

**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 *gors*

...RESPONDENTS

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PLACE:- NEW DELHI

DATE:24.11.2021

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RESPONSE TO THE REPORT OF THE MOEF&CC DATED 15.11.2021**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 the Hon'ble Tribunal vide it's Order dated 22.07.2021 had stated that:-

"14. Accordingly, we direct that the National Wetland Committee may expeditiously compile all relevant data about status of compliance of environmental norms in terms of directions of Hon'ble Supreme Court which covers 2,01,503 wetlands. Out of the said data, data in respect of 'significant wetlands' may be placed before the Tribunal. Under Rule 6(3) (c) of the Wetland Rules 2017, the National Wetland Committee has to monitor

compliance of Rules by the State Wetland Authorities. The Committee needs to get action plans formulated and executed under control of DMs and District level Committees. The States may accordingly prepare annual reports and MoEF&CC may bring out National Annual Status Report as required under the said Rules. This exercise may be overseen by Joint Secretary, MoEF&CC to be nominated by the Secretary, MoEF&CC. Nomination may be done within one week from today. The suggestion that identification of significant wetlands could not be based merely on the size but all factors, including the suggestion of the applicant, mentioned above. Report about status as on 31.10.2021 may be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The said Joint Secretary may remain present in person by video conferencing on the next date."

Submissions

3. **On the issue of Capacity Development:** Para 10 of the Report states that Continuous workshops have been organised by the Ministry for all the SWAs region wise to guide them on all aspects of wetland management including implementation of the wetland Rules, 2017. It is stated that no such details regarding workshop dates, participants' details and minutes are there in this Report.
4. **On the issue of Web Portal:** Para 12 of the Report mentions that a web portal titled indianwetlands.in was made public on 2nd October. It is stated that while accessing on 18th November, 2021 the portal was not functioning.
5. **On the issue of Ramsar Sites:** Para 14 of the Report talks about the number of Ramsar sites in India and the total area

covered by them. It is stated that declaring any wetland a Ramsar site does not ensure protection of wetlands in terms of its land use conversion. Time series mapping of East Kolkata wetlands, Deepor Beel are important examples of land use conversion in spite of them being declared as Ramsar sites. And hence, simple boasting of numbers may not be enough from a protection point of view. Annexure A-20 filed by the applicant with his Response dated 20.07.2021 to Joint Committee's Report dated 11.06.2021 (from pages 614 to 623) may kindly be perused in this regard.

6. **On the issue of Focused Four Pronged Approach:** It is stated that para 15 and 16 of the Report have reiterated the same response, as stated in their previous report. However, it did not elaborate anything regarding the successful rejuvenation rates of the 130 wetlands for which health cards were prepared in the first phase. Since, it is a recurring approach of MoEF&CC, it will be good to have an understanding of the success rate with respect to this action.
7. **On the issue of Threats and Value Signages got installed at 75 significant wetlands in the country:** It is stated that as per para 22. i. of the Report there is no rhyme or reason of having Amrit Mahotsava in only 75 'Significant Wetlands' for installation of Threats and Value Signages. In the previous report of MoEF&CC dated 11.06.2021, submitted to Hon'ble NGT, 363 wetlands were identified as 'Significant wetlands'. The MoEF&CC ought to have dealt

with the issue of Threats and Value Signages in all 363 Significant Wetlands. Compliance in only 75 wetlands, is not even one percent (it is only 0.04% of total) of the total mapped wetlands in India.

Secondly, the NGT in its order dated 22.07.2021 directed to place data in respect of 'Significant Wetlands' before the Tribunal. This has not been presented as part of the current report of MoEFCC dated 15.11.2021.

8. **On the issue of more than 10,000 numbers of Wetland Mitras registered and refers to Annexure VII with respect to this:** Para 22. ii of the Report states that Annexure VII contains the list of 10,000 Wetland Mitras. It is stated that Annexure VII is a sample of Wetland Mitras Enrollment Form and not a list of 10,000 Wetland Mitras as has been claimed in the Report.

9. **On the issue of Status of Notification of Wetlands and Other Steps:** It is stated that according to para 24 of the Report 'under the Wetlands Rules 2017', UP has identified 23,890 wetlands for notification and has prepared brief documents for 118 numbers of wetlands. Whereas, under the head 'Preparation of Brief Documents', it says, 279 number of wetlands in the Ganga basin in UP are being conserved using four pronged method. A clarification may be sought in this regard.

The figure of wetlands mentioned under this head is also creating a clear contradiction with Para 3 of the report. According to the Table given under Para 3, **India has only**

17,753 wetlands, out of 2,01,503 wetlands (>2.25 Ha area), which need to be notified under the Wetlands Rules. And rest of the wetlands are protected under some other Acts like the Indian Forest Act 1927, Wild Life (Protection) Act 1972, Forest (Conservation) Act 1980, the State Forest Acts and Coastal Regulation Zone Notification, 2011 etc. Whereas para 24 wise, UP alone has 23,890 wetlands for notifying under the Wetland Rules. Given this, Para 3 and Para 24 are clear contradictions to each other. A clarification may be sought with respect to this as well.

10. It is stated that the MoEF&CC while submitting the present Report has failed to consider issues taken up by the Applicant in the earlier Response dated 20.07.2021.

It is stated that in the interest of Justice, necessary order be passed in favour of the Applicant. 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

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