

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 147/2014

(With Report dated 19.11.2019)

Legal Aid Committee, NGT Bar Association

Applicant(s)

Versus

MoEF & Ors.

Respondent(s)

Date of hearing: 20.11.2019

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Mr. Raj Panjwani, Senior Advocate

For Respondent(s): Mr. Rajkumar, Advocate for CPCB
Mr. Krishna Kumar Singh, Advocate for MoEF&CC
Mr. Amit Tiwari, Advocate for State of UP
Mr. Rahul Khurana, Advocate for State of Haryana

ORDER

1. The issue for consideration in safeguarding of land use falling under Natural Conservation Zone (NCZ) in terms of regional plan prepared by National Capital Region Planning Board (NCRPB) under the provision of National Capital Region Planning Board Act, 1985.
2. Grievance has arisen on account of the fact that after regional plan was prepared by the NCRPB, area shown in sub-regional plans prepared by the States was at variance. NCRPB asked for the explanation of the concerned States. The irreconcilable

differences continued which led to filing of an application before this Tribunal.

3. NCRPB took a stand before this Tribunal that as noted in the order dated 07.08.2018 as follows:-

“The National Capital Region Planning Board carried out the statutory review and revision of Regional Plan-2021 (RP-2021) of NCR and work relating to the “Creation and Updation of Landuse for Review of RP-20121 for NCR” at scale of 1:50,000 was assigned to National Remote Sensing Centre ([RSC(erstwhile NRSA)], Deptt. of Space, Govt. of India, Hyderabad. The information on Land Use / Land cover on a scale of 1:50,000 was obtained using Resourcesat-2 LISS-IV satellite data products pertaining to year 2012, Survey of India topographical sheets and ground information covering an area of 34,144 sq. kms. at NRSC’s state-of-the-art facility at Hyderabad. This revision of Regional Plan-2021 and preparation of maps of Existing Landuse-2012 and Proposed Landuse-2021 was also done with active participation and inputs from the Constituent State Govts. and further approved by the NCR Planning Board in its 34th meeting held on 01.07.2014.”

4. On account of above, the delineation of NCZ remains to be finalized.
5. There is no doubt about the legal position that sub-regional plans have to be consistent with the NCZ. The plea of the concerned States is that ground truthing has yet to be done. Such exercise cannot be unending. Vide order dated 07.08.2018, the Tribunal directed that States to furnish their final sub regional plans based on which the regional plan may be finalized. The Tribunal directed constitution of a Committee for such finalization headed by the Secretary, MoEF&CC as follows:

1. Secretary, Ministry of Environment, Forest and Climate Change, Govt. of India;
2. Secretary, Housing & Urban Affairs, Government of India;
3. Chairman, Central Pollution Control Board;
4. National Remote Sensing Centre (NRSC), Indian Space Research Organisation (ISRO), Govt. of India.
5. Secretary, Urban Development, States of Uttar Pradesh, Rajasthan, Haryana and NCT, Delhi;

6. We have considered report filed by MoEF&CC on 19.11.2019.

7. The report refers to Table – I mentioning the extent of shrinkage as follows:-

“In the year 2012, based on estimation of area under NCZ in the sub regions, NCRPB issued notices to constituent states; where explanation for shrinkage was sought. The details of shrinkage are provided below:

*Table – I
(areas in Hectares)*

<i>Sl. No.</i>	<i>Components of NCR</i>	<i>2005 (ha)</i>	<i>2012 (ha)</i>	<i>Difference in Ha</i>	<i>Diff. in percentage</i>
<i>1.</i>	<i>Haryana Sub-region</i>	<i>122113 .30</i>	<i>90402.42</i>	<i>31710.88</i>	<i>25.97</i>
<i>2.</i>	<i>Uttar Pradesh Sub-region</i>	<i>85739.36</i>	<i>48118.45</i>	<i>37620.91</i>	<i>43.88</i>
<i>3.</i>	<i>Rajasthan Sub-region</i>	<i>265321.74</i>	<i>235654.94</i>	<i>29666.8</i>	<i>11.18</i>
<i>4.</i>	<i>NCT of Delhi Sub-region</i>	<i>15437.06</i>	<i>13054.63</i>	<i>2382.43</i>	<i>15.43”</i>

8. For the State of Haryana Table – II has been mentioned as follows:

District	As per Estimated Land Use (ELU)	As per Estimated Land Use (ELU)	As per ground truthing
Faridabad	15,401.55	11,400.68	12,517.84
Gurugram	19,417.29	19,215.61	15,083.06
Jhajjar	12,661.88	7,214.07	2,226.32
Mewat	21,657.47	17,942.62	17,441.56
Palwal	8,180.98	5,177.64	3,257.03
Panipat	8,762.69	6,511.46	1,763.13
Rewari	9,898.89	9,299.99	8,732.21
Rohtak	10,294.85	5,064.61	794.85
Sonipat	15,837.70	8,575.74	2,568.66
Total	1,22,113.30	90,402.42	64,384.66

9. Explanation of the States for difference in areas is that NCZ was prepared based only on satellite imagery without actual survey. The Committee has made following recommendations:

“8. Recommendations of the Committee: The Committee based on detailed deliberations in the meeting, discussions with representatives of constituent States and referring available records, recommended as follows.

8.1 To examine whether the Sub-regional plans (SRPs), prepared by the constituent states are consistent with the Regional Plan (RP-21), statutorily prepared by the National Capital Region Planning Board

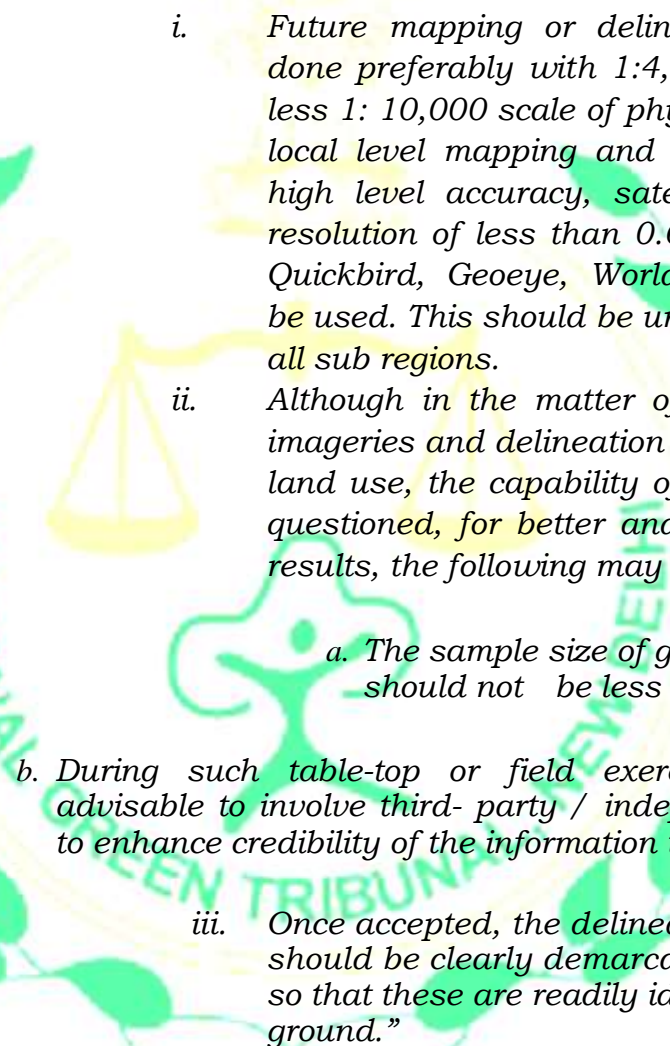
NCT of Delhi has not prepared its sub-regional plan. However, regarding other three SRPs, after their thorough examination and review vis-à-vis RP-21, it was noted that: as far as area under NCZ is concerned, there is no state-wise figure of area under NCZ mentioned in the RP-21. Hence, in this regard there is no perceptible difference between RP-21 and SRPs of the three states.

The area under NCZ in different sub-regions have been estimated by NRSC based on interpretation of satellite imageries of 1999 and 2012 with very limited ground truthing. These exercises revealed a shrinkage in NCZ areas in every sub region and were based on land use

data reported by NRSC. The states have furnished their respective explanations over which Committee has made its observations in the previous paraes.

8.2 To suggest appropriate steps in case of any inconsistency between Sub-Regional Plan of any state and the RP-21 of NCRPB

Although there is no perceptible inconsistency, Committee noted the difference in figures of NCZ delineated areas with respect to estimation pertaining to the years 1999 and 2012. It suggested that:

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- i. Future mapping or delineation should be done preferably with 1:4,000 scale but not less 1: 10,000 scale of physical maps. Since local level mapping and planning requires high level accuracy, satellite data having resolution of less than 0.6 meters, such as Quickbird, Geoeye, Worldview etc. should be used. This should be uniformly applied to all sub regions.*
 - ii. Although in the matter of interpretation of imageries and delineation of any category of land use, the capability of NRSC cannot be questioned, for better and more acceptable results, the following may be ensured:
 - a. The sample size of ground truthing should not be less than 75%*
 - b. During such table-top or field exercise, it is always advisable to involve third- party / independent authorities, to enhance credibility of the information that is generated*
 - iii. Once accepted, the delineated NCZ areas should be clearly demarcated revenue maps, so that these are readily identifiable on ground.”**

10. Learned counsel for the applicant has referred to the stand of the Board quoted in para 3 above that the NCZ was prepared not merely based on satellite imagery but actual survey.

11. In view of above, without expressing final view at this stage and by way of precaution, we consider it necessary to constitute

following Committee to give a final report to this Tribunal on the subject:

1. Representative of National Remote Sensing Centre, Hyderabad.
2. Representative of Forest Survey of India, Dehradun.
3. Revenue Secretaries and PCCF (HoFF)/PCCF of Haryana, U.P., NCT of Delhi and Rajasthan with reference to the area falling in the respective States.
4. Representative of MoEF&CC.

12. The nodal agency will be the MoEF&CC. The exercise be conducted with reference to data base of 1999. Report may be furnished within three months by e-mail at judicial-ngt@gov.in.

13. By way of precaution, we direct that no land marked to be part of NCZ by the NCRPB may be diverted for any other purpose without permission of NCRPB till the next date.

14. Copies of this order be sent to National Remote Sensing Centre, Hyderabad, Forest Survey of India, Dehradun, Revenue Secretaries and the PCCF (HoFF)/PCCF of Haryana, U.P., NCT of Delhi and Rajasthan and the MoEF&CC for compliance by e-mail.

List for further consideration on 20.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 20, 2019
Original Application No. 147/2014
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