

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 10 of 2019

Date of order: 19.07.2023

In Re: Cleanliness of Umiam Lake vs State of Meghalaya

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr D. Dkhar, Adv. vice
Mr S.P. Mahanta, Amicus Curiae

For the Respondents : Mr S. Sengupta, Addl Sr GA
Mr K.P. Bhattacharjee, GA
Mr H. Wanshong, Adv. vice [For R 2]
Mr V.G.K. Kynta, Sr Adv.
Mr J. M. Thnagkhiew, Adv. [For R 4 & 5]
Mr P. Nongbri, Adv. [For R 6]

The State has disclosed the Meghalaya Waterbodies (Preservation and Conservation) Guidelines, 2023 by way of an affidavit. The guidelines do not deal with the most serious aspect of buildings and construction mushrooming around waterbodies. Though the guidelines indicate that garbage, trash and debris may not be dumped into the waterbodies, it is surprising that the guidelines are issued without indicating how far away from the high-water level of every waterbody construction may be permissible.

2. Indeed, previous orders recorded that an expert committee had been set up by the State. Some of the suggestions given by the expert committee have been indicated in the affidavit filed by the State, but it is not clear as to how such suggestions have been given legal force.

3. It is submitted on behalf of the respondent No. 6, which has taken a keen interest in this matter from the beginning, that certain

eminent suggestions were given to ensure that the flora and the fauna around the waterbodies were not devastated in the name of promoting tourism or undertaking constructions; but such suggestions have not been taken into account by the State.

4. The guidelines introduced by the State as disclosed in the affidavit fall woefully short of the expectations or the measures necessary to protect the waterbodies, particularly the Umiam Lake. The fragile biosphere and the ecology of the State have to be protected even as, on a daily basis, large chunks of forestland are being appropriated for human habitation or use.

5. The State must indicate the measures taken by it to arrest deforestation as stretches along the highways all over the State reveal felling of trees and more and more of the mountain being chopped off for construction purposes. Though, officially, there are previous claims by the State that more than 72 per cent of its total area is covered by forest, it would be interesting to ascertain whether any recent survey in such regard has been conducted for such report to be placed before the Court.

6. Further, in the absence of any other employment opportunities and in the name of promoting tourism, the natural beauty of the State should not be destroyed and the State should be alive to the problem. Several of the rivers, including the Umkhrah in Shillong itself are carrying such contaminated water that they may not be fit even to step into. Elsewhere, rivers and streams which may not be perennial carry so much filth and dirt that people living downstream are deprived of the use of the water altogether.

7. There has to be a more wholesome approach undertaken by the State and it is hoped that the setting up of an expert body with

suggestions from knowledgeable citizens possessing qualifications in such regard would go a long way in the State preparing an action plan and persuading the District Councils to abide by the same.

8. In short, the guidelines of 2023 published by the State appear to be more of a formality without addressing the real issues.

9. The State has to do much better. A further report should be filed six weeks hence. The prohibition on construction around waterbodies pursuant to previous orders will continue till the State addresses such issue in a more considered set of rules or guidelines that it frames.

10. In the meantime, a set of suggestions have been made over by Advocate for the respondent No. 6 to Advocate for the State. The State may consider such suggestions, which appear to be in greater public interest than the guidelines framed by the State.

11. List on August 31, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
19.07.2023
"Sylvana PS"

