

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,

CHENNAI

OA 85/2015 (SZ) &

MA No. 174/2016(SZ) & 232/2016(SZ)

In the matter of:

Dr Lubna Sarwath

...Applicant

versus

State of Telangana

...Respondent(s)

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Applicant through Counsel

Delhi, 12.8.2021



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Reply to the Joint Committee Report dated 8.6.2021

on behalf of the applicant

Most respectfully showeth:

1. As per direction of this Hon' Court dated 28.1.2021, applicant appeared before the Joint Committee on 3.3.2021 and presented detailed suggestions and objections with regard to the cleaning of Hussain Sagar Lake, Telangana. It is stated at the outset that most of the objections raised by the applicant were not addressed as can be seen from the Joint Committee report dated 8.6.2021. The applicant therefore, raises the following objections/suggestions to the Joint Committee report dated 8.6.2021:

Tampering/Lowering of Surplus Weir

2. The Applicant has been raising the issue of tampering/lowering of surplus weir from the past 6 years but no action has been taken by the concerned authorities.
3. The report of the Joint Committee dated 22.1.2021, further notes the repeated failure of the authorities to repair the sluice gates and the surplus weir , relevant parts of which are as under:

“(iv) Sluice gates and Surplus weirs: During previous visit in March 16-17 2020, the concerned authority assured that the repairing work of sluice gates and surplus weir at the outlet of the Hussain sugar lake will be completed immediately after monsoon seasons...”

4. The Joint Committee once again visited the lake in December 15-16, 2020 and was again told by the respondents that “repair works to surplus weir will be completed by this year end to bring total weir portion to its original level”. However, the latest report of the joint committee dated 8.6.2021 does not mention the current status of the repairs, but has only stated as under:

“6. Vii. The irrigation department may provide the requested information about the Full Tank Level (FTL) and repair of the surplus weir near the Viceroy Hotel.”

5. The Joint Committee needs to understand the gravity of the act of weir being lowered for a heritage tank as big as 1400 acres (area figure given by government, actual is much lesser due to encroachments by state/private), volume of lake being around 1 tmcft, with the length of weir being more than 350 ft, and weir having 21 vents. The intention may be nothing but it causes extinction of lake by shrinking it gradually. This fact of lowering of weir/FTL height and apprehension of lake loss, has been consistently raised by the Applicant.
6. In Applicant’s power point presentation of 3 march 2021, before the Joint Committee and all the respondents/representatives, the applicant showed the geo-tagged picture of the FTL pillar that showed Hussain Sagar water level at below 513.41M, yet there was a huge outflow of water from the surplus weir. This goes against the irrigation sciences that a lake discharges non-flood waters in spite of it holding water below FTL height, unless the weir

is totally tampered with and lowered so as to drain out the lake, with a malafide intention of annihilation of the huge heritage lake.

7. In Applicant's reply dated 8.2.2021 to JC report, at item no. 12, Applicant questioned about lowered/altere d/tampered/dismantled weir, relevant parts of which are as under:

“12. The Committee report states that repair works to surplus weir will be completed by this year-end to bring total weir portion to its original level. The question about the lowered weir has not been answered by the Committee. The very FTL of Hussain Sagar has been tampered by the respondents due to lowering of the weir. The lake bed was exposed and further dumped near the Kukatpally Nalla side and thus 10 acres had been plotted right inside the FTL of Hussain Sagar.’

8. In Applicant's Reply dated 12.9.2020 (reply to state government report) , at item no. 10, Applicant had submitted geo-tagged picture of FTL pillar indicating the lowered FTL height of the lake, relevant parts of which are as under:

“The illegal actions of the respondents reveal that dismantling and lowering the weir is done to allow non-flood waters in order to expose the shallow parts of lake upstream which is already seized with heavy pollutant deposits in the lake...

The Geo tagged pictorial documentation of non-flood waters are flowing out of Hussain Sagar in spite of FTL of lake being below the FTL mark of 513.41M. Lowering of the weir below the FTL height of the Hussain Sagar Lake is to permanently change the FTL height of the lake. A thorough probe is necessary to look into the manipulations being done with the very existence of the lake, the

height difference in the FTL and weir and the dismantling of the weirs.”

9. The applicant again raised the issue in the reply dated 22.9.2020 (reply to state government report). At item No. 2, applicant stated that FTL 513.41M is being stated in report but on ground fact is that it has been lowered /altered in April 2015 itself, further applicant once again prayed for weir height to be restored and low level sluice that drains out water be de-commissioned, relevant parts of which are as under:

“The statements from the government of Telangana are devoid of application of mind towards protection of the Hussain Sagar Lake and are diverting attention away from all encroachment and pollution across the lake, especially western and southern parts of the lake and to divert from the fact that FTL 513.41 M that they are stating in the report has been altered/tampered in April 2015 by dismantling the weir and that which was the main purpose when the petitioner rushed at the threshold of this tribunal.”

36. It is suggested that the weir that has been dismantled and lowered in 2015 be promptly restored to the FTL height of 513.41M. The low level sluice at 506M be decommissioned. The obstructions in all the vents under the bund-bridge at the outflow channel no. 1 (Mariott Hotel) be dredged/evicted for free flood water outflows.’

‘37. The groyne be removed as recommended by experts and newly constructed Aulia masjid near the FTL pillar be evicted for free flood water outflow. I submit that I have given pillar by pillar encroachments inside the 1425 acre FTL boundary map obtained from Irrigation Department. I submit that the Government of Telangana conduct a joint field inspection with petitioner and domain

experts to identify and show 1445 acres that it states as FTL area of lake. I further submit that the Government of Telangana, in the joint inspection should also identify what the weir height is and whether it is equal to 513.41M FTL height of the lake, and, confirm that non-flood waters are not flowing out of the two weirs or sluices at the FTL height of 513.41M. Demolished Secretariat area of 26.5 acres be promptly restored as Hussain Sagar area as a huge boost to the environment in the city. The Respondent State ought to take the petitioner on board for transparent, participative, prudent, judicious and accountable restoration of the lake.”

10. In Applicant’s reply dated 25.8.2020 (reply to JC report of 20.8.2020) at item 30 and item 33, applicant had stated about lowered weir, new constructions of weir and new sluice constructions, while the respondents were only stating about ‘repairs to sluices’. Below extract from reply:

“Further, the Committee ought to have observed that there were construction of new weirs in the lake. The joint committee report remains silent as to the dismantled and newly construction weirs.’

The free flow is due to the polluted water entering the lake from inflow channels that are being pushed through the dismantled and lowered weir so that the shallow area of the peripheries are exposed. Furthermore, when the joint committee visited and collected samples from Location No. 8 and 9, the ought to have observed the new sluice constructed inside the FTL of Hussain Sagar at location no. 8 and new weir construction at location no. 9. Apart from the new low level sluice there three more constructions in the three vents near the low level sluice. These are not ‘repairs to sluices’ but are new constructions put up. But, to my dismay, there has been no mention

about the newly constructed sluice and weirs in the report filed by the joint committee.”

11. In Applicant’s original application, at item 11, the tampering of weir was already mentioned, relevant parts of which are as under:

“Even before obtaining opinions the water which is existing in the lake is being drained out by lifting the sluices and disturbing/tampering/breaking the weirs in the name of repairing them. Thereby, polluted water is being drained through outlets/Nalas into Musi River passing through the urban areas of the Hyderabad.’

12. Yet, in JC latest report dated 8.6.2021, JC pays scant attention to this vital issue of lowering weir and lessened FTL levels of the lake. This shows complete lack of interest and commitment by the Committee into the cleaning of Hussain Sagar Lake. The JC with learned scientists and professors did not consider it necessary to question as to why the water level in Hussain Sagar is below FTL height viz., 513.41, the surplus weir discharging and gushing out non-flood waters from the lake? Isn’t this an existential threat to the lake itself? The pictures showing FTL level of Hussain Sagar Lake are below:



(Fig 1: FTL of lake below FTL mark of mark 513.41M dated 12.6.2021)



(Fig. 2: FTL of lake below FTL of 513.41M dated 30.6.2019)

13. As can be seen from the pictures above, water levels are below FTL height of 513.41M yet frothy water is gushing from the surplus weir. Further, FTL Pillar to the left dated 12.6. 2021; compared to, FTL pillar to the right dated 30.6.2019 (both the pictures are geo-tagged), it is observed that the measurements are being erased, with figures unclear in picture of 12.6.2021 as compared to the picture dated 30.6.2019 where figures are clear. It is to be noted that both the pictures were taken after sufficient rain inflows into the lake. Further, huge deposits of debris are observed behind the FTL pillar, i.e., at the lake-side of the surplus weir.

14. The weir should be restored to its original height immediately. A thorough shortest time bound probe with full accountability into the tampering of the FTL height due to lowering of the weir, that threatens the very existence of the lake itself, should be ordered. Respondents have been calling lowering the weir and constructions on weir as 'repairs to weir' for the past 6 years

and JC too reported as 'repairs to left weirs' as cited at (a) above, ignoring the pleas of the Applicant. Joint Committee failed in their sacred duty of being representatives of the Tribunal, failed to address the most existential question and hold the respondents accountable, respondents, who by the JC report itself, are not providing information to the JC, which means not cooperating with the National Green Tribunal.

Debris from demolition of Secretariat building dumped in Hussain Sagar and islands created inside FTL boundary

15. On 3.3.2021, applicant raised the issue of secretariat building debris being dumped into the lake before the Joint Committee, however, JC was clueless about the issue.
16. The JC told that they had visited site of deposit of 1.47 MT of secretariat debris at Jeedimetla C&D plant. When confronted about the contract details and documentation of the transport and handling of the secretariat debris and how they knew the debris they saw was indeed secretariat debris, they could not substantiate. How was JC sure that the C&D debris that they say they were shown by respondents at Jeedimetla C&D plant belongs to the secretariat debris? JC should answer the Tribunal on this.
17. The applicant in its reply dated 8.2.2021, had raised the issue in detail and had asked the JC for explanation and necessary action. Yet, JC vaguely replies that the secretariat demolition issue is being taken up in the OA No. 107/2020, in spite of clarifying that the secretariat buildings debris was dumped in Hussain Sagar.
18. In applicant's reply to state dated 22.9.2020, Applicant once again highlighted that islands were being created, land is manufactured inside the lake, relevant parts of which are as under:

“And this corroborates with the land manufacturing being done by government of Telangana by creating islands inside the FTL of lake for which no document is available in public domain nor has the Joint Committee obtained the same.”

19. In the applicant’s reply dated 12.9.2020, applicant had again brought to notice the huge islands are being created at the mouth of Kukatpally channel inside the lake from the debris. This aspect too is not considered by JC, relevant parts of the reply are as under:

“24. It is further submitted that the State does not mention the huge land deposit constructions that it has undertaken inside the FTL of the lake and huge land deposits at the outflow channel inside the lake, near new low level sluice. Recalling the judgement of the Andhra Pradesh High Court in SUO MOTU WRIT PETITION NO: 15595 of 2006 dated 12.02.2007, the Respondents therein were directed not to remove or demolish the said tank for the purpose of laying canal under the said project and to not change the alignment slightly in respect of canal under Indira Sagar Project and ‘for not allowing water tank/tank bed or land described as "Cheruvu" be put to any other use by any public authority or private individual or is allowed to be used for any other purpose.

25. Whereas, now the Telangana government is found to be constructing an islands in the FTL in the middle of the lake as evidenced by the photograph annexed below



(Fig.3: Huge islands raised inside Hussain Sagar where kukatpally channel joins the lake)



(Fig 4: The photograph evidences that huge land deposits and concretised works under progress around geo coordinates $17^{\circ}26'10.33''\text{N}$ $78^{\circ}28'12.24''\text{E}$ inside the Hussain Sagar Lake.)

Satellite Imagery Observation of Huge Debris /Land Filling Observed at Various Parts in FTL area of the Lake

20. Around geoordinates 17°26'3.06"N 78°27'59.80"E near Kukatpally channel inside the lake, satellite imagery shows startling deposits of C&D inside the lake.

Below are comparative satellite imageries of 21 may 2020, 1st Nov 2020 and 30th May 2021.

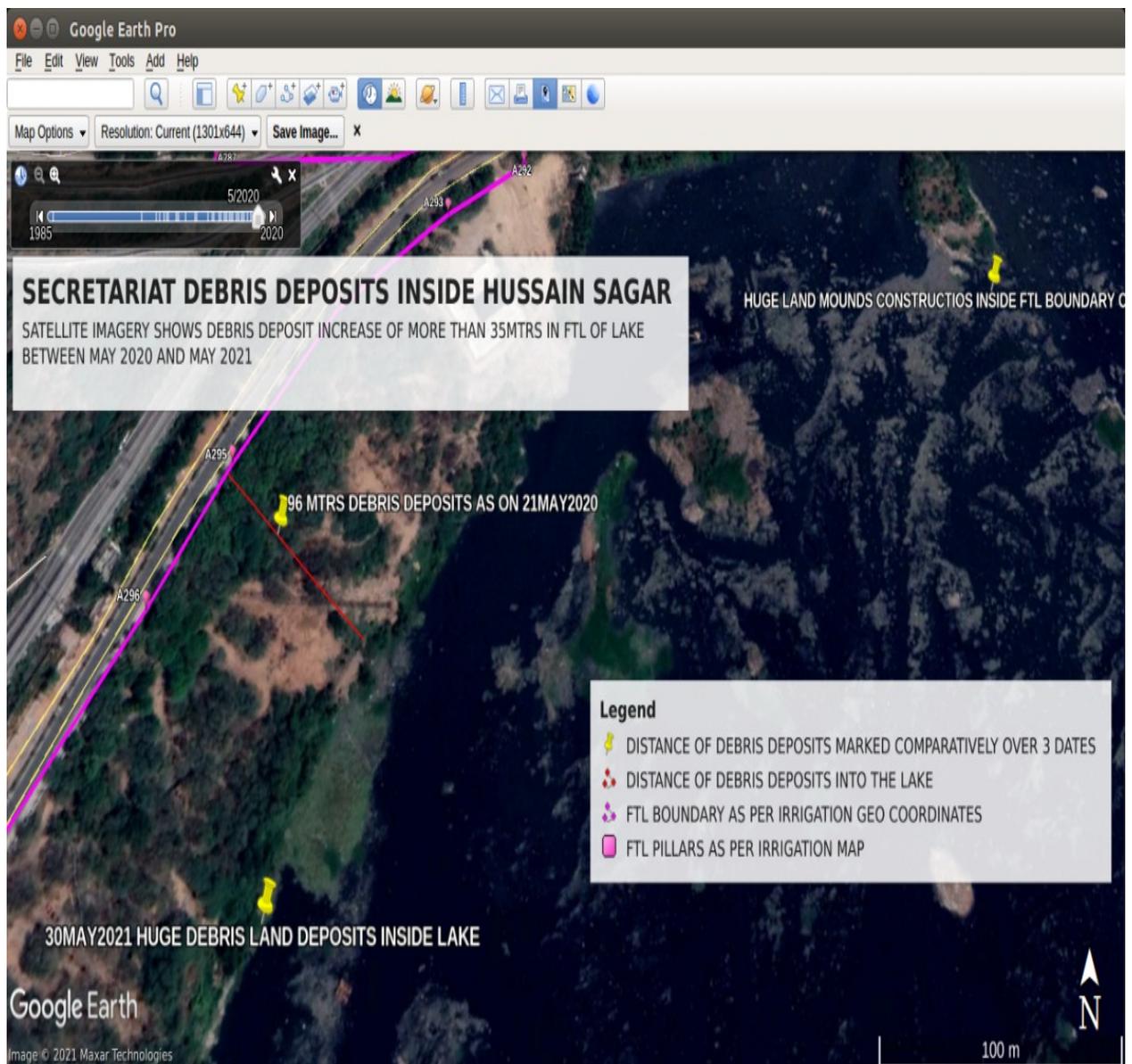


Fig.5: As on 21st May 2020 before demolition began satellite imagery shows the distance from FTL Pillar 295 to the deposits as 96M. Pink line indicates the FTL boundary as per geo coordinates given by Irrigation department.

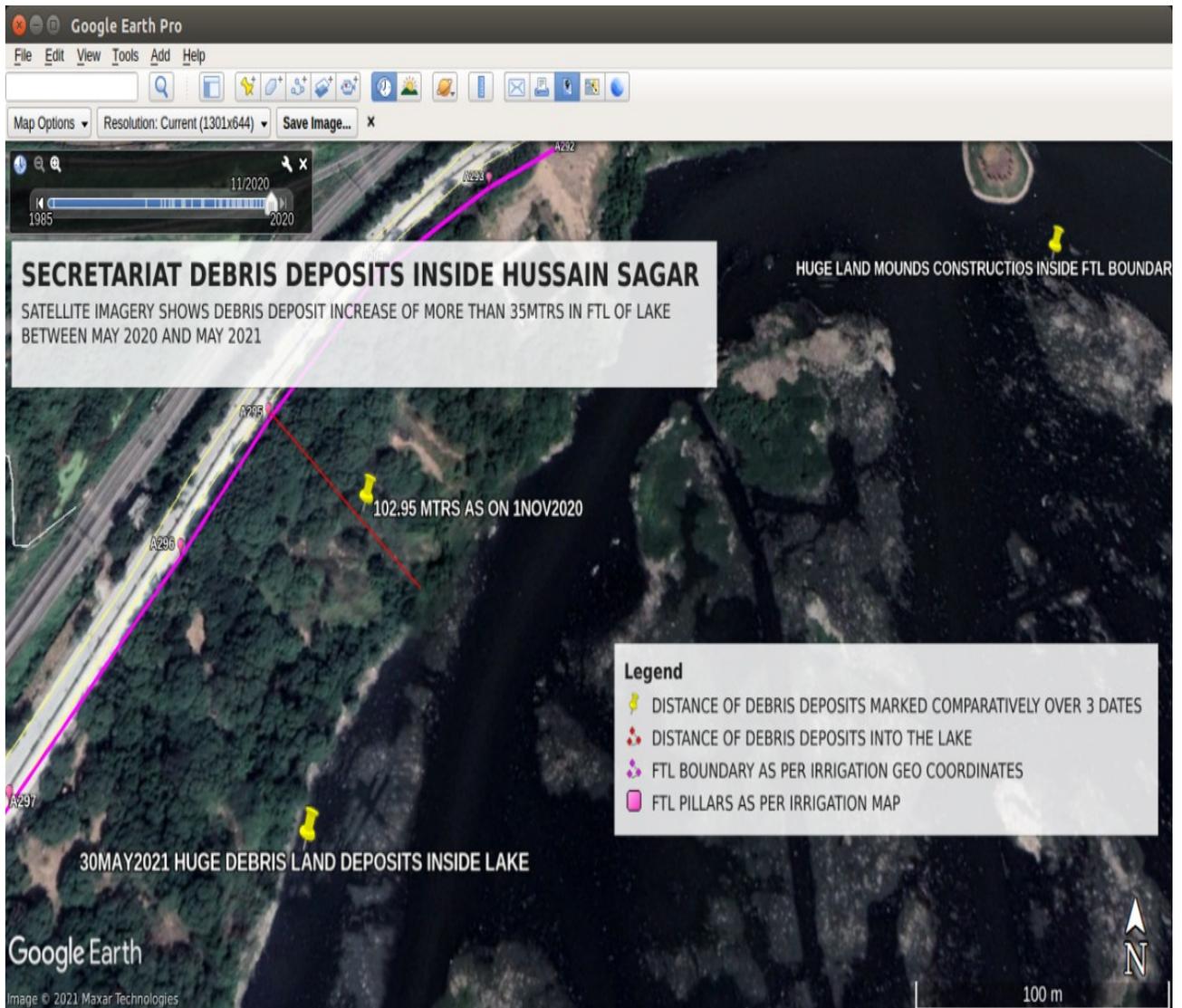


Fig.6 As on 1st Nov, 2020 after demolition began satellite imagery shows the distance from FTL Pillar 295 to the deposits as increased to 102.95M. Pink line indicates the FTL boundary as per geo coordinates given by Irrigation department.

21. Thus, it is clearly understood from the above comparative satellite imageries from google earth that deposits increased inside the lake from the same FTL pillar 295, whereas distance was 96M as per satellite imagery dated 21.5.2020, the distance from same FTL point into the lake measured 102.95M of deposits. Pink line indicates the FTL boundary as per geo coordinates given by Irrigation department.

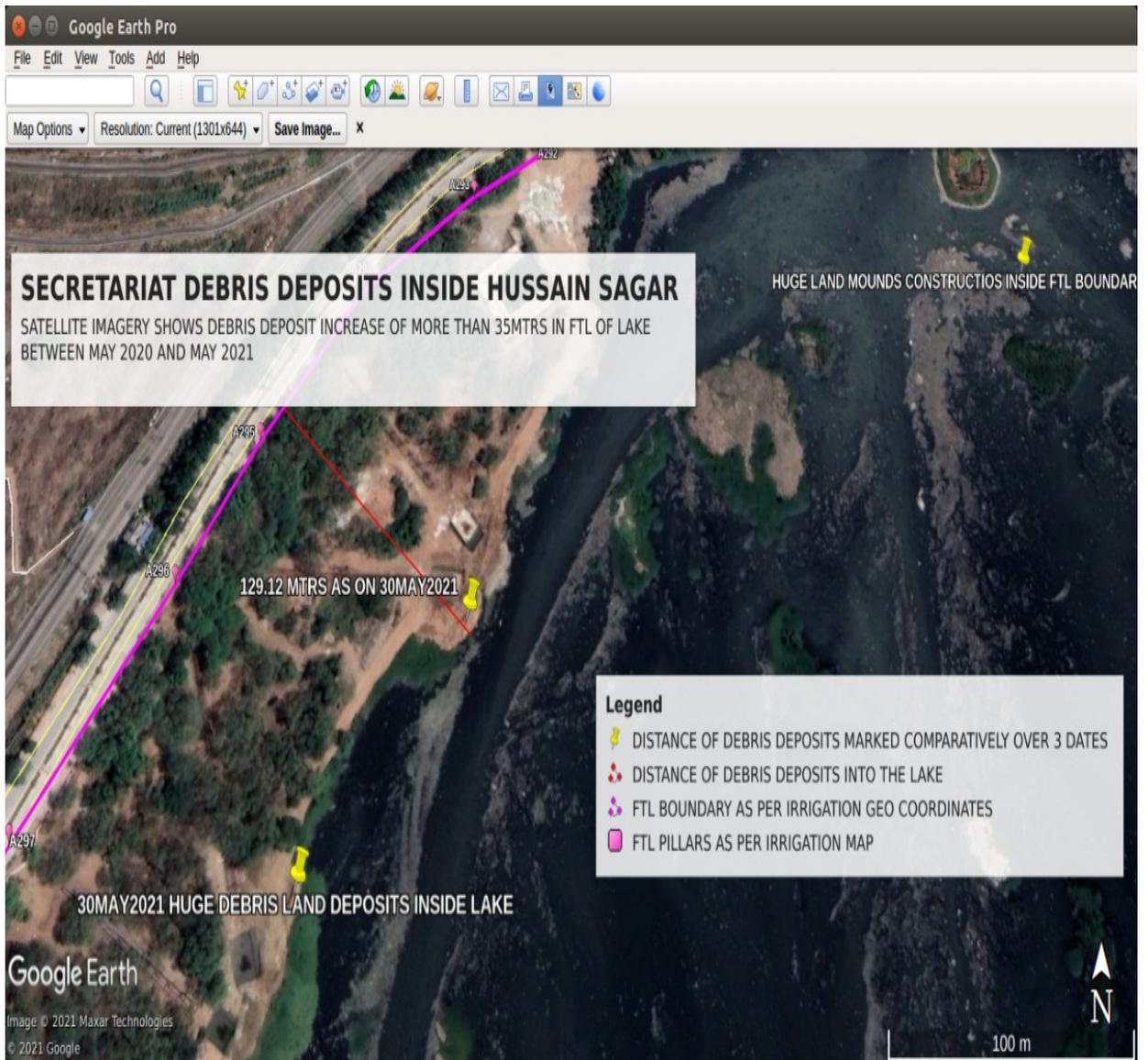


Fig.7. As on 30 may 2021 after complete demolition of secretariat, satellite imagery shows further deposits and the distance from FTL Pillar 295 to the deposits as increased to 129.12M. Pink line indicates the FTL boundary as per geo coordinates given by Irrigation department.

22. Further, it is observed from satellite imagery as on 30.5.2021 that distance of deposits from the same FTL pillar no. 295 increased to 129.12M. Thus the respondents have been converting the lake into land and thus slowly trying to extinguish, annihilate and landing the lake right when the lake is being heard in the tribunal for restoration. Below is comparative extract of satellite imagery indicating construction debris dumping inside the FTL boundary of the lake, an increase of 35M of land expansion inside lake.

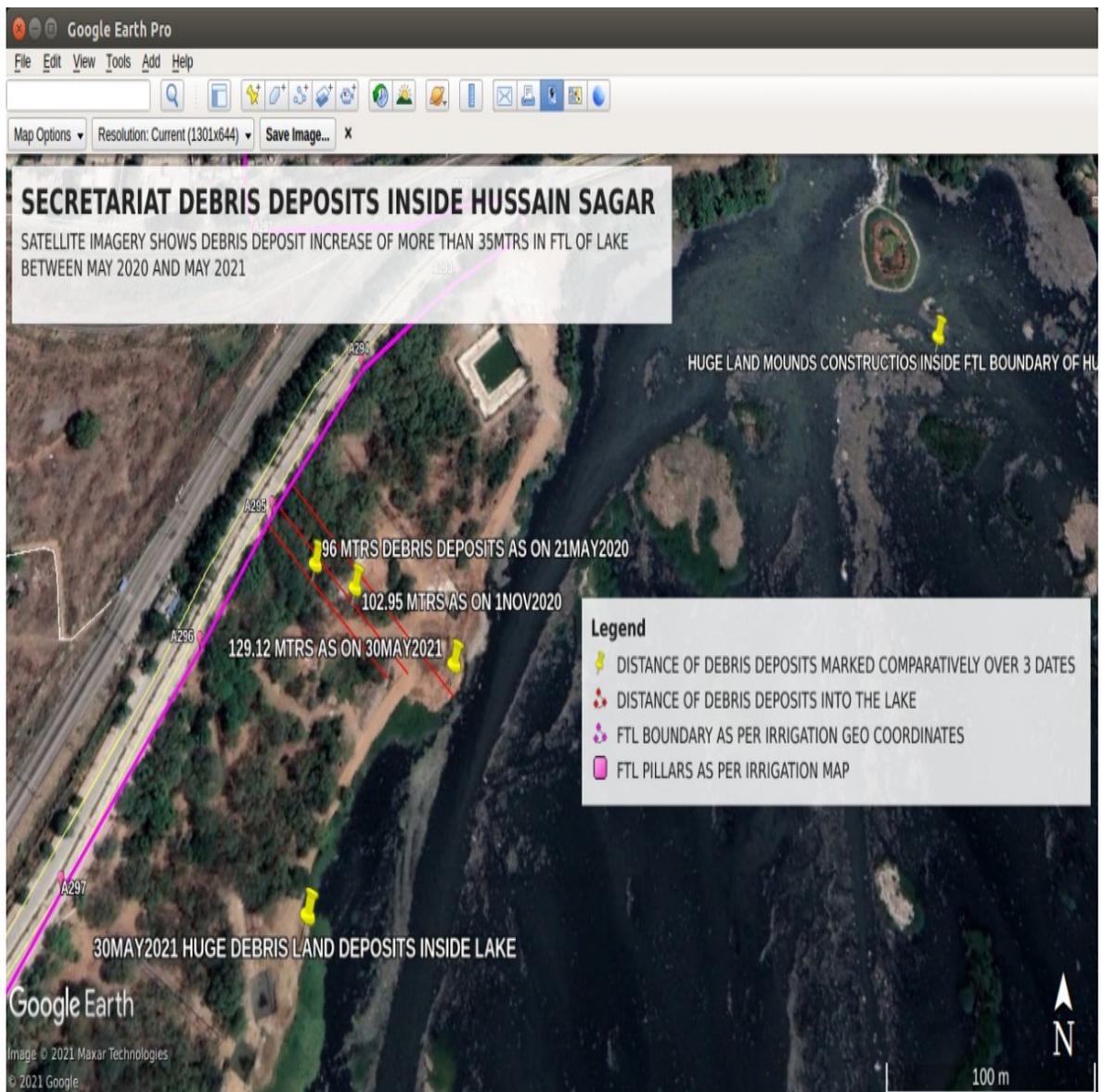


Fig.8. Satellite imagery depicting three measurements of debris deposits inside lake, thus expanding existing land deposits instead of dredging the area.

23. Below is a shot of all three satellite imageries extracted from google earth placed in a single frame to closely comprehend the increase in construction debris deposits inside the lake, from May 2020 to May 2021. This reveals working of state towards annihilation of the lake, instead of its conservation.

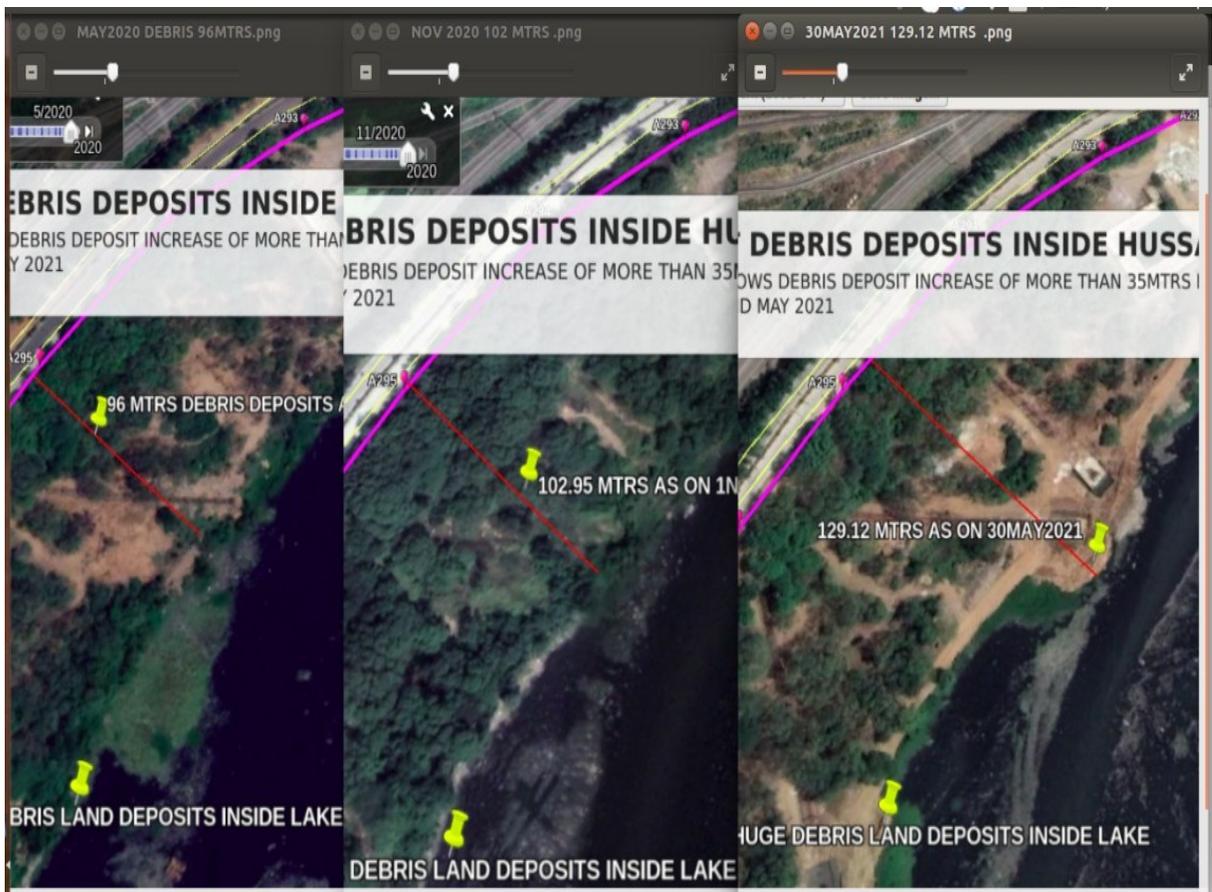


Fig.9. Three satellite imageries of May 2020, November 2020, May 2021 construction debris dumped near FTL Pillar 295 inside the lake, depicted in single frame the increase in debris dumping and land creation inside lake, before, during and after demolition of secretariat.

24. At a time when the Tribunal is seized with the matter of stopping of pollution in Hussain Sagar, government blatantly responds by dumping the construction debris inside the lake and further masquerading it as islands. Therefore, strict action should be taken the State. The NGT common order of 22.2.2021 in 593/2017 and 673/2018 should be implemented especially item 38 and 39 where accountability is fixed and punishment/penalty has been laid down.

**Froth and toxic smells at surplus weir outlet of
Hussain Sagar Lake**

25. During survey of Applicant on 12.6.2021, at the surplus weir and outflow channel of Hussain Sagar, toxic froth was gushing out around 10 vents of the weir in spite of the lake being below the FTL level of 513.41M. In 2015, Applicant approached this tribunal to stop lowering the weir and to stop pollutant waters from entering or being discharged from Hussain Sagar as it was polluting the Moosi River. Moosi River is already declared as polluted stretch critical category no. I, by the CPCB. Photographs showing pollution of the lake are below.



Fig.10. Bund-view pictures of Froth Toxic waters gushing out from surplus weir, shot at geo-coordinates: 17.424354527778, 78.486183138889



Fig.11: Bund-view pictures of froth toxic waters gushing out from surplus weir, shot at geo-coordinates: 17.424354527778, 78.486183138889



Fig.12. Bund-view pictures of froth toxic waters gushing out from surplus weir, shot at geo-coordinates: 17.424354527778, 78.486183138889



Fig.13: Bund-view pictures of froth toxic waters gushing out from surplus weir, shot at geo-coordinates: 17.424354527778, 78.486183138889

Action Plan of 17 STPs, laying of pipes

rejected by the Applicant

26. In applicant's reply dated 12.9.2020, at item no. 33,34,35, the applicant has rejected the Shah Consultancy plan of STPs and pipe laying and I&D structures, as an obsolete currency-corporate-contract driven plan that is a money and energy guzzler. Applicant had substantiated and suggested the alternative. A part of the applicant's recommendation has been partially placed by JC report at point 6(iv) – 'Recommendations of the Joint Committee' wherein it stated that "without tapping the pollution at the source a fruitful result cannot be borne."
27. In Applicant's reply dated 22.9.2020, applicant filed detailed objections to state action plan of STPs, I&D structures and pipe laying across the

catchment terrain of the lake. At item nos., 3,4,5,6,7,8,12,13 the same can be seen. Building Rules, At item 14 it has been further stated as follows:

“It is submitted that (a) the Action Plan report of 12.09.2020 is summarily rejected as it is unscientific and illogical and cannot be perceived to deliver pollution free Hussain Sagar lake, (b) A high level probe be ordered on all the works in and around Hussain Sagar lake including mammoth 67000sqm construction, as contracts being given are highly ambiguous with a drain on public exchequer, violating laws/SC orders and damaging lake, (c) the respondents be directed to give details of the demolished waste of more than 2.2 lac metric tons which the State government itself has informed that it has been transported, (d) action plan be stayed until the works probe and study reports substantiating the science, democracy and law and alternatives of the project are discussed and approved in domain expertise bodies and local bodies as there is no record of pollution free water bodies thru STPs and diversionary pipes, I&D structures.’

28. In reply to report dated 25.8.2020, applicant cited the Supreme court committee report on Hussain Sagar of 2005 on rejuvenating Hussain sager part of which is reproduced below:

“37. Furthermore, the joint committee in its report has ignored the quantum and hazardous quality of the deposits in the bed of the lake before concluding that EC is not required. As stated above, toxic elements are present in the lake bed and lake waters. It is submitted that the report of the committee appointed by the Apex Court advised that the toxic dredged material out of Hussain sager Lake is best untouched as dredging and depositing in a different land would pollute a new area. Rather, no pollution inflow coupled with fresh

rain water inflows continuously over years would definitely rejuvenate the lake. This was one of their recommendations. Had the said recommendation been implemented since 2005, the condition of the lake would not have become as worse.”

29. As such there is no action plan of how to get more and more rain waters and only rain waters into the lake.
30. It is observed from JC report of 8.6.2021, that Joint Committee takes pain to inform all bid details at item no. 4, but shirks responsibility in the pollution eradication and corruption of respondents as seen in their report at item no. 12, 5, 3, as “not having any role to play in examining tenders floated by the state authority”, whereas applicant has highlighted this repeatedly since 2020.

**Joint Committee not independent as one of the member belongs from
Telangana Pollution Control Board**

31. The Prof. Shashidhar who signs as professor of IIT Hyderabad, introduced himself in the meeting as member, Telangana Pollution Control Board (TPCB). His visiting card also contained the same designation as member, TPCB, thus the Joint Committee is not independent, and the entire procedure of the Committee is vitiated on this ground itself. The applicant strongly objects to the appointment of Prof. Shashidhar as the member of Joint Committee.

**Ban on Idol immersion and removal of two Idol Immersion Ponds
constructed inside the Lake**

32. The CPCB guidelines of 2010 and 2019 have given meticulous guidelines that idol immersion cannot be done inside lakes. But the respondents in spite

of case running in Tribunal have each year made elaborate arrangements by spending huge money for immersion of around 40000 idols inside Hussain Sagar. Apart from that, they have also constructed two concretized huge immersion ponds right inside the lake at the near the kukatpally channel.

33. Further, during the survey on 12.6.2021 of the bund area at the outflow channel, it has been observed that concrete constructions are undertaken without attending to the three core problems for which this case is running viz., (i) stopping of pollution without diverting; (ii) restoring the weir and thus FTL height, FTL area and holding capacity; (iii) removal of encroachments as encroachments are one of chief source of pollution. Instead around 50 crores are being squandered on the bund of the polluted stinking and shrinking lake. Photographs showing construction/pollution of the lake are below:



(Fig.14 : Low-level sluice constructed inside FTL of lake, even as it was being stated in the Apex court and NGT that 'repairs to sluices' have been undertaken)



(Fig.15: Huge C&D deposits were also observed in front of the surplus weir inside the lake)



(Fig.16: Huge C&D deposits were also observed in front of the surplus weir inside the lake. If the deposits are removed the FTL height that is already below 513.41M would further go down. This indicates the sinister way in which the lake is being dewatered.)



Fig.17: Cement constructions on the lake side bund.



Fig18: No report on these constructions on the historic earthen bund.



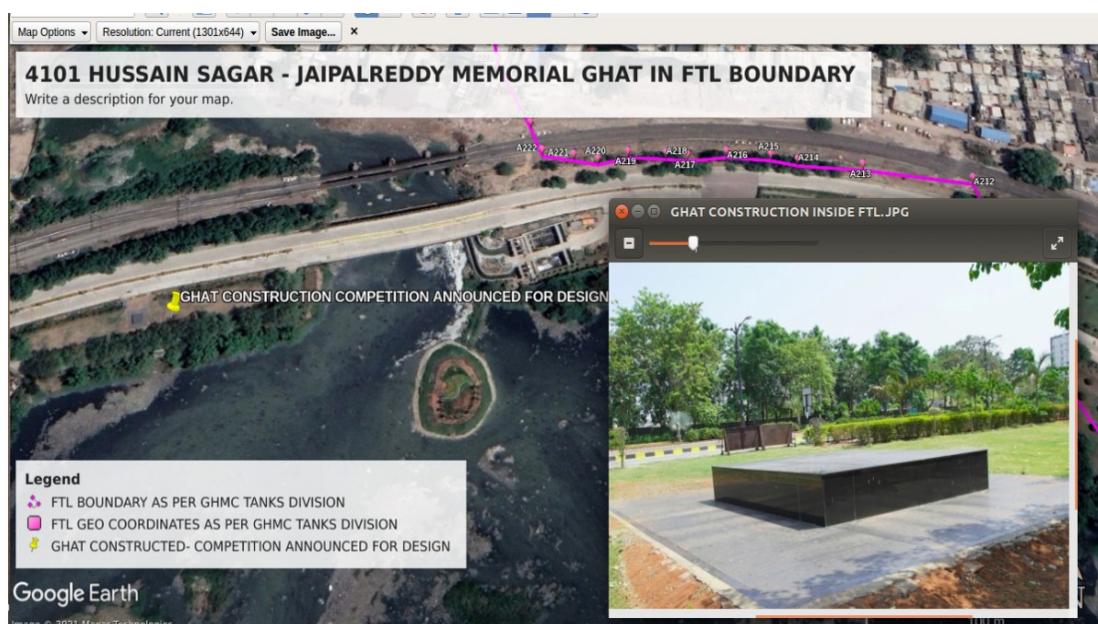
Fig.19: Cheap cement constructions on earthen bund of Heritage Lake and old sluices



Fig.20: Superficial cement constructions on the earthen bund of the heritage lake.

Construction of memorial within premises of FTL boundary of the lake

34. The construction of a memorial within the official demarcated boundary of Hussain Sagar is underway. The memorial would be built at $17^{\circ}26'13.20$ N $78^{\circ}28'6.90$ E. Even though the announcement of the construction has been not done publicly but a landscape competition has been announced by Memorial Landscape Design Competition. The dates for competition, stages and awards have been announced already on the website, showing the calculated planning for construction of the memorial. Photographs showing construction of the memorial is below.



35. Therefore, in view of the above, applicant prays as under:
- The action plan submitted by state of around Rs.3000 crores for STPs, pipe network and I&D structures be cancelled/stalled immediately;
 - Set up a committee of the NGRI, Survey of India, National Institute of Hydrology, Moe, RO Hyderabad, NEERI to prepare an action plan for restoration of Hussain Sagar Lake under the monitoring of NGT. Applicant may please be taken on board for assisting the case at self-cost in public interest. Further, involve members of Supreme Court Committee of Hussain Sagar Lake who submitted report in 2005 that is not challenged till date.

- c. Order vigilance probe into the Matrix Consultant scam and into Secretariat debris dumping scam.
- d. Pass an order, under the penal provisions of NGT Act and initiate action against the respondents in terms of the common order dated 22.2.2021 in OA 593/2017 and 673/2018 passed by the NGT, laying down provisions of fixing accountability and Penalty.
- e. Direct the respondents to restore the weir to its original height immediately. A thorough shortest time bound probe with full accountability into the tampering of the FTL height due to lowering of the weir, that threatens the existence of the lake itself, should be ordered.

Filed by

Applicant through Counsel

Delhi, 12.8.2021



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