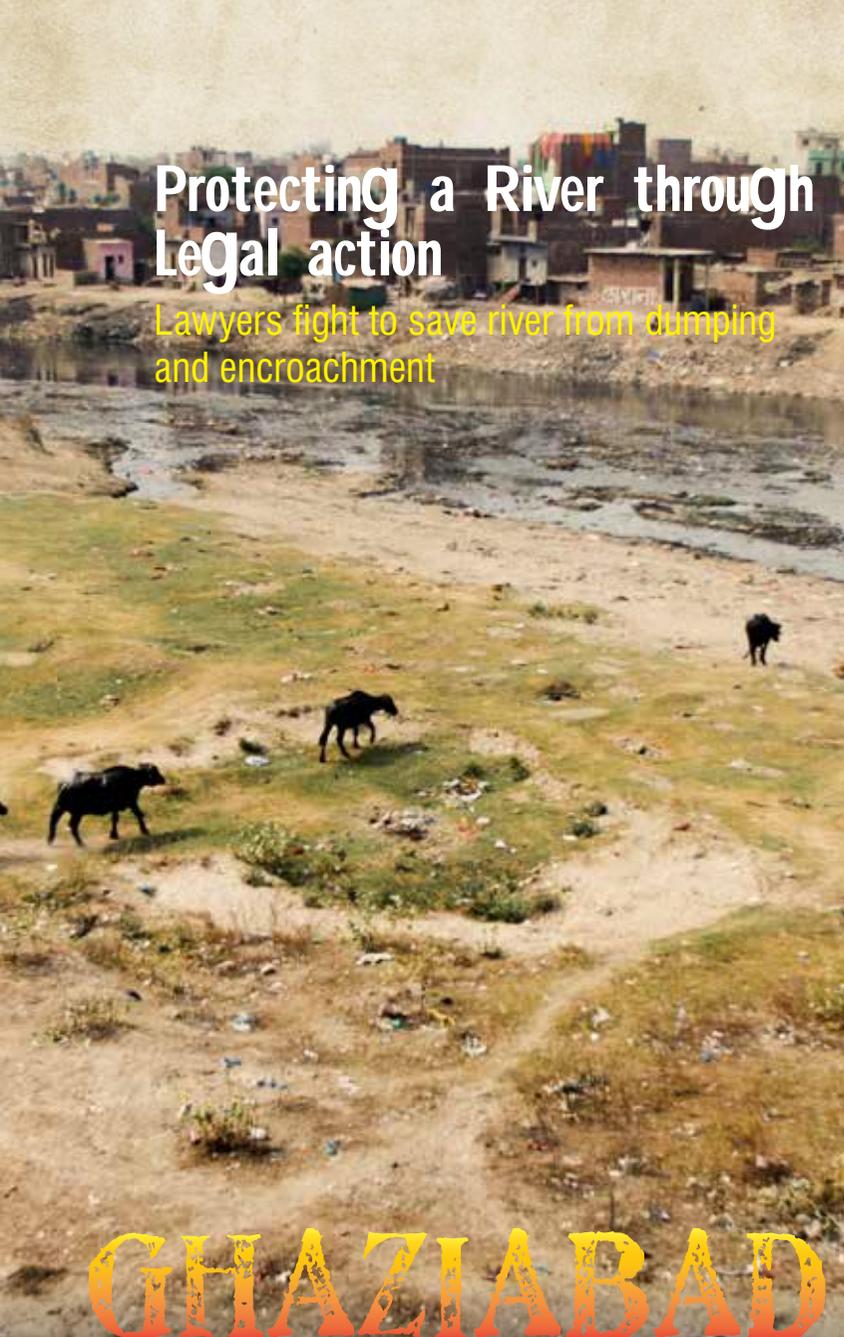
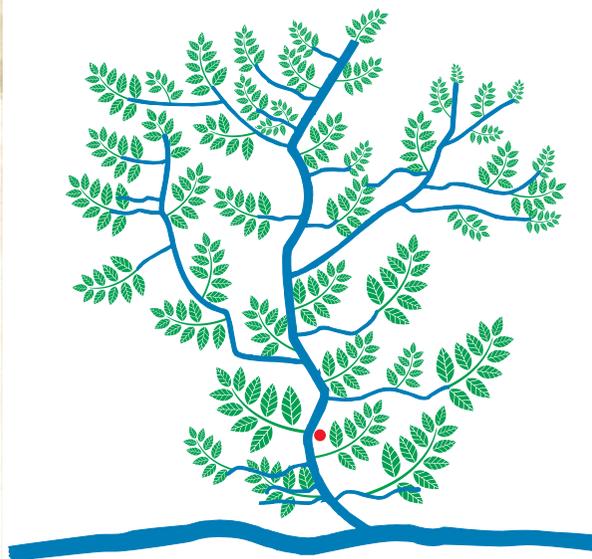


Protecting a River through Legal action

Lawyers fight to save river from dumping and encroachment



GHAZIABAD



Vikrant Sharma, a lawyer by qualification and an active environmentalist, has utilized Right to Information (RTI) act and legal instruments apart from mobilizing like-minded volunteers and activists to protect the Hindon River which has come under threat from urbanization.

Post a meeting with Rajendra Singh (Waterman of India) in 2004 during a padyatra, Vikrant decided to use his legal knowledge to revive and rejuvenate the Hindon which was facing the three main issues of industrial and urban pollution, depleting water levels as well as widespread encroachment. Dipesh Choudhary, an

A demonstration of how to apply knowledge of the legal system against violators can result in a dent on some of the injustices that continue unabated on the river bed.

advocate practicing in the National Green Tribunal (NGT) joined hands with him, filing as many as nine petitions on the issues related to the Hindon River without charging any legal fees. Vikrant takes it upon himself to carry out with field work that would generate evidence and along with fellow Hindon supporters has filed over 100 RTI applications to substantiate their arguments in the court of law.

Prohibiting the dumping of solid waste in the river

Managing solid waste from fast growing urban areas is turning out to be huge challenge. The Nagar Nigam's indiscriminate dumping of solid waste on the banks of the Hindon near Raj Nagar





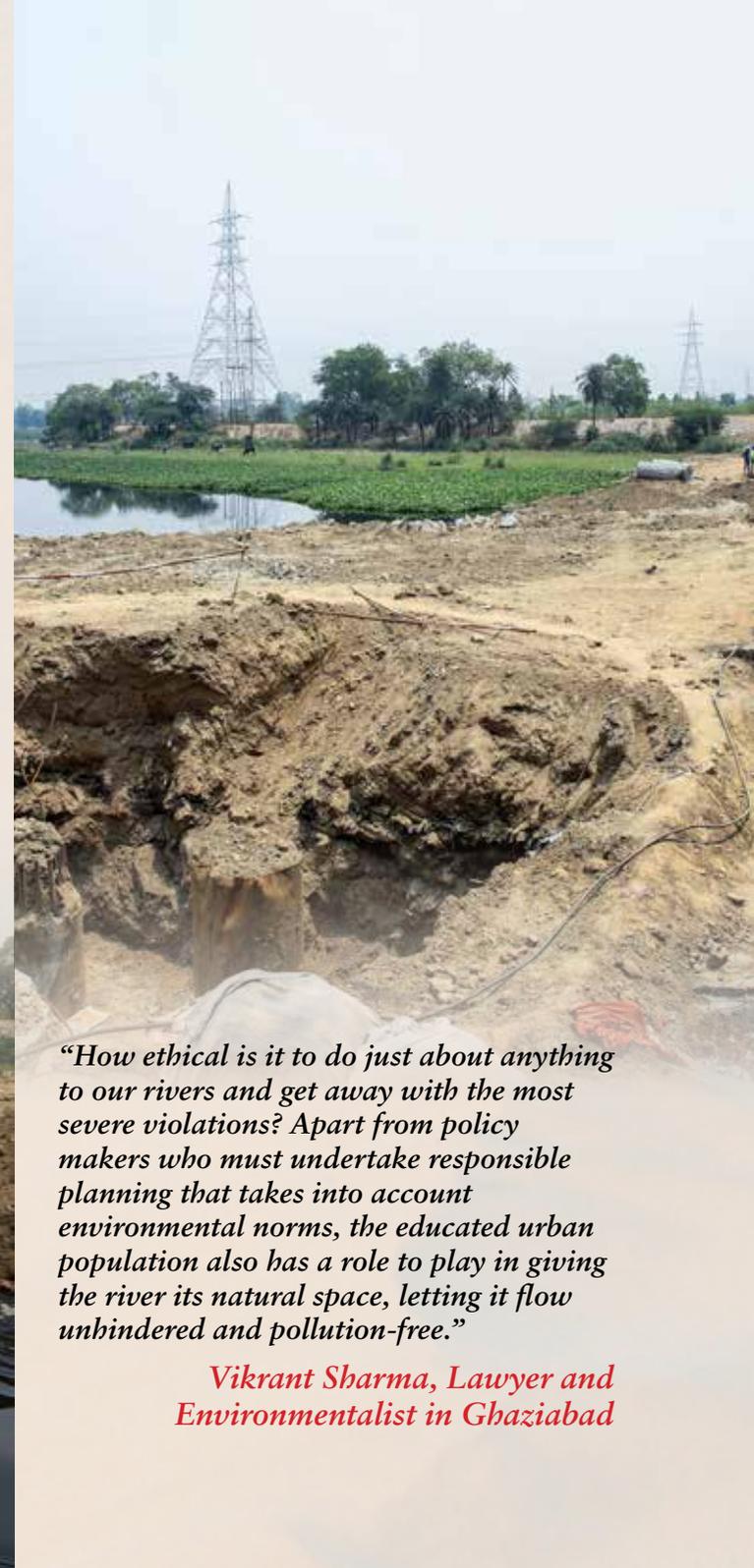
extension road in Ghaziabad had led to waste falling straight into the river. A case was filed in the matter of “Krishan Pal Vs. Union of India & Ors” with the NGT.

The NGT in its order dated September 1, 2015 asked the Nagar Nigam to submit a complete and comprehensive proposal for the collection and disposal of Municipal Solid Waste (MSW) in the entire city of Ghaziabad and directed that “any person, authority or official shall not throw, dump and/or burn any MSW or other waste anywhere in the district Ghaziabad, particularly on the bank of the river Hindon and the road adjacent hitherto”. The Nagar Nigam was also instructed to place appropriately sized dustbins and transport the garbage to an identified site meant the purpose for dumping upon segregation. It stated explicitly that

violators were to be fined Rs. 20,000 as environmental compensation. While this was a landmark judgment, its implementation continues to remain a challenge.

Faulty bridge construction on flood plains of the river jeopardizes residents

Vikrant Sharma and residents of Karhera village situated on the banks of Hindon filed another legal case (Vikrant & Anr. Vs. Union of India & Ors.) drawing attention of the officials to the construction of an approach road that leads to the bridge connecting the Hindon Expressway with Karhera Road, in what is a high flood level zone. By filling earth across the middle of the main river stream, the natural water flow was being obstructed. Residents feared that this would make the village vulnerable to floods besides being an



“How ethical is it to do just about anything to our rivers and get away with the most severe violations? Apart from policy makers who must undertake responsible planning that takes into account environmental norms, the educated urban population also has a role to play in giving the river its natural space, letting it flow unhindered and pollution-free.”

Vikrant Sharma, Lawyer and Environmentalist in Ghaziabad

ecological hazard in the area. According to the residents, no environmental clearances were sought by the executing agency for the project. They managed to get an order from the NGT dated May 15, 2013 proposing a solution to construct additional pillars on either side of the bridge ensuring that approach road does not fall within the flood plain of the river.

Locking horns with the Delhi Metro Rail Corporation

There has been indiscriminate dumping of soil on the banks of the Hindon near GT road where the Delhi Metro Rail Corporation (DRMC) is constructing pillars for the 9.41 km metro project. In April 2016, Vikrant lodged a written complaint with the DMRC's Chief Project Manager in Delhi stating that filling the banks of river Hindon with soil on both sides' amounts to obstructing the flow of the river; this would lead to pollution and damage of ecology with greater risk during monsoon. The complaint was filed in parallel with the city authorities in addition to a copy being forwarded to the Chief Minister, Uttar Pradesh before approaching the NGT. The case (Vikrant Vs. State of U.P. & Ors.) is up for hearing with the tribunal.

Regardless of the success rate of his petitions, Vikrant continues to play the role of a Devil's Advocate. The path he and his associates



have chosen will most certainly not be smooth and they must not lose patience, in the face of adversity, failure and even threat to their lives. He is however grateful that many advocates and lawyers from across the region are pledging support to him and offering pro bono services.

Vikrant is also an active member of the Hindon *Jal Biradari*, Ghaziabad chapter which has been organizing an awareness *padayatra* since 2005 passing through villages and farms on the banks of Hindon River on a regular basis. The *yatra* sees participation from various sections from civil society comprising of advocates, doctors, professors, retired government officials as well as students. As the *yatra* travels through the villages, wall art has been successfully used to share messages related to the state of the Hindon and urges community not to remain silent on these issues. Over the course of many *padayatras*, *Jal Biradari* have collected over 10000 signatures as part of a campaign towards river conservation. Vikrant's strong belief in fighting for the cause of the river is reinforced through his interactions during the *yatra*.



Way Forward

This case is motivation for the responsible citizen and acknowledges the efforts of many fighting for protecting the rivers in our country. However, it also shows the dark side where the authorities who are custodians of the country's natural resources abstain from their duties. The purpose of filing a petition should not be to bring a particular case to the notice of decision makers but to discourage others from carrying out similar activities in the basin. A monitoring arrangement need to be setup to ensure the enforcement of existing regulations and judicial orders at all levels.

Dr. Veena Khanduri, Executive Secretary, India Water Partnership (IWP)