

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BRANCH, NEW DELHI

IN

ORIGINAL APPLICATION NO.147 OF 2014

IN THE MATTER OF:

LEGAL AID COMMITTEE NGT

BAR ASSOCIATION.

..Applicant

Versus

MINISTRY OF ENVIRONMENT FOREST&

CLIMATE CHANGES & ORS.

..Respondents

ADDITIONAL AFFIDAVIT FILED ON BEHALF OF RESPONDENT

NO. 1, MINISTRY OF ENVIRONMENT, FOREST & CLIMATE

CHANGE, DELHI

I, Brijendra Swaroop aged 52 years S/o Late M.P. Shrivastava, working as Deputy Inspector General of Forests in Government of India, Ministry of Environment, Forest and Climate Change at Indira Pariyavaran Bhawan,


09.09.2020

JorBagh Road, Aliganj, New Delhi-110003, do hereby solemnly affirm and state as follows:-

1. That, I am working as Deputy Inspector General of Forests in Ministry of Environment, Forest and Climate Change, New Delhi 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 reply affidavit on behalf of the Respondent No. 1.
2. That I have perused the contents of the application filed by the petitioner and I am duly authorized to depose by way of the present Affidavit. I deny all the allegations, put further in the affidavit except those that are specifically admitted here in.
3. That the Hon'ble Tribunal vide order dated 20.11.2019 constituted a committee to conduct the exercise of finalisation of report with reference to the database of year 1999 and submit the final report within three months.
4. That this Ministry in compliance of the directions of the Hon'ble Tribunal convened a meeting on 13.02.2020 and 02.03.2020 at Indira Paryavaran Bhawan, New Delhi whereby certain directions were given to National


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Remote Sensing Centre(“NRSC” for short), State of Haryana, Forest Survey of India(“FSI” for short) , National Capital Region Planning Board(“NCRPB” for short) and the MoEF&CC at Indira Paryavaran Bhawan, New Delhi.

5. This Ministry in compliance of the directions of the Hon’ble Tribunal convened meetings on 13.02.2020 and 02.03.2020 at Indira Paryavaran Bhawan, New Delhi and issue of shrinkage of Natural Conservation Zone (NCZ) which is the main concern in the original petition was discussed with all the Committee members and representatives of the constituent States of NCRPB. Based on the explanation given by the Scientist from NRSC, it was concluded, that the two mapping exercises done by NRSC in the year 1999 and 2012 are not comparable and therefore, it will not be correct to compare the two and draw any conclusion about shrinkage of area under NCZ. Minutes of the meetings are enclosed.
6. The Ministry on 18.03.2020 submitted an Action Taken Report apprising the Hon’ble about the developments and efforts taken by the Ministry to ensure compliance of the directions of the Hon’ble Tribunal.
7. That the matter was last listed for hearing on 20.03.2020 wherein the Hon’ble Tribunal took on record the Action Taken Report filed by the Ministry and directed to complete the study and file report before the next


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date of hearing. The Hon'ble Tribunal further directed that the base year may be taken 1999 and not 2005.

8. That due to the nationwide Covid-19 pandemic, the Committee was unable to function seamlessly and various hindrances prevented the Committee to complete the task of study and delineation.
9. In the meeting dated 13.02.2020 it was decided that a fresh mapping exercise of NCR Region will be carried out by NRSC using Very High Resolution satellite data. However in the meeting dated 02.03.2020 the member from NRSC explained that the use of very high resolution satellite data for the change analysis of historical imageries of VHR satellite data will not be available for the year 1999 and citing non availability of data, they expressed their inability to undertake the fresh exercise.
10. The Hon'ble NGT in its order dated 20.03.2020 has directed that the base year for the comparison should be 1999 only, not 2005. The years of comparison are therefore decided as 1999 and 2019.
11. In view of the non availability of higher resolution LISS IV data in the year 1999 as mentioned by the Outstanding Scientist and Deputy Director, NRSC. It is therefore proposed that NRSC may be asked to do land use land cover mapping using LISS III data (resolution 23.5 m) on 1:50,000 scale for the two periods i.e. 1999 and 2019. The classification scheme of the mapping should be selected in a manner that Natural


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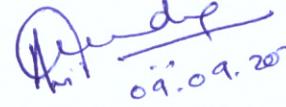
Conservation Areas are explicitly mapped. Due emphasis should be placed on ground truthing before the final output of the exercise is finalised. If required, NRSC may obtain thematic spatial data relevant for identifying natural conservation zones in NCRPB from the concerned organizations. The two comparable output data sets resulting from the same satellite data (sensor), scale and methodology would lead to a realistic assessment of status of Natural Conservation Zone i.e. how it has changed over the two time periods. The above proposal takes care of all the points mentioned by NRSC in their comments on the draft affidavit dated 24th July, 2020.

12. The area under NCRPB has gone change over a period of time in all the constituent states as more and more districts have been added to it. For the sake of uniformity, the committee is of the view that the present boundary defining NCRPB should be used for both the years i.e. 1999 and 2019.
13. Further, committee is of the view that Land Use Land Cover Mapping on 1:50,000 scale as proposed in the Sl.No. (11) above, will serve the purpose of comparison of change in NCZ between 1999 and 2019 based on the identical set of outputs. However, to facilitate appropriate planning and regulations by the concerned State Governments, it would be desirable to have another Land Use Land Cover mapping of the area under NCRPB done on 1:10,000 scale for the year 2019 using high


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resolution satellite data of LISS-IV, CARTOSAT or other satellite/sensor which NRSC feels appropriate for the purpose.

14. The above two mapping exercises may be taken up simultaneously as the two separate series of mapping by NRSC. The NRSC may be asked to submit a detailed proposal for the same.
15. That this Ministry reserves its right to file additional affidavit as and when required till pende-lite.
16. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble Tribunal may pass any order as it deem fit.


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DEPONENT
बृजेन्द्र स्वरूप/BRIJENDRA SWAROOP
उप मुख्य कार्यकारी
Dy. Chief Executive Officer
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

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 New Delhi on this 9th Day of September, 2020.


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बृजेन्द्र स्वरूप/BRIJENDRA SWAROOP
उप मुख्य कार्यकारी
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