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## Salim v. State of Uttarakhand, Writ Petition (PIL) No.126 of 2014 (December 5, 2016 and March 20, 2017)

Salim v. State of Uttarakhand, Writ Petition (PIL) No.126 of 2014 (December 5, 2016 and March 20, 2017)

High Court of Uttarakhand

NOTE: In July 2017, the Supreme Court of India issued a stay of the High Court's order. The appeal has not yet been decided.

\* \* \*

Mohammed Salim filed public interest litigation in the High Court of Uttarakhand concerning illegal construction and encroachments along the Ganges River, as well as the failure to constitute the Ganga Management Board, as required by the Uttar Pradesh Reorganisation Act, 2000.

In the High Court's December 2016 decision, it issued directions (in part): 1) ordering officials to evict two private parties from government land; 2) requiring the central government to constitute the Ganga Management Board within three months; and 3) banning mining in the river bed and floodplain.

Several months later the matter came before the High Court, which expressed its displeasure that no action had been taken to implement its directions. The Court noted: "The extraordinary situation has arisen since Rivers Ganga and Yamuna are losing their very existence. This situation requires extraordinary measures to be taken to preserve and conserve Rivers Ganga and Yamuna." Para. 10.

To that end, the High Court declared: "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." Para. 19.

In describing the concept of a juristic person, the Court explained: "like any other natural person is in law also conferred with rights and obligations and is dealt with in accordance with law. In other words, the entity acts like a natural person but only through a designated person, as their Lordships have held in the judgments cited hereinabove, that for a bigger thrust of socio-political-scientific development, evolution of a fictional personality to be a juristic person becomes inevitable. This may be any entity, living inanimate, objects or things. It may be a religious institution or any such useful unit which may impel the Courts to recognise it." Para. 16.

The High Court appointed two officials from the state of Uttarakhand to serve as persons in loco parentis for the two rivers, with the obligation to uphold the health and well-being of the rivers. Paras. 19-20.

**File Attachments:**

-  [Opinion \(Dec. 2016\)](https://elaw.org/system/files/attachments/publicresource/in_Salim_decision_dec2016.pdf) ([https://elaw.org/system/files/attachments/publicresource/in\\_Salim\\_decision\\_dec2016.pdf](https://elaw.org/system/files/attachments/publicresource/in_Salim_decision_dec2016.pdf))
-  [Opinion \(March 2017\)](https://elaw.org/system/files/attachments/publicresource/in_Salim_riverpersonhood_2017.pdf) ([https://elaw.org/system/files/attachments/publicresource/in\\_Salim\\_riverpersonhood\\_2017.pdf](https://elaw.org/system/files/attachments/publicresource/in_Salim_riverpersonhood_2017.pdf))

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