

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

Original Application No. 648/2024

IN THE MATTER OF:

Milkhi Ram Sharma

.....Applicant

VERSUS

State of Himachal Pradesh & Ors..

....Respondent

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New Delhi

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

ORIGINAL APPLICATION NO. 648 OF 2024

[Under Section 18 read with Section 14 and 15 of the National Green Tribunal Act 2010]

IN THE MATTER OF:

Milkhi Ram Sharma ... Applicant

Versus

State of Himachal Pradesh and Ors. ... Respondents

REPLY ON BEHALF OF RESPONDENT NO. 11 TO THE ORIGINAL APPLICATION OF 648/2024.

1. That on 18.05.2017 the following order was passed in CWP No. 19/2017 titled UOI vs State of H.P. & Ors. in the Hon'ble Himachal High Court Shimla.

In relation to three projects in the State of Himachal Pradesh namely, Pong dam, Renuka and Chandratol in terms of directions dated 03.04.2017, passed in Writ Petition (Civil) No. 230 of 2001 in case titled MK Balakrishnan & Others vs Union of India & Others:

The present Original Application stands registered for the sole purpose of ensuring compliance of the said directions, by this Tribunal by virtue of Article 141 of the Constitution of India as also to monitor the developmental activity carried out in and around the site in question. The Union of India through Secretary, Ministry of Environment, Forest & Climate Change Government of India, Indira Paryavaran Bhawan, Jorbagh Road New Delhi - 110003 is impleaded as party Respondent NO.7 and the Bhakra Beas Management Board Sec.-19B Madhya Marg

Chandigarh -160019, through its Secretary, is impleaded as party respondent No.8. Mr B.S. Chauhan learned senior advocate to assist the Court as Amicus Curiae. Registry is directed to supply paper books to the learned counsel for the petitioner as also learned Amicus Curiae. We also requested Mr. Deven Khanna, learned Advocate to assist Mr B.S. Chauhan, learned Amicus Curiae. Response/suggestion within four weeks. List on 22-06-2017.

2. That on 22-06-2017 Department of Tourism, Government of Himachal Pradesh through its Secretary; Department of Forest, Government of Himachal Pradesh through its Secretary; and Central Water Commission through its Chairman were impleaded as party respondent No. 9 to 11.

3. That in compliance to the orders passed by this Hon'ble Court, Respondent No.8 through the medium of present reply/response submits that Bhakra Beas Management Board (**hereinafter called BBMB**) is a statutory body constituted under the Punjab Reorganization Act, 1966 (**hereinafter refer Reorganisation Act**) specifically for the Bhakra and Beas Projects. That Section 78 of the Reorganization Act *inter alia* provides for Bhakra Nangal Project & Beas Project as under:-

““Beas Project” under section 78(4)(A) of the Reorganization Act is defined to mean the works which are either under construction or are to be constructed as components of the Beas-Sutlej Link Project (Unit-I) and Pong Dam Project on the Beas river (Unit-II) including:

- (i) *Beas-Sutlej Link Project (Unit I) comprising-*
 - (a) *Pandoh Dam and works appurtenant thereto.*
 - (b) *Pandoh-Baggi Tunnel,*
 - (c) *Sundernagar-Hydel Channel,*
 - (d) *Sundernagar-Sutlej Tunnel,*
 - (e) *By-pass Tunnel,*
 - (f) *four generating units each of 165 IMW capacity at Dehar Power House on the right side of Sutlej River.*

AA

- (g) *fifth generating unit of 120 MW capacity at Bhakra Right Bank Power House.*
 - (h) *Transmission lines*
 - (i) *Balancing Reservoir;*
- (ii) *Pong Dam Project (Unit-II) comprising-*
 - (a) *Pong Dam and works appurtenant thereto,*
 - (b) *Outlet Works,*
 - (c) *Penstock Tunnels,*
 - (d) *Power Plant with four generating units of 60 MW each;*
 - (iii) *Such other works as are ancillary to the works aforesaid and are of common interest to more than one State."*

As per Section 78(4)(B) "Bhakra-Nangal" Project means – (i) Bhakra Dam, Reservoir and works appurtenant thereto; (ii) Nangal Dam and Nangal-Hydel Channel; (iii) Bhakra Main Line and Canal system (iv) Bhakra Left Bank Power House, Ganguwal Power House and Kotla Power House, Switch yards, sub-stations and transmission lines; (V) Bhakra Right Bank Power House with four units of 120 M.W. each.

4. That Section 79 of the Reorganization Act deals with the constitution and functions of the Bhakra Management Board. Sub-Sections (3) of Section 79 further provides for the functions of Bhakra Management Board which reads as under:

- "79(3) – *The functions of the Bhakra Management Board shall include-*
- (a) *the regulation of the supply of water from the Bhakra Nangal Project to the States of Haryana, Punjab and Rajasthan having regard to -*
 - (i) *any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan, and*
 - (ii) *the agreement or the order referred to in subsection(1) of Section 78;*
 - (b) *the regulation of the supply of power generated at the power-houses referred to in sub-section (1) to any Electricity Board or other authority in charge of the distribution of power having regard to-*

- (i) *any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan,*
- (ii) *The agreement or the order referred to in sub-section (1) of Section 78, and*
- (iii) *any agreement entered into or arrangement made by the existing State Of Punjab or the Punjab Electricity Board or the State of Rajasthan or the Rajasthan Electricity Board with any other Electricity Board or authority in charge of distribution of power before the appointed day in relation to the supply of power generated at the power houses specified in subsection(I);*
- (c) *the construction of such of the remaining works connected with the Right Bank power House as the Central Government may specify;*
- (d) *such other functions as the Central Government may, after consultation with the Governments of the States of Haryana, Punjab and Rajasthan, entrust to it. "*

5. That Section 80 of the Reorganization Act deals with the construction of Beas Project. Few of the salient features of Section 80 are that notwithstanding anything contained in the Act or in any other law, the construction (including the completion of any work already commenced) of the Beas Project shall, on and from the appointed day, be undertaken by the Central Government on behalf of the successor States and the State of Rajasthan. For the discharge of its functions under sub-section(1), the Central Government may by notification in the Official Gazette and in consultation with the Governments of the successor States and the State of Rajasthan, constitute a Board to be called the Beas Construction Board with such members as it may deem fit and assign to the Board such functions as it may consider necessary. Section 80(5) of Reorganization Act provides that any component of the Beas Project in relation to which the construction has been completed after the appointed day may be transferred by the Central Government to the Board constituted under Section 79 whereupon the provisions of that section shall apply as if it were



a work included in sub section (1) of that section. Further sub section (6) of Section 80 provides that the Bhakra Management Board constituted under section 79 shall be renamed as the Bhakra Beas Management Board when any of the components of the Beas Project has been transferred under sub-section (5) and the Beas Construction Board shall cease to exist when all the components of the Beas Project have been so transferred. That in accordance with above Sub-Section (6) Of Section 80 on the transfer of the Beas Project, BBMB , which was earlier known as Bhakra Management Board came to be known as Bhakra Beas Management Board. Thus the functions of BBMB as set out in the Punjab Reorganisation Act include the construction of works connected with the Bhakra and Beas Projects including dams and works appurtenant thereto, tunnel, channel, generating stations, reservoir etc. That BBMB is a statutorily Constituted Board and as per provisions of the Reorganisation Act' is engaged in the discharge of its statutory functions relating to administration, maintenance and operation of the already completed projects/works of national importance including generating, distributing and transmitting the electricity produced from its powerhouses mainly to the northern grid of the country. With respect to details pertaining to constitution, functions etc. of the Answering Respondent, the Answering Respondent craves leave to refer to the provisions of Reorganization Act during the time of hearing of the present OA.

6. It is submitted that large dams like Bhakra on Sutlej River, Pong on the Beas along with Beas Sutlej Link provide water for irrigation and power generation. The water released /utilized for the said purposes in the aforesaid dams is stored, regulated and controlled in their respective reservoirs. Pong Dam Reservoir is also one of such constituent of Pong Dam. Beas Dam located close to Pong Village is the highest earth core-



cum-gravel shell dam 132.59 meter high so far constructed in the country by 2001. The work on the project was taken up in 1963 when Bhakra Dam project was nearing completion . To exercise efficient and effective technical and financial control on all matters relating to the construction of Beas Dam Project, Beas Control Board was constituted in the year 1961 and the project was completed in 1974. The 1st Unit of Pong Power Plant was commissioned in January 1978 and 6th and the last unit was commissioned in October 1983. With the construction of this Project, considerable area downstream of Beas Dam has been saved from the devastation of annual /recurrent floods and has been put to beneficial use.

7. That during the pendency of Writ Petition (Civil) No. 230/2001 titled *M. K. Balakrishnan and Others vs Union of India and Others*, in which State of Himachal Pradesh was one of the parties, the Hon'ble Supreme Court of India was informed by the Ministry of Environment, Forest and Climate Change, Government of India *vide* affidavit dated 21.03.2017 of Dr. A. Duraisamy working as Scientist 'F' and Member Secretary Central Wetland Regulatory Authority about the funds released for the 26 Ramsar Sites, the activities undertaken and their outcome. It is further submitted that Pong dam is stated to be one of the 26 sites / wetlands covered under the Ramsar Convention of 1971.
8. Through the aforesaid affidavit, the Hon'ble Apex Court had been informed that for Pong Dam, an amount of Rs.2.4957 crores had been released to the concerned agencies of the State of Himachal Pradesh. That the activities and steps taken, with respect to Pong Dam like formation of village Fore's development Society, hiring and training of staff, research studies, bird census, eco camps for local fisherman and resultant outcome/impact thereof such as reduction in poaching activities through



involvement of Village Forest Development Societies, inventory of Birds, training of concerned officials and awareness of fishermen stand detailed out in the said affidavit of Dr. A .Duraisamy. Pertinently a reply had been filed separately on behalf of the State of Himachal Pradesh in the said writ petition, wherein detailed steps undertaken by it in order to discharge its statutory obligations under the provisions of Wetland (Conservation and Management) Rules, 2010 and objectives sought to be achieved there under and other related laws had been detailed out.

9. The proper fact for settling the present controversy is that the Applicant is invoking the principle of sustainable development, the precautionary principle and the polluter pays principle as envisaged under Section 20 of the National Green Tribunal Act, 2010, as well as the inter-generational equity principle and the Public Trust Doctrine. It has been further alleged that the State Respondents in connivance with the anti-social elements are allowing them to illegally encroach upon the Pong Dam Wild life sanctuary and to cultivate the same with the use of heavy machinery, fertilizers, insecticides and pesticides, thereby not only destroying the habitat of wild life in the protected area of the sanctuary but also leading to severe pollution being caused in the Pong Dam Lake and the Wetland further leading to water pollution, air pollution and the climate being adversely affected. Such anti- social elements have succeeded in causing severe damage to the ecology of the area and also to the non-fauna and aquatic life. The encroachers of the Wild life sanctuary have been and are using harvesters, tractors and other heavy machinery in the sanctuary.
10. The present Application also raises the issues of violation and non-implementation by the Respondent of various environmental laws, more particularly violation and non-implementation of the Forest (conservation)

Act, 1980, The Air (Prevention and Control of Pollution) Act, 1981, The Environment (Protection) Act, 1986, and The Wild Life Protection Act, 1972 (i.e. the violation and non-implementation of the provisions of the enactments specified in Schedule – I of the National Green Tribunal Act, 2010), which has led to adverse impacts of climate change, destruction of Biodiversity, destruction of the habitat of the wildlife, serious adverse impact on the Wet-Land in the Pong Dam Lake in the state of Himachal Pradesh. Thus, the Applicant is also seeking issuance of directions by this Hon'ble Tribunal to the Respondent No.1 to 11 to immediately stop the exploitation of the Pong Dam wild life Sanctuary through unauthorized cultivation of the sanctuary area with heavy machinery, use of insecticides, pesticides, fertilizers, traps, snares, to catch the visiting birds, use of flags, scarecrows, buntings to scare the wildlife indiscriminate killing of birds visiting the wild life sanctuary, destruction of the forest cover by anti-social elements and powerful mafia. In this regard a letter was sent by the respondent No. 11 to the concerned authority of Himachal Govt. bearing letter No.3649-62/Legal cell dated 24.07.2024 for preventing the unauthorized and illegal exploitation of the Pong Dam Wild Life sanctuary and for strict compliance. The said letter also enclosed the Gazette of India in which the Central Government Constitutes the state of wetland authorizing in each State. Copy of the said letter is annexed herewith as **Annexure –I.**


11. That as per the reply filed before the Hon'ble Himachal High Court, Shimla in Civil writ petition 19/2017 titled *UOI. vs. HP State & Ors.* by the State of Himachal Pradesh, there are about 92 wetlands in the State of Himachal Pradesh. A steering Committee under the Chairmanship of Chief Secretary to the Govt of Himachal Pradesh for examining the action plan and review the progress of the activities undertaken from time to time in respect of



wetlands identified under National Wetland Conservation Programme has been constituted. From the aforesaid reply it appears that Management Plan for the identified wetlands including Pong dam has already been prepared by the State Government. Thus, directions of the Hon'ble Apex Court in Writ Petition (Civil) No. 230/2001 titled *Nt. K. Balakrishnan and Others vs Union of India and Others* require to be attended to and implemented by the State of Himachal Pradesh and its concerned agencies. However, it is further submitted that while implementing the directions of the Hon'ble Court and also in the discharge of its obligations under Wetland (Conversation and Management) Rules, 2010 and other related enactments, the State of Himachal Pradesh and its concerned agencies be directed to ensure the safety and smooth functioning of the installations at the Pong Dam site including the Pong Dam and its periphery.

12. In the light of the above submissions, it is respectfully submitted that this Answering Respondent shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA.

THROUGH


RESPONDENT NO. 11
Superintending Engineer
Pong Dam Circle, B.B.M.B,
Talwara Township

Vikrant Pachnanda / Mukul Katyal
Advocates for the Petitioner
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Date:

Place: New Delhi



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 648 OF 2024

IN THE MATTER OF:

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AFFIDAVIT

I, Er. Manveen, D/o Sh. Balbir Singh, aged about 44 years, having its office at Superintending Engineer, Pong Dam Circle, BBMB, Talwara (Punjab) do hereby solemnly affirm and declare as under:

- 1. That I am the authorized signatory of the Respondent No. 11 in the above captioned matter and I am fully conversant with the facts and circumstances of the present case and thus fully competent to swear this affidavit.
- 2. That the contents of the accompanying Reply from para nos. 1 - 11 have been drafted by my counsel under my instructions and the facts stated herein are true and correct to the best of my knowledge and belief as per the records available with me.

Manveen
DEPONENT
Superintending Engineer
Pong Dam Circle, B.B.M.B,
Talwara Township

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true to my knowledge and nothing material has been concealed therefrom.

Verified at New Delhi on this 18 day of September, 2024

This contents of the affidavit document has been read over and explained to the deponent and she has accepted the same to be correct and true and also marked the affidavit document before me and also signed/ thumb marked in Reply to Para 11. Serial No. 1281 dated 18/12/24. She was been identified by S.P.S. who personally knew to me

Manveen
DEPONENT
Superintending Engineer
Pong Dam Circle, B.B.M.B,
Talwara Township



18 DEC 2024

Declared before me
ATTESTED

PARAMJIT SINGH
Notary Public
Hoshiarpur (Pb.) India

PARAMJIT SINGH
NOTARY PUBLIC
HOSHIARPUR (Pb.) INDIA

No 166
S.No/287

रजिस्ट्री सं० डी० एल०-33004/99

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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (1)

PART II—Section 3—Sub-section (1)

प्राधिकार से प्रकाशित

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नई दिल्ली, मंगलवार, सितम्बर 26, 2017/अश्विन 4, 1939

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NEW DELHI, TUESDAY, SEPTEMBER 26, 2017/ASVINA 4, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(अ).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग है, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मकौरेजक, सामाजिक और सांस्कृतिक कार्यक्रमों का समर्थन करते हुए, जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुनःभरण, सूक्ष्म जलवायु का विनियमन, दृश्यभूमि के सौन्दर्य बौध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, तापकंठ आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बहिःस्राव का निस्सारण, ठोस पदार्थों का निपटारा), जल विज्ञान संबंधी परिवर्तन (जल अभनयन और अंतर्वाह तथा बहिर्वाह परिवर्तन) के माध्यम से समर्थन और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है।

और, संविधान के अनुच्छेद 51क के खंड (ख) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण को, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण की संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उसके संसाधनों भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवाओं को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिससे उतकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंधन में सहायक हो।

और, भारत, आर्द्रभूमि संबंधी रामसर अधिसूचना का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और वृद्धिमत्तापूर्ण उपयोग के लिए प्रतिबद्ध है।

5864/GI/2017

(1)

A Healed

Executive Engineer
Reservoir Management Division
BBMB Takwara Township

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
- (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
- (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
- (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
- (g) "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;
- (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
- (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
- (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. **Applicability of rules.**—These rules shall apply to the following wetlands or wetlands complexes, namely:—

- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration;

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. **Restrictions of activities in wetlands.**—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

- (2) The following activities shall be prohibited within the wetlands, namely:
- (i) conversion for non-wetland uses including encroachment of any kind;
- (ii) setting up of any industry and expansion of existing industries;
- (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
- (iv) solid waste dumping;
- (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
- (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and
- (vii) poaching.

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Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. Wetlands Authorities:—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

- (i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;
- (ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;
- (xii) Director, State Remote Sensing Centre - Member *ex-officio*;
- (xiii) Chief Wildlife Warden - Member *ex-officio*;
- (xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;
- (xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;
- (xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and
- (xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling Wetlands - Member Secretary.

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—

- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
- (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (x) Secretary in-charge of the Department of Revenue - Member *ex-officio*;
- (xi) Director, Remote Sensing Centre - Member *ex-officio*;
- (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF FORESTS

No.FEE-B-F-8/99-dated 23-Oct. 1999 Shimla-171002 these

NOTIFICATION

Whereas notification under section 18 of the Wildlife (Protection) Act 1972 was issued vide Government Notification No. Fts. (F) -6-5/82 dated 1/6/1988 declaring the sanctuary to constitute Pong Dam Lake Sanctuary District Kangra.

And whereas proclamation as required under section 21 of the said Act was published in the English language and circulated in every Town & Village covered by the above Notification on 09/07/1998. No objections whatsoever were received from the public within the prescribed period. It is, therefore, felt that there is no need either to exclude or include any land from the limits of the sanctuary and consequently no action is required to be taken under section 24 and 25 of the Act.

And whereas the Governor, Himachal Pradesh considers that Pong Dam Lake Sanctuary is of adequate ecological, faunal, geomorphological, natural or zoological significance;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers vested in her under section 26A of the said Act is pleased to declare Pong Dam Lake area as Sanctuary with immediate effect for the purpose of protecting, propagating or developing Wildlife its environment. The limits of the shall be as under :-

1. The area of Pong Dam Lake Sanctuary shall lie between Pong Dam Terrace (Talwara) to road bridge at Dehra in Hoshiarpur Dehra Road, on Beas river and shall include all its tributaries on its both banks draining into the lake up to reduced level of 1,450 ft. above mean sea level.
2. All the islands in the lake shall form sanctum-sanctorum of the sanctuary.
3. The area will have a buffer belt of 5 Kms taken from the edge of the lake which shall be taken at 1450 ft. above mean sea level.

AREA: - 307 sq. Kms

Commissioner-cum-Secretary (Fts.)

to the Government of Himachal Pradesh

No. 199/W. Dated: 3-8-2010

COPY TO EXECUTIVE ENGINEER (R.M) B.B.M.B. TALWARA FOR F/O INFORMATION. PL.

16-W

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4-8-10

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Handwritten initials/signature

पुणे जिल्हा
उपरोक्त क्षेत्रात नदीच्या किती उपनद्या आहेत याबाबत जाणवण्यासाठी, जलसंधारण विभाग, पुणे येथे याबाबतची माहिती देण्याची प्रार्थना.

Sr. Executive Engineer
R.M. Divn. BUMB
Talwara Township
5/8/10

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(Authoritative English Text of this Department Notification No. FFE-B-F (6) 11/2005-II, Dated 7th June, 2013 as required under Articles 348 (3) of the Constitution of India).

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS

No. FFE-B-F(6)-11/2005-II/ Pong Dam Lake, Shimla-2, the 7th June, 2013.

NOTIFICATION

Whereas a Notification under Section 26A of Wildlife (Protection) Act, 1972 was issued by the Government vide Notification No. FFE-B-F(6)-8/99, dated 23.10.1999 to declare Pong Dam Lake a Wildlife Sanctuary comprising an area of 307 sq km;

And whereas, the matter with regard to rationalization of Wildlife Sanctuaries and National Parks in Himachal Pradesh was under consideration of the Hon'ble Supreme Court in IA No. 139/2010 in Writ Petition Civil No. 337 of 1995 titled Centre for Environmental Law, WWF-I Versus Union of India & Others;

And where as in pursuance to the Hon'ble Supreme Court order dated 7th May, 2010, the State Government issued intimation Notifications under Section 18 of the Wildlife (Protection) Act, 1972, in respect of the Wildlife Sanctuaries and National Parks for which rationalization had been proposed;

And whereas, the Hon'ble Supreme Court vide order dated 05/08/2011; further directed the State Government to follow the procedure laid down under Section 18 to 26A and 35 of the Wildlife (Protection) Act, 1972, before issuance of final Notifications under Section 26A of the Wildlife (Protection) Act 1972, which procedure was duly followed;

And whereas, the Hon'ble Supreme Court vide order dated 01/02/2013 passed in IA No. 155 (earlier IA No. 139/2010), has permitted the State Government to issue final Notifications under Sections 26A, 35(4) & 36A of the Wildlife (Protection) Act, 1972, with regard to the proposed rationalization of boundaries of Wildlife Sanctuaries and National Parks in Himachal Pradesh;

[Signature]

And whereas, as a consequence of rationalization of boundaries of Pong Dam Lake Wildlife Sanctuary; out of actual ground area of 253.90 sq. km, 46.31 sq. km area (comprising of 52 villages list attached as Annexure-I) is hereby denotified. The remaining area of 207.59 sq. km shall constitute the Pong Dam Lake Wildlife Sanctuary after rationalization:

Now, therefore, the Governor Himachal Pradesh in exercise of the powers vested in her under Section 26A of the said Act is pleased to declare the aforesaid remaining area of 207.59 sq. km as 'Pong Dam Lake Wildlife Sanctuary' with immediate effect for the purpose of protecting, propagating and developing wildlife and its environment.

The limits of Pong Dam Lake Wildlife Sanctuary shall be as under:

Sr. No.	Name of Sanctuary	Constituents i) District ii) Forest Division	Area of Pong Dam Lake Wildlife Sanctuary
1.	Pong Dam Lake Wildlife Sanctuary	i) Kangra ii) Hamirpur Wildlife Division	The area of Pong Dam Lake Sanctuary shall comprise of submerged area between Pong Dam Terrace (Talwara) to bridge on Beas at Dehra on Hoshiarpur Dehra road up to a reduced level of 1,410 feet, above mean sea level except north-western edge of Sansarpur RF, eastern edge of Sahjan RF and south-eastern edge of Guler Jagir RF mainly where reduced level will be 1450 feet, mean sea level and all the Islands in the lake.

This area is situated within the Geo-coordinates, North Lat. 32° 8' 52" N & Long. 75° 57' 58" E East Lat. 31° 52' 35" N & Long. 76° 13' 26" E; South Lat. 31° 52' 10" N & Long. 76° 11' 52" E West Lat. 31° 58' 40" N & Long. 75° 55' 41" E which falls on Survey of India topo sheet No. 43P/16, 44M/13, 52D/4 and 53A/1 on scale 1: 50000.

Signature

P. C. S.

11/10/11

52" E West Lat. 31° 58' 40" N. & Long. 75° 55' 41" E which falls on Survey boundary map sheet No. 43P/1 G.44M/13, 52D/4 and 53A/1 on scale 1:50000.

Area of Pong Dam Lake Wildlife Sanctuary = 207.59 sq.km.

By order

Principal Secretary (Forests) to the
Government of Himachal Pradesh

Encl. No. As above
Copy forwarded to:-

Dated Shimla-21st June, 2013

1. All the Administrative Secretaries of the Govt. of H.P. Shimla-2.
2. All the Divisional Commissioners Shimla, Mandi & Dharamshala, H.P.
3. All the Heads of Departments of H.P.
4. The Principal Chief Conservator of Forests H.P. Shimla-1.
5. The Principal Chief Conservator of Forests (Wildlife) H.P. Shimla-1.
6. All CCFs / DFOs (Wildlife) in H.P.
7. All the Deputy Commissioners in H.P.
8. All the CCFs/CFs / DFOs in H.P.
9. ALR-cum Under Secretary Law to the Government of Himachal Pradesh.
10. The Commissioner, Municipality Shimla.
11. The Controller H.P. Printing & Stationery Department Shimla-5 for publication in the Raj-Patra (Extra-ordinary) Five Copies of the Raj-Patra be sent to this Department.
12. Guard File.

Under Secretary (Forests) to the
Government of Himachal Pradesh.

AHered

G.P.H.

Executive Engineer
Reservoir Management Division
BBMS (Jalwara Township)

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