

**Directions of Hon'ble NGT in the matter of
Manoj Mishra Vs. Union of India and Ors.
as per Judgment 13-01-2015
in Original Application No. 6 of 2012 pertaining
to clean and rejuvenated Yamuna River Delhi**

As well as

300/2013 pertaining to drainage system in NGT of Delhi

**Now, called as "Maily se Nirmal Yamuna" Revitalization Plan 2017
(To be completed on 31-03-2017)**

**In the matter of NGT Cases No.
6 of 2012 and MA NOS. 967/2013 and
275/2014**

Manoj Misra

Vs.

- 1. Union of India**
- 2. Chief Secretary, NCT of Delhi**
- 3. DDA**
- 4. DPCC**
- 5. Yamuna River Development Authority**
- 6. Irrigation Department of Uttar Pradesh**
- 7. Chief Secretary, Uttar Pradesh**
- 8. Municipal Corporation of Delhi**
- 9. Chief Secretary, State of Haryana**

**In the matter of
300 of 2013
And**

M. A. Nos. 877/2013, 49/2014, 88/2014 & 570/2014

Manoj Mishra and Madhu Bhaduri

Vs.

- 1. Union of India**
- 2. Ministry of Urban Development , GOI**
- 3. Chief Secretary, National Capital Territory of Delhi**
- 4. Delhi Development Authority**
- 5. South Delhi Municipal Corporation**
- 6. Delhi Tourism and Transportation Corporation**
- 7. Unified Traffic and Transportation
Infrastructure (Planning & Engineering) Centre
(UTTIPEC)**
- 8. Department of Irrigation and Flood Control**
- 9. Delhi Urban Art Commission, DUAC**
- 10. Delhi Pollution Control Committee**
- 11. State Environment Impact Assessment Authority,
SEIAA**

JUDGMENTS

PRESENT:

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)

Hon'ble Mr. Justice M.S. Nambiar (Judicial Member)

Hon'ble Dr. D.K. Agrawal (Expert Member)

Hon'ble Prof. A.R. Yousuf (Expert Member)

**Reserved on: 9th December, 2014
Pronounced on: 13th January, 2015**

Judgments based on Principal of Sustainable Development, Precautions, and Principals of Polluter Pays.

It has taken in to consideration earlier related Judgments, inspections, Expert Committee Reports, Analysis of the Reports, Meetings, time requires, Fund needs, Limitations and Possibilities.

Judgment is both General and Specific.

Judgments are available on Department of Environment website : www.environment.delhigovt.nic.in

COURT COMMISSIONERS FOR VERIFICATION OF DEBRIS REMOVAL FROM YAMUNA RIVER FLOOD PLAINS

1. Sh. V. K. Tandon
2. Sh. Stya Brat Panda
3. Sh. Anirudh Deshmukh
4. Sh. Abhimanyu Sheresht
5. Sh. Amer Mustaq

EXPERT COMMITTEE FOR YAMUNA REJUVENATION

1. Prof. C. R. Babu
2. Prof. A. K. Gosain
3. Prof. Brij Gopal

Report submitted on 19th April, 2014 to High Powered Committee for examination and put up in the Court on 2nd August, 2014.

EXPERT COMMITTEE FOR DRAINAGES SYSTEM

1. Prof. A. K. Gosain
2. Prof. Brij Gopal

Report submitted on 30th May, 2014 to High Powered Committee for examination and put up in the Court on 13th October, 2014

Expert Committee reports are available on the Deptt. of Environment website :

www.environment.delhigovt.nic.in

COMMITTEE FOR INSPECTIONS OF DRAINS

- (a) An officer not below the rank of Joint Secretary from the Ministry of Environment and Forest
- (b) Member Secretary of the Central Pollution Control Board
- (c) Engineer- in-Chief, Delhi Development Authority
- (d) Member Secretary, Delhi Pollution Control Committee
- (e) Member (Drainage), Delhi Jal Board
- (f) Two Chief Engineers from South Delhi Municipal Corporation and East Delhi Municipal Corporation
- (g) Professor Gosain and Professor Brij Gopal

HIGH POWERED COMMITTEE

To take decisions on a reports of Expert Committees for rejuvenation of Yamuna River, Pollution and Drainages System.

- 1. Addl. Secretary, MoEF, GOI**
- 2. VC, DDA**
- 3. Representatives from all concerned Civic Agencies.**
- 4. Expert Members for Yamuna and Drainage System.**

PRINCIPAL COMMITTEE FOR REGULATION AND MONITORING OF YAMUNA REVITLISATION PLAN 2017

- 1. Spl. Secretary, MoEF, Gol**
- 2. CS, Govt. of NCT of Delhi**
- 3. Jt. Secretary, MoWR, Gol**
- 4. VC, DDA**
- 5. Commissioners of all three Municipal Corporations.**
- 6. CEO, DJB.**
- 7. Secretary, I&FCD**
- 8. Concerned Secretaries Haryana, UP, and HP**
- 9. Expert Members , Prof. C. R. Babu, Prof. A.K. Gosain, Prof. Brij Gopal, and Prof. A. A. Kazmi.**

The present case is due to various reports related to Yamuna River such as:-

- A Drain.
- A Most Polluted River.
- Dry River except for Monsoon Season.
- Poisonous River,
- And “quite flows the Maily Yamuna”, published in Hindustan Times in 1994 for which Hon’ble Supreme Court orders in Suo-Moto Writ Petition 725/1994 to convert Maily to Salubrious and Pristine Yamuna.
- On 10th October, 2012 “The Hon’ble Supreme Court then proceeded to pass certain directions, with the hope that the authorities would take adequate and appropriate steps to attain the object of making Yamuna clean and healthy”.
- Petitioners, approached various concerned Agencies for appropriate actions in Nov. and Dec. 2011 failing which they approached NGT. Failure as part of Fundamental duty under Art 48 A and 51 A(g) the Constitution applicants prayed before NGT under section 15 of NGT Act 2010 for reconstitution of Environment and ecology of the river bed and making Yamuna Pollution Free.

ACTIONS ALREADY TAKEN

- Identified areas generating Solid/Building Waste.
- Created STF for patrolling such areas.
- Removed dumped soil and debris (solid as well as organic),
- Notice issued for temporary dumping sites.
- Barricading and Gates erected at Entry Points to Yamuna.
- Warning Sign Boards against dumping of Malba and Debris at various sites along Yamuna.
- Yamuna River Flood Development (YRFD) Plan of DDA shared with other Agencies.
- “Polluter Pay Principal” invoked by NGT of Rs. 5 Lakhs compensation for dumping waste in Yamuna and destroying its environment.

Directions of NGT as per Judgment dated 13-01-2015

Sl. No.	Directions	Time Line	Concerned Deptt./Agencies of NCT of Delhi
1	<p>This project shall be called, 'Maily se Nirmal Yamuna' revitalization project, 2017</p> <p>The entire project contemplated under these reports and this judgment of the Tribunal shall be completed by.</p>	31 st March, 2017	IFCD, DJB, MCDs, DDA, PWD, UD, DSIIDC, DTTDC, ASI, POLICE, Revenue, Power, DMRC, DPCC, Environment, Govt. of UP and Govt. of Haryana HP, and Uttrakhand.
2	Action Plan in terms of the reports as well as this judgment to be prepared and submitted to the Principal Committee Constituted by NGT.	<i>4 weeks from the date of pronouncement of this judgment i.e. by 13-02-2015</i>	IFCD, DJB, MCDs, DDA, PWD, UD, DSIIDC, DTTDC, ASI, POLICE, Revenue, Power, DMRC, DPCC, Environment, Govt. of UP and Govt. of Haryana.
3	DJB and other Corporations under whose jurisdiction the existing 23 STP's fall shall ensure that all these and the one proposed at Delhi Cantt. to be fully operational to their optimum capacity, effectively 24x7 without compromising on quality	within TWO MONTHS (in 2015)	DJB/UD Department.

4	Action Plan regarding installation of 32 STP's on major and minor Drains to be prepared	three months	DJB / UD Deptt.
5	All 32 STP's to be constructed and installed within the time frame and recycled water of the total 55 STP's to be utilized for Agriculture, Horticulture and Industrial purposes and minimum/least discharged in to River Yamuna		DJB / UD Deptt., Civic Agencies having Hort. Wings, DSIIDC
6	To ensure the release of treated Water from the 55 STP's to be strictly in accordance with the prescribed quality parameter for industrial and agriculture results.		DJB/UD, DPCC, CPCB,
7	To ensure proper performance, the technology of the existing 23 STP's to be upgraded to meet desired results.		DJB / UD Deptt.
8	26 Pumps Station to be constructed in terms of the Action Plan	within three months	DJB / UD Deptt.
9	All STP's to be provided with power backup and connected with DPCC and CPCB for online data for COD, TDS, TSS and pH to ensure STP's operate even during power failure		DJB/UD CPCB, DPCC, Power Department, and Environment Deptt.

10	All Industrial clusters to be provided with common effluent treatment plants, (CETPs) the cost to be borne by the Authority and Unit that owns and maintains the industrial cluster in the event of fund shortage, "Polluter Pays Principal" in the ratio of 2/3 and 1/3 respectively		Industry Department, DSIIDC, DJB/UD, DPCC/Environment
11	The State of Haryana to ensure that there should be no discharge unit in the industrial cluster located on the banks of River Yamuna, in case not possible, to install CETPs		Govt. of Haryana, HSPCB, MoEF/CPCB
12	DDA to prepare a Map identifying and demarcate the entire flood plain with highest flood level once in last 25 years since 2014. subject to logical changes. No calculation of any lived bed allowed in the demarcated flood plain/river bed zone.		DDA, I&FCD, GSDL/UD, Govt. of UP.
13	The Principal Committee to get identify and then generalized all existing structures which fall in the so identified and demarcated flood plain, recommend demolition in case if the structure have been raised in an unauthorized and illegal manner		DDA, UD, IFCD, PWD, Govt. of Haryana, UP.
14	Structures which need to be protected be looked into by a regulatory regime to be setup by the Principal Committee based on historical/Mythological/ Heritage/ Protected importance.		Archeological Survey of India (ASI), and Deptt. of Archeology, GNCTD Haryana, UP

15	All concerned authority including DDA, GNCTD and MCD to take immediate effective steps for repossessing the flood plain area under the demarcated unauthorized and illegal occupation		DDA, Three Municipal Corporations of Delhi, UD, PWD, IFCD
16	<p>No authority shall permit and no person shall cultivate any edible Crops/Fodder Cultivation on the Flood Plain</p> <p>Restricted activities of floriculture and silviculture can be carried out subject to specific permission and restriction by Authorities/Principal Committee and Court orders</p>		DDA, UD, IFCD, Govt. of UP and Haryana.
17	<p>There shall be complete prohibition on dumping of any material in and around River Yamuna.</p> <p>Violation of directions related of dumping to debris will attract payment amounting to Rs. 50,000/- on the "Polluter Pays" Principal. Such compensation to be used for removing of such waste and improving riverine ecology</p>		DDA, DMRC, Three Municipal Corporation of Delhi and PWD, IFCD, Forest Deptt., any other Land Owning Agencies. POLICE, REVENUE Govt. of UP and Haryana.

18	Any person throwing Puja material in to River Yamuna except on the designated sites shall be liable to pay compensation of Rs. 5,000/- on the "Polluter Pays" Principal. Concerned Departments are instructed to build Ghats for this purpose and shall collect such material and dispose in a scientific manner, to ensure that such material do not flow into the main stream. Offenders to pay compensation under section 15 of the NGT Act		DDA, IFCD, DJB/UD, Municipal Bodies, Police, Revenue, Govt. of Haryana and UP.
19	All construction and other wastes still lying on the banks to be removed	within FOUR MONTHS	DDA, DMRC, PWD, Delhi, and Municipal Bodies, UD, IFCD, Govt. of UP and Haryana.
20	All concerned authorities including RWA's to clean all the 157 Natural Storm water drains	within four months	I&FCD, Municipal Bodies, UD, DDA.
21	Existing Wetland and Water Bodies should be deepened and enlarged. Chief Secretary of Himachal Pradesh, Uttrakhand, NCT of Delhi, Haryana, Uttar Pradesh, Secretary Water Resources and Secretary MoEF to hold meeting to prepare Action Plan	WITHIN FOUR WEEKS	DDA, UD, IFCD, PWD , Municipal Bodies Forest Deptt., DJB, MoWR, RD&GR, MoEF & CC, Haryana, UP, Uttrakhand, Himachal Pradesh

22	The concerned Agencies and Corporations under the guidance of Principal Committee shall submit a report as to the identification and existence of the 44 untraced Natural Drains, reflected in the drainage map of 1976		I&FCD, UD, Municipal Bodies, PWD, and DDA.
23	Compostable material of immersion or offering to be used for manure purpose and not to be unduly stored. Scientific methods to be adopted for its removal and disposal		Municipal Bodies, UD, DDA, Forest Deptt., IFCD, Govt. of Haryana and UP.
24	Yamuna River front/flood plains to be restored, preserved and beautified in accordance with report of expert committee dated 19-04-2014 as per its acceptance on 02-08-2014 by MoEF as well as High Powered Committee		DDA, IFCD, UD, Land Owning Agencies, Govt. of UP and Haryana.
25	The respective authorities would be responsible for execution under the supervision of the Principal Committee constituted by NGT.		DDA, UD Deptt. to coordinate with other Agencies/Deptt., Govt. of Haryana and UP.

26	UP, Haryana, Delhi with Principal Committee to hold meeting for identification of sites for storing sludge/dredged material from the drains and River Yamuna along with best way of utilization	3 Months	DDA, UD Deptt. to coordinate with Agencies, Govt. of Haryana and UP.
27	Directions for proper covering of fly ash at particular sites on the River Bank of Yamuna and their disposal and incentivize brick making	3 Months	Power Deptt., IPGCL, BTPS (NTPC)
28	Public Authorities/Municipal Corporations could require the public at large to contribute to the expenditure for providing sewage connection based on the "Polluter Pays" Principal as part of property tax.		UD, DJB, Municipal Bodies and DDA
29	All public authorities to place large size dustbins beyond the demarcated flood plains towards the inhabitation as well as in the bio-diversity park and educate the public at large for effective completion of the project		DDA, UD, IFCD, Municipal Bodies Land Owning Agencies Govt. of Haryana and UP.
30	Authorities to ensure that storm water drains do not carry sewage, only minimum quantity of desired quality should reach to Yamuna Stream.		UD, DJB, IFCD, Municipal Bodies.

31	CPCB, DPCC, in coordination with DJB shall collect samples from River Yamuna and its floods plain		DPCC/Env. Deptt., CPCB, DJB.
32	Any application moved by any of the authorities for furtherance of execution of the project is granted liberty to approach the Tribunal in case of undue delay		All Concerned Agencies.
33	There shall be no construction/coverage of any drains in Delhi. Where substantial work (more than 85%) has been completed, remaining work can be completed after obtaining specific order from the Tribunal, other wise entire incomplete work shall be removed.		IFCD, Municipal Bodies, PWD, DDA, and Drain Owning Agencies.
34	Concerned Corporations to ensure that the cross section of the drains to carry the requisite storm water for the flood of once in 25 years and other effluents are not compromised		IFCD, Municipal Bodies, PWD, DDA, and Drain Owning Agencies.

35	<p>The Principal Committee constituted be responsible for reporting to the Tribunal and shall file quarterly report of compliance before the Tribunal. Shall consist of Special Secretary, MoEF, Joint Secretary of Ministry of Water Resources, Chief Secretary, Delhi Administration, Vice-Chairman DDA, Commissioners of all the Corporations, Commissioner, DJB, Secretary, Department of Irrigation, NCT of Delhi, Concerned Secretary of the State of Haryana, Uttar Pradesh, Himachal Pradesh and Uttrakhand.</p> <p>The four members namely Prof. C. R. Babu, Prof. A. K. Gosain, Prof. Brij Gopal, and Prof. A A Kazmi shall be the members of the Principal Committee and shall be associated with commencement and completion of all the aspects of this project.</p>		All concerned Agencies.
36	<p>In the event of default the HoD of such authority shall be held personally responsible</p>		All concerned Agencies.

Thanks