

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)
Original Application No. 137/2023(CZ)**

Bhopal Citizens Forum through
its Member Shri Arun Gurtoo

Applicant(s)

Vs

State of M.P. & Ors.

Respondent(s)

Date of Hearing: **12.10.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s):

Mr. Harpreet Singh Gupta, Adv.
(with Mr. Arun Gurtoo)

For Respondent(s):

Mr. Mehul Bhardwaj, Adv.

ORDER

1. The grievance of the Bhopal senior citizens is regarding the recent change in land use within the zone of influence of Bhoj Wetland. This Ramsar Site of international importance, comprising the Upper and Lower Lakes in Bhopal, holds significant ecological value and is governed by Wetland Rules, 2017, which were enacted to protect and preserve such vital ecosystems.
2. The primary concern stems from a recent order dated 28.07.2023, wherein Respondent No. 1 altered the land use in the Professors' Colony. This change is in direct contravention of the Wetland (Conservation and Management) Rules, 2017. Rule 2(g) defines wetland as follows: "*Wetland*" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structure specifically constructed for aquaculture, salt production, recreation and irrigation purposes." Rule 4(2)(vi) of these rules

specifically prohibits any construction activity of a permanent nature within the scope of fifty metres within a wetland area. Additionally, Rule 4(2)(i) prohibits conversion for non-wetland uses including encroachment of any kind of the wetland area.

3. Further, there were other alternative sites available but not considered. More so, the change in land use that has been proposed vide order dated 28.07.2023 has far-reaching implications, notably increasing traffic congestion and pollution in the city due to the proposed relocation of the Collectorate and Commissionerate near Kamla Park, a region already grappling with traffic jams. Furthermore, the land use change violates the Wetland Rules, could potentially breach international obligations associated with the Ramsar Convention, and raises constitutional concerns related to citizens rights to a clean and healthy environment.
4. Mr. Arun Gurtoo approximately aged 86 years who served as IPS Officer of 1962 batch, and retired as Director General of Police and also served as the Vice Chancellor of University is personally present through video conferencing and submitted that in the wetland rules a zone of influence has not been defined, which requires to be defined by the wetland authority. He has further submitted that in original application no. 119/2023 the joint committee was constituted but the members of the citizens forum were not included and they are not aware of the fact pending before the joint committee.
5. Since the order of constituting a committee has already been passed and the matter is listed on 21.11.2023, thus, the applicant Mr. Arun Gurtoo applicant in person, representing the Bhopal Citizens Forum may participate to attend the joint committee on own cost and the members of the committee are requested to inform to Mr. Arun Gurtoo to remain present during the time of inspection, he may participate in the visit, present his views and the committee may also note the views of the applicant in the

joint committee report. In addition to that the applicants in this case are at liberty to file their research work or any material available, reliable, admissible and relevant to this fact.

6. Learned Counsel Mr. Mehul Bhardwaj is present on behalf of the State and took the notice of the matter. He is directed to inform the members of the committee to permit the applicant to participate in the visit of the committee and to present views which may be noted by the member of the committee.
7. Learned counsel appearing for the applicant Mr. Harpreet Singh Gupta has submitted that the similar matter was raised in O.A. No. 119/2023(CZ) is listed on 21.11.2023 and further requested that the present matter may be also tagged with O.A. No. 119/2023(CZ). Accordingly, O.A. No. 137/2023 is tagged with original application no. 119/2023 which is already fixed for 21.11.2023.

List it on **21st November, 2023.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

12th October, 2023
O.A. No. 137/2023 (CZ)
PN