से बड़े पैमाने पर मछली पालन से है।

(एफ) “सक्षम प्राधिकारी” का अर्थ केन्द्र सरकार से है।

(जी) “वनकटाव” का अर्थ विशेष रूप से गंगा नदी के आवाह क्षेत्र में वन क्षेत्र में कमी, विशेषतौर पर मानवजनित क्रियाकलापों द्वारा अथवा वन के वैज्ञानिक प्रबंधन के लिए नियोजित रूप से इस हटाने को छोड़कर वन में पेड़ों अथवा वनस्पति को हटाने से है।

(एच) “अवक्रमित वन” का अर्थ गंगा नदी अथवा इसकी उपनदियों के आस-पास आवाह क्षेत्र में मूल वन क्षेत्र अथवा वनस्पति घनत्व में कमी वाले वन से है।

(आई) “निर्देश” का अर्थ अधिनियम की धारा 5 के तहत जारी निर्देश से है और “निर्देश देने” का अर्थ इसी के अनुसार होगा।

(जे) “जिला गंगा समिति” का आशय, पैराग्राफ 53 में उल्लिखित जिला गंगा सुरक्षा समिति से है।

(के) “इंजीनियर्ड डायवर्जन” का अर्थ गंगा नदी अथवा इसकी उपनदियों के जल को नहरों अथवा अन्य इंजीनियरिंग संरचनाओं में अंतरित करने के लिए बनाई गई अथवा संस्थापित संरचना अथवा यंत्र से है।

(एल) “बाढ़ मैदान” का अर्थ गंगा नदी अथवा इसकी उपनदियों के ऐसे क्षेत्र से है जो इसके अधिकतम प्रवाह के संगत बाढ़ अथवा 100 वर्ष में एक बार आने वाली बाढ़ के समान बाढ़ के कारण दोनों ओर जल के अंदर आ जाता है।

(एम) “घाट” का अर्थ गंगा अथवा इसकी उपनदियों के तट पर ढलान वाले भाग से है जिसमें कृत्रिम रूप से निर्मित सीढ़ियां और गंगा नदी अथवा इसकी उपनदियों के जल तक मानव की सरल पहुंच के लिए प्रयुक्त भूमि के ढलान वाले क्षेत्र शामिल है और धार्मिक अथवा अन्य संबंधित प्रयोजन से ऐसे भागों का प्रयोग शामिल है।

(एन) “स्थानीय प्राधिकरण” में पंचायती राज संस्थाएं, नगरपालिकाएं, जिला बोर्ड, छावनी बोर्ड, नगर नियोजन प्राधिकरण अथवा जिला परिषद अथवा अन्य कोई निकाय अथवा प्राधिकरण, जिस भी नाम से जाना जाता हो, जिसे एक विशिष्ट स्थानीय क्षेत्र में आवश्यक सेवाएं देने हेतु अथवा नागरिक सेवाओं के नियंत्रण एवं प्रबंधन के लिए कानून द्वारा मान्यता दी गई हो।

(ओ) “राष्ट्रीय स्वच्छ गंगा मिशन” का अर्थ पैराग्राफ 31 में उल्लिखित प्राधिकरण है।

(पी) “अधिसूचना” का अर्थ सरकारी राजपत्र में प्रकाशित अधिसूचना से है और “अधिसूचित करने” का अर्थ इसी के अनुसार होगा।

(क्यू) “प्रदूषित पदार्थ” में ठोस अपशिष्ट शामिल होगा जिसमें पशुओं के शव, रसोई अथवा अस्तबल का अपशिष्ट, गोबर, कचरा, सड़ी हुई अथवा दुर्गंधयुक्त सामग्री और किसी भी प्रकार की गंदगी शामिल है जो सीवेज में नहीं आती।

(आर) “व्यक्ति” में निम्नलिखित शामिल है-

- (i) एक व्यक्ति अथवा समूह अथवा व्यक्तियों का संघ शामिल किया गया हो अथवा नहीं;
- (ii) कंपनी अधिनियम, 2013 (2013 का 18) के तहत स्थापित कंपनी;
- (iii) किसी केन्द्रीय अथवा राज्य अधिनियम द्वारा स्थापित कोई निगम;
- (iv) एक स्थानीय प्राधिकरण;
- (V) उपर्युक्त उपखंडों में से किसी में भी न आने वाला प्रत्येक न्यायिक व्यक्ति।

(एस) “नदी तल” का अर्थ गंगा नदी अथवा इसकी उपनदियों के क्षेत्र के सूखे हिस्से से है और इसमें वह स्थान शामिल है जहां गंगा नदी अथवा इसकी उपनदियां बहती हैं जब वे जल से भर जाती हैं और गंगा नदी अथवा इसकी उपनदियों के किनारे स्थित भूमि शामिल है जो जल का सर्वाधिक प्रवाह होने पर अपने प्राकृतिक चैनल में जल को बनाए रखती है।

(टी) “नदी तल खेती” में जल के कम प्रवाह के समय गंगा नदी अथवा इसकी उपनदियों के नदी तल पर मौसमी कृषि अथवा खेती से है।

(यू) “गंगा नदी” धारा का अर्थ उत्तराखंड राज्य में 6 प्रमुख धाराओं की संपूर्ण लंबाई अर्थात् अलकनंदा, धौलीगंगा, नंदाकिनी, पिंडर, मंदाकिनी और भागीरथी से है जो अपने मूल ग्लेशियर से विष्णु प्रयाग, नंद प्रयाग, कर्ण प्रयाग, रूद्र प्रयाग और देव प्रयाग में उनके संबंधित संगम तक है और नदी की मुख्य धारा भी इसमें शामिल है और उसके बाद प्रयागराज सहित गंगा सागर तक और इसकी सभी उपनदियां शामिल हैं।

(वी) “कूड़ा करकट” का अर्थ राख, टूटी हुई ईंटों, गारे, टूटे हुए कांच, धूल अथवा किसी प्रकार के अपशिष्ट और गंदगी से है।

(डब्ल्यू) “मिट्टी के खनन” का अर्थ सूखे चैनल बेल्ट, बाढ़ मैदान अथवा गंगा नदी अथवा इसकी उपनदियों के भाग से नदी में बड़े पैमाने पर मिट्टी को हटाने से है।

(एक्स) “सीवेज अपशिष्ट” का अर्थ किसी सीवेज प्रणाली अथवा सीवेज निपटान कार्य के बहिष्काव से है और इसमें खुले नालों का सीवेज शामिल है।

(वाई) “सीवेज स्कीम” का अर्थ ऐसी स्कीम से है जो एक स्थानीय प्राधिकरण भूमिगत बंद सीवर के माध्यम से जल को फ्लश करके सीवेज हटाने की प्रक्रिया शुरू करें।

(जेड) “अनुसूची” का अर्थ इस आदेश के साथ संलग्न अनुसूची है।

(जेडए) “विनिर्दिष्ट जिले” का अर्थ हिमाचल प्रदेश, उत्तराखंड, उत्तर प्रदेश, मध्य प्रदेश, छत्तीसगढ़, बिहार, झारखंड, हरियाणा, राजस्थान, पश्चिम बंगाल और राष्ट्रीय राजधानी क्षेत्र दिल्ली और ऐसे अन्य राज्य जिनमें इस आदेश में उल्लिखित गंगा नदी की प्रमुख उपनदियां स्थित हैं, में गंगा नदी अथवा इसकी उपनदियों के 15 किमी. के क्षेत्र में गंगा नदी के आस-पास स्थित प्रत्येक जिले के क्षेत्र से है।

(जेडबी) “राज्य गंगा समिति” का अर्थ पैरा 2 में उल्लिखित राज्यों में से प्रत्येक राज्य के लिए इस आदेश के तहत गठित राज्य गंगा संरक्षण, सुरक्षा एवं प्रबंधन समिति से है।

(जेडसी) राज्य गंगा नदी संरक्षण प्राधिकरण का अर्थ प्रत्येक राज्य में अधिनियम के तहत पूर्व गठित प्राधिकरण से है अर्थात्:-

- (i) पर्यावरण एवं वन मंत्रालय में दिनांक 8 फरवरी, 2010 की भारत सरकार की अधिसूचना संख्या का.आ. 287(अ) द्वारा गठित बिहार राज्य गंगा नदी संरक्षण प्राधिकरण।
- (ii) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 2495(अ) द्वारा गठित झारखंड राज्य गंगा नदी संरक्षण प्राधिकरण।

(iii) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 1111(अ) द्वारा गठित उत्तराखंड राज्य गंगा नदी संरक्षण प्राधिकरण।

(iv) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 2493(अ) द्वारा गठित उत्तर प्रदेश राज्य गंगा नदी संरक्षण प्राधिकरण।

(v) पर्यावरण एवं वन मंत्रालय में दिनांक 30 सितंबर, 2009 की भारत सरकार की अधिसूचना संख्या का.आ. 2494(अ) द्वारा गठित पश्चिम बंगाल राज्य गंगा नदी संरक्षण प्राधिकरण।

(जेडडी) “धारा” में नदी, जल मार्ग (प्रवाहित हो रहे हों अथवा कुछ समय के लिए सूखे हों), अंतर्देशीय जल (प्राकृतिक अथवा कृत्रिम) और उपक्षेत्र जल शामिल है।

(जेडई) “गंगा नदी की उपनदियों” का अर्थ उन नदियों अथवा धाराओं से है जो गंगा नदी में प्रवाहित होती हैं और इनमें यमुना नदी, सोन नदी, महानंदा नदी, कोसी नदी, गंडक नदी, घाघरा नदी और महाकाली नदी तथा उनकी उपनदियां अथवा ऐसी अन्य नदियां जिन्हें राष्ट्रीय गंगा नदी संरक्षण, सुरक्षा एवं प्रबंधन परिषद इस आदेश के उद्देश्य से विनिर्दिष्ट करे, शामिल हैं।

2. इस आदेश में प्रयुक्त किए गए तथा परिभाषित नहीं किए गए शब्दों एवं पदों का अर्थ यदि पर्यावरण (सुरक्षा) अधिनियम, 1986 (1986 का 29) में परिभाषित किया गया है तो उनका अर्थ वही समझा जाएगा जो उक्त अधिनियम में दिया गया है।

4. गंगा नदी की सुरक्षा, प्रबंधन एवं संरक्षण के लिए उपाय करने हेतु अपनाए जाने वाले सिद्धांत- (1) गंगा नदी के संरक्षण, सुरक्षा एवं प्रबंधन के लिए उपाय करने हेतु निम्नलिखित सिद्धांत अपनाए जाएंगे अर्थात:-

(i) गंगा नदी को एक एकल प्रणाली के रूप में प्रबंधित किया जाएगा;

(ii) गंगा नदी के जल की रासायनिक, भौतिक एवं जीव विज्ञानीय गुणवत्ता को पुनःस्थापित करने एवं इस बनाए रखने का कार्य समयबद्ध ढंग से किया जाएगा;

(iii) गंगा नदी को पारिस्थितिकीय ढंग से सतत पद्धति में प्रबंधित किया जाएगा;

(iv) गंगा नदी में प्राकृतिक मौसमी विविधता में परिवर्तन किए बिना नदी में प्रवाह बनाए रखा जाएगा;

(v) गंगा नदी के देशान्तरीय, लेटरल तथा ऊर्ध्वाधर आयाम (कनेक्टिविटी) नदी प्रबंधन प्रक्रियाओं तथा पद्धतियों में शामिल किए जाएंगे;

(vi) सतही प्रवाह तथा उपसतही जल (भूजल) के बीच समग्र संबंध को पुनःस्थापित किया जाएगा एवं बनाए रखा जाएगा;

(vii) आवाह क्षेत्र में खोई प्राकृतिक वनस्पति को पुनः सृजित किया जाएगा एवं बनाए रखा जाएगा;

(viii) गंगा नदी बेसिन में जलीय एवं तटीय जैव-विविधता को पुनः सृजित एवं संरक्षित किया जाएगा;

(ix) प्रदूषण के स्रोत, दबाव को कम करने और इसके प्राकृतिक भूजल पुनर्भरण विशेषताओं को बनाए रखने के लिए गंगा नदी के तट और इसके बाढ़ मैदान को निर्माण मुक्त जोन बनाया जाएगा;

(x) संरक्षण, सुरक्षा एवं प्रबंधन में जनता की भागीदारी, किसी विनियम, मानक में संशोधन करना एवं लागू करने, संरक्षण, सुरक्षा एवं प्रबंधन के लिए बहिष्कार न्यूनीकरण योजना अथवा कार्यक्रम को प्रोत्साहन दिया जाए और गंगा नदी के संरक्षण, सुरक्षा एवं प्रबंधन की प्रक्रियाओं एवं पद्धतियों का अभिन्न हिस्सा बनाया जाएगा;

(2) राष्ट्रीय स्वच्छ गंगा मिशन देश के लोगों की आवश्यकताओं, प्रौद्योगिकी में उन्नयन तथा लोगों की सामाजिक-आर्थिक स्थिति को ध्यान में रखते हुए और राष्ट्रीय संयुक्त संस्तुति की समृद्ध विरासत के संरक्षण के लिए उपपैरा (1) के तहत विनिर्दिष्ट सिद्धांतों के अतिरिक्त सिद्धांत विनिर्दिष्ट कर सकता है।

5. गंगा नदी में जल का पारिस्थितिकीय प्रवाह बनाए रखा जाए- (1) प्रत्येक राज्य सरकार, यह सुनिश्चित करने का प्रयास करेगी कि पैरा के उप पैरा (iv) में दिए गए अनुसार गंगा नदी में हर समय जल का अबाधित प्रवाह बनाए रखा जाए।

(2) प्रत्येक राज्य सरकार भी गंगा नदी में इसकी पारिस्थितिकीय समग्रता को बनाए रखने के लिए विभिन्न मौसम में जल का पर्याप्त प्रवाह बनाए रखने के प्रयास करेगी और इस लक्ष्य को प्राप्त करने के लिए सभी संबंधित प्राधिकरण समयबद्ध ढंग से उचित कार्रवाई करेंगे।

(3) इस पैरा के प्रयोजन से जल के औसत प्रवाह का निर्धारण राष्ट्रीय स्वच्छ गंगा मिशन द्वारा गंगा नदी पर विनिर्दिष्ट बिन्दुओं पर विनिर्दिष्ट जल वैज्ञानिक प्रेक्षण केन्द्रों द्वारा किया जाएगा।

बशर्ते कि राष्ट्रीय स्वच्छ गंगा मिशन द्वारा पारिस्थितिकी को ध्यान में रखते हुए गंगा नदी पर विभिन्न बिन्दुओं के लिए नदी में जल का औसत प्रवाह निर्धारित किया जाए।

6. गंगा नदी और उसकी उप नदियों में पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाना

(1) कोई व्यक्ति गंगा नदी अथवा इसकी उपनदियों अथवा इसके तटों पर प्रत्यक्ष रूप से अथवा अप्रत्यक्ष रूप से अशोधित अथवा शोधित सीवेज अथवा सीवेज कीचड़ नहीं डालेगा;

बशर्ते कि जहां किसी स्थानीय प्राधिकरण के पास इस आदेश के लागू होने की तारीख को सीवेज अथवा कीचड़ के एकत्रण, भंडारण, ले जाने और निपटान के लिए सीवेज स्कीम अथवा अवसंरचना नहीं है अथवा गंगा नदी अथवा इसकी उपनदियों के आस-पास के क्षेत्र में उपर्युक्त तारीख तक ऐसी अवसंरचना प्रचालन में न हों, ऐसा प्रत्येक स्थानीय प्राधिकरण इस आदेश के लागू होने की तारीख से राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट अवधि में स्थानीय प्राधिकरण के क्षेत्र में सीवेज के एकत्रण, भंडारण, ले जाने एवं निपटान के लिए ऐसी अवसंरचना विकसित करेगा अथवा ऐसी अवसंरचना प्रचालन में लाएगा।

(2) कोई व्यक्ति प्रत्यक्ष रूप से अप्रत्यक्ष रूप से गंगा नदी अथवा इसकी उपनदियों अथवा इनके तटों पर अशोधित अथवा शोधित व्यावसायिक बहिस्त्राव, औद्योगिक अपशिष्ट नहीं छोड़ेगा;

बशर्ते यह भी कि जहां किसी उद्योग अथवा औद्योगिक क्षेत्र प्रबंधन के पास इस आदेश के लागू होने की तारीख को औद्योगिक बहिस्त्राव शोधन स्कीम अथवा अवसंरचना न हो अथवा गंगा नदी अथवा इसकी उपनदियों के आस-पास के क्षेत्र में उपर्युक्त तारीख को ऐसी अवसंरचना प्रचालन में न हो, ऐसा प्रत्येक उद्योग अथवा औद्योगिक क्षेत्र प्रबंधन उद्योग अथवा औद्योगिक क्षेत्र प्रबंधन के कार्यक्षेत्र में इस आदेश के लागू होने की तारीख से राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट अवधि में व्यावसायिक बहिस्त्राव, औद्योगिक अपशिष्ट के एकत्रण, भंडारण, ले जाने एवं निपटान के लिए अवसंरचना विकसित करेगा अथवा ऐसी अवसंरचना प्रचालन में लाएगा।

(3) कोई व्यक्ति गंगा नदी में अथवा गंगा नदी या इसकी उपनदियों के तट अथवा इनके सक्रिय बाढ़ मैदानी क्षेत्र में आवासीय अथवा वाणिज्यिक अथवा औद्योगिक अथवा अन्य किसी प्रयोजन से स्थायी अथवा अस्थायी संरचना का निर्माण नहीं करेगा;

बशर्ते कि, अपवाद की स्थितियों जैसे प्राकृतिक आपदा अथवा पारंपरिक स्थलों पर धार्मिक आयोजनों के लिए राज्य गंगा समिति और जिला गंगा समिति के माध्यम से राष्ट्रीय स्वच्छ गंगा मिशन की पूर्व अनुमति से अस्थायी संरचनाएं बनायी जा सकती हैं;

बशर्ते यह भी कि इस आदेश के लागू होने से पहले गंगा नदी अथवा इसकी उपनदियों के तट अथवा सक्रिय बाढ़ मैदान में यदि कोई ऐसी संरचना बनाई गई है तो राष्ट्रीय स्वच्छ गंगा मिशन ऐसी संरचनाओं की समीक्षा करेगा ताकि यह जांच की जा सके कि ऐसी संरचनाएं गंगा नदी अथवा इसकी उपनदियों में जल के सतत प्रवाह को बाधित नहीं कर रही अथवा नदी में प्रदूषण नहीं फैला रही और यदि ऐसा है तो यह उन्हें हटाने की कार्रवाई कर सकता है।

(4) कोई व्यक्ति ऐसा कोई क्रियाकलाप अथवा किसी परियोजना अथवा प्रक्रिया अथवा क्रियाकलाप नहीं करेगा अथवा जारी रखेगा। जिससे गंगा नदी में प्रदूषण हो, चाहे यह क्रियाकलाप इस आदेश में उल्लिखित हो या न हो।

(5) राष्ट्रीय स्वच्छ गंगा मिशन का यह कर्तव्य होगा कि प्रत्येक विनिर्दिष्ट राज्य गंगा समिति अथवा विनिर्दिष्ट जिला गंगा संरक्षण समिति, स्थानीय प्राधिकरण और सभी अन्य प्राधिकरण तथा व्यक्ति गंगा नदी और इसकी उपनदियों के आस-पास के प्रत्येक गांव/नगर, शहर तथा अन्य क्षेत्रों में स्थानीय भाषा में रिपोर्टों में दी गई सूचना तथा उपर्युक्त उपायों का विभिन्न माध्यमों से व्यापक प्रचार करेंगे तथा जनता के ध्यान में लाएंगे।

7. गंगा नदी और इसकी सहायक नदियों के प्रदूषण के मामले में आपातकालीन उपाय- किसी दुर्घटना अथवा अनदेखे कार्य अथवा घटना के कारण गंगा नदी में कोई भी विषैला हानिकारक अथवा प्रदूषक कारक पाया जाता है अथवा प्रवेश किया है, और तत्काल कार्रवाई करने की आवश्यकता होती है, तो ऐसे कार्यों को करने के लिए तत्काल कार्रवाई शुरू करनी होगी अथवा

विनिर्दिष्ट राज्य गंगा समिति अथवा विनिर्दिष्ट जिला गंगा समिति अथवा स्थानीय प्राधिकरण अथवा कोई अन्य प्राधिकरण अथवा बोर्ड अथवा निगम द्वारा ऐसे कार्यों को करने हेतु निर्देश दिया जाएगा, चूंकि इसे निम्नलिखित सभी अथवा किसी उद्देश्य के लिए आवश्यक समझा जाए। अर्थात्

(क) प्रदूषक की उपस्थिति के कारण किसी प्रदूषण के उपशमन अथवा निपटान के लिए इस ढंग से जैसा कि विनिर्दिष्ट किया गया है, गंगा नदी से प्रदूषक सामग्री को हटाने की पद्धति और निपटाना के साथ साथ ऐसे कार्यों को करने के लिए यथा उपयुक्त समझा जाता है।

(ख) गंगा नदी में किसी भी विषैले, हानिकारक अथवा प्रदूषक सामग्री को छोड़ने से किसी व्यक्ति अथवा स्थानीय प्राधिकरण अथवा संबंधित अन्य प्राधिकरण अथवा बोर्ड अथवा निगम को नियंत्रित करने अथवा निषेध करने संबंधी निर्देश जारी करना।

(ग) इस प्रकार की आपातकालीन समस्या के समाधान के लिए कोई अतिरिक्त कार्य अथवा कार्य पद्धति शुरू करना जैसा भी आवश्यक हो।

8. निर्देश जारी करने की शक्ति- राष्ट्रीय स्वच्छ गंगा मिशन, इस आदेश के तहत अपनी शक्तियों और निष्पादन अथवा अपने कार्य पद्धतियों का प्रयोग कर सकता है, जिसे प्रदूषण का निवारण और गंगा नदी के संरक्षण, संरक्षा एवं प्रबंधन के लिए आवश्यक समझा जाए। संबंधित प्राधिकरण अथवा स्थानीय प्राधिकरण अथवा अन्य प्राधिकरणों अथवा बोर्ड अथवा निगम अथवा व्यक्ति को लिखित में अधिनियम के तहत ऐसे निर्देश जारी करना और वे ऐसे निर्देशों का पालन करने के लिए बाध्य होंगे।

व्याख्या- संदेह के निवारण के लिए एतद द्वारा घोषित किया जाता है कि इस धारा के तहत निर्देश जारी करने की शक्ति शामिल की जाती है लेकिन निर्देश देने की शक्ति को सीमित नहीं किया जाता है-

(क) किसी उद्योग, प्रचालन अथवा प्रक्रिया को बंद करना, निषेध अथवा विनियमन; अथवा

(ख) विद्युत अथवा जल की आपूर्ति अथवा अन्य किसी सेवा को रोकना अथवा विनियमन

(ग) इस आदेश अथवा उल्लिखित अधिनियम अथवा बनाए गए नियम अथवा इसके तहत जारी निर्देशों के विरोधी किसी कार्य को रोकना अथवा बंद करना।

(घ) इस आदेश अथवा उल्लिखित अधिनियम में विनिर्दिष्ट उपायों का प्रभावी कार्यान्वयन

9. गंगा सुरक्षा लेखा परीक्षा- प्रत्येक विनिर्दिष्ट जिला गंगा समिति वार्षिक समय ढांचा के भीतर और ऐसे जिला के लिए गंगा नदी के क्षेत्र हेतु राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किए जाने वाले प्रोटोकॉल के अनुसार गंगा सुरक्षा लेखा परीक्षकों द्वारा गंगा सुरक्षा लेखा परीक्षा करवाई जाएगी और विनिर्दिष्ट राज्य गंगा समिति तथा राष्ट्रीय स्वच्छ गंगा मिशन को इस संबंध में शुरू की गई सुधारात्मक कार्रवाई सहित इस सुरक्षा लेखा परीक्षा की रिपोर्ट की प्रति अग्रेषित करेगी, जिस पर उपयुक्त कार्रवाई की जाएगी, यदि आवश्यक हो।

10. गंगा नदी तथा इसकी सहायक नदियों में प्रदूषण की निगरानी किया जाना- (1) गंगा नदी तथा इसकी सहायक नदियों में प्रदूषण की निगरानी राष्ट्रीय स्वच्छ गंगा मिशन द्वारा स्वयं अथवा उपग्रह के चित्रों तथा अन्य दूरसंवेदी प्रौद्योगिकियों के उपयोग द्वारा विभिन्न राज्य और केन्द्र सरकारी अभिकरणों के साथ-साथ इसके द्वारा विनिर्दिष्ट किए जाने वाले आवधिक आधार पर वास्तविक केन्द्रों, ऑनलाइन निगरानी और स्वतंत्र अभिकरणों के माध्यम से निर्देशों द्वारा की जाएगी।

(2) उप-पैराग्राफ के प्रावधानों के बावजूद (1) केन्द्र सरकार गंगा तथा इसकी सहायक नदियों में ऊपर उल्लिखित प्रदूषण की निगरानी के लिए किसी अन्य तकनीक अथवा पद्धति, जिसे निर्देशों में विनिर्दिष्ट किया जा सके, को अपनाकर गंगा तथा इसकी सहायक नदियों में प्रदूषण की निगरानी के कार्य को किसी अन्य अभिकरण अथवा निकाय अथवा सीधे, प्रौद्योगिकी को अद्यतन करने के उद्देश्य से, सौंप सकती है।

11. गंगा नदी के संरक्षण, सुरक्षा और प्रबंधन संबंधी राष्ट्रीय परिषद का गठन - इस आदेश को लागू करने की तिथि से अधिनियम के उद्देश्यों तथा इस आदेश और उल्लिखित अधिनियम के तहत यथा विनिर्दिष्ट शक्तियों का उपयोग करने तथा कार्यों को करने के लिए गंगा नदी के संरक्षण, संरक्षा, प्रबंधन संबंधी राष्ट्रीय परिषद के नाम से (जिसे इस आदेश में इसके पश्चात् राष्ट्रीय गंगा परिषद कहा जाएगा) एक प्राधिकरण का गठन किया जाएगा।

12. राष्ट्रीय गंगा परिषद की संरचना- राष्ट्रीय गंगा परिषद में निम्नलिखित सदस्य शामिल होंगे, नामतः-	
(क) प्रधानमंत्री	अध्यक्ष, पदेन
(ख) केन्द्रीय जल संसाधन, नदी विकास और गंगा संरक्षण मंत्री	उपाध्यक्ष, पदेन
(ग) केन्द्रीय पर्यावरण वन एवं जलवायु परिवर्तन मंत्री	सदस्य, पदेन
(घ) केन्द्रीय वित्त मंत्री	सदस्य, पदेन
(ङ) केन्द्रीय शहरी विकास मंत्री	सदस्य, पदेन
(च) केन्द्रीय विद्युत मंत्री	सदस्य, पदेन
(छ) केन्द्रीय विज्ञान एवं प्रौद्योगिकी मंत्री	सदस्य, पदेन
(ज) केन्द्रीय ग्रामीण विकास मंत्री	सदस्य, पदेन
(झ) केन्द्रीय पेयजल एवं स्वच्छता मंत्री	सदस्य, पदेन
(ञ) केन्द्रीय पोत परिवहन मंत्री	सदस्य, पदेन
(ट) केन्द्रीय पर्यटन राज्य मंत्री	सदस्य, पदेन
(ठ) उपाध्यक्ष, नीति आयोग	सदस्य, पदेन
(ड) मुख्यमंत्री, बिहार	सदस्य, पदेन
(ढ) मुख्यमंत्री, झारखंड	सदस्य, पदेन
(ण) मुख्यमंत्री, उत्तराखंड	सदस्य, पदेन
(त) मुख्यमंत्री, उत्तर प्रदेश	सदस्य, पदेन
(थ) मुख्यमंत्री, पश्चिम बंगाल	सदस्य, पदेन
(द) सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय-	सदस्य, पदेन
(ध) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य-सचिव, पदेन

(2) राष्ट्रीय गंगा परिषद सदस्य के रूप में राष्ट्रीय गंगा परिषद में प्रतिनिधित्व नहीं करने वाले ऐसे राज्य के एक अथवा एक से अधिक मुख्यमंत्रियों को शामिल कर सकती है जहां गंगा नदी की प्रमुख सहायक नदियां हैं, जिससे गंगा नदी के जल की गुणवत्ता प्रभावित होने की संभावना है।

(3) राष्ट्रीय गंगा परिषद यदि आवश्यक समझे तो एक अथवा अधिक केन्द्रीय मंत्रियों को भी शामिल कर सकती है।

(4) राष्ट्रीय गंगा परिषद नदी संरक्षण, नदी पारिस्थितिकी और नदी प्रबंधन, जल विज्ञान, पर्यावरण अभियांत्रिकी, सामाजिक जागरूकता के क्षेत्र में तथा अन्य संबंधित क्षेत्रों के विशेषज्ञों तथा विशेषज्ञ संगठनों अथवा संस्थानों के साथ परामर्श कर सकती है।

(5) राष्ट्रीय गंगा परिषद का मुख्यालय नई दिल्ली में अथवा ऐसे किसी अन्य स्थान पर होगा, जैसा निर्धारित किया जाए।

(6) राष्ट्रीय गंगा परिषद का सचिवालय राष्ट्रीय स्वच्छ गंगा मिशन में होगा।

(7) केन्द्र सरकार में जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय नोडल मंत्रालय के रूप में कार्य करेगा।

13. राष्ट्रीय गंगा नदी बेसिन प्राधिकरण का विघटन- (1) पैराग्राफ 11 में राष्ट्रीय गंगा परिषद के गठन की तिथि को और से, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, नई दिल्ली की अधिसूचना का.आ. 2539(अ), दिनांक 29 सितम्बर, 2014 के द्वारा गठित राष्ट्रीय गंगा नदी बेसिन प्राधिकरण को विघटित माना जाएगा।

(2) विघटन से पहले राष्ट्रीय गंगा नदी बेसिन प्राधिकरण द्वारा किए गए अथवा छोड़े गए सभी कार्य अथवा शुरू की गई कार्रवाई अथवा खर्च की गई अथवा खर्च किए जाने हेतु प्राधिकृत किसी राशि को इस आदेश के समान प्रावधानों के तहत किया हुआ अथवा शुरू किया जाना माना जाएगा।

14. गंगा नदी के पर्यवेक्षण, निर्देशन और नियंत्रण का कार्य राष्ट्रीय गंगा परिषद को सौंपना- गंगा नदी के पर्यवेक्षण, निर्देशन, विकास और नियंत्रण तथा गंगा नदी में पर्यावरण प्रदूषण के संरक्षण, रोकथाम, नियंत्रण और निवारण के लिए संपूर्ण नदी बेसिन (वित्तीय एवं प्रशासनिक मामलों सहित) तथा इसकी प्राकृतिक और मूल स्थिति का संरक्षण नदी में जल के पर्याप्त बहाव की निरंतरता और इसके साथ जुड़े मामलों के लिए राष्ट्रीय गंगा परिषद, इस आदेश में शामिल किसी भी चीज के बावजूद, संपूर्ण रूप से जिम्मेवार मानी जाएगी।

15. राष्ट्रीय गंगा परिषद का क्षेत्राधिकार- गंगा नदी के संरक्षण, संरक्षा और प्रबंधन संबंधी राष्ट्रीय परिषद का क्षेत्राधिकार पैराग्राफ 2 में दिए गए क्षेत्र तक होगा।

16. गंगा नदी के संरक्षण, संरक्षा और प्रबंधन संबंधी राष्ट्रीय परिषद की बैठक-

- (1) राष्ट्रीय गंगा परिषद अपनी बैठकों सहित अपने कार्य को करने के लिए अपनी स्वयं की प्रक्रिया का विनियमन कर सकती है।
- (2) राष्ट्रीय गंगा परिषद के अध्यक्ष बैठक की अध्यक्षता करेंगे और उनकी अनुपस्थिति में राष्ट्रीय गंगा परिषद की बैठकों की अध्यक्षता उपाध्यक्ष करेंगे और इसके कार्यव्यवहार को आगे बढ़ाएंगे।
- (3) उपाध्यक्ष के पास अगली बैठक में संपुष्टि के शर्ताधीन परिषद की दो बैठकों के आयोजन के बीच में परिषद के उद्देश्य को प्राप्त करने हेतु राष्ट्रीय गंगा परिषद के लिए आवश्यक निर्णय लेने की शक्ति होगी।
- (4) राष्ट्रीय गंगा परिषद अपने विवेक से प्रत्येक वर्ष कम से कम एक अथवा अधिक बैठकें आयोजित कर सकती है।

17. प्राधिकरण के रूप में गंगा नदी संबंधी अधिकार प्राप्त कार्यबल का गठन- (1) इस आदेश को जारी करने की तिथि से अधिनियम के उद्देश्यों तथा इस आदेश और उल्लिखित अधिनियम के तहत यथा विनिर्दिष्ट शक्तियों का उपयोग करने तथा कार्यों को करने के लिए गंगा नदी संबंधी अधिकार प्राप्त कार्यबल के नाम से एक प्राधिकरण का गठन किया जाएगा।

2 गंगा नदी संबंधी अधिकार प्राप्त कार्यबल में निम्नलिखित शामिल हैं, नामतः-	
(क) केन्द्रीय जल संसाधन, नदी विकास और गंगा संरक्षण मंत्री	अध्यक्ष, पदेन
(ख) केन्द्रीय जल संसाधन, नदी विकास और गंगा संरक्षण राज्य मंत्री	उपाध्यक्ष, पदेन
(ग) सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण सदस्य,	पदेन
(घ) सचिव, वित्त मंत्रालय (व्यय विभाग)	सदस्य, पदेन
(ङ) सीईओ, नीति आयोग	सदस्य, पदेन
(च) मुख्य सचिव, उत्तराखंड राज्य	सदस्य, पदेन
(छ) मुख्य सचिव, उत्तर प्रदेश राज्य	सदस्य, पदेन
(ज) मुख्य सचिव, बिहार राज्य	सदस्य, पदेन
(झ) मुख्य सचिव, झारखंड राज्य	सदस्य, पदेन
(ञ) मुख्य सचिव, पश्चिम बंगाल राज्य	सदस्य, पदेन
(ट) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य, सचिव

(3) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल, एक अथवा एक से अधिक केन्द्रीय मंत्रालयों के सचिवों अथवा संबंधित अन्य किसी राज्य के मुख्य सचिव को सदस्य के रूप में शामिल कर सकती है, यदि आवश्यक समझा जाए।

(4) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल अपने विवेकानुसार कम से कम प्रत्येक तीन महीने में एक अथवा इससे अधिक बैठकें आयोजित करेगा।

(5) केन्द्र सरकार, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय में गंगा संबंधी अधिकार प्राप्त कार्यबल को प्रशासनिक और तकनीकी सहायता उपलब्ध कराएगी और यह मंत्रालय ऐसी प्रशासनिक और तकनीकी सहायता देने के उद्देश्य हेतु नोडल मंत्रालय होगा।

(18) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल के कार्य और शक्तियां-

(1) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल गंगा नदी और इसकी सहायक नदियों के संरक्षण, संरक्षा और प्रबंधन से संबंधित सभी मामलों में समन्वय करेगा और सलाह देगा।

(2) खासकर और उप-पैराग्राफ (1) के प्रावधानों के पूर्वाह्वह के बिना गंगा नदी संबंधी अधिकार प्राप्त कार्यबल के कार्य और शक्तियों में गंगा नदी के संरक्षण, सुरक्षा और प्रबंधन से संबंधित निम्नलिखित मामलों में से सभी अथवा किसी एक के संबंध में उपायों को शामिल किया जा सकता है। अर्थात्-

(क) यह सुनिश्चित करना कि संबंधित मंत्रालय, विभागों और राज्य सरकारों के पास-

(i) गंगा नदी के संरक्षण और परिरक्षण के उद्देश्य को प्राप्त करने के लिए खास गतिविधियों, उद्देश्यों और समयबद्धता सहित एक कार्य योजना है

(ii) इसकी कार्य योजनाओं के कार्यान्वयन की निगरानी हेतु एक तंत्र है

(ख) समयबद्ध आधार पर इसकी कार्य योजनाओं के कार्यान्वयन के लिए संबंधित मंत्रालयों, विभागों और राज्य सरकारों के बीच समन्वय।

(ग) कार्यान्वयन प्रक्रिया की निगरानी, बाधाओं को दूर करना, शीघ्र कार्यान्वयन सुनिश्चित करने के लिए आवश्यक सुझाव और निर्णय लेना।

(घ) घरेलू और विदेशी सहायता के माध्यम से वित्त पोषित परियोजनाओं सहित नमामि गंगे

(ङ) गंगा नदी के संरक्षण और संरक्षा तथा प्रबंधन के उद्देश्य को प्राप्त करने के लिए यथा आवश्यक समझे गए ऐसे अन्य कार्यों को करना अथवा यथा आवश्यक समझी गई शक्तियों का प्रयोग करना अथवा केन्द्र सरकार द्वारा सौंपा गया हो अथवा राष्ट्रीय गंगा परिषद द्वारा विनिर्दिष्ट कार्यों को करना।

19. एक हजार करोड़ रूपए के मूल्य से अधिक की परियोजनाओं के लिए अनुमोदन

(1) गंगा नदी संबंधी अधिकार प्राप्त कार्यबल, एक हजार करोड़ रूपए के मूल्य से अधिक की प्रत्येक परियोजना के अनुमोदन हेतु जिम्मेवार होगा, समय-समय पर यथा संशोधित।

(2). गंगा नदी संबंधी अधिकार प्राप्त कार्यबल उप-पैराग्राफ (1) के उद्देश्य हेतु इनके सदस्यों के बीच एक अधिकारियों की उप-समिति गठन कर सकता है।

20. विनिर्दिष्ट राज्य गंगा संरक्षण संरक्षा एवं प्रबंधन समितियों का प्राधिकरणों के रूप में गठन तथा इनका संघटन- इस आदेश के लागू होने की तारीख से पैरा 2 में दिए गए अनुसार प्रत्येक राज्य में राज्य गंगा संरक्षण, संरक्षा एवं प्रबंधन समिति नामक एक प्राधिकरण गठित किया जाएगा। जिसमें इस आदेश तथा अधिनियम विनिर्दिष्ट शक्तियों का प्रयोग करने तथा कार्यों का निष्पादन करने के लिए अनुसूची में विनिर्दिष्ट किए गए अनुसार एक अध्यक्ष और सदस्य शामिल होंगे।

21. राज्य गंगा समिति की बैठकें- (1) प्रत्येक विनिर्दिष्ट राज्य गंगा समिति अपनी बैठकों सहित अपने कार्यों को करने के लिए अपनी स्वयं की प्रक्रिया का विनियमन कर सकती है।

(2) प्रत्येक राज्य गंगा समिति 3 महीने की अवधि में कम से कम अपनी एक बैठक करेगी।

(3) विनिर्दिष्ट राज्य गंगा समिति के अध्यक्ष इसकी बैठकों की अध्यक्षता करेंगे और उनकी अनुपस्थिति में उल्लिखित समिति अपना उपाध्यक्ष का चुनाव करेंगे, जो विनिर्दिष्ट राज्य गंगा समिति की बैठकों की अध्यक्षता करेंगे और इसके कार्य व्यवहार को आगे बढ़ाएंगे।

22. समिति का अधीक्षण, निर्देशन एवं नियंत्रण- गंगा नदी और इसकी सहायक नदियों में संरक्षण, संरक्षा पर्यावरणीय प्रदूषण की रोकथाम, नियंत्रण एवं कमी लाने के उद्देश्य से इस आदेश में किए गए किसी भी प्रावधान के बावजूद जिला गंगा समितियों का अधीक्षण निर्देशन एवं नियंत्रण राज्य गंगा समिति के पास होगा जिससे गंगा नदी प्राकृतिक एवं मूल स्थिति का संरक्षण किया जा सके और संबंधित राज्यों में गंगा नदी के संरक्षण एवं प्रबंधन के लिए गंगानदी में जल का सतत एवं पर्याप्त प्रवाह सुनिश्चित किया जा सके।

23. राज्य समिति के निर्णय बाध्यकारी होंगे--- विनिर्दिष्ट राज्य गंगा समिति की बैठकों में लिए गए निर्णय इस आदेश में निहित किसी भी मामले के बावजूद प्रत्येक जिला गंगा समिति और प्रत्येक स्थानीय प्राधिकरण अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा ऐसे निर्णय में संदर्भित व्यक्ति पर लागू होंगे और वे राज्य गंगा समिति के निर्णयों का अनुपालन करेंगे।

24. राज्य गंगा समितियों के अधिकार, कर्तव्य और कार्य- (1) प्रत्येक राज्य गंगा समिति को इस अधिनियम के प्रावधानों तथा उसके तहत बनाए गए नियमों अथवा उसके तहत जारी निर्देशों तथा इस आदेश के प्रावधानों में निर्धारित नियमों के शर्ताधीन पैरा 6, 7 और 8 में उल्लिखित उपायों सहित ऐसे सभी उपायों जो वह गंगा नदी में प्रभावी प्रदूषण निवारण और नदी के संरक्षण हेतु तथा राष्ट्रीय गंगा परिषद तथा राष्ट्रीय स्वच्छ गंगा मिशन के निर्णयों को लागू करने हेतु आवश्यक अथवा अनिवार्य समझे, को करने का अधिकार होगा।

(2) राज्य गंगा समिति राष्ट्रीय गंगा परिषद और राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विभिन्न कार्यक्रम और परियोजनाएं कार्यान्वित करेगी।

(3) विशेषकर और उप-पैरा (1) और (2) के प्रावधानों की सामान्यता के पूर्वाग्रह के बिना इन उपायों में निम्नलिखित सभी अथवा इनमें से कोई मामला शामिल किया जा सकता है अर्थात्:-

(क) सीवरेज अवसंरचना के संवर्धन, आवाह क्षेत्र सुधार, बाढ़ मैदानों की सुरक्षा, जन जागरूकता फैलाने तथा राज्य स्तरीय अन्य उपायों और गंगा नदी में उसकी जल गुणवत्ता बरकरार करने के लिए उसमें प्रदूषण निवारण, नियंत्रण और कम करने सहित गंगा नदी के संरक्षण संबंधी कार्यों का समन्वय और कार्यान्वयन, तथा नदी इकोलॉजी और संबंधित राज्य में प्रबंधन संबंधी अन्य उपाय करना;

(ख) संबंधित राज्य में नदी बेसिन प्रबंधन योजना का कार्यान्वयन

(ग) संबंधित राज्य में गंगा नदी में न्यूनतम इकोलॉजी प्रवाह को बरकरार रखना और तत्संबंधी कार्य।

(घ) इस आदेश के तहत अपने अधिकारों के प्रयोग और कार्यों के निष्पादन हेतु अधिनियम की धारा 10 के अंतर्गत प्रवेश एवं निरीक्षण तथा धारा 11 के अंतर्गत नमूना लेने का अधिकार;

(4) राज्य गंगा समिति को पैरा 7 में रेखांकित मुद्दों पर निर्देश देने का अधिकार होगा।

(5) राज्य गंगा समिति को पैरा समिति को अधिनियम की धारा 5 के तहत निर्देश देने का अधिकार होगा।

(6) राज्य गंगा समिति के अधिकार और कार्य अधिनियम, के प्रावधानों के अनुरूप न होते पर, किसी केन्द्रीय अथवा राज्य अधिनियम के तहत राज्य सरकार को सौंपे गए किसी अधिकार के पूर्वाग्रह से मुक्त होंगे।

25. जिला गंगा समितियों की योजनाओं और कार्यक्रमों के निष्पादन की निगरानी- प्रत्येक विनिर्दिष्ट राज्य गंगा समिति अपनी सभी जिला गंगा सुरक्षा समितियों तथा अन्य प्राधिकारियों की योजनाओं, कार्यक्रमों और परियोजनाओं के निष्पादन की निगरानी करेगी और तत्संबंधी प्रगति रिपोर्ट राष्ट्रीय स्वच्छ गंगा मिशन को सौंपेगी।

26. सभी जिला गंगा समितियों की समेकित रिपोर्टें तैयार करना और तत्संबंधी सुधारात्मक उपाय करना--- (i) प्रत्येक राज्य गंगा समिति सभी जिला गंगा सुरक्षा समितियों, स्थानीय प्राधिकरणों अथवा अन्य प्राधिकरणों अथवा बोर्ड अथवा निगम अथवा व्यक्ति द्वारा प्रस्तुत प्रत्येक तिमाही की समेकित रिपोर्ट तैयार करेगी जिसमें गंगा नदी और उसकी सहायक नदियों की सीमा में आने वाले प्रत्येक विनिर्दिष्ट जिले का उल्लेख होगा।

(क) उनके द्वारा कार्यान्वित की जा रही योजनाओं की स्थिति और उनके द्वारा किए गए उपाय तथा गंगा नदी और उसकी सहायक नदियों की दशा के विषय में कोई अन्य कार्य;

(ख) प्रत्येक विनिर्दिष्ट जिले में गंगा नदी और उसकी सहायक नदियों में जल गुणवत्ता तथा तत्संबंधी सुधारात्मक कार्रवाई;

(ग) प्रत्येक विनिर्दिष्ट जिले में गंगा नदी में प्रवाह में कोई अवरोध तथा तत्संबंधी कारण;

(घ) जिला गंगा समिति अथवा स्थानीय प्राधिकरणों अथवा अन्य प्राधिकारियों को की गई शिकायतों के समाधान के लिए किए गए उपाय;

(ङ) प्रत्येक विनिर्दिष्ट जिले में गंगा सुरक्षा लेखापरीक्षा द्वारा की गई कोई प्रतिकूल रिपोर्ट;

(च) गंगा नदी उसकी सहायक नदियों की दशा के संबंध में कोई अन्य सूचना।

(2) उप-पैरा (1) में उल्लिखित रिपोर्ट तत्संबंधी सुधारात्मक उपायों सहित वर्ष की समाप्ति के एक माह के भीतर राष्ट्रीय स्वच्छ गंगा मिशन को सौंपी जाएगी।

27. गंगा सुरक्षा लेखा परीक्षा का आयोजन और राज्य समितियों द्वारा ऐसी लेखा परीक्षा रिपोर्ट प्रस्तुत करना--- (1) राज्य गंगा समितियों का यह कर्तव्य होगा कि वे जिला गंगा सुरक्षा समितियों द्वारा गंगा लेखा परीक्षा की रिपोर्ट तत्संबंधी की गई सुधारात्मक कार्रवाई सहित राष्ट्रीय स्वच्छ गंगा मिशन को प्रस्तुत करें तथा उसे सार्वजनिक क्षेत्र में उपलब्ध भी कराएं और अपनी वेबसाइट पर भी दर्शाएं।

(2) गंगा सुरक्षा लेखा परीक्षा में ये विवरण शामिल किए जाएंगे और राष्ट्रीय स्वच्छ गंगा मिशन द्वारा जारी अधिसूचना के अनुसार विनिर्दिष्ट अंतरालों (इस आदेश में उल्लिखित अन्यथा सुरक्षित) पर यथा निर्धारित ढंग से लेखा परीक्षा की जाएगी।

28. राज्य गंगा समिति का नोडल अभिकरण होना--- राज्य गंगा समिति, राज्य में इस आदेश के प्रावधानों के कार्यान्वयन तथा गंगा नदी और उसकी सहायक नदियों में प्रदूषण के प्रभावी निवारण तथा नदी का संरक्षण, सुरक्षा एवं प्रबंधन के लिए राज्य व्यापी नोडल अभिकरण होगी।

29. राष्ट्रीय गंगा परिषद तथा राष्ट्रीय स्वच्छ गंगा मिशन के निर्देश राज्य गंगा समिति पर बाध्यकारी होंगे--- प्रत्येक राज्य गंगा समिति इस आदेश के प्रावधानों को अनदेखा करने के पूर्वाग्रह के बिना इस आदेश के तहत अपने अधिकारों का प्रयोग अथवा कार्यों का निष्पादन करते समय वह ऐसे निर्णयों अथवा निर्देशों (तकनीकी और प्रशासनिक मामलों से संबंधित होने वाले निर्देशों सहित) जो राष्ट्रीय परिषद तथा राष्ट्रीय स्वच्छ गंगा मिशन समय-समय पर गंगा नदी में प्रदूषण निवारण तथा उसके संरक्षण, सुरक्षा एवं प्रबंधन के लिए उसे लिखित में दिए जाएं, का पालन करेगी।

30. राज्य गंगा नदी संरक्षण प्राधिकरणों और राज्य कार्यकारी समितियों का विघटन--- (1) राज्य गंगा समितियों के गठन की तारीख से, इस आदेश के लागू होने से पहले गठित संबंधित गठित संबंधित राज्य गंगा नदी संरक्षण प्राधिकरणों के साथ-साथ राज्य कार्यकारी समितियों को विघटित हो गया माना जाएगा।

(2) ऐसे विघटन से पहले, उप-पैराग्राफ (1) के अंतर्गत प्राधिकरणों और समितियों द्वारा किए गए अथवा हटा दिए जाने वाले सभी कार्यों अथवा की गई कार्रवाई अथवा खर्च की गई राशि अथवा खर्च के लिए प्राधिकृत राशि को निष्पादन कर लिया माना जाएगा अथवा इस आदेश के संगत प्रावधानों के तहत ले लिया गया माना जाएगा।

31. एक प्राधिकरण के रूप में राष्ट्रीय स्वच्छ गंगा मिशन का गठन- (1) इस आदेश के लागू होने के तारीखसे सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अंतर्गत पंजीकृत एक सोसाइटी राष्ट्रीय स्वच्छ गंगा मिशन अधिनियम के उद्देश्य से और इस आदेश तथा अधिनियम और इसके तहत बनाए गए नियमों अथवा जारी किए गए निर्देशों के अंतर्गत विनिर्दिष्ट किए गए अनुसार शक्तियों का प्रयोग करने तथा कार्यों का निष्पादन के करने के लिए इस अधिनियम के अंतर्गत इसी नाम से गठित एक प्राधिकरण होगा।

(2) राष्ट्रीय स्वच्छ गंगा मिशन का संघटन पैरा 35 में दिए गए अनुसार होगा।

32. राष्ट्रीय स्वच्छ गंगा मिशन के प्रचालन का क्षेत्र- राष्ट्रीय स्वच्छ गंगा मिशन के प्रचालन का क्षेत्र पैराग्राफ 2 में रूपरेखा दिया गया क्षेत्र होगा।

33. राष्ट्रीय स्वच्छ गंगा मिशन नोडल एजेंसी होगा --- इस आदेश के प्रावधानों के राष्ट्र व्यापी कार्यान्वयन तथा प्रदूषण के प्रभावी उपशमन और गंगा नदी तथा उसकी उप-नदियों के पुनरूद्धार, संरक्षण और प्रबंधन के लिए राष्ट्रीय स्वच्छ गंगा मिशन एक नोडल एजेंसी होगा।

34. एक अधिकार प्राप्त संगठन के रूप में राष्ट्रीय स्वच्छ गंगा मिशन- राष्ट्रीय स्वच्छ गंगा मिशन दो स्तरीय प्रबंधन के साथ एक अधिकार प्राप्त संगठन होगा जिसके पास इस आदेश में विनिर्दिष्ट किए गए अनुसार प्रशासनिक, मूल्यांकन एवं अनुमोदन की शक्तियां होंगी और कर्तव्य कार्य तथा शक्तियां होंगी।

35. राष्ट्रीय स्वच्छ गंगा मिशन का संघटन:- राष्ट्रीय स्वच्छ गंगा मिशन टू-टीयर निगरानी संरचना होगी और इसमें गर्वनिंग परिषद और कार्यकारी समितियां शामिल होंगी

(1) गर्वनिंग परिषद में निम्नलिखित सदस्य शामिल होंगे नामतः

(क)	राष्ट्रीय स्वच्छ गंगा मिशन के महा निदेशक	अध्यक्ष पदेन
(ख)	संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय	सदस्य पदेन
(ग)	संयुक्त सचिव, शहरी विकास मंत्रालय	सदस्य पदेन
(घ)	संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय	सदस्य पदेन
(ङ)	संयुक्त सचिव, व्यय विभाग	सदस्य पदेन
(च)	नीति आयोग के प्रतिनिधि (संयुक्त सचिव के स्तर से कम कम न हो)	सदस्य पदेन
(छ)	अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड	सदस्य पदेन
(ज)	प्रधान सचिव, शहरी विकास, बिहार सरकार	सदस्य पदेन
(झ)	प्रधान सचिव, शहरी विकास, झारखंड सरकार	सदस्य पदेन
(ञ)	प्रधान सचिव, शहरी विकास, उत्तर प्रदेश सरकार	सदस्य पदेन
(ट)	प्रधान सचिव, पेयजल, उत्तराखंड सरकार	सदस्य पदेन
(ठ)	प्रधान सचिव, शहरी विकास, पश्चिम बंगाल सरकार	सदस्य पदेन
(ड)	एकजीक्यूटिव ऑफिसर (डिप्टी डीजी), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(ढ)	एकजीक्यूटिव डायरेक्टर (तकनीकी), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(ण)	एकजीक्यूटिव डायरेक्टर (वित्त), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(त)	एकजीक्यूटिव डायरेक्टर (परियोजना), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य पदेन
(थ)	एकजीक्यूटिव डायरेक्टर (प्रशासन), राष्ट्रीय स्वच्छ गंगा मिशन	सदस्य-सचिव

(2) गर्वनिंग परिषद में से गठित की गई कार्यकारिणी समिति में निम्नलिखित सदस्य शामिल होंगे नामतः-

(क) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन-अध्यक्ष पदेन

(ख) संयुक्त सचिव, व्यय विभाग-सदस्य पदेन

- (ग) नीति आयोग के प्रतिनिधि (संयुक्त सचिव के स्तर का) -सदस्य पदेन
- (घ) संबंधित राज्य (राज्यों) के प्रधान सचिव-सदस्य पदेन
- (ङ) ऐक्जीक्यूटिव अधिकारी (डिप्टी डीजी), राष्ट्रीय स्वच्छ गंगा मिशन - सदस्य पदेन
- (च) ऐक्जीक्यूटिव डायरेक्टर (वित्त) -सदस्य पदेन
- (छ) ऐक्जीक्यूटिव डायरेक्टर (तकनीकी) -सदस्य पदेन
- (ज) ऐक्जीक्यूटिव डायरेक्टर (परियोजनाएं) -सदस्य पदेन

- (3) महानिदेशक, राष्ट्रीय स्वच्छ गंगा मिशन यदि आवश्यक समझते हैं तो कार्यकारी समिति, गर्वनिंग परिषद के अन्य कोई सदस्य के साथ काम कर सकते हैं।
- (4) गर्वनिंग परिषद अपने सदस्यों में से एक उप-समिति का गठन कर सकती है और परियोजना के मूल्यांकन हेतु कुछ तकनीकी विशेषज्ञों के साथ भी कार्य कर सकते हैं।
- (5) संबंधित राज्यों के प्रतिनिधि उप-समिति के सदस्य होंगे।
- (6) गर्वनिंग काउंसिल के पास आधे सदस्यों का कोरम होना चाहिए।

36. (1) 1000 करोड़ रुपये तक के सभी अनुमोदन ईसी में निहित होंगे। इसके बदले में ईसी तीन महीने में कम से कम एक बार जीसी को रिपोर्ट करेंगे।

- (2) तकनीकी विशेषज्ञों/या मान्यता प्राप्त संस्थाना या भारतीय तकनीकी संस्थानों के कंसॉर्टियम द्वारा परियोजना के तृतीय पक्ष मूल्यांकन के पूर्ण होने के पश्चात जीसी की उप समिति परियोजना का मूल्यांकन करेगी।
- (3) तृतीय पक्ष, तकनीकी मूल्यांकन उनके मूल्य को ध्यान में न रखते हुए सभी परियोजनाओं के लिए होगा।

37. राष्ट्रीय स्वच्छ गंगा मिशन के महानिदेशक और कार्यकारी निदेशक की नियुक्ति

- (1) राष्ट्रीय स्वच्छ गंगा मिशन के महानिदेशक की नियुक्ति केन्द्र सरकार द्वारा की जाएगी। महानिदेशक का पद भारत सरकार के अपर सचिव अथवा सचिव के समकक्ष होगा। नियुक्ति की शर्तें केन्द्र सरकार द्वारा निर्धारित की जाएंगी।
- (2) कार्यकारी निदेशक, वित्त की नियुक्ति निर्धारित भर्ती नियमों के अनुसार प्रतिनियुक्ति के आधार पर केन्द्र सरकार की संगठित लेखा सेवाओं के अधिकारियों में से की जाएगी जिसका पद भारत सरकार के संयुक्त सचिव के समकक्ष होगा।
- (3) राष्ट्रीय स्वच्छ गंगा मिशन में प्रशासन और परियोजनाओं के लिए अलग-अलग कार्यकारी निदेशक का कम से कम एक पद होगा जिसका ओहदा भारत सरकार के संयुक्त सचिव के समकक्ष।
- (4) कार्यकारी निदेशकों में से एक को राष्ट्रीय स्वच्छ गंगा मिशन को उप महानिदेशक के रूप में पदनामित किया जाएगा, जिसकी नियुक्ति केन्द्र सरकार द्वारा की जाएगी।
- (5) कार्यकारी समिति को कोई भी मनोनीत सदस्य का स्तर भारत सरकार के संयुक्त सचिव की श्रेणी से कम नहीं होगा।

38. (1) राष्ट्रीय स्वच्छ गंगा मिशन के कर्तव्य : राष्ट्रीय स्वच्छ गंगा मिशन के निम्नलिखित कर्तव्य होंगे-

- (i) इस आदेश के पैराग्राफ 5 में दिए गए सिद्धांतों और उसमें दिए गए प्रावधानों का अनुसरण करना,
- (ii) राष्ट्रीय गंगा परिषद के निर्णयों और निदेशों का अनुपालन करना और इसके द्वारा अनुमोदित गंगा बेसिन प्रबंधन योजना का राष्ट्रीय गंगा परिषद के निर्देशानुसार कार्यान्वयन करना,
- (iii) समयबद्ध तरीके से नदी गंगा परिषद के पुनरुद्धार और संरक्षण के लिए सभी कार्यकलापों को समन्वित करना।
- (iv) सभी अन्य कार्य करना अथवा कुछ कार्यों को नहीं करना जो गंगा नदी और इसकी उप नदियों के पुनरुद्धार और संरक्षण के लिए आवश्यक हों।

39. राष्ट्रीय स्वच्छ गंगा मिशन के कार्य..... (1) इस आदेश के प्रावधानों के पूर्वाग्रह के बिना राष्ट्रीय स्वच्छ गंगा मिशन निम्नलिखित की पहचान करेगी अथवा पहचान का कारण बनेगी।

(क) सीवरेज और औद्योगिक अपशिष्ट, शवों को जलाने और गाड़ने तथा पशुओं के अवशेषों के निपटान और वाणिज्यिक, मनोरंजन और धार्मिक कार्यकलापों से खतरे सहित गंगा और उसकी उप नदियों के पास जिले के प्रत्येक गांव और कस्बे में गंगा नदी के लिए विशिष्ट खतरे।

(ख) गंगा नदी और इसकी उप-नदियों के पास ऐसे सभी जिलों के प्रत्येक गांव और कस्बे में प्रत्येक गांव में ऐसे खतरों का सामना करने के लिए अपेक्षित उपायों के प्रकार।

(ग) वे विशिष्ट क्षेत्र जहां गंगा नदी और इसकी उप-नदियों के संरक्षण और संरक्षा के लिए ऐसे उपचारात्मक कार्रवाई की जानी अपेक्षित है।

(घ) वे उपाय, जो शोधित जल के पुनः उपयोग के लिए आवश्यक होंगे तथा केन्द्र सरकार के मंत्रालयों जैसे रेलवे, पॉवर और पेट्रोलियम, प्राकृतिक गैस आदि राज्य सरकारों, केन्द्र और राज्य सरकार के स्वायत्त निकायों, मान्यता प्राप्त संस्थानों और सभी अन्य संगठनों के साथ समझौता ज्ञापन करना, जो राष्ट्रीय स्वच्छ गंगा मिशन सही समझे।

(2) राष्ट्रीय स्वच्छ गंगा मिशन, गंगा नदी और इसकी उप-नदियों के पास ऐसे विनिर्दिष्ट जिलों के प्रत्येक गांव और कस्बे में गंगा नदी और इसकी उप-नदियों के संरक्षण और संरक्षा के लिए अन्य वस्तुओं में लागत, समयबद्धता और उत्तरदायित्वों के आवंटन के साथ गंगा नदी बेसिन प्रबंधन योजना बनाएगा अथवा बनाने का कारण, बनेगा और इसके लिए परियोजनाओं का कार्यान्वयन करेगा।

(3) राष्ट्रीय स्वच्छ गंगा मिशन निम्नलिखित कार्य करेगा :-

(क) जल गुणवत्ता सुनिश्चित करने तथा पर्यावरण रूप से स्थायी संरक्षण, गंगा नदी और उसकी उप-नदियों का संरक्षण और प्रबंधन और इसे अधिसूचित करना तथा पर्याप्त पारिस्थितिकीय प्रवाह को बनाए रखने के लिए आवश्यक सभी उपायों को लेने अथवा निर्देशित करने के लिए सभी समयों पर विभिन्न क्षेत्रों में विभिन्न बिंदुओं पर रखे जाने के लिए अपेक्षित गंगा नदी और उसकी उप-नदियों में पारिस्थितिकीय प्रवाह और परिणाम के निर्धारण का कारण बनेगा।

(ख) ऐसे स्थानों को पहचानने का कारण बनना; जहां गंगा नदी के जल के पर्यावरणीय प्रवाह को आशोधित किया गया है तथा इसके सुधार के लिए उपाय करना ताकि गंगा नदी और इसकी उप-नदियों के संरक्षण, संरक्षा और प्रबंधन के लिए जल के सतत प्रवाह को बनाए रखा जा सके।

(ग) जल के इंजीनियर्ड डाइवर्जन अथवा जल के भंडारण अथवा किसी अन्य साधन के कारण गंगा नदी और इसकी उप-नदियों में जल के अंतराल के स्थान पहचानना और इनके संबंध में योजनाएं लागू करना अथवा इसके लिए उपचारात्मक कार्रवाई करना।

(घ) गंगा नदी और इसकी उप-नदियों में जल के प्रवाह और प्रदूषण के स्तर की लगातार निगरानी करने के लिए एक प्रणाली तैयार करना।

(ङ.) ऐसे सभी उपाय करना, जो राष्ट्रीय गंगा परिषद के निर्णय को लागू करने के लिए आवश्यक हों ताकि गंगा नदी और इसकी उप-नदियों में पर्याप्त पारिस्थितिकीय प्रवाह बनाये रखा जा सके।

(च) राज्य सरकारों, विशिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा समितियों अथवा स्थानीय प्राधिकारियों अथवा किसी व्यक्ति अथवा निकाय, किसी प्राधिकरण, बोर्ड या निगम को प्रदूषण के उपशमन और संरक्षण गंगा नदी और इसकी उप-नदियों के संरक्षण और प्रबंधन के लिए विस्तृत परियोजना रिपोर्ट तैयार करने अथवा परियोजनाओं के कार्यान्वयन के लिए किसी एजेंसी द्वारा सहायता प्रदान करना अथवा सहायता का कारण बनना।

(छ) प्रदूषण के उपशमन तथा गंगा नदी और इसकी उप-नदियों के संरक्षण, संरक्षा और प्रबंधन के संबंध में ज्ञान आधार तथा विश्लेषणात्मक उपकरणों के शोध, विकास और प्रसार के लिए एक या अधिक मौजूदा केंद्रों की स्थापना करना या स्थापना को सुकर बनाना अथवा नामोद्दिष्ट और निर्देशित करना ।

(ज) कोई अन्य उपाय करना, जो जल के सतत प्रवाह और गंगा और इसकी उप-नदियों में प्रदूषण के उपशमन के लिए आवश्यक हो ।

(4) राष्ट्रीय स्वच्छ गंगा मिशन पैराग्राफ 7 में बताए गए सभी ऐसे अन्य आपात उपाय करेगा ।

40. गंगा नदी और इसकी उप-नदियों के किनारे किसी उपयुक्त स्थान पर गंगा नदी मॉनीटरिंग केन्द्र की स्थापना----- राष्ट्रीय स्वच्छ गंगा मिशन गंगा नदी बेसिन से स्थानों को पहचानेगा अथवा ऐसे स्थानों पर स्थापना करेगा अथवा किसी मौजूदा प्रयोगशाला अथवा केन्द्र अथवा संस्थान को केन्द्र के रूप में नामोद्दिष्ट करेगा जिसे 'रिवर गंगा मॉनीटरिंग सेंटर' कहा जाएगा, जो अन्य बातों में इस आदेश के अंतर्गत यथापेक्षित जल के लगातार प्रवाह और प्रदूषण के स्तर को मॉनीटर करेंगे और वहां उपचारात्मक कार्रवाई करने के लिए राष्ट्रीय स्वच्छ गंगा मिशन को तुरंत रिपोर्ट करेंगे ।

41. राष्ट्रीय स्वच्छ गंगा मिशन की शक्तियां----- (1) राष्ट्रीय गंगा परिषद के पर्यवेक्षण और निदेश के अंतर्गत गंगा नदी और उसकी उप-नदियों के संरक्षण, संरक्षा और प्रबंधन के कार्य को सुकर बनाने की भूमिका, उत्तरदायित्व और शक्तियों से युक्त राष्ट्रीय एजेंसी होने के कारण राष्ट्रीय स्वच्छ गंगा मिशन गंगा नदी के संरक्षण, संरक्षा और प्रबंधन के लिए राष्ट्रीय परिषद अथवा केन्द्र सरकार को सिफारिश करेगा अथवा स्वयं ही राज्य गंगा समितियों अथवा जिला गंगा समितियों अथवा स्थानीय प्राधिकरण अथवा किसी अन्य प्राधिकरण अथवा किसी व्यक्ति संस्था, समूह अथवा एजेंसी को अपने निर्णयानुसार निदेश जारी करेगा तथा इसके पास ऐसे सभी उपाय करने और कार्य करने की शक्तियां होंगी, जो यह गंगा नदी तथा इसकी उप-नदियों में पर्यावरणीय प्रदूषण के निषेध, नियंत्रण और उपशमन के लिए आवश्यक अथवा उचित समझे, जिनसे गंगा नदी को इसकी प्राकृतिक तथा पुरातन स्थिति तक संरक्षित किया जा सके तथा गंगा नदी तथा इससे संबंधित मामलों के संरक्षण और प्रबंधन के लिए गंगा नदी में जल के सतत तथा पर्याप्त प्रवाह को सुनिश्चित किया जा सके ।

2. विशेष रूप से तथा उप-पैराग्राफ 1 के प्रावधानों की सामान्यतया के पूर्वाग्रह के बिना तथा इस आदेश में यथा अन्यथा उपबंधित ऐसे निदेश गंगा नदी के प्रबंधन के सभी अथवा किसी मामले को शामिल कर सकती है, नामतः-

(क) पैराग्राफ 4 में दिए गए सिद्धांतों के अनुसार में इस आदेश के पैराग्राफ 55 में उल्लिखित कार्यों को पूरा करना;

(ख) केन्द्र सरकार के अनुमोदन से प्रदूषण के उपशमन तथा गंगा नदी के संरक्षण, संरक्षा और प्रबंधन के लिए राष्ट्रीय नीति बनाना ।

(ग) गंगा नदी और इसकी उप-नदियों में संरक्षण, संरक्षा, प्रदूषण के निषेध, नियंत्रण और उपशमन के लिए गंगा बेसिन प्रबंधन योजना के प्रभावी कार्यान्वयन के लिए केन्द्र सरकार के अनुमोदन से किसी देश अथवा विदेशी एजेंसी के साथ समझौता ज्ञापन करना ।

(घ) आशोधनों के साथ अथवा उसके बिना नदी गंगा बेसिन प्रबंधन योजना को अनुमोदित करना और सीधे संशोधन, यदि कोई हो, उस पर करना;

(ङ.) प्रगति रिपोर्ट का पर्यवेक्षण करना, समीक्षा करना और राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों अथवा स्थानीय प्राधिकरणों और अन्य प्राधिकरणों को बुनियादी प्रबंधन योजना और गंगा नदी और इसकी उप-नदियों के मामलों से संबंधित किसी अन्य मामले पर निर्देश जारी करना ।

(च) सीवरेज के बढ़ने और बहिस्त्राव शोधन अवसंरचना, आवाह क्षेत्र उपचार, बाढ़ मैदानों के संरक्षण, जन-जागरूकता सृजन करना, जलीय और राइपेरियन जीवन और जैव विविधता के संरक्षण और पर्यावरणीय रूप से स्थायी नदी संरक्षण के संवर्धन के लिए ऐसे अन्य उपायों सहित गंगा नदी में प्रदूषण के उपशमन के लिए कार्यक्रमों की योजना बनाना, वित्तपोषण और कार्यान्वयन अनुमोदित करना ।

(छ) प्रदूषण के निषेध, नियंत्रण और उपशमन तथा गंगा नदी और इसकी उप-नदियों के संरक्षण और प्रबंधन के लिए आरंभ किए गए विभिन्न कार्यक्रमों अथवा कार्यकलापों के कार्यान्वयन का समन्वय, मॉनीटरिंग और समीक्षा करना।

(ज) नदी की पारिस्थितिकी को पुनः बहाल करने और नदी गंगा बेसिन राज्यों के प्रबंधन से संगत उपायों को करने के लिए किसी व्यक्ति अथवा प्राधिकरण को निर्देश देना।

(झ) स्पेशल पर्पज वेहिकल के सृजन के लिए केन्द्र सरकार को सिफारिश करना (चाहे कंपनी अधिनियम, 2013 (2013 का 18) अथवा सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अंतर्गत एक कंपनी के रूप में अथवा भारतीय न्यास अधिनियम, 1882 (1882 का 2) के अधीन एक न्यास के रूप में) जैसाकि इस आदेश अथवा उक्त आदेश के प्रयोजन के कार्यान्वयन के लिए उपयुक्त हो।

(ञ) प्रदूषण के प्रभावी निषेध, नियंत्रण और उपशमन, गंगा नदी और इसकी उप-नदियों में संरक्षण और संरक्षा और प्रबंधन को सुनिश्चित करने के लिए नीति और कार्य के बेहतर समन्वय के लिए ऐसे उपाय करना, जिसे आवश्यक समझा जाए।

(ट) परियोजनाओं के उपयुक्त तथा शीघ्र कार्यान्वयन के लिए किसी संगत व्यक्ति अथवा प्राधिकारी को ऐसे निदेश जारी करना अथवा ऐसी परियोजनाओं को निरस्त करना अथवा निधियों के जारी रखने को रोकना अथवा पहले से जारी की गई धनराशि को सीधे रिफंड करना और किसी अन्य व्यक्ति अथवा बोर्ड अथवा कॉरपोरेशन को इसे शीघ्र कार्यान्वयन हेतु सौंपना।

(ठ) पहले से जारी किसी भी कानून के प्रति पूर्वाग्रह रखे बिना लेखों या अन्य दस्तावेजों के रख-रखाव से किसी संबंधित या प्राधिकरण को निर्देश देना जैसा कि राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किया जाए;

(ड) ऐसे अन्य उपाय करना जो कि गंगा नदी और उसकी सहायक नदियों में प्रदूषण के बचाव, नियंत्रण और उपशमन की उपलब्धि, संरक्षण और निवारण और प्रबंधन के लिए आवश्यक है;

(3) राष्ट्रीय स्वच्छ गंगा मिशन को मुद्दों पर निर्देशों को जारी करने की शक्ति होगी जोकि अधिनियम की धारा 5 में निर्धारित किए गए हैं।

(4) राष्ट्रीय स्वच्छ गंगा मिशन अपने निर्णयों के कार्यान्वयन हेतु तथा राष्ट्रीय गंगा परिषद के निर्णयों के लिए उपयुक्त प्रणाली तैयार करे।

(42) कतिपय मामलों में पूर्व अनुमोदन देना--- प्रत्येक व्यक्ति राज्य गंगा समितियां, जिला गंगा संरक्षण समितियां और स्थानीय प्राधिकरण तथा अन्य प्राधिकारी गंगा नदी से संबंधित तथा गंगा नदी या इसकी सहायक नदियों के दायरे में आने वाले क्षेत्र से संबंधित निम्नलिखित मामलों पर, यदि राष्ट्रीय गंगा नदी के निर्णयों को कार्यान्वित करना अपेक्षित है, तो राष्ट्रीय स्वच्छ गंगा मिशन का पूर्व अनुमोदन प्राप्त करना होगा। नामतः-

(क) गंगा नदी के डाउन स्ट्रीम जल के प्रवाह को प्रभावित किए बिना गंगा नदी में जल के भण्डारण के डाइवर्जन की प्रणाली;

(ख) गंगा नदी या नदी के तट पर या इसके बाढ़ योजना क्षेत्रों पर पुलों और सहायक सड़कों तथा तटों का निर्माण;

(ग) घाटों का निर्माण अथवा किसी भी मौजूदा घाट का विस्तार;

(घ) घाटों का निर्माण;

(ङ.) जल के संग्रह अथवा डाइवर्जन या नियंत्रण के लिए स्थायी जलीय संरचनाओं का निर्माण अथवा गंगा नदी अथवा इसकी सहायक नदियों का चैनलीकरण;

(च) पहाड़ी ढलानों और अधिसूचित वन तथा अन्य पर्यावरणीय दृष्टि से संवेदी क्षेत्रों का वन कटाव;

(छ) कोई अन्य कार्यकलाप जो कि पैराग्राफ 4 में सिद्धांतों के विपरीत निर्धारित किए गए हैं उन्हें राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किया जाए।

43. वित्तीय ढांचा ---- (1) राष्ट्रीय स्वच्छ गंगा मिशन द्वारा बजटीय आवंटन अपने कार्यों, लक्ष्यों और उद्देश्यों को पूरा करने से संबंधित व्यय तथा स्थापना व्यय को वहन करने हेतु उपयोग किया जाएगा। इसके लिए शर्त यह है कि अनुदान, ऋण और उधार के रूप में प्राप्त धन उन्हीं में विनिर्दिष्ट उद्देश्यों के लिए वहन किया जाएगा जिनके लिए यह अनुदान, ऋण और उधार प्राप्त हुआ है।

(2) राष्ट्रीय स्वच्छ गंगा मिशन लेखों तथा अन्य संबद्ध रिकार्डों का उपयुक्त रूप से रख-रखाव रखेगा और वार्षिक व्यय विवरण तैयार करेगा।

(3) राष्ट्रीय स्वच्छ गंगा मिशन के लेखों की सांविधिक लेखा परीक्षा भारत के नियंत्रक और महालेखा परीक्षक द्वारा की जाएगी और वार्षिक लेखा परीक्षा पूरी होने के पश्चात लेखा परीक्षा एजेंसी वार्षिक लेखा परीक्षा प्रमाण पत्र भेजेगी।

(4) राष्ट्रीय स्वच्छ गंगा मिशन के कार्य केन्द्रीय सतर्कता आयोग के नियंत्रण में हैं और सतर्कता संबंधी मामलों की देख रेख के लिए एक सतर्कता अधिकारी होगा।

(5) लेखा परीक्षा रिपोर्ट के साथ वार्षिक व्यय विवरण प्रति वर्ष अधिकार प्राप्त कार्यबल को भेजा जायेगा और केन्द्र सरकार इसे संसद के दोनों सदन में प्रस्तुत करेगी।

44. कानून विशेषज्ञों को कार्य पर लगाना राष्ट्रीय स्वच्छ गंगा मिशन के पास एक उपयुक्त विधायी व्यवस्था होगी जिसके लिए राष्ट्रीय स्वच्छ गंगा मिशन कानूनी विशेषज्ञ परामर्शदाता और विधायी फर्म की सेवाएं लेगी जो कि राष्ट्रीय स्वच्छ गंगा मिशन को विधायी मामलों पर सलाह देने के लिए तथा अपने कर्तव्यों का निर्वाह करने के लिए राष्ट्रीय स्वच्छ गंगा मिशन को सहयोग प्रदान करने के लिए आवश्यक है।

45. रिपोर्टों की समीक्षा इसके कार्यकलापों से संबंधित सभी रिपोर्टें तथा राज्य गंगा समिति, जिला गंगा समिति या स्थानीय प्राधिकरण या बोर्ड या निगम या किसी अन्य व्यक्ति से प्राप्त रिपोर्टों की राष्ट्रीय स्वच्छ गंगा मिशन द्वारा समीक्षा की जायेगी और इन रिपोर्टों में बताए गए मामलों पर अपने विचारों के साथ यह रिपोर्ट राष्ट्रीय गंगा परिषद के सम्मुख दिशा-निर्देश हेतु प्रस्तुत की जायेगी, यदि ऐसा आवश्यक है।

46. गंगा सुरक्षा लेखा परीक्षा रिपोर्टों का समेकन ----- राष्ट्रीय स्वच्छ गंगा मिशन गंगा नदी की गंगा सुरक्षा लेखा परीक्षा की समेकित रिपोर्ट तैयार करेगा तथा उसे राष्ट्रीय गंगा परिषद को उन पर उपचारात्मक कार्रवाई के साथ प्रस्तुत करेगा तथा इसे सार्वजनिक क्षेत्र में भी उपलब्ध कराया जायेगा और इसे वेबसाइट पर दर्शाया जायेगा।

47. सूचना, निरीक्षण आयोजित करने , रिपोर्टें प्रकाशित करने इत्यादि के संबंध में राष्ट्रीय स्वच्छ गंगा मिशन की शक्तियां ---
----- (1) जहां राष्ट्रीय स्वच्छ गंगा मिशन अधिनियम की धारा 5 के तहत इसे आवश्यक समझे उसे वह लिखित में आदेश देकर यह कह सकता है-----

(ए) किसी भी राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों या स्थानीय प्राधिकरण या अन्य प्राधिकरण या बोर्ड या निगम या व्यक्ति जिसे भी किसी भी परियोजना के कार्यनिष्पादन या ऐसी परियोजना से संबंधित कोई कार्य सौंपा गया है या किसी भी समय निधियों के उपयोग के बारे में सूचना या परियोजना के कार्य निष्पादन के लिए आवंटित ऐसी परियोजना से संबंधित स्पष्टीकरण या कार्यनिष्पादन या आवंटित निधि के उपयोग के बारे में सूचना को लिखित में या सार्वजनिक रूप से प्रचार-प्रसार करने हेतु पूछा जा सकता है जैसा भी राष्ट्रीय स्वच्छ गंगा मिशन अपेक्षित समझे; अथवा

(बी) एक या एक से अधिक व्यक्ति या किसी प्राधिकरण को नियुक्त करना जो कार्य करने अथवा कार्यनिष्पादन के लिए आवंटित परियोजना तथा आवंटित निधि के उपयोग के संबंध में पूछताछ कर सके।

(सी) अपने किसी भी अधिकारी या कर्मचारी अथवा केन्द्र सरकार या राज्य सरकार अथवा किसी अन्य प्राधिकरण के अधिकारियों और कर्मचारियों को किसी भी आवंटित परियोजना के कार्यकरण अथवा कार्यनिष्पादन अथवा निधि के उपयोग के संबंध में राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा निगम अथवा संबंधित व्यक्ति से उनके लेखों और अन्य दस्तावेजों के निरीक्षण हेतु निर्देश देना।

(डी) ऐसा कोई व्यक्ति, अधिकारी, राज्य सरकार या प्राधिकरण अपेक्षित है जो इसे संबंधित किसी भी प्रकार की रिपोर्ट, रिटर्न, सांख्यिकी और अन्य सूचना भेजे और ऐसा व्यक्ति, अधिकारी, राज्य सरकार अथवा अन्य प्राधिकरण को यह कार्य करना बाध्य होगा।

48. वित्त पोषण और कार्यान्वयन मॉडल - (1) राष्ट्रीय स्वच्छ गंगा मिशन का विकास होगा और यह निरंतर अपने वित्तीय मॉडलों को संशोधित करेगा जिससे परियोजनाओं के कार्यानिष्पादन और सततता में सुधार होगा और जिसे प्रदूषण के उपशमन और गंगा नदी के पुनरुद्धार और संरक्षण तथा प्रबंधन के लिए राज्य गंगा समितियों, जिला गंगा संरक्षण समितियों अथवा अन्य प्राधिकरण अथवा व्यक्ति द्वारा अपनाया जा सकता है।

49. समेकित रिपोर्टों को तैयार करना --- (1) राष्ट्रीय स्वच्छ गंगा मिशन विनिर्दिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा समितियों, स्थानीय प्राधिकरणों, अन्य प्राधिकरण, बोर्ड, निगम अथवा व्यक्ति द्वारा भेजी गयी रिपोर्टों और अन्य सूचना के आधार पर एक समेकित रिपोर्ट तैयार करेगा जिसमें प्रत्येक जिले के द्वारा गंगा नदी और उसकी सहायक नदियों के आस-पास के क्षेत्रों के संबंध में सूचना दी जायेगी।

(ए) उनके द्वारा कार्यानिष्पादित की जा रही योजनाओं की स्थिति और उनके द्वारा किए गए उपाय तथा गंगा नदी और उसकी सहायक नदियों की स्थिति से संबंधित अन्य कार्यकलाप की स्थिति;

(बी) गंगा नदी और उसकी सहायक नदियों में जल की गुणवत्ता और इस संबंध में उपचारात्मक कार्रवाई;

(सी) गंगा नदी में जल की किसी भी रूप में रूकावट और उसके कारण;

(डी) विनिर्दिष्ट जिले में नदी तट और बाढ़ मैदान और आवास की स्थिति;

(अ) जिला गंगा समिति या स्थानीय प्राधिकरणों द्वारा जनता से प्राप्त शिकायतों पर किए गए उपचारात्मक उपाय;

(एफ) प्रस्तावित उपचारात्मक कार्रवाई के साथ आने वाले शेष बाधाओं का पता लगाना;

(जी) रिपोर्ट यदि कोई है, जैसा कि गंगा सुरक्षा लेखा परीक्षकों द्वारा सूचित किया गया है;

(एच) गंगा नदी और उसकी सहायक नदियों की दशा के बारे में संबंधित अन्य सभी सूचना;

(2) राष्ट्रीय स्वच्छ गंगा मिशन उपपैराग्राफ -1 में उल्लिखित समेकित रिपोर्ट की समीक्षा करने के पश्चात कार्यबल को उपचारात्मक कार्रवाई के साथ उसे प्रस्तुत करेगा।

50. वार्षिक रिपोर्ट----- (1) राष्ट्रीय स्वच्छ गंगा मिशन अगले वर्ष से तुरंत पहले अपने द्वारा और गंगा नदी के संबंध में अधिकार प्राप्त कार्यबल, विनिर्दिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा संरक्षण समितियों, संबंधित स्थानीय प्राधिकरणों अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा निगम अथवा व्यक्तियों द्वारा किए गए सभी कार्यों की समेकित वार्षिक रिपोर्ट प्रत्येक वर्ष के अंत के 3 माह में तैयार करेगा।

(2) राष्ट्रीय स्वच्छ गंगा मिशन अपने द्वारा किए गए तथा गंगा नदी संबंधी अधिकार प्राप्त कार्यबल, राज्य सरकारों, विनिर्दिष्ट राज्य गंगा समितियों, विनिर्दिष्ट जिला गंगा संरक्षण समितियों, संबंधित स्थानीय प्राधिकरणों अथवा अन्य प्राधिकरण अथवा बोर्ड अथवा निगम अथवा व्यक्तियों द्वारा किए गए सभी कार्यों उपपैरा-1 में उल्लिखित इसकी समेकित वार्षिक रिपोर्ट में अलग-अलग भागों के तहत शामिल करेगी और इस समेकित वार्षिक रिपोर्ट को राष्ट्रीय गंगा परिषद और केन्द्रीय सरकार को प्रेषित करेगी तथा इसे सार्वजनिक क्षेत्र में भी उपलब्ध कराया जायेगा। इसे वेबसाइट पर भी दर्शाया जायेगा।

51. समितियों का गठन - राष्ट्रीय स्वच्छ गंगा मिशन अपने सदस्यों में से एक या ज्यादा गंगा नदी प्रबंधन समितियां बनाना और नदियों अथवा जल के क्षेत्र में ऐसे विशेषज्ञ इस आदेश के तहत अपने कार्यों के कुशल निर्वहन के लिए उपयुक्त कदम उठाए।

52. मार्गदर्शन प्राप्त करना- राष्ट्रीय गंगा परिषद के निर्णयों अथवा इस आदेश के प्रावधानों के कार्यान्वयन में यदि कोई समस्या उत्पन्न होती है, तो यह राष्ट्रीय स्वच्छ गंगा मिशन का कर्तव्य होगा कि राष्ट्रीय गंगा परिषद का मार्ग दर्शन प्राप्त करें और तदनुसार उपयुक्त कार्रवाई करें।

53. जिला गंगा संरक्षण समितियों का गठन ---(1) केन्द्र सरकार गंगा नदी में पर्यावरणीय प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के लिए इस आदेश के प्रारम्भ से एक निश्चित समय के भीतर अधिसूचना द्वारा विनिर्दिष्ट राज्य गंगा समिति के परामर्श से हिमाचल प्रदेश, उत्तराखण्ड, उत्तर प्रदेश, मध्य प्रदेश, छत्तीसगढ़, बिहार, झारखण्ड, हरियाणा, राजस्थान, पश्चिम बंगाल और राष्ट्रीय राजधानी क्षेत्र दिल्ली तथा ऐसे अन्य राज्यों में , जहां गंगा नदी की प्रमुख सहायक नदियां हैं, प्रत्येक जिले में (इस आदेश में इसके बाद विनिर्दिष्ट जिला कहा गया है) उक्त अधिनियम की धारा 23 की उपधारा(3) के अंतर्गत " जिला गंगा संरक्षण समितियों" के नाम से एक प्राधिकरण का गठन करेगी।

(2) प्रत्येक विनिर्दिष्ट गंगा जिले में प्रत्येक जिला गंगा समिति में निम्नलिखित सदस्य होंगे, नामतः --	
(ए) विनिर्दिष्ट जिले में जिला कलेक्टर।	अध्यक्ष, पदेन
(बी) विनिर्दिष्ट जिले नगर पालिकाओं और ग्राम पंचायतों से राज्य सरकार द्वारा नामित दो से अधिक प्रतिनिधि सदस्य	
(सी) राष्ट्रीय नदी गंगा के साथ लगने वाले विनिर्दिष्ट जिले में कार्यरत लोक निर्माण, सिंचाई, जन स्वास्थ्य, इंजीनियरिंग और ग्रामीण पेयजल विभाग, और राज्य प्रदूषण नियंत्रण बोर्ड प्रत्येक का एक प्रतिनिधि जो जिला कलेक्टर द्वारा नामित किया जाएगा। सदस्य, पदेन	
(डी) विनिर्दिष्ट जिले में जिला कलेक्टर द्वारा नामित गंगा संरक्षण कार्यकलापों से संबद्ध दो पर्यावरणविद और स्थानीय उद्योग संघ का एक प्रतिनिधि। सदस्य	
(ई) विनिर्दिष्ट जिले का एक डिविजनल वन अधिकारी।	सदस्य, पदेन
(एफ) एक जिला अधिकारी जिसे जिला कलेक्टर लिए नामित करे। सदस्य	

(2) जिला कलेक्टर जिला गंगा समिति के अध्यक्ष होंगे और डिविजनल वन अधिकारी जिला गंगा समिति के संयोजक होंगे।

(3) जिला गंगा समितियों की बैठक का समय और स्थान का निर्धारण उस समिति के अध्यक्ष करेंगे और इस आदेश के तहत प्रदत्त की गई शक्तियों और कार्यों का प्रयोग करेंगे।

बशर्ते कि जिला गंगा समिति की कम से कम एक बैठक प्रत्येक तीन माह में आयोजित की जाएगी।

(4) कोई गैर पदेन सदस्य सरकार को अथवा संबंधित जिला कलेक्टर के, जैसा भी मामला हो, लिखित नोटिस देते हुए अपने पद से त्यागपत्र दे सकता है और सरकार द्वारा अथवा जिला कलेक्टर द्वारा , जैसा भी मामला हो, उसका त्यागपत्र स्वीकार किए जाने के बाद सदस्य नहीं रहेगा।

54. जिला गंगा संरक्षण समिति का अधीक्षण, निर्देशन और नियंत्रण – जिला गंगा संरक्षण समिति के प्रबंधन (वित्तीय और प्रशासनिक मामलों सहित) प्रबंधन का अधीक्षण निर्देशन और नियंत्रण इस आदेश में किसी बात के होते हुए राष्ट्रीय स्वच्छ गंगा मिशन में विहित होगा, जो इसके द्वारा प्रत्यक्ष रूप से अथवा विनिर्दिष्ट राज्य गंगा समिति अथवा इसके किसी अधिकारी अथवा इसके द्वारा विनिर्दिष्ट अन्य किसी प्राधिकारी के माध्यम से प्रयोग किया जाएगा।

55. जिला समितियों के कार्य और शक्तियां- (1) प्रत्येक जिला गंगा समिति पैराग्राफ चार में बताए गए सिद्धांतों के अनुसार पैराग्राफ छः और सात में विनिर्दिष्ट किए गए अनुसार प्रत्येक विनिर्दिष्ट जिले में गंगा नदी और इसकी सहायक नदियों के पुनरुद्धार, संरक्षण, मरम्मत और पुनर्वासन के लिए कार्यों का निर्वहन और शक्तियों का प्रयोग करेगी।

(2) विशेष रूप से गंगा नदी और इसकी सहायक नदियों के साथ लगने वाले डिग्रेडेड क्षेत्रों के पुनरुद्धार, संरक्षण, मरम्मत और पुनर्वासन के लिए उप-पैराग्राफ 1 के सामान्य प्रावधानों के अलावा और इस आदेश और अधिनियम के अन्य प्रावधानों तथा इनके अंतर्गत बनाए गए नियमों के अधीन प्रत्येक गंगा समिति को विनिर्दिष्ट जिले में गंगा नदी और इसकी सहायक नदियों के संबंध में निम्नलिखित शक्तियां और अधिकार प्राप्त होंगे नामतः :-

(ए) गंगा नदी अथवा इसकी सहायक नदियों अथवा रिवर बेड के संरक्षण के लिए गंगा नदी के साथ लगने वाले विनिर्दिष्ट जिले के क्षेत्रों में संभावित खतरों की पहचान करना और उसके संबंध में सुधारात्मक कार्रवाई की योजना बनाना और कार्रवाई करना।

(बी) विनिर्दिष्ट जिले में गंगा नदी और इसकी सहायक नदियों अथवा इसके रीवर बेड के संरक्षण के लिए अपनी ओर से सुधारात्मक कार्रवाई करना (इस आदेश के प्रावधानों को छोड़कर)।

(सी) उपचारात्मक कार्रवाई करने की स्थिति में सक्षम न होने पर राष्ट्रीय स्वच्छ गंगा मिशन और संबंधित राज्य सरकार, गंगा राज्य समिति, जैसा भी मामला हो, को गंगा नदी के बचाव के लिए निर्देश जारी करने हेतु रिपोर्टिंग (इलैक्ट्रॉनिक और लिखित में हार्ड कापी भेजकर) और उपयुक्त प्रबंधन अथवा उपचारात्मक कार्रवाई तैयार करना।

(डी) इस आदेश के प्रावधानों को प्रभावी बनाने के लिए उपयुक्त प्रशासनिक और अन्य उपाय करना ताकि इस आदेश के प्रावधानों से अलग न होते हुए या किसी भी कानून को कुछ समय के लिए लागू करने की बजाए गंगा नदी और इसकी सहायक नदियों में पर्यावरणीय प्रदूषण को रोका जा सके।

(3) यदि जिला गंगा संरक्षण समिति का यह मत है कि इस अधिनियम के तहत विसंगतियां की गयी हैं या कोई अन्य कानून कुछ समय के लिए लागू किया जा रहा है या इस आदेश के प्रावधानों से अलग है तो इसे कुछ समय के लिए कानून के अनुरूप करके उपयुक्त कार्रवाई करेगी।

(4) जिला गंगा संरक्षण समिति पैराग्राफ 7 में विनिर्दिष्ट ऐसे सभी आपातकालीन उपाय करेगी।

56. नोडल अधिकारी का पदनाम---- (1) प्रत्येक जिला गंगा समिति निम्नलिखित को नोडल अधिकारी के रूप में नामित करेगी--

(ए) गंगा नदी और इसकी सहायक नदियों के आसपास के क्षेत्रों में प्रत्येक गांव के ग्राम सभा के सरपंच

(बी) ऐसे मामले में जो गांव गंगा नदी से सटे हुए नहीं हैं, नगरपालिका योजना समिति या महानगर योजना समिति के अध्यक्ष या किसी स्थानीय प्राधिकरण के अध्यक्ष को इस आदेश के प्रयोजनों हेतु, जिला गंगा संरक्षण समिति के अध्यक्ष के रूप में मनोनीत किया जा सकता है।

(2) प्रत्येक नोडल अधिकारी जो उप-पैराग्राफ के तहत मनोनीत हुआ है (1) गंगा नदी की और उसकी सहायिकाओं में प्रदूषण को रोकने हेतु कदम उठा सकते और स्वयं गंगा नदी और उसकी सहायिकाओं के संरक्षण हेतु उपचारात्मक उपाय कर सकते या उनके नदी तटों जो ऐसे गांवों के साथ सटे हुए हैं या अन्य क्षेत्र, जैसा भी मामला हो, जिसके लिए वह नोडल अधिकारी है और यदि वह ऐसा नहीं कर पाते हैं तो वे इस आदेश की अवहेलना को उपचारात्मक कार्रवाई हेतु जिला गंगा समिति के अध्यक्ष के ध्यान में ला सकते हैं।

(3) उप-पैराग्राफ (2) के तहत रिपोर्ट की प्राप्ति के पश्चात जिला गंगा समिति का अध्यक्ष गंगा नदी या इसके नदी तटों से सटे विनिर्दिष्ट जिलों के संरक्षण हेतु उपचारात्मक कदम उठा सकते हैं।

57. योजनाओं की तैयारी--- (1) प्रत्येक जिला गंगा संरक्षण समिति गंगा नदी और उसकी सहायिकाओं और उनके नदी तटों से सटे विनिर्दिष्ट जिलों के संरक्षण हेतु अपनी आयोजना की तैयारी करेगा और उक्त को उसके बाद एवं राष्ट्रीय स्वच्छ गंगा मिशन के अनुमोदन के लिए प्रस्तुत करेगा।

(2) उप-पैराग्राफ (1) के तहत योजना में विनिर्दिष्ट जिला गंगा संरक्षण समिति द्वारा गंगा नदी और उसकी सहायिकाओं और उनके नदी तटों से सटे विनिर्दिष्ट जिलों से पर्यावरणीय प्रदूषण से संरक्षण, नियंत्रण और उसे हटाने हेतु उठाए गए कार्यकलाप शामिल होंगे, जिसे राज्य सरकार, राज्य गंगा समितियों या राष्ट्रीय स्वच्छ गंगा मिशन या कोई अन्य प्राधिकरण या बोर्ड और ऐसी योजना हेतु शामिल व्यय संस्तुत किया जा सकता है और समय जिसमें ऐसे कार्यकलापों को पूर्ण किया जाएगा।

(58) बजट की तैयारी और लेखों का रखरखाव— प्रत्येक जिला गंगा संरक्षण समिति प्रत्येक वित्त वर्ष में अपेक्षित फंडों को और उन उद्देश्यों जिसके लिए फंड खर्च किया जाएगा, और समय सीमा जिसके भीतर बजट में उल्लेख किए गए कार्यकलाप को पूरा किया जाएगा को दर्शाते हुए अपने बजट को तैयार करेगी और संबंधित राष्ट्रीय स्वच्छ गंगा मिशन को सूचना देते हुए संबंधित राज्य गंगा समिति को प्रस्तुत करेगी और यह समिति, भारत सरकार के नियंत्रक एवं महालेखा परीक्षक (सीएजी) द्वारा अथवा सीएजी द्वारा नियुक्त किसी अन्य अभिकरण द्वारा लेखा परीक्षा के लिए, राष्ट्रीय स्वच्छ गंगा मिशन द्वारा निर्धारित लेखों का उपयुक्त रखरखाव सुनिश्चित करेगी और यह लेखे राष्ट्रीय गंगा परिषद, राष्ट्रीय स्वच्छ गंगा मिशन राज्य गंगा समिति अथवा उनके द्वारा नियुक्त किसी संस्था द्वारा निरीक्षण के शर्तार्थीन होंगे।

(59) मासिक और वार्षिक रिपोर्टें— (1) प्रत्येक गंगा संरक्षण समिति, राष्ट्रीय स्वच्छ गंगा मिशन और राज्य समितियों जैसा कि राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट समय सीमा के भीतर निर्धारित किया गया है, राष्ट्रीय गंगा परिषद को मासिक और वार्षिक रिपोर्टें प्रस्तुत करेगी।

(2) उप पैरा (1) में उल्लेख की गई वार्षिक रिपोर्ट के अतिरिक्त जिला गंगा संरक्षण समिति राष्ट्रीय स्वच्छ गंगा मिशन को ऐसे समय और ऐसे फॉर्म और तरीके से रिपोर्ट प्रस्तुत करेगी जिससे विनिर्दिष्ट जिले में उसके आसपास के क्षेत्र में गंगा नदी बेसिन योजना हेतु अन्य रिटर्न, विवरण और कोई प्रस्तावित या मौजूदा कार्यक्रम के संबंध में अन्य ब्यौरे हेतु निर्देश दें।

60. बजट आवंटन— राष्ट्रीय स्वच्छ गंगा मिशन बजट आवश्यकता को समेकित और तैयार कर सकता है और उक्त जल संसाधन मंत्रालय, नदी विकास और गंगा संरक्षण मंत्रालय को प्रस्तुत कर सकता है।

61. केंद्रीय सरकार द्वारा निर्देश— इस आदेश में दी गई किसी भी बात के बावजूद, केंद्रीय सरकार के लिए यह विधिपूर्ण हो कि वे मंत्रालय या भारत सरकार के विभागों या राज्य सरकारों तथा राज्य गंगा समितियों, राष्ट्रीय स्वच्छ गंगा मिशन या जिला गंगा समितियों या स्थानीय प्राधिकरण या अन्य प्राधिकरण तथा सांविधिक निकायों या उनके अधिकारी या कर्मचारी, जैसा भी मामला हो लिखित में निर्देश जारी करे जिससे वे गंगा नदी और उसके सहायिकाओं के पुनरुद्धार, संरक्षण और प्रबंधन में सहायता प्रदान कर सके और ऐसा मंत्रालय या विभाग या प्राधिकरण या मिशन या बोर्ड या सरकार और सांविधिक निकाय, अधिकारी या कर्मचारी ऐसे निर्देशों के अनुपालन हेतु बाध्य होंगे।

62. अधिनियम की धारा 19 के तहत शिकायत करना— इस आदेश के तहत गठित सभी प्राधिकरण या ऐसे प्राधिकरणों द्वारा प्राधिकृत किए गए उनके अधिकारी कोर्ट के समक्ष उक्त धारा के अंतर्गत किसी उल्लंघन को संज्ञान में रखते हुए उक्त अधिनियम की धारा 19 के तहत शिकायत कर सकते हैं।

63. अन्य दायित्वों के अतिरिक्त आदेश— इस आदेश के प्रावधान किसी स्थानीय प्राधिकरण या अन्य प्राधिकरण या बोर्ड या कॉरपोरेशन या किसी व्यक्ति द्वारा गंगा नदी में कुशल प्रदूषण नियंत्रण और पुनरुद्धार के प्रयोजन से उपाय करने हेतु अपने कार्यों के निर्वाह में और उसके संरक्षण और प्रबंधन और अभी लागू कोई अन्य कानून में अपने कार्यों के बिना किसी पक्षपात के है।

अनुसूची

(पैराग्राफ 20 देखें)

राज्य और प्रबंधन समितियों की संरचना

क्र.सं.	विनिर्दिष्ट राज्य गंगा संरक्षण और प्रबंधन का नाम	राज्य गंगा संरक्षण और प्रबंधन समितियों की संरचना
(1)	(2)	(3)
1.	(नाम) राज्य गंगा संरक्षण और प्रबंधन समिति	(क) मुख्य सचिव, राज्य सरकार (नाम) पदेन सदस्य
		(ख) प्रधान सचिव, वित्त विभाग राज्य सरकार (नाम) सदस्य, पदेन
		(ग) प्रधान सचिव, शहरी विकास और आवास विभाग, (नाम) सरकार-सदस्य, पदेन
		(घ) प्रधान सचिव, पर्यावरण एवं वन विभाग, राज्य सरकार (नाम)-सदस्य, पदेन
		(ङ) प्रधान सचिव, जल संसाधन विभाग, राज्य सरकार (नाम)-सदस्य, पदेन

	(च) प्रधान सचिव, सार्वजनिक स्वास्थ्य इंजीनियरिंग विभाग, राज्य सरकार (नाम) सदस्य, पदेन
	(छ) अध्यक्ष (नाम) राज्य प्रदूषण नियंत्रण बोर्ड -सदस्य, पदेन
	(झ) (नाम) राज्य में कार्यान्वयन एजेंसी के चीफ ऐक्जीक्यूटिव अधिकारी- सदस्य, पदेन
	(ञ) वनों के प्रधान मुख्य संरक्षक, राज्य सरकार (नाम) -सदस्य, पदेन
	(ट) सरकार (नाम) द्वारा संबंधित क्षेत्रों से पांच विशेषज्ञों से अधिक मनोनीत नहीं किए जाएंगे।-सदस्य

[फा. सं. स्था.-01/2016-17/111/एनएमसीजी]

संजय कुंडू, संयुक्त सचिव

**MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION
NOTIFICATION**

New Delhi, the 7th October, 2016

S.O. 3187(E).—Whereas it is necessary to constitute 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 and for matters connected therewith or incidental thereto;

And whereas the River Ganga is of unique importance ascribed to reasons that are geographical, historical, socio-cultural and economic giving it the status of a National River;

And whereas the River Ganga has been facing serious threat due to discharge of increasing quantities of sewage, trade effluents and other pollutants on account of rapid urbanisation and industrialisation;

And whereas, the demand for water of River Ganga is growing for irrigation, drinking water supplies, industrial use and hydro-power due to increase in population, urbanisation, industrialisation, infrastructural development and taking into account the need to meet competing demands;

And whereas there is an urgent need-

- (a) to ensure effective abatement of pollution and rejuvenation of the River Ganga by adopting a river basin approach to promote inter-State and inter-sectoral co-ordination for comprehensive planning and management;
- (b) to maintain ecological flows in the River Ganga with the aim of ensuring continuous flows throughout its length so as to restore its ecological integrity that enables it to self rejuvenate;
- (c) for imposing restrictions in areas abutting the River Ganga in which industries, operations or processes, or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
- (d) to make provision for inspection of any premises, plants, equipment, machineries, manufacturing or other processes, materials or substances and giving direction to the authorities, officers and persons as may be necessary to take steps, for prevention, control and abatement of environmental pollution in the River Ganga;
- (e) for carrying out and sponsoring investigations and research relating to problems of environmental pollution in the River Ganga and examination of such manufacturing processes, material and substance as are likely to cause environmental pollution;
- (f) for collection and dissemination of information in respect of matters relating to environmental pollution in the River Ganga and preparation of manual, codes or guide relating to the prevention, control and abatement of environmental pollution;

And whereas the State Governments concerned, being equally responsible for Ganga rejuvenation, are required to co-ordinate and implement the river conservation activities at the State level, and to take steps for comprehensive management of the River Ganga in their States;

And whereas it is required to have planning, financing, monitoring and coordinating authorities for strengthening the collective efforts of the Central Government and the State Governments and authorities under this Order for effective abatement of pollution and rejuvenation, protection and management of the River Ganga;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clauses (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xii) and (xiii) of sub-section (2) and (3) of section 3 and sections 4,5,9,10,11, 19, 20 and 23 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the Act) and in supersession of the notifications of the Government of India in the erstwhile Ministry of Environment and Forests numbers S.O.1111(E), dated the 30th September, 2009, S.O. 2493 (E), dated the 30th September, 2009, S.O. 2494 (E), dated the 30th September 2009, S.O. 2495 (E), dated the 30th September 2009, S.O. 287 (E) dated the 8th February, 2010 and in the Ministry of Water Resources, River Development and Ganga Rejuvenation No. S.O. 2539 (E), dated the 29th September 2014, except as respects things done or omitted to be done before such supersession, the Central Government hereby-----

(i)constitutes the authorities by the names mentioned in this Order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5 of the Act and for taking measures with respect to the matters as mentioned in this Order;

(ii)directs, subject to the supervision and control of the Central Government and the provisions of this Order, such authority or authorities as specified in this Order that shall exercise the powers or perform the functions or take the measures so mentioned in this Order as if such authorities had been empowered by the Act to exercise those powers, perform those functions, or take such measures;

(iii)directs that all its powers and functions (except the power to constitute any authority under sub-section (3) of section 3 and to make rules under the sections 6 and 25 of the Act) under any provision of the Act shall, in relation to River Ganga and matters connected therewith, be exercisable and discharged also by the authorities constituted by this Order and by the officers specified in this Order, subject to such conditions and limitations and to the extent as specified in this Order.

1.Short title and commencement. – (1) This Order may be called the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Applicability.- This Order shall apply to the States comprising River Ganga Basin, namely, Himanchal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga as the National Council for Rejuvenation, Protection and Management of River Ganga may decide for the purpose of effective abatement of pollution and rejuvenation, protection and management of the River Ganga.

3.Definitions.- (1) In this Order, unless the context otherwise requires, -

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “Basin” means the entire catchment of a water body or water course including the soil, water, vegetation and other natural resources in the area and includes land, water, vegetation and other natural resources on a catchment basis;

(c) “Buffer Area” means an area which extends beyond the flood plain of a stream;

(d) “catchment” or “catchment area” includes the entire land area whose runoff from rain, snow or ice drains into a water body or a water course, before the water course joins River Ganga or its tributaries or discharges water into River Ganga or its tributaries;

(e) “commercial fishing” means large scale fishing for commercial purposes by nets, poisoning, or other modern fishing gear or methods in River Ganga or its tributaries;

(f) Competent authority means “Central Government”

(g) “deforestation” means removal or reduction of forest cover, especially when caused by anthropogenic activities or removal of trees and other vegetation of a forest excluding a planned clearance for scientific management of forest in particular in the catchment area of River Ganga;

(h) “degraded forest” means a forest having loss or reduction of native forest cover or vegetation density in the catchment area abutting River Ganga or its tributaries;

(i) “direction” shall mean direction issued under section 5 of the Act and the expression “direct” shall be construed accordingly;

(j) “District Ganga Committee” means the District Ganga Protection Committee mentioned in paragraph 53;

(k) “engineered diversion” means a structure or device constructed or installed to transfer the water of River Ganga or its tributaries into canals or other engineering structures;

- (l) "flood plain" means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;
- (m) "Ghat" means sloping part at Bank of River Ganga or its tributaries with artificially constructed steps or sloping piece of land used for providing easy human access to water of River Ganga or its tributaries and includes usage of such parts for religious or other related purposes;
- (n) "local authority" includes Panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or with the control and management of civic services, within a specified local area;
- (o) "National Mission for Clean Ganga" means the authority mentioned in paragraph 31.
- (p) "notification" means a notification published in the Official Gazette and the expression 'notifying' shall be construed accordingly;
- (q) "offensive matter" consists of solid waste which includes animal carcasses, kitchen or stable refuse, dung, dirt, putrid or putrefying substances and filth of any kind which is not included in the sewage;
- (r) "person" include ----
- (i) an individual or group or association of individuals whether incorporated or not;
 - (ii) a company established under the Companies Act, 2013 (18 of 2013);
 - (iii) any corporation established by or under any Central or State Act;
 - (iv) a local authority;
 - (v) every juridical person not falling within any of the preceding sub-clauses;
- (s) "River Bed" means the dried portion of the area of River Ganga or its tributaries and includes the place where the River Ganga or its tributaries run its course when it fills with water and includes the land by the side of River Ganga or its tributaries which retains the water in its natural channel, when there is the greatest flow of water;
- (t) "River Bed Farming" includes seasonal agriculture or farming on the River Bed of River Ganga or its tributaries during low flows of water;
- (u) "River Ganga" means the entire length of six head-streams in the State of Uttarakhand namely, Rivers Alakananda, Dhauli Ganga, Nandakini, Pinder, Mandakini and Bhagirathi starting from their originating glaciers up to their respective confluences at Vishnu Prayag, Nand Prayag, Karn Prayag, Rudra Prayag, and Dev Prayag as also the main stem of the river thereafter up to Ganga Sagar including Prayag Raj and includes all its tributaries;
- (v) "rubbish" means ashes, broken brick, mortar, broken glass, dust or refuse of any kind and includes filth;
- (w) "sand mining" means large scale removal of river sand from the dried channel belt, flood plain or a part of River Ganga or its tributaries;
- (x) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sewage from open drains;
- (y) "sewerage scheme" means any scheme which a local authority may introduce for removal of sewage by flushing with water through underground closed sewers;
- (z) "Schedule" means Schedule appended to this Order;
- (za) "specified District" means an area of every District abutting the River Ganga, being within a radius of fifteen kilometers of the Ganga River Bank or its tributaries in the States of Himachal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga as referred to in this Order;
- (zb) "State Ganga Committee" means the State Ganga Rejuvenation, Protection and Management Committee constituted under this Order for each of the States mentioned in paragraph 2.
- (zc) State Ganga River Conservation Authority means an authority earlier constituted in each State under the Act as follows, namely:-
- (i) the Bihar State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O287 (E), dated 8th February 2010;
 - (ii) the Jharkhand State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2495(E), dated 30th September 2009;

- (iii) the Uttarakhand State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O 1111 (E), dated 30th September 2009;
- (iv) the Uttar Pradesh State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2493 (E), dated 30th September 2009; and
- (v) the West Bengal State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2494 (E), dated 30th September 2009.

(zd) "stream" includes river, water course (whether flowing or for the time being dry), inland water (whether natural or artificial) and sub-terrain waters;

(ze) "tributaries of River Ganga" means those rivers or streams which flow into River Ganga and includes Yamuna River, Son River, Mahananda River, Kosi River, Gandak River, Ghaghara River and Mahakali River and their tributaries or such other rivers which National Council for Rejuvenation Protection and Management of River Ganga may, by notification, specify for the purposes of this Order.

2. The words and expressions used herein and not defined but defined in the Environment (Protection) Act, 1986 (29 of 1986) shall have the meanings respectively assigned to them in the Act.

4. Principles to be followed for rejuvenation, protection and management of River Ganga. – (1) The following principles shall be followed in taking measures for the rejuvenation, protection and management of River Ganga, namely:-

- (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.

(2) 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).

5. Ecological flow of water in River Ganga to be maintained. – (1) Every State Government, shall endeavor to ensure that uninterrupted flows of water are maintained at all times in River Ganga as required under clause (iv) of paragraph (4).

(2) Every State Government shall also endeavor to maintain adequate flow of water in River Ganga in different seasons to enable River Ganga to sustain its ecological integrity and to achieve the goal, all concerned authorities shall take suitable actions in a time bound manner.

(3) For the purposes of this paragraph, the average flow of water shall be determined by such Hydrology Observation Stations at such points of the River Ganga, as may be specified by the National Mission for Clean Ganga:

Provided that the average flow of water in River Ganga may, having regard to ecology, be determined by the National Mission for Clean Ganga for different points of River Ganga.

6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.- (1) No person shall discharge, directly or indirectly, any untreated or treated sewage or sewage sludge into the River Ganga or its tributaries or its banks:

Provided that where a local authority does not have, on the date of commencement of this Order, sewerage scheme or infrastructure for collection, storage, transportation and disposal of sewage or sewage sludge or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such local authority shall, within a period, specified by National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of sewage in the territorial area of the local authority.

(2) No person shall discharge, directly or indirectly, any untreated or treated trade effluent and industrial waste, bio-medical waste, or other hazardous substance into the River Ganga or its tributaries or on their banks:

Provided further that where an industry or industrial area management does not have, on the date of commencement of this Order, industrial effluent treatment scheme or infrastructure for collection, storage, transportation and disposal of trade effluents industrial waste, bio-medical waste, or other hazardous substance, etc. or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such industry or industrial area management shall, within a period so specified by the National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of trade effluent and industrial waste, bio-medical waste, or other hazardous substance in the jurisdiction of the industry or industrial area management.

(3) No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

(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.

(5) It shall be the duty of the National Mission for Clean Ganga, every Specified State Ganga Committee or specified District Ganga Protection Committee, local authority and all other authorities and persons to disseminate widely and bring to public notice, using various means, information captured in reports and the aforesaid measures in the local language in every village, town, city and other areas abutting River Ganga and its tributaries.

7. Emergency measures in case of pollution of River Ganga or its tributaries --- If any poisonous, noxious or polluting matter is present or has entered into the River Ganga due to any accident or other unforeseen act or event, and it is necessary or expedient to take immediate action, the National Mission for Clean Ganga shall take immediate action for carrying out such operations or direct for carrying out such operations by the specified State Ganga Committee or specified District Ganga Committee or local authority or any other authority or Board or Corporation, as it may consider necessary for all or any of the following purposes, namely; -

(a) the manner of removing the matter from River Ganga and disposing it off in such a manner as it may specify, as also, for carrying out such operations as is considered appropriate for mitigation or removal of any pollution caused by such matter;

(b) issuing directions restraining or prohibiting any person concerned from discharging any poisonous, noxious or polluting matter in the River Ganga;

(c) undertaking any additional work or functions as may be necessary to address such emergency.

8. Power to issue directions. - The National Mission for Clean Ganga shall, in the exercise of its powers and performance or its functions under this Order, issue such directions in writing as it may consider necessary for abatement of pollution and rejuvenation, protection and management of the River Ganga to the concerned authority or local authority or other authorities or Board or Corporation or person and they shall be bound to comply with such directions.

9. Ganga safety audit.- Every District Ganga Committee shall cause the Ganga safety audit to be carried out by such Ganga Safety Auditors within such time frame and in accordance with such protocols as may be specified by the

National Mission for Clean Ganga for the area of the River Ganga abutting such district and forward the copy of the report of such safety audit along with remedial action taken thereon to the concerned State Ganga Committee and the National Mission for Clean Ganga, which shall take appropriate action thereon, if required.

10. Pollution in River Ganga and its tributaries to be monitored.- (1) The pollution in River Ganga and its tributaries shall be monitored by the National Mission for Clean Ganga on its own or by directions through various State and Central Government agencies by use of satellite imagery and other remote sensing technologies as well as physical stations, online monitoring and independent agencies at a periodicity to be specified by it.

(2) Notwithstanding the provisions of sub-paragraph (1), the Central Government may assign the function of monitoring of pollution in River Ganga and its tributaries to any other agency or body or direct, having regard to advances in technology, to monitor the aforesaid pollution in River Ganga and its tributaries by adopting any other technique or method, as may be specified in the direction.

11. Constitution of National Council for Rejuvenation, Protection and Management of River Ganga. - With effect from the date of commencement of this Order, there shall be constituted an authority by the name to be called the National Council for Rejuvenation, Protection and Management of River Ganga, (hereinafter in this Order called as the National Ganga Council) for the purposes of the Act and to exercise powers and discharge functions as specified in this Order and the Act.

12. Composition of National Ganga Council. -The National Ganga Council shall consist of the following members, namely:-	
(a) Prime Minister	- Chairperson, <i>ex-officio</i>
(b) Union Minister for Water Resources, River Development and Ganga Rejuvenation	- Vice-Chairperson, <i>ex-officio</i>
(c) Union Minister for Environment, Forests and Climate Change	- Member, <i>ex-officio</i> ;
(d) Union Minister for Finance	- Member, <i>ex-officio</i> ;
(e) Union Minister for Urban Development	- Member, <i>ex-officio</i> ;
(f) Union Minister for Power	- Member, <i>ex-officio</i> ;
(g) Union Minister for Science and Technology	- Member, <i>ex-officio</i> ;
(h) Union Minister for Rural Development	- Member, <i>ex-officio</i> ;
(i) Union Minister for Drinking Water and Sanitation	- Member, <i>ex-officio</i> ;
(j) Union Minister for Shipping	- Member, <i>ex-officio</i> ;
(k) Union Minister of State for Tourism	- Member, <i>ex-officio</i> ;
(l) Vice Chairman, NITI Aayog	- Member, <i>ex-officio</i> ;
(m) Chief Minister, Bihar	- Member, <i>ex-officio</i> ;
(n) Chief Minister, Jharkhand	- Member, <i>ex-officio</i> ;
(o) Chief Minister, Uttarakhand	- Member, <i>ex-officio</i> ;
(p) Chief Minister, Uttar Pradesh	- Member, <i>ex-officio</i> ;
(q) Chief Minister, West Bengal	- Member, <i>ex-officio</i> ;
(r) Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation	- Member, <i>ex-officio</i> ;
(s) Director General, National Mission for Clean Ganga	- Member Secretary, <i>ex-officio</i> .

(2) The National Ganga Council may co-opt one or more Chief Ministers from the States not represented in the National Ganga Council having major tributaries of River Ganga, which are likely to affect the water quality in the River Ganga, as Member.

(3) The National Ganga Council may also co-opt one or more Union Ministers, if it considers necessary, as Member.

(4) The National Ganga Council may consult experts and expert organisations or institutions in the field of river rejuvenation, river ecology and river management, hydrology, environmental engineering, social mobilisation and other relevant fields.

(5) The Headquarter of the National Ganga Council shall be at New Delhi or at such other place as it may decide.

(6) The National Ganga Council shall have its Secretariat in the National Mission for Clean Ganga.

(7) The Central Government in the Ministry of Water Resources, River Development and Ganga Rejuvenation shall serve as the nodal Ministry.

13. Dissolution of National Ganga River Basin Authority --- (1) On and from the date of constitution of the National Ganga Council in paragraph 11, the National Ganga River Basin Authority constituted by Notification of the Ministry of Water Resources, River Development and Ganga Rejuvenation, number S.O 2539 (E), dated the 29th September 2014 shall stand dissolved.

(2) All things done or omitted to be done or actions taken or any money spent or authorised to be spent by the National Ganga River Basin Authority before such dissolution shall be deemed to have been done or taken under the corresponding provisions of this Order.

14. Superintendence, direction and control of management of River Ganga to vest in National Ganga Council.- The National Ganga Council shall, notwithstanding anything contained in this Order, be overall responsible for the superintendence, direction, development and control of River Ganga and the entire River Basin (including financial and administrative matters) for the protection, prevention, control and abatement of environmental pollution in River Ganga and its rejuvenation to its natural and pristine condition and to ensure continuous adequate flow of water in the River Ganga and for matters connected therewith.

15. Jurisdiction of National Ganga Council.- The jurisdiction of the National Ganga Council shall extend to the areas mentioned in paragraph 2.

16. Meetings of National Ganga Council.- (1) National Ganga Council may regulate its own procedure for transacting its business including its meetings.

(2) The Chairperson of the National Ganga Council shall preside over its meetings and in his absence, its Vice-Chairperson shall, preside over the meetings of the National Ganga Council and conduct its business.

(3) The Vice-Chairperson shall have the power to take decisions necessary for the National Ganga Council to achieve its objectives, in between the conduct of the two meetings of the Council subject to ratification in the next meeting.

(4) The National Ganga Council shall meet at least once every year or more as it may deem necessary.

17. Constitution of Empowered Task Force on River Ganga as authority.- (1) With effect from the date of commencement of this Order, there shall be constituted an authority by the name to be called the Empowered Task Force on River Ganga for the purposes of the Act and to exercise powers and discharge functions as specified in this Order and the Act.

(2) The Empowered Task Force on River Ganga shall consist of the following members, namely:-	
(a) Union Minister for Water Resources, River Development and Ganga Rejuvenation	- Chairperson, <i>ex-officio</i> ;
(b) Union Minister of State for Water Resources, River Development and Ganga Rejuvenation	- Vice-Chairperson, <i>ex-officio</i> ;
(c) Secretary in the Ministry of Water Resources, River Development and Ganga Rejuvenation	- Member, <i>ex-officio</i>
(d) Secretary in the Ministry of Finance (Department of Expenditure)	- Member, <i>ex-officio</i> ;
(e) Chief Executive Officer, Niti Ayog	- Member, <i>ex-officio</i> ;
(f) Chief Secretary, State of Uttrakhand	- Member, <i>ex-officio</i> ;
(g) Chief Secretary, State of Uttar Pradesh	- Member, <i>ex-officio</i> ;
(h) Chief Secretary, State of Bihar	- Member, <i>ex-officio</i> ;
(i) Chief Secretary, State of Jharkhand	- Member, <i>ex-officio</i> ;
(j) Chief Secretary, State of West Bengal	- Member, <i>ex-officio</i> ;
(k) Director General, National Mission for Clean Ganga	- Member-Secretary

(3) The Empowered Task Force on River Ganga may also co-opt one or more Secretary in the Union Ministries or the Chief Secretary of any other State concerned, if it considers necessary, as member

(4) The Empowered Task Force on River Ganga shall meet at least once every three months or more as it may deem necessary.

(5) The administrative and technical support to the Empowered Task Force on River Ganga shall be provided by the Central Government in the Ministry of Water Resources, River Development and Ganga Rejuvenation which shall be the nodal Ministry for the purposes of such administrative and technical support.

18. Functions and powers of Empowered Task Force on River Ganga. –

(1) The Empowered Task Force on River Ganga shall co-ordinate and advise on matters relating to rejuvenation, protection and management of River Ganga and its tributaries.

(2) In particular and without prejudice to the generality of the provisions of sub-paragraph (1), the functions and powers of the Empowered Task Force on River Ganga may include measures with respect to all or any of the following matters in rejuvenation, protection and management of River Ganga, namely:-

- (a) ensuring that the Ministries, Departments and State Governments concerned have -
 - (i) an action plan with specific activities, milestones, and timelines for achievement of the objective of rejuvenation and protection of River Ganga;
 - (ii) a mechanism for monitoring implementation of its action plans;
- (b) co-ordination amongst the Ministries and Departments and State Governments concerned for implementation of its action plans in a time bound manner;
- (c) to monitor the implementation process, address bottlenecks, suggest and take such decisions as may be necessary to ensure speedy implementation;
- (d) all projects under the ambit of Namami Gange including ongoing projects funded domestically and through external assistance;
- (e) discharge of such other functions or exercise of such powers as may be considered necessary for achievement of the objective of rejuvenation, protection and management of River Ganga or as may be assigned to it by the Central Government or specified by the National Ganga Council;

19. Approval for projects exceeding value of rupees one thousand crore.-

- (1) The Empowered Task Force on River Ganga shall be responsible for the approval of every project exceeding a value of rupees one thousand crore, as amended from time to time.
- (2) The Empowered Task Force on River Ganga may constitute a sub-committee of officials amongst its members for the purpose of sub-paragraph (1)

20. Constitution and Composition of Specified State Ganga Rejuvenation, Protection and Management Committees as authorities.- With effect from the date of commencement of this Order, these shall be constituted, in each State as specified in paragraph 2, an authority to be called the State Ganga Rejuvenation, Protection and Management Committee, which shall consist of a Chairperson and other members as specified in the Schedule to exercise powers and discharge functions as specified in this Order and the Act.

21. Meetings of State Ganga Committee. – (1) Every State Ganga Committee may regulate its own procedure for transacting its business including its meetings.

(2) Every State Ganga Committee shall convene its meetings at least once in every three months' time.

(3) The Chairperson of the State Ganga Committee shall preside over its meetings and in his absence, the said Committee shall elect its Vice-Chairperson who shall, preside over the meetings of the State Ganga Committee and conduct its business.

22. Superintendence, direction and control over Committee.- The superintendence, direction and control of the District Ganga Committees shall, notwithstanding anything contained in this Order, vest in the State Ganga Committee, for the purposes of rejuvenation, protection, prevention, control and abatement of environmental pollution in River Ganga and its tributaries so as to rejuvenate the River Ganga to its natural and pristine condition and ensure continuous and adequate flow of water in River Ganga and for protection and management of River Ganga in the States concerned.

23. Decisions of State Ganga Committee to be binding.- The decision taken at the meetings of the State Ganga Committee shall, notwithstanding anything contained in this Order, be binding upon every District Ganga Committee and every local authority or other authority or Board or person referred to in such decision and they shall comply with the decisions of the State Ganga Committee.

24. Powers, duties and functions of State Ganga Committees.- (1) Every State Ganga Committee shall, subject to the provisions of the Act and rules made or directions issued thereunder, have the power to take all such measures, including those in paragraphs 6, 7 and 8, as it deems necessary or expedient for effective abatement of pollution and conservation

of the River Ganga and for implementing the decisions or directions of the National Ganga Council and National Mission for Clean Ganga.

(2) The State Ganga Committee shall implement various programmes and projects of the National Ganga Council and National Mission for Clean Ganga.

(3) In particular and without prejudice to the generality of the provisions of sub-paragraphs (1) and (2), such measures may include all or any of the following matters, namely:-

(a) coordination and implementation of the conservation activities relating to River Ganga including augmentation of sewerage infrastructure, catchment area treatment, protection of flood plains, creating public awareness and such other measures at the State level and regulation of activities aimed at the prevention, control and abatement of pollution in the River Ganga to maintain its water quality, and to take such other measures relevant to river ecology and management in the State concerned;

(b) implementation of the river basin management plan in the concerned State;

(c) maintenance of minimum ecological flows in the River Ganga in the concerned State and actions thereon;

(d) entry and inspection under section 10 and power to take sample under section 11 of the Act for the purpose of exercising and performing its functions under this Order.

(4) The State Ganga Committee shall undertake all the emergency measures mentioned in paragraph 7.

(5) The State Ganga Committee shall have the powers to issue directions under section 5 of the Act.

(6) The powers and functions of the State Ganga Committee shall be without prejudice to any of the powers conferred upon the State Government under any Central or State Act, being not inconsistent with the provisions of the Act.

25. Monitoring execution of plans and programmes of District Ganga Committees.- Every State Ganga Committee shall monitor the execution of plans, programmes, and projects of all their District Ganga Protection Committees and those of other authorities and submit progress in respect thereof to the National Mission for Clean Ganga.

26. Preparation of consolidated reports of all District Ganga Committees and taking remedial measures in respect thereof.- (1) Every State Ganga Committee shall prepare a consolidated report of all District Ganga Protection Committees, local authorities or other authorities or Board or Corporation or person for every quarter indicating therein in respect of each specified District abutting River Ganga and its tributaries, ----

(a) the status of the plans being executed and measures taken by them and any other activity relating to the health of River Ganga and its tributaries;

(b) the quality of water in River Ganga and its tributaries in each specified District and remedial action in respect thereof;

(c) any interruption of flow in the River Ganga in each specified District and reasons therefor;

(d) remedial measures taken on the complaints made to the District Ganga Committee or local authorities or other authorities;

(e) adverse report as reported by Ganga safety auditors in each specified District;

(f) any other information relevant to the health of River Ganga and its tributaries.

(2) The report referred to in sub-paragraph (1) shall be submitted within one month at the end of each year to the State Ganga Committee and National Mission for Clean Ganga along with remedial action thereof.

27. Conducting of Ganga safety audit and submission of such audit reports by State Ganga Committees.- (1) It shall be the duty of the State Ganga Committees to conduct or causes to be conducted, through the District Ganga Committees, the Ganga safety audit and submit report of the Ganga safety audit to the National Mission for Clean Ganga along with the remedial action taken thereon and also make available the same in public domain and exhibit the same at its website.

(2) The Ganga safety audit shall include such particulars and be done at such intervals (save as otherwise provided in this Order) and in such manner as may be specified, by notification, by the National Mission for Clean Ganga.

28. State Ganga Committee to be nodal agency.- The State Ganga Committee shall be the State-wide nodal agency in the State for the implementation of the provisions of this Order and for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries.

29. State Ganga Committees to be bound by direction of National Ganga Council and National Mission for Clean Ganga.- Every State Ganga Committee, without prejudice to the foregoing provisions of this Order, shall, in exercise of its powers or the performance of its functions under this Order, be bound by the decisions or such directions (including those relating to technical and administrative matters) as the National Ganga Council and the National Mission for Clean

Ganga may give in writing to it from time to time for abatement of pollution and rejuvenation, protection and management of the River Ganga.

30. Dissolution of State Ganga River Conservation Authorities and State Executive Committees.- (1) With effect from the date of constitution of the State Ganga Committees, the respective State Ganga River Conservation Authorities and the respective State Executive Committees constituted before the commencement of this Order shall stand dissolved.

(2) All things done or omitted to be done or actions taken or any money spent or authorised to be spent by the authorities and committees under sub-paragraph (1) before such dissolution shall be deemed to have been done or taken under the corresponding provisions of this Order.

31. Constitution of National Mission for Clean Ganga as an authority.-(1) With effect from the date of commencement of this Order, the National Mission for Clean Ganga, a society registered under the Societies Registration Act, 1860 (21 of 1860), shall be an authority constituted under the Act, by the same name for the purposes of the Act and to exercise powers and discharge functions as specified under this Order and the Act and the rules made or directions issued thereunder.

(2) The composition of the National Mission for Clean Ganga shall be as specified in paragraph 35.

32. Area of operation of National Mission for Clean Ganga.- The area of operation of the National Mission for Clean Ganga shall be the areas mentioned in paragraph 2.

33. National Mission for Clean Ganga to be nodal agency.- The National Mission for Clean Ganga shall be the nodal agency for the nationwide implementation of the provisions of this Order and for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries.

34. National Mission for Clean Ganga to be an empowered organization.- The National Mission for Clean Ganga shall be an empowered organisation with two tier management having administrative, appraisal and approval powers and duties, functions and powers as specified in this Order.

35. Composition of National Mission for Clean Ganga.- The National Mission for Clean Ganga shall have a two-tier management structure and it shall comprise of the Governing Council and the Executive Committee.

(1) The Governing Council shall consist of the following members, namely:-

(a)	Director General of National Mission for Clean Ganga	Chairman, <i>ex-officio</i>
(b)	Joint Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation	Member, <i>ex-officio</i>
(c)	Joint Secretary, Ministry of Urban Development	Member, <i>ex-officio</i>
(d)	Joint Secretary, Ministry of Environment, Forests and Climate Change	Member, <i>ex-officio</i>
(e)	Joint Secretary, Department of Expenditure	Member, <i>ex-officio</i>
(f)	Representative of NITI Aayog (not below Joint Secretary)	Member, <i>ex-officio</i>
(g)	Chairman, Central Pollution Control Board	Member, <i>ex-officio</i>
(h)	Principal Secretary, Urban Development, Government of Bihar	Member, <i>ex-officio</i>
(i)	Principal Secretary, Urban Development, Government of Jharkhand	Member, <i>ex-officio</i>
(j)	Principal Secretary, Urban Development, Government of Uttar Pradesh	Member, <i>ex-officio</i>
(k)	Principal Secretary, Peyjal, Government of Uttarakhand	Member, <i>ex-officio</i>
(l)	Principal Secretary, Urban Development, Government of West Bengal	Member, <i>ex-officio</i>
(m)	Executive Director(Deputy Director General), National Mission for Clean Ganga	Member, <i>ex-officio</i>
(n)	Executive Director (Technical),National Mission for Clean Ganga	Member, <i>ex-officio</i>

(o)	Executive Director (Finance), National Mission for Clean Ganga	Member, <i>ex-officio</i>
(p)	Executive Director (Projects), National Mission for Clean Ganga	Member, <i>ex-officio</i>
(q)	Executive Director(Administration), National Mission for Clean Ganga	Member- Secretary.

(2) The Executive Committee constituted out of the Governing Council, shall consist of the following members, namely:-

- (a) Director General, National Mission for Clean Ganga – Chairperson, *ex-officio*;
- (b) Joint Secretary, Department of Expenditure – Member, *ex-officio*;
- (c) Representative of NITI Aayog (not below Joint Secretary) – Member, *ex-officio*;
- (d) Principal Secretary of the State concerned – Member, *ex-officio*;
- (e) Executive Director (Deputy Director General)
National Mission for Clean Ganga – Member, *ex-officio*;
- (f) Executive Director (Finance)
National Mission for Clean Ganga – Member, *ex-officio*;
- (g) Executive Director (Technical)
National Mission for Clean Ganga – Member, *ex-officio*;
- (h) Executive Director (Projects)
National Mission for Clean Ganga – Member, *ex-officio*;
- (i) Executive Director (Administration)
National Mission for Clean Ganga – Member, *ex-officio*;

(3) The Director General, National Mission for Clean Ganga may, if he considers necessary, may associate with the Executive Committee, any other member from the Governing Council.

(4) The Governing Council may constitute a sub-committee from out of its members and also by associating some technical experts for appraisal of the projects.

(5) The representative of the State concerned shall also be one of the members of sub-committee.

(6) Half of the members of the Governing Council shall form the quorum.

36. (1) All approvals up to one thousand crores rupees shall be granted by the Executive Committee and it shall report to the Governing Council at least once in three months.

(2) The Sub-Committee of the Governing Council shall appraise the project only after completion of Third Party Appraisal of the project by technical experts or consortium of recognized institutes or Indian Institutes of Technology, as the case may be.

(3) The Third Party Appraisal shall be for all projects irrespective of their value.

37. Appointment of Director General and Executive Directors of National Mission for Clean Ganga.-

- (1) Director General, National Mission for Clean Ganga shall be appointed by the Central Government who shall be equivalent to the rank of Additional Secretary or Secretary to the Government of India and his terms and conditions of services shall be determined by Central Government.
- (2) The Executive Director (Finance) shall be appointed on deputation from any of the organised accounts services in the Central Government in the rank equivalent to Joint Secretary to Government of India in accordance with the recruitment rules of the said services.
- (3) National Mission for Clean Ganga shall have at least one position for each of the Executive Directors in the rank of Joint Secretary to Government of India.
- (4) One of the Executive Directors shall be designated as Deputy Director General of the National Mission for Clean Ganga and he shall be appointed by the Central Government.
- (5) None of the nominated members of the Executive Committee shall be below the rank of Joint Secretary in Government of India.

38. Duty of National Mission for Clean Ganga.- It shall be the duty of the National Mission for Clean Ganga to -

- (i) follow the principles laid down in paragraph 4

(ii) comply with the decisions and directions of the National Ganga Council and implement the Ganga Basin Management Plan approved by it;

(iii) co-ordinate all activities for rejuvenation and protection of River Ganga in a time bound manner as directed by the National Ganga Council;

(iv) do all other acts or abstain from doing certain act which may be necessary for rejuvenation and protection of River Ganga and its tributaries.

39. Functions of National Mission for Clean Ganga.- (1) Without prejudice to the provisions of this Order, the National Mission for Clean Ganga shall identify or cause to be identified -

- (a) the specific threats to the River Ganga in areas in each village and town of such specified District abutting River Ganga and its tributaries, including sewerage and industrial waste, cremation and burial of corpses and disposal of animal carcasses, and threats from commercial, recreational and religious activities;
- (b) the type of measures required to address such threat in each village and town of all districts abutting River Ganga and its tributaries;
- (c) the specific areas where such remedial actions are required to be taken for rejuvenation and protection of River Ganga and its tributaries.
- (d) the measures which may be necessary for reuse of treated water and enter in to Memorandum of Understanding in this regard with the Ministries of the Central Government like Railways, Power, Petroleum and Natural Gas etc., State Governments, autonomous bodies at the Central and State level, recognized Institutes and organizations which the National Mission for Clean Ganga may deem fit.

(2) The National Mission for Clean Ganga shall make or cause to make the River Ganga Basin Management Plan along with cost, timelines and allocation of responsibilities, among other things, for rejuvenation and protection of River Ganga and its tributaries in each village and town of specified District abutting River Ganga and its tributaries and execute projects there for.

(3) The National Mission for Clean Ganga shall ----

- (a) cause to be determined the magnitude of ecological flows in the River Ganga and its tributaries required to be maintained at different points in different areas at all times with the aim of ensuring water quality and environmentally sustainable rejuvenation, protection and management of River Ganga and its tributaries and notifying the same and take or direct all such measures necessary to maintain adequate ecological flows;
- (b) cause to be identified places where the environmental flow of water of River Ganga has been modified and take measures for correction thereof to maintain the continuous flow of water for rejuvenation, protection and management of River Ganga and its tributaries;
- (c) identify places of discontinuity of water in River Ganga and its tributaries due to engineered diversion of water or storage of water or by any other means and execute plans in respect thereof or take remedial action therefor;
- (d) devise a system to be put in place for continuous monitoring of flow of water and pollution levels in River Ganga and its tributaries;
- (e) take all such measures which may be necessary to give effect to the decisions of the National Ganga Council so as to maintain adequate ecological flows in the River Ganga and tributaries;
- (f) render assistance or cause them to be rendered by any agency for preparation of detailed project reports or execution of projects for abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries to the State Governments, the State Ganga Committees, District Ganga Committees or local authorities or any person or body, any authority, Board or Corporation;
- (g) set up or facilitate setting up or designate and direct one or more existing centers to research, develop and disseminate knowledge base and analytical tools on abatement of pollution and rejuvenation, protection and management of River Ganga and its tributaries;
- (h) take any other measures which may be necessary for continuous flow of water and abatement of pollution in River Ganga and its tributaries

(4) The National Mission for Clean Ganga shall take all such other emergency measures as outlined in paragraph 7.

40. Establishment of River Ganga Monitoring Centres at suitable locations along River Ganga and its tributaries.- The National Mission for Clean Ganga may identify the places in the River Ganga Basin and establish at such places or designate any existing laboratory or station or institute as Centres to be called the "River Ganga

Monitoring Centre” for monitoring amongst other things, continuous flow of water and pollution levels as required under this Order and such Centre shall report immediately to the National Mission for Clean Ganga for taking remedial action therefor.

41. Powers of National Mission for Clean Ganga.- (1) The National Mission for Clean Ganga being the national agency charged with the role, responsibility and powers to facilitate the task of rejuvenation, protection and management of River Ganga and its tributaries, under the supervision and direction of the National Ganga Council, shall recommend to the National Ganga Council or Central Government for issuing directions or issue directions itself, to the State Ganga Committees or District Ganga Committees or local authority or any other authority or any person, institution, consortium or agency, as it may decide, for the rejuvenation, protection and management of River Ganga and have the power to take all such measures and discharge such functions as it may deem necessary or expedient for prevention, control and abatement of environmental pollution in River Ganga and its tributaries so as to rejuvenate the River Ganga to its natural and pristine condition and ensure continuous and adequate flow of water in River Ganga and for protection and management of River Ganga and for matters connected therewith.

(2) In particular and without prejudice to the generality of the provisions of sub-paragraph (1), and save as otherwise provided in this Order, such directions may include all or any of the following matters in the management of River Ganga, namely:-

- (a) fulfillment of the functions mentioned in paragraph 55 in accordance with the principles in paragraph 4;
 - (b) formulate, with the approval of the Central Government, the National policy for effective abatement of pollution and rejuvenation, protection and management of River Ganga;
 - (c) enter into memorandum of understanding, with the approval of the Central Government, with any country or foreign agency for effective implementation of the River Ganga Basin Management Plan for rejuvenation, protection, prevention, control and abatement of pollution in the River Ganga and its tributaries;
 - (d) approve, with or without modifications, the River Ganga Basin Management Plan and direct amendments, if any, to be made therein;
 - (e) supervise and review the progress reports, and issue directions to the State Ganga Committees, District Ganga Committees or local authorities and other authorities in the implementation of the River Ganga Basin Management Plan and any other matter connected with affairs of the River Ganga and its tributaries;
 - (f) approve the planning, financing and execution of programmes for abatement of pollution in the River Ganga including augmentation of sewerage and effluent treatment infrastructure, catchment area treatment, protection of flood plains, creating public awareness, conservation of aquatic and riparian life and biodiversity and such other measures for promoting environmentally sustainable river rejuvenation;
 - (g) coordination, monitoring and review of the implementation of various programmes or activities taken up for prevention, control and abatement of pollution and protection and management in the River Ganga and its tributaries;
 - (h) direct any person or authority to take measures for restoration of river ecology and management in the River Ganga Basin States;
 - (i) recommend to the Central Government, for creation of special purpose vehicles (whether as a company under the companies Act, 2013(18 of 2013) or Societies Registration Act, 1860 (21 of 1860) or a Trust under the Indian Trust Act, 1882 (2 of 1882)), as may be considered appropriate, for implementation of this Order and for the purposes of the Act;
 - (j) take such measures as may be necessary for the better co-ordination of policy and action to ensure effective prevention, control and abatement of pollution, rejuvenation and protection and management in the River Ganga and its tributaries;
 - (k) issue such directions to any person or authority, as it may consider necessary, for proper or prompt execution of the projects or cancel such projects or stop release of funds or direct refund of amount already released and assign the same to any other person or authority or Board or Corporation for prompt execution thereof;
 - (l) direct any person or authority to maintain such books of account or other documents, without prejudice to any law for the time being in force, as may be specified by the National Mission for Clean Ganga;
 - (m) take such other measures which may be necessary for achievement of prevention, control and abatement of pollution, rejuvenation and protection and management in the River Ganga and its tributaries;
- (3)The National Mission for Clean Ganga shall have the power to issue directions mentioned under section 5 of the Act.
- (4)The National Mission for Clean Ganga may evolve an appropriate mechanism for implementation of its decisions and the decisions of the National Ganga Council.

42. Giving of prior approval in certain matters.- Every person, the State Ganga Committees, District Ganga Protection Committees, local authorities and other authorities shall obtain prior approval of the National Mission for Clean Ganga, on the following matters, relating to River Ganga and any area abutting River Ganga or its tributaries, if required to implement the decisions of the National Ganga Council, namely:-

- (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.

43. Financial framework.- (1) The budgetary allocation shall be utilised by the National Mission for Clean Ganga for meeting expenses in connection with the discharge of its functions, objects and purposes and establishment expenditure: Provided that the money received by way of grants, loans and borrowings shall be expended for the specific purpose for which such grants, loans and borrowings have been received.

(2) The National Mission for Clean Ganga shall maintain proper accounts and other relevant records and prepare an annual expenditure statement.

(3) The audit of National Mission for Clean Ganga accounts shall be done by the Comptroller and Auditor-General of India and after completion of annual audit, the audit agency shall furnish annual audit certificate.

(4) The affairs of National Mission for Clean Ganga shall be subject to the control of Central Vigilance Commission and there shall be a Vigilance Officer to look after vigilance related matters.

(5) The annual expenditure statement with the audit report shall be forwarded annually to the Empowered Task Force, and the Central Government for being laid before each House of Parliament.

44. Engagement of legal experts.- The National Mission for Clean Ganga shall have proper legal set up for which it may engage legal experts, consultants and legal firms as may be necessary for advising it on legal matters and providing support for discharging its duties.

45. Scrutiny of reports.- All the reports relating to its activities and reports received from the State Ganga Committees, District Ganga Committees, local authority, Board, Corporation or any person shall be scrutinised by the National Mission for Clean Ganga and placed by it along with its views on the matters mentioned in such report before the National Ganga Council for soliciting its guidance thereon, if required.

46. Consolidated report of Ganga Safety audit.- The National Mission for Clean Ganga shall prepare and submit a consolidated report of the Ganga safety audits of River Ganga to the National Ganga Council along with the remedial action taken thereon and also make available the same in public domain and exhibit the same at its website.

47. Powers of National Mission for Clean Ganga to call for information, conduct inspection, publish reports, etc.-

(1) Where the National Mission for Clean Ganga considers it expedient so to do under section 5 of the Act, it may, by order in writing,-

(a) call upon any State Ganga Committees, District Ganga Protection Committees, local authority, other authority, Board, Corporation or person, who has been allotted any project for execution or connected with such project or utilisation of funds, at any time, to furnish in writing or make public for dissemination such information or explanation relating to such project allotted for execution or executed or utilisation of fund allotted as the National Mission for Clean Ganga may require; or

(b) appoint one or more persons or any authority to make an inquiry in relation to project allotted for execution or executed or utilisation of fund allotted; or

(c) direct any of its officers or employees or the officers or employees of the Central Government or State Government or any other authority to inspect the books of account or other documents of the State Ganga Committees, District Ganga

Committees, local authority, other authority, Board, Corporation or person related to any project allotted for execution or executed or utilisation of funds; or

(d) require any person, officer, State Government or authority to furnish to it any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

48. Financing and implementation model.— The National Mission for Clean Ganga shall develop and constantly refine financial models that would improve the performance and sustainability of projects, and which can be adopted by the State Ganga Committees, District Ganga Committees, local authority, other authority or person for abatement of pollution and rejuvenation, protection and management of the River Ganga.

49. Preparation of consolidated reports.— (1) The National Mission for Clean Ganga shall, on the basis of the reports and other information forwarded by the State Ganga Committees, District Ganga Committees, local authorities, other authorities, Board, Corporation or person, prepare a consolidated report every year indicating therein in respect of each specified District abutting River Ganga and its tributaries.—

(a) the status of the plans being executed and measures taken by them and any other activity relating to the health of River Ganga and its tributaries;

(b) the quality of water in River Ganga and its tributaries and remedial action in respect thereof;

(c) any interruption of water in the River Ganga and reasons therefor;

(d) condition of River Bed and flood plains and habitat in the specified District;

(e) remedial measures taken on the complaints received from public by the District Ganga Committee or local authorities;

(f) threats remaining to be addressed by them with remedial action proposed therefor;

(g) report if any as reported by Ganga safety auditors;

(h) all other information relevant about the health of River Ganga and its tributaries.

(2) The National Mission for Clean Ganga shall submit a consolidated report referred to in sub-paragraph (1) after review thereof to the Empowered Task Force along with remedial action thereof.

50. Annual report.— (1) The National Mission for Clean Ganga shall, within three months of the end of every year, prepare an annual report of all work undertaken by it and by the Empowered Task Force on River Ganga, the State Ganga Committees, District Ganga Committees, concerned local authorities, other authorities, Board, Corporation or persons during the immediately preceding year.

(2) The National Mission for Clean Ganga shall include under separate parts in its annual report referred to in sub-paragraph (1), all works undertaken by it and the Empowered Task Force on River Ganga, the State Governments, the State Ganga Committees, District Ganga Committees, concerned local authorities, other authorities, Board, Corporation or person, and forward the said annual report to the National Ganga Council and the Central Government and also make available in public domain and exhibit at its website.

51. Constitution of Committees.— The National Mission for Clean Ganga may, constitute one or more River Ganga Management Committees from amongst its members and such experts in the field of rivers or water as it may consider appropriate for the efficient discharge of its functions under this Order.

52. Soliciting guidance.— In case any difficulty arises in implementing decisions of the National Ganga Council or the provisions of this Order, it shall be duty of the National Mission for Clean Ganga to solicit the guidance of the National Ganga Council and take appropriate action accordingly.

53. Constitution of District Ganga Protection Committees.— (1) The Central Government shall immediately after the commencement of this Order, in consultation with concerned State Ganga Committee, by notification constitute, in every specified District abutting River Ganga and its tributaries in the States mentioned in paragraph 2, the “District Ganga Committees” for the prevention, control and abatement of environmental pollution in the River Ganga.

(2) Every District Ganga Committee in each specified District shall consist of the following members, namely:—

(a) the District Collector in the specified District; - Chairperson, ex-officio;

(b) not more than two nominated representatives from Municipalities and Gram Panchayats of the specified District nominated by the State Government. - Members;

(c) one representative each of the Public Works, Irrigation, Public Health Engineering, and Rural Drinking Water Departments, and State Pollution Control Board working in the specified District abutting River Ganga to be nominated by the District Collector	- Member, ex-officio;
(d) two environmentalists associated with River Ganga protection activities and one representative of local industry association in the specified District to be nominated by the District Collector	- Members,;
(e) one Divisional Forest Officer of the specified District	- Member, ex-officio
(f) one District official to be nominated by the District Collector.	- Member;

(2) The District Collector shall be the Chairperson of the District Ganga Committee and the Divisional Forest Officer shall be the Convener of the District Ganga Committee.

(3) The District Ganga Committees shall meet at such times and at such places as the Chairperson of that Committee may decide and exercise such powers and functions as may be conferred under this Order:

Provided that at least one meeting of the District Ganga Committee shall be held every three months.

(4) A non ex-officio member may resign his office by giving notice in writing thereof to the Central Government or to the District Collector concerned, as the case may be, and shall cease to be a member on his resignation being accepted by the Government or the District Collector concerned, as the case may be.

54. Superintendence, direction and control of District Ganga Committee.- The superintendence, direction and control of the management of the District Ganga Committee (including financial and administrative matters) shall, notwithstanding anything contained in this Order, vest in the National Mission for Clean Ganga which may be exercised by it either directly or through the State Ganga Committee or any of its officer or any other authority specified by it.

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.

56. Designation of Nodal Officer.- (1) Every District Ganga Committee shall nominate as Nodal Officer for the purposes of this Order -

(a) the Sarpanch of Gram Sabha of every village in the areas abutting the River Ganga and its tributaries;

(b) in case of an area, not being village abutting the River Ganga, the Chairperson of Municipality Planning Committee or Metropolitan Planning Committee or Chairperson of any local authority, as the Chairperson of the District Ganga Committee.

(2) Every Nodal Officer nominated under sub-paragraph (1) shall take measures to prevent the pollution of River Ganga and its tributaries and take remedial action for protection of River Ganga and its tributaries or their River bed abutting in such village or other area, as the case may be, of which he is the Nodal Officer and in case of his failure to do so, he shall report the violation of this Order to the Chairperson of the District Ganga Committee for remedial action.

(3) After receipt of the report under sub-paragraph (2), the Chairperson of the District Ganga Committee shall take remedial action for protection of River Ganga or its River bed abutting the specified District.

57. Preparation of plans.- (1) Every District Ganga Committee shall prepare its plan for protection of River Ganga and its tributaries and their River bed abutting the specified District and submit the same to the National Mission for Clean Ganga for its approval.

(2) The plan under sub-paragraph (1) shall include the activities to be undertaken by the District Ganga Committee for protection, control and abatement of environmental pollution in River Ganga and its tributaries and their River Bed area abutting the specified District which may be recommended by the State Government, State Ganga Committees, the National Mission for Clean Ganga, any other authority or Board and the expenditure involved for such plan and time within which such activities shall be completed.

58. Preparation of budget and maintenance of accounts.- Every District Ganga Committee shall prepare its budget for every financial year indicating therein the funds required and purposes for which such funds shall be spent and the time limit within which the activity mentioned in the budget shall be completed and submit to concerned State Ganga Committee under intimation to National Mission for Clean Ganga and such Committee shall ensure proper maintenance of accounts as directed by National Mission for Clean Ganga, for audit by the Comptroller and Auditor-General of India or any other agency appointed by the Comptroller and Auditor-General of India and such accounts shall be subject to inspection by National Ganga Council, National Mission for Clean Ganga, State Ganga Committee or any of their appointed entities.

59. Monthly and annual reports.- (1) Every District Ganga Committee shall, submit monthly and annual reports to the National Ganga Council, National Mission for Clean Ganga and State Ganga Committee as directed by National Mission for Clean Ganga within specified timelines.

(2) In addition to the annual report referred to in sub-paragraph (1), the District Ganga Committee shall furnish to the National Mission for Clean Ganga at such time and in such form and manner it may direct to furnish such other returns, statements and other particulars in regard to any proposed or existing programme for the River Ganga Basin Plan for the abutting area in the specified District.

60. Budget allocation.- The National Mission for Clean Ganga shall consolidate and prepare the budget requirement and submit the same to the Ministry of Water Resources, River Development and Ganga Rejuvenation.

61. Direction by Central Government.- Notwithstanding anything contained in this Order, it shall be lawful for the Central Government to issue directions in writing to the Ministries or Departments of the Government of India, or the State Government or the State Ganga Committees, the National Mission for Clean Ganga or District Ganga Committees, or local authority or other authority or statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the rejuvenation, protection and management of River Ganga and its tributaries in such manner as it may direct, and such Ministry or Department or Authority or Mission or Board, Committee or Government or statutory body, officer or employee shall be bound to comply with such directions.

62. Making of complaint under section 19 of the Act.- All the authorities constituted under this Order or their officers authorised by such authorities may make complaint before the court under section 19 of the Act for taking cognizance of any offence under the said section.

63. Order to be in addition to other laws.- The provisions of this Order are without prejudice to the discharge of functions by any local authority or other authority or Board or corporation or any person for taking measures for the purposes of effective abatement of pollution and rejuvenation of the River Ganga and its protection and management and any other law for the time being in force.

SCHEDULE

[See paragraph 20]

COMPOSITION OF STATE GANGA COMMITTEES

Serial No.	Name of the State Ganga Committee	Composition of the State Ganga Committees
(1)	(2)	(3)
1.	(Name) State Ganga Protection and Management Committee	(a) Chief Secretary, Government of State of (Name) - Chairperson, ex-officio;
		(b) Principal Secretary, Department of Finance, Government of State of (Name) - Member, ex-officio;
		(c) Principal Secretary, Department of Urban Development and Housing, Government of (Name) - Member, ex-officio;
		(d) Principal Secretary, Department of Environment and Forests, Government of State of (Name) - Member, ex-officio
		(e) Principal Secretary, Department of Water Resources, Government of State of (Name) - Member, ex-officio;
		(f) Principal Secretary, Department of Public Health Engineering, Government of State of (Name) - Member, ex-officio
		(g) Chairman, (Name) State Pollution Control Board - Member, ex-officio;
		(h) Chief Executive Officer of executing agency in the State of (Name) - Member, ex-officio;
		(i) Principal Chief Conservator of Forests, Government of State of (Name) - Member, ex-officio;
		(j) not more than five experts from relevant fields to be nominated by the Government of (Name) - Members

[F. No. Estt-01/2016-17/111/NMCG]

SANJAY KUNDU, Jt. Secy.

The COVID-19 pandemic in 2023: far from over

3 years ago, on Jan 5, 2020, the Department of Zoonoses at the National Institute of Communicable Disease Control and Prevention (Chinese Center for Disease Control and Prevention) announced the isolation of a new Coronavirus responsible for a wave of respiratory illnesses. On Jan 30, WHO declared a Public Health Emergency of International Concern. Despite many efforts to learn from the pandemic during the past 3 years, and discussions on international treaties of pandemic preparedness, the global response remains inadequate and fragmented. In 2023, far from it being the end of the pandemic (as hoped by many and announced for the USA by President Biden in September last year), there is a new, dangerous phase that requires urgent attention.

On Dec 7, China seemed to react to a wave of protests against its draconian so-called dynamic zero-Covid policy by dropping most of its restrictive controls. Chinese people with mild or asymptomatic disease were able to quarantine at home, travel in public was no longer restricted by electronic health passes, and lockdowns were now highly focused and no longer required for whole municipal areas or cities and were relaxed after 5 days for new cases. Additionally, from Jan 8 onwards, people were able to travel internationally again. The sudden turnaround caused rapid infection in many millions of Chinese people in December, 2022. A struggling health system was at its limits and many older people were dying, although official figures did not capture these deaths as COVID 19-related because Chinese authorities applied a very narrow definition and stopped information on numbers of infections, hospital admissions, and intensive care admissions. Although infections might have peaked in Beijing, China and its population are entering a precarious and difficult phase for several reasons.

First, the vaccination rate, especially of older people, is insufficient. According to figures from the Chinese National Health Commission, at the end of November, 69% of those 60 years and older and only 40% of those 80 years or older had a course of two vaccinations and a booster with Chinese-licensed vaccines, although these are not specifically aimed against the prevailing omicron variants. A vaccination drive, especially aimed at older people, is underway. Additionally, several

Chinese companies are working on a bivalent mRNA vaccine, but it will take some time for these more effective vaccines to be licensed.

Second, in addition to the winter season, the Lunar Chinese New Year on Jan 22 and the expected travel wave across the country to see relatives will mean spread of infections to rural areas where the health-care system is weaker, and where many older people with comorbidities and poor health live, as a recent Peking University-Lancet Commission outlines. Understandably, Chinese people want to lead normal lives again and see friends and family after such a long period of restrictions, but the health consequences could be dire.

Third, the international community, far from showing compassion, has quickly reacted by imposing or strongly encouraging travel restrictions and requirements of a pre-travel negative SARS-CoV-2 test for Chinese people. This move was regarded as unnecessary by the European Centre for Disease Prevention and Control as the variants seen in China, the omicron subvariants BA.5.2 and BF.7, are the ones that have been circulating in Europe and elsewhere in populations that now have high levels of immunity. Although precaution is understandable and variant monitoring and data sharing should be widely encouraged, singling out Chinese travellers is counterproductive and might have unintended consequences.

The more worrying omicron subvariant and one to watch closely is XBB.1.5, which has rapidly spread in the USA, where it comprised 20.1% of cases at the end of December, 2022, according to the Centers for Disease Control and Prevention. Maria Van Kerkhove, WHO's COVID-19 technical lead, called it the most transmissible yet with mutations in the protein spike that allow a closer binding to the ACE-2 receptor and facilitate immune evasion, although so far there are no signs that it causes more severe disease. However, there are some early indications that hospital admissions are increasing in the northeast of the USA, where it is most prevalent.

Rather than hoping for the end, letting our guard down, and thinking that the problem is somewhere else, everyone needs to remain alert; encourage maximum transparency in reporting cases, hospital admissions, and deaths; and accelerate collaborative surveillance of variant testing and vaccinations. The pandemic is far from over. ■ *The Lancet*



CrossMark



Reuters/Ann Wang

This online publication has been corrected. The corrected version first appeared at [thelancet.com](https://www.thelancet.com) on January 25, 2023

For the Peking University-Lancet Commission see [The Lancet Commissions](https://www.thelancet.com) *Lancet* 2022; 400: 1967-2006 and <https://www.thelancet.com/commission/healthy-ageing-in-china>

For more on mRNA vaccine trials in China see <https://www.reuters.com/world/china/chinese-made-mrna-vaccine-starts-trial-production-2023-01-07/>

For more on the omicron variant spreading in the USA, see <https://www.nbcnewyork.com/news/health/cdc-new-covid-variant-xbb-1-5-spreading-rapidly-in-ny-nj-as-cases-hospitalizations-rise/4030413/>

QUARTZ

China's covid cases loom over upcoming WHO meeting on state of the pandemic

Diego Lasarte and Sofia Lotto Persio

January 26, 2023 · 4 min read



Is the covid pandemic over? The World Health Organization (WHO) is set to consider that question at a meeting this week, its 14th since the UN agency first identified the coronavirus outbreak in January 2020.

On Friday (Jan. 27), the WHO's International Health Regulations (2005) Emergency Committee will discuss whether the covid outbreak still meets the definition of a public health emergency of international concern (PHEIC), the agency's highest risk level. While the call is ultimately one for WHO director-general Tedros Adhanom Ghebreyesus to make, he has so far consistently followed the committee's advice throughout the pandemic.

"While I will not preempt the advice of the emergency committee, I remain very concerned by the situation in many countries and the rising number of deaths," [Tedros said](#) at a press conference ahead of the meeting, the first to take place since China [lifted its zero-covid policy](#). The WHO chief specifically referred to the recent surge in covid cases in China, where at least 170,000 deaths have been reported in the last eight weeks.

The committee will consider the [specific parameters of a PHEIC](#), namely whether the outbreak is still "serious, sudden, unusual, or unexpected." While the pandemic clearly remains serious, the past three years have seen significant improvement in protecting people against the virus, through rapid antigen tests, treatments like the [Paxlovid antiviral pill](#), and vaccines. More than [two thirds of the world population](#) have so far received at least one dose of a covid vaccine. The committee is expected to announce its decision on Jan. 30.

A timeline of the WHO's coronavirus response

Dec. 31, 2019: WHO's China office hears about cases of "viral pneumonia" in Wuhan, a city in the central Hubei province.

Jan. 4, 2020: The WHO tweets about a cluster of "pneumonia" cases reported in Hubei province, saying investigations are underway to identify the cause of the illness.

Jan. 22, 2020: The WHO convenes a first emergency committee meeting to discuss the outbreak of the novel coronavirus, identified by Chinese researchers. The two-day summit concludes it's not yet time to declare the outbreak a PHEIC, but the committee should reconvene in a matter of days to monitor the situation.

Jan. 30, 2020: The WHO declares the novel coronavirus outbreak a PHEIC.

March 7, 2020: The number of covid-19 cases exceeds 100,000 worldwide.

March 11, 2020: The WHO declares the coronavirus outbreak a pandemic.

Apr. 4, 2020: The number of covid-19 cases reaches 1 million worldwide, and reported deaths reach 50,000.

Dec. 31, 2020: As the UK and South Africa report new coronavirus variants, the WHO approves the first covid vaccine for emergency use, developed by Pfizer and BioNTech.

May 31, 2021: The WHO adopts the Greek alphabet to refer to coronavirus variants of concern.

Sept. 14, 2022: WHO director-general Tedros Adhanom Ghebreyesus says the end of the pandemic "is in sight."

Oct. 13, 2022: The WHO's emergency committee meeting, the 13th since the agency first identified the novel coronavirus, decides to retain the PHEIC classification.

The novel coronavirus outbreak, by the digits

665 million: Covid cases recorded worldwide since January 2020

6.8 million: Covid deaths recorded worldwide since January 2020

11: Emergency Use Listings issued for covid vaccines

13 billion: Vaccine doses administered worldwide as of Jan. 24, 2023

More than 5 billion: People who have received a complete course of covid vaccination as of Jan. 15, 2023 (about 66% of the world population)

19.8 million: Estimated lives saved thanks to the covid vaccines, according to a July 2022 WHO report

70%: Share of the global population that should have been vaccinated by mid-2022 as per the WHO target. Having missed the target, the WHO [plans to release](#) a new covid vaccination strategy in 2023.

SOURCE: https://finance.yahoo.com/news/china-covid-cases-loom-over-174400324.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLnNvbS8&guce_referrer_sig=AQAAAK58ZAJ8RICbrjItjoW7XeH2YeFmRaFq5MdWkh56BzkA52gtSKHebghbtysDtLwALm0_gIwHRYfiSFaOU5p6LKSR05-mZSmATUXUmNYLJJFDLQdBI-QBpFhdJNi5wS3wqMbAFI24xm5UbvFN51r_lqd6pTPI4p2NiyQMke6vG

The Harvard Gazette logo is a blue square with the text "The Harvard Gazette" in white, stacked vertically. The word "The" is smaller than "Harvard" and "Gazette".

The
Harvard
Gazette

Public health officials agree that the end of the pandemic is in sight but not here yet. So where does it leave educators, top business executives, and public health experts? Adjusting to a world of constant vigilance for COVID flare-ups, accepting hybrid workplaces, hustling to make up for lost school time — and avoiding “lethal inflexibility” if the virus mutates into a more deadly threat.

Officials at the World Health Organization say that many nations have a pretty good handle on what’s going on given the spread of vaccines, rise of effective treatments, and immunity conferred by the large number who have had the disease. However, they said in late September that both the ongoing global death toll — 10,000 a week — and the prospect that the continuing, widespread transmission around the world will spawn a dangerous new variant prevents them from declaring an end to the COVID-19 emergency.

WHO director general Tedros Ghebreyesus and Maria Van Kerkhove, technical lead of WHO’s pandemic response, said that though the advent of vaccines and effective treatments have transformed the fight against the ailment, doses remain scarce in some low- and middle-income nations. And the more the virus circulates, they said, the more chances it has to mutate into something worrisome.

“The refrain of the pandemic has been that no one is safe until everyone is safe,” Ghebreyesus said during a media briefing. “The pandemic is not over, but the end is in sight.”

William Hanage, associate professor of epidemiology and co-director of the Harvard T.H. Chan School of Public Health’s Center for Communicable Disease Dynamics, said despite the temptation to consider the pandemic

over, past lessons caution us to wait and see. Last winter's Omicron variant provided an unforgettable example of the need to not let our attention wander. Though not as virulent as other variants, Omicron's constellation of mutations stunned scientists when it appeared last fall and fueled its breathtaking spread around the world in the weeks that followed. It rapidly displaced earlier variants and, though not as dangerous on a case-by-case basis, the sheer number of infections it caused have made Omicron much more deadly.

"The thing which most people would be nervously looking for is the possibility of a variant that has properties like Omicron, in terms of being able to infect lots of people but which also is more dangerous in the way that Delta was," Hanage said. "If Omicron had been as virulent as Delta, things would have been much worse."

Omicron has also proven disturbingly prolific, and subvariants continue to emerge. WHO officials said that though Omicron represents 99 percent of all SARS-CoV-2 out there today, there are some 300 Omicron subvariants that are being monitored, including BA.5 — widespread in the U.S. — BA.2.75 and its subvariants, BA.4.6 and its subvariants, and BF.7, itself a subvariant of BA.5.

With much of the world either infected or vaccinated — the WHO tallies some 12.7 billion doses given — the pandemic's ebb and flow is determined by a complex relationship among variants, by rising and falling immunity among humans, and by apparent seasonal effects, Hanage said.

Variants that spread rapidly gain the upper hand by efficiently infecting those still uninfected and those vaccinated or recovered whose immunity has waned over time. As people gain immunity to the new strain, the rate of infection slows, eventually favoring other variants that may not spread as rapidly, but that better escape the body's immune response.

In the U.S., that complex dance appears to be playing out now, Hanage said, with the fast-spreading BA.5 subvariant appearing to have run its course, while BA.4.6, which has greater ability to evade immune defenses, is beginning to spread more widely.

With each of the past two winters seeing large surges in cases whose peak case counts came within days of each other, Hanage said it's reasonable to expect something similar this fall and winter, even though widespread immunity and availability of a new variant-updated vaccine makes it unclear what that will look like in terms of cases, hospitalizations, and deaths. Given recent trends, it's likely that illness will be less severe than earlier in the pandemic, though Hanage cautioned that even mild illness, spread widely enough, can be disruptive.

"If everybody in the world got the common cold at the same time, it would be a big deal," Hanage said. "That's the thing about a pandemic of this nature. It's not so much the individual fatality rate; it's the fact that a respiratory virus is capable of infecting lots of people very quickly. And that means — as with Omicron — flight crews all go down at the same time because they tend to hang out with each other. Same thing with health care workers on a particular ward. Same thing with teachers."

It is that backdrop of global uncertainty that has Hanage warning against "lethal inflexibility." While hoping the current lull turns out to be more than that, Americans should get on with their lives, but with an eye on the global and national pandemic situation. In fact, Hanage said, it is only the pandemic's already staggering toll that makes today's fatality rates appear "good" by comparison. The virus has already killed more than 200,000 Americans this year, Hanage said, a rate more than four times that of a "bad" flu season.

Even should a surge emerge, Hanage and Joseph Allen, associate professor of exposure assessment science at the Harvard Chan School and a healthy-buildings expert, said clear damage already done to children's education, coupled with the low risk of serious illness for such a young population, means there should be a high bar set for steps that cause further disruption.

"The cost of school closures has been devastating to kids — talk to any parent," Allen said. "And, whether it's a second-grader who has never had normal school, or high schoolers who have missed sports or special events like a prom or just social gatherings with friends, this has had major

impacts. The overriding goal for this year is that school should look and feel a lot like it did prior to the pandemic.”

Martin West, Henry Lee Shattuck Professor of Education, academic dean at the Harvard Graduate School of Education, and member of the National Assessment Governing Board, which oversees the National Assessment of Educational Progress, said August’s dismal test results from the nation’s 9-year-olds was expected given the widespread pandemic disruptions to schooling, but nonetheless disturbing.

“They show substantial declines in math and reading achievement for the average student. In the case of math, that’s the first time that student scores have declined in the 50-year history of the long-term trends assessment,” West said. “Not only were the average declines substantial, there were big differences in the amount of ground lost by higher- and lower-achieving students.”

Though the tests were only for 9-year-olds, other tests indicate such declines were pervasive in elementary and middle school. In high schools, there are other indicators of lost progress, such as increasing numbers of dropouts and lower numbers enrolling in college.

Since in-person schooling restarted last year, children appear to have resumed their prior progress, but that bit of good news doesn’t address the deficit they had coming back to their classrooms, he said. That can only be made up through additional instructional hours.

West said he would never rule out masking, school closures, or other steps should the need arise, but he thought risk might be balanced differently today than earlier in the pandemic, with effective tools to fight pandemic illness and a better understanding of the risk of staying out of school.

“In retrospect, over the course of the pandemic, we seem to have underestimated the costs of school closures, and perhaps also overestimated the value of school closures in preventing the worst consequences of the pandemic,” West said.

Tsedal Neeley, Harvard Business School's Naylor Fitzhugh Professor of Business Administration and senior associate dean for faculty development and research, said that though another surge remains possible, businesses and workers are looking ahead not to more potential temporary measures, but to what the permanent, post-pandemic workplace will look like.

While Labor Day's unofficial end of summer marked a time when many businesses required previously remote workers to return to the office, what that "return" looks like varies from place to place. What's become apparent, said Neeley, who wrote a 2021 book on remote work, is that the hybrid model — where professionals, particularly so-called knowledge workers, spend a couple of days in the office each week and the rest working remotely — has won.

Many bosses, she said, would prefer workers return full-time — or at least most of the time — citing the need for in-person collaboration, to oversee and motivate staffs, and to foster corporate culture. But one indelible pandemic lesson is that employees can be effective working remotely, and, despite some wobbles, the economy continues to favor workers over employers.

"Many companies thought that they would have an upper hand because of the economic uncertainties, but employees continue to have power because the right people are still hard to hire and retain," Neeley said. "Because of those dynamics, employers don't have the number of people that they need in order to meet their objectives. It's kind of a tricky place."

A plus of the emerging hybrid workplace, Neeley said, is that it bakes flexibility into knowledge workers' practices. And keeping remote work part of the picture keeps that workforce resilient against a pandemic resurgence.

"Should people have to quarantine and they're not very sick, they'll keep at it. We've already seen a reduction in absenteeism with the presence of remote work," Neeley said. "The norms around digital tools have been so well established that it'll be quite seamless."

Source: <https://news.harvard.edu/gazette/story/2022/10/is-pandemic-finally-over-we-asked-the-experts/#:~:text=Public%20health%20officials%20agree%20that,sight%20but%20not%20here%20yet>.