

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act 2010)

Application No 12 of 2013

Between:

Environment Support Group
1572, 36th Cross, Intermediate Ring Road
Banashankari II Stage
Bangalore 560070

...Applicants

AND

The Union of India
Rep. by its Secretary to Government
and 17 Others

... Respondents

AFFIDAVIT

I, Bhargavi S. Rao, aged 43 years, daughter of Sathyanarayana Rao, residing at Bangalore now come down to Chennai do hereby solemnly affirm and sincerely state the following:

1. I submit that I am a Trustee of the Applicant Trust and as such competent to affirm to this affidavit.
2. I submit that this applicant adopts the reply filed by the applicant in Application 6 of 2013 pending before this Hon'ble Tribunal, in response to the report submitted by the Fact Finding Committee (FFC) constituted pursuant to this Hon'ble Tribunal's Orders dated 21st March 2013.
3. In addition, I further submit that it is false to state, imply or infer, as has been done in the report of the FFC, that the applicants or their "associates" interfered in the functioning of the FFC. I submit that the applicant and its members only extended their cooperation to the FFC in compliance with the Order of this Tribunal and did not at any time interfere with the functioning of the FFC. I submit that the allegation that it "was very evident on both the days throughout the meetings that the associates of the petitioners were either guiding/interacting with the villagers in making their statements and discussing with the leaders of the village" is denied. It is submitted that the Applicant's volunteers did not in any manner interfere or affect the working of the FFC; on the contrary the Applicant and its volunteers have only extended all cooperation to the FFC, if it wished to accept it, as directed by this Hon'ble Tribunal.

4. The applicant has been involved in working with the communities towards the conservation of the grasslands and considers it a part of its legal responsibility to educate and empower communities to secure their Fundamental Rights, especially in exercising opportunities per the Principle of Prior and Informed Consent. It is quite unfortunate that FFC construed this Applicants' actions in so empowering impacted communities, in compliance with the directions of this Hon'ble Tribunal, as guiding or interacting with the villagers in making their statements. The Applicant submits that the villagers are extremely competent in making their own case, if due and just opportunity is extended to them. In any case, at the risk of repetition, I submit that at no point in time did this Applicant or its "associates" interfere with the working of the FFC and all statements to this effect in this report are denied.

DEPONENT