

Item No. 02

(Court No.1)

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

(By Video Conferencing)

Original Application No. 136/2021

H. C. Arora

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 30.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. H.C. Arora, Applicant in person

ORDER

1. Grievance in this application is against illegal cutting of 176 fully grown trees in Village Roshanpur, Block Bhunar Heri, District Patiala. The applicant has annexed photographs in support of the allegations and copies of representation made to the concerned Departments. Letter dated 20.05.2021 by the Divisional Forest Officer, Patiala mentioning the reserved price of the trees has also been annexed.

2. Undoubtedly, cutting of trees can be allowed only for some valid justification after requisite clearance under the Forest (Conservation) Act, 1980. Such action adversely affects the environment. Thus, the grievance needs to be looked into and further remedial action taken by Principal Chief Conservator of Forest (HoFF), Punjab, in accordance with law. Ordered accordingly.

The application is disposed of.

A copy of this order be forwarded to PCCF (HoFF), Punjab by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 30, 2021
Original Application No. 136/2021
SN

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

Original Application No. of 2021

H.C. Arora

...*Applicant*

Versus


State of Punjab and Others

...*Respondents*

INDEX

Sr. No.	Particulars	Dates	Pages
1.	Synopsis	14.06.2021	A - B
2.	Memo of Parties	14.06.2021	1
3.	Original Application	14.06.2021	2-8
4.	Affidavit in support	14.06.2021	9
5.	Annexure A-1 (News Report)	12.06.2021	10-11
6.	Annexure A-2 (Photographs of under treatment parrots)	12.06.2021	12-14
7.	Annexure A-3 (Photographs of dead parrots)	12.06.2021	15-16
8.	Annexure A-4 (Brochure on spraying chemicals on fruit trees is bad for birds)	--	17-19
9.	Annexure A-5 (Judgment in OA No. 1020/2018)	21.01.2021	20-25
10.	Annexure A-6 (Judgment in OA 385/2019)	22.12.2020	26-38
11.	Annexure A-1 (Vernacular)	12.06.2021	39

Place: Chandigarh
Dated: 14.06.2021


(H.C. ARORA)
Applicant in Person
Email ID :- hcarora.highcourt@gmail.com
Mobile No: 9814013764

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT
NEW DELHI

Original Application No. of 2021

H.C. Arora

...Applicant

Versus

State of Punjab and Others

...Respondents

SYNOPSIS

Dates	Events
26.06.2017	A large number of parrots and pigeons died. The dead birds were found lying in the local guest house, and in the Court premises, as well as on the Civil Hospital Road. However, the Administration immediately swept those places and took away the dead birds to some unknown destination.
04.07.2018	A large number of parrots were found dead in the local rest house, near the canals in Krishna Farm, Brijendra College etc. The employees employed by the Contractor conceded that they have been spraying the fruits trees for the last one day. However they could not give any reason for the sudden deaths of a large number of birds.
20.06.2019	Hundreds of pigeons and parrots were found dead outside the Civil Hospital and behind the Mini-Secretariat as well as near the telephone exchange and the rest house.
28.06.2020	Hundreds of dead baglas (herons) and parrots were found in the rest house, in the premises of Brijendra College and on the Railway Road. The birds had died on account of spray of some chemical on the fruit trees.
18.07.2020	Hundreds of pigeons were found dead in the premises of local Civil Hospital. The officers claimed that those birds have died on account of the sand-storm. However, the examination of the

	birds revealed that they had died on account of inhaling some chemical.
11.06.2021	Hundreds of parrots have been found dead in the premises of the Deputy Commissioner Faridkot and at several places in Faridkot town. Again, the administration is attributing the death of such large number of parrots to the sudden severe storm, where the environmentalists and bird lovers are alleging that the birds have died on account of some chemical spray on the Jamun Trees.
14.06.2021	Hence, the instant Original Application.

Place: Chandigarh
Dated: 14.06.2021


(H.C. ARORA)
APPLICANT IN PERSON

(11)

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

Original Application No. 2021

MEMO OF PARTIES

H.C. Arora, Advocate, aged 69 years, son of Late Sh. Sundar Dass, resident of House No. 2299, Sector 44/C, Chandigarh – 160047, Mobile No. 9814013764, Email Address :- hcarora.highcourt@gmail.com

.....Applicant-in Person

Versus


1. The State of Punjab through the Chief Secretary, Civil Secretariat, Sector-1, Chandigarh Email: cs@punjab.gov.in Phone No-088720900003

2. Deputy Commissioner, Faridkot -151203 E-mail ID- dc.frd@punjab.gov.in Phone No-9888152333

Director, Horticulture, Punjab, Department of Horticulture, Punjab Kheti Bhawan, Plot No. 204, 3rd Floor, Room No. 301, Sahibzada Ajit Singh Nagar, (Mohali)-160055 E-mail ID- dhpunjab@gmail.com Phone no.-9815509406

..... Respondents

Place: Chandigarh
Dated: 14.06.2021


(H.C. ARORA)
Applicant in Person
Email ID :- hcarora.highcourt@gmail.com
Mobile No: 9814013764

Original Application for seeking the issuance of appropriate directions to the Respondents to conduct thorough inquiry into the sudden death of about 400 parrots, who were found dead under the Jamun Trees (grown on Government land) at various places, including in the premises of the Deputy Commissioner Faridkot, on 11.6.2021, inter alia, on the grounds that; (i) as is clear from synopsis also, the parrots and other birds have died for the 5th consecutive year, during the same months of June/July every year, and such dead birds have been found only under the fruit/ Jamun trees which indicates that death of these birds have taken place on account of spray of some chemical on Jamuns ; and (ii) Such spray on fruit tree which instantaneously takes away the life of birds, is bound to affect health of human beings also, though slowly and slowly.

AND

For seeking issuance of further appropriate /strict directions to the Respondents, against permitting the spray of chemicals on the Jamun Trees, standing on Government land in Faridkot and else where in the State of Punjab, in order to save the lives of the birds, who as stated above are dying on account of spray of chemical on the Jamun Trees.

AND

For grant of any other relief to the petitioner, to which he may be found to be entitled by this

**Hon'ble Court, in the facts and circumstances of
the instant case.**

FACTS IN BRIEF

1. That the petitioner is an Indian Citizen. He is resident of Chandigarh. He is an Advocate practicing in the Hon'ble Courts at Chandigarh. The petitioner is well known for filing Public Interest Litigation (PIL) in the Hon'ble High Court. He is an RTI Activist as well as a Social Activist. The petitioner C therefore has locus standi to file the instant Original Application, IN public interest.
2. That it is pertinent to state that for the last several years, in the month of June-July when the fruits on the Jamun Trees are yet to ripen, death of several hundred birds, particularly parrots, pigeons, doves etc., takes place. The dead birds are found only under the fruit trees and not under any other type of trees which indicates that the contractors appointed by the District administration, have been spraying some chemical on the Jamun Trees, due to which the parrots, sitting on branches of such trees instantaneously died on account of the poisonous spray on such trees.
3. That the environment and bird lovers of Faridkot have been keeping a record of the incidents involving the death of the birds from the year 2017. From a perusal of such record, it is clear that the incidents, as under, involving the death of large number of birds have taken place in Faridkot, during the last 5 years or so:-

Sr. No.	Date of Incident	Type of tragedy
1.	26.06.2017	A large number of parrots and pigeons died. The dead birds were found in the local guest house, and in the Court premises, as well as on the Civil Hospital Road. However, the Administration immediately swept those places and took away the dead birds to some unknown destination.

2.	04.07.2018	A large number of parrots were found dead in the local rest house, near the rivers in Krishna Farm, Brijendra College etc. Men employed by the Contractor conceded that they have been spraying the fruit trees for the last one day. However they could not give any explanation in relation to the death of the birds.
3.	20.06.2019	Hundreds of pigeons and parrots were found dead outside the Civil Hospital and behind the Mini-Secretariat as well as near the telephone exchange and the rest house.
4.	28.06.2020	Hundreds of dead baglas (herons) and parrots were found in the rest house, in the premises of Brijendra College and on the Railway Road. Those had died on account of spray of some chemical on the fruit trees.
5.	18.07.2020	Hundreds of pigeons were found dead in the premises of local Civil Hospital. The officers claimed that those birds had died on account of the sand-storm. However, the examination of the birds revealed that they had died on account of inhaling some chemical.
6.	11.06.2021	Hundreds of parrots have been found dead in the premises of the Deputy Commissioner Faridkot and at several places in Faridkot. Again, the administration is attributing the death of such large number of parrots to the sudden severe sand-storm, where as the environmentalists and bird lovers are alleging that the birds have died on account of some chemical spray on the

	Jamun Trees.
--	--------------

4. That as regards the latest incident involving death of more than 300 parrots, who were found dead under the Jamun Trees (in the ownership of Government)spread over entire Faridkot town and particularly in the office premises of the Deputy Commissioner. Several news reports have published the stories about the deaths of parrots in such large number of birds. Such stories have been carried in the vernacular newspaper including (i) "Punjabi Tribune" dated 12.06.2021"; and (ii) "Malwa Bani" dated 14.06.2021"; and (iii) "Nawan Zamana" dated 14.06.2021". However, in order to prevent the over-burdening of the file / paper book of the case, the petitioner is enclosing herewith only a true translated copy of news report which was published in the "Punjabi Tribune" Chandigarh on 12.06.2021 as **Annexure A-1** with the instant Original Application.
5. That it is further pertinent to submit that one Sh. Shankar Sharma (M. NO. 9023344633) who is a well-known bird lover, has been treating some of the parrots who escaped death, but suffered illness on account of spray of poisonous chemicals. True copies of photographs of three sparrows being treated by said Sh. Shankar Sharma taken on 12.06.2021 are enclosed as **Annexure A-2** with the instant Original Application. Besides, the photographs of some of the dead parrots taken on 12.06.2021 are also enclosed as **Annexure A-3** with the instant Original Application.
6. That as regards the harmful effect of the spray of chemicals on the birds, the petitioner may enclose herewith an information broacher downloaded by him from internet as **Annexure A-4** with the instant Original Application.
7. That it hardly needs be emphasized that the instant Original Application involves determination of substantial issuesof environment. The petitioner is enclosing herewith a judgment dated 21.01.2021 passed by this hon'ble Tribunal in OA NO. 1020 of 2019, in a case where this Hon'ble Tribunal was considering remedial action to deal with deterioration of ecology at around Sambar Lake in District Jaipur, Rajasthan, which was manifested by incident

of death of 18000 migrated birds as reported in newspaper on 20.11.2019. The newspapers reports had mentioned that incident is result of violation of environment norms in maintaining the eco-system on wet land in question. A true copy of the aforesaid judgment dated 21.01.2021 is enclosed as **Annexure A-5** with the instant Original Application.

8. That the petitioner is enclosing herewith a copy of another judgment dated 22.12.2020 passed by this Hon'ble Tribunal in OA No. 385 of 2019, as **Annexure A-6** with the instant Original Application. A perusal of the judgment shows that this Hon'ble Tribunal had interfered for the purpose of protecting Great Indian Bustard (GIB) a rare bird and one of the critically endangered species as per Schedule-I to the Wild Life Protection Act, 1972.

GROUND

9. That the petitioner is claiming the relief prayed for on the following grounds:-

- (i) That death of hundreds of birds takes place in Faridkot town, every year in the months of June-July, and the huge number of dead birds are found under the Jamun Trees only, and not under any other type of trees, in Faridkot which leads to the conclusion that the death of birds takes place on account of spraying of some chemical on the fruits, in order to get fruit at a faster pace whereas, the administration is wrongly claiming that death of birds has been taking place on account of severe sand-storms, which is totally erroneous, for the reason that dead brads are not found under any other type of trees except fruit trees.
- (ii) All these around 1000 Jamun trees spread over the Faridkot Town, are Govt. property, and the contractor being their agents, the Respondent administration is liable to be restrained from spraying any chemicals on the fruit trees, in order to save the lives of hundreds of birds which are otherwise dying every year in Faridkot Town itself, by inhaling the chemical spray while sitting on the Jamun trees.

- (iii) Such spray on fruit tree which instantaneously takes away the life of birds, is bound to affect health of human beings also, though slowly and slowly;

LIMITATION

- 10. That the instant Original Application is within the period of Limitation.

PRAYER

It is therefore respectfully prayed that this Hon'ble Tribunal may kindly be pleased to :-

- (i) **issue appropriate directions to the Respondents to conduct thorough inquiry into the sudden death of about 400 parrots, who were found dead under the Jamun Trees (grown on Government land) at various places, including in the premises of the Deputy Commissioner Faridkot, on 11.6.2021, inter alia, on the grounds that; (i) as is clear from synopsis also, the parrots and other birds have died for the 5th consecutive year, during the same months of June/July every year, and such dead birds have been found only under the fruit/ Jamun trees which indicates that death of these birds have taken place on account of spray of some chemical on Jamuns ; and (ii) Such spray on fruit tree which instantaneously takes away the life of birds, is bound to affect health of human beings also, though slowly and slowly.**

AND

- (ii) **Also to issue further appropriate /strict directions to the Respondents, against permitting the spray of chemicals on the Jamun Trees, standing on Government land in Faridkot and else where in the State of Punjab, in order to save the lives of the birds, who as stated above are dying on account of spray of chemical on the Jamun Trees.**

AND

(iii) and this Hon'ble Tribunal may kindly be pleased to grant any other relief to the applicant, to which he may be found to be entitled by this Hon'ble Court, in public interest;

Place: Chandigarh
Dated: 14.06.2021



(H.C. ARORA)
Applicant in Person

Email ID :- hcarora.highcourt@gmail.com
Mobile No: 9814013764

VERIFICATION:

Verified that the contents of para no. 1 to and those of para no. to of this writ petition are true and correct to my knowledge and those of para no. are believed to be true and correct on the basis of legal advice. No part of it is false or incorrect, and nothing material has been kept concealed there from.

Place: Chandigarh
Dated: 14.06.2021



(H.C. ARORA)
Applicant in Person

Email ID :- hcarora.highcourt@gmail.com
Mobile No: 9814013764

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT
NEW DELHI

Original Application No. _____ of 2021

H.C. Arora

...Petitioner

State of Punjab and others

Versus

...Respondents



Affidavit of H.C. Arora (aged 69 years), Advocate, s/o late
Sunder Dass, r/o H.No. 2299, Sector 44-C, Chandigarh.

RESPECTFULLY SHOWETH:

I, the above mentioned deponent solemnly affirm and
declare as under:-

1. That the deponent has filed the accompanying Original Application.
2. That contents of para no. 1 to _____ of the accompanying Original Application are true and correct.

Place: Chandigarh
Dated: 14.06.2021

[Signature]
Deponent

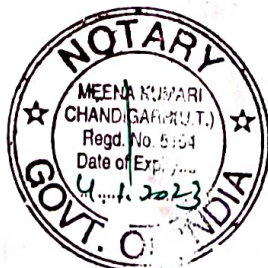
Certified that the Affidavit / SPA / GPA has been read over & explained to the Deponent / Executant who seems perfectly to understand the same at the time of making thereof

Verification:

Verified that the contents of paras No. 1 to 2 of this affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

Place: Chandigarh
Dated: 14.06.2021

[Signature]
Deponent



ATTESTED AS IDENTIFIED

MEENA KUMARI
NOTARY, CHANDIGARH

14 JUN 2021

The contents of this Affidavit / Document has been explained to the deponent / executants He / she has admitted the same to the correct The deponent / executant has signed Register
No. 557 P.N dt 14/6/2021

Copy of the News Report dated 12.06.2021

“Published in Punjabi Tribune”

THE GREED OF ADMINISTRATION HAS TAKEN THE TOLL OF HUNDREDS OF BIRDS

THE ADMINISTRATION ATTRIBUTES DEATH OF BIRDS TO STORM; NO POISONOUS SPRAY HAS BEEN DONE:

JASWANT SINGH

FARIDKOT, 11 JUNE

Several dead birds have been found under the Jamun Trees in Faridkot City. These birds have died due to poisonous spray made on the fruit trees. However, the administration is attributing these to the storm that rocked city on previous night, and the scorching heat during the last 2 days.

The Bird and Environment Lovers are holding the district administration responsible for the death of the birds. Sarsri Sandeep Singh, Gurpreet Singh, National Player Gurdit Singh Sekhon, Beant Kaur and Brinder Singh Brar rule out the death of the birds being attributed to storm. Sh. Sikhon leveled the allegation that the administration has leased the 1000 Jamun Trees to the Thekedar (Contractor) for an amount of Rs. 6,00,000/-. In order to get maximum fruits from the Jamun Trees, the Contractor made poisonous spray on the trees, due to which the parrots, doves, Lalis and sparrows have died in huge number. He stated that from the condition of the birds, it appears that they had died about 2-3 days earlier.

THE ENVELOPES OF PESTICIDES RECOVERED

At the site where dead birds have been found,, some empty envelopes of pesticides have also been found. It is interesting to note that the birds have died only under the fruit trees, and not under any other type of trees. From this it is clear that some poisonous spray has been done on the fruit trees.

District Horticulture Officer, Dr. Kirandeep Singh stated that nobody was given any permission to spray on the Jamun Plants. He stated that it is

possible that some contractor might have, at his own level, sprayed plants and that he would require into the matter. There are more than 200 Jamun Trees standing in the Office of Deputy Commissioner also, and age of these trees is more than 30 years. Maximum number of birds were found under these trees. Deputy Commissioner, Vimal Kumar, stated that as per his information, the birds have died on account of the scorching heat during the last few days and the storm that came last night. He also stated that no body has given permission to spray any poisonous material on Jamun Trees or in the garden, and he would get an inquiry conducted into the deaths of the birds. As per the information spray of medicine Hilzin has been made on the fruit trees.

Bansi Singh and Sukhdev Singh who had been given contrat of the Jamun fruits stated that they have not sprayed any poisonous material on the trees and they do not know as to how such large number of birds have died.

Certified to be true translated copy


Advocate
Applicant

Annexure A-2







True Copy
[Handwritten Signature]
Adv.

Annexure A-3

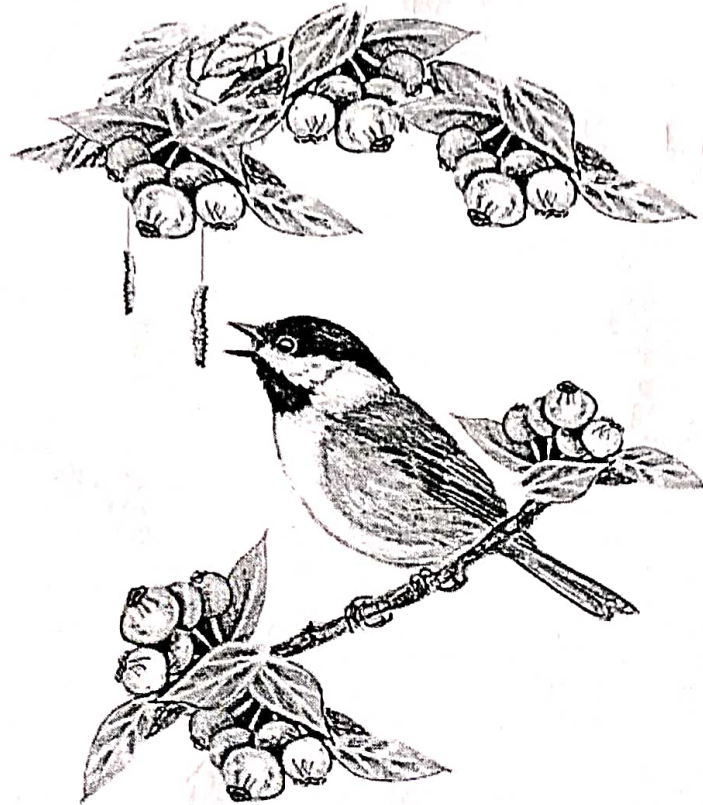




True Copy
[Signature]
Adv.

Bird Watcher's General Store

Spraying Fruit Trees is Bad for Birds - 04/28/06



Dear Bird Folks,

The trees in my yard are full of new leaves, especially the fruit trees. Soon these trees will be filled with little black worms that will destroy their yields. Usually I spray them with pesticides, but I've become concerned with the birds that eat at the feeders, which are next to the trees. Is it safe to continue to spray? With what? I don't want to lose my fruit.

-Tod, Pembroke, MA

I'm with you Tod,

Fruit rules. Even though I'm a vegetarian, I'd much rather eat fruit. In fact, I would become a fruitarian, but that name sounds even wimpier than vegetarian. Fruit has it all over vegetables. Most fruits are sweeter than vegetables, you don't have to cook any of them and fruit makes far better desserts than vegetables. There is apple pie, blueberry cobbler, raspberry turnovers, banana bread, strawberry shortcake, just to name a few. What kind of desserts do vegetables give us? Carrot cake? Oh, please.

Whether you like fruit, vegetables or both, the trouble is we aren't the only ones who like them. Lots of other things do too and that's where the problems come in. Since the first humans decided that growing food was better than chasing after it with clubs, we have been fighting off the hordes of other creatures that mistakenly thought we like to share. Over the years everything from fire to prayer to voodoo to chemicals have been used to protect crops. All, except maybe prayer, have had clear environmental impacts. The first known chemical insecticides were made from sulfur and were used by the Sumerians back 4,500 years ago. I'm not sure who the

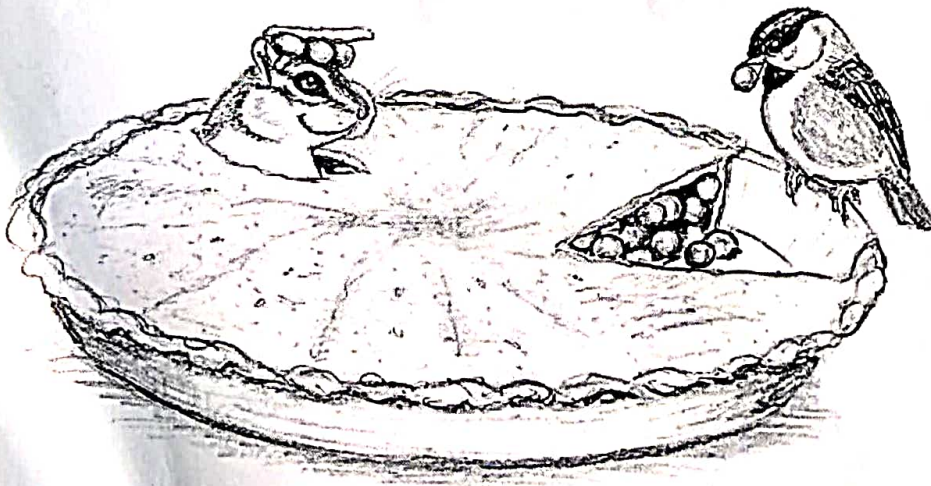
Sumerians were, but if they used sulfur they probably came from New Jersey.

Today over a billion pounds of toxic pesticides are dumped on this country each year and the highest percentage of the dumping does not come from commercial farmers, but from homeowners. People like you and I, Tod, are doing more than our fair share spreading these poisons around. The patch of emptiness that we call a lawn are a major target, but ornamental shrubs and, yes, prized fruit trees are also sprayed, dusted and powdered with nasty stuff.

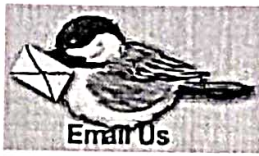
The benefits of spraying are immediate. We get a greener lawn, redder roses and spotless fruit. The long term effects on us humans aren't as obvious. How these sprays affect the people who eat the fruit or the children who play on the lawn isn't as clear. What is clear is that pesticides are bird killers. Birds are a 100 times more sensitive to pesticides than mammals. It is estimated that in the U.S. over sixty million birds die annually from pesticide exposure. The reason why we don't find that many bird bodies is that most are quickly scooped up by scavengers or fast food restaurants. Also, pesticides indirectly cause bird mortality. Insect eating birds and their nestlings may starve if spraying eliminates all the insects in an area.

Bird's mobility is part of the problem. Because they can fly it's nearly impossible to keep them away from a recently treated area. Birds die from direct contact with pesticides or from eating the insects or plants that have been sprayed. They die from absorbing toxins when they land on a treated tree or plant. They die after drinking water that is contaminated by runoff. It doesn't have to be water runoff either. Hummingbirds often obtain their moisture from sipping up the little water droplets that form on the leaves of a tree. If those leaves have been sprayed, the tiny bird is in big trouble. Based on the above information, Tod, you can probably guess that I'm giving a thumbs down to your question about spraying to protect your fruit trees. An easy alternative to spraying is to encourage more birds to your yard. Birds would love to feed those "little black worms" of yours to their nestlings, especially if the worms aren't dusted with poison. In addition to your feeders, putting out a birdbath, setting up more nest boxes and encouraging the growth of native vegetation will draw more worm-eating birds to your yard.

The other thing you should do is identify which species those little black worms are. By knowing the exact insect you are dealing with, you should be able research a specific, nontoxic way of protecting your trees. But for the sake of the birds, and perhaps even yourself, avoid using pesticides. Like that Joni Mitchell song says: "Give me spots on my apples but leave me the birds and the bees." Good luck with your fruit trees Tod. Before I go I'd like to make a deal with you. I won't tell any bird watchers that you once used pesticides if you don't tell anyone that I've been listening to Joni Mitchell. Deal?



Artwork by Catherine Clark



19

Home

Bird Watcher's General Store * 36 Rt. 6A, Orleans, MA 02653
toll-free: 1-800-562-1512

*True Copy
And
Applicant*

Item No. 06

Court No. 1

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

Original Application No. 1020/2019

(With report dated 21.01.2021)

News item Published in "Hindustan Times" Authored by Rakesh Goswami
Titled
Sambhar's ecology among worst: Report

Date of hearing: 18.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. The issue for consideration is the remedial action to deal with the deterioration of ecology at and around Sambhar Lake in District Jaipur, Rajasthan. The deterioration is manifested by incident of death of 18000 migratory birds, as reported in newspapers on 20.11.2019. The newspapers report mentioned that the incident was result of violation of environmental norms in maintaining the eco-system of the wetland in question. The wetland is of international importance.
2. The matter was considered on 17.03.2020 in light of report dated 13.03.2020 filed by the State Wetland Authority, proposing remedial steps. The Tribunal observed:

*"5. We find that even though the problem surfaced five months ago, there is any hardly any tangible action so far. During interaction, it was submitted that **demarcation of the area into Core Zone and Buffer Zone is necessary**. If it is so, there is no reason why it has not been done in the last five months. At least a tentative and interim delineation could have been done. **It is also stated that some steps have been taken for removing encroachments and the remaining encroachments will be removed within next three months. This may require tangible***

monitoring and fixing of accountability with the seriousness required to deal with the situation. No effective action has been taken against the industrial pollution in spite of sufficient authority being available under the Statutes, including the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the Environment Protection Act, 1986. We are informed that there are 500 illegal bore-wells out of which only 137 have been closed. We do not see any reason why all the illegal bore-wells have not been closed. We are further informed that sewage is also being discharged into the water bodies by the Local Bodies. This being a criminal offence has to be stopped forthwith and emergent measures be taken to prevent any discharge of sewage into the water body. For the illegal discharge of sewage and industrial pollution, prosecution must be initiated and compensation recovered on 'Polluter Pays' principle. This is the responsibility of the State PCB. Report of effective action taken in this regard be placed on record before the next date failing which coercive measures may have to be taken against the officer bearers of the State PCB. The State PCB must ensure that local bodies stop discharge of sewage. Action may also be taken for disposal of sludge and Sodium Sulphate waste. The sealing of the illegal bore-wells be ensured by the Collectors of the concerned areas viz. Nagaur, Jaipur and Ajmer.

6. A comprehensive Environment Management Plan may be prepared for preventing and remedying the damage to the environment. The concerned industries may be advised to adopt cleaner production approaches and encourage minimizing waste and waste exchange efforts. The Secretary, Environment, Rajasthan may oversee and coordinate action with all the concerned authorities at least once in a week.

7. Let a further action taken report be filed jointly by the Rajasthan State PCB, Collector, Jaipur, State Wetland Authority and the National Wetland Authority before the next date by email at judicial-ngt@gov.in. The nodal agency for coordination and compliance will be the State Wetland Authority."

3. The matter was last considered on 27.08.2020 in the light of the further report of the State Wetland Authority dated 23.06.2020 about the steps taken in the matter. The Tribunal further directed further action in the light of the observations in the said order. The relevant extract from the order are as follows:-

"1&2...xxx.....xxx.....xxx

3. Accordingly, further report has been filed by the State Wetland Authority on 23.06.2020. The steps claim to have been taken are mentioned as follows:

1. Preparation of a Comprehensive Environment Management Plan: A draft of Comprehensive Environment Management Plan for Sambhar Lake has been prepared by the Environment Department. The draft is required to be approved by the State Wetland Authority. Due to COVID Emergency, meeting of the Wetland Authority could not be held which will be held shortly and the Plan will be submitted thereafter.

2. Delineation of Core and Buffer Area of Sambhar Lake Wetland Area: The issue of delineation of core and buffer area has been included in the Comprehensive Management Plan and compliance will be submitted along with the Management Plan.

3. Collection of Water Samples: Rajasthan State Pollution Control Board will collect the water samples from the Lake bed area pre and post monsoon every year. 13 Sampling location have been identified in the lake and surrounding area by RSPCB. Samples for the pre monsoon season have been collected already and sent for analysis.

4. Disposal of Sodium sulphate waste /sludge generated from Salt Refining Units:

The areas of Sludge and Sodium sulphate waste disposal in the Lake area generated from Salt Refining Units have been identified. These refining units have been directed and cautioned not to dispose waste in the lake bed area by the District Collector's. A landfill site will be identified shortly by the Revenue Department for this purpose near the lake area.

Sewage Disposal: SDM, Sambhar Lake has informed that no sewage disposal is being done in the lake area in Panchayat Samiti Sambhar in village Kajipura, Narangpura, Tyod and Village Panchayat Bardoti, Korsina and Habaspura of Panchayat Samiti Dudu. Executive Engineer, Nagar Palika, Sambhar Lake has informed that waste disposal is being done in land which is far from the Sambhar Lake Area. RSPCB has written to Executive Engineer, Nagar Palika, Sambhar Lake

As informed by LSG Department, **Sewage Treatment Plan for the area is under process.** Sambhar lake Municipality has already been declared ODF (Open Defecation Free) under Swachh Bharat Mission (Urban). All household & Community/ Public Toilets (CT/PT) in Sambhar Lake has connected with twin pits and

septic tanks; For treatment of feacal sludge of twin pit/septic tank of all toilets, a **Common FSTP (20 KLD capacity) for Sambhar Lake and Phulera FSTP is under trial run and to be handed over by RUIDP to ULB.** Feacal sludge from pits and Septic tanks is being collected by sewer suction machine and disposed at FSTP for the treatment. Therefore, after running of FSTP sewage water is not being discharged in Sambhar Lake from Municipal Area (likely date of running of FSTP within one month).

5. Removal of Encroachment:

District Nagour: District Collector, Nagour has informed that during 2019-20, Encroachment in 29.44 Ha land was removed along with removal of 137 illegal bore wells and 10 Submersible Pumps. From 01.04.2020, till date 254 illegal bore wells have been removed along with 27 Submersible Pumps. **The work of removal of encroachment is being carried out continuously and action under Rajasthan Land Revenue Act, 1956 is being taken up. Action against encroachment in 14 Ha land is under legal process and will be removed within 10 days. (Report at Annexure 1)**

Jaipur District: District Collector, Jaipur has informed that there are no mining activities in the Phulera tehsil of Jaipur District. As per the report, there are no encroachments in Jaipur District. It has been informed that JVVNL has not issued any new electrical connection in the Lake area and at present there are no Illegal bore wells in the area. (Report at Annexure 2)"

4. From the above, it is clear that the problem of management of waste and sewage, removal of encroachment and disposal of Sodium sulphate waste/sludge generated from Salt Refining Units still remain to be fully tackled.

5. Since Sambhar Lake is said to be a Ramsar site of international significance, and remedial action taken is not adequate even after sufficiently long time, we direct the Chief Secretary, Rajasthan to monitor further remedial steps in the matter, at least once every month and furnish a report of such monitoring to this Tribunal before the next date of hearing 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."

4. Accordingly further report has been filed by the Government of Rajasthan on 21.01.2021 giving the status of progress as follows:-

"1. Preparation of a Comprehensive Environment Management Plan: A Comprehensive Environment Management Plan for Sambhar Lake has been prepared by the Environment Department. The plan has been approved by the Standing Committee for Management of

Sambhar Lake constituted under Chairmanship of the Chief Secretary, Rajasthan during meeting held on 06.08.2020 and State Wetland Authority in its meeting dated 15.09.2020. A copy is given at Annex.1

2. Delineation of Core and Buffer Area or Sambhar Lake Wetland Area: A digital revenue map is being prepared by the Environment Department in consultation with Sambhar Salts Limited and Land Settlement Department with help of Satellite imagaries. Delineation of Core and Buffer area would be done and a detailed map would be submitted with details of Core & Buffer areas on map.

3. Collection of Water Samples: Rajasthan State Pollution Control Board has collected the water samples from the Lake bed area pre and post monsoon this year. 13 Sampling location a have been identified in the lake and surrounding area by RSPCB. Samples for the pre and post monsoon season have been collected.

4. Disposal of Sodium sulphate waste /sludge generated from Salt Refining Units: The areas of Sludge and Sodium sulphate waste disposal in the Lake area generated from Salt Refining Units have been identified. These refining units have been directed and cautioned not to dispose waste in the lake bed area by the District Collector's. A landfill site will be identified shortly by the Revenue Department for this purpose near the lake area.

Sewage Disposal: SDM, Sambhar Lake has informed that no sewage disposal is being done in the lake area in Panchayat Samiti Sambhar in village Kajipura, Korsina and Habaspura Engineer, Nagar Palika, Sambhar Lake has informed that waste disposal is being done inland which is far from the Sambahr Lake Area. RSPCB has written to Executive Engineer, Nagar Palika, Sambhar Lake As informed by LSG Department, Sewage Treatment Plan for the area is under process. Sambhar lake Municipality has already been declared ODF (Open Defecation Free) under Swachh Bharat Mission (Urban). All household & Community/ Public Toilets (CT/PT) in Sambhar Lake has connected with twin pits and septic tanks; For treatment of fecal sludge of twin pit/septic tank of all toilets, a Common FSTP (20 KLD capacity) for Sambhar Lake and Phulera FSTP is under trial run and to be handed over by RUIDP to ULB. Fecal sludge from pits and Septic tanks is being collected by sewer suction machine and disposed at FSTP for the treatment. Therefore, after running of FSTP sewage water is not being discharged in Sambhar Lake from Municipal Area.

5. Removal of Encroachment: Narangpura, Tyod and Village Panchayat Bardoti, of Panchayat Samiti Dudu. Executive District Collector Nagaur regularly removing encroachments in the Sambhar lake area. There are no encroachments at present in Jaipur and Ajmer Districts.”

5. In view of above, further remedial action may be taken in the matter. The plan approved by the Standing Committee for Management

of Sambhar Lake, constituted under Chairmanship of the Chief Secretary, Rajasthan during meeting held on 06.08.2020 and State Wetland Authority in its meeting dated 15.09.2020, be sent to the National Wetland Authority for approval, in view of the fact that the lake in question is a Ramsar site of National significance. The National Wetland Authority may finalize the matter within one month from the date of receipt of the plan. Based on decision of the National Wetland Authority, the State Authorities may take further action. However, planned activities may be continued, pending and subject to approval of the National Wetland Authority.

The application is disposed of.

A copy of this order be forwarded to the National Wetland Authority, State Wetland Authority, Chief Secretary, Rajasthan and Rajasthan State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 18, 2021
Original Application No. 1020/2019
A

True Copy
A
Applicant

Item No. 02

Court No. 1

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

Original Application No. 385/2019
(IA No. 333/2020)

(With report dated 22.12.2020)

Centre for Wildlife and Environment Litigation

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Advocate

Respondent: Mr. Attin Shankar Rastogi, Advocate for MoEF&CC
Mr. Amar Dave, Advocate for National Solar Energy Federation of India (NSEFI), in IA 333/2020 for implementation and directions

ORDER

1. The issue for consideration is the mitigation measures for protection of Great Indian Bustard (GIB) – rare bird and one of the critically endangered species, as per Schedule-I to the Wildlife Protection Act, 1972. Though the Ministry of Environment, Forest and Climate Change (MoEF&CC) has taken up a project called “Habitat Improvement of Great Indian Bustard-An Integrated Approach”, wind projects are potential danger to the safety of the bird. Vide order dated 04.04.2019, this Tribunal sought a factual report from the MoEF&CC with regard to the allegation that steps taken are not adequate and there continues to be high mortality of the birds.

2. According to the applicant, population of GIB has steadily declined by 75% in last thirty years. Main reason for such decline is fatal accidents with the power lines. This requires habitat improvement and conservation breeding. In the course of reviewing the project "Habitat Improvement of Great Indian Bustard-An Integrated Approach" of the MoEF, in a review meeting on 19.07.2018 it was noted that the wind projects did not require any EIA studies. There was also no substitute mechanism to ensure safeguards for protection of such birds on 'Precautionary' principle of Environment. Forest Advisory Committee, Government of India considered the matter in its meeting on 10.11.2016 and recommended study of impact of such proposed project on wildlife as the GIBs face threat from high tension transmission lines. The preventive measures identified are:

- i. Route planning*
- ii. Underground cabling*
- iii. Removal of ground/earth wires*
- iv. Line modifications*
- v. Mandatory installing of bird flight diverters on all transmission and high voltage lines with large constructions with tall pylons (35m or higher for 150kv or more) on regular intervals on conductors in order to in the course of make them more visible.*
- vi. Vane tips of the wind turbine shall be painted with orange colour to avoid bird hits."*

3. The 'Great Indian Bustard and Lesser Florican' Conservation and Breeding Programme recommendations are as follows:

- i. As directed by the Forest Department, compensatory afforestation should be carried out by using local species which will help to enhance/improve biodiversity.*
- ii. Immediate surrounding area (around 50 meter) of each WTG should be maintained vegetation free area to avoid faunal movement.*
- iii. Fruit tree species should be avoided near WTGs; otherwise this may attract bird and bats which may result in mortality of bats and birds.*

- iv. *Dead animal and carcasses (if any) should be removed immediately from WTG site to prevent attraction of carnivore birds/raptors towards sites.*
- v. *No water bodies/pond formation allowed within site/near turbines this may attract water birds and lead to collision.*
- vi. *Project personnel may be given basic information about biodiversity conservation and awareness programmes may be conducted for sensitizing about bio-diversity conservation.*
- vii. *If bridges are proposed, culverts should be provided for smooth movement of other faunal species.*
- viii. *Awareness camps on green energy projects can be conducted within nearest school and other educational institutions.*
- ix. *The Vane tips of the Wind Turbine shall be painted with Orange colour to avoid bird hits."*

4. According to the applicant, mortality of birds is around one lakh annually. On consideration of the matter, the Tribunal sought a response from the MoEF. In its response vide report dated 11.07.2019, the MoEF&CC acknowledged the problem. It was submitted that adult mortality of GIBs is still very high due to collisions with power-lines that crisscross their fly paths. The Wildlife Institute of India has made following recommendations:

"4. RECOMMENDATIONS:

- 4.1. *Keeping the above scientifically established threats in mind, the following evidenced based actions are recommended by WII that are required to be taken up in time bound manner to achieve the species recovery.*
- 4.2. **Mitigate all power transmission lines passing through priority bustard habitats identified by WII (Please refer Annexure 10) by undergrounding cables (where technically/ technologically feasible) or installing bird diverters to make them prominent to birds.** *The priority areas where this intervention is required has been mapped by the Wildlife Institute of India and a technical-cum-financial proposal has been submitted to RVPNL for necessary approvals from Rajasthan Energy Department for mitigation. This action must be expeditiously implemented in the short-term (1-3 years), as power-line mortality is currently the biggest threat to the species.*
- 4.3. **Disallow new wind turbines, solar farms (photovoltaic power stations) from priority GIB habitats and remove**

existing ones that are in the critical areas. The priority areas where this intervention is required has been mapped by Wildlife Institute of India (Please refer Annexure 10). This action needs to be implemented in the long-term spanning 5-10 years from present.

- 4.4. **Develop predator-proof enclosures of 5-10 sq km area in known breeding sites in and around DNP to improve GIB recruitment, and keep away nest predators by routinely translocating dogs, pigs, foxes, mongoose and other species outside the enclosures using professional trappers.** Number of water guzzlers inside the enclosures need to be reduced to curtail availability of surface water that attracts non-native nest/chick predators such as dogs, foxes, pigs and mongooses. Also establish such enclosures in the larger Thar (Jaisalmer) landscape, as identified by joint surveys of WII and RFD. These enclosures need to be developed and will serve as breeding sites and stepping stones for movement across the larger landscape.
- 4.5. **Create an inviolate area of 200 sq km (WII proposal- 500 sq km) in northern DNP as a National Park through voluntary and incentivized relocation of local people (if needed) with the mandate of conserving GIB.**
- 4.6. **Delineate priority GIB habitats outside DNP as Eco Sensitive Zones where agro-pastoral practices are regulated to low-intensity through Zonal Management Plans and detrimental infrastructure such as wind turbines and overhead transmission lines are curtailed. This action needs to be implemented in the short-term (1-2 years).**
- 4.7. **Engage with local communities to promote bustard-friendly practices such as stall-feeding of livestock during monsoon – GIB chick-rearing and grass growing season – and cultivating food crops preferred by GIB during monsoon such as gram, ground nut and millets while leaving the fields fallow for the remaining period. These land-uses can be promoted by Rajasthan Forest Department in conjunction with other State Departments, through appropriate financial and other incentive schemes, such as provisioning of fodder for stall feeding or compensatory payments to foregone production cost by opting for low intensity farming. This action needs to be implemented in the longer scale (4-8 years).**
- 4.8. **Reduce poaching of GIB and other wildlife in the Thar landscape by improving protection enforcement through training of Forest Department frontline staff in smart patrolling tools with the help of conservation organizations such as WII and WWF, provisioning of better patrolling equipment, enrolling frontline staff from non-wildlife divisions of Forest**

Department and local volunteers in this activity, and ensuring trials of convicts. Further, it is to bring to the notice that areas controlled by Armed forces in Jaisalmer District harbor about 50% of the GIB population found in Rajasthan. This secure zone under the control of Army where human activities are minimal is a blessing for the bird on the verge of extinction. Thus, continued cooperation of Army, Air Force and Border Security Force to conserve the GIB and control the incidents of poaching could play a vital role as well.

- 4.9. Implement the conservation breeding programme by creating an offshore insurance population (if needed) by shipping a batch of about 10 GIB eggs to a state-of-the-art international breeding center such as IFHC houbara breeding center at Abu Dhabi that produces up to 30,000 houbara chicks every year (short-term solution 3-5 years), and meanwhile, establish a national breeding center by training staff, developing a state-of-the-art center at Sarsen (main facility) and Ramdev (satellite facility), where eggs collected from wild can be artificially incubated, hatched, reared and captive bred to create an insurance population that can be reintroduced into the wild.**
- 4.10. To continue with targeted research on GIB to characterize threats spatio-temporally, understand landscape use patterns using satellite telemetry, and objective monitoring of their population status by involving research organizations, understanding of species biology, behavior, reproduction, genetics, ecology and management in wild and captivity of GIB, and collection of biological samples for species identification from carcasses, for disease screening for better understanding of threats, develop disease prevention protocol, and forensic examination of mortalities."**

5. The matter was considered on 04.09.2019 in the light of above report. It was observed:

- "3. The above recommendations need to be acted upon which requires preparation of a time bound action plan.**
- 4. Let a joint Committee comprising Director General, Forest, MoEF&CC, Additional Director General, Forest (Wildlife), MoEF&CC, nominees of Ministry of Power, Ministry of New and Renewable Energy, Central Government and nominees of Energy Departments of Gujarat and Rajasthan prepare a time bound action plan in the matter within two months. The nodal agency for the purpose will be the Director General, Forest, MoEF&CC and the Additional Director**

General, Forest (Wildlife), MoEF&CC will be member secretary of the nodal agency. Compliance report be furnished to this Tribunal before the next date by e-mail at judicial-ngt@gov.in."

6. Accordingly, the MoEF&CC has filed its further report on 22.12.2020 as follows:

"2. That the Hon'ble NGT vide its order dated 04/09/2019 in O.A. No. 385 /2019 in the matter of Centre for Wildlife and Environment Litigation (CWEL) Vs. Union of India &Ors., has been pleased to constitute a committee comprising the following officials, and directed to finalise an Action Plan on recommendations for conservation of Great Indian Bustard: -

- i. Director General of Forest, MoEF&CC- **Chairperson**
- ii. Additional Director General of Forest (Wildlife), MoEF&CC- **Member Secretary**
- iii. Nominee of Ministry of Power, Govt. of India.
- iv. Nominee of Ministry of New and Renewable Energy, Govt. of India.
- v. Nominee of Energy Department of Gujarat
- vi. Nominee of Energy Department of Rajasthan.

3. That since its constitution the Committee has been continuously engaging with different stakeholders including the Central Government Ministries of Power and New & Renewable Energy, the Central Electricity Authority, the Forest Departments, Energy Departments, and energy generation/ transmission agencies of the States of Rajasthan, Gujarat, Maharashtra, and has held successive meetings dated 16th October 2019, 11th Nov, 2019, 05th May, 2020, 03rd Nov, 2020 and recently on 17th Dec, 2020 in this regard so that all the relevant issues are considered in their full comprehension and a time-bound actionable plan is prepared in the best interest of conservation and development of GIB. It is also to mention that while deliberations have been going on in the Committee meetings, concomitant and significant field action on the ground has also been pursued so that it becomes a matter of priority for all stakeholders, and these conservation and development measures are scaled-up with time.

4. That during the meetings of the Committee it was impressed upon by the Ministry of New & Renewable Energy (MNRE), Government of India that the main areas of conservation of GIB in western Rajasthan overlaps with one of the main renewable energy hubs of the country. As per inputs provided by the MNRE, the area has been in development as such since 2004 and already major power generation stations based on wind and solar energy totaling around 1500 MW have been commissioned. Although, the area has huge solar and wind power potential, only 2400 MW of additional renewable projects are under execution in that area which will be critical for energy security of the country. This will contribute not only for meeting national target of installing 1,75,000 MW

renewable capacity by 2022 but also for meeting India's Nationally Determined Contribution (NDC) under the Paris Climate Agreement to achieve 40 percent of installed electric power capacity from non-fossil sources by 2030. **These concerns were appreciated. However, given the needs of GIB conservation, it ought to be given highest priority, and all feasible action need to be taken to protect, conserve and develop the GIB population in this area. Accordingly, the Ministry of Environment, Forests and Climate Change has continually taken up with all the concerned stakeholders in its deliberations so far so that they could appreciate the seriousness and the critical importance of concerted action to protect, conserve and develop GIBs and their habitats within the area of their operation, and start taking concerted action accordingly. A summary of such issues taken up in the Committee meetings are given in the following paragraphs:**

- i. **The first meeting of the Committee was convened on 16th October, 2019 under the Chairmanship of DGF&SS, MoEF&CC. During the meeting, it was brought to the notice of the committee that environmental clearances are being obtained for the power projects. It was highlighted that the projects which have already been contracted/initiated in the field, it would be difficult to initiate the mitigation like underground cable or aerial bunched cables or cornered conductors as it would amount to revising the project cost and initiating a fresh process for financial clearance. This might lead to the undue delay in execution of important projects of alternate energy. It was further brought to the notice of the committee that the power-lines passing through GIB arc are of higher voltage and at present there is no technology which is techno-economically feasible for under grounding such high voltage power cables. The power transmission agencies voiced the major issue relating to availability of financial resources for underground of technically feasible segments of the transmission lines. The committee, however, made clear that there is urgent need to have a time bound action plan for the implementation of all the mitigation measures such as under-grounding of power lines, installation of bird diverters and their regular maintenance and monitoring by the power agencies. The minutes of the Meeting are attached at Annexure-I.**
- ii. **A second meeting of the committee was convened on 11th November, 2019. In the meeting, technical feasibility to have a hybrid power transmission line including underground as well as over ground transmission were discussed. However, the difficulties in maintenance of such hybrid systems and ensuring the uninterrupted supply of electricity without any transmission losses were brought before the committee. It was also informed that it might not be possible to introduce such systems in the existing power lines since most of the work has been completed and cost of the underground lines is 3 to 4 times higher and therefore, non-economic to convert the current**

- overhead transmission lines into the hybrid transmission lines. The minutes of the Meeting are attached at **Annexure-II**.
- iii. Thereafter, a meeting was convened on **05th May 2020** to discuss progress by the relevant agencies for the formulation of the action plans, as well as various steps being taken on the ground by the GIB range states, Wildlife Institute of India, Dehradun, Ministry of New and Renewable Energy, Ministry of Power, State Energy Departments of Rajasthan and Gujarat. The minutes of the Meeting are attached at **Annexure-III**.
 - iv. The Committee convened another meeting on **03rd November, 2020** and each of the recommendation listed in the order of the Hon'ble NGT dated 04.09.2019, and the progress made by different agencies, including on providing the requisite inputs to finalise the action plan was reviewed in detail. Specific directions were given by the Chairman of the Committee to each of the concerned stakeholders in this regard so that the plan could be finalised immediately. The minutes of the meeting are attached at **Annexure-IV**.
 - v. A meeting of the Committee was again convened on **17th December, 2020**. The Committee discussed action taken by various stakeholders on each of the recommendations, and also the draft GIB conservation action plan prepared in consultation with various concerned stakeholders was deliberated during the meeting. Given the unique geography and the land tenure of the area, various constraints that were highlighted included:
 - a. Technical Specifications of bird diverters are required to be finalized by Ministry of Power and Central Electricity Authority (CEA) in a time bound manner. CEA will also review and recommend if bird diverters are to be installed on the earthing wire alone or on all the wires in the transmission line.
 - b. Technical phrases used in Action Plan such as 'critical area', 'priority area' and 'potential area' must be used unambiguously so that clear delineation could be done on the map and on the ground without any overlap so that renewable energy project developers could plan accordingly.
 - c. As GIB potential area covers a very large geographical space, putting absolute restrictions on Renewable Energy projects would be counter-productive, as the area around Desert National Park (DNP) is very crucial for green energy supply of the country as informed by MNRE.
 - d. Under-grounding of transmission lines be taken up on priority as per technical feasibility, while widespread installation of bird diverters may be pursued strongly.
 - e. Various agencies on renewable energy emphatically requested that any restriction on new renewable energy projects should be made prospectively and not retrospectively. They submitted that all those projects for which clearances have been given already may be continued, otherwise this would create serious financial and technical complexities including revision of tariffs as the projects were given go-ahead after a detailed bidding process. Further, under-grounding of already existing power-lines will entail huge financial resource for which funding support is required either from Government or by way of a

- suitable order on tariff by the electricity regulator which will have serious downstream impacts.
- f. Similarly, very large funds and lands are required for voluntary relocation of villages in the Desert National Park and the process itself is highly time consuming to serve a useful purpose in the immediate time period.
 - g. Significant progress has been made towards construction and maintenance of predator proof fencing and GIB enclosures, however, for the system to have permanent benefits, sustainable funding successively over the years is required.
 - h. A proposal for declaration of ESZ around DNP has already been formulated and is ready to be deliberated by the Committee constituted for this purpose by Government of Rajasthan. The Chief Wild Life Warden (CWLW), Rajasthan informed that by including Priority GIB habitats outside DNP in the proposed Eco Sensitive Zones, the boundaries of the proposed ESZ is stretching to hundreds of kilometers away from the DNP which is not a practical solution for effective management, and, therefore, alternative spatial delineation as per need and practical aspects of GIB conservation needs to be reviewed properly.
 - i. Energy agencies submitted that under-grounding of power lines would also entail land acquisition. Timelines need to be fixed and fund requirement and sources of funds need to be ascertained to complete the process. Given the significance of the task, this should be acted on priority.

It was decided during the meeting that the views expressed by the concerned stakeholders are required to be suitably incorporated in the draft action plan. Further, discussion is also required on the draft action plan before it is finalized and submitted to Hon'ble Tribunal.

5. Substantial progress has already been made on the recommendations made by the Wild Life Institute of India (WII). A detailed summary of the actions taken by the various stakeholders on the recommendation cited in para-2 of the Hon'ble NGT order dated 04-09-2019 are at **Annexure-V**.

6. Further, the Ministry has taken up an initiative on conservation breeding of the Great Indian Bustard (GIB) in collaboration with Rajasthan, Gujarat and Maharashtra Forest Departments and technical support from Wildlife Institute of India (WII), Dehradun. The Ministry with financial support from National Authority for Compensatory Afforestation Funds has sanctioned an outlay of Rs. 33.85 crores for the duration of five years (2016-2021) for the programme titled 'Habitat Improvement and Conservation Breeding of Great Indian Bustard-an integrated approach'. Under the project, the details of the major works done are at **Annexure-VI**.

7. Financial Assistance is also being provided by the Ministry to the Great Indian Bustard range states like Rajasthan, Maharashtra, Karnataka for undertaking works for the conservation and protection of Great Indian Bustard under the Centrally Sponsored Scheme-Development of Wildlife Habitat (CSS-DWH).

8. Gujarat State Forest Department has acquired 5321.09 ha. land from different agencies in the GIB landscape. In addition, 2988.57 ha. land has been acquired under Compensatory Afforestation Scheme. Therefore, collectively 8511.66 ha. of area has been acquired and has been developed as Great Indian Bustard habitat area. Due to the focused efforts of the department, the above said area has been restored as a GIB habitat and is being used by the GIB at present. In last five years 4,898 running meter fencing has been done within Great Indian Bustard habitat. Measures to curb the invasion of *Prosopis Juliflora* has been particularly mentioned in the Recovery Plan. Accordingly, *Prosopis Juliflora* and other unwanted plant species are being uprooted and removed by the department and the area is being restored as grassland. Owing to this effort, till 2019-20 a large patch of 855 ha. of habitat has been restored and the GIB have observed to have started using it. To protect the GIB from predation by feral dogs, sterilization and vaccination programme of dogs is being carried out by the forest department in the 21 villages falling within the Eco-sensitive zone on a regular basis.

9. India submitted a proposal for listing of Great Indian Bustard in Appendix I of Convention on Migratory Species (CMS) during 13th meeting of the Conference of Parties (COP) to the CMS held in Gandhinagar Gujarat from 15th - 22nd February, 2020. The proposal was considered and accepted. This will further strengthen the conservation efforts for the Great Indian Bustard as it gets global protection. In addition, the Great Indian Bustard was adopted as the mascot for the CMS COP-13 and named as 'Gibe - the Great'.

10. It is submitted that the Ministry of Environment, Forests and Climate Change is fully committed and taking effective measures in addition to steps already taken to strengthen the conservation of Great Indian Bustard in the country.

11. It is submitted before the Hon'ble NGT that due to unprecedented situation of COVID-19 in the country and physical restrictions imposed, it has been difficult for various stakeholders, scientists and field staff/ project team to visit the area and carry out field surveys in a time bound manner so that the Action Plan could not be finalized as yet. However, substantial progress has been made and the framework of the Action Plan has already been prepared. The same needs to be now refined and finalised in light of the concerns listed above so that speedy implementation of the Plan could be affected by all the concerned stakeholders. **Therefore, it is humbly requested from Hon'ble Tribunal to kindly grant six months' time to enable the Committee to finalize the Action Plan for GIB conservation as directed in the order dated 04/09/2019 and 20/02/2020, and for this it is ever prayed."**

7. We have duly considered the report and the deliberations of the six-member expert Committee, in consultation with the stake holders.

The proposed action plan which has already been delayed needs to be finalised at the earliest, preferably within two months. Since the main reason for mortality of GIBs is the collisions with power lines laid by the Wind/Solar Energy projects, crisscrossing their paths and undergrounding of transmission lines is not viable for the projects already completed, installation of the bird diverters to prevent such fatalities needs to be undertaken on priority basis expeditiously, preferably within four months. Undergrounding of transmission lines needs to be ensured for all new projects henceforth, as recommended by the six-member expert Committee, by making it a mandatory condition for grant of consents under the Water/Air Acts by the concerned State PCBs which may be overseen by the CPCB and the MoEF&CC. If consent is not required, even then undergrounding of transmission lines may be ensured. While granting such consents, impact of such projects on biodiversity of the area, specially in the context of GIBs, be undertaken. The MoEF&CC/CPCB/State PCBs may take further action as per action plan suggested by the six-member Committee, appointed by this Tribunal.

8. We may now consider IA 333/2020 filed by the National Solar Energy Federation of India (NSEFI) for being heard in the matter. We have heard learned Counsel for the NSEFI and considered its submissions. It is stated that Writ Petition (Civil) No. 838/2019, *M.K. Ajitsinh v. Union of India* is pending in the Hon'ble Supreme Court on the subject for emergency response plan for protection and recovery of the GIBs. The Hon'ble Supreme Court has constituted a three-member Committee as follows:

"1) Director, Bombay Natural History Society, Hornbill House, Mumbai.

- 2) *Dr. Asad R. Rahmani, former Director of Bombay Natural History Society and Member of the Governing Body of Wetlands International South Asia.*
- 3) *Dr. Dhananjay Mohan, Chief Conservator of Forests, Wildlife, Admn. Protection & Intelligence, Nainital, Uttarakhand."*

9. On 18.02.2020, the Hon'ble Supreme Court added following members:

- "(1) Dr. Sunitha Dutta
Scientist, Wildlife Institute of India Address:
Wildlife Institute of India, Chandramana,
Post Office - 248018, Dehradun, Uttarakhand.
Telephone: +91 8937074550
Email: sutirthadutta@gmail.com.*
- (2) Dr. Thuli Rao,
Director, Research & Extension, Andhra Pradesh
State Biodiversity Board (APSBB)
Address: Walnut Block, Flat No. 311, Rain Tree Park,
Guntur-522 508, Andhra Pradesh.
Telephone: + 91 8500782528, 6305770234
Email: drkthulsirao@gmail.com*
- (3) Dr. Samad Kottur, Lecturer, Govt. PU College
Address: #461, "ASHA", Mahadeshwar
Bada vane, Hospet-583 201, Karnataka
Telephone: 9448989263
Email: samadkottur@gmail.com."*

10. It is submitted that since the Hon'ble Supreme Court has taken cognizance of the matter and notices have been issued to the States/Government authorities, the order of this Tribunal will impact projects for generation of solar and wind energy which will be helpful for generating non-fossil energy to advance Paris Agreement. This prayer is opposed by the Counsel for the Applicant and the MoEF by submitting that directions of this Tribunal will only expedite mitigation measures urgently required and there is no conflict in consideration of matter by the Tribunal with the consideration of the matter by the Hon'ble Supreme Court.

11. We do not find any conflict in the order of this Tribunal and consideration by the Hon'ble Supreme Court. There is also no conflict with the projects for generation of non-fossil energy. Protection of critically endangered species like GIBs cannot be ignored on the specious plea put forward by the NSEFI.

12. In view of above, we dispose of this application with a direction that necessary steps be taken for protecting critically endangered GIBs by installing the diverters on all existing powerlines and undergrounding the new powerlines, as suggested by the six-member Committee of the MoEF&CC, as directed in para 7 above. Monitoring of compliance be done, preferably by the Wildlife Institute of India atleast twice in a year. Needless to say, the directions of this Tribunal are subject to further directions of the Hon'ble Supreme Court in the matter pending, noted above.

The application is disposed of.

A copy of this order be forwarded to the MoEF&CC, Wildlife Institute of India, CPCB and Maharashtra, Gujarat and Rajasthan State PCBs for compliance by e-mail.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

December 23, 2020
Original Application No. 385/2019
(IA No. 333/2020)
DV

True Copy
APPLICANT

2 ਪੰਜਾਬੀ ਟ੍ਰਿਬਿਊਨ, ਚੰਡੀਗੜ੍ਹ, ਸ਼ਨਿਚਰਵਾਰ, 12 ਜੂਨ 2021

ਪ੍ਰਸ਼ਾਸਨ ਦੇ ਲਾਲਚ ਨੇ ਲਈ ਸੈਂਕੜੇ ਪੰਛੀਆਂ ਦੀ ਜਾਨ

ਪ੍ਰਸ਼ਾਸਨ ਨੇ ਪਰਿੰਦਿਆਂ ਦੀ ਮੌਤ ਹਨੇਰੀ ਦੇ ਖਾਤੇ ਪਾਈ; ਕੋਈ ਜ਼ਹਿਰੀਲੀ ਸਪਰੇਅ ਨਹੀਂ ਕੀਤੀ: ਠੇਕੇਦਾਰ

ਸ਼ਾਬੰਤ ਸਿੰਘ
ਫਰੀਦਕੋਟ, 11 ਜੂਨ
ਫਰੀਦਕੋਟ ਬਹਿਰ ਵਿੱਚ ਜਾਮਣਾਂ ਦੇ ਰੁੱਖਾਂ ਹੇਠੋਂ ਸੈਂਕੜੇ ਮਰੇ ਹੋਏ ਪੰਛੀ ਮਿਲੇ ਹਨ। ਇਨ੍ਹਾਂ ਪੰਛੀਆਂ ਦੀ ਮੌਤ ਫਲਦਾਰ ਬੂਟਿਆਂ ਉੱਪਰ ਜ਼ਹਿਰੀਲੀ ਸਪਰੇਅ ਕਰਨ ਨਾਲ ਹੋਈ ਹੈ। ਪਰ ਪ੍ਰਸ਼ਾਸਨ ਪੰਛੀਆਂ ਦੀ ਮੌਤ ਲਈ ਰਾਤ ਸਮੇਂ ਆਈ ਤੇਜ਼ ਹਨੇਰੀ ਅਤੇ ਇਸ ਤੋਂ ਦੋ ਦਿਨ ਪਹਿਲਾਂ ਪਈ ਸਖ਼ਤ ਗਰਮੀ ਨੂੰ ਦੱਸ ਰਿਹਾ ਹੈ।



ਕੀਟਨਾਸ਼ਕ ਦਵਾਈਆਂ ਦੇ ਲਿਫ਼ਾਫ਼ੇ ਮਿਲੇ

ਜਿਥੇ ਮਰੇ ਹੋਏ ਪੰਛੀ ਮਿਲੇ ਹਨ, ਉਥੇ ਕੀਟਨਾਸ਼ਕ ਦਵਾਈ ਦੇ ਪਾਈ ਪਏ ਲਿਫ਼ਾਫ਼ੇ ਵੀ ਮਿਲੇ ਹਨ। ਇਲਾਜਕਰ ਤੌਰ 'ਤੇ ਕਿ ਪੰਛੀ ਫਲਦਾਰ ਬੂਟਿਆਂ ਅਤੇ ਹੋਰ ਮਰੇ ਹਨ, ਆਮ ਰੁੱਖਾਂ ਅਤੇ ਨਦੀ, ਇਸ ਤੋਂ ਸਪੱਸ਼ਟ ਹੈ ਕਿ ਫਲਦਾਰ ਰੁੱਖ ਉੱਪਰ ਜ਼ਹਿਰੀਲੀ ਦਵਾਈ ਛਿੜਕੀ ਗਈ ਹੈ।

ਇਨ੍ਹਾਂ ਰੁੱਖਾਂ ਦੀ ਉਮਰ 20 ਸਾਲ ਤੋਂ ਵੱਧ ਹੈ। ਇਨ੍ਹਾਂ ਰੁੱਖਾਂ ਹੇਠ ਸਭ ਤੋਂ ਵੱਧ ਮਰੇ ਹੋਏ ਪੰਛੀ ਦੇਖੇ ਗਏ ਹਨ। ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਵਿਮਲ ਕੁਮਾਰ ਸੋਹੀਆ ਨੇ ਕਿਹਾ ਕਿ ਪਿਛਲੇ ਦਿਨਾਂ ਵਿੱਚ ਪਈ ਤੇਜ਼ ਗਰਮੀ ਅਤੇ ਬੀੜੀ ਰਾਤ ਆਈ ਤੇਜ਼ ਹਨੇਰੀ ਕਾਰਨ ਵੀ ਪੰਛੀਆਂ ਦੇ ਮਰਨ ਦੀ ਸੂਚਨਾ ਹੈ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਕਿਸੇ ਵੀ ਵਿਅਕਤੀ ਨੂੰ ਜਾਮਣ ਦੇ ਰੁੱਖ ਜਾਂ ਬਾਗਾਂ ਉੱਪਰ ਜ਼ਹਿਰੀਲੀ ਸਪਰੇਅ ਕਰਨ ਦੀ ਆਗਿਆ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਸਕਦੀ ਅਤੇ ਉਹ ਜਾਨਵਰਾਂ ਦੇ ਮਰਨ ਦੇ ਮਾਮਲੇ ਦੀ ਪੜਤਾਲ ਕਰਨਗੇ। ਸੂਚਨਾ ਅਨੁਸਾਰ ਫਲਦਾਰ ਰੁੱਖਾਂ ਉੱਪਰ ਹਿਲਜਿਮ ਨਾਂ ਦੀ ਦਵਾਈ ਦੀ ਸਪਰੇਅ ਕੀਤੀ ਗਈ ਹੈ।

ਪੰਛੀ ਅਤੇ ਵਾਤਾਵਰਨ ਪ੍ਰਮੀ ਪਰਿੰਦਿਆਂ ਦੀ ਮੌਤ ਲਈ ਜਿਲ੍ਹਾ ਪ੍ਰਸ਼ਾਸਨ ਨੂੰ ਚਿੰਮੇਵਾਰ ਮੰਨ ਰਹੇ ਹਨ। ਸੰਦੀਪ ਸਿੰਘ, ਗੁਰਪ੍ਰੀਤ ਸਿੰਘ, ਕੌਮੀ ਪਿਛਾਰੀ ਗੁਰਦਿੱਤ ਸਿੰਘ ਸੰਧ, ਬੇਅੰਤ ਕੌਰ ਅਤੇ ਹਰਬੰਦਰ ਸਿੰਘ ਬਰਾੜ ਨੇ ਕਿਹਾ ਕਿ ਹਨੇਰੀ ਕਾਰਨ ਪੰਛੀਆਂ ਦੀ ਮੌਤ ਨਹੀਂ ਹੋ ਸਕਦੀ।


ਜਾਮਣ ਦੇ ਰੁੱਖਾਂ ਹੇਠ ਮਰੇ ਹੋਏ ਤੇਤੇ ਅਤੇ (ਸੱਜੇ) ਰੁੱਖਾਂ 'ਤੇ ਕੀਤੀ ਗਈ ਸਪਰੇਅ ਦੇ ਪੈਕੇਟਾਂ ਬੂਟਿਆਂ ਨੂੰ ॥ ਲੰਬੇ ਰੁਪਏ ਵਿੱਚ ਅੱਗੇ ਠੇਕੇ ਉੱਪਰ ਦੇ ਦਿੱਤੇ ਹਨ ਅਤੇ ਠੇਕੇਦਾਰਾਂ ਨੇ ਜਾਮਣਾਂ ਦਾ ਵੱਧ ਭਾਗ ਲੈਣ ਲਈ ਰੁੱਖਾਂ ਉੱਪਰ ਜ਼ਹਿਰੀਲੀ ਸਪਰੇਅ ਛਿੜਕੀ ਹੈ

ਜਿਸ ਨਾਲ ਤੇਤੇ, ਘੁੰਗੀਆਂ, ਲਾਲੀਆਂ ਤੇ ਚਿਕੀਆਂ ਆਦਿ ਜਾਨਵਰ ਵੱਡੀ ਗਿਣਤੀ ਵਿੱਚ ਮਰੇ ਹਨ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਪੰਛੀਆਂ ਦੀ ਹਾਲਤ ਵੇਖ ਕੇ ਪਤਾ

ਲੱਗਦਾ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਦੀ ਮੌਤ ਦੋ-ਤਿੰਨ ਦਿਨ ਪਹਿਲਾਂ ਹੋਈ ਹੈ।

ਜਿਲ੍ਹਾ ਬਾਗਬਾਨੀ ਅਫ਼ਸਰ ਡਾ. ਕਿਰਨਦੀਪ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਜਾਮਣਾਂ ਦੇ ਬੂਟਿਆਂ ਉੱਪਰ ਕਿਸੇ ਨੂੰ ਵੀ ਕੋਈ ਵੀ ਸਪਰੇਅ ਕਰਨ ਦੀ ਇਜਾਜ਼ਤ ਨਹੀਂ ਦਿੱਤੀ ਗਈ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਹੋ ਸਕਦਾ ਹੈ ਕਿ ਠੇਕੇਦਾਰਾਂ ਨੇ ਆਪਣੇ ਪੱਪਰ 'ਤੇ ਕੋਈ ਸਪਰੇਅ ਕੀਤੀ ਹੋਵੇ ਅਤੇ ਉਹ ਇਸ ਮਾਮਲੇ ਦੀ ਪੜਤਾਲ ਕਰਨਗੇ। ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਦੇ ਦਫ਼ਤਰ ਵਿੱਚ ਵੀ ਜਾਮਣਾਂ ਦੇ ਸੌਂ ਤੋਂ ਵੱਧ ਰੁੱਖ ਹਨ ਅਤੇ

ਜਾਮਣ ਦੇ ਰੁੱਖਾਂ ਦਾ ਠੇਕਾ ਲੈਣ ਵਾਲੇ ਬੰਸੀ ਸਿੰਘ ਅਤੇ ਸੁਖਦੇਵ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਉਨ੍ਹਾਂ ਨੇ ਕੋਈ ਜ਼ਹਿਰੀਲੀ ਸਪਰੇਅ ਨਹੀਂ ਕੀਤੀ ਅਤੇ ਉਨ੍ਹਾਂ ਨੂੰ ਨਹੀਂ ਪਤਾ ਕਿ ਇੰਨੀ ਵੱਡੀ ਪੱਪਰ 'ਤੇ ਜਾਨਵਰਾਂ ਦੀ ਮੌਤ ਕਿਵੇਂ ਹੋਈ।

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 Applicant in Person