

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (PIL) No. 1325 of 2011

Court on its own motion Vs. State of Jharkhand & Ors

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9.3.2011. This order is being passed in exercise of power enshrined under Article 51A of the Constitution, defining the fundamental duties.

It has been observed today that the newspaper 'PRABHAT KHABAR' has published a report that the banks of rivers are being encroached resulting into their degradation and drying up of the rivers.

This is an alarming situation. The very existence of the name of the State 'Jharkhand' is dependent on the existence of forest. If the rivers are treated in the way in which they are being treated presently the forest will be at loss and the very significance of the name of the State will be in jeopardy.

Issue notice to the State Government and the State Government, in turn, will take its report from the local bodies and the local administration as to what it proposes to do in preserving the State rivers/dams/ponds which are the life and soul of the State. If encroachments are permitted on the banks then not only the rivers existence will be in danger but its natural ambience will be also lost which a river can otherwise give to the City for a better and nicely inhabited human habitation. The State Government may consider that apart from removing the encroachments, it may have a Plan to chalk out to make river fronts as such river fronts will give a beautiful look to the rivers. For this the State will look towards all those International cities where river fronts are there and also to the State of Gujrat where Sabarmati river front has been conceived by that State Government and implemented.

Mr. Indrajit Sinha is appointed as Amicus Curiae in this case and he will assist this Court in this matter.

The State Government will submit its report on the following questions:

1. The position regarding availability of water in the State of Jharkhand and the sources of water in the State of Jharkhand.

2. The average supply and consumption of water in the State of

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Jharkhand.

3. The details of encroachments in and around banks of rivers, ponds and dams.
4. The other reasons as to why the water sources are drying up.
5. The proposed action to be taken for ensuring adequate water in rivers.

Post this matter on Wednesday next ( 16.3.2011).

**(Bhagwati Prasad, C.J.)**

**(D.N. Patel, J.)**

G.Jha/