

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH: NEW DELHI.

(O.A.NO.560/2015)

IN THE MATTER OF:

PUSHP JAIN

.....APPLICANT

V/S

UNION OF INDIA AND ORS.

.....RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1- MINISTRY OF
ENVIOIREMENT, FOREST AND CLIMATE CHANGE

I, Chandan Singh S/o Late Shri R.J. Lal, working as Scientist 'C' in the Ministry of Environment, Forest & Climate Change, Paryavaran Bhawan, CGO Complex Lodhi Road, New Delhi do hereby state on solemn affirmation as under:

1. That I am duly authorized by the Respondent No.1 and am well acquainted with the facts of the present case, hence competent to swear this affidavit in my official capacity.
2. That the reply of Original Application has been drafted on my instruction and I have read and understood the contents of the reply filed and I say that the same are true and correct to the best of my knowledge.
3. That at the very outset it is submitted that the applicant has no locus to file the present OA and the applicant may be put to the strict proof of bonafide in filing the present application.
4. That the OA has been filed without any cause and the mere reading of prayer clause raises doubts about the motives of filing the present OA.

5. That the Ministry of Environment, Forest & Climate Change, Government of India had been earlier implementing two separate programmes namely, National Lake Conservation Plan (NLCP) and National Wetland Conservation Programme (NWCP) for conservation of identified lakes and wetlands in the country. Under these two Centrally Sponsored Schemes, financial assistance was provided to various States/UTs for conservation and management of identified lakes and wetlands in the country.
6. That NWCP was launched with its aim to conserve identified wetlands in the country, to prevent their degradation and ensure their wise use for benefit of local communities and overall conservation of biodiversity. Under the programme, financial assistance is being provided for conservation and management of 81 identified wetlands in the country, including 21 Ramsar sites.
7. That based on the proposals received from different States, the Ministry has so far, sanctioned projects for conservation of 63 lakes in 14 States, under the scheme of NLCP. The proposals are considered for financial assistance based on prioritization of water bodies in the States/UTs, conformity with the guidelines and availability of Plan funds.
8. That to avoid overlap and promote synergies, NLCP and NWCP schemes have been merged into one integrated scheme namely, National Plan for Conservation of Aquatic Eco-systems (NPCA). The scheme aims at holistic conservation and restoration of lakes and wetlands for achieving the desired water quality enhancement, besides improvement in biodiversity and ecosystem through an integrated and multidisciplinary approach and a common regulatory framework. NPCA is presently operational during XII Plan Period on cost sharing between Central Government and respective State Governments.
9. That the Central Government has notified the Wetlands (Conservation and Management) Rules, 2010 to regulate various activities within the wetlands and the copy of the same is annexed herewith as Annexure R1/I. The provisions under the Rules include restriction on activities within wetlands, including certain prohibited activities as well as those which should not be undertaken without prior approval of the State Government, process for identification of wetlands under different categories, criteria for notifying the wetlands for regulation under the Rules.

10. That as per the provisions under the Wetland Rules-2010, Central Wetlands Regulatory Authority (CWRA) has been constituted under the chairmanship of Secretary, Ministry of Environment, Forest and Climate Change. The extension of term of the Authority beyond 31.03.2015 is under consideration.

11. That as per the Rules, all the States Governments were to prepare, within a period of one year from the commencement of the Rules, 'Brief Documents' identifying and classifying wetlands within their respective territories in accordance with the criteria contained in the Rules, which include: broad geographic delineation of the wetland, zone of influence along with a map (accurate and to scale), size of the wetland, account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland and submit the same to CWRA.

12. That all the State Governments and UT Administrations have been requested vide this Ministry's letters dated 30.12.2010 and 25.04.2011 duly referred by the applicant and marked as page no. 42 to 47 in OA, for submission of the 'Brief Document' as stated above, along with all the requisite information and to prioritize and identify wetlands in their States as per the National Wetland Inventory Assessment prepared by Space Application Centre (SAC), Ahmedabad. However, State Governments/UTs have not submitted the required documents, so far.

13. This Ministry in order to get conservation and preservation of wetlands mainstreamed in the policy and programmes of the State Governments/UTs, held a series of consultations on 01.11.2013, 13.12.2013 and 08.08.2014 with the State Governments/UTs to emphasize the fact that wetlands need to be conserved.

14. That during a meeting held in the Ministry in November, 2013 regarding integrated management of lakes and wetlands, all the States/UTs were requested for specific consideration on the following:

- Identification and notification of priority wetlands;
- Constitution of state wetland /lake authorities;
- Development of integrated management plans;
- Securing resources for implementation of management plans;
- Strengthening legal and regulatory regimes;
- Monitoring and evaluation; and

- Strengthening research-management interface.

15. That vide this Ministry's letters dated 23rd December, 2013 and 19th September, 2014 duly referred by the applicant at page no. 48 through 54 in O.A., all the State Governments have been requested to accord high priority to the above recommendations and to adopt measures accordingly.

16. That Government of Odisha, Karnataka, Bihar and Rajasthan have already set-up State wetland / lake authorities for taking up matter relating to conservation and management of wetlands and lakes. Government of Madhya Pradesh and Punjab have delegated the powers to Environmental Planning & Coordination Organisation (EPCO), Bhopal and Punjab State Council for Science and Technology, Chandigarh, respectively to act as State Wetlands Authority in the respective State. Some specific lake authorities like Chilika Development Authority, Loktak Development Authority, Wullar Conservation and Management Authority and East Kolkata Wetland Management Authority are also in place and functioning.

17. In the light of above, it is kindly submitted that this answering respondent is alive to the situation and will abide to any order/ direction issued by Hon'ble Tribunal in the matter.

VERIFICATION

Verified at New Delhi on this ____ day of February, 2016, that the contents of the above Counter Affidavit are true and correct to the best of my knowledge as derived from the official record; nothing material has been concealed therefrom.



DEPONENT
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