

NATIONAL GANGA RIVER RIGHTS ACT (PROPOSED), 2014

A SUMMARY AND DRAFT ACT
PRESENTED BY
GANGA ACTION PARIVAR
AND
THE GLOBAL INTERFAITH WASH
ALLIANCE-INDIA



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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, 2014 (PROPOSED)

Submitted by Ganga Action Parivar and the Global Interfaith WASH Alliance

While measures have been enacted by law to protect India's environmental resources, national treasures, such as the River Ganga, continue to deteriorate, largely due to apathy in the adherence to and enforcement of said measures. The National Ganga River Rights Act specifically designates remedies designed to overcome such apathy, so that our National River, and the 500 million people who 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 Extraction of Water and Mineral Resources

CHAPTER V: AGRICULTURAL PRACTICES AND WATER CONSERVATION

- Establishes an Organic Farming Zone to Maintain the Right to Pure Water and Protect Ecologic Health
- Establishes a Water-Conservation Zone to Ensure Ecologically-Sound Flows of the River Ganga in its Natural River Bed

CHAPTER VI: RESTRICTIONS ON CONSTRUCTION

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

CHAPTERS VIII-IX: ENFORCEMENT AND NGRBA RESPONSIBILITIES UNDER THE ACT

- Establishes the National Ganga River Protection Police
- The National Ganga River Basin Authority is Granted Additional Powers and Accountabilities

CHAPTER X: COMMUNITY INVOLVEMENT

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

CHAPTER XI-XII: 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

National Ganga River Rights Act (Proposed), 2014

*A Draft Presented by Ganga Action Parivar
and the Global Interfaith WASH Alliance-India*

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 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,

To fully restore and maintain 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 2014," hereinafter "Act."

Clause 2. Purpose and Coverage

(1) The 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 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.

CHAPTER III Rights

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

(1) **Rights of the National Ganga River.** The National 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 willful 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 consider an offense enforceable and punishable under Chapter VIII of this Act.

Clause 2. Establishment, Maintenance and Oversight of Open Defecation-Free Zone

(1) **Establishment:** To protect the Rights of the ecosystem and people 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. All measures are to be taken to educate and motivate all visitors and residents as to the health-inducing importance of curtailing any and all open defecation behaviors. Ample toilet facilities shall be supplied for any and all residents who do not have access to sanitary facilities. Ample toilet facilities shall also be supplied and maintained for all visitors to the Ganga River Basin.

(2) **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 any and all public toilet facilities.

(3) **OD-Free Zone Oversight:** A Ganga River Basin Sanitation Force shall be established and funded under this Act to undertake quarterly inspections of any and all public toilet facilities and to conduct regular censuses of private toilet facilities to ensure compliance with this Act. If non-compliance is identified, immediate remediation activities, including, but not exclusive of, public education and the updating and/or replacement of derelict facilities, shall be instigated within thirty (30) days of said identification.

Clause 3. Provision and O&M of Ample Sewerage Coverage

(1) **Provision of Sewerage Treatment Facilities:** All municipalities of Classes I-V shall be provided with full and ample Sewerage Treatment Facilities and infrastructure to ensure the complete treatment of human waste and other applicable waste mater from all homes, places of business and any and all other buildings, structures and facilities. No human waste shall be permitted to be released within the River Ganga, its tributaries and other aquifers unless it has otherwise been fully-treated.

(2) **Operation and Maintenance of Said Facilities:** The Operations, Maintenance and Management of any and all sewage treatment facilities and infrastructure shall be fully-funded by the Government of India and appropriate state bodies at all times. Said Operations, Maintenance and Management shall be overseen and implemented by adequate staff.

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 any Ganga River Basin aquifer, including the Ganga and Yamuna Rivers. The discharge of untreated waste into any said aquifers, shall result in penalties as established under Chapter XI of this Act.

Clause 4. Limitations on Extraction

(1) **Establishment of Water-Saving Zone:** To ensure that vital cycles, structure, functions, and evolutionary processes may be maintained, land fronting the River Ganga, its tributaries and streams shall be declared a Water-Saving Zone. Said Zone shall be cultivated and otherwise maintained in a manner that limits water extraction and enforces water-saving practices, inclusive of water-saving irrigation, in order to ensure ecologically-sound flows of a minimum of 51% of river water within natural riverbeds at all time.

Clause 5. Preservation of Geologic Resources

(1) **Prohibition of Sand Mining:** 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 shall be considered punishable offences.

CHAPTER V Agricultural Practices

Clause 1. Organic Farming

- (1) **Establishment of Organic Farming Zone:** To maintain the Right to Pure Water, all land within 500 metres of the River Ganga, its tributaries and streams shall be designated as an Organic Farming Zone, prohibitive of the application of chemical-based pesticides, fertilizers and other inputs.

Clause 2. Establishment of Ganga River Basin Organic Farming and Water-Saving Zone Fund, Educational Outreach and Marketing Assistance Programme

- (2) To ensure economic viability of farms within 500 metres of the River Ganga, its tributaries and streams, 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.

CHAPTER VI Restrictions on Construction

Clause 1. Establishment of Construction-Free Zone

- (1) To protect the vital cycles, structure, functions, and evolutionary processes of the River Ganga, its tributaries and streams, no new permanent construction shall be permitted within 100-200 metres of said aquifers, pursuant to independent site evaluations under the authority of the National Ganga River Basin Authority, unless for the benefit of scientific investigation, public health and/or safety, or for non-residential religious use.

CHAPTER VII Implementation

Clause 1. Implementation

- (1) This Act supersedes any other federal, state, or municipal laws that may impact the rights of the Ganga River basin, the people of India, or the natural environment.
- (2) Within one hundred eighty (180) days of enactment, Parliament must complete a review of all existing federal laws 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 a restoration program for the Ganga River basin and appropriate sufficient funds to carry out that program. Full restoration is to be completed within five (5) years of enactment of this Act.

(4) Any new laws enacted by Parliament and state and municipal governments must secure and protect the rights established in this Act.

CHAPTER VIII 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 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 Federal Government

(1) The National Ganga River Basin Authority, hereinafter “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.

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

(3) The federal 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 IX

National Ganga River Basin Authority: 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. The Authority shall employ ecologists to delineate the necessary attributes of each category of ecosystem and natural community within the Ganga River basin that enable it to fully exist, thrive, and regenerate its own 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 Federally Implemented, Authorised, or Permitted Projects for Future Violations

(1) **Project Review.** The Authority shall review all projects, development, or activities being considered by the federal 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 federal agencies of public and private projects, development, 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 federal 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 those Ganga River basin and the ecosystems and natural communities which comprise the basin.

(2) **Prior Violations of Rights.** The Authority may file enforcement actions seeking damages from those actors responsible for the degradation of the basin's ecosystems and natural communities, and shall use damages recovered from those actions to restore those ecosystems and natural communities to achieve this Act's mandate. The Authority shall be empowered to determine responsible parties and to pursue those parties for damages necessary for ecosystem and natural community restoration.

(3) **Database Availability.** The Authority shall make the database available free of charge to the public via the Internet. 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.

(4) **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.

(5) **Referrals for Investigation and Enforcement.** The Authority may refer for investigation requests for action, submitted to the Authority under Clause 1 of Chapter 5 of this Act, to the Ganga River Police.

(6) **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 X 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 and small-scale gharat mills.

(3) **Roles and Responsibilities of GPS Monitors.** GPS Monitors shall monitor the entire Ganga River basin. Individual GPS Monitors shall be responsible for mapping and observing a 500-meter length of the Ganga River and its tributaries within the basin, so that the entire basin 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 V of this Act. Monitors may also serve as petitioning parties authorized under Chapter 5 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 XI 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. 50 lakhs. 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. 100 lakhs.

(3) Corporations, corporate officers, individuals, and other entities found seeking to act 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 would 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 and/or natural community caused by the potential violation and shall face imprisonment of six months to seven years and/or a fine ranging from Rs. 1 lakh to Rs. 100 lakhs.

(4) 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.

(5) 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 XII
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 XIII
Appropriations

Clause 1. Appropriations

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