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The Role Of India's National Green Tribunal In Ganga And Yamuna Pollution Abatement

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THE ROLE OF INDIA'S NATIONAL GREEN TRIBUNAL IN GANGA AND YAMUNA POLLUTION ABATEMENT

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The river Ganga and its tributary river Yamuna embody Indian culture and spirituality ...

...Although it has significant economic, environmental, cultural, and religious significance, Ganga is the world's tenth most polluted rivers.

The National Green Tribunal (NGT) has adopted three golden principles (the Polluter Pays Principle, the Principles of Sustainable Growth, and the Precautionary Principle) in pronouncing its judgment against polluters to curb the menace of pollution in the rivers Ganga and Yamuna.



Introduction

Rivers are the most critical natural resource for the sustenance of life on earth. The Ganga and its tributary, Yamuna, embody Indian culture and spirituality. The transboundary river originates at the Gangotri Glacier. After flowing north to east for about 2,495 km, it ends at the Bay of Bengal, covering most of the northern and eastern states of India.

At Farakka, India, the river divides into two distributaries; one stays in India and flows as the Bhagirathi (also known as River Hooghly), and the other part enters Bangladesh as the Padma rivers, which later joins with rivers Brahmaputra and Meghna. Both the distributaries of the river Ganga end at the Bay of Bengal.

Although it has significant economic, environmental, cultural, and religious significance, the Ganga is the world's most tenth most polluted rivers. The incessant increase in population growth, along with unplanned urbanization, has led to a manifold increase in the river's pollution level.

Untreated and dangerous toxic effluents from industry, biomedical waste, and domestic sewage pollute rivers and pose a serious threat to the rivers' ecosystem. The water becomes unfit for bathing and human consumption and results in several waterborne diseases. Recognizing the need for urgent action, the Government of India has enacted several laws for pollution abatement, yet these have not made any dent in the problem.

These laws regulate river use and management to mitigate the environmental harms caused by unchecked use and misuse of natural resources like rivers. The Supreme Court invoked Article 48-A of the Constitution, which talks about protecting and enhancing the natural environment. Under Article 51-A of the Indian constitution, every individual is responsible for conserving the natural environment.

Indian Government's initiatives to clean Ganga and Yamuna

The Ganga Action Plan (GAP) began cleaning the river Ganga in 1985, and in 1993, the Yamuna Action Plan (YAP) was started. Funding was provided to build a sewerage channel, drains, low-cost community toilet complexes, sewage treatment plants, and electric-based or improved wood-based crematoria.

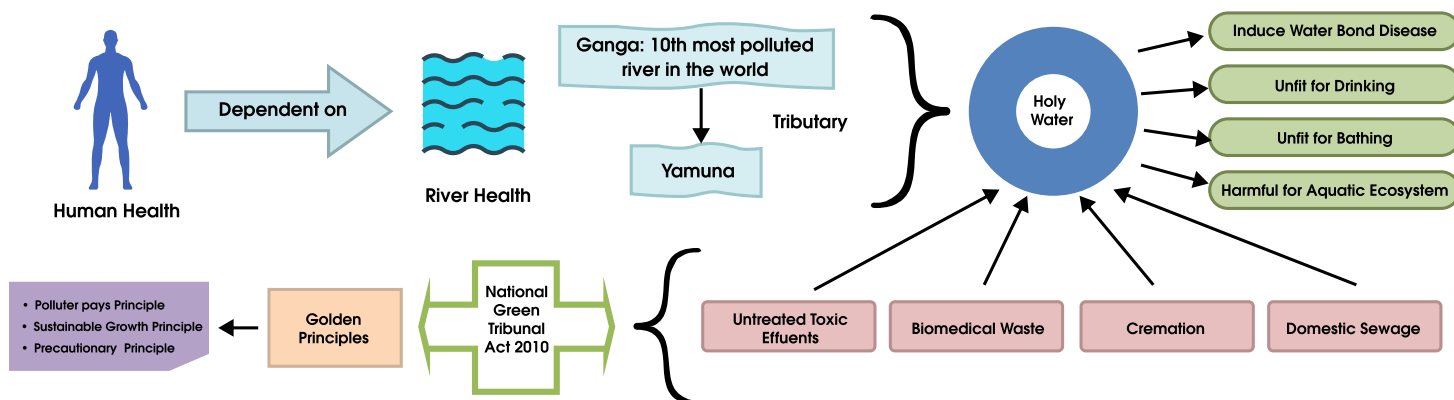
In 2009, the Central Government created the National Ganga River Basin Body (NGRBA) as an empowered authority to formulate a comprehensive strategy for planning, intermittent

monitoring, funding, and coordination to achieve conservation and pollution abatement steps for the river Ganga. However, the robust mechanism of the Ganga Action Plans (GAPs) and the subsequent initiatives to reduce the river’s pollution have so far failed to achieve the desired results.

In the end, the judiciary had to step in. Both the Supreme Court and the respective states’ High Courts have directed the many polluting industries to shut down their operations, and, on several occasions, the courts have reprimanded the state governments for not fulfilling their accountability by failing to construct wastewater treatment plants and proper drainage. In addition, the courts have also reminded the respective state governments about their constitutional obligations to conserve the quality of the rivers.

In 2015, the Central Government launched a new policy called Namami Gange. The policy expects to implement a holistic strategy to rejuvenate the Ganga and to encourage all five Ganga Basin states to work in coordination, which was lacking in the previous initiatives. Previous experience shows cases of frequent violations of the statutory norms, issuing of fake clearances and permits, and non-compliance with rules. Hence, the National Green Tribunal (NGT) has adopted three golden principles (the Polluter Pays Principle, the Principles of Sustainable Growth, and the Precautionary Principle) in pronouncing its judgment against polluters to curb the menace of pollution in the rivers Ganga and Yamuna

Figure-1 Reproduced based on the National Green Tribunal of India



The evidence shows that in recent years, the NGT has issued stricter punishments, imposing fines and compensation requirements on heavily polluting industries. The NGT has also called for the adoption of a scientific approach, coordination with all stakeholders, and making cleaning up the Ganga and Yamuna rivers a primary goal of India’s environmental governance program.

It is also evident that the **“Polluter Pays Principle”** is becoming the bedrock principle in the tribunal’s recent judgements. This Principle helps the tribunal quantify and determine the number of fines and compensation to be imposed in cases of breaches of environmental laws by any person or businesses.

Example of recent cases:

1. In the case of Krishan Kant Singh vs, the National Ganga River Basin Authority (2014), the NGT ordered the defaulting industrial unit to pay a fee of INR 500,00,000 (5 Cores) to the concerned State Pollution Control Board under the Polluter Pays Principle for performing remedial practices to ensure river safety in its judgment delivered on October 16, 2014.
2. In the case of R K Patel vs. the Union of India, the NGT ordered environmental compensation of INR 10,00,000 Lakhs to be paid to the impacted farmers in Vapi, Gujarat, due to hazardous waste contamination in a judgment issued on February 18, 2014.
3. In the case of Manoj Mishra vs. the Union of India and Others, the NGT ordered the Civic and Municipal authorities of Delhi to levy property taxes on homes, which included fines or compensation levied for Yamuna River pollution abatement.

Hence, the **“Polluter Pays Principle”** is expected to provide some teeth to the National Green Tribunal’s judgements in the future, curbing the menace of the community and industry’s business-as-usual attitude

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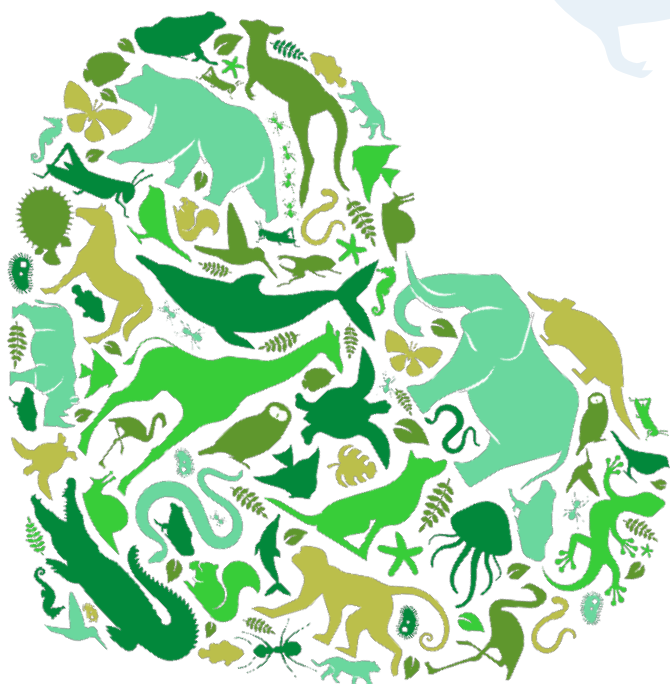
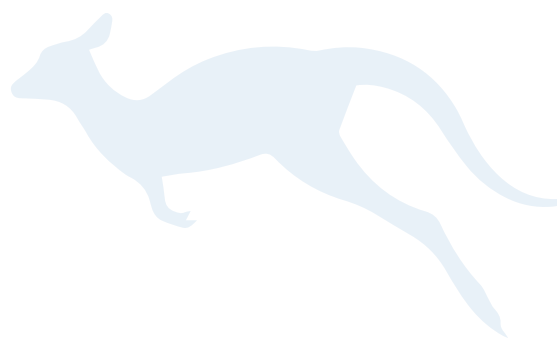
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