

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

Original Application No. 720 of 2023

IN THE MATTER OF:

In Re: News item appearing in Current Science dated 25.10.2023 title
"Need to declare the Higher Himalaya an eco-sensitive zone"

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THROUGH COUNSEL



ADARSH CHAMOLI
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PLACE: NEW DELHI

DATE: 26.08.2025

Email Id: adarshchamoli93@gmail.com

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

Original Application No. 720 of 2023

IN THE MATTER OF:

In Re: News item appearing in Current Science dated 25.10.2023 title "**Need to declare the Higher Himalaya an eco-sensitive zone**"

RESPONSE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Kahkashan Naseem, aged about 44 years, D/o Late Shri Abdul Sattar Ansari, presently posted as Additional Secretary, Department of Environment Conservation and Climate Change, Government of Uttarakhand, Dehradun.




Deponent

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

1. That the deponent is presently posted as Additional Secretary, Department of Environment Conservation and Climate Change, Government of Uttarakhand and is duly authorized to sign and file the

instant affidavit on behalf of the State of Uttarakhand and as such is fully conversant with the facts of the case.

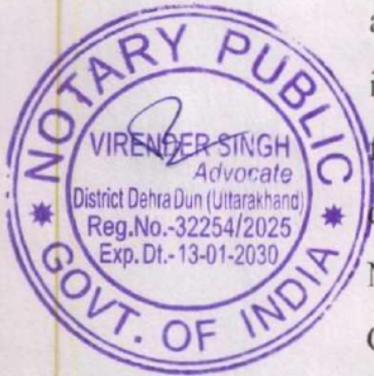
2. That Hon'ble National Green Tribunal observed in paragraph 2 of its order dated 22.07.2024 as under:

“Along with the additional affidavit dated 12.07.2024 filed by the MoEF&CC, report of the joint Committee has been filed. The stand recorded therein is that *“instead of immediate designation of Higher Himalayas as an eco-sensitive zone, a more prudent approach would be to prioritize the monitoring and research efforts and investing in projects focused on monitoring sediment data and modeling of erosions sediments transport process”.*”

3. That Hon'ble National Green Tribunal was pleased to direct MoEF&CC i.e. Respondent No. 1 to place the affidavit on record disclosing if all the recommendations of the joint Committee are acceptable and if yes, how the said recommendations will be implemented, the authorities responsible for the same, timeline and funds allocation for the same. That Respondent No. 1 vide its letter dated 21.08.2024 enquired from State of Uttarakhand i.e. Respondent No. 2 on the aforementioned points with respect to State of Uttarakhand. Copy of the said letter dated 21.08.2024 sent by Respondent No. 1 to Respondent No. 2 is annexed as **Annexure – 1**.

4. That Respondent No. 1 respectfully submits that it is fully in agreement with the spirit and substance of the recommendations made by the Joint Committee. These recommendations are aligned with the objectives of sustainable development, ecological preservation, and disaster risk reduction in the Himalayan region.

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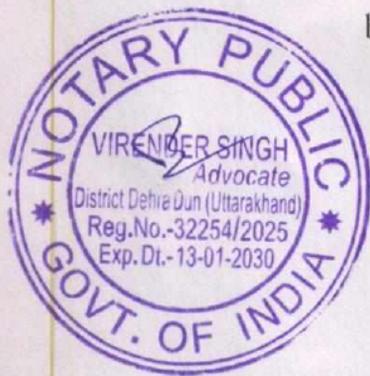


5. That in addition to the aforesaid submission, Respondent No. 2, also submits the following:

a. **Acceptance and Implementation Status:** A majority of the recommendations are **already under implementation** by various departments and authorities of the Government of Uttarakhand. These include initiatives related to early warning systems, slope stability assessments, environmental clearances, afforestation, solid waste management, and plastic waste regulation, among others. Certain recommendations, however, pertain to highly technical or interstate matters which **fall within the domain of national-level authorities**. The State is fully committed to supporting and facilitating the implementation of such recommendations in coordination with the concerned Central agencies.

b. **Authorities Responsible for Implementation:** The **concerned departments of the State Government** are responsible for implementing the respective recommendations as per their subject jurisdiction. A detailed table listing the departments aligned with each recommendation has been appended. For overall coordination, the **Department of Planning, Government of Uttarakhand** shall act as the **nodal department** to monitor inter-departmental convergence and reporting.

c. **Timeline for Implementation:** It is respectfully submitted that the nature of these recommendations is such that **many of them require continuous, long-term monitoring, periodic assessment, and adaptive implementation** in view of the



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dynamic ecological and climatic conditions of the Himalayas. Therefore, the State considers these as **ongoing initiatives**, and commits to strengthening them in a phased and sustained manner.

d. **Fund Allocation Mechanism:** In the State of Uttarakhand, each department places its annual budgetary and project-specific demands before the **Department of Planning**, which after review, forwards the same to the **Department of Finance** for consideration and allocation. This standard mechanism is followed for all schemes and interventions including those aligned with the present recommendations.

6. That in response to Respondent No. 1's letter dated 06.12.2024, the Respondent NO. 2 has collated the following information against each recommendation of the Joint Committee. Such information has been collated from all the departments that were relevant to address Joint Committee's recommendations.



Recommendation of Joint Committee	Relevant Department -Wise Information
<p>a. Early Warning System should be developed for any abnormal weather condition, river flow, snow melting, etc. and properly communicated to the downstream for better management. There is a need of proper monitoring</p>	<p>1. <u>Office of the Chief Conservator of Forests, Forest Fire and Disaster Management, Uttarakhand, Dehradun:</u></p> <ul style="list-style-type: none"> - For strengthening forest fire management through customized weather forecasting, an MoU has been executed between the Forest Department,

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mechanism for glaciers, weather, glacial lakes, river flow (including sediment), forests fire and mountain biodiversity to ensuring the continuous flow of ecosystem services.

Uttarakhand, and the India Meteorological Department, with Government approval (Letter No. 03/X-2-2025-21(20)/2024 (E-78584) dated 01.01.2025). The process of establishing Automatic Weather Stations (AWS) in sensitive forest areas is underway.

2. Disaster Management Department:

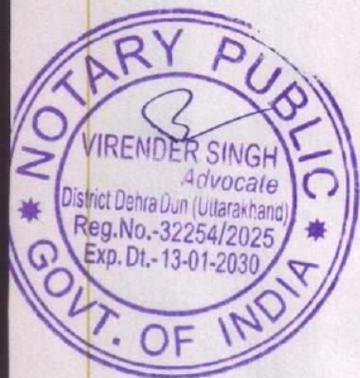
- Disaster Risk Data base (DRDB) is required to be upgraded.
- State Disaster Management Plan (SDMP) and District Disaster Management Plan (DDMP) is being upgraded.
- The Uttarakhand State government has developed an earthquake warning systems, a total of 177 sensors and 112 sirens have been installed.
- For effective control and reduction of landslides within the state of Uttarakhand a separate



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Uttarakhand landslide Mitigation and Management centre (ULMMC) have been established.

- For advance warning of lightning strikes Climate Resilient Observing System Promotion Council. MoU has been signed with (CROPS).
- Incident Response System (IRS) has been activated at State, District and Tehsil level.
- Flawless coordination with central agencies and home ministry control room for aircraft and helipad services.
- Emergency Response and Assistance system (ERSS) and Common Alert Protocol (CAP) have been practically implanted.
- Development of THDC Alarm System is required under the leadership of SEOC .
- To get accurate information about weather forecast in the state, Doppler Radars have been installed in



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	<p>three places namely Mukteshwar, Lansdowne and Surkanda which will make the weather forecast in the state more accurate.</p>
<p>b. Although the previous studies in similar region have projected the increase in intensity and frequency of large floods, which may cause increased sediment transport. However, the sediment transport is a complex phenomenon which depends on interactions between flow, grain size distribution, sediment supply, sediment availability and various other factors. Currently, we don't have sufficient quantitative evidence from the region to draw scientific inferences on sediment transport. The previous studies on sediment yield in the Himalayas in the similar elevations have reported large variations (nearly one order of</p>	<p><u>Irrigation Department:</u></p> <ul style="list-style-type: none"> - The Ganga and Yamuna are inter-state rivers originating in Uttarakhand and flowing through several other states. As per Entry 56 of the Union List in the Seventh Schedule of the Constitution of India, the power to make laws or regulations regarding such rivers rests solely with the Central Government. The higher Himalayas, from which these snow-fed perennial rivers originate, extend across Jammu & Kashmir, Himachal Pradesh, Uttarakhand, and the North-Eastern states. Therefore, policies and



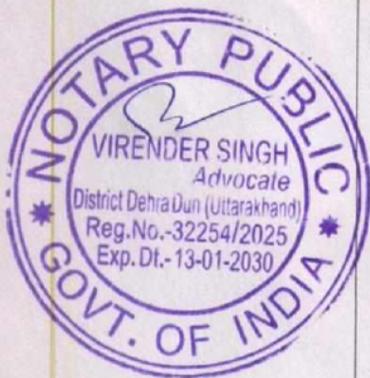
magnitude) and are subject to several methodological assumptions and limitations such as absence of bedload measurements, variations in measurement methods, reliance on short-term records, and uncertainties in erosion rates derived from cosmogenic nuclides.

scientific studies must be undertaken at the national level through central institutions such as WIHG (Dehradun), NIH (Roorkee), NEERI (Nagpur), GSI, IITs, Survey of India, and CWC. Given their inter-state character, any related policy must be framed and finalized by the Central Government.

c. The major construction activities, i.e., hydro-electric projects, roads, tunnels can be permitted only after detailed engineering geological and geotechnical investigations. The causes/impact of the construction activities can be analyzed thoroughly before the execution. In prominent tourist areas, proper examination of existing building and it may be necessary to strengthen the retrofitting of structures to prevent them from sliding or

Uttarakhand Pollution Control Board:

- Major construction activities i.e. hydroelectric projects, road, tunnels, building marking 20000 m² covered under EIA notification, they need prior environment clearance before obtaining CTE from UKPCB under air water acts. During the process of environment clearance they needs to



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collapsing. This could involve underpinning or adding reinforcement to the foundations. Technical auditing of Multi-Storey buildings by experts on annual or biennial basis can be conducted at State level authorities to ensure the safety of the building. Hotels and residential constructions can be permitted only after detailed information on geology, geomorphology, slope stability and properly planned drainage and waste disposal system.

submit details of EMP before the MOEFCC/SEIAA after evolution their EMP, EC is granted by concern authorities if any such conditions imposed in EC, PCB shall impose and monitor in their CTE & CTO compliances.

d. The anthropogenic interventions might have impacted the stability of the slopes in Uttarakhand. It can be minimized or mitigated by the proper scientific study of different factors of soil/overburden parameters like their physical shear strength parameters, slope

Urban Development

Directorate:

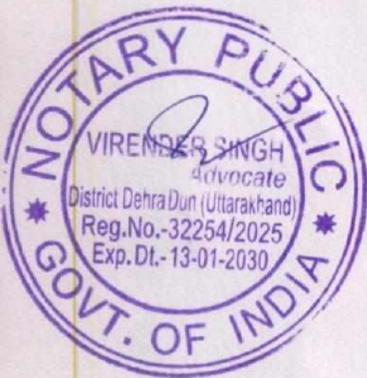
- In higher Himalayan areas of Uttarakhand, Solid Waste Management is being carried out by all ULBs. Under SBM 1.0, 62 MSW treatment facility DPRs costing Rs. 323.59 Cr were approved. Under SBM 2.0, 15 legacy



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degree, bearing capacity assessment to name a few which can be used to put in place the proper regulations for town planning and to improve the existing construction practices. Increased pressure on infrastructure resulting from tourism activities places an additional load on scarce water supply, sanitation, and waste management arrangements in many places of the higher Himalayas.

waste remediation proposals were submitted, 14 approved, and funds allocated for 8. MoUs have been signed for two 500 TPD torrefied charcoal plants at Haldwani (NN-NTPC) and Haridwar (NN-THDCIL/UJVNL). Three MSW processing & SLF facilities (Dehradun-200 TPD, Haridwar-150 TPD, Kirtinagar-5 TPD) and 14 MSW facilities with 85 MRFs (450 TPD) are functional. Work on 49 MSW/MRF/compost plants is in progress. Two CBG plants (58 TPD) and 82 plastic compactors (400 TPD capacity, Rs. 5.19 Cr revenue till Dec 2024) are operational. Additionally, 663 NADEP/compost pits are used for wet waste processing, and a 5 TPD Plastic-to-Plank system has



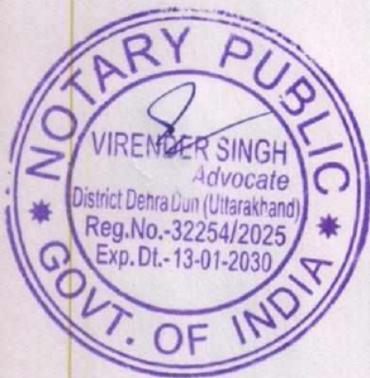
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	been installed at NPP Muni-ki-Reti.
e. To check the slope instability and support the sustainable tourism practices the lighter eco-friendly accommodations along with responsible waste management need to be promoted.	<p><u>Uttarakhand Pollution Control Board:</u></p> <ul style="list-style-type: none"> - PCB has categorised hotels/restaurant/ashram in Red, Orange and Green category. It is mandatory to provide STPs in projects covered under Red/Orange categories to manage sewer waste.
f. The awareness drives needs to promoted and adequate policy changes in the town and country planning act must be put in place. There is dire need to promote eco-tourism, local governance, and stricter environmental regulations.	<p>1. <u>Uttarakhand Pollution Control Board:</u></p> <ul style="list-style-type: none"> - PCB conducts IEC activities to promote biodegradable alternatives and enforce the ban on single-use plastic. Three Plastic Raths on the Char Dham route covered 6,186 km in 28 days, spreading awareness through community sessions. About 11,300 posters/stickers and 8,000 cloth bags were distributed. The PWM Rath campaign in all 13 districts used street



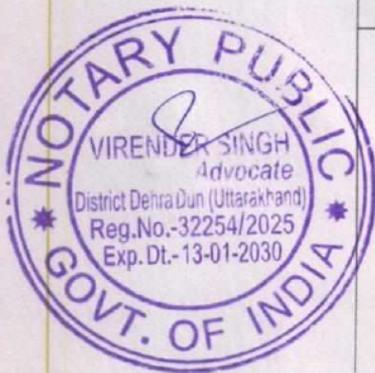
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	plays, videos, door-to-door campaigns, and audio jingles to highlight the harms of single-use plastic and encourage alternatives.
g. The rock structure and stability not be damaged by digging or blasting the hillsides. In landslide prone areas, stones and boulders should not be removed from the bottom of the hill because this would remove toe support, increasing the likelihood of landslides. It is necessary to fill in any cracks that have appeared on the slopes.	<p><u>Disaster Management Department:</u></p> <ul style="list-style-type: none"> - For effective control and reduction of landslides within the state of Uttarakhand a separate Uttarakhand landslide Mitigation and Management centre (ULMMC) have been established.
h. Provision of an effective drainage system should be ensured among the proposed area of concern. Due to the lack of proper surface draining system, the rainwater of most of the buildings is being infiltrated into the ground which generates sub-surface flow and accelerates the	<p>1. <u>Irrigation Department:</u></p> <ul style="list-style-type: none"> - The Irrigation Department, Uttarakhand, is responsible for channelizing storm water from catchment areas to the nearest natural drains. A master drainage plan has been executed at Bhagwanpur (Haridwar)



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<p>process of land creeping resulting in damage to buildings and other properties causing economic and environmental disruption. For safeguarding the buildings and environmental conservation, it is necessary to ensure that the rainwater of each building roof is being drained out properly into the nearest natural drainage line.</p>	<p>and is under execution at Muni Ki Reti (Tehri Garhwal). DPRs for 17 towns are under preparation, to be implemented in phases as per state resources and budget. DPRs for remaining townships will also be prepared and executed in a phased manner.</p> <p>2. <u>Uttarakhand Peyjal Nigam:</u></p> <p>- Drainage work is not the mandate of Uttarakhand Peyjal Nigam.</p>
<p>i. Afforestation of degraded slopes can be initiated, this can help to anchor the soil and prevent erosion. Broad-leaved native trees (i.e. Oaks) can be promoted for stabilizing slopes, especially in the landslide prone areas.</p>	<p><u>Forest Department:</u> (Information has been sought from the above departments. However, no information has been furnished)</p>
<p>j. The regulations related to waste management should be</p>	<p>1. <u>Uttarakhand Pollution Control Board:</u></p>



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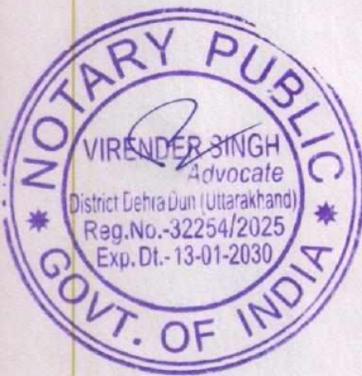
strictly followed. Dumping sites around water bodies should be strictly restricted to prevent pollution threats on the important sources of drinking water of the city. QR code based Digital Direct Refund System should be implemented for management of plastic waste. IEC activities to be promoted amongst visiting tourist towards solid waste and plastic waste management.

- The PCB activity followed the registration related to waste management. NO CTE shall be issued beyond the criteria mentioned in the MSW Rules. Time to time complained covered filed against the local bodies in Hon'ble designate court for non-compliance of MSW rules presently case under trial. The Digital Refund System (DRS) was introduced in the eco-sensitive Char Dham region to manage plastic waste, especially PET bottles. Consumers pay a deposit at purchase and receive a refund upon returning empty containers, incentivizing collection and recycling. Over 20 lakh bottles have been recovered, saving 66 MT of CO₂ emissions, with collected waste sent



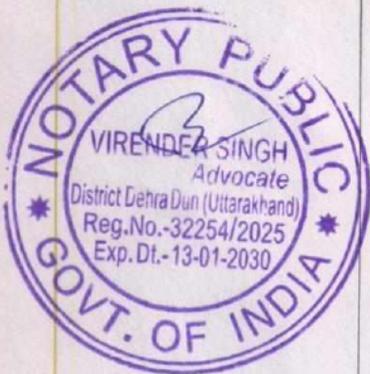
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	<p>to registered processors. The initiative, which has reduced littering and promoted responsible disposal, is now being developed into Rules for state-wide implementation.</p>
<p>k. Strict measures should be made to promote the usage of biodegradable materials and ban on use of Single Use Plastics (SUPS) items should be strictly enforced.</p>	<p>1. <u>Uttarakhand Pollution Control Board</u></p> <p>- Single-use plastic (SUP) is banned in Uttarakhand, with regular IEC drives promoting biodegradable alternatives. UKPCB has distributed 8,000 cloth bags and 11,300 leaflets for awareness. The state generates 55,991 MTPA plastic waste, with 62 registered recycling units having a combined capacity of 1.77 lakh TPA. Restrictions on supply, storage, transport, manufacture, sale, purchase, and import of identified SUP items have</p>



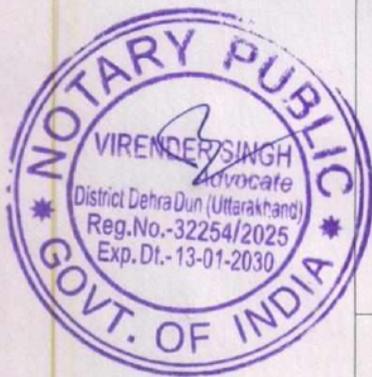
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	<p>been enforced vide notification dated 16.02.2021.</p>
<p>1. Local people should be involved in the Environmental Conservation programs and awareness/training on landslides, mountain risks, etc. to be initiated.</p>	<p>1. <u>Office of the Chief Conservator of Forests, Forest Fire and Disaster Management, Uttarakhand, Dehradun:</u></p> <p>- Uttarakhand holds a special place due to its rich biodiversity, more than two-thirds of the state's land area is covered with forests. Here a large population not only resides near forest areas but also depends on forests for its various daily needs. The Forest Department ensures continuous public participation in the conservation and development works of forests. Along with this, public awareness programs are organized from time to time (especially through forest fire safety week, wildlife safety week, Harela etc.) through mass publicity, seminars / workshops to get maximum public cooperation in the</p>



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	<p>conservation of forests and wildlife, forest fire control / management, human-wildlife coexistence etc.</p> <p>- Awareness/training on other aspects of environmental conservation with respect to wildlife (flora and fauna) is conducted on regular basis on the field. Funds are obtained through various centrally as well as state sponsored schemes.</p> <p>2. <u>Uttarakhand Pollution Control Board:</u></p> <p>During IEC activities a Char Dham route plastic Raths with screen display used to create awareness.</p>
<p>m. In higher Himalayas, the carrying capacity of tourist places, alpine pastures/meadows, etc. should be conducted. Entry of tourists, grazers, etc. can be only permitted according to the carrying capacity.</p>	<p><u>Uttarakhand Pollution Control Board:</u></p> <p>- Carrying capacity study of Char Dham has been awarded to Wildlife Institute of India.</p>



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- 7. That the present affidavit has been prepared by my counsel under my instructions and the contents of the same are true and correct to the best of my knowledge and nothing material has been concealed therefrom.
- 8. That the deponent is a responsible Government servant having the highest regard for the Hon'ble Tribunal and order passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.



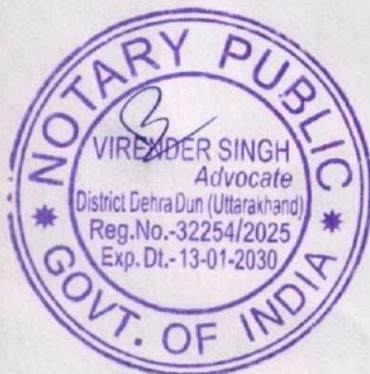
DEPONENT

VERIFICATION

Verified at Dehradun on the 26 day of August 2025, that the contents of the response affidavit are true and correct to the best of my knowledge and belief based on the official record and nothing is false, and no material has been concealed therein.

Identified by

(Manish Nautiyal)
 comp. opp.



SR. No. 513
 Date. 26-08-2025

DEPONENT

This affidavit is sworn before me by
 sri. *Kahkashan Naseem*
 who is identified by Sri. *Manish Nautiyal (com. opp.)*
 at Dehradun on 26-08-2025
Virender Singh Time - 03:58 PM
 Advocate & Notary Dehradun



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
इंदिरा पर्यावरण भवन, जोर बाग रोड,
नई दिल्ली-110 003
INDIRA PARYAVARAN BHAWAN, JOR BAGH ROAD,
NEW DELHI-110 003
Website : moef.nic.in

No. 11/14/2023-ESZ

Dated: 21.08.2024

To,
The Chief Secretary, Govt. of Uttarakhand.
Uttarakhand Secretariat, 4-B,
Shubhash Road, Dehradun-248001.

Sub: OA No.720 of 2023 (PB) entitled as News Item titled "need to declare the Higher Himalaya an eco-sensitive zone" published in Current Science dated 25.10.2023- reg.

Sir,

This is with reference to the OA No.720 of 2023 pending before the Hon'ble NGT(PB), New Delhi wherein Hon'ble NGT passed an order dated 18.12.2023 directing the constitution of a 3 member joint committee in respect of the aforementioned subject. In order to comply with the directions of the Hon'ble Tribunal, this Ministry constituted a Joint Committee on 26.02.2024 with the liberty as given by the Hon'ble Tribunal to engage any other domain expert in the committee. The Joint committee report (copy enclosed) was submitted before the Hon'ble tribunal by way of filing additional affidavit on 11.07.2024. Hon'ble NGT while hearing the matter, passed an order on 22.07.2024 and referred to the Joint Committee Report (copy enclosed) and has directed the Ministry to file an affidavit stating of the recommendations of the Report are acceptable to the Ministry and if yes, how the said recommendations will be implemented, the authorities responsible for the same, timeline and funds allocation. The relevant portion of NGT order reads as follows: "Learned Counsel appearing for MoEF&CC seeks time to place on record the affidavit of MoEF&CC disclosing if all the above recommendations are acceptable and if yes, how the said recommendations will be implemented, the authorities responsible for the same, timeline and funds allocation. Let the report as prayed for be filed within a period of six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF"

2. In order to enable the Ministry to file its affidavit as directed, it is necessary to obtain the views of the respected State Governments on the Joint Committee Report covering all the issues as mentioned in the aforementioned NGT order dated 22.07.2024.

Imp
Dr. Seema Soni

Manish Bishnoi
(Manish Bishnoi)
Private Secretary-Chief Secretary
Uttarakhand Secretariat



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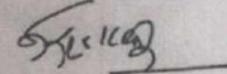
3. Accordingly , you are requested to examine the recommendations of the Joint Committee Report and convey the views of the State Government covering all the points referred to in the order of NGT dated 22.07.2024 and send the Action taken report along with all the details as desired by NGT by 31st August, 2024.

4. This issues with the approval of the Competent Authority.

Enclosure: 1. Copy of the Joint Committee Report

2. Copy of the NGT Order dated 22.07.2024

Yours faithfully,



(Dr. S.Kerketta)
Scientist 'G'

Ph.011-20819351

Email:s.kerketta66@gov.in

Copy to :-

1. The PCCF, Department of E&F Government of Uttarakhand Rajpur Road Uttarakhand State Dehradun-248001 Uttarakhand.
2. The Principal Secretary, Environment & Forest Department, Government of Uttarakhand, Secretariat, 4, Subhash Road, Dehradun- 248001

