

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 498 of 2015
(M.A. No. 628/2016)

IN THE MATTER OF:

Pushp Saini Vs. Ministry of Environment, Forest & Climate Change & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: Applicant:

**Respondent No. 1 :
Respondent Nos. 15&26:**

Respondent No. 19:

Respondent No. 22:

Respondent No. 37:

Ms. Shibani Ghosh, Adv. for Intervenor
Mr. Divya Prakash Pande , Adv.
Mr. Mukesh Verma, Adv.
Mr. Nishe Rajen Shonker and Ms. Anu K. Joy, Advs. for State of Kerala
Ms. K. Enatoli Sema, Adv. For Nagaland SPCB and Mr. Amith J, Adv.,
Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Adv., and Mr. Adhiraj Singh, Adv. for State of Rajasthan
Respondent Nos. 28&29: Mr. Nikhil Nayyar, Adv., Ms. Smriti Shah, Advs. for APPCB & TSPCB
Mr. G.M. Kawoosa, Adv. and Ms. Palak Mittal, Adv. for State of J&K
Mr. Guntur Prabhakar, Mr. Pramod Kumar and Mr. Gautam Prakhakar, Advs. for State of AP
Mr. Devraj Ashok, Adv. for State of Karnataka
Mr. A.K. Panda and Mr. M. Paikaray, Advs. for SPCB, Odisha
Mr. Atul Jha, Adv. For State of Chhattisgarh
Mr. Ranjan Mukherjee and Ms. Aprajita Mukherjee, Advs. For State of Meghalaya
Mr. Raja Chatterjee and Mr. Chanchal Kumar Ganguly, Advs., Mr. Piyush Sachdev, Adv. for State of WB
Mr. Aruna Mathura, Mr. Avneesh Arputham, Ms. Simran Jeet and Ms. Anuradha Arputham, Advs. For State of Sikkim
Mr. Edward Belho, Mr. K. Luikang Michael and Mr. Hoineithiam, Advs. for State of Nagaland
Ms. Yogmaya Agnihotra, Adv. for CECB
Ms. Priyanka Sinha, Adv. for State of Jharkhand
Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh
Mr. Tayenjam Momo Singh, Adv. for Meghalaya SPCB
Mr. Sapam Biswajit Meitei and Mr. Naresh Kumar Gaur, Advs. for MPCB
Mr. Gopal Singh, Mr. Rituraj Biswas, Advs. for State of Tripura
Mr. Dhruv Pal and Mr. Himanshu Pal, Advs. for State of Gujarat & GSPCB
Mr. Ajay Marwah, Adv. for HPSPCB
Mr. Gautam Singh, Adv. for Mr. Shoeab Alam, Adv. for State of Bihar
Mr. R. Rakesh Sharma, Adv. For State of Tamil Nadu & TN Pollution Control Board
Mr. Rajul Shrivastav, Adv. for MPPCB
Mr. V.K. Shukla, Adv. and Ms. Vijay Laxmi, Adv. for State of MP
Mr. Amrit Agarwal and Ms. Asha N. Basu, Advs. for WBPCB

Mr. Ravin Dubey, Adv.
Mr. Utkarsh Sharma, Adv. for State of UP
Mr. Gaurav M. Liberhan, AAG, State of Punjab
Mr. Jogy Scaria, Adv., Mr. Reegan S. Bal and Ms. Beena Victor, Adv. for Kerala State Pollution Control Board
Mr. Shuvodeep Roy, Adv. and Mr. Sayooj Mohandas M., Adv. for State of Assam and ASPCB
Mr. Rajkumar, Adv. for Central Pollution Control Board
Mr. Anil Grover, AAG, Mr. Rahul Khurana, Mr. Sandeep Yadav and Mr. Mishal Vij, Adv. for HSPCB
Mr. Naginder Benipal, Adv. for PPCB
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv.

	Date and Remarks	Orders of the Tribunal
	<p> Item No. 21 August 09, 2017 sn </p>	<p> The Learned Counsel appearing for Ministry of Environment, Forest and Climate Change submits that the Ministry has already completed river basin study of 6 river basins i.e. Siang River Basin, Twang River Basin, Bichom River Basin, Subansiri River Basin, Dibang River Basin and Lohit River Basin and upon study the Ministry has recommended the minimum flow of the river to be 18% of the average of lean season flow of the river. However, in some of the cases, it has stated to be even 20%. </p> <p> The Tribunal in the recent Judgment pronounced on river Ganga had directed 20% minimum environment flow to be maintained from Haridwar onwards on the basis of the average lean season flow. In light of the above and the clear stand being taken by the Ministry, we direct that all the rivers in the Country shall maintain minimum 15 % to 20% of the average lean season flow of that river. However, whichever State is unable to adhere to this average percentage, in that event we grant liberty to that State Government to move the Secretary, Ministry of Environment, Forest and Climate Change who shall in </p>

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consultation with the Ministry of Water Resources examine such a representation and if it is desirable to fix any lower percentage than the percentage aforesaid, then it will pass appropriate order. The order should be reasoned and thereafter it would be left to the discretion of the State concerned to follow the directions of the Ministry in accordance with law.

We also grant liberty to the Applicant to move the Ministry of Environment, Forest and Climate Change if it has material with them in respect of any river of the country, which should have minimum environment flow in excess of 20%. If such representation is moved the same shall be disposed of by the Committee headed by Secretary in the Ministry of Environment, Forest and Climate Change in accordance with law.

With the above direction, Original Application No. 498 of 2015 stands disposed of without any order as to cost.

M.A. No. 628 of 2016

This Application does not survive for consideration as the main Application itself stands disposed of.

Thus, M.A. No. 628 of 2016 stands disposed of accordingly.

.....,CP
(Swatanter Kumar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Bikram Singh Sajwan)