
(2020) 10 MAN CK 0011

In the Manipur High Court

Case No : Public Interest Litigation No. 24 Of 2017, MC(PIL) No. 14, 16 Of 2019

Court On Its Own Motion

APPELLANT

Vs

State Of Manipur & Ors.

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Citation : (2020) 10 MAN CK 0011

Hon'ble Judges : Ramalingam Sudhakar, J;Kh. Nobin Singh, J

Bench : Division Bench

Advocate : Kh.Samarjit, Julius Riamei, N. Kumarjit, S.Suresh

Final Decision : Allowed

Judgement

[1] Today, when the matter was taken up, Mr.S.Suresh, learned ASG appearing for the Union sought some time to get proper clarification in the light of the earlier orders passed by this Court. He emphasised the need of the Union Ministry of Environment, Forest and Climate Change as one of the stakeholders in maintaining the Loktak Lake. We accept his request so as to enable the Department to give its valuable inputs on the up keep of the world renowned Loktak wetland.

[2] Further on 29.01.2020, Mr.Yanglem Nabachandra Singh, the Member Secretary, Manipur State Wetland Authority/ the Director, Directorate of Environment, Government of Manipur, has filed an affidavit enclosing some documents marked as Exhibit-X/1-5. Exhibit-X/1 is the Wise Use Management Plan of Loktak Lake, 2020.

A perusal of the Wise Use of Loktak Lake and the strategies pointed out, we find that Section 6 gives details of present and potential threats to the Loktak Wetlands. Section 7 deals with the activities proposed to be prohibited. Section 8 deals with the activities proposed to be regulated. Section 9 deals with activities proposed to be permitted. All these are contained in a very brief manner based on a flow chart at page 11. A photocopy of the Flow Chart prepared by the

Government of Manipur, Manipur State Wetlands Authority, Directorate of Environment & Climate Change is recorded as annexure to this order and will form part of the order.

[3] Before the authority proceeds any further in the matter, an action plan to control the present and potential threats has to be formulated. Further, Section 3 gives details of the biodiversity of plants species and animal species in the wetland and species which required conservation (rare, endangered, threatened, endemic species) and major plant invasive alien species. The need to take action on the above is imperative.

[4] For all the above, there needs to be a proper action plan to mitigate the danger caused to the wetlands. We also take note that the Wise Use Plan speaks about the high amount of pollution, high amount of siltation, extensive encroachment, high degree of invasive species which has caused damage to the Wetlands. Therefore, without a proper action plan based on the Wise Use Plan, it will be difficult to conserve/maintain Loktak Lake (Ramsar Site). This assumes importance in the light of observations of the officers in the 3rd Meeting of the Manipur State Wetlands Authority, Annexure-X/6 in the affidavit dated 11.02.2020, namely, 1) L.Bobi Singh, Assistant Commissioner to DC, Bishnupur, 2) Mr.Rajesh Salam, Member, TC of MSWA and also Member of IUCN, CEESP, who spoke about non-conduct of the environment impact assessment before taking up the project.

Prof. N.Deva Singh, Department of Geography and Member of the Technical Committee emphasised that the project component should contain matters on ecological improvement instead of focussing on transportation and tourism benefits.

[5] In the 4th meeting of the Manipur State wetlands authority, the Member Secretary, MSWA expressed that the project impact on the ecological integrity of the ecosystem can be taken up even during the implementation of the project meaning thereby that without following the Wise Use plan for conservation of the water body, the projects for transportation and tourism has to be taken. We find that this is contrary to the flow chart suggested in the Wise Use Management Plan submitted by the State Wetland Authority. This inconsistency between the Wise Use Plan and the suggestion of the State Wetland Authority in the 3rd and 4th meeting creates a bit of confusion as to how the project should be taken further. We also note that the Wetlands (Conservation and Management) Rules, 2017 puts certain conditions before any development activities should be taken. All that has to be strictly satisfied because anything done in violation of the above Rules cannot be justified. A detailed action plan based on the Wise Use Plan for conservation and preservation of the Loktak Wetland should be prepared and implemented by the State Wetland Authority. As to whether State Wetland Authority has suggested the use of sewage treatment plan in respect of the water flowing into the Loktak Lake has to be clarified on the next date. It is an important factor to ensure zero pollution of water flowing into the Loktak Lake.

[6] For this, learned AG suggested that a technical team can be appointed by this Court to oversee this aspect. We accept the suggestion of the learned Advocate General and we request the State Wetland Authority through learned AG to suggest names of highly technical and qualified persons preferably professors of the IIT dealing with the subject to be part of a team of advisors to suggest ways and means for improving the environment and ecology of the Loktak Lake. The services of the scientist or experts from the Central Universities/ Institutions can also be explored. If the names as above are provided to the Court, then appropriate direction can be issued in this regard for forming a core advisory committee to advise the State Wetland Authority as to the manner in which further action should be taken. We hasten to add that the Court, prima facie, does not have any reservation on the development activities as proposed by the LDA subject to following the required parameters of law and the Wetland (Conservation & Management) Rules, 2017 and the indication mentioned in the wise use plan, 2020 as may be modified. The Wise Use Plan, 2020 (Loktak) can be further refined and specific details included.

[7] A copy of this order be issued to learned AG, learned ASG and to the Amicus Curiae for follow up action.

[8] At the request of the learned AG for the State, list again on 01.04.2020.