

# Battle lost but war won

NEERI's 180-degree turn and the MOEF's pussyfooting helped the construction lobby pull off the games village. However, all is not lost for the Yamuna because the *satyagrahis* managed to win a moratorium on other projects



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When, on July 29, a three-judge bench of the Supreme Court headed by Chief Justice KG Balakrishnan gave a clean chit to the Commonwealth Games village project and directed the Delhi Development Authority and other agencies to proceed with their dangerous plans, the environmentalists' community of India was

numbered by shock. The Supreme Court set aside a Delhi High Court judgment directing the setting up of a committee to examine and monitor the construction. Their Lordships refused to even see that the luxurious block of flats were coming up on the bed of the Yamuna.

But actually, though we lost the battle, the larger war was won by us. Though we have lost about 30 hectares of the floodplains to the upcoming Commonwealth Games village, we managed to get protection for more than 7,000 hectares through a moratorium. We thank the Yamuna River Development Authority, which is headed by

the Lieutenant-Governor of Delhi, for paying due heed to the evidence of sure doom if constructions are allowed to inundate the Yamuna bank.

It all began on the banks of Yamuna in Delhi, when a small group of students and NGOs led by a group called 'Natural Heritage First' staged a small demonstration next to Akshardham temple, protesting against the choice of the Yamuna bank as site for construction of the Commonwealth Games village. After that a 'yatra' was organised by URLA, a group of RWAs. On August 1, concerned citizens led by Rajender Singh, Kuldeep Nayar, Vikram Soni and others planted saplings on the games village site, demanding that the proposed site be shifted.

By 2007, about 25 per cent of the Yamuna riverbed had been lost to alleged 'infrastructure' projects, *samadhis* and temples. It was high time that citizens took charge to stop the devastation of the most beautiful and indispensable bounty of nature, the

river. Sure enough, the movement snowballed rapidly through marches, yatras along the banks, video productions, scientific studies presented before audiences, meetings with the authorities, and the participation of school and college students. The Yamuna *satyagraha* soon became a part of life in Delhi.

The *satyagrahis*, who included scientists, realised that merely challenging illegals may not be the best way. Scams happen everyday. What is illegal today may become legal tomorrow with the help of a Court ruling or legislation. The question posed by Dr Vikram Soni and team was — what is the value of Yamuna floodplains? If something is valuable to our life as citizens of Delhi, it will remain so in spite of any law. If we prove its value, the law would follow to protect it.

A research study was done and it was found that the floodplains are an amazing natural water storage system using surplus monsoon

discharge. It has a 40-metre-deep sandy layer formed by silt formed over millions of years. This layer acts like a sponge when flood water flows over it. It has the capacity to contribute as much as half of Delhi's current water requirements. A totally non-invasive, 'preserve and use' scheme was suggested.

Dr Soni aptly describes this potential as 'The hidden treasure'. The study was presented before the LG of Delhi, who heads the Prime Minister-appointed Yamuna River Development Authority (YRDA). In a meeting held on November 22, 2007 in the presence of almost 50 experts in the field, the LG announced formally a moratorium on further constructions on the Yamuna flood plains. He asked the Central Ground Water Board (CGWB) prepare a blueprint based on this study. On June 17, 2008 the last meeting of YRDA was held at Raj Bhawan, in which the CGWB accepted the water recharge

potential of the Yamuna floodplains. The LG announced a moratorium on further constructions and declared that these plains would only be used for water recharge and bio-diversity conservation.

What puzzles us is the role of the Judiciary, an organ of the state meant to deliver justice to people when all other options close. The history of the higher judiciary in environmental cases involving big projects is often very disappointing. Many people approached the High Court of Delhi to challenge construction of the games village. Notably, the two judges visited the flood plains to see the site. Many hearings took place. The court ordered formation of a committee to decide the matter. Back to square one. The matter then went in appeal to the Supreme Court. On July 30, in one stroke, the Supreme Court ruled that the impugned site is not a floodplain. If 40 metres of sand bank collected over 20

million years of a river's history is not a floodplain, then what is?

Now let's look at the role of governmental technical agencies expected to provide scientific inputs. The National Environmental Engineering Research Institute (NEERI) reports of 2005 and 1999 forbid permanent constructions on riverbeds. This motivated the DDA to go in for another study from Central Water and Power Research Station, Pune. This study approved the site but left many questions unanswered. When the Ministry of Environment and Forests began to give it serious consideration, the DDA issued a deadline to it. This got the MOEF browbeaten and it turned amazingly flexible. Meanwhile, NEERI came out with a 180-degree turn, saying the impugned site is not a floodplain.

Years later, when the history of the struggle to save the Yamuna is written disparagingly, the truth will be out-