

अध्यक्ष/Chairman
मं.बा.नि/आ./GFCC, पटना
डा.सं.ड्य. No. 753
दिनांक/DL 14/11/2017

National Mission for Clean Ganga
Ministry of Water Resources
River Development & Ganga Rejuvenation
Government of India

Major Dhayanchand National Stadium, 1st Floor,
Near India Gate, New Delhi - 110002

SPEED POST

L-25012(12)/1/2017-LME/NMCG/OI

Dated 6th November, 2017

**DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT,
1986
(Notice Thereof)**

WHEREAS, in exercise of powers conferred under 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, the Government of India constituted the National Mission for Clean Ganga (hereinafter NMCG) by the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (hereinafter the Order) for the purpose of exercising powers and discharge functions as specified under the Order for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries; and

WHEREAS, as per Section 3(ze) of the Order, River Mahanada is one of the tributaries of River Ganga; and

WHEREAS, as per Section 6 (3) of the Order, 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 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; and

WHEREAS, as per Section 8 read with section 41(3) of the Order, NMCG has been empowered to issue such directions as it may consider necessary for abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries, under Section 5 of the Environment (Protection) Act, 1986, 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; and

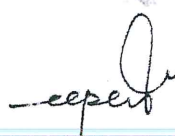
WHEREAS, as per Section 42 (g) of the Order, every person, the State Ganga Committees, District Ganga Protection Committees, local authorities and other authorities shall obtain prior approval of the NMCG for any activity which contravenes the principles laid out in the said Order; and

WHEREAS, it has been brought to the notice of NMCG that Aligarh Muslim University (AMU) has undertaken unauthorized construction in the river bed and flood plain of River Mahanada at Kishanganj, Bihar, without prior approval of NMCG and

WHEREAS, matter related to the unauthorized construction in the river bed and flood plain of River Mahananda by the AMU Centre at Kishanganj, Bihar allegedly in violation of the Order is seized before the Eastern Zone Bench of Hon'ble National Green Tribunal at Kolkata in OA No. 126/2017 and Hon'ble Tribunal has directed NMCG to issue such directions as may be deemed proper to stop construction in the river bed and flood plain of River Mahananda.

AND NOW, THEREFORE, in view of the above, and in exercise of powers conferred to NMCG under the Order, following directions under Section 5 of the Environment (Protection) Act, 1986, are issued for all concerned State Government, authority or local authority or other authorities or Board or Corporation or person to comply with:

- i. No construction of any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes shall be undertaken in the River Mahananda, Bank of River Mahananda or active flood plain area of River Mahananda, without prior approval of NMCG; and
- ii. The State Government of Bihar shall submit to NMCG the documents pertaining to demarcation of the floodplain of River Mahananda, if demarcation has been already undertaken. It is also directed to clarify whether permissions for construction in the flood plain of River Mahananda have been granted by the State Government after taking into consideration the physical limits of flood plain of River Mahananda. If not, rationale/reason for allowing constructions in the flood plain of River Mahananda shall be submitted to the NMCG, within 30 days from the issue of these directions; and
- iii. The State Government of Bihar shall submit for review of NMCG, the details of the constructions already existing/ completed in the floodplain of River Mahananda within 90 days from the issue of these directions; and
- iv. In the event of non-compliance of above directions, all such constructions in the flood plain of River Mahananda will be construed as unauthorized and NMCG will take appropriate action to ascertain whether such constructions are causing interruption in the continuous flow of water or pollution in River Mahananda, and if that be so, the concerned authority or local authority or other authorities or Board or Corporation or person shall remove such constructions as directed by NMCG in due course.


Director General
National Mission for Clean Ganga

To,

1 The Director
Aligarh Muslim University
(Kishanganj Centre)
Minority Boys Hostel
Haleem Chock, Purana Khagra
Kishanganj - 855107, Bihar

2. The Vice Chancellor
Aligarh Muslim University
Aligarh - 202002, Uttar Pradesh
3. The Chief Secretary
Government of Bihar
Cabinet Secretariat Department
Old Secretariat,
Patna - 800015, Bihar
4. The Principal Secretary
Water Resource Dept., Gov. of Bihar
Sinchai Bhawan,
Patna - 800015, Bihar
5. The Principal Secretary
Revenue and Land Reform Dept.
Old Secretariat,
Bailey Road,
Patna - 800015, Bihar
6. The Principal Secretary
Urban Development & Housing Dept.
Vikas Bhawan, Bailey Road
Patna - 800001, Bihar
7. The District Magistrate, Kishanganj
Kishanganj - 855107
Bihar



Director General
National Mission for Clean Ganga

Copy for information to.

1. The Secretary
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan
Jorbagh Road,
New Delhi -110003
2. The Secretary
Ministry of Urban Development
Nirman Bhawan, C - Wing
Dr. Maulana Azad Road
New Delhi - 110011
3. The Secretary
Ministry of Water Resources River Development
& Ganga Rejuvenation, Shram Shakti Bhawan
Rafi Marg, New Delhi -110001
4. The Chairman
Central Pollution Control Board
Parivesh Bhawan, CBD-cum-Office Complex
East Arjun Nagar, Delhi - 110032
5. Bihar State Pollution Control Board
Parivesh Bhawan, Plot No. NS-B/2
Patliputra Industrial Area
Patna - 800023, Bihar
6. The Chairman
Central Water Commission
315, Sewa Bhawan (S)
R. K. Puram
New Delhi-110606
7. The Chairman
Ganga Flood Control Commission
3rd Floor, Sinchai Bhawan
Patna - 800 015, Bihar

18/3/17
06.11.2017
Executive Director - Technical
National Mission for Clean Ganga