

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 533 of 2024

IN THE MATTER OF:

NEWS ITEM TITLED "GANGES BRAHMAPUTRA BASINS TO FEEL IMPACT OF CLIMATE CHANGE: REPORT APPEARING IN THE MILLENIUM POST DATED 21.03.2024

N.D.O.H. – 20.11.2024

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THROUGH



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New Delhi
Date: 19.11.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI
IN
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IN THE MATTER OF:

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AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 THE MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE IN COMPLIANCE TO THE ORDER DATED 28.08.2023 PASSED BY THIS HON'BLE TRIBUNAL

I, Ved Prakash Mishra, S/o Shri Ram Sidh Mishra aged about 50 years, currently working as Joint Secretary, working in the Ministry of Environment Forest and Climate Change, Jor Bagh, Delhi – 110003, do hereby solemnly swear and affirm as follows:

1. That in my official capacity as stated above, I am aware of the facts and circumstances of the present case and am competent to swear to the contents of the present affidavit. I state that my knowledge in this regard is based on the official records available with the Ministry of Environment, Forests & Climate Change.



2. That vide order dated 8.08.2024 this Hon'ble Tribunal was pleased to *inter-alia* direct as follows:

“3. The reply affidavit on behalf of the Respondent No.3 - MoEF & CC has been filed taking the stand that vide Notification dated 31.07.2014 subject matter of River Ganga and its tributaries including river Yamuna has been transferred from MoEF & CC to Ministry of Jal Shakti.

4. Learned Counsel appearing for the Respondent No.3 submits that he will duly examine the report “Elevating river basin governance and cooperation in the HKH region” mentioned in the news item on the basis of which the OA has been registered and will re-examine the stand of the MoEF & CC and will file a fresh report....”

3. That the present affidavit is filed in respectful compliance to the above order of this Hon’ble Tribunal dated 08.08.2024. It is submitted that comments and analysis of the news report titled ‘Ganges Brahmaputra Basins to feel the impact of climate change: report’ appearing in the Millennium Post and underlying reports referred to in the said article from all concerned divisions of MoEF&CC were sought and the same are placed hereinafter for the convenience of this Hon’ble Tribunal.

4. It is submitted that the subject news article is based on the report published under the aegis of International Centre for Integrated Mountain Development (ICIMOD) and Australian Water Partnership; namely Elevating River Basin Governance and Cooperation published for three



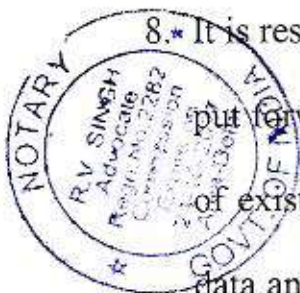
Basins- Ganges, Yarlung Tsangpo-Siang-Brahmaputra-Jamuna River Basins. ICIMOD is a regional intergovernmental learning and knowledge-sharing centre serving the eight Regional Member Countries (RMCs) of the Hindu Kush Himalaya (HKH) viz., Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal and Pakistan. That was mentioned therein, the report for above named three basins and related programme work are supported by the Australian Water Partnership (AWP), an international cooperation initiative helping developing countries in the Indo-Pacific region and beyond work towards the sustainable management of their water resources.

5. That as per the above-named report, in 2019, the Australian Water Partnership (AWP), an entity funded by the Department of Foreign Affairs and Trade (DFAT), Australian Government and managed by e-Water Ltd and the ICIMOD signed a memorandum of understanding (MoU) aimed at strengthening bilateral water cooperation between Australia and countries of the Hindu Kush Himalayan (HKH) region (Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan). The MoU supported engagements directed at analysing challenges to and opportunities for

basin-wide management of water resources across three focus basins: the Indus, the Yarlung Tsangpo-Siang-Brahmaputra-Jamuna (henceforth referred to as 'Brahmaputra'), and the Ganges.



6. It is further respectfully submitted that the geographic area covered in the reports is not limited to the Indian Himalayan Region (IHR) but spreads over the whole river basin in 7 out of the 8 HKH countries, with the exception of Myanmar whose territories do not come under these three river basins. It is submitted that the reports analyze challenges and opportunities for basin wide management of water resources. Challenges include, inter alia, issues pertaining to gender equity, disability, and social inclusion, upstream–downstream governance arrangements, data and knowledge availability and sharing, and climate change resilience and adaptation across the respective river basins. Opportunities of river basin management inter alia include promoting transboundary Integrated River Basin Management (which could help with water allocation, distribution, and use, especially during times of stress), environmental protection, climate adaptation, diplomacy and regional cooperation.
7. It is most respectfully submitted that the reports are seen to be of qualitative nature, based on secondary information/ available literature referred therein, rather than a quantitative report based on primary data collection.
8. It is respectfully submitted that about 6-7 high-level recommendations are put forward for each of the river basins which include inter alia expansion of existing bilateral agreements, stimulation of multilateral co-operation, data and knowledge sharing, supporting transboundary research, etc. over



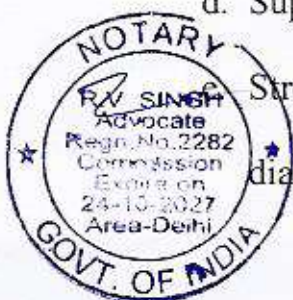
the HKH region comprising of 8 countries mentioned above. In context of Ganges Basin, the report recommends, inter-alia, as under:

- a. Use and expand upon existing bilateral agreements to stimulate multilateral cooperation
- b. Promote progress at a strategic level
- c. Collect and share data to build trust
- d. Catalyse cooperation through common goals
- e. Support and strengthen the capacity of community groups to enhance local collaboration.
- f. Support the expansion of research and data collection

9. That, in the context of Brahmaputra Basin the report recommends, inter-alia,

- a. Use common goals and mutual gains as catalysts for bilateral, trilateral, and multilateral cooperation.
- b. Focus on building trust and increasing awareness of the economic, political, social, and environmental benefits of transboundary cooperation
- c. Use existing bilateral cooperation as a platform for expansion
- d. Support and catalyse collaborative basin-wide assessments

Strengthen gender and social inclusion in knowledge generation, dialogues, planning, and cooperation from the local to basin scales



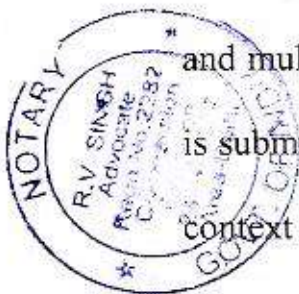
- f. Strengthen the capacity of the water and development sectors in South Asia
- g. Connect river basin governance to multilateral trade and investment fora

10. That, in the context of Indus Basin, the report recommends, inter-alia,

- a. Affirm food and water security as a high priority
- b. Affirm food and water security as a high priority
- c. Develop a regional water governance framework
- d. Encourage the adoption of common approaches and tools
- e. Support a people-centred approach
- f. Create opportunities for female water professionals
- g. Document existing knowledge and success stories

11. That the recommendations of the report under reference, are broadly calling for enhancing multilateral and bilateral cooperation with a view to enhance Basin level governance, and for taking certain measures to increase climate resilience, particularly in water sector. It is respectfully submitted that in the context of recommendations on enhancing bilateral

and multilateral cooperation for elevating river basin level governance, it is submitted that the issue of international cooperation, particularly in the context of transboundary river basin level management, is beyond the mandate of Ministry of Environment, Forest and Climate Change. Further,



it is most respectfully submitted that bilateral and multilateral cooperation in terms of fair and equitable water sharing, remains a politically contested issue in much of South Asia and the Ministry of External Affairs, in consultation with other relevant Ministries/Departments is the nodal Ministry to deal with such contentious issues.

12. It is further most respectfully submitted that 'Water' is a State subject under Entry 17, List II of Schedule VII to the Constitution of India. Therefore, steps for augmentation, conservation and efficient management of water resources are primarily undertaken by respective State Governments. To supplement the efforts of the State Governments, Government of India, primarily through its Nodal Ministry - Ministry of Jal Shakti provides technical and financial assistance to through various schemes and programmes.

13. It is respectfully submitted that the Hon'ble Tribunal may also take note of the global dimensions of the changing climate. Currently, it is a well-established fact that the historical anthropogenic (human-induced) activities across the globe, mainly the burning of fossil fuels, have resulted in increasing the concentration of greenhouse gases (GHGs), which in turn

trap extra heat and increase Earth's average temperature leading to climate change. This in turn is reported to be leading to wide-ranging impacts across the globe including sea-level rise, melting snow and glaciers,



changes in the weather pattern, increased frequency and intensity of extreme events and natural disasters, etc. Thus, Climate Change is a global challenge and to overcome these challenges, the world needs global collective efforts. It is also most respectfully submitted that the largest contributor to historical human-induced warming is carbon dioxide (CO₂) (IPCC, 2022). The CO₂ is naturally present in the atmosphere as part of the Earth's carbon cycle and is not considered, as a local air pollutant in India, hence, not covered by environmental statutes.

14. It is also respectfully submitted that publishing studies on climate risk assessments is a growing field of commercial consultancy activity, undertaken by an increasing number of private and publicly owned enterprises across the world. However, it is also not appropriate nor possible for Government of India to have a view or comment on all such analyses and assessments available in the public domain. Government notes that the rising level of such activity is testimony to the rising climate change awareness in business circles across the world.

15. Further, the Government of India through its various Ministries and Departments continues to assess the impact of climate change keeping with new data and increased scientific knowledge on the subject. Such data and analyses are routinely carried out in the regular work of Ministries/Departments and incorporated in further schemes, plans and



initiatives of the Government as notified from time to time. Experts and scientists in academia and think tanks also consulted from time to time as need arises on these subjects. The Government in its preparation of risk analysis and risk assessments relies on scientifically validated data, methodologies and analyses provided by public and private scientific institutions and multilateral agencies and institutions with a recognized expertise in this area.

16. It is also submitted that the Climate Change is a cross-cutting issue and has the potential to affect sectors, which are critical to India's socio-economic growth. Further, Climate change in many of these sectors, including the water sector, acts as a stress multiplier, i.e. it can intensify existing environmental factors such as diminishing and unpredictable water resources. Stresses in the water sector and basin-level management are within the domain of the M/o Jal Shakti.

17. It is submitted that the Government stands committed for combating Climate change through its several programmes and schemes including the National Action Plan on Climate Change (NAPCC). The implementation of NAPCC is guided by the following principles:

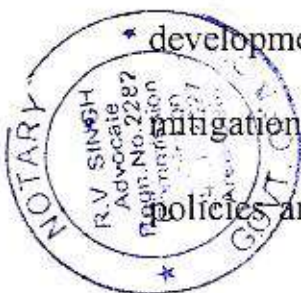
- a. protecting the poor and vulnerable sections of society through an inclusive and sustainable development strategy, sensitive to climate change;



- b. achieving national growth through ecological sustainability;
- c. devising efficient and cost-effective strategies for end use Demand Side Management;
- d. deploying appropriate technologies for both adaptation and mitigation of greenhouse gases emissions;
- e. engineering new and innovative forms of market, regulatory and voluntary mechanisms to promote sustainable development;
- f. effecting implementation of programmes by including civil society and local government institutions and through public-private partnership; and
- g. welcoming international cooperation for research, development, sharing and transfer of technologies.

18. The NAPCC encompasses nine missions in the specific areas of Solar Energy, Enhanced Energy Efficiency, Sustainable Habitat, Water, Sustaining the Himalayan Eco-system, Strategic Knowledge for Climate Change, Green India, Sustainable Agriculture and Human Health and Climate Change. These specific areas tackle core issues pertaining to climate change, outlining steps to simultaneously advance India's

development and climate change related-objectives of adaptation and mitigation. It is submitted that there are currently several initiatives and policies are in place to minimize these issues for example, the National



Mission for Clean Ganga (NMCG), Mission on Himalayan Studies (NMHS) and Pradhan Mantri Matsya Sampada Yojana, is an initiative by GoI to ensure participation of local communities and safeguard their livelihoods against climate-induced disaster.

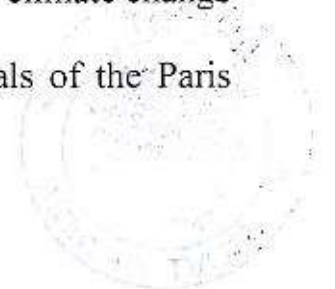
19. All the missions are anchored in the respective nodal Ministries and/or departments and are under various stages of implementation, overseen by the respective Ministries and / or departments i.e. Ministry of New and Renewable Energy (“MNRE”) (responsible for the National Solar Mission (“NSM”)); Ministry of Power and Bureau of Energy Efficiency (“BEE”) (responsible for National Mission for Enhanced Energy Efficiency (“NMEEE”)); Ministry of Housing and Urban Affairs (“MOHUA”) (responsible for the National Mission on Sustainable Habitat (“NMSH”)); Department of Science and Technology (“DST”) (responsible for the National Mission for Sustaining the Himalayan Ecosystem (“NMSHE”) and the National Mission on Strategic Knowledge for Climate Change (“NMSKCC”)); Ministry of Jal Shakti (“MOJS”) (responsible for the National Water Mission (“NWM”)); Ministry of Agriculture and Farmers’ Welfare (responsible for the National Mission for Sustainable Agriculture (“NMSA”)); Ministry of Health and Family Welfare (responsible for National Action Plan on Climate Change and Human Health (“NAPCCHH”)); Ministry of Environment, Forests & Climate Change



("MoEFCC") (responsible for National Mission for a "Green India" ("GIM")).

20. It is submitted that the National Action Plan on Climate Change (NAPCC) provides the overarching framework for all climate actions and comprises missions in specific areas of solar energy, enhanced energy efficiency, sustainable habitat, water, sustaining Himalayan ecosystems, Green India, sustainable agriculture, human health and strategic knowledge for climate change. All these Missions are institutionalized and implemented by their respective Nodal Ministries/Departments, Further; thirty-four States/Union Territories (UTs) have prepared their State Action Plans on Climate Change (SAPCC) in line with NAPCC taking into account the State specific issues relating to climate change. The responsibility of the implementation of the SAPCCs rest with the respective States.

21. Consistent with the objectives of NAPCC, State Action Plans on Climate Change (SAPCCs) are already in place for 34 States and Union Territories of the country. Within this policy document, States and Union Territories have indicated their sector specific and cross-sectoral priority actions for combating climate change. The state-level action plans for climate change are in the process of being revised, in line with the goals of the Paris Agreement and India's NDCs commitments.



22. In addition to the NAPCC, Government of India has taken many other steps to address the climate related issues. It is respectfully submitted that given that climate change is a global collective action problem, which is primarily caused by not only the current Greenhouse Gas (GHG) emissions but also by the historical cumulative GHG emissions mainly contributed by the developed countries. Human activities have contributed substantially to climate change by adding CO₂ and other heat-trapping gases to the atmosphere. Even though India's contribution to global GHG emission is minimal, India is committed to addressing the challenge with firm adherence to multilateralism keeping in mind the national circumstances and based on equity and the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), as enshrined in the United Nations Framework Convention on Climate Change (UNFCCC). It is submitted that in keeping with this, Government of India has also proactively taken a lead in promoting international collaborations through International Solar Alliance and Coalition for Disaster Resilient Infrastructure and has undertaken various activities through these arrangements.

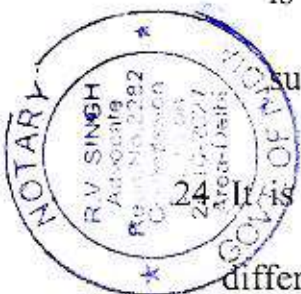
23. As part of its commitment to a leading role in climate action, well beyond its fair share of responsibility, Government of India has developed several forward-looking and participatory global initiatives, partnerships, and



coalitions to combat climate change and foster greater collaboration. These include:

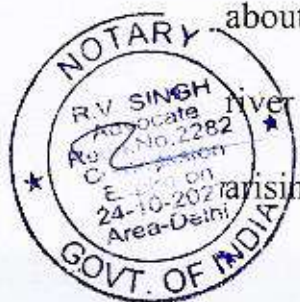
- **International Solar Alliance (ISA)**, launched by India and France, which is a dedicated platform for cooperation between Governments, multilateral organizations, and industry to strengthen global cooperation on solar energy.
- **Coalition for Disaster Resilient Infrastructure (CDRI)**, a partnership of national Governments, UN agencies, multilateral development banks, the private sector, and knowledge institutions to promote the resilience of new and existing infrastructure systems to growing climate risks and disasters.
- **Leadership Group on Industry Transition (LeadIT)**, co-led by India and Sweden, is a platform for the Governments and the private sector to identify low-carbon business opportunities, cooperate on net-zero technology innovation and exchange knowledge on sectoral roadmaps for hard-to-abate sectors.
- **Global Biofuel Alliance**, initiative by India, Brazil and United States, is aimed at facilitating cooperation and intensifying the use of sustainable biofuels, including in the transportation sector.

It is submitted that as stated above, India's climate actions cut across different sectors and these are embedded in various programme and



schemes implemented by the Government of India. As a result, India has progressively continued decoupling of economic growth from greenhouse gas emissions. India has achieved reduction of 33% in emission intensity of its GDP between 2005 and 2019. Further, as on 30-06-2024, the share of cumulative electric power installed capacity from non-fossil fuel-based energy resources is 45.54%. From 2005 to 2019, additional carbon sink of 1.97 billion tonnes of CO₂ equivalent has been created. It is further submitted that India's Initial Adaptation Communication submitted to UNFCCC in December 2023 indicates that the total adaptation relevant expenditure for the year 2021-22 was 5.6 per cent of the Gross Domestic Product (GDP), growing from a share of 3.7 per cent in 2015-16, which shows that the Government has been making consistent efforts to integrate climate resilience and adaptation into development plans and spending a significant amount of resources to tackle the adverse effects of climate change.

25. It is further respectfully submitted that the reports of International Centre for Integrated Mountain Development's (ICIMOD) on Ganges, Brahmaputra and Indus river basins which are under consideration discuss about the change in river hydrology and its related consequences in the river basins. The issues regarding river management and governance arising from both natural and man-made causes are being handled by



Ministry of Jal Shakti and its concerned organisations like Central Water Commission, NMCG, National Water Development Agency, Brahmaputra Board, Ganga Flood Control Commission, etc.

26. Further, as per the information of this answering respondent the Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti has been working relentlessly towards achieving the vision and mission of making India a 'Water Secure Country.' The Ministry of Jal Shakti, formed in 2019 by bringing together all water related departments and organisations under one umbrella ministry, has been playing a pivotal role in implementation of a focussed strategy towards making India 'Water Secure' while ensuring optimal utilisation of precious and scarce water resources across the nation. The Ministry of Jal Shakti is responsible for water quality assessment; rejuvenation of river Ganga and its tributaries and also conservation and abatement of pollution in other rivers. The National Mission for Clean Ganga (NMCG), a registered society under the Ministry of Jal Shakti, Government of India, takes measures for prevention, control and abatement of environmental pollution in river Ganga and to ensure continuous adequate flow of water to rejuvenate the river Ganga. The NMCG and other related matters of Ganga Rejuvenation were transferred from the Ministry of Environment, Forest and Climate Change to the



Ministry of Jal Shakti vide Cabinet Secretariat Notification dated 31st July, 2014. Further, in 2019, works related to rivers other than the Ganga and its tributaries was also transferred to the Ministry of Jal Shakti vide Cabinet Secretariat Notification dated 14th June, 2019. The Ministry of Jal Shakti, being one of the respondents, may consider providing further details on their part, as deemed appropriate, and up to the convenience of the Hon'ble Tribunal.

27. That the present affidavit may kindly be taken on record so as to assist this Hon'ble Tribunal to pass appropriate orders in the present matter as deemed fit. That it is respectfully submitted the Respondent No.3 undertakes to file a further affidavit if so directed by this Hon'ble Tribunal.



[Signature]
DEPONENT (श्रीम)
(VED PRAKASH MISHRA)
 संयुक्त सचिव/Joint Secretary
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

VERIFICATION

Verified at on this **19 NOV 2024** day of 2024 that the contents of this affidavit

based on official record(s) maintained and information available in the office are

true and correct, no part of it is false and nothing has been concealed there

from.

CERTIFIED THAT THE DEPONENT
 श्री/सु/कि. *Ved Prakash Mishra*
 S/o, W/o, D/o Sh. *Gadhm Mishra*
 Identified by श्री *[Signature]*
 has solemnly affirmed before me at Delhi
 on **19 NOV 2024** that the contents of the affidavit have been
 read over & explained to him/her and are true & correct
 to his/me knowledge

[Signature]
 Notary Public, Delhi

19 NOV 2024

[Signature]
DEPONENT
(वेद प्रकाश मिश्रा)
(VED PRAKASH MISHRA)
 संयुक्त सचिव/Joint Secretary
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

I identified the deponent/Deponent who has signed in my presence.