

Item No. 08

Court No. 1

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

Original Application No. 107/2023

Ravi Chouhan

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 16.03.2023

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

**Application is registered based on a complaint received by post/e-mail**

**ORDER**

1. Grievance in this application is against cultivation of Mangur fish behind Kareeda Harnandi Film City at Ghaziabad. It is stated that such fish is a source of cancer, asthma, thyroid, etc and its cultivation stands prohibited. The statutory authorities are however not enforcing the ban.

2. We note that this Tribunal considered the matter vide order dated 13.08.2019 in O.A No. 652/2019, *Sandip Ankush Jadhav & Anr. v. Fisheries Department, State of Maharashtra & Ors.* and after noting the order of the Ministry of Agriculture, Department of Animal Husbandry and Dairying (Fisheries Division) observed:-

“4. ....

- (i) *that Clarias gariepinus is an exotic fish and in line with the prescribed procedures for introduction of any exotic plant or animal every care is to be exercised with regard to effect of the new species on the flora, fauna and the ecological environment of the country where it is being introduced. The fact that the*

*species is grown in African and European countries does not mean that they could be introduced into Indian waters unmindful of its impact within this country. There is no evidence to show that exotic magur found its way through rivers from neighbouring countries. It is evident that the species has been introduced in an unauthorized and clandestine manner and not through natural sources,*

- (ii) that Indian species of cat fish (Clarias batrachus) are much less predacious as compared to the exotic magur. Carnivorous feeding habit of any organism which means subsisting or feeding on animal tissue are considered for introduction based on its economical and ecological importance. The predatory habit of the cat fish species under consideration can lead to drastic changes in the eco system in the long run and can cause economic losses. Exotic magur feeds on fish when available, and can switch over to other diets like crustacean and molluses. While the native carnivorous species would not affect the ecological balance in the natural water bodies which have been established over a very long time period (thousands of year) the same cannot be presumed of the exotic magur. Further, farmers in UP have experienced problems in culturing exotic magur with carps due to its carnivorous nature since it is inimical to carps in a mixed culture and also competes for the food available. Instances of cannibalism is also reported in pond culture. Although there is no natural hybridization with the local cat fish at present the possibility cannot be over-ruled.*
- (iii) That though many exotic species do not breed naturally, it is observed that exotic magur has been naturally reproducing in ponds (in UP) and has been potential to cause ecological damage. Experiments have already been taken up in Central Institute of Freshwater Aquaculture to evaluate the exotic magur and indigenous cat fish along with their hybridization. Though it has not been found to carry any exotic disease as yet, the possibility of the exotic magur to be carriers of any exotic disease cannot be ruled out. Since husbandry practices are very rare, the changes of epidemics is quite high,*
- (iv) That a decision on introduction of any exotic species into the culture system cannot be taken in isolation based on factors such high yielding capacity or its market value alone. Other ecosystem has to be paid due attention to. Indiscriminate stocking of exotic magur in ponds has been observed to adversely affect the catla production. Though exotic magur grows faster, it has been a poor survival rate. Further, introduction of any exotic species requires the approval of the National Committee on Exotic Species set up for this purpose and the applicants should have applied to this Committee for introduction of any exotic species including exotic magur along with the recommendations of the concerned State Government.”*

3. In view of above, let the District Magistrate, Ghaziabad, Director, Fisheries, U.P and State PCB look into the grievance and take remedial

action following due process of law. State PCB will be the nodal agency for coordination and compliance.

The Application is disposed of.

A copy of this order along with copy of the complaint be forwarded to District Magistrate, Ghaziabad, Director, Fisheries, U.P and State PCB by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 16, 2023  
Original Application No. 107/2023  
AB