

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

O.A - 566/15

IN THE MATTER OF:

PUSHP JAIN

.....PETITIONER;

Versus

UNION OF INDIA & Ors.


...DEFENDANTS

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NOON - 22/4/15

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Filed Through:


GUNITUR PRASAD KUMAR
Advocate for State Of Andhra Pradesh

Respondent No.

312, C.K. Jadhav Block,
Supreme Court
NEW DELHI-110001

M- ~~886096879~~

9873914009

New Delhi

19/4/15

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION No: 560 of 2015

In the matter of:

Pushp Jain

... Applicant

Versus

Union of India & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

I, Shive Bihari Lal Misra, S/o Rajaram Misra, age about 59 years, Designation Prl. Chief Conservator of Forests (HoFF) & Chief Wildlife Warden, Andhra Pradesh, Office at Aranya Bhavan, Opp. Reserve Bank of India, Saifabad, Hyderabad - 500004, hereby solemnly and sincerely state as follows:-

1. I am working as the Prl. Chief Conservator of Forests (HoFF) & Chief Wildlife Warden, Andhra Pradesh, Hyderabad and I am well acquainted with the facts of the case the records and competent to swear to this affidavit.



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2. I have gone through the abovementioned Application and understood the contents therein. That this Respondent denies all the allegations and the averments made therein except those that are specifically admitted to be true hereunder.

3. It is respectfully submitted that those Wetlands, which are located in the State of Andhra Pradesh and are ecologically sensitive and important in terms of the Environment are being protected and preserved by the State Forest Department by virtue of them already being located in areas declared as Reserve Forest or protected areas (Sanctuaries) through respective Forest Divisions. The following Wetlands located in the State of Andhra Pradesh have been declared as Sanctuaries:

a. Coringa Wildlife Sanctuary spreading across an area of 235.70 Sq.Kms.

b. Kolleru Wildlife Sanctuary spreading across an area of 308.55 Sq.Kms. It is pertinent to point out that this has been identified as Ramsar Site under the Ramsar Convention and it has been stated so in the schedule appended to the Wetlands (Conservation and Management) Rules, 2010.



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c. Nellapattu Wildlife Sanctuary spreading across an area of 4.58 Sq.Kms.

d. Pulicat Wildlife Sanctuary spreading across an area of 600.00 Sq.Kms.

e. Krishna Wildlife Sanctuary spreading across an area of 194.81 Sq.Kms.

4. It is further submitted that in addition to the Wetlands Managed under the protected areas (Sanctuaries) mentioned above, an area of 97.66 Sq.Kms of Mangrove Forests comprising of Mud Flats and Wetlands is managed as Reserve Forest in the State of Andhra Pradesh.

5. It is thus humbly submitted that effective measures are being taken for the protection and preservation of the Wetlands, which are ecologically sensitive and which are home to rich flora and fauna by declaring them as Sanctuaries under Wildlife (Protection) Act, 1972. Exclusive Forest Divisions have been formed for Conservation and Management of the Flora and Fauna and their habitat, and due care is being taken by following all the Statutory provisions. It is further submitted that all required steps will be taken to preserve and protect the Wetlands.



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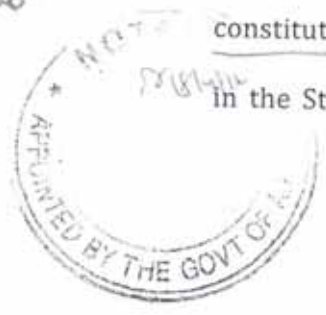
No more functional

6. It is respectfully submitted that the Government of Andhra Pradesh, in the erstwhile State of Andhra Pradesh, had constituted a State Level Steering Committee vide G.O.Rt.No. 336, Dt: 24.07.2006, issued by EFS&T Department, for conservation and management of Coastal Wetlands and Mangroves. Pursuant to it, the Prl. Chief Conservator of Forests (HoFF) & Chief Wildlife Warden of Andhra Pradesh Forest Department has convened meetings periodically to monitor the steps being taken for conservation and restoration of Wetlands such as Swamps and Mangroves in the State. The term of the said committee got over in the year 2012. Subsequently, a new committee could not be constituted due to the events leading to the bifurcation of the erstwhile State of Andhra Pradesh and the bifurcation itself. The constitution of the Committee in the new State of Andhra Pradesh is under process.

A true copy of the G.O.Rt.No. 336, Dt: 24.07.2006, issued by EFS&T Department, Government of Andhra Pradesh in the erstwhile State of Andhra Pradesh is annexed hereto and marked as **Annexure R1.**

* Non nodal agency
 * No wetlands identified
 * No brief docs

7. It is respectfully submitted that the Government of Andhra Pradesh is strictly implementing the Wetlands (Conservation & Management) Rules 2010 in the Wetlands identified as detailed above. It is further submitted that a State Level Committee will be constituted shortly for identification of any more suitable Wetlands in the State and will be submitted to the Central Government for



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notification for their Conservation and Management as per the Government of India guidelines.

- 8. It is respectfully submitted that the Answering Respondent reserves the right to file a detailed para-wise reply to the Application as and when required.
- 9. In view of the above it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the present Application with such other order or orders as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

LM
 DEPONENT
 Principal Chief Conservator of Forests
 (Head of Forest Force)
 Andhra Pradesh, Hyderabad.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Verified at Hyderabad on this 18th day of April 2016.



ATTESTED
Am...
A.B. NARSING RAO
 B.Sc., LL.B.
 ADVOCATE & NOTARY
 No: 1-1-631/2/E, Gemini Colony
 Ramnagar, Musheerabad,
 Hyd-48, T.S. India

ENTRY No: 3075
 DATE: 18/4/2016

LM
 DEPONENT
 Principal Chief Conservator of Forests
 (Head of Forest Force)
 Andhra Pradesh, Hyderabad.

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ANNEXURE - R1.

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APCCF(WL)

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GOVERNMENT OF ANDHRA PRADESH ABSTRACT

PCCF(WL)
25/7

Forest Department—Wildlife—Constitution of State Level Steering Committee on Conservation and Management of Coastal Wetlands and Mangroves—Orders—Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.II) DEPARTMENT

G.O. Rt. No.336

Dated: 24.7.2006
Read the following:-

- 1) From the Director, C.S. Division, Government of India, Ministry of Environment & Forests, New Delhi D.O. Letter No.J-22012/19/92-CS(W), dt.26.6.2006.
- 2) From the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad Letter No.49482/2001/Wildlife-1, dt.17.6.2006.

ORDER:

In view of the request made by the Government of India in their letter 1st read above, the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, in the letter 2nd read above, has proposed to constitute a State Level Steering Committee on Conservation of Coastal Wetlands and Mangroves, so as to monitor the on-going projects under Management Action Plan with the following composition:-

1.	Principal Secretary to Government, EFS&T Dept.	Chairman
2.	Principal Secretary to Government, Revenue Dept.	Member
3.	Principal Chief Conservator of Forests	Member
4.	Principal Chief Conservator of Forests & CWLW (AP)	Member
5.	Secretary to Government, Tourism Department	Member
6.	Representative from Ministry of Environment & Forests, Government of India	Member
7.	Commissioner, Panchayat Raj Dept.	Member
8.	Commissioner of Fisheries, A.P., Hyderabad	Member
9.	Commissioner, Shore Area Development Authority	Member
10.	Addl. Principal Chief Conservator of Forests (WL) / Chief Conservator of Forests (WL)	Member Convener
11.	Representative of CMFRI, Kakinada	Member
12.	Head of the Dept., Marine Biology, Andhra University, Waltair, Visakhapatnam Dist.	Member
13.	Representative of SACON, Coimbatore	Member
14.	Representative of MSSRF at Kakinada	Member

2. In view of the circumstances stated above and keeping in view the request made by the Principal Chief Conservator of forests, Andhra Pradesh, Hyderabad, Government hereby agree for constitution of the State Level Steering Committee on Conservation and Management of Coastal Wetlands and Mangroves under the Chairmanship of Principal Secretary, EFS&T Dept. with other Members as detailed in para-1 above.

(p.t.o.)

- 3. The term of the above committee shall be for a period of three years from the date of issues of orders and convene meetings thrice a year.
- 4. The drawal of TA & DA, etc., in respect of non-official Members shall be as per rule 13 under annexure VI of APCS (TA) Rules.
- 5. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, is directed to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

JANAKI R. KONDAPI,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
 The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.
 All the Members of the Committee through the Addl. Prl. Chief Conservator of Forests (Wildlife) / Chief Conservator of Forests (Wildlife), O/o. Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.
 The Director, CS Division, Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110 003.
 The Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Andhra Pradesh, Hyderabad.
 Copy to PS to Principal Secretary, EFS&T Dept.,
 Copy to PS to Secretary, Tourism Dept.
 Copy to SF/SCs.

// FORWARDED :: BY ORDER //

P. Hanumanth Rao
SECTION OFFICER

True Copy

2d no. 49482/CJ-16-1

Communication

27/11

To
 40. Chief Exec & All-10 Committee members

Copy to 70 CCF Ry

RECEIVED