

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

M.A. No. 16 OF 2023 to MA No. 18/2013

IN

O.A. NO. 94/2021

IN THE MATTER OF:

HAIDER ALI

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS/CONTEMNORS

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PLACE: DELHI  
DATED: 9-9-23

Through Counsel



SANOBAR ALI  
Enrl No. D-87/97(R), Advocate  
GLOBAL JURISCONSULTANTS  
C-121-122, C.L. JOSEPH BLOCK  
TIS HAZARI COURT, DELHI-110054  
Email: [sanobaraliqureshi@gmail.com](mailto:sanobaraliqureshi@gmail.com)  
Mo: 9810945320

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**REPLY ON BEHALF OF THE APPLICANT TO THE  
ACTION TAKEN REPORT FILED BY THE MINISTRY  
OF JAL SHAKTI (MoJS) IN COMPLAINE OF ORDER  
DATED 28.03.2023.**

**MOST RESPECTFULLY SHOWETH:**

1. That the applicant received the copy of the Action Taken report from the Ministry of Jal Shakti in compliance of the Hon'ble NGT, Principal Bench, order dated 28.03.2023 in the matter of MA No. 16/2023 to MA No. 18/2023 filed by the applicant in the OA No. 94/2021 case titled as Haider Ali Vs. Union of India & Ors.
2. That the Ministry of Jal Shakti has filed various letters/Minutes of Meetings/ Show Cause Notices in the form of Annexures regarding the steps taken by the Ministry in compliance of the order of the Hon'ble NGT but the result of those meetings are not satisfactory at all as there are only discussions mentioned in those annexures, not the

physical efforts made by them for the protection of the environment and water.

3. That this Hon'ble Tribunal while disposing off the original application no. 94/2021, on dated 15.04.2021, directed the respondent no. 1 to hold a joint meeting to discuss the 4 issues for consideration -  
**i) prohibiting use of ground water for maintenance of the play grounds atleast during the time no match is being actually played and exploring utilization of STP treated water; ii) ensuring that effective rain water harvesting and water storage/recharging systems are installed in all playgrounds to save the ground water; iii) laying down mandatory requirement of engagement of an environmental expert for every cricket stadium for ensuring compliance with the environmental norms, iv) using every sport event with the programme of awareness for environment protection, using a part of profit from commercial activities as a mandatory obligation.** However, from 15.04.2021, the Ministry of Jal Shakti only discussed about the first two issues and issue no. 3 & 4 were not discussed by the Ministry of Jal Shakti at all which shows that the Ministry of Jal Shakti is not working diligently to resolve the issue on ground level. It is pertinent to mention that at page no. 108 (page no. 44), at column no. 3 & 4 in the Minutes of Meeting held on 11.04.2023, it is clearly mentioned that **"A Meeting may be held with representatives from BCCI, SAI, MoEF&CC, MoYAS, MoJS, CPCB and State Sports Associations by CGWA to discuss points 3 & 4"** however, after 11.04.2023, four meetings were held in the Chairmanship of Ministry of Jal Shakti i.e. 25.04.2023, 02.05.2023, 02.06.2023 & 17.07.2023 but the issue no. 3 & 4 were not discussed at all.

4. That prior to the 28.03.2023, no meetings were hosted by the Ministry of Jal Shakti with other concerned authorities because when the applicant filed the RTI for asking about the action taken by the Ministry of Jal Shakti, they replied that they have not received the order of the Hon'ble NGT and till filing of the present MA, the Ministry of Jal Shakti failed to provide any action taken report even though they have received the copy of the order on 17.04.2021 through judicial email ID of the National Green Tribunal and if they have held any meeting during this period, they could have provided the minutes of the meeting to the applicant being applicant in the present matter but they did not, which shows that the minutes of meeting dated 11.05.2021, 07.06.2021 are only for show, nothing else. Moreover, the applicant was not called for any meeting by any of the concerned authority being the applicant in the present matter even though, he requested for the same.
5. That till filing of the present MA, the Ministry of Jal Shakti was silent about the directions issued by the Hon'ble NGT however, after the order dated 28.03.2023, the Ministry of Jal Shakti issued guidelines Amendment Notification dated 29.03.2023 wherein the new provision has been added in paragraph no. 4.3 of MoJS guidelines dated 24.09.2020 to regulate and control ground water extraction in India:- **‘(vi) All stadiums, cricket grounds and other sport grounds/courts, golf courses etc. shall construct/install appropriate mechanism for artificial recharge of ground water/rain water harvesting.’** However, Ministry of Jal Shakti again forgot about other three issues discussed by the Hon'ble NGT and only focused on one issue and this can be seen in all the minutes of meetings.

6. That in the meeting held on 11.05.2021 in compliance of the order dated 15.04.2021, one point was also discussed that **“It was also stressed on the non-degradation of aquifers and it was also pointed out that the artificial recharge and rainwater harvesting in the stadiums may also be done according to the comprehensive guidelines issued by CGWB with the help and assistance from the concerned Regional Directors, CGWB.”** But this point was also not discussed by the Ministry of Jal Shakti in further various meetings held under its command.
7. That during the meeting held on 11.05.2021, it was also suggested by Sh. A. Sudhakar, Divisional Head, WQM-I, Central Pollution Control Board, that **“the new framework should be such that it is applicable to all outdoor sports such as golf, football etc. where water is used for maintaining the grounds and ground water may be used only for essential services such as for drinking purposes. He suggested that alternative sources such as treated sewage water and RO water rejects (after proper treatment) must be used for the grounds. He also suggested that a written MoU may be devised between the owner/controller of the stadiums and the concerned Municipalities specifying the supply of water and the quality/quantity of treated water and the obligation rainwater harvesting structures. He further suggested that expert teams may be constituted for each stadiums irrespective of the ownership, to exclusively deal with ground water recharge and water audit. He recommended that a certain percentage of profits gained from IPL matches must be utilized for the protection and augmentation of ground water.”** But till date, no framework was prepared by the Ministry of Jal Shakti upon the suggestion of the

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Divisional Head, Central Pollution Control Board which shows that the Ministry of Jal Shakti is not sincere at all.

8. That the BCCI vide its letter dated 10.03.2023 informed that **BCCI does not own any stadium and the stadium are general owned by the State Cricket Associations**. It is important to mention that BCCI cannot shrink its responsibility by expressing its inability to implement or enforce the directives explaining that State Cricket are not under its control. Moreover, the Secretary of DOWR, RD& GR also expressed his displeasure over presence of only Manager (Legal), BCCI reflecting inadequate response of BCCI on such a vital matter. He expected concerned officials responsible for implementation in BCCI to attend the meeting, who could have taken decisions and acted accordingly. He further stated that BCCI cannot shrug off its responsibility on the ground that they are a separate entity from State Cricket Associations, because BCCI has a working relationship with State Cricket Associations. He further added that the BCCI has also a responsibility towards conserving/preserving the environment. He directed Manager (Legal) that in the next meeting sufficiently senior authority who could take decision should join the meeting with the compliance report. Shri Gaurav Saxena, Manager (Operations), BCCI assured to comply with directions.
9. That the role of BCCI is to regulate and overlook the growth and development of everything related to Indian Cricket. The cricket board has set rules and regulations in its constitution that behave as guidelines for the National team. Firstly the board decides where the national team will play and with whom. Secondly, It looks over the development of the national team and youth teams. It controls The IPL and various domestic competitions like the Ranji Trophy, Duleep

Trophy, and Challenger series are conducted by state associations in consultation with the BCCI. Another role of BCCI is the granting of media rights and sponsors. Adding to the role of BCCI is being in charge of all revenue related to Indian Cricket and all State Cricket Associations are the associate member of the BCCI and Gujarat and Mumbai State Cricket Association are permanent member of the BCCI and BCCI also allocate the budget to the State Cricket Associations as per their performances which shows that the BCCI has the control over the State Cricket Associations and it can direct all associations to comply the directions given by the Hon'ble National Green Tribunal but BCCI is completely ignorance of its duties and responsibilities.

10. That there are total 26 stadiums in all over India and in compliance of above directions from Secretary, DoWR, CGWB, Regional Office carried out the inspection of 26 stadiums as provided by the BCCI wherein it was found that 24 out of 26 stadiums have borewell/tubewell for extraction of ground water, out of which only 4 stadiums has the groundwater NOC and Rain Water Harvesting Structure has been installed in 14 stadiums and the same is under installation in 3 stadiums and Sewage Treatment Plant has been installed in 6 stadiums and it is under installation in 1 stadium. It is also unbelievable that the Wankhede Stadium, Mumbai who comes under the Maharashtra State Cricket Association which is the full member of BCCI and built in the year 1974, partially complaint as per the directions of the Hon'ble NGT and the oldest Stadium Eden Gardens, Kolkata is in non-compliant as per the directions of the Hon'ble NGT. It is pertinent to mention that the BCCI being the Society registered under the Tamil Nadu Societies Registration Act,

1975 is governed by its own Rules and BCCI who conduct all the matches all over India, cannot conduct the matches at the stadiums which are in non-compliance of the directions given by the Hon'ble NGT in the order dated 15.04.2021. It is also important to mention that this is not the first that Hon'ble NGT has issued the directions related to the water and environment protection however, BCCI remain obiviliious regarding the directions issued time to time.

11. That during the Meeting on dated 19.04.2023, it is informed by the BCCI that *BCCI does not have control over engagement of environmental expert and neither on the source of water supply in any of the stadiums. Further, they are a non-profit earning organization as all the profits are used for giving funds to the State Cricket Associations and do not organize any sports events and the same is done by State Cricket Associations. As regard to CSR initiatives like promotion of environmental protection during big sports events, it was informed that such initiatives have not been taken by BCCI so far. However, BCCI is engaged in other CSR initiatives on other social asocial aspects.* It is submitted that Indian Cricket board BCCI is the richest sporting body of the nation and the richest board of cricket in the entire world. The board is independent when it comes to finances and most certainly does not depend on the government of India for any of it. BCCI receives its income from a number of sources. These sources include the IPL, BCCI share from ICC revenue, and also the income earned from test matches played with other nations. It is submitted that if the BCCI can be engaged in other CSR initiatives on other social asocial aspects then the 5% of the total profit received from any tournament can be spent on the CSR initiative on Environmental Protections.

12. That during the meeting held on 02.06.2023, the Manager (Legal), the representative from BCCI informed that for each dot ball during IPA play offs, there is a provision for plantation of 500 saplings. There were 250 dot balls during 4 play-off matches during IPL, 2023 and thus, 1,25,000 saplings have been planted. It is submitted that total 60 matches were held in the IPL this year then why only the dot balls of 4 play-off matches were counted, not for all 60 matches and moreover, even if the BCCI planted 1,25,000 saplings then no record has been filed by the BCCI as to where it were planted.
13. That the Ministry of Jal Shakti granted the 3 months' time to the stadiums which are in non-compliant, to comply all the directions issued by the Hon'ble NGT only after passing of the order dated 28.03.2023. It is unbelievable that how and in what manner, the stadiums are running till today when they are in non-complaint of the directions and harming the environment since then and why the Ministry of Jal Shakti did not impose the monetary penalty upon the defective stadiums alongwith the issuance of show cause notices to them as they are using the borewell water from the Municipal Corporation without paying anything.

**SUGGESTIONS:**

1. That the BCCI should contribute the 5% profit of each tournament to the CSR Activities related to the Environment Protection.
2. That the BCCI should plant the 500 sapling for each dot ball since 2008 when the IPL Matches was started.
3. That one trust should be made for managing the funds deposited by the BCCI for above mentioned 2 points as it required management

committee to look whether the fund deposited, are used for the cause it was deposited and one account should also be open for depositing the same.

4. That the applicant should be added as a Member of the Trust so that he can overview the management and give his suggestion as and when needed.
5. That the applicant should be allowed to inspect the stadium with his own expenses whether the directions issued by the Hon'ble NGT are implemented or not properly.
6. That the directions/Monetary Penalties may be issued to the defaulting stadiums under section 5 of Environment (Protection) Act, 1986.
7. That BCCI shall take Steps to create public awareness for water conservation through television and hoardings/print media inside and outside the stadium during match intervals.
8. That all the respondents make efforts on all four issues discussed by the Hon'ble NGT in order dated 15.04.2021.

PLACE: DELHI  
DATED: 09-09-2023

Through Counsel

*Haider*  
APPLICANT

*Sanobar Ali*  
SANOBAR ALI  
Enrl No. D-87/97(R), Advocate  
GLOBAL JURISCONSULTANTS  
C-121-122, C.L. JOSEPH BLOCK  
TIS HAZARI COURT, DELHI-110054  
Email: [sanobaraliqureshi@gmail.com](mailto:sanobaraliqureshi@gmail.com)  
Mo: 9810945320

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AFFIDAVIT

I, Haider Ali, President, Aam Yuva Jan Kalyan Sanstha, Alwar, R/o 35, Saint Enslam School, Backside Mungda, Alwar, Rajasthan-301001, at present in Delhi, do hereby solemnly affirm and declare as under:-

1. That the deponent is the applicant in the above noted petition and am well conversant with the facts of the case and as such competent to swear this affidavit on oath.
2. That the contents of accompanying urgent application for early hearing has been drafted by my Counsel at my instructions and the same have been read over and explained to me in vernacular, I admit the same as correct.



*S2/23*  
 Identified the deponent who has signed in my presence

*Haider Ali*

DEPONENT

VERIFICATION:-

Verified at Delhi on this 9 SEP 2023 day of September, 2023 that the contents of the above affidavit are true and correct to my knowledge and no part thereof is false and belief and nothing material has been concealed therein.

CERTIFIED THAT THE DEPONENT  
 Shri/Smt./Km. Haider Ali  
 S/o W/o D/o.....  
 R/o.....  
 Identified by Shri/Smt. Aditya Singh  
 was solemnly affirmed before me  
 Delhi on 09 SEP 2023 No.....  
 that the contents of the affidavit which  
 been read & explained to him/her are true and  
 correct to his/her

*Haider Ali*

DEPONENT

*A*  
 Officer Delhi