

Submitted on / 12 /2021

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
**Original Application No.75 of 2020 (SZ)**

**IN THE MATTER OF:**

Tribunal on its own motion

Suo Motu based on the news item

in The Hindu Newspaper dated 30.05.2020,

“Kerala Forest Department told to permit sand

Removal from Pampa”

...Applicant(s)

Vs.

Chief Secretary of Kerala

Government Secretariat

Central Stadium, Mahatma Gandhi Road,

Thiruvananthapuram, Kerala and Ors.

...Respondent(s)

**ADDITIONAL AFFIDAVIT FILED ON BEHALF OF THE 8<sup>TH</sup>**  
**RESPONDENT IN THE ABOVE CASE**

**Adv. Sarashwathy**

Central Government Standing Counsel

National Green Tribunal (Southern Zone)

Advocate for the 8<sup>th</sup> respondent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
**Original Application No.75 of 2020 (SZ)**

**IN THE MATTER OF:**

Tribunal on its own motion

Suo Motu based on the news item

in The Hindu Newspaper dated 30.05.2020,

“Kerala Forest Department told to permit sand

Removal from Pampa”

...Applicant(s)

Vs.

Chief Secretary of Kerala and others

...Respondent(s)

**INDEX**

<b>Sl.No.</b>	<b>Particulars</b>	<b>Page No.</b>
<b>1</b>	<b>Additional Affidavit</b>	<b>1-4</b>

Dated this the .....day of December 2021.

**Adv.Sarashwathy**  
**Advocate for the 8<sup>th</sup> respondent**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
Original Application No.75 of 2020 (SZ)  
(Through Video Conference)

**IN THE MATTER OF:**

Tribunal on its own motion  
Suo Motu based on the news item  
in The Hindu Newspaper dated 30.05.2020,  
"Kerala Forest Department told to permit sand  
Removal from Pampa"  
...Applicant(s)

Vs.

Chief Secretary of Kerala  
Government Secretariat  
Central Stadium, Mahatma Gandhi Road,  
Thiruvananthapuram, Kerala and Ors.  
...Respondent(s)

**AFFIDAVIT ON BEHALF OF UNION OF INDIA THROUGH  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE  
CHANGE (RESPONDENT NO.8)**

श्री बी. एन. अंजन कुमार  
**Shri B.N. Anjan Kumar**  
सहायक वन-महानिरीक्षक(के)  
Assistant Inspector General of Forest (C)  
भारत सरकार/Government of India  
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office  
बेंगलूरु/Bengaluru.



1. I Anjankumar B.N S/o Narayana.T aged 40 years working as Assistant Inspector General of Forest(Central) in Ministry of Environment, Forest and Climate Change, Integrated Regional Office Bangalore (hereinafter referred as 'MoEF&CC'), and as such I am fully aware of the facts and circumstances of the case from the relevant records available in this office. I further state that the present affidavit is being filed after perusing the office records, which to my knowledge are true and correct, and I am authorized to file this affidavit on behalf of the Respondent No. 8 (MoEF&CC).
2. That I have perused the contents of the application filed by the applicant/s and I am duly authorized to depose by way of the present affidavit. At the outset, I deny all the averments by the applicant except those that are specifically admitted here in.
3. It is humbly submitted that in case the Hon'ble Tribunal desires technical/specialized information, an expert from the Ministry can be produced subject to the direction of the Hon'ble Tribunal.

### **Statement of Facts**

1. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and

श्री बी. एन. अंजन कुमार  
**Shri B.N. Anjan Kumar**  
सहायक वन-महानिरीक्षक(कें)  
Assistant Inspector General of Forest (C)  
भारत सरकार/Government of India  
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office  
बेंगलूरु/Bengaluru.



Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.

2. In the instant matter the Hon'ble NGT vide order dated 25.06.2021 has directed the following; "Considering the fact that there is an important issue arose as to whether permission under Forest Conservation Act is required for such activities or Disaster Management Act will over-ride the Environmental Laws, we feel the view of MoEF&CC is also required as they are the persons to accord sanction, if any, required for such purposes applied for."
3. In view of the same, the matter was examined in the answering Ministry. As both the acts i.e. DMA, 2005 and FCA, 1980 are special Acts, in order to ensure that both the acts are harmoniously implemented, it has been decided to hold a consultation/meeting with the Ministry of Home Affairs and form joint views of Govt. of India. It would take some time to come to a common and rational view which upholds and ensures that objectives of both the Act are fulfilled.
4. Thus in light of the above submissions, it is most humbly prayed that this Hon'ble Tribunal may kindly grant a time of at least eight weeks for the reply.



DEPONENT

श्री बी. एन. अंजन कुमार  
Shri B.N. Anjan Kumar  
सहायक वन-महानिरीक्षक(कें)  
Assistant Inspector General of Forest (C)  
भारत सरकार/Government of India  
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office  
बेंगलूरु/Bengaluru.

**VERIFICATION:**

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Bengaluru on this 7<sup>th</sup> Day of December, 2021.



**DEPONENT**

श्री बी. एन. अंजन कुमार  
**Shri B.N. Anjan Kumar**  
सहायक वन-महानिरीक्षक(कें)  
Assistant Inspector General of Forest (C)  
भारत सरकार/Government of India  
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office  
बेंगलूरु/Bengaluru.