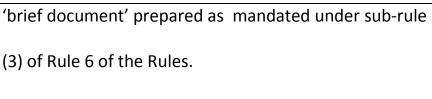
	BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA
	O.A. No. 65(THC)/2016/EZ With M.A. 1096/2016/EZ M.A. 1097/2016/EZ M.A. 1271/2016/EZ
PEOPLE UNITED FOR BETTER LIVING IN CALCUTTA (PUBLIC) & ANR	
	VS
	UNION OF INDIA & ORS
CORAM:	Hon'ble Mr. Justice S.P.Wangdi, Judicial Member Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member
Re Re Res Res Res	oplicants: Mr. Santanu Chakraborty, Advocatespondents 1 & 2: Mr. Gora Chand Roy Chowdhury, Advocatespondents No. 3,4,6-10 : Mr. Bikash Kargupta, Advocatespondent No. 5: Mrs. Debanjana Ray Chaudhuri, Advocatespondent No. 11: Mr. Rahul Ganguly, Advocatespondent No. 12: Nonespondent No. 13: Mr. Sourav Kumar Mukhejee, Advocatespondent No. 14: Mr. B.C.Dhara, Advocate, Mr. Supratim Dhar, Advocatepondent No. 15: Mr. Aniruddha Mitra, Advocate
Date & Remarks	Orders of the Tribunal
Item No. 3 6 <sup>th</sup> March, 2017.	Although the matter is listed today for final
	hearing, we are of the view that the matter is not such
	that can be heard and disposed of as if it is a dispute
	between two contesting parties as in adversarial
	litigations.

The original application has raised substantial questions of grave public importance with regard to identification, preservation and development of the water bodies in the State of West Bengal, more specifically, in Dankuni at Mollarber and Panchghara. We have perused the affidavits filed by the respondent No. 4, the Deptt. of Environment and the respondent No. 7, Deptt. of Fisheries, Govt. of West Bengal and we find that they have not specifically answered to the questions raised in the OA.

The most crucial responsibility charged upon the State Govt. is its obligation to comply with rule 6 of the Wetlands (Conservation and Management) Rules, 2010, which, as per the applicant, the State Government has failed to do.

The Rules were brought into force from 4.12.2010 and rule 6 thereof prescribes specific time frame for identification of wetlands under different categories which ought to have been followed immediately after the Rules were notified. It is to be borne in mind that these Rules having been issued under Section 25(1) read with clause (v) of Sub-sec. (2) and Sub-section (3) of Section 3 of Environment (Protection) Act, 1986, are statutory in character and mandatory. A bare reading of rule 6, will reveal that the words used are peremptory leaving no room for exercise of any discretion by the State Govt. It may also be pertinent to note that even the High Power Committee constituted by the State Govt. under the orders of the Hon'ble Calcutta High Court, in its report, recommended inventorisation of wetlands and water bodies. Similarly, the Wetlands and Water Bodies Conservation Policy prepared by the Department of Environment in its very first recommendation envisaged taking of such step by the State.

We, therefore, direct the State Govt., more particularly, the respondent No. 4, the Deptt. of Environment, Govt. of West Bengal, to place on record as to whether rule 6 of the Wetlands (Conservation and Management) Rules 2010, has been complied with and



Let this information be furnished with details on the next date.

After receipt of this information, we shall take up this question along with other issues which, in our view, require monitoring.

In the meanwhile, if parties are in the process of setting up or are undertaking any construction in the area in question, they shall be doing so at their own risk

and peril and shall subject to the outcome of this

## application.

## List on 2<mark>0.4.20</mark>17.

Justice S.P.Wangdi, JM 6-3-2017

Prof. (Dr.) P. C. Mishra, EM 6-3-2017

