

**Case Note:** The petition had been filed to prevent Oil India Ltd. to conduct seismic surveys in Brahmaputra Riverbed Areas for exploration of Hydro Carbon reserve. Since this will have an adverse impact on the environment. The petition also states that discovery of hydro carbon in the area will damage the flora and fauna. However, the Court gave permission for the seismic surveys subjected to certain conditions.

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**Citation:** 2008(3)GLT739

## **IN THE HIGH COURT OF GAUHATI**

Decided On: 13.06.2008

Appellants: **Janardan Bezbarua and Ors.**

**Vs.**

Respondent: **Oil India Ltd. and Ors.**

### **Hon'ble Judges:**

Jasti Chelameshwar, C.J. and Hrishikesh Roy, J.

## **JUDGMENT**

### **Hrishikesh Roy, J.**

1. The issue raised in all these three cases pertains to the proposed move of the respondent Oil India Limited (OIL) to conduct 'seismic survey' in the Brahmaputra River Bed Areas for exploration of Hydro Carbon reserves. The seismic survey is under challenge by the petitioners on the ground that such survey over the River Brahmaputra would endanger marine life and would have an adverse environmental impact on the River Brahmaputra and its surrounding areas.

2. More specifically the petitioners in PIL No. 77/2006 avers that the respondents ought not to be permitted to conduct the 'seismic survey' as it is likely to have an adverse impact on the environment and the eco-system of the State and even for the possible generation of economic prosperity through such 'seismic survey', which might result in discovery of Hydro Carbon, considering the likely damage to the eco-system and flora and fauna, the survey is too risky a proposition to be permitted.

2.1. The petitioners in W.P. (C) (Taken up) No. 6327/06 have voiced their concern over the 'seismic survey' by addressing a letter dated 13.12.2006 to this Court stating, inter alia, that the impact and magnitude of dynamite blasting in such seismic survey on aquatic life in the river would be great and there is every possibility of flood and erosion of river banks if high intensity 'air gun' is used for seismic survey. Apprehensions are also expressed that marine life particularly the river Dolphins would be endangered and there might also be changes in the course of the Brahmaputra river which would have a fall out in the surrounding areas. It is also apprehended that the water of the river may also become unfit for human consumption, because of the 'seismic survey'.

2.2. The petitioner in PIL No. 87/06 however do not per se oppose the 'seismic survey' but appears to be more keen to ensure that the 'seismic survey' is carried out with all

precautionary measures as per the advice of the experts to ensure that no harm is caused to the bio-diversity and ecology of the region. The petitioner is also concerned as to whether the Environmental Impact Assessment (EIA) Study has been made with regard to the proposed 'seismic survey' and it is indicated that the survey ought not to be permitted to be conducted without placing before the Court, the EIA report with regard to the proposed survey, so that there could be proper satisfaction that all the relevant factors have been taken into consideration.

3.1. Mr. D.C. Mahanta, learned Senior Counsel appearing in PIL No. 77/06 submits that Brahmaputra River is a precious gift for the people of Assam and since the said river ensures a rich bio-diversity and sustenance for the people, animals, birds and marine life of the region, a seismic survey for exploration of Hydro Carbon reserves on Brahmaputra River might not be justified even for the economic benefits which might result through such survey. The learned Counsel further submits that Brahmaputra River is prone to erosion and conducting of seismic survey, is bound to aggravate the situation.

3.2. Mr. D.C. Mahanta, learned senior counsel in course of his submissions has frankly indicated that no data is available with him on any adverse impact from seismic survey. However, since, there is certain amount of uncertainty as to the likely consequences, the High Court has to discharge a heavier responsibility on such environmentally sensitive issues in respect of areas, comprised within the geographical jurisdictional area of the Court.

In support of this proposition, the learned Counsel relies upon the decision of the Supreme Court reported in (1996) 5 SCC 287, *Indian Council for Enviro Legal Action v. Union of India*.

3.3. The decision of the Supreme Court in *M.C. Mehta v. Union of India* (1997) 11 SCC 312, has also been relied upon by the learned Counsel to contend that direction should be issued by the Court to ensure that the impugned seismic survey is not done in violation of laws in force as it is necessary to protect the environment and forest for the greater benefit of the people.

3.4. Two decisions reported in AIR 2006SC2038, *Karnataka Industrial Areas Development Board v. C. Kenchappa*; AIR 1996SC2715, *Vellore Citizens Welfare Forum v. Union of India*, have been cited to contend that before considering any developmental activities, the possible adverse impact on environment must be comprehended and only such development should be permitted which would sustain ecology. The 'precautionary principle' concept recognized by the Supreme Court in the case of *Vellore Citizens'* (supra) case has been referred to by the learned Counsel to contend that where there is a possibility of serious and irreversible damage to environment, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. It is further submitted that whether the impugned action is unlikely to cause any damage to environment is a burden, which ought to be discharged by the actor, which in the instant case is the Oil India Limited.

3.5 The petitioner's counsel has also referred to the decision of the Supreme Court reported in 2005(192)ELT8(SC), *Research Foundation for Science v. Union of India*, to contend that in respect of the 'precautionary principle', where there are threats of

serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost effective measures to prevent environmental degradation.

The Supreme Court in this case has explained that the principle prescribes an approach to the protection of the environment based around precaution, even where there is no clear evidence of harm or risk of harm from an activity or substance, is a part of the principle of sustainable development, which provides for taking protection against specific environmental hazards by avoiding or reducing environmental risks before specific harms are experienced.

4.1. Mr. Soli J. Sorabjee, learned Senior Counsel representing the respondent Oil India Limited (hereinafter referred to as the OIL) submits that the impugned decision to conduct seismic survey in Brahmaputra River bed is a well informed decision taken after consideration of all relevant parameters including the opinions of experts in the field. The learned Counsel categorically submits that the proposed seismic survey, does not involve use of explosives.

4.2. The learned Counsel further submits that seismic survey are being carried out in several parts of the World for last several decades and there is no scientific basis for assuming that by conducting seismic surveys, any environmental degradation is likely to result. Therefore, it would not be appropriate for the Court to intervene in such a matter which ought to be left for better judgment and appreciation by the experts.

The learned Counsel has referred to 1991CriLJ1391 , Peerless General Finance and Investment Co. Limited v. Reserve Bank of India, to contend that in matters of this nature the Court's jurisdiction is extremely limited and the only concern of the Court should be to see that there is no abuse of power by the lawful authority.

4.3. Mr. Sorabjee has also referred to the decisions reported in AIR1996SC2462 , Tata Iron and Steel Co. Ltd. v. Union of India, (2002)ILLJ550SC , BALCO Employees' Union v. Union of India, to contend that this is a case where legal issues are intertwined with those involving determination of policy and also several highly technical issues. In such situation, it is submitted, that Law Courts have to be very wary while exercising their jurisdiction and must not transgress into the realm of policy making.

By referring the BALCO (supra) decision the learned Counsel contends that it is not within the domain of the Courts to embark upon an enquiry as to whether a particular public policy is wise or a better public policy can be evolved.

4.4. The decision of the Supreme Court reported in [2003]2SCR1085 , Federation of Railway Officers Association v. Union of India, has been relied upon to contend that on matters affecting policy and requiring technical expertise, the Court ought to leave the matter for decision of those who are qualified to address the issues, unless the impugned action is inconsistent with the Constitution and the laws or it is a case of abuse of power.

4.5. Mr. Sorabjee has referred to the decision of the Supreme Court in ESSAR Oil Ltd. v. Halar Utkarsh Samiti AIR2004SC1834 to contend that economic and proportional development is essential for ensuring a favorable living for mankind and for creating conditions on earth that are necessary for improving the quality of life and

it is important to strike a balance between economic development in one hand and environmental protection on the other hand.

By referring to this decision, the learned Counsel contends that the possible impact through the impugned seismic survey can only be assessed through an Environmental Impact Assessment (EIA) and since in the instant case the respondent OIL Co. has already got an EIA study done through the experts of Gauhati University and nothing is indicated in the study which would reasonably warrant Court's intervention with the proposed seismic survey, the survey ought to be permitted to go ahead with appropriate measures to oversee that all the mitigating measures as suggested by the experts are adhered to, at the time of conducting the seismic survey.

4.6. The decision reported in (2004)9SCC362 , N.D. Jayal v. Union of India, has been relied upon by the respondents to contend that the Court cannot sit in judgment over the cutting age of scientific analysis and such matters must be left to the better wisdom of the Government or the implementing agency, if the impugned decision has been taken after considering all relevant matters. The important role of the Court in such matters, it is submitted is to see whether the decision making agency has taken a well informed decision and if it is found that the decision is well informed, the interference of the Court is not called for as consideration in such cases is based in the process of decision and not on the merit of the decision itself.

4.7. Reference to the Supreme Court decision reported in [1999]1SCR235 , A.P. Pollution Control Board v. Prof. M.V. Nayudu has also been made to explain the principle of precaution as the same is based on scientific uncertainty. In A.P. Pollution (supra), the Vellore case (supra) has been quoted with approval where it is indicated that onus of proof that the proposed action is environmentally benign, is on the actor or the developer/industrialist.

4.8. The last decision relied upon by Mr. Sorabjee to indicate that the Court's have a duty to balance the rival contentions, is the case of T. N. Godavarman Thirumalpad v. Union of India\_ (2002)10SCC606 , where the Supreme Court has indicated in para 35 as follows:

It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship.

5.1. It is seen that the 'air gun' technique would be used for conducting the survey and it is further explained that unlike a typical gun, an 'air gun' is a devise used for generating strong mechanical wave by releasing compressed air towards the river bed and the resultant seismic waves on being reflected from the river bed will yield information about presence of oil and gas in the riverbed. The technical details on the survey have been annexed as Annexure R1 -17 to the counter affidavit filed by the OIL.

5.2. In the instant case when the OIL authorities applied for no objection certificate to the Pollution Control Board (PCB), Assam before undertaking the seismic survey, the PCB recommended Environmental Impact Assessment (EIA) to ascertain the possible impact of the survey on Brahmaputra's Eco System. Thereafter as per the recommendation of the PCB, the OIL at first approached the National Engineering Research Institute, Nagpur to conduct the EIA Study. However, on the National Engineering Research Institute expressing their inability to conduct the survey, the Gauhati University was approached to make the EIA Study.

5.3. The Gauhati University thereafter conducted extensive studies on the possible impact of the survey on the Brahmaputra river bed. On the basis of works carried out by a team of experts, the Gauhati University on 7.8.2006 submitted the EIA Report. The report of the University has been divided into 9 Chapters out of which 4 Chapters deal with Environmental Impact Assessment and 5 Chapters deal with Environmental Management Plan. The report also analyses the possible adverse impact of the seismic survey on the eco-system, flora, fauna and marine life of the Brahmaputra River bed and several mitigating measures have been suggested to completely rule out any possible adverse impact.

5.4. In the EIA Report, it is clearly indicated that no possible adverse impact is perceived by the experts. However mitigating measures have been suggested only to ward off possible unknown adverse environmental impact, not because such surveys create adverse effect but because there are no available findings on such possible adverse effect.

5.5. It has been suggested that while deploying air gun, the standard practice of a 'soft start' be followed which serves to warn animals in the area and allow them to move away from the immediate vicinity. As mitigating measures, it has been suggested that survey operations, which include both visual and passive aquatic monitoring to confirm the absence of any aquatic fauna including the river Dolphin. The OIL has also placed on record its commitment to ensure "ramp up" period of at least 30 minutes prior to commencing the seismic survey, during which air guns are so tuned on that marine creatures and big fishes get forwarded and have time to move away from the area of seismic survey operation.

5.6. It is also indicated in the EIA report that seismic data acquisition is not likely to introduce any significant stress factor into the natural or social environment of the project area. The ambient air quality will remain undisturbed and the additional S.P.L. generation during the actual days of operation due to movement of machinery, vehicles and men power will only have transient effect. It is indicated that the process of data acquisition will not have any adverse impact on the existing demographical distribution nor it will have any affect on the existing agricultural practice and production level.

6.1. Mr. Soli J. Sorabjee, learned Senior Counsel representing the OIL authorities submits that the present available scientific knowledge gathered in the last several decades do not suggest that any adverse impact has resulted through conducting of seismic survey throughout the World. He refers to the efforts made by the OIL authorities to collect and take into account the opinion of the interested and concerned public as well as that of experts, so that no aspects remain unattended and the OIL authorities have become absolutely certain about little likelihood of any adverse

impact. Learned Counsel has referred to the two public hearings organized by OIL authority after the EIA report was prepared, to contend every aspect of the operation raised as an issue in the two public hearings either by a layman or by a technical man or body, have been considered and the conclusion is that the proposed survey will not cause any damage to plants, aquatic life and the environment.

Thus it is submitted that OIL authorities are themselves concerned and are proceeding to conduct the seismic survey with full responsibility and only after fully satisfying itself about the harmless nature of their operation.

6.2. The learned Senior Counsel has also referred to the decision of the OIL authorities conveyed in the counter affidavit filed on 28.5.2008 to convey the OIL Company's decision to constitute a Multi Disciplinary Experts Group for the purpose of offering guidance during the survey operation.

6.3. The earnestness of the OIL authorities to scrupulously adhere to the mitigating measures have been projected through its decision to constitute a Monitoring Committee to oversee the implementation of the mitigating measures recommended in the EIA Report. Some suggestions as to who could be the members of the Managing Committee have been made in the OIL's affidavit but the actual composition of the Monitoring Committee has been left to the discretion of the Court.

6.4. It is also averred in the counter affidavit that the eminent scientific organization of the State, namely, the Assam Science Society had also held wide spread discussions on the proposed seismic survey and the common view emerging through such discussion made under the auspices of Assam Science Society indicates that overwhelming opinion of the scientific community is that the proposed seismic survey would be ultimately beneficial to Assam and its economy and there would be negligible effect on marine life.

6.5. Several other opinions of other experts in the field have also been incorporated in the OIL's affidavit to suggest that overwhelming opinion is in favour of going ahead with the survey as it is not likely to have any negative impact on the ecology and the flora and fauna of the Brahmaputra River and its surrounding areas, but is likely to bring conspicuous benefits for the people of the region, if hydrocarbon deposits are discovered through such seismic survey.

7.1. From the submissions made on behalf of the petitioners as well as the materials placed on their behalf, it is not possible for the Court to infer that there is likelihood of any adverse impact on the marine life of Brahmaputra River or there is potential danger to ecology and environment in the concerned area. On the other hand, it is asserted on behalf of OIL through appropriate materials that no adverse impact is likely to occur through the seismic survey. Therefore, to make an assessment on the likelihood of adverse impacts, it would be necessary for the Court to take note of the views expressed by the experts.

7.2. With regard to the specific concern expressed by the petitioners on the impact of the endangered river dolphins, it is specifically recorded in the EIA Report that for river dolphins, water birds and fish, the adverse impact is likely to be negligible and transitory. Mitigating measures to minimize the impact have been suggested in Section 4.17.10 of the EIA Report. Apart from other precaution, it has been suggested

that Air gun to be deployed should be of lowest possible power needed to obtain the information. Standard exclusion zone of 1 km. for seismic operations should be modified to avoid causing behavioral disruption in the fauna in the river corridor. Soft start' procedure to be adopted to forewarn aquatic fauna in the area allowing them to move away from the vicinity. The 'ramp-up' period should be long enough to allow smaller fish, turtles and slow moving bottom dwellers enough time to move away. Visual monitoring to confirm absence of any aquatic fauna, including the river dolphin, in the exclusion zone have also been suggested is mitigating measures.

With the above mitigating measures, we feel reasonably assured that the proposed seismic survey is unlikely to have any effect on the river dolphins, water birds and fish in the Brahmaputra River.

7.3. As regards the other specific concern of danger of soil erosion, expressed by the petitioners, it has been suggested in the EIA Report that the noise and vibration generated from shot gun operations on land and shallow water may have some adverse effect on land erosion, particularly in the River banks which are prone to erosion. Such areas are to be considered as sensitive and should be avoided during seismic data acquisition. To this extent, the seismic lines should be repositioned based on actual field conditions. Sometimes it may be necessary to carry out simulation studies before going for actual shot gun operation.

With the aforesaid caution and the other mitigating measures suggested, we believe that the apprehension expressed of aggravated soil erosion may not emanate from the seismic survey.

7.4. According to the EIA report submitted by the Gauhati University, it is seen that the impact of 'noise and vibration' on seismic survey has been shown to be negligible on the Brahmaputra riverbed. The EIA report has clearly revealed that there are no documented cases for fish mortality upon exposure to seismic survey under field operating conditions. It is also indicated that exposure to Seismic Sound from air gun even at close distance is unlikely to result in direct fish mortality. It is also indicated in the report that behavioral effects on some fish exposed to seismic sound such as started response, change in swimming patterns, and change in vertical distributions are likely to be short term and only during the period equal to the duration of exposure.

7.5. From the EIA Report submitted by the experts, it cannot be said that the seismic survey is likely to cause any adverse impact on the ecology and with a further safeguard of recommended mitigating measures operating, the Court can be reasonably sure that the bio-diversity, flora and fauna and their habitats are unlikely to be affected.

7.6. It is also assured by the OIL that there is no likelihood of change of course of Brahmaputra river through seismic survey and since no chemical substance or pollutants are to be used, there is no likelihood at all of contamination of the river water.

7.7. It is also averred in the counter affidavit of OIL that the seismic survey in the event of positive result will bring in huge benefits for the State, having regard to the fact that oil is a scarce commodity and identification of a new source of hydrocarbon

in Brahmaputra River bed will not only be of great national benefit but would also provide all round development in the North East Region in the shape of business opportunities and infrastructural developments apart from revenue earnings to the State exchequer in terms of royalty, sales tax, etc.

7.8. Further suggestions in the EIA Report for avoiding adverse impact and maintaining the existing conditions of the environment have been made by directing imparting of training of all personnel, before their engagement in the survey. It has been suggested that the workers to be used in the survey would be trained to have: (i) a complete understanding of the delicate and fragile nature of the pristine environment in which the work has been proposed to be carried out; (ii) knowledge of all likely effects, the activities are likely to have on the environment on aquatic fauna; (iii) the physical working situation in the field and so on.

Therefore, in addition to the mitigating measures, if all the personnel to be engaged in the survey are pre-trained, we expect that the workers would act responsibly. Necessary sensitization on the environment and ecological aspects would necessarily be expected to be made for all the personnel, who are to be associated with the survey.

8. In this case, what is of significance is that the petitioners have failed to present a case of any adverse impact of the seismic survey. Even the experts on the basis of extensive studies have failed to place any material before the Court to take a negative view in the matter. In fact all information available before this Court justifies a green signal for the seismic survey. We must record that even if the precautionary principle enunciated by

the Supreme Court in *Research Foundation for Science (supra)* and *Vellore Citizens' (supra)* are considered, even then, it may not be justified to not to permit the seismic survey.

9. From the studies carried out in the last few decades in different parts of the world, it is revealed that there is negligible negative affect of such surveys and even such affect is temporary and not long lasting. It also appears that by ensuring that the recommended mitigating measures are in force and in operation at the time of conducting the seismic survey, even the remote possibility of an adverse impact can altogether be ruled out. This is the view of the experts and we have no reason to doubt the opinion of the experts.

10. It is also important for the Court to balance the interest of development which might have some impact on the ecology and environment even if they be transitory impact. However just because there is likelihood of some impact on ecology, development needs cannot be overlooked since in certain situations, unless developments take place, survival itself may be threatened. Obviously when the impact of development would be such as to bring ruination for the ecology and environment, such kind of killer developments cannot be encouraged by the Court.

We are of the opinion that none of the decisions relied upon by the petitioners, in the context of the facts of the instant case; persuade us to stop the seismic survey since no permanent adverse impact on the environment is perceived.

11. Undoubtedly concerns for damage to ecology and environment and flora and fauna are important and cannot be disregarded while examining the objections to the proposed seismic survey. Justification for development related activities which might have an impact on the ecology and the environment ought not to be judged on the



basis of the exigencies of the moment, but has to be considered in the context of long term perspective as the environment has to endure mankind for all the years to come. In this case, the EIA studies did not indicate any permanent irreparable damage and in fact, no damage to the environment is envisaged. In addition to the positive opinion of the EIA Report, we have the assurance of OIL that no explosive or chemicals are to be used during the seismic survey and natural apprehension, which might result through use of explosives and chemicals are obviously ruled out in the instant case.

12. In the EIA Report, certain mitigating measures have been suggested, not because, such surveys create an adverse impact but to ward off even the remotest possibility of negative impact. In the instant case the EIA Study has already been done by the experts and impact prediction is on record. Public hearings on 2 dates have also been carried out to inform and to have consultation with the public, on the proposed seismic survey after preparation of the EIA report. Opportunities have been provided to not only question but make suggestions and comments to anyone, who wishes to have a say in the matter and the queries raised have been satisfactorily answered.

13. Next thing that needs to be efficiently supervised is the actual survey operation itself to not only monitor the impact of the seismic survey but also to guide and advise the seismic survey operations. This task in our view should be performed by an outside group of experts on continuing basis during the conducting of seismic survey to ensure that all the mitigating measures suggested by the experts in the EIA Study Report are scrupulously adhered to. It shall be the specific duty of the Monitoring Committee to not only ensure that commitments made are complied with but also to observe whether the EIA Report had correctly assessed the situation. It would be obligatory for the OIL appointed seismic surveyors to satisfy the Monitoring Committee that all the mitigating measures have been adhered to during the operation of the seismic survey. The Monitoring Committee, in the event of any unforeseen adverse impact, would be entitled to take all such corrective actions as may be considered necessary by directing the respondent OIL authorities to do the needful in this regard.

14. In the counter affidavit filed by the OIL on 28.5.2008, it is suggested that a Monitoring Committee, shall comprise of representative of the Assam Pollution Control Board; representative of recognized NGO of good reputation; a representative of Life Science Department, Dibrugarh University, a representative of the Chief Wildlife Warden, Government of Assam and also representative of the Assam Science Technology and Environmental Council (ASTEC). Although the aforesaid suggestion appears to be broadly representative, we are of the opinion that a representative of the Gauhati University should also be part of the Monitoring Committee.

An appropriate communication therefore would be made by OIL to the authorities mentioned above so that names of the appropriate nominees are furnished, who are to be inducted as members of the Monitoring Committee to oversee the implementation of the mitigating measures set out in the EIA Report dated 7.8.2006 given by the Gauhati University and names of the constituents of the Monitoring Committee be notified appropriately.

15. It must be noted that the Multi Disciplinary Advisory Group consists of the following persons:

- (I) Dr. B.C. Choudhury, Professor, Wildlife Institute of India, Dehradun.
- (II) Mr. M.C. Malakar, Principal Chief Conservator of Forests and Chief Wildlife Warden, Government of Assam.
- (III) Dr. Sandeep Behera, WWF India.
- (IV) Prof. R. Bahi, Centre for Applied Research in Electronics, ET, New Delhi.
- (V) Prof. S.P. Biswas, Head of the Life Science Department, Dibrugarh University.
- (VI) Dr. S.C. Katiyar, Jt. Director, Ministry of Environment and Forests, NE, Shillong.
- (VII) Dr. Abdul Wakid, Programme Leader, Aaranyak (An NGO).
- (VIII) Mr. V.K. Kulshresth, Head of Geophysics (NEF), Oil India Ltd., Professor, Wildlife Institute of India, Dehradun.

These persons are well-known for their expertise in their respective fields.

The river dolphin or 'Sihi' has been recently declared as the Assam State's Aquatic Animal to ensure more support for their conservation. This Court is also concerned about protecting and preserving this endangered species. We can take judicial notice of the fact that experts in the above group also include persons who have carried out extensive works for ensuring survival of the river dolphins of Brahmaputra River and we believe that under their supervision, interest of this gentle marine animal would be adequately protected during the survey operation.

16. This Court wishes to make it clear that the seismic survey to be conducted by OIL must abide by the guidance of the experts, in the Multi Disciplinary Advisory group constituted in June 2007. (sic) inducted as per nomination to be made by various expert and statutory bodies.

17. This Court is of the opinion that these groups of persons are not only qualified and competent for the job but are also committed and concerned to protect the environment and the flora and fauna of the Brahmaputra River and its surrounding areas. Therefore, we are confident that with the commitment given by the OIL authorities coupled with supervision of their seismic survey works by these two expert groups, no damage to the environment is likely to be caused. Under such circumstances, there is no legally acceptable justification to stop the seismic survey.

18. Accordingly, subject to the aforesaid safeguards directed to be taken and more particularly the directions given with regard to functioning of the Monitoring Committee and the Multi-Disciplinary Advisory Group, we permit the respondent OIL authorities to proceed with the seismic survey on the Brahmaputra river-bed. We also make it clear that the OIL authorities are also required to follow all other statutory and legal requirements.

19. The writ petitions are disposed of accordingly.

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