

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

Original Application No. 43/EZ/ 2020.

Bonani Kakkar

...Applicant

Vs.

Oil India Limited & Ors.

...Respondents

SL. NO.	PARTICULARS	PG. NO.
1.	Response on behalf of the Original Applicant to the Progress Report Dated October 31, 2020 submitted by the Committee constituted by this Hon'ble Tribunal.	1- 8

Through

Shruti Agarwal

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**Response on behalf of the Original Applicant to the
Progress Report Dated October 31, 2020 submitted by
the Committee constituted by this Hon'ble Tribunal**

1. In response to the Progress Report dated October 31, 2020 submitted by the Committee constituted by this Hon'ble Tribunal, the Applicant seeks to make the following suggestions and/or observations for the kind consideration of this Hon'ble Tribunal.
2. Although the Progress Report concentrates heavily on issues relating to compensation for the local population, consultations and field visits by the Committee have established that there has been widespread and severe damage to the flora, fauna, soil, water and air around Baghjan. The Progress Report reiterates the findings of earlier reports by Wildlife Institute of India and other experts consulted by the Committee.

3. However, it appears that there has been virtually no study of the impact on the Dibru Saikhawa National Park (DSNP).
4. There is also convergence among the experts that more time and research is needed to establish the complete extent of impact.
5. It appears from the Report that some more time is needed to conclude the work of the Committee. It is prayed that the Committee be given time till March 31, 2021, to complete its assessment of damage caused by the blowout and fires not only on the Maguri-Matapung wetland/grassland ecology but also on the DSNP.
6. It is humbly suggested that the Hon'ble Tribunal and/or the Committee may entrust the task to the Wildlife Institute of India (New Delhi) and Aranyak (Gauhati) and/or to any other suitable expert body as experts who will complete the final assessment of impact on all aspects of the ecology.
7. It is further prayed that the final Report include a **Restoration Plan** which would be based on:
 - i) comprehensive **research** as to the damage done not only to the Maguri-Motapung wetland and grassland system but also to the adjacent areas in the Dibru-Saikhawa National Park. The research could include a diagnostic evaluation of wetlands regimes

(ecological, hydrological, socio-economic and institutional aspects) as well as consider forest – wetland interactions. Further, the effect of seasonal migration, such as the arrival and departure of migratory birds between now and March 2021, could be considered;

ii) **analysis** of not only current damage but damage extending over the future. For instance, the old and condensate deposits may affect the physical properties of the soil, reducing its aeration and water infiltration, subsequently affecting plant growth. Crude oil has toxic properties that could have a devastating effect at various levels of the soil;

iii) **planning** concerning interventions needed immediately and others that would be phased, those that would be man-made and others that would be left to natural restoration; besides obtaining inputs from the local community, the planning phase could include an international workshop (digital) inviting experts of riverine ecology and riverine wetlands to aid restoration planning. Since Maguri Beel is driven by flood pulses – understanding river – wetland – forest interactions would be core to designing any ecological restoration plan.

iv) **implementation** mechanisms – the institutions and the processes that would carry the restoration plan into the field and integrate interventions bearing in mind the multi-dimensionality of the ecosystem being restored.

8. In order that the Committee has sufficient resources to carry out its tasks of conducting research and analysis, and devising the plan and implementation mechanisms for restoration, it is prayed that this Hon'ble Tribunal to augment the financial and technical resources available to the Committee. In this regard, the Applicant humbly submits that:-

- i. It is submitted that just as the Committee has suggested the setting up of a "health fund" as an interim measure to defray the cost of treatment of person(s) suffering from any ailment etc. (at page 43 of Volume I of the Progress Report), in a similar manner, an interim fund be set up to provide funding for the research and analysis needed to establish the complete extent of impact on the environment and bio-diversity caused by the present disaster.
- ii. In order to provide funding for the research and analysis, it is humbly prayed that the Tribunal recall the deposit of Rs 25 crore directed in the order dated June 24, 2020, but deferred in its order dated July 2, 2020, on the assurance given by OIL that whatever amount required for discharge of its liability would be made promptly available. The fund could be placed in the custody of the District Magistrate, Tinsuka District, and disbursed as per norms and requirement.

9. It is further humbly prayed that this Hon'ble Tribunal reserve its final order after the completion of the assessments prayed for above.

DATED: 08th January 2020

PLACE: Kolkata

APPLICANT

Bonani Kakkar

Bonani Kakkar

Through

Shruti Agarwal.

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AFFIDAVIT

I, Bonani Kakkar, wife of Pradeep Kakkar, aged about 70 years, of 11 Hindustan Park, Kolkata- 700029, do hereby solemnly affirm and state as under:-

1. That I am the Applicant in the aforementioned OA and in the present Application and well conversant with the facts and circumstances of the case and as such, I am competent to swear the present affidavit.

2. That I have read over the contents of the accompanying Application being paras 1-9 thereof and the same are true and correct to my personal knowledge and drafted on my instructions.

3. That due to the present situation of spread of COVID-19 pandemic, the present Affidavit could not be notarised. The Deponent prays for exemption from filing the notarized affidavit.

DATED: 08th January 2020

PLACE: Kolkata

Identified by me

Ashwini' Afarmal . Bonani Kakkar

Advocate

DEPONENT

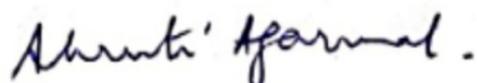
VERIFICATION

Verified on this the 8th day of January 2020 that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

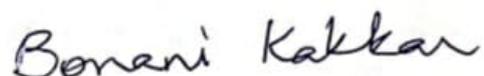
DATED: 08th January 2020

PLACE: Kolkata

Identified by me



Advocate



DEPONENT