

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES,
RIVER DEVELOPMENT & GANGA REJUVENATION
LOK SABHA
UNSTARRED QUESTION NO. †925
ANSWERED ON 21.12.2017

LIVING ENTITY STATUS TO GANGA AND YAMUNA RIVER

†925. SHRI JANARDAN MISHRA

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION be pleased to state:

- (a) whether the Ganga and the Yumana rivers have been accorded the status of living entity by the courts including that of Uttarakhand and if so, the details and the impact thereof;
- (b) whether there are any challenges in the wake of the said decision; and
- (c) if so, the details thereof?

ANSWER

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION & HUMAN RESOURCES DEVELOPMENT

(DR. SATYA PAL SINGH)

(a) The High Court of Uttarakhand in its order dated 20.03.2017 in WP (PIL) No. 126 of 2014 has inter-alia given the direction that “*while exercising the parens patrie jurisdiction, the Rivers Ganga and Yamuna, all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these rivers, are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna.*”

Further, the High Court of Uttarakhand in its order dated 30.03.2017 in WP (PIL) No. 140 of 2015 has inter-alia given the direction that “*We, by invoking our parens patriae jurisdiction, declare the Glaciers including Gangotri & Yamunotri, rivers, streams, rivulets, lakes, air, meadows, dales, jungles, forests wetlands, grasslands, springs and waterfalls, legal entity/ legal person/juristic person/juridicial person/ moral person/artificial person having the status of a legal person, with all corresponding rights, duties and liabilities of a living person, in order to preserve and conserve them. They are also accorded the rights akin to fundamental rights/legal rights.*”

(b) & (c) In response to the aforementioned High Court of Uttarakhand order dated 20.03.2017 in WP (PIL) No. 126 of 2014, the State of Uttarakhand have filed Special Leave to Appeal (C) No. 016879 of 2017 in the Supreme Court. In this regard, the Supreme Court vide its Order dated 07.07.2017 had stayed the implementation of the Order of the High Court of Uttarakhand.

Further, the Central Government has also filed SLP (C) No. 033968 of 2017 in the Supreme Court against the High Court of Uttarakhand’s Order dated 30.03.2017 in WP (PIL) No. 140 of 2015. In this regard, the Supreme Court vide its Order dated 27.11.2017 had stayed the implementation of the Order of the High Court of Uttarakhand.
