



सेवा में

कार्यालय प्रभागीय वनाधिकारी देहरादून वन प्रभाग, देहरादून।

पत्रांक:- 275/29-3, देहरादून, दिनांक- 19, जुलाई, 2024.

श्री दीपक बोरा,
विभागीय अधिवक्ता, उत्तराखण्ड वन विभाग,
मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली।

विषय:- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित मूल आवेदन सं0- 425/2023, दीपिका खारी
बनाम यू0पी0 राज्य के सम्बन्ध में।

सन्दर्भ:- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा पारित आदेश दिनांक-18.04.2024.
महोदय,

उपरोक्त विषयक मा0 न्यायालय के आदेश दिनांक-18.04.2024 अनुपालन में सादर अवगत कराना है कि मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में वादी दीपिका खारी द्वारा योजित वाद (आवेदन सं0-425/2023) जिसमें देहरादून वन प्रभाग की बड़कोट रेंजान्तर्गत ऋषिकेश-देहरादून मार्ग, (Along with Chandrbhaga river) से लगे हुए आरक्षित वन क्षेत्र सैनकोट कक्ष सं0 09 में नियंत्रित दाहन (Control burning) की शिकायत की गई है तथा शिकायत से सम्बन्धित एक वीडियो मा0 अधिकरण के समक्ष प्रस्तुत किया गया है, के सम्बन्ध में सम्बन्धित वन क्षेत्राधिकारी, बड़कोट रेंज से आख्या प्राप्त की गयी है, जिसके अनुसार अधोहस्ताक्षरी द्वारा पूर्व में दाखिल किये गये प्रतिशपथ पत्र (छायाप्रति संलग्न) के अतिरिक्त निम्न प्रकार आख्या प्रेषित की जा रही है:-

1. देहरादून वन प्रभाग की वर्तमान प्रबन्ध योजना में अग्नि पट्टियों (Fire Lines) के विधिवत रखरखाव को सुनिश्चित करने हेतु पैरा सं0 19.22.1.2 (Maintenance of Fire Lines) में स्पष्ट उल्लेख किया गया है:- Annual cleaning & burning of fire lines should be given top priority. Hence, it is prescribed that all the Fire Lines should be cleared of all trees and bushes (lantana & other) and should be control burnt effectively every year well before the start of the fire season.

2. ऋषिकेश-देहरादून राष्ट्रीय राजमार्ग-24 में वर्षभर व विशेषतया: ग्रीष्मकाल व चार धाम यात्रा की अवधि में भारी यातायात व बड़ी संख्या में श्रद्धालुओं का आगमन व आवाजाही होती है। फलतः उनके द्वारा फेंकी गई जलती बीड़ी/सिगरेट तथा राहगीरों द्वारा लापरवाही व जानबूझकर मार्ग के किनारे गिरे हुए सूखे पत्तों में आग लगने तथा इसके समीप वन क्षेत्रों में फैलने की प्रबल आशंका बनी रहती है। वन वर्धनिक, वानिकी एवं वन्य जीव सुरक्षा एवं संरक्षण की दृष्टि से भी नियंत्रित दाहन (Control burning) भीषण दावानल की रोकथाम को Preventive technique/ measure है।

3. इसी क्रम में यह भी प्रमाणित करना है कि वादी दीपिका खारी द्वारा जो वीडियो प्रस्तुत की गई है उसमें जो व्यक्ति नियंत्रित दाहन/फुँकान (Control burning) कार्य करवाते हुए दृष्टिगत हो रहे हैं वे व्यक्ति बड़कोट रेंज के मुख्यालय अनुभाग/बीट के कर्मचारी हैं जो अपनी उपस्थिति/देख-रेख में देहरादून-ऋषिकेश (राष्ट्रीय राजमार्ग-24) के किनारे वनाग्नि की रोकथाम हेतु नियंत्रित दाहन/फुँकान (Control burning) कार्य सम्पन्न करवा रहे हैं।

अतः उपरोक्तानुसार मा0 राष्ट्रीय हरित अधिकरण को वस्तुतिरथति से विभाग/प्रभाग की ओर से अवगत कराने का कष्ट करेंगे।

संलग्न-उपरोक्तानुसार।

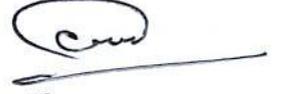
भवदीय,

(नीरज कुमार)

प्रभागीय वनाधिकारी,
देहरादून वन प्रभाग, देहरादून।

पत्रांक-275/29-3(1), तद्दिनांकित।

प्रतिलिपि:—मुख्य वन संरक्षक, सतर्कता एवं विधि प्रकोष्ठ, उत्तराखण्ड, देहरादून को उपरोक्तानुसार सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित।



(नीरज कुमार)

प्रभागीय वनाधिकारी,
देहरादून वन प्रभाग, देहरादून।

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

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IN
COMPLIANCE AFFIDAVIT

(On behalf of Divisional Forest Officer, Dehradun Forest Division, Uttarakhand)
(In Compliance to the Hon'ble Tribunal's Order dated 01.08.2023 & 09.10.2023)

IN

O.A. No. 425 OF 2023

Deepika Khari

.....Applicant

Versus

State of U.P

State of Uttarakhand & Ors

..... Respondents

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Dated: 12/01/2024

Rahul Verma
Add. Advocate General
Government of Uttarakhand

noted application, as such he is fully conversant with the facts of the case.

2. That at the very first and foremost, the deponent tenders his sincere and unconditional apology before this Hon'ble Tribunal for an inadvertent non-compliance of the directions, passed by this Hon'ble Tribunal vide its order dated 01.08.2023, for the reasons stated in the succeeding paras of the present affidavit.
3. That on 01.08.2023, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and direct the deponent to look into the grievances of the applicant and to file a factual and action taken report thereon. The relevant paras of the said Order dated 01.08.2023 are being quoted here for kind perusal of this Hon'ble Tribunal:

"4. In view of the averments made in the application, we consider factual verification and taking of remedial action by Divisional Forest Officer, Dehradun to be essential and accordingly, Divisional Forest Officer, Dehradun is directed to look into the grievances made by the applicant in the application, verify the factual position, take appropriate action against the violators for past violations, issue appropriate instructions and take such other remedial measures as may be considered appropriate in accordance with law.

5. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngf@gov in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF".

The deponent had come to know about the above mentioned Order on 18.08.2023 through a letter issued by Additional Principal Chief Conservator of Forest (Environment), Dehradun. The deponent, considering the same as important and in the compliance of the above said Order, the said letter was sent and marked to Sub-Divisional officer, Rishikesh (Court Case In-charge) as well as the officer having



[Handwritten signature]

jurisdiction over the said area on 22.08.2023 for preparation of detailed factual and action taken report.

4. That on 09.10.2023, Divisional Forest Officer, Upper Yamuna Division, Barkot informed about the hearing in the above-mentioned case which was scheduled on the same day. The counsel for the state of Uttarakhand had mistakenly informed the DFO Upper Yamuna Division, Barkot while the matter was related to Barkot Range of Dehradun Forest Division.
5. That as soon as the matter came into cognizance, same day, the compliance report was e-mailed to Hon'ble NGT at 06:14 p.m. and explanation was called from SDO Rishikesh Nodal court cell for delay in filing the compliance report. The letter is annexed and marked as ANNEXURE-1.
6. That the SDO, Rishikesh in her explanation submitted on 13th October 2023 has stated that due to engagement in other works of the Forest Department, she somehow missed to prepare the response and this is the first time this kind of negligence has been done by her in any such important matter. Explanation letter of SDO Rishikesh (Court Case Incharge) is annexed with this letter as ANNEXURE-2.
7. It is humbly submitted that undersigned is a responsible Government servant having highest regards for the Hon'ble NGT and orders passed by it. The undersigned cannot even imagine to flout or to disobey the orders passed by this Hon'ble Tribunal. He has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal and shall also carry out the same in future as well.



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8. The compliance report was e-mailed on the same day of hearing hearing i.e., on 09.10.2023 at 6:14 p.m. while the order dated 09.10.2023 was received via e-mail on 12.10.2023.

FACTUAL VERIFICATION AND ACTION TAKEN REPORT

9. Ms. Deepika Khari, an active volunteer of Taoveda NGO, has in her complaint informed that during her travel she had observed fire in Dehradun-Rishikesh Road (alongwith Chandrabhaga River) Badkot Range and reported the same on helpline no. 112 (complaint no. 1168120). Her complaint was not entertained by the local police. She had requested the local forest staff to stop the same but she was informed by them that this fire is necessary and is known as "control burning".
10. It is most respectfully submitted that the complainant had complaint about the said "forest fire" which is actually known as "control burning". The process of control burning is an age-old practice which is performed by forest department during or before the onset of fire season in order to remove the dry leaves/grasses (organic matter) which act as fuel in case of accidental/intentional fire incidents.
11. As per the current Working Plan of Dehradun Forest Division, in Chapter 19-The Forest Fire Protection (Overlapping) Working Circle, prescriptions have been given for management of Forest Fire. In para 19.22.1.2 (Maintenance of Fire Lines), it is clearly mentioned that, "Annual cleaning & burning of fire lines should be given top priority...Hence it is prescribed that all the fire lines should be cleared of all trees (of any species and any diameter class) and bushes (Lantana



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& others) and should be control burnt effectively every year well before the start of fire season." ANNEXURE-3.

12. In table no. 19.9.4 of the working plan, list of important roads, which work as fire line has been prescribed and Dehradun-Rishikesh NH-24 has been enlisted as fire line at serial no. 2. ANNEXURE-4.

13. The same "control burning" as prescribed in the working plan was being carried out by field staff of Barkot Range under their supervision/control on the said date in Sainkot Compartment number-9 (along the Dehradun-Rishikesh Highway adjacent to Chandrabhaga River) which the complainant has referred to as "forest fire".

14. As per the current Working Plan of Dehradun Forest Division, in para no. 19.6, on the basis of previous 20 years fire incidences records and field observations, the forest areas of the division have been categorised into three zones depending on the degree of sensitivity to forest fire. The above said area has been prescribed in Zone II in which danger of fire hazard is significant and due to proximity, there are always chances of fire spreading to these areas. Table 19.4 of the working plan in which Sainkot-9 has been grouped in Zone II is annexed as ANNEXURE-5.

15. It is also submitted that control burning is an essential practice that should be carried out in order to prevent spread of fire to forest areas. It is also submitted that Dehradun-Rishikesh Highway (NH-24) is a very busy highway and risk of accidental intentional forest fire is very high. In case the control burning is not carried out, the risk of forest fire increases manifold and the damage caused due to forest fire will also increase multiple times. Siviculturally, scientifically and as far as



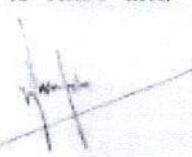
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forestry point of view is concerned, control burning is an essential preventive technique/measure for prevention of flora and fauna, which, in absence of control burning, suffer very high loss due to forest fire incidents.

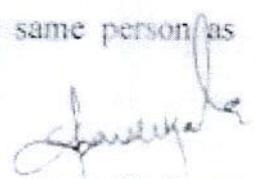
16. That the deponent is a responsible government servant having highest regards for the Hon'ble Law Court's and orders passed by them. The deponent cannot even imagine to flout or to disobey the orders passed by this Hon'ble Tribunal. He has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and also shall carry out in future as well.

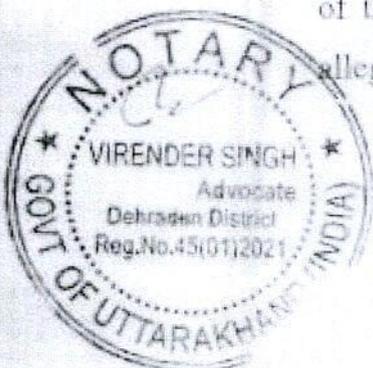
I, the above named deponent, do hereby verify that the contents of Para nos. _____ of this affidavit are true to my personal knowledge, those of Para nos. _____ of this affidavit are based on records, those of Para nos. _____ of this affidavit are as per the legal advice received and those of Para nos. _____ of this affidavit are as per the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

So help me God


DEPONENT

I, Sparsh Kaia, Sub-Divisional officer, Rishikesh, Dehradun, Uttarakhand, do hereby identify the deponent who has produced the records of the case before me and I am satisfied that he is the same person as alleged.


IDENTIFIER



Solemnly affirmed before me today, the 12 day of January, 2024 at 05-57 am/pm by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.

OATH COMMISSIONER/NOTARY



SR. No. 49
Date 12-01-2024

This affidavit is sworn before me by
Srn. Nitish Mani Tripathi
who is identified by Srn. Sparsh Kalia (S.D.O.)
at Dehradun pry
12/01/2024
Virender Singh
Advocate & Notary, Dehradun

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

COMPLIANCE AFFIDAVIT

(On behalf of Divisional Forest Officer, Dehradun Forest Division, Uttarakhand)
(In Compliance to the Hon'ble Tribunal's Order dated 01.08.2023 & 09.10.2023)
IN

O.A. No. 425 OF 2023

Deepika Khari

.....Applicant

Versus

State of U.P

State of Uttarakhand & Ors

.....Respondents



Affidavit of Nitish Mani Tripathi
(Male), aged about 44 years, S/o
Sh. A. K. Tripathi, presently posted
as Divisional Forest Officer,
Dehradun Forest Division,
Dehradun, Uttarakhand.

(Deponent)

I, the above named deponent, do hereby solemnly affirm and state on
as of:



That the deponent is presently posted as Divisional Forest Officer,
Dehradun Forest Division, Dehradun, Uttarakhand, though the
applicant has not been arrayed as a Respondent but the Hon'ble
Tribunal vide its Order dated 01.08.2023 and 09.10.2023, had directed
the deponent to file the factual and Action taken Report in the above

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

INDEX
IN

COMPLIANCE AFFIDAVIT

(On behalf of Divisional Forest Officer, Dehradun Forest Division, Uttarakhand)
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Dated: 12/01/2024

Rahul Verma
Add. Advocate General
Government of Uttarakhand

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

MISCELLANEOUS APPLICATION

(On behalf of Divisional Forest Officer, Dehradun Forest Division, Uttarakhand)

IN

O.A. No. 425 OF 2023

Deepika Khari

.....Applicant

Versus

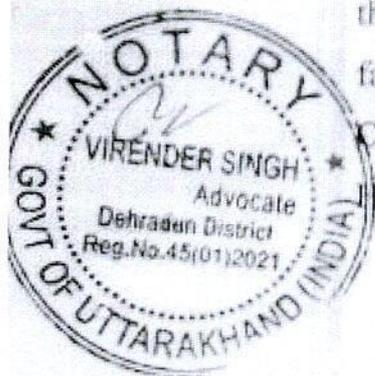
State of U.P

State of Uttarakhand & Ors.

.....Respondents

APPLICATION ON BEHALF OF THE DIVISIONAL FOREST
OFFICER, DEHRADUN FOREST DIVISION,
SEEKING WAIVER OF THE COST, IMPOSED ON 09.10.2023

1. That the applicant is presently posted as Divisional Forest Officer, Dehradun Forest Division, Uttarakhand, though he has not been arrayed as a respondent in the above noted application but vide Order dated 01.08.2023 and 09.10.2023, this Hon'ble Tribunal has directed the applicant to file the factual and action taken report in the present matter, as such he is fully conversant with the facts of the case.
2. That on 01.08.2023, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and direct the deponent to look into the grievances of the applicant and to file a factual and action taken report thereon. The relevant paras of the said Order dated 01.08.2023 are being quoted here for kind perusal of this Hon'ble Tribunal:



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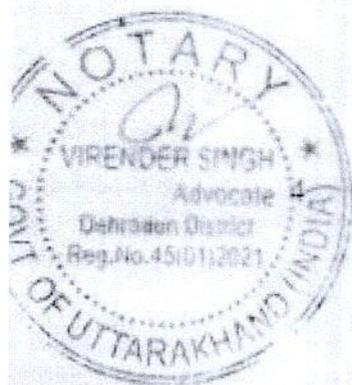
"4. In view of the averments made in the application, we consider factual verification and taking of remedial action by Divisional Forest Officer, Dehradun to be essential and accordingly, Divisional Forest Officer, Dehradun is directed to look into the grievances made by the applicant in the application, verify the factual position, take appropriate action against the violators for past violations, issue appropriate instructions and take such other remedial measures as may be considered appropriate in accordance with law.

5. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF".

The deponent had come to know about the above mentioned Order on 18.08.2023 through a letter issued by Additional Principal Chief Conservator of Forest (Environment), Dehradun. The deponent, considering the same as important and in the compliance of the above said Order, the said letter was sent and marked to Sub-Divisional officer, Rishikesh (Court Case In-charge) as well as the officer having jurisdiction over the said area on 22.08.2023 for preparation of detailed factual and action taken report.

3. That on 09.10.2023, Divisional Forest Officer, Upper Yamuna Division, Barkot informed about the hearing in the above-mentioned case which was scheduled on the same day. The counsel for the state of Uttarakhand had mistakenly informed the DFO Upper Yamuna Division, Barkot while the matter was related to Barkot Range of Dehradun Forest Division.

That as soon the fact of non-filing of the factual and action taken report came into cognizance of the deponent, on the same day, the compliance report was e-mailed to the Hon'ble NGT at 06:14 P.M., and simultaneously an explanation was also called from the Sub-Divisional



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officer, Rishikesh/Nodal court cell for delay in filing the compliance report.

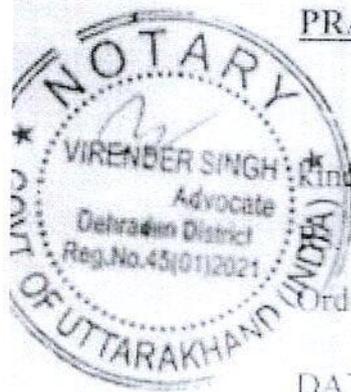
5. That since, the compliance affidavit was emailed at the evening of 09.10.2023, therefore, the same was not on record while the matter was being heard in the morning hours. Due to the same, this Hon'ble Tribunal got exasperated for non-compliance of its earlier Order dated 01.08.2023 and imposed a cost of Rs. 25,000/- on the applicant. The non-compliance was caused in inadvertent and undeliberate manner.
6. It is a sincere and humble request to Hon'ble NGT that the fine imposed vide the order dated 12.10.2023 in OA number 425/2023 may kindly be revoked. The delay which happened was totally unintentional. On behalf of SDO Rishikesh/Nodal court cell and my office staff, I tender unconditional apology. We will ensure that there will be no negligence in future regarding matters related to the Hon'ble Tribunal.
7. That the applicant is Government servant and is bound to comply the Orders passed by the Hon'ble Courts as well as this Hon'ble Tribunal.
8. That the non-compliance of the Order dated 01.08.2023 was not a wilful or deliberate but due to the reasons stated above.

PRAYER:

It is therefore, most respectfully prayed to this Hon'ble Tribunal may kindly be pleased to allow the present application and waive off the cost of 25,000/-, imposed by this Hon'ble Tribunal for non-compliance of the Order dated 01.08.2023, in the interest of justice.

DATED: 12.01.2024
PLACE: DEHRADUN

APPLICANT



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

AFFIDAVIT

IN

MISCELLANEOUS APPLICATION

(On behalf of Divisional Forest Officer, Dehradun Forest Division, Uttarakhand)

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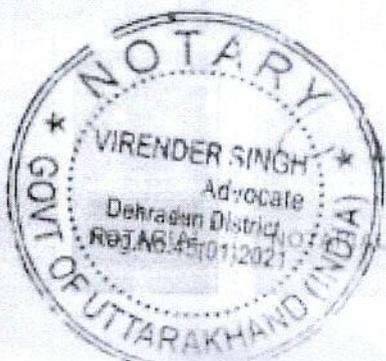
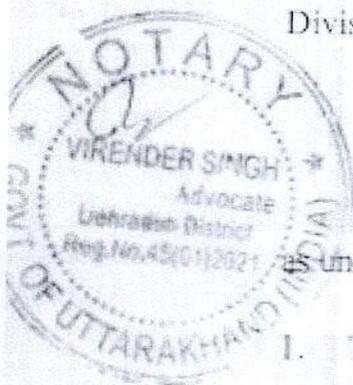
AFFIDAVIT

Affidavit of Nitish Mani Tripathi (Male), aged about 44 years, S/o Sh. A. K. Tripathi, presently posted as Divisional Forest Officer, Dehradun Forest Division, Uttarakhand

(Deponent)

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

1. That I am the applicant in the accompanying application and as such fully acquainted with the facts and circumstances of this case and competent to swear this affidavit.
2. That the full facts and circumstances have been narrated in the accompanying application which was drafted by the counsel under my instructions which are true and correct to the best of my knowledge.



72/01/2021

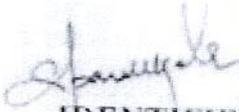
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I, the above named deponent, do hereby verify that the contents of
 Para nos. _____ of this affidavit are true to my
 personal knowledge, those of Para nos. _____ of
 this affidavit are based on records, those of Para nos.
 _____ of this affidavit are as per the legal advice
 received, those of Para nos. _____ of this affidavit are
 as per the information received which all I believe to be true. That no part of
 this affidavit is false and nothing material has been concealed.

So help me God


DEPONENT

I, Sparsh Kala, Sub-Divisional officer, Forest Department,
 Uttarakhand, Dehradun, do hereby identify the deponent who has produced
 the records of the case before me and I am satisfied that he is the same
 person as alleged.


IDENTIFIER

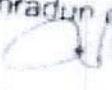
Solemnly affirmed before me today, the 12 day of January 2024,
 at 05:51 am/pm by the deponent who has been identified by the
 aforesaid person.

I have satisfied myself by examining the deponent that he has
 understood the contents of this affidavit, which have been read over and
 explained to him.



OATH COMMISSIONER/NOTARY

SR. No. 48
 Date 12-01-2024

This affidavit is sworn before me by
 Snn. Nitisha Mami, Tarpatti,
 who is identified by Snn Sparsh Kala,
 Dehradun on 12/01/2024 (S.D.O)

 Virender Singh
 Advocate & Notary, Dehradun