

Item No. 13

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL SECRETARY, NEW DELHI**

Original No. 76/2023

Tapeshwar Singh Bhati,
159, Timber Scrap Market, Kota, Rajasthan

Applicant

Versus

State of Rajasthan through Principal Secretary,
Toursim, Rajasthan

Respondent

Date of hearing: 31.01.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. Grievance in this application is against apprehended damage to the environment by proposed activities during 'Maru Mahotsav 2023' at Jaisalmer from 02.02.2023 to 05.02.2023. The applicant has stated that on 4th and 5th February, 2023 after sunset, cultural program is to be held which will involve fireworks, laser beams and sound systems at high volume. Ten to fifteen thousand persons are likely to attend. The program is to be held at Sum and Khuhdi Dunes near Jaisalmer, close to the Desert National Park (DNP), Jaisalmer and 200-400 meters from bird sanctuary with endangered Great Indian Bustard (GIB), (also known as *Godawan*). The proposed activities will adversely affect the wildlife, the bird sanctuary and the environment. Deputy Conservator of Forest, Wildlife Forest has also expressed concern about the above issue but the Tourism Department of Rajasthan is going ahead with the same in violation of provisions of the Wildlife Act, 1972. The applicant has annexed copy of letter dated 12.01.2023 addressed to the Collector, Jaisalmer by the Deputy

Conservator of Forest, Wildlife Forest, Jaisalmer recommending that fireworks, laser show and sound activities in the area should be avoided.

2. From the above, we are satisfied that substantial question of environment arises which may call for intervention of this Tribunal under Section 15 of the NGT Act, 2010. Apart from disturbance to the wildlife and the eco system of dunes by fireworks, laser show and high volume sound to which objection has been raised by the wildlife department, adequacy of sanitation and hygiene is to be ascertained when such large gathering will assemble. Further issue of adverse impact of unregulated use of Vehicles and consequent generation of dust and smoke and impact on camels has also to be looked into.

3. To further consider the above issues, we call for a factual and action taken report in the matter from PCCF Wildlife, Rajasthan, Chairman, State PCB and District Magistrate, Jaisalmer by 3rd February, 2023 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. Chairman, PCB will be the nodal agency for compliance. Proceedings may be conducted on line or offline as viable. Notice be also issued to the project proponent - Principal Secretary, Tourism, Rajasthan by email for its response, if any which can also be given by email. The authorities may take such action in the matter as is necessary to comply with the Rule of Law and for protection of wildlife and environment and the Desert National Park without waiting for further orders also.

List for further consideration on 03.02.2023. The District Magistrate, Jaisalmer may remain present in person through video conferencing.

A copy of this order alongwith a copy of Application be forwarded to PCCF Wildlife, Rajasthan, Chairman, State PCB, Principal Secretary

Tourism, Rajasthan and District Magistrate, Jaisalmer by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 31, 2023
Original Application No. 76/2023
AB