

# YAMUNA FLOOD PLAINS UNDER SIEGE IN DELHI

A Report by Yamuna Jiye Abhiyaan, September 2007

The flood plains of river Yamuna in Delhi are critically threatened. The flood plains of a river have basically only two functions. As the name implies flood plains of rivers are meant to:

- a) Provide safe passage to flood waters
- b) Recharge ground waters (aquifers) through flood waters spreading, settling and seeping underneath

Climate wise India as a nation, unlike most other countries, especially in the west is defined by the monsoons. And the monsoons make the Indian rivers very distinctive ecosystem whereby the flood plains of our rivers are as integral and as essential to them as is the stream which defines them. River Yamuna is a classic example of a monsoon river with following roles to play in Delhi:

- a) Safe passage of flood waters in the city
- b) Source of surface and ground water which is much needed to meet the city's growing needs of water for domestic, industrial and agricultural uses
- c) Means of spread and passage of flood waters during the monsoon every year and exceptional floods once every decade or more (1978, 1988, 1995)
- d) Provides a much needed buffer between the two sides of the sprawling city
- e) Regulates thermal currents in the city where summer temperatures are today becoming unbearable with every passing year in the context of climate change and global warming
- f) Provides habitat to numerous life forms
- g) Meets the city's growing needs of vegetables, flowers and fruits traditionally being raised in it by farmers

As against the above the 22 km stretch of river Yamuna in Delhi, the capital city of this country today symbolizes all the ills that a river system can possibly be faced with. Most unfortunately most of the abuses to which the river is today confronted with is a result of the so called state driven 'planning' process with a design, which has in recent times tended to view the river bed and its remaining flood plain (see the map) as nothing more than a real estate waiting to be 'developed' at any cost!

Ironically this is at the instance of the same state which on the other hand is obliged by the Indian Constitution and the Hon'ble Courts to safeguard it as under:

## Indian Constitution

Fundamental Duty of the state (Article 48A)

The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

## Supreme Court of India

In the well known Span Motels Case (MC Mehta vs Kamal Nath and others, 1997) the SC applied the Public Trust doctrine which it expanded "to include all ecosystems operating in our natural resources". The

state as a trustee is under a legal duty to protect the natural resources.

In the absence of any legislation (*Rivers fall in this category*), the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership or for commercial use.

Under the doctrine of "Precautionary Principle":

The State Government and the statutory authorities - must anticipate, prevent and attack the causes of environmental degradation.

## High Court of Delhi

Observations of the Hon. HC, Delhi in the case WP (Civil) No. 2112 / 2002 and WP (C) No. 689 / 2004 dated 08.12.2005

River Yamuna is lifeline for the citizens of Delhi right from its entry into Delhi till it leaves Delhi. The purity, sanctity and the cleanliness of its water has to be maintained. It is repeatedly claimed that the Government is doing its best and has already spent thousands of crores of rupees in the name of 'Cleanse Yamuna' Project. But the common man does not find any visible change. Encroachments on river beds and embankment have become order of the day. No effective steps have been taken to make Yamuna free from encroachments and pollution of all kinds.

It is because of this realization that we have entrusted the task to the Committee headed by Justice Usha Mehra (Retired). We direct the Committee to take up in right earnestness and day-to-day basis the task of removing encroachments up to 300 meters from both sides of River Yamuna in the first instance.

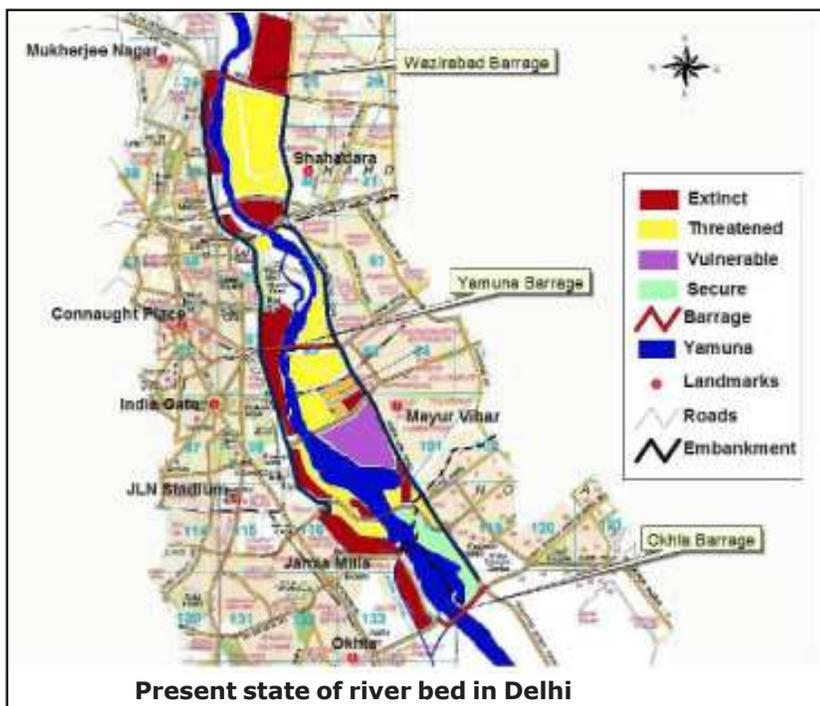
No encroachment either in the form of jhuggi jhopri clusters or in any other manner by any person or organisation shall be permitted. Yamuna has to be re-developed in such a manner that it becomes the habitat for trees, forests and center for recreation.

We are making it clear that no structure whether it pertains to religious, residential or commercial or any other purpose shall be allowed to exist.

*It is regretted that despite the above directions of the Indian constitution and the highest courts in the land it is the very state which continues to defy above directions and encroach upon and abuse and plan to abuse further the beleaguered river bed in the city as under:*

## An opportunity missed?

It is to be noted that the order of the Hon'ble High Court of Delhi dated 8.12.2007 (as detailed above) was a good opportunity for the Executive (in absence of any legal provision in place) acting in the best interest of the river and the residents of Delhi to declare in pursuant of the intent of the Hon'ble High Court to rid



the river of existing and future encroachments, a **moratorium** on any new construction or additions to any existing construction in the river bed between the two embankments in the East (Yamuna Pushta) and the West (Ring Road).

*Had it been done then we would not be seeing the blatant ravaging of the river bed as seen today.*

### **CONSTRUCTIONS WHICH ARE EXISTING, ONGOING AND PLANNED IN THE RIVER BED OF RIVER YAMUNA IN DELHI**

Following is evident from the map as above:

- 1) The river (22 km stretch) in Delhi (from Wazirabad Barrage to Okhla Barrage) is already entrenched between the ring road in the west and the Left Marginal Bund (popularly called as Yamuna Pushta) in the east
- 2) Almost the entire **river bed in the west** between the ring road and the stream flow has already been lost to various constructions/activities (Majnu Ka Tila, Yamuna Bazar, Samadhis, Stadiums, Delhi Secretariat, Power plants, Dumping sites, extension of Jamia Nagar, Abul fazal enclave etc)
- 3) Till recently it was only the **river bed in the east** which was meeting the city's life sustaining needs of ground water recharge which changed dramatically in late 1990's and early 2000's with the diversion of large areas first for raising the Delhi Metro Depot (and other structures) called the Shastri Park Metro Depot and later a totally unnecessary new embankment in the river bed between the new railway bridge and the NH 24 (Nizamuddin bridge cum road) was created by DDA in a sinister move to start the systematic encroachment over the river bed ostensibly to secure against damage from floods a private structure called the Akshardham in the river bed which is today being used as an excuse to raise multi-storied residential complex, including mall and other facilities in the name

of Games Village for a 10 day sporting event called the Commonwealth Games in October 2010 in Delhi.

- 4) In addition a large tract of river bed is currently being converted by Delhi Metro again for the construction of a new bridge, a depot and many other complexes including residential in the river bed between the ITO Barrage and the new railway bridge.
- 5) The fact that above is just an excuse to convert and concretize the remaining river bed in the east (despite NEERI 2005 report advising against it) becomes clear when one looks at the proposed map of zone 'O' prepared by DDA which proposes several new structures in the river bed as part of a draft zonal plan for Zone 'O' (river Yamuna) under MPD 2021.
- 6) Few recent media reports (F1 racing track in the river bed; Pawan Hans Heliport in the river bed) throw more light on the unfortunate fact that the river bed is now up for grabs by the highest bidder or the influential few!

MOST UNFORTUNATELY ALL THE ABOVE IS TAKING PLACE WITHOUT ANY EXPERTLY AND TRANSPARENTLY CREATED, AND PUBLICALLY APPROVED ZONAL PLAN IN PLACE FOR ZONE 'O' IN THE CITY.

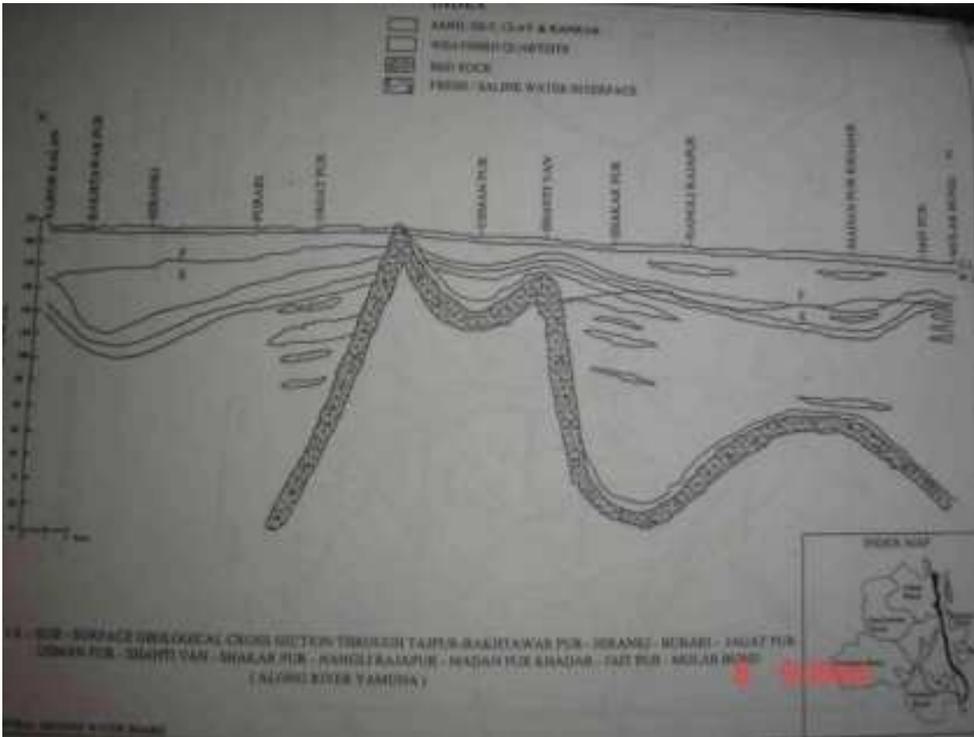
This is when the following cross sectional map of the river in Delhi (NEERI, 2005) makes it abundantly clear that the river bed in question sits over a huge underground lake of aquifers (underground water sources) which in essence is the true life-line of this city and which is threatened from ongoing and planned structures in the river bed:

*Clearly there are two distinct underground reservoirs of ground water – one from Palla to Wazirabad Barrage and the other from Wazirabad Barrage to Jaitpur village as is defined by the presence of the bed rock level as seen (See map on the next page).*

### **Commonwealth Games Village planned in the river bed is a classic case of Land grab and a scam meant to benefit few at a huge cost to the tax payer**

It is well known that the DDA at the instance of the IOA (Indian Olympic Association) have zeroed on to a 100 acre area in the river bed next to the Akshardham complex for raising a residential colony including high rise multi-storied flats, mall and other facilities. This is planned against all expert advice and warnings (since the site itself is risky, disturbed and ill advised) of knowledgeable people in the name of the Games Village for the Commonwealth Games 2010 in Delhi.

It can be seen from the maps next page that the proposed site lying between a national highway (NH 24) and a railway line is an enclave, eating into the river bed. It is also to be noted that since the natural flow of



**Cross-Section of river bed in Delhi from Palla to Jaitpur village**



**Enclaved plot of land eating into the river bed**

traffic on the roads in the south and on the east of the said enclave is in the opposite direction (towards Ghaziabad on NH 24 and towards ITO Bridge from NOIDA) hugely expansive flyover and clover bridges would become necessary to bring the traffic from the site onto the right direction towards the city proper. Also since the site is bang next to the very busy railway line it has been proposed that the Northern Railways to keep away the annoying sound of the trains, would spend around Rs 5 Crore to build a sound barrier wall between its line and the site in question.

westwards into the river by almost 1 – 1.5 km reducing thereby the extent of the present river bed.

It needs no expert to explain as to how this planned 'development' of the river bed would significantly impact adversely the ground water recharge potential of the river and reduce the river's ability to safely transmit the flood waters of any future devastating flood in the river.

Now at the end of the 10 day sporting event the residential flats in question would become a private residential colony since the flats constructed to act as a Games Village for the Games would necessarily have to be sold out to the highest bidder by the builder since it is a PPP (Public Private Partnership) model of construction.

Resultantly at the end of the day, all the tax payers money amounting to around Rs 500 crores (Rs 350 crores for the multi-storied flats and around Rs 150 crores for the flyover and other ancillary constructions) would benefit only those few who would come to occupy those flats

since there is no public facility either planned or possible in the enclave so unwisely chosen in the river bed. Here we have not even taken into consideration the market value of over 100 acres of prime land on which this residential colony is planned to be built, which in no case would be less than another Rs 500 crores. So Clearly a Rs 1000 crore land scam is in the offing?

**What is next in line?**

According to a DDA map of draft Zonal Plan for Zone 'O' (River Yamuna), it is proposed to further convert huge areas north as well as south of the site in question so that in effect the original bund (Yamuna Pushta) gets effectively shifted