

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 94/2021
(I.A. No. 100/2021)

Haider Ali

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 15.04.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Rahul Sharma, Advocate

ORDER

1. Grievance in this application is against use of ground water for maintenance of Cricket play grounds without availing of alternative of using STP treated water and installing rainwater harvesting systems for storing and recharge of ground water. This step results in depriving people of potable water for drinking. The applicant has, in particular, raised the issue of Indian Premium League (IPL) cricket matches, organized by Board of Control for Cricket in India (BCCI) for commercial and entertainment purposes, without concern for water conservation. The applicant earlier filed *O.A. No. 124/2018, Haider Ali v. UOI & Ors.* which was disposed of on 29.03.2019, permitting the applicant to approach the concerned Authorities. Accordingly, the applicants approached the Ministry of Youth Affairs and Sports, the Ministry of Water Resources, River Development and Ganga Rejuvenation and also the States of Punjab, Telangana, Maharashtra, Rajasthan, Tamil Nadu, Madhya Pradesh, Karnataka, West Bengal and NCT of Delhi, where

cricket matches are organized, on 23.12.2019 seeking framing of a policy in the matter. It is stated that no response was received.

2. This Tribunal has earlier dealt with the issue and issued directions. Vide order dated 20.05.2019 in O.A. No. 134/2015, *Friends through its General Secretary v. Ministry of Water Resources*, it was directed:-

“1to23...xxx.....xxx.....xxx

24. As regards illegal drawal of ground water by the DDCA, we find that there are two aspects for consideration:-

- (i) Permissibility of drawal of ground water in view of depleting ground water level;
- (ii) Source of water to be used for sprinkling in cricket/ other play grounds.

25. As regards desirability of groundwater extraction, the matter has been dealt with in O.A. No. 176/2015, *Shailesh Singh vs. Hotel Holiday Regency, Moradabad & Ors.* and this aspect can be further considered in the said matter. However, it will be necessary to have relevant data for such consideration. The Hon'ble Supreme Court vide order dated 11.07.2018 in W.P.C No. 4677/1985, *M.C. Mehta v. Union of India and Ors.*, quoted the report of the Niti Aayog on “Composite Water Management Index”, June 2018 as follows:

“In fact by 2020, 21 major cities, including Delhi, Bangalore and Hyderabad will are expected to reach zero groundwater levels, affecting access for 100 million people”.

26. The Committee may collect and provide data with regard to availability of ground water and its usage in 21 cities including Delhi, Bangalore and Hyderabad.

27. As regards source of water to be used for sprinkling in playing fields / cricket grounds, in view of shortage of potable water it will be appropriate that instead of potable water being used for such purpose, either RO reject or disinfected and treated sewage must be preferred. We have noticed that guidelines have been issued by the Sport Authority of India (SAI) on the subject being “Field play and specifications on Sports Infrastructure” but the said guidelines do not take cognizance of source of water supply. It is possible that potable drinking water is used for said purpose which is not conducive for the environment, having regard to the acute shortage of potable water for drinking purpose. The above Committee may examine and furnish a report to

this Tribunal for course of action be adopted to save potable water for regulating watering fields and playing fields/ cricket grounds.”

3. Thereafter the issue of regulation of extraction of ground water was dealt with vide order dated 20.07.2020 in O.A. No. 176/2015, *Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.* in the light of the judgment of the Hon’ble Supreme Court in *M.C. Mehta v. Union of India & Ors.*¹ and the Tribunal issued following directions:-

“1to38....xxx.....xxx.....xxx

39. In the light of the above discussion, we direct as follows:

- a. MoJS may ensure requisite manning and effective functioning of CGWA so as to ensure **sustainable ground water management** in terms of the Hon’ble Supreme Court mandate by which CGWA was created.
- b. Let CGWA and MoJS comply with the directions of this Tribunal in orders dated 3.1.2019, 7.5.2019 and 11.9.2019, to have a meaningful regulatory regime and institutional mechanisms for ensuring prevention of depletion and unauthorized extraction of ground water and sustainable management of groundwater in OCS areas. **Regard must be had to water availability and safe levels to which its drawal can be allowed, especially for commercial purposes, based on available and assessed data in each “Assessment unit”.** Procedures for assessment of individual applications and institutional mechanism may be clearly laid down.
- c. As per orders dated 3.1.2019, undertaking an impact study in light of projected data for the next 50 years (in phased manner with action plan decade-wise).
- d. There must be **no general permission for withdrawal of ground water, particularly to any commercial entity, without environment impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee.** Such permission should as per Water Management Plans to be prepared in terms of this order based on mapping of individual assessment units. Any permission should be for specified times and for specified quantity of water and not in perpetuity, and be necessarily subject to digital flow meters which cannot be accessed by proponents, with mandatory annual calibration by authorized agency at proponents’ cost. **An annual review by independent and expert evaluation must audit and**

¹ (1997) 11 SCC 312

record ground water levels as well as compliance with the conditions of the permission. Such audits must be published online for transparency and to track compliance and year-on-year change in ground water levels, and swift action taken against those who fail audit, including withdrawal of permission, blacklisting, initiation of prosecution and recovery of deterrent compensation as per CPCB regime. Records must be maintained online and for a sufficient and reasonable time.

- e. As observed in para (a) and (b) above, all OCS assessment units must undergo water mapping. Water Management Plans need to be prepared for all OCS assessment units in the country based on the mapping data, starting with Over-exploited blocks. The Water Management Plans, data on water availability or scarcity and policy of CGWA must be uploaded on its website for transparency and public involvement. Such exercise may be done expeditiously, preferably within next three months.”**

4. There can be no dispute with the proposition that conservation of water is dire need of the environment. Every effort is required to save potable water for drinking. Cricket or other such grounds may be maintained, as far as possible, from the STP of high quality having no pathogens and offensive components. Also rain water harvesting and storage of such water may be ensured.

5. Accordingly, we direct the Secretary, Ministry of Jal Shakti to hold a joint meeting within one month with the nominees of the Ministry of Youth Affairs and Sports (not below the rank of Joint Secretary), representative of BCCI and CPCB to consider the issue of regulating extraction of ground water for maintenance of Cricket play grounds. If necessary, any other expert may also be coopted. **The issues for consideration may inter alia include – i) prohibiting use of ground water for maintenance of the play grounds atleast during the time no match is being actually played and exploring utilization of STP treated water; ii) ensuring that effective rain water harvesting and water storage/recharging systems are installed in all playgrounds to**

save the ground water; iii) laying down mandatory requirement of engagement of an environmental expert for every cricket stadium for ensuring compliance with the environmental norms, iv) using every sport event with the programme of awareness for environment protection, using a part of profit from commercial activities as a mandatory obligation. The decisions taken in the meeting may be followed up by appropriate statutory orders.

6. We have not considered it necessary to issue notice as the above order does not involve adjudication of any disputed rights and is being passed in view of undisputed environmental obligation. We hope the concerned Authorities will act with a sense of responsibility and duty to reduce environmental footprint and societal need for conservation of every drop of water.

The application is disposed of.

A copy of this order be forwarded to the Secretary, Ministry of Jal Shakti, Ministry of Youth Affairs and Sports, BCCI and CPCB by e-mail for compliance.

In view of order in the main matter, I.A. No. 100/2021 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

April 15, 2021
Original Application No. 94/2021
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