



राष्ट्रीय स्वच्छ गंगा मिशन National Mission for Clean Ganga

F. No. L-25011(13)/1/ 2019-LME NMCG/D/

Dated 01st February 2019

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING PROHIBITION ON DUMPING OF GARBAGE, DOMESTIC WASTE, CONSTRUCTION & DEMOLITION (C&D) WASTE AND HAZARDOUS WASTE IN RIVER YAMUNA OR THE BANK OF RIVER YAMUNA

WHEREAS, it has been brought under the notice of the National Mission for Clean Ganga (NMCG) that unauthorized dumping of garbage, domestic waste, C&D waste and hazardous waste etc. from nearby residential habitations and open defecation by local residents is taking place in and around the bank of River Yamuna near Wazirabad (Pusta Road starting from Shyam Ghat to Ram Ghat including Hanuman Chowk and Kali Ghat) that has resulted into nuisance in those areas. It has also been reported that River Yamuna at Ram Ghat is being badly affected by the garbage/puja refuse regularly dumped by devotees/priests; and

WHEREAS, NMCG has been constituted as national agency by Govt. of India vide its Notification S.O.3187(E) dated 07.10.2016 and has been empowered to exercise the power conferred under Section 5 of the Environment (Protection) Act 1986 for prevention, control and abatement of pollution in River Ganga and its tributaries; and

WHEREAS, as per the provisions of the Notification, river Yamuna is an important tributary of the river Ganga and discharge, directly or indirectly, sewage or sewage sludge, trade effluent, industrial waste, bio-medical waste or other hazardous substances into the river Ganga or its tributaries or on their banks is prohibited; and

WHEREAS, Hon'ble NGT in its order dated 22.07.2013 in the matter of OA No. 6/2012 – Manoj Mishra Vs. Union of India and Ors. and connected matters directed that no person, authority, corporation shall dump any kind of construction debris, municipal or any other waste on the floodplain/river bed of River Yamuna and put a complete ban on dumping of any material in and around River Yamuna. Further, in judgment dated 13.01.2015 in the same matter Hon'ble NGT directed that whoever violates directions related to dumping of debris shall be liable to pay compensation of Rs. 50000/-; and

WHEREAS, the domestic sewage, municipal solid waste, plastic waste, C&D waste and hazardous waste or any other waste generated in an area should be channelized, treated and disposed of by the concerned Municipality/ local authorities in compliance to sewage discharge norms, Municipal Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016 and C&D Waste Management Rules, 2016 respectively notified under the Environment (Protection) Act, 1986; and

WHEREAS, Section 133 of Criminal Procedure Code, 1974 (CrPC) empowers a District Magistrate/Sub Divisional Magistrate/Executive Magistrate to issue a conditional order on the basis

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NMCG, (A Registered Society under Ministry of Water Resources, River Development & Ganga Rejuvenation, Govt. of India)
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of complaints or otherwise for removal of any item of nuisance from any public place that may be injurious to health or physical comfort of the public; and

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

AND NOW, THEREFORE, in exercise of power vested under Section 5 of the Environment (Protection) Act 1986, it is directed as following:-

(a) North Delhi Municipal Corporation (North DMC) must:

- i. Forthwith take necessary action for removal and disposal of filth, garbage, plastic waste, C&D waste or any other waste from the bank of the river Yamuna in the highlighted areas.
- ii. Ensure that no domestic sewage, municipal solid waste, plastic waste, C&D waste and hazardous waste or any other waste generated within its territorial area is dumped in and around River Yamuna or bank of River Yamuna.
- iii. Ensure that adequate numbers of hoarding boards are installed along the bank/flood plain of River Yamuna in highlighted area with notice that "Dumping of Garbage/ Domestic waste/ Construction & Demolition waste or any other waste is strictly prohibited and is a punishable offence".
- iv. Investigate, identify the offenders and take appropriate action under law against offenders for violation of Municipal Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016 and C&D Waste Management Rules, 2016.

(b) District magistrate North Delhi shall:

- i. Investigate the matter and submit a factual status report to NMCG at the earliest, recording deviations, if any observed, within the provisions of the Notification dated 07.10.2016. The investigation shall also consider violations, if any, to the extent of directions of the Hon'ble NGT passed in order dated 22.07.2017 and judgment dated 13.01.2015 in the matter of O.A. No. 06/2013 - Manoj Mishra Vs. Union of India & Ors.
- ii. Issue suitable orders to North DMC, if required, under Section 133 of CrPC for removal of filth, garbage, plastic waste, C&D waste or any other waste from the bank of the river Yamuna in the highlighted areas and the resultant nuisance.

(c) Delhi Pollution Control Committee shall :

- i. Direct North DMC to undertake a time bound action plan for collection, treatment and disposal of entire domestic sewage, municipal solid waste, plastic waste, C&D waste and hazardous waste etc. generated in the highlighted areas falling within its territory.



- ii. Assess the pollution accrued due to dumping of filth, garbage, municipal solid waste, plastic waste, C&D waste or any other waste in and around River Yamuna or bank of River Yamuna in highlighted locations and report to NMCG at the earliest.
- iii. Initiate for imposition of environmental compensation on offenders for violations Hon'ble NGT's directions related to dumping of construction debris, municipal or any other waste in and around River Yamuna.

An Action Taken Report must be submitted by concerned officials to NMCG at the earliest. Failing to comply with these directions, shall attract action under the law.



Director General
National Mission for Clean Ganga

To

1. Municipal Commissioner,
North Delhi Municipal Corporation
Dr. S. P. M. Civic Centre,
Minto Road,
New Delhi – 110002
2. District Magistrate (North),
DM Complex near Swami Shardhnand College,
G. T. Karnal Road,
Alipur, Delhi – 110036
3. The Chairman,
Delhi Pollution Control Committee
4th Floor, ISBT Building
Kashmere Gate, Delhi – 110006

Copy (for necessary follow up):-

1. Chief Secretary, Government of NCT of Delhi, Delhi Secretariat, IP Estate, New Delhi – 110002
2. Secretary (Environment and Forests), Government of NCT of Delhi, Delhi Secretariat, IP Estate, New Delhi – 110002

Copy (for kind information):-

1. PS to Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001
2. PS to Executive Director (Technical), NMCG, 1st Floor, Major, Dhyanchand National Stadium, Near India Gate, New Delhi - 110002