

GAHC010027692023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/18/2023

1: PRAMOD KALITA AND 2 ORS

2: SONESH TERON

3: DIPAK TERANG

VERSUS

1: THE UNION OF INDIA AND 17 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA
PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI-110003

2: THE MINISTRY OF INDIAN RAILWAYS REPRESENTED BY ITS
SECRETARY RAIL BHAWAN HEAD QUARTERS 1 RAISINA ROAD NEW
DELHI

3: MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE
NORTH EASTERN REGIONAL OFFICE LAW-U-SIB LUMBATNGEN
NEAR MTC WORKSHOP SHILLONG-7930211

4: THE STATE OF ASSAM REPRESENTED BY THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM ENVIRONMENT AND FOREST
DEPARTMENT DISPUR GUWAHATI-781006

5:THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
REPRESENTING THE COMMITTEE APPOINTED BY THE NATIONAL GREEN
TRIBUNAL KOLKATTA EAST ZONE (TO MONITOR ACTIVITIES IN DEEPOR
BEEL AREA WITH SPECIFIC TOR) DISPUR SECRETARIAT COMPLEX
GUWHAATI-6

6:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE H-BLOCK 2ND FLOOR JANATA BHAWAN DISPUR
GUWAHATI-781006 ASSAM

7:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE)
H-BLOCK 2ND FLOOR JANATA BHAWAN DISPUR GUWHAATI-781006
ASSAM

8:THE COMMISSIONER AND SECRETARY GUWAHATI MUNICIPAL
ADMINISTRATION GUWAHATI

9:THE GUWHAATI MUNICIPAL CORPORATION
REPRESENTED BY ITS CHAIRMAN GUWAHATI

10:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER BHANGAGARH
GUWAHATI

11:STATE BOARD FOR WILDLIFE REPRESENTED BY ITS CHAIRMAN
DISPUR SECRETARIAT COMPLEX GUWAHATI-781006

12:THE NORTH EASTERN FRONTIER RAILWAY REPRESENTED BY ITS
CHIEF GENERAL MANAGER HEAD QUARTERS MALIGAON GUWAHATI

13:THE ASSAM STATE POLLUTION CONTROL BOARD REPRESENTED BY
ITS SECRETARY GUWAHATI

14:CHIEF GENERAL MANAGER NORTH EASTERN FRONTIER RAILWAYS
MALIGAON GUWAHATI ASSAM

15:THE ASSAM TOURISM DEVELOPMENT CORPORATION
REPRESENTED BY ITS DIRECTOR GUWAHATI

16:THE DEPUTY COMMISSIONER
KAMRUP (M) GUWAHATI

17:CENTRAL WETLAND REGULATORY AUTHORITY REPRESENTED BY
PCCF AND HOFF ASSAM ARANYA BHAWAN PANJABARI GUWAHATI-
781037

18:THE SECRETARY TO THE GOVT. OF ASSAM DEPARTMENT OF WATER
RESOURCES DISPUR GUWAHATI-78100

For the Petitioners : Mr. D.K. Das, Advocate.

For the Respondents : Mr. K.K. Medhi, Advocate for respondent Nos.1 & 3.

: Mr. D. Saikia, Advocate General, Assam, assisted by Mr. K.P. Pathak, Standing Counsel, Forest Department.

: Mr. B. Chakravarty, Central Government Counsel.

: Mr. P. Nayak, Standing Counsel, GMC.

: Mr. C. Sharma, Advocate on behalf of Mr. R.M. Das, Standing Counsel, Water Resource Department.

: S. Baruah, Standing Counsel, Pollution Control Board.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMAN SHYAM

26.07.2023

The instant public interest litigation writ petition highlights a very significant issue regarding the protection of the Deepor Beel, which is a very important water body being a freshwater lake in the Guwahati City and is also a Ramsar site. The issue pertaining to construction of a railway line adjacent on the northern boundary of Deepor Beel was taken up by the National Green Tribunal and various directions were passed which are in the process of compliance.

However, the petitioners have tried to highlight various other issues and challenges being faced in the protection of this pristine water body of immense importance to the State of Assam, which is home to several rare and endangered species of plants, animals, birds, etc. The petitioners have also highlighted the fact that uncontrolled dumping of waste and sewerages is being made into the lake which is threatening its very existence.

The State Government has also, through its affidavits, expressed its desire and intent to ensure that the water body is protected, beautified and

its status enhanced by all means while adhering to the requirements of the Wetland Protection Act, 1972.

The total area of the lake is 40.14 Sq. Kms. from which, an area of 4.1 Sq. Kms was declared as a wildlife sanctuary by the Government of Assam in the year 1989. It is known as a wetland under the "*Ramsar Convention*" which has listed the lake in November, 2002 as a Ramsar Site for undertaking conservational measures on the basis of its environmental and biological importance. The average depth of the lake is 1 Mtr., whereas the maximum depth is 4 Mtrs. There are 12 villages on the periphery of the lake.

In the opinion of this Court, the following measures and suggestions, if taken into consideration and applied, can go a long way in achieving the desired results for the protection, beautification and enhancement of the bio-diversity of the lake:-

- (I) to consider construction of promenade (*প্রমোদ ভ্রমণ মার্গ*), cycling track and walking track on the entire periphery of the lake. Once the promenade, including the cycling track, etc., are established, the possibility of organizing sporting events at the national and international levels can be explored.
- (ii) Not only this, all possibilities of encroachments being made in and around the lake will be curbed with the establishment of the permanent encumbrance on the lake periphery;
- (iii) to consider setting up of dedicated facilities for promoting tourism, viz. food courts, entertainment zones, parks, etc., alongside the promenade (*প্রমোদ ভ্রমণ মার্গ*);

- (iv) it has been observed that a significant area of the lake remains covered by water hyacinth, which is a highly invasive aquatic plant. There is strong scientific evidence to show that growth of this invasive plant species reduces the dissolved oxygen and increases toxicity in the water thereby endangering the aquatic life of the lake which in turn is bound to have a chain reaction on the birds, which survive on food sources within the lake. Thus, the State Government may consider systematic and planned removal of water hyacinth from the lake;
- (v) the extracted water hyacinth can be put to use for making a variety of handicraft items, viz. bags, mats, etc., and an entire handicraft industry can thrive in this manner, which is definitely a highly eco-friendly activity. This would also result into development of employment opportunities;
- (vi) to consider introduction of boating activities by use of non-fossil fuel powered vehicles, viz. rowing boats, paddle boats and electrically powered boats for promoting tourism in the lake;
- (vii) in all entry points from where the sewerage water/other effluents flow into the lake, sewerage treatment plants be set up so that the possibility of discharge of harmful chemicals/pollutants into the lake can be minimized. No solid waste dumping to be allowed in and around the lake;
- (viii) the level of the water of the lake increases during the monsoon and recedes immediately thereafter. The State Government may

consider the possibility of maintaining the water table of the lake at a particular level by lifting water from the Brahmaputra river, if required so that the fauna and flora thriving in the lake can be maintained at the optimum level;

- (ix) Once the mechanism to maintain the optimum water level in the lake is put into place, the State Government may think of organizing aquatic sports, like rowing, kayaking, etc., without involving the fossil fuel powered vessels/crafts.
- (x) commercial fishing activities, if any, being carried on in the lake may be curtailed/regulated.
- (xi) implementation of the above measures would give a tremendous boost to the tourism and associated sections in addition to providing significant avenues of investment, employment and eco-friendly development of the entire area surrounding the lake.
- (xii) Setting up of the cycle track and introduction of the aquatic sports is bound to draw interest of sports enthusiasts in the country and abroad and thus, there will be imminent possibility of hosting sporting events of significance in the lake and on the tracks so constructed.

Mr. D. Saikia, learned Advocate General, Assam, on instructions, submits that the State Government also has tremendous concern for conservations of the lake. He proposes to file an affidavit to bring on record the stand of the State Government regarding acceptance and implementation of the above suggestions.

Re-notify on **24.08.2023**.

JUDGE

CHIEF JUSTICE

Mukut

Comparing Assistant