

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

INDEX

IN

RESPONSE AFFIDAVIT

(On behalf of Uttarakhand Biodiversity Board)

(Respondent No. 3)

in

Original Application No. 295 of 2025

In re: News Item titled "Nayar river is vanishing - a yatra reveals conservation goes beyond science and policy" appearing in 'The Down To Earth' dated 03.06.2025.

Applicant

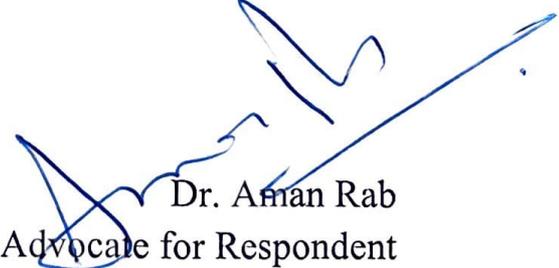
Central Pollution Control Board & Ors.

Respondents

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3.	<u>Annexure No. 1:</u> (Copy of the authorization noting dated 24.07.2025)	8

Date:

Place: Dehradun


Dr. Aman Rab
Advocate for Respondent

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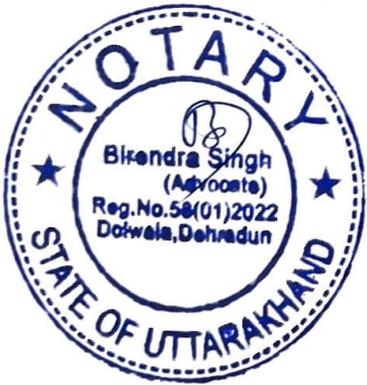
Applicant

Central Pollution Control Board & Ors.

Respondents

AFFIDAVIT of Abou Talib, aged about 40 years, presently posted as Technical Resource Person, Uttarakhand Biodiversity Board.

Deponent



Abou Talib
25/07/2025

I, the above-named deponent does hereby solemnly affirm and state on oath as under: -

1. That the deponent is presently posted as the Technical Resource Person, Uttarakhand Biodiversity Board and has been duly authorized to sign and file the present response affidavit on behalf of respondent no.3 in the present Original Application. In this connection, copy of the authorization noting dated 24.07.2025 is being marked and annexed as **Annexure No.1** to this affidavit.
2. That the above-mentioned matter was listed for hearing on 05.06.2025 wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:

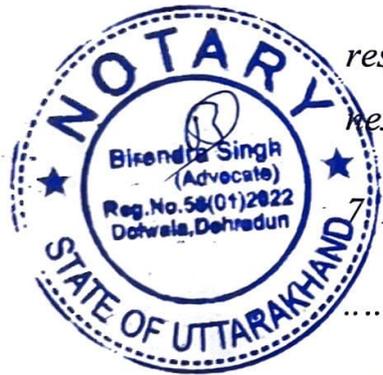
".....

6. Let notices be issued to the respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing.

7. List on 06.08.2025 for further consideration.

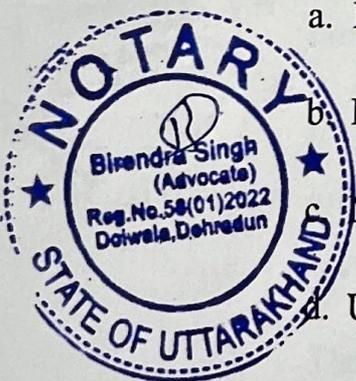
....."

3. That the Board is a statutory body constituted under Section 22 of the Biological Diversity Act, 2002 for the purpose of promoting conservation of biological diversity, sustainable use of its



components, and fair and equitable sharing of benefits arising out of the use of biological resources.

4. That the news article dated 03.06.2025 titled "*Nayar river is vanishing – a yatra reveals conservation goes beyond science and policy*", highlights grave ecological issues impacting the Nayar River ecosystem, which is a part of Uttarakhand's rich biodiversity heritage.
5. That the region surrounding the Nayar River, including the Doodhatoli forests and associated alpine meadows, is rich in endemic flora and fauna and includes important traditional water systems like *khals* and *chals*. This ecosystem forms a vital part of local livelihood, agriculture, and cultural practices.
6. That the Board recognizes the loss of biodiversity in the Nayar basin due to:
 - a. Degradation of natural habitats
 - b. Decline of aquatic species including the golden mahseer
 - c. Neglect of traditional ecological knowledge and water systems
 - d. Unregulated developmental activities and climate impacts
7. That as per Section 36(2) of the Biological Diversity Act, 2002 the State Government is required to integrate the conservation and



[Handwritten signature]

sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes, and policies.

8. That it is most respectfully submitted that the respondent no. 3 is a creature of statute under the Biological Diversity Act, 2002 [hereinafter referred to as the "Act"]. The functions of the respondent No. 3 are enumerated in Section 23 of the Act. For ready reference, Section 23 of the Act is reproduced hereunder: -

"23. Functions of State Biodiversity Board.—The functions of the State Biodiversity Board shall be to— (a) advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilisation of biological resources;

(b) regulate by granting of approvals or otherwise requests for commercial utilisation or bio-survey and bio-utilisation of any biological resource by Indians;

(c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government."

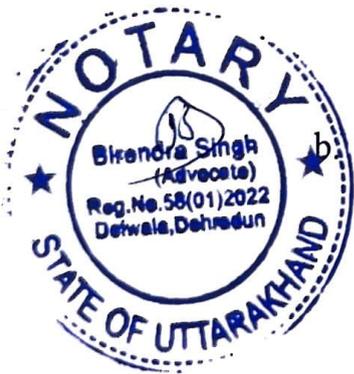
9. That while Section 23 of the Biological Diversity Act, 2002 empowers the State Biodiversity Board to advise the State Government on matters relating to the conservation of biodiversity, including restoration of



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ecosystems, the Uttarakhand Biodiversity Board is presently not undertaking activities related to river rejuvenation since such functions are currently being carried out by the Spring and River Rejuvenation Authority (SARRA), Govt. of Uttarakhand, under the Watershed Management Directorate, which has been entrusted with the responsibility of rejuvenation and conservation of traditional water systems and rain-fed rivers in the State.

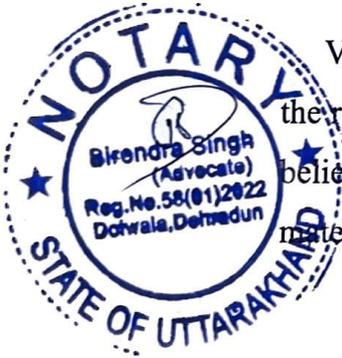
10. That the Board supports the recommendations made in the article, including:
 - a. Afforestation with native species,
 - b. Restoration of traditional water systems,
 - c. Regulation of seasonal grazing,
 - d. Integrated river basin management involving local communities
11. That the Board is committed to undertaking the following actions, in coordination with other departments and stakeholders:
 - a. Documentation of biodiversity in the Nayar basin under the People's Biodiversity Register (PBR) framework.
 - b. Promotion of conservation education and awareness among local communities.



- c. Identification and notification of Biodiversity Heritage Sites (BHS) in the Nayar basin.
 - d. Recommendations to the State Government for policy intervention under Section 36 of the Act.
12. That if so directed, the Board endeavors to coordinate with the Forest Department, Pollution Control Board, and other agencies to develop a time-bound biodiversity restoration plan for the Nayar River basin.

[Signature]
Deponent

Verification: -



Verified at Dehradun on the 28 day of July 2025, that the contents of the response affidavit are true and correct to the best of my knowledge and belief based on the basis of official record and nothing is false, and no material has been concealed therein.

[Signature]
Deponent

Identified by:

[Signature]
PAYAL BHATIYA
Advocate
Reg. No.: UK 945/2022

[Signature]
S.R. No 128
2025

This affidavit is sworn before me on
Shri. A. B. Singh who is identified by Shri. PAYAL BHATIYA
At Dehwala Dehradun on 28.07.2025 (Adv)

[Signature]
Birendra Singh
Advocate & Notary
Dehwala, Dehradun
28.07.2025

टीप 7 और आज्ञायें Annexure No.1

Subject: News Item titled "Nayar river is vanishing - a yatra reveals conservation goes beyond science and policy" appearing in 'The Down To Earth' dated 03.06.2025.

उपरोक्त शीर्षक समाचार रिपोर्ट के आधार पर, माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली के समक्ष मूल याचिका संख्या 295/2025 पंजीकृत की गई है। यह मामला नयार नदी से संबंधित गंभीर चिंताओं से जुड़ा है, जिसमें पर्यावरणीय ह्रास, संरक्षण प्रयासों की कमी, तथा विज्ञान नीति और जमीनी कार्रवाई के मध्य की खाई को उजागर किया गया है।

माननीय अधिकरण द्वारा दिनांक 05.06.2025 को पारित आदेशानुसार, इस मामले में कुल 07 पक्षकारों को प्रतिवादी बनाया गया है, जिनमें उत्तराखंड जैव विविधता बोर्ड को प्रतिवादी संख्या 03 के रूप में शामिल किया गया है। बोर्ड के विरुद्ध कोई प्रत्यक्ष आरोप या अवमानना नहीं की गई है।

उक्त की अगली सुनवाई की तिथि 06 अगस्त, 2025 निर्धारित की गई है, जिससे एक सप्ताह पूर्व उत्तराखंड जैव विविधता बोर्ड की ओर से माननीय अधिकरण के समक्ष उत्तर-पत्र (Reply) प्रस्तुत किया जाना है। जिसमें उत्तराखण्ड जैव विविधता बोर्ड की ओर से Physical hearing (with hybrid option) में उपस्थित होना अनिवार्य है। डा० अबु तालिब, टैक्निकल रिसोर्स पर्सन, (ए०बी०एस०) द्वारा उक्त प्रकरण का उत्तर पत्र (Reply) तैयार किया गया है जो पत्रावली में प्रस्तुत है। चूंकि डा० अबु तालिब द्वारा बोर्ड में ए०बी०एस० एवं न्यायालय सम्बन्धी कार्यों का सम्पादन किया जाता है।

अतः डा० तालिब को बोर्ड की ओर से उत्तर पत्र (Reply) दाखिल करने हेतु अनुमति प्रदान करना चाहें तथा अगली सुनवाई दिनांक 06 अगस्त, 2025 हेतु बोर्ड की ओर से ऑनलाईन माध्यम से उपस्थित होकर प्रतिभाग करने हेतु निर्देशित करना चाहें।



ATTESTED
Birendra Singh
Advocate & Notary
Reg.No.58(01)2022
Dohwala Court Compound
Dohwala, Dehradun (U.K.)

24-07-25
(सां. अधि०)

सदस्य-सचिव।

महोदय अनुमति प्रदान करना चाहे।

अनुमोदित

अध्यक्ष

[Signature]

[Signature]

[Signature]

24.07.25