

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 351 OF 2019**

**IN THE MATTER OF:**

RAJA MUZAFFAR BHAT

...APPLICANT

Versus

STATE OF JAMMU & KASHMIR

...RESPONDENTS

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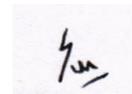
**FILED BY**



**RITWICK DUTTA**



**RAHUL CHOUDHARY**



**SAURABH SHARMA**

**ADVOCATES FOR THE APPLICANT**

N-71, Lower Ground Floor,

Greater Kailash-I,

New Delhi – 110048

Mobile No. 9312407881

Email:- [Litigation.life@gmail.com](mailto:Litigation.life@gmail.com)

PLACE:- NEW DELHI

DATE:- 15.11.2021

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**RESPONSE TO THE REPORT OF THE JOINT COMMITTEE DATED  
30.10.2021**

**MOST RESPECTFULLY SHOWETH:-**

1. That the present Application has been filed to highlight the unscientific dredging, rampant illegal encroachments and dumping of municipal solid waste on the wetlands of Jammu and Kashmir, namely- Hokersar, Wular Lake and Kreentchoo-Chandhara. The said activities are in clear violation of the Wetland (Conservation and Management) Rules, 2016, the Solid Waste Management Rules, 2016 and the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, of which India is a signatory.
2. That a Joint Committee had been appointed by this Hon'ble Tribunal. The Joint Committee had earlier filed Report dated 18.12.2019 and 18.08.2020. To these Reports, the Applicant had filed his Responses with suggestions dated 26.08.2020 along with photographs showing unscientific dumping of garbage taking place in the wetlands. The Hon'ble Tribunal by it's order dated 27.08.2020 had directed that:-

“Let further action be taken by the joint Committee headed by the Divisional Commissioner, Kashmir. The above suggestions be duly considered and acted upon, to the extent found viable.”

3. It is stated that inspite of filing photographs on record showing garbage dumping in wetland area no action till date has been taken against the violators by the Respondents. Suggestions were given by the Applicant with respect to funds remaining un-utilized by District Administration for Solid Waste Management. It was also suggested by the Applicant that Respondents should be directed to spend funds under Solid Liquid Resource Management program available under Swachh Bharat Mission Gramin (SBM Gramin) but nothing has been done till date. There is no effective watch and ward system available by J&K Wildlife Conservation Department to prevent dumping of solid waste. Applicant had suggested for a collaboration between Wildlife Conservation Department and Rural Sanitation Department (Mission Directorate of SBM Grameen) for solid waste management around Wullar lake , Kreenchu Chandhara and Hokersar wetland and adjoining villages Soibugh, Sharifabad and Hajibagh could be taken up but nothing has been done on this issue too.
4. That it is stated that till date not even a single penny has been utilized for Solid Liquid Waste Management near Kashmir's wetlands. A comprehensive report be sought from Divisional Commissioner Kashmir about solid and liquid waste management undertaken near Wetlands

especially around Wullar, Hokersar, Kreenchu Chandhara and what action has been taken against the violators.

Copy of the earlier responses dated 26.08.2020 and 20.07.2021 filed by the Applicant to the Reports of the Joint Committee are annexed as **ANNEXURE A-22** and **ANNEXURE A-23** may kindly be perused by the Hon'ble Tribunal.

5. That the Hon'ble Tribunal vide it's Order dated 22.07.2021 had stated that:-

“8. From the above, it is seen that while in the last column of 'major challenges', the challenges are mentioned, the status of remedial action has not been given. Thus, the report is incomplete and does not serve the required purpose. Let an action plan in respect of each of the wetland be prepared within one month for action in a time bound manner, with budgetary support and identified accountable persons. The plan may include among others remedial action against weed infestation, sewage discharges, solid waste disposal, encroachments etc. This may be overseen by the Chief Secretary, J&K in view of significance of the matter and continued violation of orders of the Hon'ble Supreme Court, noted earlier. The Chief Secretary, J&K to remain present in person on the next date, by video conferencing, with compliance status as on 31.10.2021.”

6. The report of the Joint Committee headed by Divisional Commissioner Kashmir Dated 30.10.2021 on Page 7 says that Department of Wildlife Protection has formulated Integrated Management Action Plan (IMAP) and asked Govt for a funding of Rs 46.70 Crores. Let the Divisional Commissioner be asked when this amount will be released to the Wildlife Department. It is stated that Integrated Management Action Plan -Annexure 9 has not

been filed with the Report. The Joint Committee, rather than giving reference of the said Integrated Management Action Plan in the Report ought to have filed the Original Plan of Integrated Management Action Plan in Annexure-9 on record which has not been done. Even otherwise the so called Action Plan fails to give the timeline for release of funds and completion of work. It is stated that the money should be utilized by hiring services of technical organisations and the same be executed in a time bound manner.

7. It is stated that the Joint Committee Report on page 17 says that Director Urban Local Bodies and Director Rural Sanitation (Mission Director SBM Grameen) have agreed to work in Joint strategy in all villages and towns near Wullar, Hokersar, Kreenchu Chandhara etc wetlands ...". It is stated that this statement seems to seem to be a vague statement and no MoU/Document has been filed to substantiate this contention.

### **Suggestions**

Apart from and in addition to the Suggestions given by the Applicant through his Responses dated 26.08.2020 and 20.07.2021 it is further suggested that:-

- a. Activities like Information Education and Communication activities (IEC) by way of Seminars, Workshops and Theatre shows be held around Wetland areas. Colleges and Schools be involved in this programme. The sanitation staff of ULBs be also trained. Panchayat Members , Village Biodiversity

Committees and Women Self Help Groups (SHGs) and NGOs be also involved in this campaign

- b. Community leaders, Religious leaders and Preachers be trained / sensitized/made aware as well so that they too speak about importance of wetlands and their conservation. A training module for awareness on this issue be prepared for them specifically which will have a great impact in villages and towns located near Wetlands of Kashmir.
- c. Let Regional Wildlife Warden Kashmir Wildlife Department, Mission Director SBM Grameen (Rural Sanitation Deptt) J&K plus Director ULB (Urban Local Bodies), Kashmir be directed to hold monthly meetings on Waste Management in Wetland areas. The monthly report be submitted before Hon'ble Tribunal.
- d. Let the Joint Committee submit any orders, notifications and MoU's signed between Wildlife Dept, Director ULB Kashmir and Directorate of Rural Sanitation, J&K (mission director Swatch Bharat Mission, Gramin)
- e. Chairpersons of District Development Councils (DDCs) Budgam ,Bandipora & Pulwama and Principal Secretary Rural Development J&K Govt be taken on board while executing Solid and Liquid Waste Management Programmes in Wetland villages/areas.
- f. Directions be issued for measures for monitoring and assessment to determine whether the condition of wetlands is

improving, neutral or declining and report to this effect be submitted to this Hon'ble Tribunal.

- g. Responsibility be fixed of officers who have permitted the dumping of Solid waste in and around the Wetlands of Kashmir with action taken report to this effect be submitted to this Hon'ble Tribunal.

Any other of further order may be passed which the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

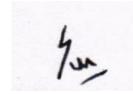
**Through**



**RITWICK DUTTA**



**RAHUL CHOUDHARY**



**SAURABH SHARMA**

**ADVOCATES**

Counsel for the Applicant  
N-71, Lower Ground Floor, Greater Kailash-1,  
New Delhi -110048  
Mobile No. 9312407881  
Email:- [Litigation.lif@gmail.com](mailto:Litigation.lif@gmail.com)

**NEW DELHI:-  
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**THROUGH**



**RITWICK DUTTA      RAHUL CHOUDHARY      SAURABH SHARMA**  
**ADVOCATES FOR THE APPLICANT**

N-71, Lower Ground Floor, Greater Kailash-I,

New Delhi – 110048

Mobile No. 9312407881

Email:- [litigation.life@gmail.com](mailto:litigation.life@gmail.com)

NEW DELHI

DATE: 26.08.2020

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**IN THE MATTER OF:**

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**...APPLICANT**

**VERSUS**

**STATE OF JAMMU & KASHMIR**

**...RESPONDENTS**

**RESPONSE ON BEHALF OF THE APPLICANT TO THE RESPONSE TO  
THE FACTUAL AND ACTION TAKEN REPORT DATED 08.12.2019 AND  
PROGRESS REPORT DATED 18.08.2020**

1. That the Applicant has visited the areas of Hokersar, Wullar, Kreetchu and Chandhara in March and June, 2020 with a view to physically verify the position reported by the Committee. It is stated that on the face of it the report is not factually correct as the Applicant saw a number of violations which are detailed as follows:-

**I. Hokersar**

2. The petitioner visited the site at Hokersar on 5<sup>th</sup> March, 2020. It is stated that the Respondent- J&K Wildlife Conservation Department has not put in place any permanent mechanism to avoid dumping of solid waste in the wetland with the result that such garbage dumping has become a continuous process and thus the entire wetland is under severe threat. Wildlife Conservation Department has submitted some photographs

showing its employees having undertaken some kind of sanitation drive in the wetland of Hokersar last year. The photographs have been taken in summer when there is enough vegetation, but when the Applicant went to the area on 5<sup>th</sup> March, 2020, the trash was still dumped in the wetland. Applicant appreciates the move of Wildlife Department for undertaking sanitation drive but there has to be a constant process and for that Department should involve other Govt. organizations that are supposed to do this work like Municipalities and Rural Sanitation Department which is not being done as of date.

3. That further, the local villagers of Hajibagh, Soibugh and other areas constantly bring waste in private vehicles, load carriers and lorries from other residential areas and dump the same on the wetland banks. During his visits, the Applicant learnt that Contractors hired by local Army camps around Sharifabad, also dumps garbage in Hokersar wetland. The Applicant found Bio-medical and other hazardous waste dumped on the banks of Hokersar wetland, during the visit. It is stated that fruit and vegetable waste is also brought from Parimpora Fruit Mandi Srinagar to Hokersar wetland for dumping purposes.
4. That moreover no effective watch and ward system has been made available by J&K Wildlife Conservation Department to prevent dumping of solid waste which by now has become a permanent feature around Hokersar

Copy of the Photograph pertaining to continued dumping in and around Hokersar wetland is annexed herewith as

**ANNEXURE-A13.**

5. It is stated that the Photographs annexed by the Committee in its Progress Report pertain to demolition pictures taken long back in Winters. The big houses of influential people have not been touched in Hokersar (Haji Bagh to Soibugh road). It is stated that some more illegal structures came up in last 7 to 8 months in Hokersar
6. That it is pertinent to submit that not even a single penny so far appears to have been utilized under Solid Liquid Resource Management programme available under Swachh Bharat Mission Gramin (SBM Gramin) Copy of the media report titled " Not a single Penny utilized during last 4 years on Rural Waste Management" is annexed as **ANNEXURE A14.**

**Suggestion**

- That it is in collaboration with Rural Sanitation Department Wildlife Conservation Department could undertake solid waste management around Hokersar wetland and adjoining villages Soibugh, Sharifabad and Hajibagh. There are enough funds available under Swachh Bharat Mission Gramin (SBM Gramin) for such activities but unfortunately the money is not being utilized as no DPRs have been prepared by Govt. nor have been consultant agencies hired by Rural Development Department for this work.
- That effective watch and ward system needs to be made available by J&K Wildlife Conservation Department to prevent dumping of solid waste in and around Hokersar
- Respondents should be directed to spend funds under Solid Liquid Resource Management programme

available under Swachh Bharat Mission Gramin (SBM Gramin).

- The Applicant agrees that dredging is being done for removing silt from Hokersar but this is not a permanent solution for Waste and its Management. The Wildlife Dept. must get associated with Rural Sanitation for this purpose. It is stated that this Hon'ble Tribunal should direct Secretary Rural Development J&K Govt. to look into the issue and direct Rural Sanitation Department accordingly
- It is stated that the Waste Management should not be a one or two day show for purpose of taking photos but it should be a continuous process. It is suggested that there be Information Education and Communication (IEC) activities around Hokersar invoking NGOs and panchayats. under SBM Grameen Solid Liquid Resource Management component . In Hokersar area hardly any IEC or waste management work done by Govt.
- Funds remain utilized by District Administration Budgam for Solid Waste Management which needs to be addressed.
- No consultant Agencies have been hired to make DPRs for Solid Liquid Resource Management in rural areas of Kashmir which needs to be done urgently as per Swachh Bharat Mission Gramin (SBM Gramin) program.

## **II. Wullar Lake**

7. This Hon'ble Tribunal may kindly appreciate that at page 38 of the Annexure M para 3 of the Factual and Action Taken Report filed by the Committee, the Divisional Commissioner Kashmir mentioned:-

“3.Ensure that no/solid municipal wastes are dumped in the water bodies/wetlands. In case it is observed that some of the Municipal/Solid waste is dumped in or near the water bodies, the deputy commissioners shall identify the alternate sites outside the peripheries of the water bodies for dumping of the Municipal Solid Waste....”

8. It is respectfully submitted that the submission of the Divisional Commissioner Kashmir is contrary to the position on spot and is also misleading. It is stated that Municipal Committee Bandipora is continuously and intermittently dumping Municipal Solid Waste in the Wullar wetland at Nussu Zalwan area in violation of MSW Rules 2016 and Wetland Conservation and Management Rules 2017. Apart from the photographs a copy communication dated 19.02.2020 from local Municipal Councilor of Ward 7 Nargis Begum and Local Masjid committee jointly addressed to the Hon'ble Chairperson of NGT is annexed as **ANNEXURE-A15 (Colly)**.

9. It is further submitted that Respondent Municipal Committee Bandipora at page 29 of the Factual and Action Taken Report has acknowledged in its response to this Hon'ble Tribunal the dumping of accumulated waste in the trenches created around the wetland, least understanding that such type of dumping is in flagrant violation of MSW Rules 2016 and Wetland Conservation and Management Rules of 2017 Copy communication dated 19.02.2020 from local Municipal Councilor of Ward 7 Nargis

Begum and Local Masjid committee jointly addressed to the Hon'ble Chairperson of NGT annexed as annexure-A15 above may kindly be perused in this regard.

10. That it is re-iterated that the Divisional Commissioner, Kashmir vide Annexure M Page 38 Para 3 affidavit has tendered an unqualified assurance in the minutes of meeting convened by him on Sept 19<sup>th</sup> 2019, that in future no wetland would be allowed to be used for municipal solid waste dumping. In contravention of the assurance as well as the settled legal provisions Instead of sticking to his own commitment, the subordinate agencies like Deputy Commissioner Baramulla and CEO of Municipal Council Sopore have created new garbage dumping site at Ningle Tarzoo area of Sopore sub division in Baramulla district early this year (March 2020). The area is not only a registered wetland but a demarcated Forest area as well under Ninglee Forest Range Sopore. The waste collected from entire Sopore town is brought in trucks to this particular spot located just 200 metres away from Wullar lake and River Jehlum. Local Community members have been protesting against this illegal garbage dumping as the same is hazardous to public health and animal health as well. Pertinently, the said wetland area is a grazing ground for hundreds of cows, horses and sheep. Since garbage dumping began in the area, lots of stray dogs are found in the area threatening lives of little kids and adults as well. The livestock also consumes municipal waste which is threatening their health as well. Municipal Council Sopore has taken undue advantage of COVID 19 Pandemic and started dumping solid waste in the area during National lock-down

11. That the Wullar Conservation and Management Authority (WUCMA) which is an autonomous body created by J&K Govt. for Conservation of Wullar lake has take up the issue against illegal dumping of MSW by Municipal Council Sopore in a proactive manner. It issued a Notice to Municipal Council, Sopore by invoking the provisions of Environment Protection Act 1986 (section 19(b) read with Rule 4 (2) of Wetland Conservation and Management Rules 2017. That however, the CEO Municipal Council Sopore has ignored the said Notice. Copy of a Notice dated 17.03.2020 issued by the Wullar Conservation and Management Authority (WUCMA) to the Municipal Council, Sopore is annexed herewith as **ANNEXURE-A16 (Colly)**.
12. That in violation of the violation of MSW Rules 2016 and Wetland Conservation and Management Rules 2017, yet another garbage dump site has been created by Municipal Committee Hajin in District Bandipora at Gandbal area which is part and parcel of Wullar lake. The latest Photographs collected from the spot at Municipal Committee Hajin in District Bandipora is annexed herewith as **ANNEXURE-A17 (Colly)**.
13. That it is stated that this Hon'ble Tribunal may kindly appreciate that serious threat has been posed to Wullar lake which is the oldest Ramsar site in J&K by sheer negligence of the authorities. The wetland is under severe attack from three sides and violations are continuing. From Eastern Side Municipal Committee Bandipora, From Western Side Municipal Council Sopore and from the Southern shore Municipal Committee Hajin are destroying the Wullar lake by dumping Municipal Solid Waste into it. This is also causing a serious threat to habitat of migratory birds visiting lake in winter months. Even from the Northern side of the

Wullar Lake unorganized dumping of solid and liquid waste continues for last several years. In case the remedial measures are not taken the Wullar wetland will be extinct in the decades to come.

**Suggestion:**

- It would be highly desirable if this Hon'ble Tribunal appoints an independent Non Governmental Expert as Court Commissioner to facilitate the determination of the real questions in controversy and the false statements being made by the Respondents.

**III. Kreentchu Chandhara wetland**

14. That it is stated that the illegal Kucha Road constructed through the wetland has not been dismantled till date. After onspot visit by Petitioner no dumping of MSW was seen around the wetland but the Irrigation canal flowing through the wetland some years back is yet to be restored.
15. That in addition, it is most respectfully submitted that all the Municipal Committees and Local Bodies in the territory of Jammu & Kashmir are substantially insensitive towards implementation of the Municipal Solid Waste Rules 2016, Plastic Management Rules, E Waste, Battery waste, Biomedical Waste etc with the result that Kashmir which was once known as Paradise on Earth has been converted into a Cesspool by the authorities and successive Governments. Almost all the water-bodies (lakes, rivers, streams, irrigation canals) have been turned into garbage dump sites. The Petitioner reasonably apprehends that time is fast approaching when all the natural water resources will perish and

whole valley of Kashmir will be a massive garbage dump if effective remedial measures like In house Composting of Bio Degradable waste, collection / segregation at source, implementation of MSW Rules 2016 , implementation of Swachh Bharat Mission Urban / Gramin are not put into place.

**Suggestion**

- To protect, preserve and conserve Wullar, Hokersar and Kreenchu Chandhara lakes wetlands it would be expedient to associate Srinagar Municipal Corporation, Directorate of Urban Local Bodies Kashmir and Department of Rural Development / Rural Sanitation with all the activities related to the collection, segregation and treatment of solid waste near Wetlands which includes lakes, rivers, streams and Irrigation canals.
  - It is further prayed that in order to ascertain the factual position in the light of submission made herein before some wetland expert may kindly be appointed as Commissioner belonging to any reputed institution or CPCB, NGO at the expense of Union Territory of Jammu & Kashmir through the Department of Environment, Forest & Wildlife Conservation and Housing and Urban Development Department (HUDD)
16. It is also respectfully prayed that this Hon'ble Tribunal may very kindly be pleased to direct to take stringent measures against the erring Respondents/agencies guilty of violation of law, especially in case of Municipal Committee Bandipore, Municipal Council

Sopore District Baramulla and Municipal Committee Hajin district  
Bandipora for having acted negligently.

Pass any other orders as the Hon'ble Tribunal may deem fit and proper in  
facts and circumstances of the case.

**THROUGH**



**RITWICK DUTTA RAHUL CHOUDHARY SAURABH SHARMA**  
**ADVOCATES**

Counsels for Applicant  
N-71, Lower Ground Floor, Greater Kailash-I,  
New Delhi- 110048

New Delhi

Date: 26.08.2020

t.c.



**Annexure A-23**

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**FILED BY****RITWICK DUTTA****RAHUL CHOUDHARY****SAURABH SHARMA****ADVOCATES FOR THE APPLICANT**

N-71, Lower Ground Floor,

Greater Kailash-I,

New Delhi - 110048

NEW DELHI/DATE: 20.07.2021

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**RESPONSE TO THE REPORT OF THE JOINT COMMITTEE DATED 11.06.2021 AND RESPONSE TO THE INFORMATION GIVEN BY J&K POLLUTION CONTROL BOARD DATED 19.01.2021**

1. That the Applicant has gone through the Report dated 11.06.2021 submitted by the Joint Committee and response to the information given by J&K pollution control board dated 19.01.2021. It is stated that the Applicant has the following submissions on these Reports which are as follows :-
2. That the Order dated 27.08.2020 passed by this Hon'ble Tribunal inter-alia, states:

“We also direct that the National Wetlands Committee may compile data of status of compliance of environmental norms in respect of all significant wetlands in the country to ensure remedial action. The State PCBs/PCCs and State/UT Wetland Authorities in India may give the status of management of wetlands in their respective States to the Secretary, MoEF&CC within three months.”

**Background**

3. That as per the Wetlands (Conservation and Management) Rules, 2017, wetland means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include

river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes.

4. The wetlands are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes. Wetlands are indispensable for the countless benefits or "ecosystem services" that they provide to humanity. Yet studies have shown that wetland area and quality continue to decline in most regions of the world. As a result, the ecosystem services that wetlands provide to people are compromised.
5. Managing wetland is important from conservation point of view. The National Environment Policy 2006 of India had also reiterated the need for formulate conservation and prudent use strategies for each significant catalogued wetland, with participation of local communities, and other relevant stakeholders (Para 5.2.5 – Freshwater Resources – (iii) Wetlands).
6. The Ministry of Environment, Forest and Climate Change (MoEFCC) has notified the Wetlands (Conservation and Management) Rules, 2017 Vide G.S.R. 1203(E) dated 26<sup>th</sup> September, 2017, in exercise of the powers conferred by section 25, and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010 for conservation and management of wetlands.

**On the issue of Environmental Compliance – Proforma**

7. According to the Joint Committee report, the MOEF&CC has claimed to develop health card system for wetlands based on a rapid study of health of each wetland ecosystem. The report further says that, the

MOEF&CC has assessed 130 wetlands using health and threat score and at present the MOEF&CC has planned to get various information with respect to wetlands for including it as a Significant Wetlands, for which they have developed a proforma.

8. That it is stated that the parameters included in the earlier version of health card system and in the present proforma decided for 'Significant Wetland' identification missed out on few important components, like –
  - (i) whether the concerned wetland is having any significance from livelihood sourcing point of view and if that has been affected for any reason,
  - (ii) whether there exist any communities who possess traditional knowledge with respect to the wise use of wetlands, so that the same knowledge can be utilised for replication in similar type of wetlands elsewhere which are under threat and
  - (iii) what enforcement action has been taken for each identified threat and how much of the threat has been addressed. For example, Anusupa Lake in Odisha or East Kolkata Wetlands in West Bengal are a major source of livelihood for local communities and therefore the data on livelihood dependency needs to be considered while gathering information and while preparing health card for wetlands.
9. That it is stated that the Annexure 9 contains information submitted by the States and Union Territories. First of all, the States have either not submitted the information or they have not submitted them in the required proforma. Secondly, the data submitted by various states were also not cross checked by the Joint Committee. For example, the State of Meghalaya, Odisha, Goa and Rajasthan did not submit the requisite information as per the suggested proforma. Instead, they have only shared water quality data. The water quality data submitted by them has lot of discrepancies in terms of data shared for the parameter monitored. Same parameter of pH has been presented three times for the same locations over the same time period. It raises serious doubts

on the data and detailed information submitted as part of the Joint Committee report.

10. That it is stated that the response from the States is completely inadequate. For example, Andhra Pradesh has Kolluru, a Ramsar site. Assam has perhaps the most number of wetlands. These Wetlands are not mentioned in the Ramsar sites. It is stated that the Report should be considered incomplete. This Hon'ble Tribunal may very kindly direct for furnishing of better information by the States.

Copy of a Note written by BNHS alongwith information on Important Wetlands and the Avian life is annexed herewith as **ANNEXURE-A18.**

**On the issue of Information Provided by Central Pollution Control Board (CPCB).**

11. That it is stated that according to the Report, CPCB has monitored the water quality status of lakes, tanks and ponds under National Water Quality Monitoring Programme (NWMP) during the years 2017-2019, and the same has been compared with the primary water quality criteria for outdoor bathing notified by MoEF&CC under Environment (Protection) Rules, 1986 comprising of parameters including pH, Bio-Chemical Oxygen Demand (BOD), Dissolved Oxygen (DO) & Fecal Coliform (FC). The same has been summarized in the following Table

Year	Monitored	Complying with Bathing standard	% of Compliance	Non Complying	% of Non-compliance
2017	375	63	16.8	312	83.2
2018	433	58	13.39	375	86.6
2019	527	91	17.26	436	82.7

12. According to this table, the percentage of compliance with respect to the bathing(outdoor) has not seen any significant change from 2017 to 2019. Rather, the percentage of compliance has gone down from 2017 to 2018, which has again improved a bit in 2019. However, the improvement from 2017 to 2019 is not significant given the involvement of three long years. This raises the very obvious question, as to what

enforcement actions have been taken since 2017 to address the pollution problem and improve the water quality. Unless any actions are being proposed post identification of the problem, mere monitoring and submitting of data will simply be a futile exercise.

**Response on Bharat Ka Amrut Mahotsav**

13. That the Bharat Ka Amrut Mahotsav programme is of 75 weeks is dependent on an agency which is not even constituted till today for any states and Union Territories across India. According to the MoEFCC (Wetlands Division) Office Memorandum (OM) No. F. No. W-18/4/2021-WTL dated 11<sup>th</sup> March, 2021 and supported work plan (attached as Annexure 8 in the Joint Committee report), it is an awareness initiative on wetlands to be taken up by the State level Centre for Wetland Conservation and Management and Wetland Mitras among many other implementing agencies. While checking for such institution like Centre for Wetland Conservation and Management, it was found that by the Applicant that no such centre exists in any state as on date of 10<sup>th</sup> July, 2021.
14. The Office Memorandum was issued on 11<sup>th</sup> March, 2021 and the activities were scheduled to start from 12<sup>th</sup> March, 2021. This in itself is an impractical plan which expects States to start activities within the very next day of issuance of an Office Memorandum.
15. The said Office Memorandum of 11<sup>th</sup> March, 2021 has also directed to submit a weekly report, by every Thursday to the MoEF&CC in the suggested format for uploading on the Portal being launched in this regard. Upon checking till 10<sup>th</sup> July, 2021, the portal dedicated for Bharat Ka Amrut Mahotsav does not list MoEF&CC under the URL of 'Ministries and Departments'. Instead a new Ministry is listed in the name of Ministry of Social Justice and Environment, which lists out two activities, named (i) development of 10000 SC majority villages and (ii) declaration of drug-free district under Nasha Mukta Bharat Abhiyan.

A copy of a snapshot from that portal (<https://amritmahotsav.nic.in/>) is annexed as **Annexure-A19.**

**On the issue of Wetland (Conservation and Management), 2017**

16. That the MoEF&CC has notified Wetlands (Conservation and Management) Rules, 2017 under the provisions of the Environment (Protection) Act, 1986 as regulatory framework for conservation and management of wetlands in India. And according to the MoEF&CC, this is a significant step to conserve, manage and maintain the ecological character of the wetlands without restricting the wise use. It is submitted that the Wetlands (Conservation and Management) Rules, 2017 has come in place in supersession of the Wetlands (Conservation and Management) Rules, 2010, which was in place since 2010. The Rules of 2010 has also mandated the Central Wetlands Regulatory Authority to issue necessary directions for conservation, preservation and wise use of wetlands. In spite of that, encroachment of wetlands and land use change has taken place. Time series mapping of wetlands from the states of Assam, West Bengal, Bihar, Puduchery, Tamilnadu and Maharashtra substantiates this fact. Given this, simply notifying another Rule cannot help in conserving and maintaining the ecological characteristics of the wetlands.

Copy of Time Series maps from the States/UT of Assam, West Bengal, Bihar, Puducherry, Tamilnadu and Maharashtra are annexed as **ANNEXURE-A20.**

17. That according to the Joint Committee's Report the Wetlands (Conservation and Management) Rules, 2017 have enhanced the focus of management of wetlands from a central authority to state bodies through constitution of State and Union Territory (UT) Wetlands Authorities. It is submitted that among many powers given to the States and Union Territories Wetlands Authorities, one of the power is to

identify wetlands to be notified. Some States like West Bengal, Assam, Bihar have not yet done so, even after three years of existence of the Rules, RTI responses reveal. This itself is indicative of the fact that, mere coming up with new Rule is not enough to conserve and manage wetlands.

#### **On the issue of Ramsar Sites**

18. According to the Joint Committee Report, 16 number of Ramsar sites are monitored by Central Pollution Control Board for water quality, out of which 10 sites are non-complying which includes Wular lake. The Wular Lake itself is complying at 2 sites and non-complying at 5 nos. of locations **(Page 11 of 16)**.

19. The report remains silent on the possible causes of pollution which has led to the non-compliance. Neither has it mentioned details of any action taken for those non complying sites. Simple monitoring of water quality without addressing the pollution problem defeats the purpose of monitoring. Neither has it ensured conservation and management of wetlands.

#### **On the 'Conclusion' Section in Joint Committee's Report**

20. That as stated in the conclusion, all the identified significant wetlands have to be notified in compliance with the Wetlands (Conservation and Management) Rules, 2017, and Integrated Management Plans (IMPs) also have to be prepared to achieve sustainable goals while complying with good environmental management practices. It is submitted that first of all, all the parameters considered for terming a wetland as Significant Wetland lacks important parameters, which means the identification process of 'Significant wetlands' itself is a wrong procedure. Secondly, this procedure leads to identification of 363 wetlands, which are considered as 'Significant Wetlands'. According to the National Wetland Inventory and Assessment (NWIA) carried out through Space Applications Centre (SAC), Ahmedabad based on 2006-07 satellite data,

a total 201503 nos. of wetlands have been mapped at 1: 50,000 scale which are >2.25 ha and cover an area of approx. 14.7 Million ha. Out of 201503 wetlands, only 363 are considered to be 'Significant Wetlands', which is not even one percent (0.18%). This shows that the notification of just 0.18% of the total wetlands will be termed as conservation of wetlands.

**Response to the Information given by J&K Pollution Control Board dated 19.01.2021**

**HOKERSAR WETLAND**

21. Solid waste continues to be dumped in Hokersar wetland. There is no Proper watch and ward not done by Wildlife Protection Department. CCTV cameras have not been installed. The desilting done by Irrigation and Flood Control is not proper as the muck dredged out around Haji Bagh Soibugh Road is not taken out but its heaped up in the wetland itself. The flood spill channel in Hokersar has been excavated down to an average of 15 feet (4.6 m) in the first phase of the plan, and is expected to help ward off minor flood threats. But the work has also dried out about half of the 1,375-hectare (3,400-acre) internationally recognized wetland, as more water runs off into the channel, putting wildlife and nature at risk.

**WULLAR LAKE**

22. As far as Wullar lake is concerned the Municipal Solid waste is being dumped near Wullar lake banks by Municipal Council Bandipora at Zalwan . They claim that the activity has been stopped, but there are reports that waste is still being dumped there. In past also MC Bandipora gave misleading statement to Hon'ble NGT on this issue. Pollution Control Committee J&K even imposed 64,21000/- (Sixty Four lakh and twenty One thousand only). environmental compensation on Bandipora Municipality.

Copy of the Penalty Order dated 09.02.2021 is annexed herewith as

**ANNEXURE-A21.**

Pass any other orders as the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

**Through**

**RITWICK DUTTA   RAHUL CHOUDHARY   SAURABH SHARMA**

*Sharma*

**ADVOCATES**

Counsels for Applicant  
N-71, Lower Ground Floor, Greater Kailash-I,  
New Delhi- 110048

t.c.

*Sharma*