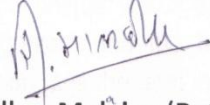


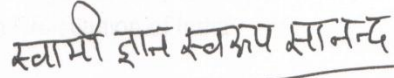
National River Ganga Ji (Conservation & Management) Act-2012

Draft Proposed By - GANGA MAHASABHA

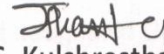
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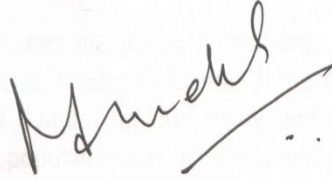
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(Chairman)



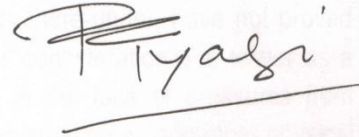
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(Prof. G.D. Agrawal)



Justice S.S. Kulshrestha (Retd.)



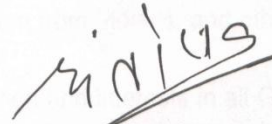
M.C. Mehta
(Advocate, Supreme Court of India)



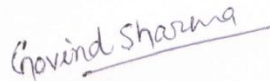
Paritosh Tyagi
(Ex. Chairman)
Central Pollution Control Board



Arun Kumar Gupta
(Advocate, High Court, Allahabad)



Santosh Kumar
(Advocate, Supreme Court of India)



Govind Sharma
General Secretary Organization
(Ganga Mahasabha)

गंगा महासभा (पंजी०)

PREAMBLE

Whereas the very special features and unique status of the sacred Ganga Ji in our culture and daily lives are well-recognized, and the holy Ganga Ji is at the very foundation and the core of our civilization; it is the best internationally known identity of the Indian Nation and this house is conscious of the faith that crores of our citizens have in this most holy among the streams.

And whereas to give effect to the provisions of articles 48 (A), 49, 51(A) and 51(G) of the Constitution of India.

And whereas recognizing this special place, Union of India had designated Ganga Ji as the National River of India and constituted the “National Ganga River Basin Authority” for certain aspects of its management, under the Environmental Protection Act 1986 vide its Notification No – 328 of Feb 20, 2009:

And Whereas the above instruments and arrangements there-under, have not proved adequate to render to Ganga Ji the regard and special consideration due to her as a National Symbol, unique entity and cultural heritage, in the face of pressures from growing populations as also aspirations for economic industrial urban and other physical development; which pressures can be warded off or adequately tackled only by a clear and explicit law enacted by this house;

Now Therefore, This Act with the purposes of

1. Formally designating Ganga Ji as the NATIONAL RIVER OF INDIA and a Cultural Heritage of India.
2. Ensuring for her the respect, regard and protection from Indians, and others, due to her as India’s National Symbol.
3. Giving due importance and priority to her protection and interests in all Government (Central, State and Local levels) policies, plans, decisions and actions.

CHAPTER-1

(Title, Coverage, Basic Regulations, Definitions)

CI.1 (a) The Act Shall be titled as the “National River Ganga Ji (Conservation and Management) Act of 2012”. (NRGA in short)

(b) This is an enabling Act which designates and formally declares Ganga Ji as a National Symbol, “The National River of India”, outlining the physical features, aspects and privileges covered by such designation and setting-up organization to specify in details, plan and implement the various activities involved in the conservation, restoration, protection and management of Ganga Ji as the National River of India.

CI.2 (a) The National River Ganga Ji shall include the entire lengths of the three main streams of Alaknanda, Mandakini and Bhagirathi (the tri-umvarite giving the name TRIPATHA to Ganga Ji) from their originating glaciers up to their confluence at Rudraprayag /Devprayag as also the main stem from Devprayag to Ganga Sagar.

(b) For the purposes of this Act, the term stream shall include the entire width of the stream-bed as also all land in the flood – plain and up to 1000 m or above across, on both sides of the highest observed and recorded flood lines. All the land as defined above and everything, lying below or above such lands (minerals, materials, vegetation, buildings, structures etc) whether permanent, transient or mobile, as also all activities there - in, shall be covered.

(c) Areas of up to 15km from the highest observed and recorded flood-lines of the streams of **CI 2(a)**, but not lying within the areas covered in **CI 2(b)**, shall be termed ‘buffer-areas’ of the National River, and be subject to provisions of **CI 5** and such other provisions for “buffer areas” as may be made under this Act.

(d) while the source glaciers of the streams of **CI 2(a)**, their tributaries or the flow-contributing “Basins” shall not be directly covered under this Act, the National River and State Ganga authorities, constituted vide chapter 2 of this Act, could render such advice in respect to the management of various aspects of these to the Central and/or concerned state governments, as they may feel necessary for the performance of the objectives of this Act. In case of any conflict, controversy or difference of opinion on such advice, the decision shall be left to the Prime Minister of India.

CI.3 As the National River of India, the streams and areas specified in **CI 2(a)** and **2(b)** shall have the following special rights and privileges.

(1) Respect, regard and consideration as a National Symbol, and at no time, and by no person or agency , being treated as ordinary river, land, water, vegetation, life-forms etc.

(2) Provisions of this Act shall supersede all other laws, practices, rules, covenants etc. in case of any conflicts/contradictions arising, except in matters related to National Security.

(3) Utmost efforts shall be made to conserve the National River in its natural pristine glory, particularly unobstructed natural flow-regimes (‘Aviral Dhara’), unpolluted water-quality (‘Nirmal Dhara’), unique ecology and clean, aesthetic, pleasant surroundings. Specific norms, guidelines and standards for these shall be laid down by National River Ganga Authority (NRGA) constituted as per chapter 2.

(4) No commercialization of anything coming under **CI 2(b)**, except as specifically allowed under provisions of this Act.

(5) All the land covered by **CI 2 (b)** and whatever stands over or under it shall be governed solely by provisions and organization set-up under this Act with no say, what- so- ever of normal administration departments like revenue, forests, agriculture, fisheries etc.

CI.4 Prohibited Activities: The under-listed activities shall be totally prohibited in the areas covered under **CI 2(b)**:

- (A) Discharge of any untreated or treated sewage or industrial effluents.
- (B) Disposal by any means including incineration or burning of any kind of solid wastes (not including ritual cremations).
- (C) Setting up production/industrial units of any type involving disposal of any pollutants, solid, liquid or gaseous.
- (D) Deforestation or setting up any wood based industry.
- (E) Stone quarrying, crushing, cutting, finishing or processing.
- (F) Units involving slaughtering/processing of fish, animals or any living species/matter.
- (G) All types of mining (minor or major materials) except (a) for domestic needs of local residents (b) totaling up to 500 tones/ year in any one km long stream stretch by permission of NRGBA and (d) any amounts for the purpose of stream-bed conservation with permission of NRGBA. This will not be applicable in Zones determined for Kumbh, Ardh-Kumbh, Magh Mela and other religious congregation.
- (H) Any structure that is likely to disturb the *Aviral* and *Nirmal* flow characteristics of Ganga Ji including river- front development structures.
- (I) Abstraction of waters for industrial, municipal, irrigation or any other purposes except (a) less than totaling up to 0.1 MLD for local use in any one km stretch (b) totaling up to 1.0 MLD in any one km stretch with permission of relevant SGB (c) totaling up to 100 MLD in any one km stretch for other uses and up to 25% of the normal monthly flow for agriculture with permission of NRGBA.
- (J) Any defiling, de-meaning or polluting activities that shall go against the sacred National River Status (e.g. Casino, Bar, Recreational Activities etc).
- (K) No Chemical fertilizers, pesticides, weedicides and other hazardous substances shall be used.

CI.5 Restricted Activities: The under mentioned activities though not banned shall be discouraged and shall be restricted in the areas of **CI2(b)** and **2(c)** to be undertaken only with prior permission from the appropriate level of Monitoring and Implementation committees as constituted under Chapter 3:

(A) **Development on Hill slopes:**

(a) No new development on existing steep (over 10^0) slopes or even milder slopes with high degree of erosion potential. (Actually protection measures should be initiated in such cases).

(b) No new development in areas falling in fault or hazard zones, or along spring lines, and first order streams, as per best available scientific evidence. Areas

where such activities may be allowed, should be those clearly indicated in the Zonal Master Plans (prepared as per chapter 4) and still clearance for specific works and details shall be needed from the Zonal Monitoring and Implementation Committee on recommendation by the Sectional Monitoring and Implementation Committee constituted as per Chapter 3.

(B) **Hill Roads:**

(a) The Zonal Master Plans (as per Chapter 4) shall not only provide what roads, where and how, may be built within the stream area and in buffer area, but shall also lay clear guide-lines for such roads (including un-tarred tracks, mule-tracks, Parikrama Paths etc) to be complied in any future constructions.

(b) In all cases, alignments should be selected to minimize loss of vegetal cover; crossing areas prone to erosion and also balancing cut and fill to the extent possible.

(c) The debris / extra cut materials should be disposed in an eco-friendly and aesthetic to view manner.

(d) Adequate road-side drains should always be provided, kept free from blockage and should have proper disposal.

(e) Exposed hill-slopes and other instabilities caused by road-construction should be adequately treated by bio-engineering or other appropriate techniques. All new proposals and details shall need clearance from Zonal Monitoring and Implementation Committee constituted as per Chapter 3.

(C) **Natural Springs and Existing Tanks, Ponds, Kuhls, Nolas etc** – Utmost efforts shall be made not to damage any of these or their catchments and to conserve each of them in their natural and historical setting and water-regime.

(D) **Ground – Water:** Extraction of Ground water shall be allowed only for the bona-fide use of agricultural and domestic consumption of the occupier of the plots / residents of the area.

(E) **Use of Agricultural Chemicals:** Use of Chemical fertilizers, pesticides, weedicides may be specifically restricted by the Central Monitoring and Implementation Committee for specific area, on recommendation by appropriate Sectional and Zonal Committees.

(F) **Disposal of solid wastes and liquid effluents:** As provided in CI 4(A) and (B) no such disposal is permissible in the areas under CI 2(b). Even outside, such disposal is to be done in a manner to guarantee that none of the pollutants, what so-ever, shall be able to reach the area under CI 2(b) either directly or indirectly, to the satisfaction of the relevant Sectional Monitoring Committee, who shall be ultimately responsible for ensuring compliance all the time.

CI 6 Conservation and Management Plans for National River Ganga Ji:

(a) For ease in planning and management, the National River **Ganga Ji** shall be divided into following Zones (A) Rivers Bhagirathi, Alaknanda and Mandakini (B) **Ganga Ji** from Dev Prayag to Uttarakhand Border (C) Uttarakhand border to Narora (D) Narora to Prayag (E) Prayag to Uttar Pradesh – Bihar border (F) Bihar (G) Jharkhand (H) West Bengal.

(b) The National River **Ganga Ji** Authority (NRGA) shall engage an appropriate agency to prepare Zonal Master Plans for all future development and other activities in the National River area that shall be able to assure conservation (including restoration, if and where necessary) of the natural and pristine

glorious qualities and characteristics of **Ganga Ji** , worthy of its status as India's national symbol and the world's most coveted steam.

(c) The above Zonal Master Plans shall include and clearly define the targeted and existing state, quality, ecology, flow regimes, structures, practices and activities, stream – section – wise and where necessary even location and period – wise, and lay down all do's and don'ts. The plans shall also propose needed research areas. These plans shall also propose needed research areas.

(d) These plans could borrow and incorporate relevant portions, ideas or details from the IIT Consortium reports and other secondary data and documents available, but they should especially focus on their own scope and objectives stated above.

(e) The Master Plans, which shall be open to review in 5 years (coinciding with the National 5 year development plans) shall serve as the reference documents for implementation, monitoring and administration.

(f) Before being approved, the first versions, as also all their revisions, shall necessarily pass through, and be consented to by, a Peer and Core Group of 50 Ganga Bhaktas who have been individually active in the past 3 years (or more) for the cause of conservation of environment in general and Ganga ji in particular, and nominated by NRGBA.

CI 7 Research Related to Ganga Ji:

(i) Ganga Ji has a number of very special, even unique features in respect of physical/chemical/biological and ecological aspects and self cleaning capacities as also its health-promoting, stress-relieving and spiritual properties, all of which offer vast potentials for basic and productive applied research

(ii) NRGBA shall constitute appropriate agencies to propose, plan and sponsor such research at appropriate academic/ research institutions.

CI 8 (a) The Act shall become applicable from the date of Presidential assent to it.

(b) The Central and Concerned State Governments should complete the constitution of the central and state Ganga Authorities as per Chapter 2 and notify the same within 30 days of the Presidential Assent, the first meetings of these be held within 60 days of the assent and hence formal Implementation of Act started.

(c) Constitution of all Monitoring and Implementation Committees as per chapter 4 at Central, Zonal and section levels, including appointment of various Executive officers and staff as also nomination of first set of non-official members be completed, and the first meetings of all such committees held, within 120 days of the date of the Presidential assent.

(d) Finalization of the first set of rules, norms, standards, guidelines etc as also of the implementation procedures be completed by the National River Ganga Authority and full practical monitoring and implementation set-in within 180 days of the presidential assent.

CI9 Definitions:

(a) **'Deforestation'** means removal of trees and other vegetation of a forest excluding a planned clearance for scientific maintenance of forest

(b) **'Units'** refer to industrial establishments for manufacturing any product

(c) **'Polluting Activities'** include all activities, industrial or otherwise, which release any pollutant into environment

- (d) **'Natural Flow'** means the flow of water in any stream that is not altered by any human intervention
- (e) **'NirmalDhara'** means a stream in which natural flow is not polluted
- (f) **'AviralDhara'** means a stream that flows incessantly
- (g) **'Pollutant'** means any substance that changes or degrades the water quality of Ganga Ji;
- (h) **'Flood Plain'** extends over the area that comes under water on either side of a stream due to floods
- (i) **'Buffer Area'** extends beyond the flood plain of a stream, which has the potential that polluting activities in this area may pollute the water in the stream
- (j) **'Regulations'** includes any regulation which the NREGA is competent to make in the exercise of the powers conferred on it under this Act;
- (k) **'Prescribed'** means prescribed by rules made under this Act;

CHAPTER -2

National & State Authorities for Ganga Ji

- CI10** (i) For all decisions, planning and management of all issues related to **Ganga Ji** as the National River an apex body, National River **Ganga Ji** Authority (NRGA in short) shall be constituted at national level with headquarters at Delhi as an affiliate to Prime Minister's Office which shall provide the necessary infrastructure support and funds for its effective functioning.
- (ii) For similar purposes, State Ganga Boards (SGBs) shall be constituted in all states through which the National River passes (or touches) with jurisdiction over the stretch/ areas lying in their jurisdiction, with headquarters at the state capital and affiliated to the state's Chief Minister's Office which shall provide for and bear the cost of the establishment, though all project funds along with guidance and direction shall be provided by the NRGA.
- (iii) All directives from NRGA shall be binding on the SGBs In cases of any difference of opinion the decision shall be left to the Prime Minister of India.
- CI 11** (a) The National River Ganga Ji Authority, NRGA shall be composed of the following.
- | | | |
|--------|--|------------------------------|
| (i) | Prime Minister of India | Ex-Officio Chairperson |
| (ii) | A prominent Ganga Bhakta Saint nominated by the Prime-Minister | Co- Chairperson |
| (iii) | Union Minister I/C Cultural Affairs | Ex- Officio Member |
| (iv) | Union Minister I/C Science & technology | Ex- Officio Member |
| (v) | Union Minister I/C Environment & Forest | Ex- Officio Member |
| (vi) | Union Minister I/C Finance | Ex- Officio Member |
| (vii) | Deputy Chairman Planning Commission | Ex- Officio Member |
| (viii) | Thirteen prominent Ganga Bhakta to Non-Officials with expertise on aspects related to Ganga Ji nominated by the Prime Minister for his term in office. Of these 13, at least 5 shall be from states outsidess Ganga Basin, one NRI and three from Basin states through which Ganga Ji does not flow. | Members |
| (xxi) | Chief Ministers of all states through to which Ganga Ji passes or touches | Ex-Officio Members |
| (n) | (currently 5 : Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal) | |
| (n+1) | Director General National River Ganga Ji | Ex- Officio Member Secretary |
- (b) The Authority may invite such other person up to 3 as it deems useful or necessary as special or permanent invitees to its meetings.
- (c) The Authority shall hold at least four meetings in a year. The Prime Minister or in his absence the Co- Chairperson shall preside. Quorum shall be minimum 5 official and 5 non-official members. All decisions shall be taken by consensus or majority. Chairperson shall have casting vote.
- (d) The ex-officio members shall be able to depute authorized and fully briefed Proxies. The views expressed and votes cast by such proxies shall be deemed to be the view/ votes of the Governments/ Departments/Agencies represented. Absence from a meeting shall take

away the entitlement of a member to later on oppose or criticize the decisions taken at the meeting. No amendment to a decision taken by the Authority shall be moved for consideration by the Authority earlier than six months from the date it is notified or otherwise made applicable.

- CI 12** The National River **Ganga Ji** Authority , NRGAs, shall be the body ultimately and totally responsible for conservation of the natural pristine glorious state of **Ganga Ji** particularly in respect of the flow, water-quality, ecology and aesthetic environment in all stretches designated as National River Vide **CI 2** (b). Any adverse conditions or continued violation of norms set-by the Authority shall render the members collectively and individually to condemnation/reprimand by either house of Parliament and could also lead to be stripped of their membership of NRGAs as also their official position. As such, members should participate in the deliberation of NRGAs in a dedicated, responsible and pro-active manner.
- CI 13** (i) The Authority being responsible for implementing the Act and achieving its objectives shall have the power to plan, devise, implement and take all such decision and measures as it deems proper and necessary including collaborating with, seeking collaboration from or hiring other agencies, conservationist/experts on such terms as considered to be in the best interests of achieving the objectives of this Act.
- (ii) Laying down required flow-regimes as well as norms, standards and guide-lines for physical, chemical, ecological and aesthetic states at various locations and various times and revising/up-dating such norms/requirements shall be an important function of NRGAs.
- (iii) NRGAs may evolve appropriate mechanisms for implementation of its decisions including creation of special purpose vehicles .
- (iv) NRGAs shall pay special attention to monitoring and collection of data on the state of **Ganga Ji** and dissemination of such information to public.
- (v) Special attention shall also be paid to research on scientific/technical as well as social/cultural/spiritual aspects of **Ganga Ji** as per **CI 7**.
- (vi) NRGAs shall have the power to sanction and appoint supporting office/scientific/technical staff including the full-time Director General of NRGAs, the Directors of State Ganga Boards and the Zonal and Sectional CEOs of Monitoring and Implementation Committees.
- CI 14** The Director General Ganga Ji who shall perform the dual functions of the Member-Secretary of the NRGAs as also the Chief Executive Officer of the Central Monitoring & Implementation Committee (CMIC) shall be the functional head and the key person in the implementation of this Act. His/her competence, energy, commitment, initiative and boldness shall be achieving the objectives of this Act. He shall be a senior experienced and accomplished post-graduate Environmental Engineer whose performance on conservation of environment in general and Ganga Ji in particular is well documented. He/she shall be a full-time employee of NRGAs enjoying the rank and perks of Director General in CPWD/ Secretary in Union Government, answerable to NRGAs and Parliament for satisfactory functioning of NRGAs and CMIC and implementation of the present Act to achieve its objectives. He/she shall be entitled to perform all functions of NRGAs/CMIC when these bodies are not meeting, subject to their post-facto approval at the immediately next meeting.

CI 15 In critical situations emergency meetings of NRGAs could be convened by the Director General or on being requisitioned by 5 members of NRGAs in writing with a week's notice.

CI 16 (a) State Ganga Boards: All states through which National River Ganga Ji passes or touches shall have State Ganga Boards. Currently such states number five viz. Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West-Bengal. The purpose to be served by these Boards is essentially to involve the State administrations as also the people of the states in the conservation and management of Ganga Ji.

(b) The composition of the State Ganga Board shall be as follows:

(i) Chief Minister of the State	Ex-officio Chairperson
(ii) Environment Minister of the State	Ex-officio Chairperson
(iii) Cultural Affairs/Tourism Minister of the State	Ex-officio Chairperson
(iv) Water Resources/Irrigation Minister of the State	Ex-officio Member
(v) Finance Minister of the State	Ex-officio Member
(vi) Five prominent Ganga Bhakta Non-Officials with expertise on aspects related to Ganga Ji nominated by the chief Minister for his term in office	Members
(x) One representative from each Zonal MIC to one of the Non-Official Members of ZMIC for one year term by rotation	Members
(n+1) Director, State Ganga Board (Full time Official)	Member Secretary

(c) The Board may invite up to three such other persons as it deems necessary or useful as special or permanent invitees to its meetings.

(d) The Board shall hold at least four meetings in each financial year. The chief minister, or in his absence, one of the vice-chairpersons will preside. Quorum shall comprise 3 official and + 3 non-official Members. All decisions shall be by majority.

(e) Clause 11 in respect of proxies at a meeting shall apply in case of SGB meetings also.

(f) The state Ganga Boards shall essentially complement the NRGAs in its functions. They shall on the one hand convey the thinking and interests of the state to NRGAs and on the other hand also play a role in the implementation and enforcement of the Act and the decisions of the NRGAs through the Director SGB who shall act as a two-way link between NRGAs and the Director General NRGAs at one end and SGB and the Zonal and Sectional units at the other end.

CI 17 Directors of State Ganga Boards : These shall be full-time officers of NRGAs, either regular appointees of NRGAs or on contract, or on deputation from other services. They shall be experienced Environmental Engineers with rank and perks equivalent to a Chief Engineer in PWD of the concerned state or a Joint Secretary in the Union Government. They shall be persons with known commitment to Ganga Ji and a credible record in environment conservation and / or pollution control.

CHAPTER -3

Field Implementation

CI 18 Restoration, Conservation and Protection of Ganga Ji is vital; keeping in mind that Ganga Ji is not a common property but a DIVINE entity and nobody, not even governments can be allowed to exploit and mis-use it or its contents.

CI 19 Monitoring and Implementation Committees

For monitoring and implementation of the provisions of above clauses 3, 4 and 5 as also of the various management and development activities proposed in the Zonal Master Plans prepared as per clause 6 and all the other decisions of NRGBA and various SGB's, Monitoring and Implementation Committees shall be constituted at three levels (a) Central, (b) Zonal and (c) Sectional, as per below.

CI.20 Central Monitoring and Implementation Committee

(a) This shall comprise of following:

1 - Union Minister for Environment & Forest – Chair Person.

2, 3, 4 – Three persons for one year terms by rotation from among the Non-Official Expert Members of NRGBA in seriatum.

5- Director General NRGBA as the Member – Secretary and Chief executive officer (detailed in CI 14)

6-n – Directors of all SGBs - Members

(b) The Zonal Executive Officers of all the 8 Zonal Monitoring and Implementation Committees of Clause 21 shall be permanent invitees to all meetings of the Committee.

(c) The Committee shall meet once a month (say the afternoon of third Friday of each month) besides any emergency/special meetings.

(d) The meetings, presided by the Union Minister (E & F), or one of the non-official members in his absence according to seriatum, shall be competent to take all decisions (by consensus or by majority at least 3 official and 2 non-official members supporting) in respect of management of National River Ganga Ji subject to directions, orders, guidelines and post-approval by NRGBA

(e) The above Central MIC shall prepare an annual plan and budget (also indicating the proposed sources of funds) for coming financial year and submit it for approval and further necessary action by NRGBA in January each year. It shall also compile an Annual Report of previous financial year and submit it to NRGBA by end of May each year.

CI.21 Zonal Monitoring & Implementation Committees

Each of the 8 zones of National River Ganga Ji as provided in clause 6(a) shall have a Zonal Monitoring and Implementation Committee as per below.

(a) The Composition shall be

1. The Minister for Environment of the particular state or a person nominated by him (the same person through-out the tenure of the minister, - when minister changes, the new incumbent may nominate a new person. Also the nominee shall be a non-official, known social worker with record of effective work in field of environmental conservation. Chair Person
 2. A full time Zonal Executive Officer (a senior Environmental Engineer of the rank of Super-intending Engineer/Director in Central Govt. Secretariat, known to be committed to Ganga Ji having expertise in restoration, conservation and protection of environment. Member-Secretary and Chief Executive officer
 - 3, 4, 5, 6 to n. One representative each from Sectional Committees comprising the Zone. The representative shall be one of the non-official members of the Sectional Committee for one year terms by rotation.
- (b) The Sectional Executive officers of all the Sectional Committees comprising the Zone shall be permanent invites to all meetings.
- (c) The Committee shall meet once a month (say afternoon of the second Friday of each month) besides any emergency meetings when and if necessary.
- (d) All decisions shall be taken by consensus or majority of those present. In absence of Chair-person, one of the non-official members present shall preside.
- (e) The Committee may take any and all decisions on matters relating to management of the respective zone of National River Ganga Ji subject to provisions of this Act and directives, orders, guidelines etc issued by NRGBA, the relevant SGB or the Central Monitoring & Implementation Committee
- (f) In December of each year the committee shall prepare an Annual plan and budget for the next financial year for its zone and submit it to the Central Monitoring and Implementation Committee by Dec. 31 for further action. The Committee shall also prepare an annual report for a financial year for its zone and submit it to the Central Committee by April 30.

CI 22 Sectional Monitoring and Implementation Committees

(a) For purpose of ground-level implementation, and field-level monitoring each one of the 8 zones of **CI 2(b) CI 6(a)** shall be further sub-divided in to an appropriate number of sections ranging from 2 to 5. Thus Zone – A comprising Alaknanda, Mandakini and Bhagirathi streams may be sub-divided into 5 sections; A – 1 Alaknanda from origin to Chamoli. A – 2 Alaknanda Chamoli to Dev Prayag, A – 3 Mandakini, A – 4 Bhagirathi Gaumukh to Dharasu and A – 5 Bhagirathi Dharasu to Dev Prayag. In contrast, Zone B comprising Ganga ji from Dev Prayag to Uttarakhand-Uttar Pradesh Border could be sub-divided only into 2 (or 3) sections: B – 1 from Dev Prayag to Lakshaman Jhoola and B – 2 from Lakshaman Jhoola to Uttarakhand-Uttar Pradesh Border. The number and jurisdictions of sections could be decided by concerned Zonal Committee subject to approval by the Central Committee.

(b) The Sectional Monitoring and Implementation Committees being the really responsible bodies for monitoring the compliance of provisions of this Act and various directives and decisions of higher bodies as also for initiating, preparing detailed proposals and estimates for various conservation / development activities / projects in their reach shall be headed by a full-time Executive Officer who shall be environmental engineer of the rank of Executive Engineer/ADM, assisted by adequate and appropriate technical, scientific and office staff as approved by concerned Zonal Committee. Such supporting staff, however, shall not be party to decision-making.

(c) In case of all decisions taken and reports submitted, the executive – head shall have to necessarily place these before and be advised, guided and helped by 5 – 7 non – official members of the committee, all of whom shall be Ganga Bhaktas, representing various areas/interest-groups in the section, nominated for 5 year terms by the Zonal Committee. Majority opinion of the non official members shall not be binding but shall need to be placed before Zonal Committee for final decision.

(d) A very important component of the Sectional Committee staff shall be “Ganga-Sewaks” paid part-time “Associates” on the pattern of “Home Guard”, who shall act as field-level “watch-dogs” for 10-12 Km reaches (or even smaller reaches) of the national river. They shall be trained to carry out all needed monitoring and sample collection and shall also organize Ganga Seva Samitis/Ganga Sabhas/Ganga Panchayats of totally voluntary Ganga Bhaktas to help field-level monitoring and implementation.

CI 23 Liaison with Central / State Departments/ Officials

As and when necessary, the Central / Zonal / Sectional Monitoring and Implementation Committees, through their respective Chief, Zonal and Section Executive officers, may liaise with, seek help from or provide help to Central / State Departments and officials in the General Administration, Police, Urban Development, Industries, Agriculture, Forest, Rural Development, Animal Husbandry, Fisheries etc at levels as per indicated below:

- | | | |
|--------------------------------|---|--|
| (a) Sectional M & I Committees | : | Block/District/Divisional Level in Govt. |
| (b) Zonal M & I Committees | : | State Govt. Level |
| (c) Central M & I Committee | : | Central Govt. Level |

CI 24 Differences of opinion / Disputes / Questions / Problems

Any Differences of opinion or disputes or unresolved questions or problems should be referred through the Director General NRGAs to the NRGAs headed by the PM and the apex body and highest authority on all matters relating to Ganga Ji. The Director General who is also the Member Secretary of NRGAs should not hesitate in calling an urgent emergency meeting of NRGAs on critical issues.

CHAPTER -4

OFFENCES & PENALTIES

- CI 25** (i) Offences in respect of breach/contravention of the objectives / provisions of this Act and the penalties/punishments for these shall be as provided in the following sub-clauses
- (ii) Contravention of clauses 3(i) and 4(K) of this Act involving disrespect and defiling/de-meaning of the National River Ganga Ji or any part of it (as defined in **CI 2** (b) shall invite simple imprisonment of up to one month with fine ranging from Rs. 500 to Rs. 5000. In case the guilt is accepted, rectified and apologized for in writing, it could be compounded for a fine of Rs. 500 at the level of the Executive officer, Sectional Monitoring and Implementation committee in whose jurisdiction the offence took place.
- (iii) Contravention of clauses 4 (A,B,C,E F,G,H and I) which are likely to adversely affect the integrity, un-obstructed flow, flow-regimes, water-quality, surrounding environment shall attract a minimum simple imprisonment of six months extending up to five years and / with fine ranging up to rupees fifty lakhs.
- (iv) Contravention of **CI 3**(iv), **CI 4**(D and J) or any sub-clauses of **CI 5** shall be punishable by simple imprisonments of 3 months to one year and fines of rupees five thousands to rupees fifty thousands.
- CI 26** The Sectional officer of the section where the offence takes place or is observed/reported shall be the Reporting Officer for the offence and for all offences not settled by compounding; the Zonal Executive Officer shall be the prosecuting officer, whose office shall handle all the legal aspects and processes.
- CI 27** There shall be a Special court of National River Ganga Ji in each state to be presided by a session Judge and the appeal of which shall lie before the national court comprising sitting or retired judge of high court to be constituted by the Central Government. The second appeal shall lie before the Supreme Court.
- CI 28** Non compliance of their assigned duties or lapses by various salaried functionaries of NRGBA and its associated bodies which may result in adverse impacts on interests of Ganga Ji shall be taken seriously and punished by departmental action along with compensatory and penal fines.

CHAPTER -5

MISCELLANEOUS

- CI 29** Ganga Ji being a National Symbol, its shall be the responsibility of the Union Government to provide the funds and other requirements as decided to be necessary for appropriate conservation and management as per the plans and budgets prepared and approved by NRGAs which shall include all the needs of the State Ganga Ji Boards and the Central, Zonal and Sectional Monitoring and Implementation Committees also. However the NRGAs shall have the power to generate its own resources except through hiring and lease on the various assets of Ganga Ji or present in the area included in the National River with the condition that (i) these do not adversely affect the interests of Ganga Ji in either direct or indirect manner and (ii) the entire proceeds are utilized solely in the interests of Ganga Ji. NRGAs may also accept gifts and donations for the same purpose and under the same conditions. NRGAs shall have an independent Corpus Fund to manage such receipts.
- CI 30** Accounts of NRGAs and all its associated bodies shall be annually audited by CAG and reports placed before parliament.
- CI 31** The provisions of this Act shall have effect notwithstanding anything in consistent therewith contend in any other Act and in the event of any conflict between provisions of this Act and any other Act the provisions of this Act shall prevail over the same.
- CI 32** *Power to make rules. –*
- (1) The Central Government may by notification in the Official Gazette, make rules to carry out the provisions of this Act.
 - (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (i) The standards of the quality of water for various areas and purposes;
 - (ii) The maximum permissible limits of concentration of various pollutants for different areas;
 - (iii) The procedures and safeguards for the handling of chemical fertilizers/pesticides/weedicides and any other hazardous substances.
 - (iv) The prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas;
 - (v) Matters with respect to the procedure to be followed by the NRGAs under clause 13, 14 and 15.
 - (vi) The procedure to be followed by NRGAs in the discharge of its functions and allowances.
 - (vii) The procedure to be followed by, the allowances, if any payable to, the members of the NRGAs and Sub-Committees.
 - (viii) Amendment to any Schedule appended to this Act
 - (ix) Any other matter which is required to be or in respect of which rules may be made under this Act.

3. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.