

## **Yamuna River: India's National Shame**

### **Why even the apex Court could not help improve matters for 18 years?**

*The myth: The tale in the 16th century Sanskrit hymn, Yamunashtakam, an ode by philosopher Vallabhacharya describes<sup>1</sup> the descent of the Yamuna river from its origin in Yamunotri to meet her beloved Krishna and to purify the world. The hymn praises her for being the source of all spiritual abilities: it is Yamuna, who being a holder of infinite love and compassion, can grant us freedom from even death, the realm of her elder brother Yama.*

*The question is who is going to help the Yamuna herself from a certain death?*

The first thing that strikes you about the mighty Yamuna flowing through Delhi is that it is a National Shame. The river that is the largest tributary of the holy Ganges (in fact at confluence in Allahabad Yamuna annually brings more water than Ganga brings at that point) has been turned into a sewage drain by the National Capital. This has been the situation for decades. The National Capital has been unable to treat the sewage it generates and dumps mostly untreated and some at best partially treated sewage into the river. Such dumping of untreated and partially treated sewage into a river is supposed to be completely illegal according to a number of laws including the Water Pollution Control Act of 1974, and the National Capital has been brazenly indulging in this illegal act for decades, in full view of all the law enforcing and monitoring agencies at state and central level. What else one can call this, except National Shame?



**Yamuna, as it emerges from Uttarakhand Photo: Ravindranath**

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<sup>1</sup> See: [http://en.wikipedia.org/wiki/Yamuna#Ancient\\_literature\\_and\\_history](http://en.wikipedia.org/wiki/Yamuna#Ancient_literature_and_history) for details.

That the Yamuna River flowing through the National Capital has been turned into drain by Delhi is well known now for decades as even the Supreme Court was informed on Nov 9, 2012 by a committee appointed by the Apex Court itself. It signifies failure of the pollution control regime at Delhi state level and at the national level again for decades. What is even more troubling is that the case is before the apex court since 1994 when the court took up the case *suo moto*, following a front page headline grabbing news report in *The Hindustan Times* then. So the court has been handling this matter for eighteen long years. What has the court achieved in the process?

The state of the river has gone worse in these eighteen years since 1994 when the Supreme Court of India took up the case of pollution in the river. The state of the river has worsened in terms of the Biological Oxygen Demand, Chemical Oxygen Demand, Dissolved Oxygen or even the length of stretch of Yamuna that is polluted downstream from Delhi. In every conceivable respect the state of the river has deteriorated even as the highest court of India monitored the state of the river.

It is not the first time that the court has been told that downstream of Wazirabad barrage in Delhi there is no water in the river as Delhi takes away all the water available (at least in 8-9 non monsoon months) in the river there for its use. Downstream from the Wazirabad barrage there is just sewage of Delhi, mostly untreated as mentioned above. Upstream along the Yamuna River, downstream of the Hathnikund barrage, as the barrage diverts all the water from the river into Western and Eastern Yamuna canal, the river is left dry in 8-9 months of the year.

In fact in January 1998 the Supreme Court in the ongoing Yamuna case appointed a High Powered Committee (HPC) “To assess the requirement of a minimum flow in



the river Yamuna to facilitate restoration of the desired river water quality”. The committee chaired by the chairman of the Central Water Commission (CWC) told the court, *without* any real study that the river needs 10 cumecs of water. In the first place, the court should have asked the HPC/ CWC to study the needs of the river at various points along the river.

**Yamuna in Delhi Photo: India Today**

However, the SC, based on above recommendation of the HPC ordered later in 1998 that 10 cumecs of water should be released for the river all along the river stretch all round the year. That order of the Apex court remains unimplemented till date. The Central Water Commission, acting like a lobby for big dams, has been saying that the river cannot have water until mega dams have been built in the upstream! This is remedy to further kill the river. The CWC has never shown any interest in allowing freshwater flow in any river any where in India. Even in the case of Yamuna, the

CWC has been telling the court that minimum flow in the river is being maintained! For example, as recorded in the order of the Supreme Court in IA 17 in WP 537/1992 on 13.5.1999, “Mr A D Mohile, Chairman, Central Water Commission stated that minimum flow in River Yamuna is still being maintained and there is no need to release any further quantity of fresh water in the river.” Nothing can be farther from truth.

In fact, making joke of the SC order for release of 10 cumecs of water all round the year all along the river, the CWC has been repeatedly saying in affidavits before the SC that Haryana is already releasing 160 cusecs (4.54 cumecs) water downstream of Hathnikund and another 140 cusecs (3.9 cumecs) into Najafgarh drain, which confluences into the Yamuna River downstream of Wazirabad barrage, thus making up for the 10 cumecs! The SC should have taken the agency to task for completely misinterpreting and misrepresenting its order. Firstly, these flows cannot be added as CWC is doing. Out of the 160 cusecs released at Hathnikund (even if this is released, which in reality is not released as there no credible monitoring agency to ensure that) almost nothing would reach Wazirabad. At Wazirabad, Delhi is already taking away all freshwater, and no freshwater flows downstream of Wazirabad in lean season. Secondly, as clearly stated in the order of SC dated 13.05.1999, the 4 cumecs that Haryana transfers to Najafgarh drain is for irrigation purposes in South Delhi. This is NOT for ecological needs of the river. In any case to add up such small quantities released at various points to show that 10 cumecs is released in the river as per SC order is making a mockery of the SC order as the order was for the whole stretch of river all round the year.

Moreover, Delhi had assured the SC in 1998 that by the end of 2000, Delhi will have adequate capacity to treat all its sewage and after Dec 31 2000, no untreated effluents would flow into the river from Delhi. That is yet to happen. Delhi today does not sufficient capacity of STPs to treat the sewage it officially generates. Secondly, none of the STPs are functioning at even 50% of the capacity. Thirdly, Delhi generates much more sewage that officially assumed due to the additional 200-300 MGD groundwater used within the city. The claim that unauthorised colonies are responsible for the sewage not reaching STPs is clearly unacceptable, these colonies did not spring up overnight. The Delhi govt, the Delhi Jal Board and the MEF should be made answerable for this situation and all concerned must be held accountable.

The HPC’s long term suggestions of Renuka dam, Kishau Dam, and river linking proposals are not necessary for Yamuna to get freshwater all round the year. In fact, these projects and other hydropower and dams planned in the Yamuna basin are more likely to destroy the river further. The MOU of Upper Yamuna River Board suggesting that even the erroneously proposed 10 cumecs flow into the river would be possible only after these big dams on the Yamuna are built is trying to mislead the Supreme Court and every one else and is only an instrument of non action and attempt to push unjustifiable projects.

What can the SC do? Well there is a lot that can be done to spare water for the river, and spare the river from dumping of untreated sewage and effluents. A large number of steps are possible including adoption of more appropriate cropping pattern in Yamuna basin in Haryana and Uttar Pradesh, adoption of water saving techniques like System of Rice Intensification, and incentives for organic farming that can help build

up soil capacity to hold moisture. In Urban areas like Delhi and elsewhere, time bound rainwater harvesting plan, groundwater recharge, protection of local water bodies, flood plain, ridge and forests, demand side management measures including avoiding unnecessary and wasteful water using activities, ensuring that existing Sewage treatment plants work to their optimum capacity in quality and quantity of output through participatory and accountable governance, ensuring that new STP capacities are set up in time bound manner and are decentralised and use biological treatment methods that require less inputs of power, materials and land and that make



recycle of water easier at local level, to name just a few measures. All of these are known steps, but the governments have shown no will to take any of these with the required seriousness. Only transparent and accountable mechanisms can ensure these are actually taken up with required seriousness.

**Goddess Yamuna atop her vehicle tortoise as depicted in Ellora Caves Photo: blog.naver.com**

In an order on January 12, 2011 the Allahabad High Court (in PIL no 4003 of 2006 in the matter of Ganga Pollution Vs State of UP and Others) has said that from any river, not more than 50% of available water should be diverted and rest should be allowed to remain in the river. This principle needs to be applied in case of Yamuna at every location, but particularly at the Hathnikund and Wazirabad barrage.

If all this is done and if the dumping of untreated sewage and effluents into the river is stopped, along with other practices mentioned above, there is a possibility of rejuvenating the Yamuna almost immediately. The Supreme Court seems the only body to ensure these steps are taken with seriousness and implemented with of participatory governance. The Rs 12000 crore (the estimated amount spent on Yamuna cleaning over the last 18 years by all agencies put together) question is, will this happen?

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