

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

OBJECTIONS AGAINST REPORT OF JOINT**COMMITTEE DATED 24.08.2024**

Original Application No. 753/2023

Dr. Rajesh Bahuguna

Petitioners

Versus

State of Uttarakhand & Ors

Respondents

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Dated: 30th November 2024

Filed By: Applicant in person

DR. RAJESH BAHUGUNA

S/o Late M.L Bahuguna

R/o Tapovan Enclave, Post Tapovan,

Dehradun, Uttarakhand-248008

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Affidavit of Dr. Rajesh Bahuguna, aged about 63 years, S/o Late M.L. Bahuguna, R/o Tapovan Enclave, Post Tapovan, Dehradun, Uttarakhand – 248008.

Deponent

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

- 1) That the deponent is the sole Applicant in the above noted OA and as such he is fully acquainted with the facts of the case.

- 2) That the above noted OA was listed for hearing on 27.08.2024, wherein the Hon'ble National Green Tribunal was pleased to observe the following:

....“2. Applicant seeks two weeks' time to file objection to the report.

3. It will be open to all other parties to file response to the report of joint Committee within the same period, if they so desire, by way of affidavit.....”

- 3) That the objections against the report of the joint Committee are replied to in the tabular as follows: -

Observation of Joint Committee	Objections
<p>1.Preliminary survey of the area in question i.e. Aamwala Tarla Reserve Forest was carried out and .kml file was prepared for subsequent analysis. Visual interpretation depicts that there is neither cutting of trees nor clearing of land, as per the satellite imagery for the period from 2010 to 2022 (Annexure 1).</p> <p>As informed by the Range Officer, Raipur, there is no reported case of encroachment in this area as per the official records. However, in order to further verify it and to re-establish the missing boundary pillars, vide letter no 2691/1-1, dt 13.02.2024 (Annexure 2) & letter no 4073/24-1, dt 27.06.2024 letter</p>	<p>1. The satellite imagery, referred to by the joint committee and publicly available on various platforms, clearly shows the cutting of trees and construction of a road through the Reserve Forest. Any person with bare eyes can see the difference between the pictures of 2013 and 2022 that show the removal of trees for construction of road. Clear pictures of the site along with Satellite Imagery of the years 2013 and 2022 are enclosed and marked as Annexure-1 to the objections against report of Joint Committee dated 04.01.24 and 10.05.25 and placed from page no. 89 – 97.</p>



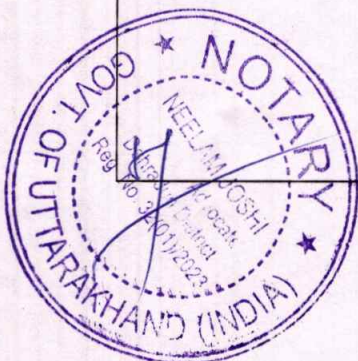
(Annexure 2a) sent by the Divisional Forest Officer, Mussoorie to the Director, Survey of India. Director, Uttarakhand Geo Spatial Directorate has replied to the above letter vide letter no. 1455/39-A-Survey Dated: 31 July 2024 (Annexure 2b) which is not clear regarding the survey work and re-establishment of the missing boundary pillars. So, PCCF (HoFF), Uttarakhand vide D.O. letter no kh-144/ dated 06-08-2024 (Annexure 2c) has requested the Surveyor General of India, Dehradun for carrying out the survey and demarcation of the area in question i.e. Aamwala Tarla Reserve Forest and identification of the location of the missing boundary pillars. In the meantime, a few missing boundary pillars have been temporarily re-established (Annexure 3).

As soon as the Survey of India completes the detailed survey, all the missing boundary pillars will be permanently established, and in case any encroachment is found in Reserve Forest Land in question, legal action shall be initiated as per the provisions of Indian Forest Act, 1927 following due procedure of law.

There has been a series of encroachments on the land of the Reserve Forest. One such encroachment, as shown to the joint Committee, is the construction of a building by Mrs. Reena Gupta. She has not only encroached on the Reserve Forest but also removed a forest pillar from the site and rented the illegally constructed building for commercial activities. Geotagged Photograph enclosed and marked as **to the objections against report of the Joint Committee dated 04.01.2024 and placed on page no. 98.**

Respondent requested the Survey of India to carry out the survey and demarcate the area in question.

The response of the Director, Geo Spatial Directorate, letter vide letter no. 1455/39-A-Survey Dated: 31 July 2024, has been ambiguous in this regard. The Geo Spatial Policy, 2002 does not particularly state the inability of Survey of India to conduct such Data Survey. In this connection, copy of relevant portion of New Geo Spatial Policy 2022 is being marked and filed as **Annexure (1)**. The response states that the Survey of India shall conduct DEM/ORI ABDB and Toponymy Data. This, in its purview, can include data that will reflect vegetation, including



	<p>plants, water streams, elevations et al clearly. Reference; New Geo Spatial Policy 2022, 5.2.2.</p> <p>The letters are already part of the report submitted by the committee vide Annexure 2a and 2b and placed on Pg. No. 125 and 126 respectively.</p> <p>Respondent failed to submit to the committee the reasons and circumstances under which the subject survey work is not being carried out by the surveyors already on the roll of the respondent.</p>
<p>2. As per the interaction with local people of the area, it was conveyed that a temporary Kachhathway of around 200 mtr. length (Annexure 4) was being used by them for many years for convenience purpose, as it shortens their connectivity to main Sahastradhara Road by about 3-4 kms and the same is being obstructed from time to time by the field staff of Raipur Range by digging trenches. In the month of October 2022 also, the team of Raipur Range, Mussoorie Forest Division, had dug trench in this area, for preventing any unauthorized movement, remnants of which could be seen and was also verified by the photographs shown by the field staff, which has also been admitted by the petitioner in his petition (Annexure 5). During the site visit, the kaccha path was again found to be closed</p>	<p>2. It is not a pathway, but a complete motorable road constructed between the Reserved Forest. The Joint Committee accessed this road during the spot inspection to assess the ground situation on the spot. The Committee in its report has mentioned the length of this road as around 200 meters but not the breadth which is very important in the present matter. This is a complete motorable road with breadth of around 15 to 20 feet at the corners and up to 50 feet in between the forest. Geotag Photographs of the illegal road are enclosed and marked as Annexure – 3 to the objections against the report of the Joint Committee dated 04.01.24 and placed on page no. 99-102.</p>



(Handwritten Signature)

by digging trenches at both its ends and sign board put up by the staff of Raipur Range was also found (**Annexure 6**). The local people requested the committee members to allow them to use this kaccha path and to instruct the Forest Department officials not to obstruct it permanently.


The area was also rapidly checked for any residual stumps of Sal (*Shorea robusta*) trees, and it was found that there were no visible stumps or fallen trees etc. that could indicate that any tree has been illegally cut in this area. Also, as per the instruction of the Divisional Forest Officer, Mussoorie, all the trees in this area have been duly counted and marked to ensure their protection and regular monitoring (**Annexure 7**)

As per the revenue records of the area (Khata/Khatouni **Annexure 8**), all the lands northwards of the area in question are owned by private individuals and there is no real estate company/builder present adjoining the reserve forest boundary & no evidence about selling of forest land was found.

The road is newly constructed by cutting of hill and removal of trees with the help of JCB. Geotagged Photographs of the spot with marks of JCB are enclosed and marked as **Annexure - 4 to the objections against the report of the Joint Committee dated 04.01.2024 and placed on page no. 103 & 104**. The local people of the area who interacted with the Joint Committee are the residents of the newly established colony called Krishna Enclave on a piece of agricultural land situated at the edge of the Reserved Forest. Real estate developers and builders have provided access to both the mainroad and connecting routes leading to Sahastradhara Road, which is merely 2 to 3 kilometers away from their properties. The Drone Photograph of the Krishna Enclave is enclosed and marked as **Annexure - 5. to the objections against the report of the Joint Committee dated 04.01.2024 and placed on page no. 105 & 106**. The Joint Committee visited and verified the trenches dug by the Forest Department but has not reported the presence of hill cutting by the side of the trench which is contributing to tree falls. Moreover, two-wheelers have resumed usage of this road. The geotagged photograph



Neeli Joshi

	<p>of the site is enclosed and marked as Annexure - 6 to the objections against the report of the Joint Committee dated 04.01.2024 and placed on page no. 107.</p> <p>The Joint Committee has not reported the following forest offences related to the cutting of trees and considerable damage to the forest: -</p> <p>Trees were intentionally dried by the residents/encroachers by using chemical or otherwise.</p> <ol style="list-style-type: none"> 1. Geotag photograph of the site is enclosed and marked as Annexure- 7. to the objections against report of Joint Committee dated 4th January 2024 and placed on page no. 108-110 2. Residents/encroachers have surrounded Sal Trees within their boundaries and have dried them by digging roots or by using chemicals. Geotag photograph of the site is enclosed and marked as Annexure - 8. to the objections against report of Joint Committee dated 4th January 2024 and placed on page no. 111.
<p>Interpretation of the Committee: In light of the above-mentioned facts and</p>	<p>The Joint Committee has taken a very restricted interpretation of the term</p>



perusal of documents, it is safely inferred that: -

There was no illegal felling of trees and fresh cutting of kaccha path for widening in this area, as alleged by the petitioner.

Although there is a temporary kaccha pathway of around 200 meters, but it has been in use by the locals and forest staff since past many years, which is also validated by Google Earth Imagery of past years.

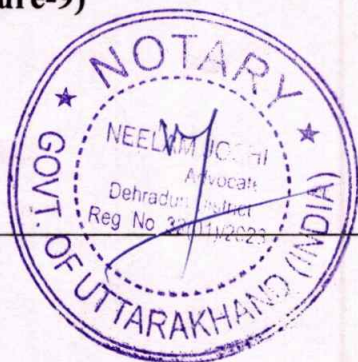
On the issue of alleged encroachment in this area, as informed by the Range Officer, Raipur, there is no reported case of encroachment in this area. But to further ensure the protection of reserve forest land. PCCF(HoFF) Uttarakhand. vide D.O. letter no. kh 144/29-3(3) dated 06-08-2024 has requested the Surveyor General of India, Dehradun for conducting a detailed survey, so that few missing boundary pillars can be re-established and in case any land is found encroached then suitable legal action will be taken against the encroachers.



'illegal felling of trees.' Even to the understanding of a person of common parlance, felling of trees includes not only cutting a tree with a sharp weapon like a saw or axe but also digging the roots of the tree so that it can fall with time, drying the tree by using chemical or otherwise and also by any other means capable to end the life of a tree. Geotag photographs of such forest crimes are enclosed and marked as **Annexures 6 & 7 to the objections against the report of Joint Committee dated 04.01.2024 and placed on page no. 107 and on page no. 108 – 110 respectively.**

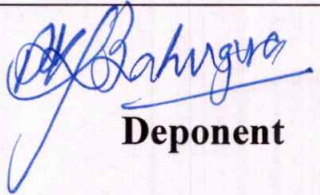
The Joint Committee has provided a partial description of the pathway that was constructed illegally in between the Reserve Forest. In their report, they mentioned the length of the road as 200 meters but have omitted to mention its breadth which is around 15 to 20 feet at the corners and up to 50 feet in between the forest. Geotag Photographs of the road are enclosed and marked as **Annexure - 3. to the objections against report of Joint Committee dated 04.01.2024 and placed on page no. 99 – 102.** The Joint Committee has not taken cognizance of the cutting of hill and removal of trees with the help

	<p>of JCB. Geotag Photographs of the spot with marks of JCB are enclosed and marked as Annexure 4. to the objections against report of Joint Committee dated 04.01.2024 and placed from page no. 103 -104. On the encroachment, the Respondents failed to explain under what circumstances a private person was allowed to construct and run commercial activities on the land of the Reserve Forest, as the same has not been reflected by the Joint Committee in their report. Geotag Photograph enclosed and marked as Annexure - 2. to the objections against report of Joint Committee dated 4th January 2024 and placed on page no. 98.</p>
<p>Extent of damage: To check the extent of damage caused in the reserved forest area, it was found that the temporary kaccha path of around 200 metre length is witnessing soil erosion. The Divisional Forest Officer, Mussoorie informed the committee that a proposal for plantation and eco-restoration of this area was sent for approval and at present the plantation and eco-restoration works at the site is in progress under CAMPA scheme. (Annexure-9)</p>	<p>The extent of the damage assessed by the Joint Committee does not fully capture the damage inflicted upon this reserve forest. Joint Committee has taken cognizance of soil erosion on the 200 meter road illegally constructed between the forest for which respondents proposed plantation and eco-restoration but ignored damage caused to the trees which have been dried by the use of chemical or otherwise and are still standing near the houses of residents/encroachers and also the trees which have been taken within the four walls by the residents/encroaches and are on the</p>



(Handwritten signature)

	<p>verge of drying.</p> <p>Considerable damage to the forest property by way of encroachment has not been taken into consideration by the committee.</p> <p>The respondent has submitted the current count of trees in this forest i.e. 5899 trees (Page no. 57). The committee did not ask the respondent to submit an earlier tree count to assess real loss to the forest during the period for which they have submitted Satellite Imagery.</p>
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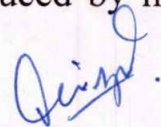

Deponent

Verification: -

I, Dr. Rajesh Bahuguna, do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos. and are true to my personal knowledge and those in paragraph nos. are based on the perusal of records and those in paragraph. Nothing material has been concealed and no part of it is untrue. SO HELP ME GOD.

I, Vaibhav Uniyal, Advocate, do hereby declare that the person making this affidavit and alleging himself to be Dr. Rajesh Bahuguna is the same person who is known to me from the papers produced by him before me in this case.





Vaibhav Uniyal
Advocate
Enroll. No. UK – 240/215



Solemnly affirmed before me on this 30th day of November, 2024 at Dehradun at about 12:30 P.M. by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.

Notary



S.No - 847/24

This affidavit is sworn before me by
Shri. Dr. Rajesh Bahuguna
Who is identified by Shri. Vaibhav Uniyal
At Dehradun on 30/11/24 Adv

NEELAM JOSHI
Advocate & Notary, Dehradun



भारत का राजपत्र

The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 5852]
No. 5852]

नई दिल्ली, बुधवार, दिसम्बर 28, 2022/पौष 7, 1944
NEW DELHI, WEDNESDAY, DECEMBER 28, 2022/PAUSHA 7, 1944

विज्ञान और प्रौद्योगिकी मंत्रालय
(विज्ञान और प्रौद्योगिकी विभाग)
अधिसूचना
नई दिल्ली, 28 दिसम्बर, 2022

का.आ. 6095(अ).—केंद्रीय मन्त्रीमंडल द्वारा दिनांक 16.12.2022 को आयोजित अपनी बैठक में राष्ट्रीय भू-स्थानिक नीति, 2022 (अनुलग्नक-क) को अनुमोदन प्रदान किया गया है।

2. तदनुसार, तत्काल प्रभाव से कार्यान्वयन हेतु राष्ट्रीय भू-स्थानिक नीति, 2022 को एतद द्वारा अधिसूचित किया जाता है।

[फा. सं. एसएम/25/07/2021 (ई-33381)]

सुनिल कुमार, संयुक्त सचिव

अनुलग्नक-क

राष्ट्रीय भू-स्थानिक नीति, 2022

1. आमुख

1.1. भू-स्थानिक प्रौद्योगिकी के कृषि से उद्योगों, शहरी या ग्रामीण अवसंरचना विकास, भू प्रशासन, बैंकिंग और वित्तीय आर्थिक गतिविधियों, संसाधनों, खनन, जल, आपदा प्रबंधन, सामाजिक योजना, आपूर्ति सेवाओं आदि तक अर्थव्यवस्था के लगभग प्रत्येक क्षेत्र में अनुप्रयोग हैं। भू-स्थानिक आंकड़ों को अब व्यापकतः सिद्ध सामाजिक, आर्थिक और पर्यावरणीय मूल्य, जो सरकारी प्रणालियों और सेवाओं और सतत राष्ट्रीय विकास पहलों को सामान्य और आधारभूत संदर्भ फ्रेम के रूप में 'स्थान' का उपयोग करके एकीकृत करने में सक्षम बनाता है, सहित महत्वपूर्ण राष्ट्रीय बुनियादी ढांचे और सूचना संसाधन के रूप में स्वीकार किया जाता है।

8709 GI/2022

(1)

5.2. Mapping Infrastructure

5.2.1. Map making has recently been deregulated in our country to spur domestic innovation, encourage creation of quality maps and enable Indian companies to compete in the global mapping ecosystem. The need for continuous updating of existing data sets, requirement of manpower and technology, and avoiding duplication in data acquisition/ processing make it imperative for the Government to collaborate with private and other agencies for improving Geospatial information delivery. Towards this objective, this Policy shall replace the National Map Policy, 2005. Rules and regulations for operating aircrafts and drones for the purposes of surveying would be further simplified.

5.2.2. Role and Organization of Sol

5.2.2.1. While Sol will continue to be the overarching nodal agency for Geospatial Data, only the generation/ maintenance of minimal foundational data/ core functions would be performed by Sol. Sol may also involve private sector and other surveying entities such as GSI, FSI, etc.

5.2.2.2. Amongst the 14 National Fundamental Geospatial Data Themes, Geodetic Reference Frame, Orthoimagery and Elevation are most pivotal because together they provide the Geodetic and Digital Spatial Framework that act as common reference (X,Y,Z) for the assembly and maintenance of data pertaining to all other Fundamental and Sectoral Data Themes. When interpreted, Ortho-imagery and Elevation act as the source for many other Fundamental and Sectoral data.

5.2.2.3. Sol would be responsible for maintaining Geodetic Reference Frame, Orthoimagery, Elevation (DEM), Functional Areas (Administrative Boundaries) and Geographical Names (Toponymy) in collaboration with various stakeholders including the private sector by suitably aligning with the priorities of the Government, while adhering to the Goals set out in the Policy.

5.2.2.4. While within the government Sol would play the lead role for maintaining high resolution /high spatial accuracy Orthoimagery, private sector will be free to take up creation, maintenance and use of such data suitable to their requirements. Department of Space will similarly play the lead role for generating Orthoimagery of high temporal accuracies using space-based technology.

5.2.2.5. For creation and maintenance of remaining National Fundamental Geospatial Data Themes, nodal ministries have been given at **Annexure III**. Ministries/Departments would increasingly engage with private sector to meet their requirements. They will bear the cost for the creation and development of Geospatial Data required by them and they must explore procurement of Geospatial services on their own under the liberalized Geospatial regime, rather than use Sol as an intermediary.

5.2.2.6. Sol will act as facilitator in harmonization of the data sets created using public money to ensure that data generated from various mapping activities by various stakeholders get seamlessly integrated into Geodetic Reference Framework and develop a mechanism to facilitate consolidation of the data sets into the national topographic template to meet the demand of periodically updated, high-resolution and accurate topographic data for the country.

5.2.2.7. The organizational structure of Sol would be aligned with the changed Geospatial data regime, with focus on facilitating and nurturing a vibrant domestic Geospatial services industry. Sol would be transformed into a fully civilian organization. Defence stream of recruitment in Sol would be discontinued and defence stream officers seconded to Sol would be permanently reverted to Military Survey, Ministry of Defence. Requirements of fast changing skill sets in Sol would be met by domain experts sourced from the market.

5.2.3 Role of Private Sector

5.2.3.1 While there are nodal Ministries/Departments for each of the National Fundamental Geospatial Data Themes, this does not imply that the entire work has to be necessarily done departmentally or through Sol or only government/public sector entities. Actual collection and collation of data and development of Data Themes would be increasingly done with private sector participation consistent with February, 2021 Guidelines. Needs and requirements of the citizens related to various Geospatial/location-based solutions will predominantly be serviced by the private sector, with Sol and nodal ministries/agencies of various Geospatial Data Themes in a facilitative role. The Private Sector will play a key role in creation and maintenance of Geospatial and mapping Infrastructures, innovations and process improvements and monetization of Geospatial data.

