

National Ganga River Rights Act (Proposed), 2016

A Summary and Draft Act

Presented by

Ganga Action Parivar



www.GangaAction.org

For Further Details, Contact:

Pujya Swami Chidanand Saraswati (Muniji): swamiji@parmarth.com

+91-9411101111, +91 (135)2440055, +91-9412040000

+91-7579029225, +91-7830454761

Parmarth Niketan, PO Swargashram, Rishikesh (Himalayas), Uttarakhand 249304

THE RIGHTS OF HUMAN AND NATURAL COMMUNITIES TO WATER

For too long, laws have treated the needs of human communities as separate and distinct from the needs of natural communities. Yet, we cannot protect the rights of humanity to water without protecting the rights of water-based ecosystems themselves to be healthy and to thrive. Humanity, along with all other living creatures, depends on unpolluted, thriving water ecosystems in order to survive.

This perhaps is no clearer than in the case of the Ganga River and its tributaries, which form the apex of the Ganga River Basin. Our National River, which sustains the lives of some 500 million people, is among the most threatened ecosystems in the world. The Ganga, crucial for the vitality of our homeland, is contaminated with billions of litres of toxic chemicals and sewage every day. Its waters are diverted and extracted to the point in which parts of the Ganga are completely dry for much of the year. As a result, the protection of our citizenry's basic human rights as enshrined under Constitutional Article 21, are violated daily. The outcomes present escalations of public health crises and personal tragedies, as incidents of deadly diseases, such as cholera, typhoid and cancer continually increase.

One may equate that a key factor behind the decline of our National River and the upsurge in water-borne illnesses is that the Ganga River Basin's life-sustaining ecosystem is perceived in current legal frameworks as without rights. In other words, our environmental laws regulate the *use and exploitation* of our water and other ecosystems, rather than their *protection*.

Yet, from the loss of fresh water, to species decline, to global warming, it is clear that without a fundamental shift in humankind's relationship with nature, we as a species will not survive. Therefore, we must place the highest protections on humanity and nature, recognising that the protection of the rights of both human and natural communities to exist and thrive are essential to health and survival. Without this, the human right to water will not be achievable, as our water ecosystems will continue to be exploited until they completely disappear.

Around the world, there are growing efforts to recognize the rights of nature – including the rights of natural communities to water – as integral, inseparable and an essential part of the human right to water. In Ecuador – the first country in the world to recognise the rights of nature in its Constitution – the Constitution likewise recognises the rights of human communities to water. In the United States, dozens of municipal governments, such as that of Pittsburgh, have now recognised the rights of both human and natural communities to water. This comes in concert with the rights of human and natural communities to a healthy environment, and the rights of the ecosystems themselves to exist and thrive.

The proposed National Ganga River Rights Act has been drafted in answer to the urgent issues impacting our National River, so that both it and the populations it supports, may be guaranteed of their inalienable rights to life.

SUMMARY OF THE NATIONAL GANGA RIVER RIGHTS ACT, 2016 (PROPOSED)

A Draft Presented by Ganga Action Parivar

While measures have been enacted by law to protect India's environmental resources, national treasures, such as the River Ganga, continue to deteriorate. The National Ganga River Rights Act specifically designates remedies through a rights-based framework so that our National River, and the 500 million people and countless species of plants and wildlife that depend on it, may be enabled to survive and thrive.

PREAMBLE AND PURPOSE

The People of India and their Governments recognise:

- The River Ganga is at the very foundation and the core of our civilisation;
- The River Ganga is fundamental for the health and livelihoods of our citizens and the continuity of our unique flora and fauna; and
- The River Ganga is an international symbol of our nation's identity.

However, even with the unique status of the sacred Ganga in our culture and daily lives, the Ganga is a deeply endangered ecosystem.

WHAT MAKES THIS ACT UNIQUE

The National Ganga River Rights Act (Proposed) is:

- Based on a rights-based legal framework for nature;
- Incorporates new environmental protection mechanisms, including community monitoring and a dedicated police force;
- Designates strong anti-pollution measures alongside the establishment of Water-Conservation Zones, Organic Farming Zones, Construction-Free Zones and Open Defecation-Free Zones to ensure a clean and free-flowing River Ganga;
- Designed to ensure laws are strongly enforced rather than neglected;
- Makes repeat violators financially responsible for environmental remediation; and
- Designates strong anti-corruption clauses.

WHY PRESENT ENVIRONMENTAL LAWS HAVE BEEN LESS EFFECTIVE

Present environmental laws, which regulate the amount of allowable harm which may occur to ecosystems, are not adequate to render the regard and special consideration due to the Ganga River, its tributaries, and watershed, as a National Symbol.

Managed under similar environmental laws, ecosystems around the world are facing collapse. It is necessary to establish a fundamentally new relationship between humankind and nature which recognises the inalienable and inherent rights of ecosystems, and the interdependence of human and natural communities.

THE RIGHTS-BASED LEGAL FRAMEWORK FOR NATURE

The *National Ganga River Rights Act* is proposed with the purposes of establishing, securing, and defending the inalienable and inherent rights of the Ganga River, its tributaries, and watershed, and the rights of the people of India to a healthy, thriving river Basin. Further, the Act establishes the rights of the people of India and their governments to defend and enforce those rights.

RIGHTS OF THE GANGA RIVER AND THE PEOPLE OF INDIA

Moving from regulation to a rights-based system of environmental protection will provide a means to protect and restore the Ganga, as well as the rights of the millions of people who depend upon it. The Ganga Rights Act would:

Establish the Ganga's right to exist, thrive, regenerate, and evolve;

Empower individuals, groups, and governments within India to protect and defend the Ganga's rights in the court of law;

Affirm the rights of people, plants, fish and animals to a healthy Ganga;

Prohibit any activity that interferes with the Ganga's rights to survive and flourish;

Provide that any damages that may be awarded for violations of the Ganga's rights will be used to restore its ecosystem to its pre-damaged state; and

Institute enforcement mechanisms to protect and defend the Ganga's rights.

INTERNATIONAL PRECEDENT

Similar Acts and mandates which apply the Rights-Based Legal Framework for Nature have been ratified in nations including New Zealand, the United States and Bolivia. The nation of Ecuador has established a chapter in its Constitution dedicated to the Rights of Nature.

SUMMARY OF CHAPTERS

CHAPTERS I-III: TITLE, DEFINITIONS AND RIGHTS

- Chapter III Establishes the Rights of the National Ganga River, the People of India and the Natural Environment

CHAPTER IV: POLLUTION AND EXTRACTION

- Establishes Restrictions on All Polluting Activities, Including Industrial Effluents, Solid Waste, and Sewage
- Establishes and Maintains the Ganga River Basin as an Open Defecation-Free Zone
- Places Limitations on the Mining of Mineral Resources
- Places Limitations on the Disposal of Dead Bodies

CHAPTER V: WATER CONSERVATION AND PROTECTION

- Establishes a Water-Saving Zone to Place Limitations on Water Extraction and Stress

CHAPTER VI: BIO-DIVERSITY, AGRICULTURAL PRACTICES AND AFFORESTATION

- Declares a Bio-Diversity Heritage Site
- Establishes an Organic Farming Zone to Maintain the Right to Pure Water and Protect Ecologic Health
- Establishes Guidelines for the Plantation and Protection of Environmentally-Stabilizing Trees and Plants Alongside the Ganga and Its Tributaries

CHAPTER VII: RESTRICTIONS ON CONSTRUCTION

- Establishes a Construction-Free Zone for Land Fronting the Ganga to Protect the Vital Cycles of the River

CHAPTERS VIII-X: IMPLEMENTATION, ENFORCEMENT AND NATIONAL GANGA RIVER BASIN AUTHORITY/NATIONAL MISSION ON CLEAN GANGA RESPONSIBILITIES

- Establishes the National Ganga River Protection Police
- The National Ganga River Basin Authority and National Mission on Clean Ganga are Granted Additional Powers and Accountabilities

CHAPTER XI: COMMUNITY INVOLVEMENT

- Establishes a Community-Based Ganga Protection System to Monitor the River, Restore Natural Areas and Educate Local Populations

CHAPTER XII-XIII: OFFENSES AND PENALTIES AND PREVENTION OF CORRUPTION

- Increases Fines and Jail Times from That of Previous Acts, Designates Strong Anti-Corruption Clauses, and Makes Repeat Violators Financially Responsible for Environmental Remediation

CHAPTER XIV: APPROPRIATIONS

- Calls for the Funding and Implementation of the Provisions of the Act

National Ganga River Rights Act (Proposed), 2016

A Draft Presented by Ganga Action Parivar

PREAMBLE

WHEREAS the very special features and unique status of the sacred Ganga in our culture and daily lives are well-recognised, that the Ganga River is at the very foundation and core of our civilisation, that it is fundamental for the health and livelihoods of our citizens and the continuity of our unique flora and fauna, that it is an international symbol of our nation's identity, and that this house is conscious of the faith that our citizens have in this, our nation's largest of river systems;

AND WHEREAS recognising its special significance, the Government of India has designated the Ganga as the National River of India and constituted the National Ganga River Basin Authority and the National Mission for Clean Ganga for certain aspects of its management;

AND WHEREAS the present environmental laws have not proven adequate to restore and protect the Ganga River and its Basin;

NOW THEREFORE, this Act is enacted with the purposes of:

Establishing the fundamental and inalienable rights of the Ganga River and the Ganga River Basin to exist, thrive, and regenerate its own vital cycles, structure, functions, and evolutionary processes,

Establishing the rights of the people of India and natural environment to a healthy, thriving Ganga River and Ganga River Basin,

Securing the authority of the people of India and their governments to defend and enforce the rights of the Ganga River and its Basin,

Restoring and maintaining the health and well-being of the Ganga River and its Basin, and

Formally designating Ganga as the National River of India, and that the National Ganga River and its tributaries be given the status as a National Heritage Site and National Monument with all benefits accruing thereof,

BE IT ENACTED by Parliament in the 67th Year of the Republic of India as follows:

CHAPTER I Title

Clause 1. Title

(1) This Act shall be titled the "National Ganga River Rights Act of 2016," hereinafter "Act."

Clause 2. Purpose and Coverage

(1) This is an enabling Act whose purpose is to establish the fundamental and inalienable rights of the Ganga River and Ganga River Basin; to restore and maintain the health and well-being of the Ganga River and the Ganga River Basin; to establish the rights of the people of India and the natural environment to a healthy, thriving Ganga River and Ganga River Basin; to establish the authority of the people and governments of India to defend and enforce these rights; and to designate the Ganga River as the National River of India, a National Heritage Site, and a National Monument.

Clause 3. Applicability

(1) The Act shall become applicable from the date of Presidential Assent.

CHAPTER II Definitions

(1) **“National Ganga River.”** For purposes of this Act, the National Ganga River, hereinafter “Ganga River” or “Ganga River Basin,” shall comprise the entire length and all tributaries of the Ganga River; its three main streams, Alaknanda, Mandakini, and Bhagirathi, whether flowing or for the time being dry, from their originating glaciers to their confluence at Rudra Prayag/Dev Prayag and the main stem from Dev Prayag to Ganga Sagar; and the water and terrestrial ecosystems and natural communities which comprise an integrated and interdependent river Basin.

(2) **“Imminent Violations of Ecosystem Rights.”** Imminent violations include planned public or private actions that will destroy or impair any ecosystem that is part of the Ganga River Basin.

(3) **“Petitioning Party.”** A petitioning party may be any person, people, community, nationality, state government, municipal government, union territory, or organisation within the Republic of India.

(4) **“Violation of Rights.”** A violation of rights is any action that interferes with the ability of the Ganga River Basin, or any of the ecosystems that comprise the Basin, to exist, thrive, and regenerate its own vital cycles, structure, functions, and evolutionary processes in a free-flowing and unpolluted state.

(5) **“Water Stress.”** refers to units where the annual ground water extraction exceeds the net annual ground water availability.

CHAPTER III Rights

Clause 1. Rights of the Ganga River, the People of India, and the Natural Environment

(1) **Rights of the Ganga River.** The Ganga River and the tributaries, streams, ecosystems, and natural communities within its Basin, possess fundamental and inalienable rights to exist, thrive, and

regenerate their own vital cycles, structure, functions, and evolutionary processes in unpolluted states. The National Ganga River and its tributaries and streams have the right to remain free from obstructions that restrict groundwater recharging, flood plains, ecologically-sound water flow within natural riverbeds, and other features salient to the aquifers' well-being.

(2) **Right to Pure Water.** The Ganga River Basin, and the ecosystems and natural communities contained therein, possess fundamental and inalienable rights to sustainably access, use, and preserve water drawn from natural water cycles that provide water necessary to sustain life, in an unpolluted state. Residents living within the Ganga River Basin possess fundamental and inalienable rights to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life, in an unpolluted state.

(3) **Rights of People and Nature.** Ecosystems and natural communities, including but not limited to, wetlands, streams, rivers, aquifers, and other water systems, which comprise the Ganga River Basin, possess fundamental and inalienable rights to exist, thrive, freely-flow and regenerate their own unpolluted vital cycles, structure, functions, and evolutionary processes. The people of India have the fundamental and inalienable right to a healthy environment, including the right to a healthy, thriving, free-flowing and unpolluted Ganga River and a healthy, thriving and unpolluted Ganga River Basin.

(4) **Rights as Self-Executing and Extending to Publicly-Owned Land.** All rights delineated and secured by this Act shall be self-executing. These rights shall be enforceable against public and private actors, and all rights secured by this Act shall extend to the ecosystems and natural communities that exist or are dependent on publicly-owned land.

CHAPTER IV Pollution and Extraction

Clause 1. Restrictions on All Polluting Activities

(1) **Punishable Offenses:** To protect the Rights delineated and secured by this Act, the depositing or discharge of any and all foreign matter into the Ganga River and its tributaries and streams, including, solid waste, chemicals, sewage, uncremated animal and human bodies, industrial effluents, municipal refuse, medical and restaurant waste, and any and all other matter with the exception of small religious offerings, environmental and safety remediations, and fully-cremated bodies, shall be considered an offense enforceable and punishable under Chapter XII of this Act.

Clause 2. Provision and O&M of Ample Sewerage Coverage

(2) **Provision of Sewerage Treatment Facilities:** All municipalities of Classes I-V shall be provided with full and ample sewage treatment systems, facilities and any and all necessary infrastructure (herein also collectively referred to as "Sewage Treatment Systems") to ensure the complete treatment of human waste and other applicable waste matter from all homes, places of business and any and all other buildings, structures and facilities before it reaches the River Ganga or its Tributaries.

- (3) **Non-Sewage Treatment Plant Modalities:** sewage treatment systems may be inclusive of non-STP modalities, including, but not limited to, bio-remediation and de-centralized solutions if demonstrated to be as effective or more effective.
- (4) **Operation and Maintenance of Said Facilities:** The Operations, Maintenance and Management of any and all public Sewage Treatment Systems shall be fully-funded by the Government of India and appropriate state bodies at all times. Said Operations, Maintenance and Management shall be implemented by an adequate number of staff and monitored by a full-time appointee of the National Mission on Clean Ganga (hereinafter also “NMCG”).

All sewage treatment facilities must be fully-operational at all times and shall have appropriate procedures set forth to ensure that no untreated waste is discharged into the Ganga River Basin. The discharge of untreated waste into the Basin shall result in penalties as established under Chapter XII of this Act.

Clause 3. Establishment, Maintenance and Oversight of Open Defecation-Free Zone

- (1) **Establishment:** To protect the Rights delineated and secured by this Act, including protecting the Rights of the ecosystem and people to be free from disease-bearing matter, the entirety of the Ganga River Basin shall be designated as an Open Defecation-Free Zone, hereinafter “OD-Free Zone,” under this Act.
- (2) **Educational Measures:** All measures are to be taken to educate and motivate all visitors and residents as to the importance of curtailing any and all open defecation behaviors.
- (3) **Subsidies:** In accordance with National Flagship Programmes and/or Policies, subsidies for ecologically-safe toilet facilities shall be made available for all residents who do not have access to such facilities. Where not available, ample environmentally-friendly toilet facilities shall be supplied and maintained at no or subsidized cost for visitors to the Ganga River Basin within major tourism and pilgrimage regions.
- (4) **OD-Free Zone Maintenance:** A Ganga River Basin Sanitation Fund shall be established, maintained and utilised in perpetuity for the daily maintenance and regular repairs of public toilet facilities supplied under this Act.

Clause 4. Preservation of Geologic Resources

- (1) **Prohibition of Sand Mining:** To protect the Rights delineated and secured by this Act, including to preserve the structure and functions of the River Ganga, its tributaries and streams, all forms of mining of its sand, rocks and other mineral resources that is not safety-related or crucial to scientific research shall be considered punishable offences as delineated in Chapter XII of this Act.

Clause 5. Crematoria and Disposal of Bodies

- (1) **Restrictions on Disposal of Uncremated Bodies:** To protect the Rights delineated and secured by this Act, the disposal of uncremated animal and human bodies within the Ganga River Basin shall be deemed punishable offences as delineated in Chapter XII of this Act.

(2) **Implementation of Tree-Saving Crematoria:** To protect the Rights delineated and secured by this Act, and to implement the prohibitions on tree removal as established in this Act, environmentally-sustainable alternatives to the rampant harvesting of trees for crematoria shall be implemented by the Central Government in coordination with State and Municipal Governmental Bodies throughout the Ganga River Basin. If wood is to be utilized, technologies must be implemented that require at least 50% less wood than is utilized for conventional cremations.

(3) **Reduction in Tree Removal for Crematoria:** Within five (5) years of enactment of this Act, governmental measures shall achieve a thirty percent (30%) reduction in the harvesting and burning of trees for crematoria within the Basin. Within ten (10) years of enactment of this Act, a fifty percent (50%) reduction in the harvesting and burning of trees for crematoria within the Basin shall be realized. Any and all harvested trees shall be replaced with Deciduous tree species, as detailed in Chapter VI of this Act.

Chapter V

Water Conservation and Protection

Clause 1. Protection of Surface Water and Groundwater

(1) **Establishment of a Water-Saving Zone:** To protect the rights delineated and secured by this Act, the Ganga River Basin shall be declared a Water-Saving Zone.

(2) **Limitations on Surface Water Extraction:** Within the Water-Saving Zone, land fronting the Ganga River, its tributaries, and streams shall be cultivated and otherwise maintained in a manner that limits surface water extraction and enforces water-saving practices, inclusive of water-saving irrigation. Within said Zone, a minimum of fifty-one percent (51%) of seasonal natural surface water flows within natural riverbeds shall be maintained at all times except for when said flow presents an emergency threat to life and property. In said cases, minimum flow can be reduced temporarily, with the impetus that it shall be restored within 90 days of the initial crisis.

(3) **Limitations on Groundwater Extraction and Stress:** To protect the rights delineated and secured by this Act, annual groundwater withdrawals within the Ganga River Basin shall not exceed net annual groundwater availability within ten (10) years of enactment. Groundwater recharging, rainwater harvesting and other water-saving methodologies may be utilized to ensure compliance with this provision if they have been determined to reduce water stress levels.

(4) **Limitations on Industrial Extraction:** All industries within the Ganga River Basin shall be required to adhere to water-saving practices, which shall include, but not be exclusive of, rainwater harvesting, groundwater recharging and waste-water recycling and re-use. Industrial water limitation ceilings and water-saving practices for Water-Saving Zones shall be determined within 120 days of the passing of this Act by an independent panel under supervision of the Prime Minister of India through his capacity as Chairman of the National Ganga Basin River Authority.

CHAPTER VI

Bio-Diversity, Afforestation and Agricultural Practices

Clause 1. Maintenance, Restoration and Protection of Bio-Diversity

(1) **Declaration of Biodiversity Heritage Site:** To protect the Rights delineated and secured by this Act, the Ganga River, its tributaries and all land within 2 km of the centre of the rivers, shall be deemed a Biodiversity Heritage Site. Conservation and management of said Ganga River Basin ecosystem, and its flora and fauna, shall be conducted in accordance with the provisions of this Act. Local citizens, communities, and other stakeholders shall be involved with the implementation and protection of the Basin as a Biodiversity Heritage Site.

(2) Said measures shall be taken in conjunction with the education of and collaboration with local citizens and stakeholder groups, inclusive of those delineated in Chapter XI of this Act. Rehabilitatory or compensatory actions shall be taken so as to not disrupt local populations economically.

(3) **Protection of Ganga River Dolphin:** Extensive measures shall be taken to ensure the long-term survival of our National Aquatic Animal, the Ganga River Dolphin, a keystone species that is critical to the protection and fulfillment of the Rights delineated and secured by this Act. The slaughter or poisoning of the Ganga River Dolphin is prohibited and shall be a punishable offence. Fishing methods that result in the death of the Ganga River Dolphin are prohibited and shall be a punishable offence.

(4) **Afforestation with Deciduous Fruit-Bearing and Non-Fruit Bearing Trees and Environmentally-Stabilizing Plants:** To protect the Rights delineated and secured by this Act, indigenous leafy trees, environmentally-stabilizing plants and medicinal herbs shall be planted and maintained in accordance with the natural bio-diversity of the area. Plantations and their maintenance shall be conducted in accordance with rights and requirements of this Act, and shall occur in collaboration with botanists, ecologists, citizen's groups and other relevant parties, inclusive of those delineated in Chapter XI of this Act.

(5) **Prohibition of the Harvesting of Deciduous Trees:** To protect the Rights delineated and secured by this Act, the harvesting of deciduous trees is prohibited within 250 metres of monsoon-season natural river banks of the River Ganga, its tributaries and streams throughout the Basin unless conducted for research, health or safety reasons. Any trees harvested within this Zone shall be immediately be replaced with indigenous deciduous species.

Clause 2. Organic Farming

(1) **Establishment of Organic Farming Zone:** To protect the Rights delineated and secured by this Act, all land within 500 metres of the natural monsoon-level banks of the River Ganga, its tributaries and streams throughout the Ganga River Basin shall be designated as an Organic Farming Zone, prohibitive of the application of chemical-based pesticides, fertilizers and other inputs. Agro-Biodiversity planning shall be incorporated into Organic Farming schemes as possible. Water-saving methodologies as detailed in Chapter V of this Act shall be applied.

Clause 3. Establishment of Ganga River Basin Organic Farming and Water-Saving Zone Fund, Educational Outreach and Marketing Assistance Programme

- (1) To ensure economic viability of farms within 500 metres of the River Ganga, its tributaries and streams throughout the Ganga River Basin, a fund, as well as educational outreach and marketing assistance activities shall be created, clearly and widely advertised and be made available for all farmers cultivating land within said region within six (6) months of the passing of this Act.

CHAPTER VII Restrictions on Construction

Clause 1. Establishment of Construction-Free Zone

- (1) To protect the Rights delineated and secured by this Act, no new permanent construction shall be permitted within 100-500 metres of the monsoon-level banks of the River Ganga, its tributaries and streams throughout the Ganga River Basin, unless for the benefit of scientific investigation, public health and/or safety, or for publicly-accessible religious use.
- (2) The National Mission on Clean Ganga shall conclude a study within 180 days of enactment to determine safe building areas, which shall be not less than 100 metres from monsoon-level river banks.

CHAPTER VIII Implementation

Clause 1. Implementation

- (1) Wherever Possible, this Act is to complement existing national, state, and municipal laws, only superseding those laws in points of conflict.
- (2) Within one hundred eighty (180) days of enactment, Parliament must complete a review of all existing Acts of Parliament which may impact the Ganga River Basin and bring them into compliance with this Act.
- (3) Within one hundred eighty (180) days of enactment, the Parliament must authorize an implementation and restoration program for the Ganga River Basin and appropriate sufficient funds to carry out that program. Full restoration of the Ganga River Basin is to be completed within five years of enactment of this Act.
- (4) Any new and existing laws enacted by Parliament and state and municipal governments must secure and protect the rights established in this Act.

CHAPTER IX

Enforcement

Clause 1. Enforcement by Petitioning Parties

(1) Any petitioning party, including any person, people, community, nationality, state government, municipal government, union territory, or organisation may petition a court of proper jurisdiction to determine whether any rights or requirements established by this Act have or will be violated by any private or public actor.

(2) Any person, people, community, nationality, state government, municipal government, union territory, or organisation may file a request for action with the National Ganga River Basin Authority and/or the National Mission on Clean Ganga, (hereinafter collectively and individually also referred to as “Authority”), to investigate whether any rights established by this Act have been or will be violated. Within thirty (30) days, the Authority will issue its determination. If the Authority finds that rights have or will be violated, the Authority shall file an action in a court of proper jurisdiction within thirty (30) days of the determination seeking appropriate remedies.

Clause 2. Enforcement by the Union Government

(1) The Authority may petition a court of proper jurisdiction to determine whether rights recognised under this Act have or will be violated by any private or public actor, and seek proper remedies for any violations. No immunity to enforcement shall exist for any public governmental bodies, agencies, or agents operating on behalf of those bodies or agencies.

(2) The Authority shall have emergency powers to enforce this Act and the authority to directly enforce provisions of this Act. If a violation of rights established under this Act is imminent, current, or ongoing, the Authority shall take immediate action to remedy that violation or to prevent a future violation. Immediate action shall include the authority to file for immediate judicial enjoinder of the violation, and the authority to use personnel from the Authority to use police powers delegated to the Authority to enjoin the violation or prevent a future violation.

(3) The Authority may join any action brought by any petitioning party to enforce the rights established by this Act.

(4) The Union government shall not conduct, implement, authorise, or permit public or private projects or activities that violate or have the potential to violate the rights or requirements established by this Act.

Clause 3. Powers of the Court

(1) Any court hearing a petition shall be empowered to enjoin the continuing violation of the rights of the Ganga River Basin, enjoin future actions that would violate the rights of the Ganga River Basin, and take appropriate interim action to protect the Ganga River Basin if there is a likelihood of imminent violation of rights established under this Act. The court may appoint an independent special master knowledgeable in ecology to brief the court on ecosystem functioning and the amount of damages necessary for the recovery of the ecosystem.

(2) Actions brought by the Authority to enjoin activities violating the rights of the Ganga River Basin or actions brought to enjoin future activities that would violate the rights of the Ganga River Basin, while a petition is pending by a petitioning party, shall result in the joinder of both actions, and a determination by the court of whether the municipal government, state government, or the Authority is the most appropriate, under the specific circumstances, to recover damages and use them for ecosystem restoration.

(3) The court shall award damages in the amount required to restore the Ganga River and any of its ecosystems or natural communities which comprise the Basin to their previously undamaged states, and the party sued shall pay those damages directly to the designated government entity. Awarded damages are to be used exclusively for restoration of the ecosystem or natural community. Damages may also be awarded to punish those who have violated the rights established by this Act. Legal fees may be awarded to plaintiffs who have been successful in prosecuting or enforcing the rights established by this Act.

CHAPTER X

National Ganga River Basin Authority and National Mission on Clean Ganga: Special Responsibilities Pursuant to this Act

Clause 1. Delineation of Ecosystem Attributes

(1) **Delineation of Ecosystem Attributes.** The Authority shall employ ecologists to delineate the necessary attributes of each category of ecosystem and natural community within the Ganga River that enable it to fully exist, thrive, and regenerate its own free-flowing and unpolluted vital cycles, structure, functions, and evolutionary processes. Those delineations shall be compiled and then adopted as internal guidance and regulations of the Authority.

(2) **Enforcement Prior to Delineation.** Enforcement actions brought prior to the completion of the delineation shall rely on existing ecological data necessary for meeting the rights and requirements established under this Act.

(3) **Findings and Enforcement.** The Authority shall use the delineation in its investigation in response to a request for action, or for enforcement actions taken by the Authority. Anyone challenging those delineations shall carry the burden of proof to show that the delineations are invalid, and that the attributes affected by their actions is not a necessary attribute to fulfill the mandate of this Act.

Clause 2. Review by the Authority of Centrally-Implemented, Authorised, or Permitted Projects for Future Violations

(1) **Project Review.** The Authority shall review all projects, development, or activities being considered by the Union Government for implementation, authorisation, or permitting that have any potential impact on the Ganga River Basin for potential violation of the rights and requirements established by this Act.

(2) Notice and Determination of Projects for Review. The Authority shall receive immediate notice from Union, State and Local Administrations of public and private projects, development, and/or activities under review for implementation, authorisation, or permitting. The Authority shall determine if a project, development, or activities may have potential impact on the Ganga River Basin. If this determination is made, the Authority shall review the projects, development, or activities for potential violation of the rights and requirements established by this Act.

(3) Project Rejection. If the Authority finds that potential violation of the rights and requirements established by this Act may occur from a proposed project, development, or activity, the Union government shall not implement, authorize, or permit the project, development, or activity.

Clause 3. Database of Ganga River Basin Health

(1) Database of Ganga River Basin Health. The Authority shall maintain and continually update a publically-accessible database of the Ganga River Basin's health, which shall identify primary ecosystems and natural communities within the Basin, recognise those ecosystems and natural communities that have been degraded by human activities, and use the delineation to determine the general health of the Ganga River Basin and the ecosystems and natural communities which comprise the Basin.

(2) Database Availability. The Authority shall make the database available free of charge to the public via the Internet or on request. The database may be used to support private requests for action.

Clause 4. National Ganga River Protection Police

(1) Establishment of National Ganga River Protection Police. Within the Authority, there shall be established the National Ganga River Protection Police Force, which shall be known as the "National Ganga River Protection Police," (hereinafter "Ganga River Police.")

(2) Purpose of Ganga River Police. The purpose of the Ganga River Police is to preserve and protect the rights of the Ganga River Basin as established by this Act. The Ganga River Police shall conduct and oversee investigations of possible violations of this Act. To implement such investigations, the Ganga River Police is authorized to investigate and arrest any alleged offenders of this Act, as well as any officials, organizational members, or individuals found to be accomplices to such offenses.

(3) Ganga River Protection Stations: Ganga River Protection Stations, hereinafter "Protection Stations," shall be established in order to provide bases of operation and analysis for Ganga River Police personnel. The facilities shall possess water-quality analysis laboratories and employ a minimum of one analyst per Protection Station. Said analyst shall be tasked with the undertaking of investigatory measures pursuant to complaints and the regular studies of water quality.

(4) Referrals for Investigation and Enforcement. The Authority may refer for investigation requests for action, submitted to the Authority under IX of this Act, to the Ganga River Police.

(5) Accountability. The Ganga River Police shall be accountable to the Authority and submit regular reports to the Authority. Reports shall be made available to the public.

Clause 5. Reports to Parliament

(1) **Report to Parliament.** Upon request by the Parliament, the Authority shall provide the status of any pending actions filed by the Authority, and shall appear before the Parliament upon request.

(2) **Annual Report to Parliament.** On 1 April of each year, the Authority shall provide a written report to Parliament, outlining actions brought under this Act, describing the status of pending actions, and reporting on the progress of ecosystem delineation. Reports shall be made available free of charge to the public via the Internet.

CHAPTER XI Community Involvement

Clause 1. Community Enforcement and Oversight

(1) **Establishment.** Recognising the integral relationship of local communities and the Ganga River Basin, and to encourage and ensure community involvement in the restoration and health of the Ganga River Basin, the Authority shall establish a program for community and citizen enforcement and oversight of this Act. This program shall be known as the “Ganga Protection System,” hereinafter “GPS.” As GPS members, local citizens, herein referred to as “GPS Monitors,” shall act as field observers and stewards of the Ganga River Basin.

(2) **Qualifications of GPS Monitors.** All GPS Monitors must be determined to be literate, physically fit, and to maintain no personal nor familial ties to industries, agencies, people, organizations, nor corporations that utilise the Ganga River Basin for unlawful means or profitable endeavours, with the exception of small-scale family ranches and farms, self-help group members and operators of small-scale gharat mills.

(3) **Roles and Responsibilities of GPS Monitors.** GPS Monitors shall monitor the entire Ganga River system and environs. Individual GPS Monitors shall be responsible for mapping and observing a 500x500-meter length of the Ganga River and its tributaries within the Basin, so that the entire main stream and all major tributaries may be observed. In so doing, each GPS Monitor must daily visit, and provide written and pictorial reports of their 500-meter length on a weekly basis. GPS monitoring activities shall include twice-monthly water-quality analysis and coordination with law enforcement officials to report any potential violations. Monitors shall be responsible for providing Ganga-related awareness and volunteerism activities within their communities. Monitors, in association with community volunteers, shall be responsible for the implementation and maintenance of protective measures, including the planting of soil-conserving trees and cultivars as well as the removal of litter on the Ganga River’s banks.

(4) **Maintenance of GPS Data.** All data collected by GPS Monitors shall be maintained within the Database of Ganga River Basin Health established by this Act.

(5) **Training of GPS Monitors.** GPS training programs shall be designed and implemented for all GPS Monitors by the Authority, in association with other governmental agencies, educational organisations, civil society institutions and/or Non-Governmental Organisations.

(6) **Requests for Action and Petitions.** Monitors may submit requests for actions to the Authority as authorised under Chapter IX of this Act. Monitors may also serve as petitioning parties authorized under Chapter IX of this Act, and may petition a court of proper jurisdiction to determine whether rights established by this Act have or will be violated.

CHAPTER XII Offenses and Penalties

Clause 1. Offenses and Penalties

(1) Harassment, bribing and/or harming of an individual, citizen, or official who reports, or seeks to report, an offence under this Act, shall be imprisoned up to seven years and be required to pay fines ranging from Rs. 500 to Rs. 1 crore, or a higher amount per the directives of the appropriate court. If guilt is admitted, rectified, and apologised for in writing, the Executive Officer of the Sectional Monitoring and Implementation Committee in whose jurisdiction the offence took place may reduce the sentence to a fine of Rs. 500 with no or reduced imprisonment.

(2) Corporations, corporate officers, individuals, and other entities found in violation of the rights established by this Act, or in violation of any of the provisions of this Act, including but not limited to actions which adversely interrupt water flow, reduce water quality, or damage the natural environment, shall be liable for the full cost of restoration of the harm to the ecosystem or natural community caused by such action, and shall face imprisonment of six months to seven years and/or a fine ranging from Rs. 1 lakh to Rs. 10 crore, or a higher amount per the directives of the appropriate court.

(3) In the case of repeated and/or continuing offences, daily fines shall be imposed and these daily fines may be doubled or tripled or more over time if the offense continues, depending on the severity of the offence, the fact that it should have and has not been remedied, and the continuing damage such offense or offenses have caused to the Ganga River Basin, its life-forms and/or its surrounding areas.

(4) Photographs and information regarding repeat corporate, industrial, government, and private polluters and offenders shall be made available to the public via the Internet. Such information can also be given to courts and the media, and may be utilised in public-awareness campaigns.

CHAPTER XIII Prevention of Corruption

Clause 1. Prosecution

(1) Public employees, political appointees, and elected officials responsible for the enforcement and implementation of this Act are subject to prosecution by the Attorney General of India for engaging in actions or activities that may adversely impact the Ganga River Basin and the rights recognised by this Act, including the acceptance or offering of bribes.

CHAPTER XIV
Appropriations

Clause 1. Appropriations

(1) The Parliament shall annually fund the full enforcement and implementation of this Act.