

**IN THE HIGH COURT OF JAMMU AND KASHMIR & LADAKH
AT SRINAGAR**

CJ Court

Case: PIL no. 345/2006

Kashmir Environmental Protectionpetitioner(s)

Through: Mr. Nadeem Qadri, Advocate

v/s

State of J&K & ors. ...respondent(s)

Through: Mr. T. M. Shamsi, ASGI for UOI
Mr. Irfan Andleeb, Dy. AG for UT
Mr. Ilyas Nazir, GA for UT

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

**ORDER
20.05.2022**

1. This Public Interest Litigation is regarding conservation and management of the Wular Lake.
2. The last order of the Court dated 23.09.2021 clearly indicates that 380 Kanals and 11 Marlas of the Wular Lake is still under encroachment and efforts are being taken to retrieve the said land.
3. None of the authorities is coming forward with any specific time limit within which they propose to retrieve the said land.
4. It is also recorded that Rs. 200 Crore more have been provided by the Union of India for conservation and management of wet land. The report on record mentions that under the Wular Action Plan, about Rs. 125 Crores have already been spent.

5. It is also recorded that residents of about 33 villages around the Wular Lake dump garbage into the Lake area and none of the authorities are able to check the said dumping or to provide any alternative site.

6. The Senior Additional Advocate General, was directed to indicate the strength of the staff of Wular Conservation and Management Authority; the number of persons employed and the effective steps taken by the Authority for conservation and preservation of the Lake.

7. In response, the Additional PCCF/Chief Executive Director, Wular Conservation and Management Authority, Kashmir, has filed Action Taken Report on 08.11.2021 simply stating that the Authority is making sincere efforts for conservation and preservation of the Lake. It has staff strength of 43 employees only which are all drawn on deputation and that there is no separate sanctioned staff in the Authority. If that be so, the Chief Executive Director owns an explanation as to what action he has taken to get the staff for the Authority sanctioned and for its appointment, as also how the amount of Rs. 125 Crores provided by the Union of India has been spent with complete details of the heads under which the expenses have been incurred. He is also directed to report about the steps taken for retrieving the balance land of the Wular Lake.

8. We are pained to notice that the Government has created the Wular Lake Conservation and Management Authority for a specific purpose but the said Authority is not able to come up to the mark, rather, it appears to have been wasting the money sanctioned and provided by the Union of India.

9. Apart from the above Authority, there is another Authority with the name of Manasbal and Wular Development Authority that is entrusted with the work of the tourism development. The Court is not aware as to what action or steps the said Authority has taken for development of tourism around the Wular Lake.

10. Accordingly, the said Authority also requires to submit an Action Taken Report showing the steps taken by it for the development of tourism in and around the Wular Lake.

11. Since the Manasbal and Wular Development Authority is not party to the PIL, we direct the said Authority to be impleaded as respondent no. 10 through its Chief Executive Officer.

12. We expect that the Amicus Curaie appointed in this Case may visit and take a round of the Wular Lake and to submit his own assessment with regard to the conservation and management/development of tourism around the said Lake.

13. We hope that the respondent-authorities would take effective steps to ensure that the Amicus Curaie is able to visit the area subject to security arrangements as per the convenience of the authorities according to the pre-fixed date and time which shall be informed to the Amicus Curaie well in advance, may be in the presence of officers of the two Authorities.

14. We also request the learned Advocate General, Shri D. C. Raina, to co-ordinate between the various departments and to place before this Court the precise stand of the respondents with regard to the conservation and preservation of Wular Lake as also regarding the utilization of money sanctioned by the Union of India for the above purpose.

15. Registry is directed to provide a complete paper book of this PIL to the Office of the learned Advocate General who would ensure his presence on every date fixed in the matter for proper assistance of the Court.

16. The Court offered learned Amicus Curiae a token fee for the services rendered by him as for the last five years he has been pursuing the matter pro bono without charging a single penny but he politely declined to accept any fee in this matter concerning environment. Nonetheless, we have called upon Shri D. C. Raina, learned Advocate General and Shri T. M. Shamsi, learned ASGI to arrange for some token payment to him for each effective hearing which offer they readily accepted. Accordingly, we direct both of them to contribute total of Rs. 10,000/- (rupees ten thousand), in equal proportion, for each effective hearing for payment to the learned Amicus Curiae which amount shall be deposited with the Registry of this Court for payment to the learned Amicus Curiae or to his nominee or as may be deemed fit by the Court later on.

17. List on 29.07.2022.

(MOKSHA KHAJURIA KAZMI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Srinagar
20.05.2022
YASMEEN, PS