

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.185 OF 2023 (WZ)**

Vanashakti Public Trust & Another

Petitioner(s)

VERSUS

Union of India and Others

Respondent(s)

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.8

I, Yogesh Kumar S/o Shri Dalpat Singh aged about 52 Years, Under Secretary, National River Conservation Directorate, Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, New Delhi do state on solemn affirmation as under:

1. I say that, I am filing this Affidavit in reply on behalf of Respondent no.8. I say that, I am filing this Affidavit as per directions of this Hon'ble Tribunal vide order dated 04.04.2024. I say that, whatever is stated in this Affidavit is on the basis of documents and information available with the Ministry.
2. I am working as Under Secretary, National River Conservation Directorate, Ministry of Jal Shakti and as such I am well acquainted with the facts of the case and documents annexed thereto and acquainted myself with the information on the basis of the records maintained by the Respondent no.8. I am authorized to file the Affidavit on behalf of Respondent No. 8 herein. I crave leave of this Hon'ble Tribunal to file Additional Affidavit if required.
3. The main prayers of the petitioners are as follows:
 - i. Directing the Respondent State to remove all encroachments or impediments that block access to the Public to the river banks including 100 meters on either side of the River Banks and 50 meters from all 20 tributaries and watercourses that contribute to the discharge of water into rivers;
 - ii. Directing the Respondent State to ban the conversion of agricultural land into developable or constructible areas for a distance of 100 m on either side of the River banks and 50 meters from all tributaries and water courses that contribute to the discharge of water into rivers;
 - iii. Directing the Respondent State to pass guidelines preventing construction of any kind except those required by the government for maintaining the purity of the rivers;



(Yogesh Kumar)

(Cul Singh)

- iv. Directing the Urban Development Department/Village Panchayats/MPCB not to clear any proposals in contravention to the prayers mentioned in clause (a) and (ii) ;
 - v. Directing the Respondent State Animal Welfare Board to ascertain whether there are sufficient areas in the Rivers which allow both wild and domestic to have access to Rivers;
 - vi. Directing the Respondent State government to amend the existing river policy to also prevent residential/commercial complexes apart from Industries coming up 100 meters on either side of river banks and 50 meters from all tributaries and water courses that empty into the rivers;
 - vii. Directing the Respondent State to take necessary remedial steps for the removal of all encroachments/ obstructions that are denying public access to Water bodies such as Rivers, Lakes, Creeks, etc. and to restore the water bodies to their natural position;
 - viii. Respondent State be directed to set up a River Authority to monitor the protection of rivers and also make it mandatory for approval of the Authority be taken before clearing any proposals for construction of any kind except those needed for government facilities monitoring the river water quality and navigation/security of rivers;
 - ix. The local police station under whose jurisdiction the portion of the river falls must be directed to take suo moto cognizance of the offence, if any, and file a report to the District Collector.
4. I say that the above-mentioned reliefs sought by the petitioners in their prayers are related to the State Government and its responsible agencies. However, no specific prayer for respondent no. 8 has been sought.
 5. I say that 'Water' is a State subject, it is the primary responsibility of State/ Union Territories (UTs) to ensure the cleanliness and development of rivers within their jurisdiction.
 6. I say that for conservation of rivers, the Ministry of Jal Shakti has been supplementing the efforts of the States/ UTs by providing financial and technical assistance for abatement of pollution in identified stretches of rivers in the country through the Centrally Sponsored Scheme and Central Sector Scheme.
 7. I say that to provide integrated development and management of water resources in the State, through participatory governance, with the objective of achieving equity, efficiency and sustainability in the use of water resources, and to this end, to establish an institutional framework for integrated water resource development and management in the State, the department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti has undertaken preparation of Draft Model Bill on Integrated Water



M/Amal

M/Amal

Resources Management (IWRM) for State Governments which also includes suitable provisions of "Draft River Regulation Zone (RRZ) Bill". A group of officials from various related wings of this ministry have been constituted for this purpose. Once the draft Model State Bill for IWRM is finalized and approved by Competent Authority , it will, inter alia, circulated to various Central Ministries as well as to State Government for their comments/ observations. After consultation, it would be finalized and approved by the competent authority, and thereafter, it would be sent to the States to be adopted for legislation and implementation. The said model bill is currently in drafting stage.

- 8. In view of the aforesaid facts Respondent No. 8 submits that the Hon'ble Court may pass appropriate order as may deem fit in the interest of Justice.

On this 14th day of May, 2024.

Before me

[Handwritten Signature]

[Handwritten Signature]
(Yogesh Kumar)

Advocate for Respondent No.8

योगेश कुमार / YOGESH KUMAR
अवर सचिव / Under Secretary
एन.आर.सी.डी./N.R.C.D.
जल शक्ति मंत्रालय / Ministry of Jal Shakti
जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग
Department of Water Resources, RD & GR
भारत सरकार, नई दिल्ली / Govt. of India, New Delhi

अवर सचिव/Under Secretary
एन.आर.सी.डी./N.R.C.D.
जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग
Deptt. of Water Resources, RD & GR
जल शक्ति मंत्रालय/Ministry of Jal Shakti
भारत सरकार, नई दिल्ली/Govt. of India, New Delhi

I identified the Respondent;
who has Signed in my presence

MISHRA PUSHPAL SURESH KUMAR, ADVOCATE

Roll No. MAH/1691-A/2013



ATTESTED
[Handwritten Signature]
NOTARY PUBLIC
DELHI (INDIA)

23 JAN 2025