

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 21/2013
Dr. Alankrita Mehra Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Vivek Choudhary, Adv.
Respondent No. 1 : Shri Om. S. Shrivastav, Adv.
Respondent No. 2 : Shri Suman Mandal, Adv. for
Shri Sandeep Singh, Adv.
Respondents No.3, 4, 7, : Shri Sachin K.Verma, Adv.
8, 9 & 10 with Shri Ayush Dev Bajpai, Adv.
Shri G.S. Chouhan,Zonal Officer,Sehore
Respondent No. 6 : Shri Shivendu Joshi, Adv. and
Shri Vishal Vijayvargiya, Adv.
for Shri Purushaindra Kaurav, Adv.
Respondent No. 5 : Shri Asad Ullah Khan, Adv.
Shri G.S. Saluja, City Engineer, Bhopal

Date and Remarks	Orders of the Tribunal
Item No. 1 18th December, 2013	<p>After conducting partial hearing yesterday, the case was ordered to be listed today to give an opportunity to the respondent State Government to apprise us as to what action has been taken so far by various authorities for preserving the upper lake of Bhopal known as Bhoj wetland and declared as Ramsar site as well as ten other lakes located in and around the Bhopal city as the applicant had alleged in the application that despite several committees having been formed from time to time for identifying the sources of pollution of the lakes of Bhopal including the upper lake and the resultant problems affecting the quality of water of the lake, till date no serious efforts have been made by the respondents for taking any concrete steps for preventing the pollution as well as improving the quality of water and also identifying the sources of pollution so as to take remedial steps in preventing pollution of lakes of Bhopal more particularly the upper lake which still continues to be a major source of supply of water to the citizens of Bhopal city including, to some extent, drinking water.</p> <p>Apart from the above, it was also brought to the notice of the</p>

**Appl. No.
21/2013**

**18th December,
2013**

Tribunal during the hearing on earlier dates, that there has been considerable encroachment within the lakes which resulted in shrinking of the lake areas. It was also alleged by the applicant that extensive agricultural activity is going on in the catchment area from where the water flows into the upper lake in highly polluted condition carrying harmful chemicals as a result of extensive use of chemical fertilizers as well as pesticides and insecticides. This ultimately affects the quality of water of the lakes more particularly the upper lake, which as mentioned hereinabove, also continues to be a source of drinking water to certain parts of Bhopal city and adjoining areas.

With a view to understand the nature of problem and its extent, the Tribunal had directed the Divisional Commissioner of Bhopal Division to carry out inspection of the catchment areas, the wet lands and the lakes and submit a report on the issues stated in the petition as being the major sources of pollution and degradation of the quality of the water therein as well as reduction in their size due to encroachments in the lake areas.

The Divisional Commissioner, Bhopal submitted his report before the Tribunal which was filed by the Counsel for the respondent alongwith a covering letter dated 30.10.2013. In the said report, the Commissioner, Bhopal Division has highlighted 18 issues which according to the Commissioner, require immediate attention and redressal so as to prevent the degradation of the lakes, the quality of water, pollution and preservation of the wet lands which are important habitats for the birds including the migratory birds.

It was pointed out before us that apart from the facts that the Divisional Commissioner submitted in his report on 18 major issues requiring attention and redressal by the concerned authorities, earlier under the Chairmanship of the Hon'ble Chief Minister, a meeting was

**Appl. No.
21/2013**

**18th December,
2013**

held on 07.09.2012 wherein 16 points were identified and directions were issued for preparation of plan for immediate action on implementation of short-term and long-term measures. Even before the aforesaid meeting held by the Chief Minister some other committees had been constituted including the one headed by the Chief Secretary of Madhya Pradesh for preparation and implementation of action plan for the preservation of the lakes of Bhopal.

In order to apprise ourselves as to the outcome and the steps taken in pursuance of the decisions taken by the Chief Secretary in the year 2010 and in the meeting conducted by the Hon'ble Chief Minister in September, 2012, we asked the Learned Counsel for the State to submit before us the action taken so far, atleast, upon the recommendations made in the meeting held by the Hon'ble Chief Minister in September, 2012. In pursuance thereof, the Learned Counsel for the State has filed today an affidavit of the Deputy Director, UADD, Bhopal Division alongwith a tabular statement annexed as RC-I with reference to the points enumerated in the meeting presided over by the Hon'ble Chief Minister on 07.09.2012 and also indicating the priorities of the works to be undertaken, name of the Department which is to take up and address various issues and also apprise us what steps have actually been taken so far.

At the very inception, we may state that though, the meeting was held in September, 2012 and under the very first item it was resolved to provide an amount of Rs. 15 Crore for the action plan to be implemented for improvement of the lakes of Bhopal and to improve the quality of water and make the lakes pollution free, no budgetary allocation was made and even no head was provided for the budget of the aforesaid purpose. Though, Shri Sachin K.Verma appearing for the State has apprised us that for the financial year 2013-14, a separate head is to be

**Appl. No.
21/2013**

**18th December,
2013**

provided and as against Rs. 15 crores agreed to in the meeting presided over by the Chief Minister in September, 2012, only an amount of Rs. 1.25 Crore has been allotted. This, in our opinion, only shows the seriousness with which the matter pertaining to the problems identified at the highest level are being given priority as no works can possibly be carried out without financial allocation.

To highlight the issue further, we may point out that the very first item in the proposed action plan was with respect to purchase of equipment including weed harvester and amphibious excavator for de-weeding and cleaning of the lakes but so far even this has not been provided with. We have been informed that three proposals are under consideration namely: (i) purchase of the aforesaid equipment, or (ii) by outsourcing the aforesaid task or (iii) purchase alongwith undertaking the service by outsourcing the same to the equipment provider. However, no decision on the aforesaid proposal has so far been taken either at the level of the Municipal Corporation, Bhopal or the UADD. Though, the Officer-Incharge from the side of the Municipal Corporation, Bhopal submitted that the task of inviting tenders by preparing the tender document is underway, we can only hope that this would proceed at the earliest so that the work can be started without further delay as lot of time has already been lost atleast from 2010 when the committee headed by the Chief Secretary identified the problems and recommended various measures to be taken.

Among other things which have been highlighted in the first part of the implementation programme is organising the Lake Festival which is proposed to be organized in the month of February, 2014 so as to create awareness amongst the citizens towards the problems of environment and pollution being created as a result of various

**Appl. No.
21/2013**

**18th December,
2013**

anthropogenic activities so that preventive action can be taken for preservation of the lakes in a pollution free manner and involve the common people in this issue.

Here again, a very important aspect was with regard to diverting the sewage water from the Koh-e-fiza crossing as that was considered to be a major source of pollution to the upper lake of Bhopal. Even so far as this issue is concerned, no engineering designs have been prepared and the question of initiating construction work or even giving the work-order is too farfetched. We would expect that the State Government would proceed to provide necessary finances for the aforesaid purpose as these issues are listed at point number one among the priorities decided in the meeting presided over by the Chief Minister himself on 07.09.2012. It would have been expected that once the matter is considered at the highest level and brought to the notice and decision taken thereon, things would have been in the process of implementation now. Unfortunately, for reasons best known, the issues related to the environment and pollution have taken a back seat and are not given due attention which they deserve at the level of the State Government. On other points which are given to in a tabular form and which are the outcome of the meeting of 07.09.2012, we do not wish to elaborate or express our opinion on the same at present as we have already stated that the Government has been very slow so far as the implementation of the plan, worked out as per the issues highlighted in the meeting held on 07.09.2012, is concerned which was presided by the Hon'ble Chief Minister.

We would therefore, direct the Registrar, NGT, Central Zonal Bench, Bhopal to send a copy of this order to the Chief Secretary, State of Madhya Pradesh with a hope that the Government would atleast now takes up the issue seriously and takes up the matters which have been

**Appl. No.
21/2013**

**18th December,
2013**

highlighted in the Minutes of the Meeting presided over by the Chief Minister on 07.09.2012 duly ensuring that a Nodal Agency apart from UADD with few Experts be appointed to oversee and monitor the progress of each of the items which have been highlighted in the meeting of 07.09.2012 and for which the immediate action plan was prepared apart from the short-term and long-term measures to be adopted. At the same time we would also be happy to note that in case necessary financial allocation is made amounting to Rs. 15 crores which in our opinion is not a stupendous task for a State to provide for the aforesaid purpose and the work is immediately started for implementation of action plan and complete immediate and the short term measures. We may only add by way of caution that the possibility of the State Government being considered to be a polluter as a result of inaction may also persuade us to hold it responsible under the 'Polluter Pay' principle.

The Registrar is directed to send a copy of this order to the Chief Secretary, Government of Madhya Pradesh for information and necessary action and give its due priority realising the seriousness of these issues before we deal with the matter finally. We would accordingly post the matter after three weeks during which period we would hope that some concrete steps are initiated in this behalf.

List the matter on 16.01.2014.

.....,JM
(DALIP SINGH)

.....,EM
(P.S.RAO)