

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL(PB),  
NEW DELHI  
IN  
ORIGINAL APPLICATION NO. 652 OF 2022/PB**

**IN THE MATTER OF:**

R.D SINGH BANDRA

.....Petitioner

**VERSUS**

1. Union of India, through Ministry of Environment Forest and Climate Change.
2. Union Territory of J&K through the Chief Secretary, Government of Jammu and Kashmir
3. The Commissioner/ Secretary, Department of Ecology, Environment & remote sensing civil secretariat, Jammu -180001.
4. The commission/secretary Department of PWD (R&B) civil secretariat, Jammu -180001.
5. Deputy Commissioner Office of DC Dada Dist Doda
6. Additional Deputy Commissioner Bhadrawah Doda
7. Chief Engineer PWD(R& B) office of chief engineer PWD(R&B), Jammu
8. Executive Engineer PWD(R&B).
9. Divisional Forest Officer (DFO) Doda
10. Wild life warden Kathua
11. M's D.K Projects

...RESPONDENTS



**Reply Affidavit on Behalf of the Respondent No.1, Union of India, Ministry of Environment, Forest and Climate Change, New Delhi**

**MOST RESPECTFULLY SHOWETH:**

I Dr. Sudheer Chintalapati aged 38 years, working as Scientist 'E' in the Office of Ministry of Environment, Forest and Climate Change at New Delhi, do hereby solemnly affirm and State as under:

1. That I am duly authorized to swear this affidavit as I am conversant with the facts of the present case and competent to swear the present affidavit.
2. That I have read and understood the contents of the accompanying reply and state that the same has been drafted based on the official records.

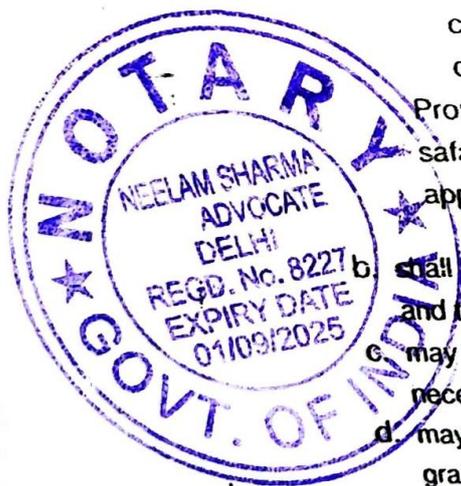
3. It is submitted that the proposals for developmental activities within National Parks, Sanctuaries, Tiger Reserves, Tiger Corridors and those activities requiring environmental clearance inside Eco-sensitive Zones (ESZ) around National Parks and Sanctuaries are considered and recommended by the Standing Committee of the National Board for Wild Life.
4. It is submitted that, the proposals are forwarded to the Ministry of Environment, Forest and Climate Change for placing before the Standing Committee of the National Board for Wild Life after thorough scrutiny by the State/Union Territory Governments/Administrators and the State Board for Wild Life headed by the respective Chief Ministers/Administrators. Incomplete proposals are returned to the States/Union Territories. The Standing Committee of the National Board for Wild Life, which also includes eminent ecologists, conservatipnists and environmentalists, takes informed decisions on the proposals placed for its consideration.
5. It is further submitted that, the proposals are required to be examined by various authorities and a particular channel of approval needs to be followed which is as follows:
  - a. The proposal has to be forwarded by the agency seeking usage of the land to the Deputy Conservator of Forest, who after examining the proposal, forwards the same along with his comments to the Chief Wild Life Warden of the State/Union Territory.
  - b. The Chief Wild Life Warden after examining the proposal, forwards the same along with his comments to the State Board for Wild Life (SBWL).
  - c. The State Board for Wild Life examines the proposal and the State Government considering the recommendation of the State Board for Wild Life, forwards the same to the Government of India for recommendations/approval of the Standing Committee of the National Board of Wild Life.
  - d. The process is further explained with the help of the table below:

Office/ stage	Process
DFO/Wild Warden	Life Initial scrutiny in 5 days of receipt of the proposal  15 days after receipt of complete proposal for site inspection, consultation with Conservator of Forests/Chief Conservator of Forests/Addl. Principal Chief Conservator of Forests and forwarding to the Chief Wild Life Warden
Chief Wild Warden	Life 15 days from receipt of proposal for scrutiny and recommendation to the State Government for placing before the State Board for Wild Life.
Consultation with State Board for Wild Life and recommendation of State Government	with and The activity involves decision of the State Government, consultation with State Board for Wildlife and thereafter, recommendation of State Government to Ministry of Environment, Forest and Climate Change enclosing the copy of the minutes of the State Board for Wild Life. Therefore, this stage may take up to 45 days , as the State Board for Wild Life



	is chaired by Hon'ble Chief Minister.
Ministry of Environment, Forest and Climate Change	Initial scrutiny in 10 days of receipt of the proposal
Consultation with Standing Committee of National Board for Wild Life	Meetings of Standing Committee of National Board for Wild Life are ordinarily convened once in 3 months.

6. It is submitted that, no such proposal for construction of road as mentioned in the petition has been received in the Ministry through PARIVESH portal.
7. It is submitted that, as per section 18 of the Wild Life (Protection) Act, 1972, the State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment. Further under Section 26A of the Wild Life (Protection) Act, 1972 the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification.
8. It is further submitted that Section 33 of the Wild Life (Protection) Act, 1972 states that, the Chief Wild Life Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,
- may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary:
- Provided that no construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board.
- shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals therein;
  - may take such measures, in the interests of wild life, as he may consider necessary for the improvement of habitat;
  - may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of live-stock.
9. It is submitted that Ministry of Environment, Forest and Climate Change is duty bound and fully committed for the conservation and protection of environment.
10. It is respectfully prayed that the aforementioned facts and circumstances may be taken into consideration by this Hon'ble Court at the time of passing any orders as may be deemed fit.



*Sudhakar*  
DEPONENT

**VERIFICATION**

**- 4 JAN 2023**

Verified at New Delhi on this -- day of -----, 2022 that the contents of para 1 to . the above reply affidavit are true and correct to my knowledge based on the records; no part of it is false and nothing material has been concealed there-from.

*[Handwritten signature]*

**I identified the deponent who has signed in my presence**

*[Handwritten signature]*  
**DEPONENT**

(Dr. Pooja Deepshikha Patil)  
Minister, Dept. of Environment and Climate Change  
Govt. of India, New Delhi



**ATTESTED**

*[Handwritten signature]*  
NOTARY (Govt. of India)  
Neelam Sharma  
Advocate  
Sh No 165A, Gate No. No. 11,  
Patil House Courts,  
New Delhi-110001  
TM: 8899408301

**- 4 JAN 2023**