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

I N D E X

IN

RESPONSE AFFIDAVIT

(On behalf of the Respondents No. 3 i.e. the Principal Chief Conservator of
Forests/HoFF, Uttarakhand)

(In Compliance to the Hon'ble Tribunal's Order dated 13.05.2026)

IN

O.A. No. 425 OF 2023

Deepika Khari

.....Applicant

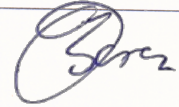
Versus

State of Uttarakhand & Ors.

.....Respondents

S. No.	Particulars	P. Nos.
1.	Index	
2.	Response Affidavit	
3.	<u>ANNEXURE-P-1</u> True/web copy of the Order dated 15.05.2024 of Hon'ble Apex Court.	
4.	<u>ANNEXURE-P-2</u> True/web copy of the Order dated 17.05.2024 of Hon'ble Apex Court.	
5.	<u>ANNEXURE-P-3 (Colly)</u> True/translated/ photocopy of orders dated 25.3.2026, 14.05.2026 and 21.05.2026.	

Dated: /05/2026



Deepak Bora

Advocate,

17, New Lawyers Chambers,

Setalvad Block, Supreme Court of India,

New Delhi – 110001

Mob.: 99715768987

E-mail: adv.deepakbora@gmail.com

2141

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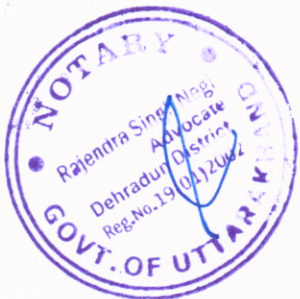
Affidavit of Ranjan Kumar Mishra
(Male), aged about 59 years, S/o
Late Sh. P. C. Mishra, presently
posted as Principal Chief
Conservator of Forests (HoFF),
Uttarakhand Dehradun.

(Deponent)



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

1. That the deponent is presently posted as Principal Chief Conservator of Forests (HoFF), Uttarakhand Dehradun. The deponent has been arrayed as a Respondent No. 3 as such he is fully conversant with the facts of the case.



(Handwritten signature)

2. That on 13.05.2026, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and directed the deponent to file the present response affidavit. The relevant paras of the said Order dated 13.05.2026 are being quoted here for kind perusal of this Hon'ble Tribunal:

"5. Learned Amicus Curiae has placed before this Tribunal copies of orders dated 25.03.2026 issued by PCCF (HoFF), Dehradun for deputing forest officials for census duty.

6. Learned Amicus Curiae has referred to order dated 15.05.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 1249 of 2019- the State of Uttarakhand and Another Vs. in the Matter of Protection of Forest, Environment, Ecology, Wildlife etc., from the Forest Fire etc., whereby Hon'ble Supreme Court directed that in all the States the forest staff as well as the forest vehicles shall not be requisitioned for the election purposes or any other purposes like Char Dham Yatra. Learned Amicus Curiae has further submitted that forest officials cannot be deputed for census duty, particularly in view of apprehension of forest fires during the ongoing summer season.

7. Respondent no. 3-PCCF (HoFF), Dehradun is directed to file his response with respect to orders dated 25.03.2026 for deputing forest officials for census duty in the context of orders passed by Hon'ble Supreme Court in the above mentioned Civil Appeal".

3. That before making any submissions with regard to the above directions passed by the Hon'ble Tribunal, it is essential to place the Order dated 15.05.2024, passed by the Hon'ble Apex Court in the Civil Appeal 1249/2019 titled as 'State of Uttarakhand and Another Vs. in the Matter of Protection of Forest, Environment, Ecology, Wildlife etc., from the Forest Fire etc.', on record. A true/translated/web copy of order dated 15.5.2024 passed by the Hon'ble Supreme Court is



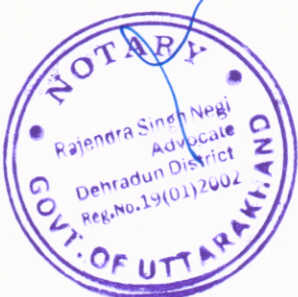
annexed herewith and marked as ANNEXURE P-1 (Page to). And for ready reference for this Hon'ble Tribunal, the relevant paras of the said Order dated 15.05.2024 are being quoted here as under:

"10. Insofar as the issue with regard to the exemption of the Field Officers of the Forest Department from the Election/Char Dham Yatra and other related activities is concerned, the Election Commission of India, by various orders, has exempted requisitioning of the forest staff as well as the forest vehicles for the election and allied purposes.

11. Be that as it may, we direct that in all the States the forest staff as well as the forest vehicles shall not be requisitioned for the election purposes or any other purposes like Char Dham Yatra".

4. That while passing the Order dated 15.05.2024, the Hon'ble Apex Court was also pleased to direct the Chief Secretary, State of Uttarakhand, to remain present on the next hearing date and the matter was fixed for 17.05.2024.
5. That in compliance to the directions passed by the Hon'ble Apex Court on 15.05.2024, the Chief Secretary, State of Uttarakhand, the Principal Chief Conservator of Forests (HoFF), Uttarakhand and the Additional Principal Chief Conservator of Forests, Forest Fire and Disaster Management, Uttarakhand have attended the hearing proceedings in person before the Hon'ble Apex Court on 17.05.2024. After the hearing on 17.05.2024, the Hon'ble Apex Court was pleased to pass the following observations/directions:

"1. Pursuant to our order dated 15th May, 2024, Smt. Radha Raturi, Chief Secretary for the State of Uttarakhand along with Dr. Dhananjai Mohan, IFS, Principal Chief Conservator of Forests (HoFF),

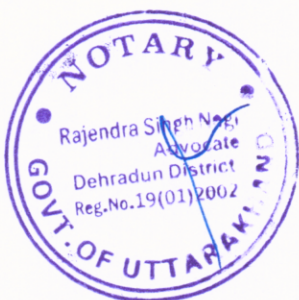


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Uttarakhand and Mr. Nishant Verma, APCCF, Forest Department Uttarakhand, are personally present in the Court.

- 2. Mr. Tushar Mehta, learned Solicitor General has placed on record a copy of the report prepared by the Chief Secretary on behalf of the Government of Uttarakhand showing compliance of the Order dated 15th May 2024.*
- 3. As we have stated earlier, the present litigation is not an adversarial litigation, the only concern is that the precious forest should be saved from the hazards of forest fires.*
- 4. Mr. Tushar Mehta, learned Solicitor General has assured us that the State has taken up the issue seriously and the Chief Secretary, State of Uttarakhand along with the other senior officers would be personally looking into the issue and shall endeavour to find out a permanent solution for avoiding forest fires and bringing it under control at the earliest.*
- 5. The learned Solicitor General further states that he himself, along with the Chief Secretary, the learned Amicus Curiae, Mr. Rajiv Dutta, who appears in person and Mr. Chandra Prakash Goyal, representative of the Central Empowered Committee would sit together for working out a solution.*
- 6. We appreciate the stand taken by the State.*
- 7. List these matters in the month of September, 2024.*

And since 17.05.2024, the Forest Department, Uttarakhand has taken several steps to mitigate the fire incidents across the State and the same has already been reported to this Hon'ble Tribunal as well vide pervious affidavits. After the hearing of 17.05.2024, the matter has been listed on several occasions before the Hon'ble Supreme Court. A true/translated/web copy of order dated 17.5.2024 passed by the



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Hon'ble Supreme Court is annexed herewith and marked as ANNEXURE P-2 (Page to).

6. That the Forest Department has complied with the all the directions passed by the Hon'ble Apex Court vide its Order dated 15.05.2024 as well as its subsequent Orders. The Department has not flouted any of the direction passed by the Hon'ble Apex Court in the matter of Civil Appeal 1249/2019 titled as 'State of Uttarakhand and Another Vs. in the Matter of Protection of Forest, Environment, Ecology, Wildlife etc., from the Forest Fire etc.'.
7. That with regard to the observations and directions passed by this Hon'ble Tribunal vide Order dated 13.05.2026 in the present matter, it is submitted that the Census proceedings are carried out by the Government of India and is entirely different from election proceedings or any other activities like Char Dham Yatra. Election proceedings in the State are carried by the State Government for different kinds of elections like State Legislation elections, Municipal elections, Village elections etc. which are conducted from time to time on certain intervals. The Char Dham yatra in the State is conducted every year and the State Government through its various departments make essential arrangements for its better management for pilgrims visiting from across the Country and overseas.
8. That it is further submitted that moreover the arrangements and deployment of Government officers in election and Char Dham yatra are for the purpose of better security and administration. Contrary to this, the deployment in census duty does not involve any aspect of security or general administration. In the census work, staff go for door-to-door survey to collect information of the people comprising the families. Particularly, in the forest areas these are only the forest



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officers/employees who are well aware of the geography of the forest areas and non-forest officers cannot go inside forest to conduct census and it is only and only forest officers and staff can conduct census of the people residing in or around the forest. Apart from survey census, survey is also an opportunity for forest officers to come in touch with the people residing in the forest or surrounding areas and also to listen to their problems related to forest or wild animals. Needless to mention here that State of Uttarakhand is a hilly State comprising of 86% of hill areas and 71% forest areas. If only civilians or non-forest officers are deployed for census duty in these areas, it will create another burden on forest officers to provide them security from wild animals inside or near forest areas, therefore, it is far better to deploy forest officers/employees only for the census survey inside and in surroundings of forest areas. It is pertinent to mention here that census is not a yearly or monthly exercise. Generally, the census is conducted on every 10 years and last census was made in 2011 and this time census is being conducted after 15 years.

9. That it is submitted that the order dated 25.03.2026, so mentioned by the Amicus Curie, was issued by the deponent in pursuant to the directions issued by the Central Government and the State Government. The Census activities/operation, generally conducted by the Government of India on every ten years (this time after 15 years), is an important national and statutory task, which is conducted under the provisions of the Census Act, 1948. To ensure the successful and timely completion of the said work, the State Government acquires the services of officers and employees of various departments as per requirement. In this context, the following statutory provisions are particularly noteworthy:

a) Section 4 of the Census Act, 1948-

Section 4 provides that-



“The State Government may make available to the Census Commissioner or any Director of Census Operations such staff as may be necessary for the purpose of assisting the Census Commissioner or Director in the discharge of any duties imposed by or under this Act”.

b) Section 11 of the Census Act, 1948

Section 11 provides that-

“Every person occupying any position by virtue of which he is liable to perform duties in relation to the taking of a census shall be legally bound to fulfil such duties”.

10. That in compliance with the above legal provisions, Forest Department officers/employees have been nominated for census work in the State of Uttarakhand. This has been made in the public interest, to meet administrative needs, to properly utilize available human resources, and to ensure the effective and timely completion of the census work in forest areas, for the following reasons:

1. Administrative requirement:

The census is a comprehensive and multi-layered process, requiring a sufficient number of trained and responsible personnel. To ensure the proper utilization of available human resources in the State, the services of Forest Department officers and employees like other line departments/agencies have been deputed.

2. Statutory obligations as a government servant:

The officers/employees of the Forest Department are regular government servants of the State Government and as per the Census Act and Government Orders, if required, they can be deployed in works of public interest and national importance.

3. Terrain/Locational Knowledge:

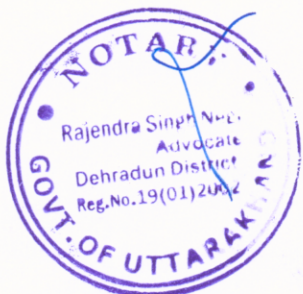


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Nearly 71 percent of the total geographical area of Uttarakhand is forest area, and terrain/location information about these areas is not available to any other department other than the Forest Department. Hence it is crucial that forest department personnel be deployed in the forest areas requiring census operation. Since Forest Department personnel have experience working in remote and forested areas and are familiar with the geographical conditions therefore, it is logical to deploy Forest Department employees in these forest areas, which facilitates the effective conduct of the census.

4. Minimal impact on forest departmental operations:

The forest protection works related to forest fire management and control, man animal conflict mitigation, preventing forest land encroachment, preventing illegal mining etc. are important duties of the forest officers and staff engaged in the forest divisions, national parks and sanctuaries. However, the office staff/employees are not directly connected to such protection works in the field. In the light of this fact and in pursuance to the correspondence of census operations department, Ministry of Home Govt of India, the deponent as PCCF (HoFF) had issued general instructions vide letter dated 25.03.2026 to the field level zonal officers for carrying on assigned census works during period 25.04.2026 to 24.05.2026 in the forest areas. It has been further clarified with specific instructions vide letter dated 14.05.2026 and letter dated 21.05.2026 that only office level employees/staff shall be relieved for the census works. Those field staff presently engaged in forest fire prevention and control will not be relieved for any other activities including census works. Furthermore, the personnel engaged in the census were instructed to perform the census work alongside their departmental duties. It is pertinent to mention herein that census works pertains to people to people contact which opportunity can be



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utilized by the forest officials and staff for raising awareness and also capacity building in the forest fringe villages as well as local communities for forest fire prevention and control. A true translated copies of orders dated 25.3.2026, 14.05.2026 and 21.05.2026 are annexed herewith collectively and marked as ANNEXURE P-3 (Colly) (Page to).

5. Pre-existing arrangements

Previous censuses have employed employees from various departments, including the Forest Department. Therefore, the current assignment of census works to the office staff in forest department are in accordance with established administrative procedures and traditions.

11. That it is further pertinent to mention here that while passing order dated 15.5.2024, the issue of census duty was neither before the Hon'ble Supreme Court nor it was considered by the Hon'ble Supreme Court, therefore the order dated 15.5.2024 is not applicable on census duty.
12. That the deponent is a responsible government servant having highest regards for the Hon'ble Court's and orders passed by them. The deponent cannot even imagine to flout or to disobey the orders passed by this Apex Court and also 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.

Identified by
for
ANNISH GUPTA

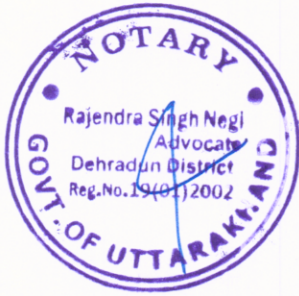



DEPONENT

VERIFICATION:

Verified at Dehradun today on this 25th day of May 2026 that the contents of the above affidavit from para 1 to are true and correct to the best of my knowledge and belief. Nothing is wrong therein and nothing material has been concealed therefrom.


DEPONENT



2093/2026

This affidavit is sworn before me by
Shri *Rajendra Singh Negi*
who is identified by Shri... *Arunach Achre*
at Dehradun on..... *25/5/26*

Rajendra Singh Negi
(Rajendra Singh Negi)
Advocate & Notary

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ITEM NO.106

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 1249/2019

THE STATE OF UTTARAKHAND & ANR.

APPELLANT(S)

VERSUS

IN THE MATTER OF THE PROTECTION OF FOREST, ENVIRONMENT,
ECOLOGY, WILDLIFE ETC. FROM THE FOREST FIRE ETC. RESPONDENT(S)

(IA No. 1/2017 - EXEMPTION FROM FILING O.T.
IA No. 2/2017 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

C.A. No. 1250/2019 (X)
(FOR [PERMISSION TO FILE ANNEXURES] ON IA 41353/2017
FOR EXEMPTION FROM FILING O.T. ON IA 41356/2017
FOR CLARIFICATION/DIRECTION ON IA 135275/2017
FOR impleading party ON IA 12333/2018
FOR INTERVENTION/IMPLEADMENT ON IA 12333/2018
FOR impleading party ON IA 12337/2018
FOR INTERVENTION/IMPLEADMENT ON IA 12337/2018
FOR EXEMPTION FROM FILING O.T. ON IA 12369/2018
FOR EXEMPTION FROM FILING O.T. ON IA 12373/2018
IA No. 135275/2017 - CLARIFICATION/DIRECTION
IA No. 12373/2018 - EXEMPTION FROM FILING O.T.
IA No. 12369/2018 - EXEMPTION FROM FILING O.T.
IA No. 41356/2017 - EXEMPTION FROM FILING O.T.
IA No. 12337/2018 - INTERVENTION/IMPLEADMENT
IA No. 12333/2018 - INTERVENTION/IMPLEADMENT
IA No. 41353/2017 - PERMISSION TO FILE ANNEXURES)

CONMT.PET.(C) No. 566/2018 in SLP(C) No. 15477/2017 (X)
(FOR EXEMPTION FROM FILING O.T. ON IA 79663/2018
IA No. 79663/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 767/2019 (PIL-W)
(FOR EXEMPTION FROM FILING O.T. ON IA 89435/2019
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
148089/2019, FOR impleading party ON IA 32705/2021
FOR INTERVENTION/IMPLEADMENT ON IA 32705/2021
IA No. 89435/2019 - EXEMPTION FROM FILING O.T.
IA No. 32705/2021 - INTERVENTION/IMPLEADMENT
IA No. 148089/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Digitally signed by
Narendra Prasad
Date: 2024.05.16
16:25:15 IST
Reason: I am the author

Date : 15-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE S.V.N. BHATTI
HON'BLE MR. JUSTICE SANDEEP MEHTA

Mr. K. Parameshwar, Adv. (Amicus Curiae)
Ms. Kanti, Adv.

For Appellant(s)

Mr. Jatinder Kumar Sethi, D.A.G.
Mr. Akshat Kumar, AOR
Mr. Ashutosh Sharma, Adv.

Mr. K B Thakur, Adv.
Mr. Shashank Singh, Adv.
Mr. Madan Chandra Karnatk, Adv.
Mr. Ravindra S. Garia, AOR

Mr. Jaswant Singh Rawat, AOR

Mr. Krishna Ballabh Thakur, AOR
Mr. Shashank Singh, Adv.
Mr. Lokesh Kumar Gunjan, Adv.
Mr. Abhishek Kumar Sharma, Adv.
Mr. Rajul Srivastava, Adv.
Ms. Rashmi Kumari, Adv.
Mr. Abhishek Prasad, Adv.

Petitioner/Applicant-in-person

For Respondent(s)

Mr. Jatinder Kumar Sethi, D.A.G.
Mr. Akshat Kumar, AOR
Mr. Ashutosh Sharma, Adv.

Ms. Namita Choudhary, AOR
Mr. Ashutosh Kumar Sharma, Adv.
Ms. Srishti Choudhary, Adv.

Mr. Kuldip Singh, AOR

Mr. Umang Shankar, AOR
Mr. Ramesh Kumar, Adv.
Mr. Gagan Arora, Adv.

Applicant-in-person

UPON hearing the counsel the Court made the following
O R D E R

1. In the note submitted by Mr. Jatinder Kumar Sethi, Deputy Advocate General for the State of Uttrakhand, the following issues

have been raised:-

- i. The Annual plan of Forest fire management under Central Sponsored Scheme - forest fire prevention and mitigation scheme for FY 2024-25 had already been submitted to FPD, MoEF&CC. Request is for timely sanction and release of funds.
- ii. A five year perspective Forest fire management plan had been prepared by Uttarakhand Forest Department incorporating the short term and long term measures including state of art technology, centre of excellence for the State, AI for fire protection and modelling risk factors, live visualization and forest fire monitoring/reporting app, replication of community based good initiative, decision support system (DSS), etc. Request is for timely sanction and release of funds.
- iii. Exemption of field officials of the Forest Department from the Election/Char Dham Yatra and other related activities duties during the forest fire season.
- iv. Provision of timely disbursement of NDMF/SDMF funds and resources (deployment of personnel and vehicles) to the forest department for forest fire mitigation by NDMA/SDMA.
- v. Mandatory provision (5-7%) for the industries/factories to consume biomass specially pine needle-based fuel in their boilers/furnaces in the State.
- vi. There is need of engagement of additional fire watchers for the crew stations in the divisions when there is continuous dry-spell prevailing. For this engagement additional funds are required from MoEF&CC/State Government.
- vii. In the current fire season, for ensuring forest fire prevention/mitigation, a total of 41 mobile crew teams having forest field staff/fire watchers have been deployed along the

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chardham routes along with vehicles (each mobile crew team for a stretch of around 20 kms.).

viii. Chir Pirul (Pine needles) collection is also being done involving Self Help Groups at present to provide raw material to the pirul based briquettes/pellets units which are operational.

2. In the note submitted by Mr. K. Parameshwar, learned Amicus Curiae, the following figures have been given, which are taken from the Report submitted by the State Government:-

Scheme	FY	Demand	Sanction	Release
CSS	2023-24	39.39 Cr	14.02 Cr	3.755 Cr
CAMPA		10Cr	8.0Cr	3.4059 Cr
State Plan		16.59 Cr	16.59 Cr	16.59 Cr
Total		65.98 Cr	38.61 Cr	23.75 Cr

3. Taking into consideration the importance of controlling the fires in the forest of State of Uttrakhand, we had requested Ms. Aishwarya Bhati, learned Additional Solicitor General of India to take instructions with regard to the disbursement of the fund for the financial year 2023-24.

4. Ms. Aishwarya Bhati, learned Additional Solicitor General of India, in the second half, informed that insofar as the funds to be disbursed from Central Sponsored Scheme, she has no instructions and she will require some more time to take instructions from the Department concerned. However, insofar as CAMPA Funds are concerned, she submitted that CAMPA Funds are lying with the State Government and it is for the State Government to release them for the works undertaken by the Forest Department.

5. It is further stated that the Central Authority had already sanctioned an amount of Rs.9.12 Crores for the financial year 2023-24.

6. Shri Mohan, Principal Chief Conservator of Forest and the Head

of Forest Forces (HoFF), who is present in the Court virtually, states that an amount of Rs. 2 Crores has already been released for present year and steps are being taken for releasing the balance amount.

7. We are at pains to say that the approach of the State of Uttarakhand in controlling the fire to say the least, is lackadaisical. Though action plans have been prepared and finalized no steps are being taken for implementation of the same. When the CAMPA Fund is very much available and also sanctioned by the Central Authority we see no reason as to why only 'Rs.3.40 Crores out of Rs. 9.12 Crores' were being released for the forest activities for the year 2023-24. We see no reason as to why the balance amount out of Rs.9.12 Crores was not utilized for the forest activities.

8. Another issue that needs to be addressed is with regard to the huge vacancies in the Forest Department of the State of Uttarakhand. Shri K. Parameshwar, learned Amicus Curie, as well as Shri Rajiv Dutta, applicant-in-person, submit that on account of large number of vacancies the force is not available for controlling the forest fires.

9. Shri Mohan, states that 1250 vacancies have been filled and steps are being taken for filling up the remainder of the vacancies.

10. Insofar as the issue with regard to the exemption of the Field Officers of the Forest Department from the Election/Char Dham Yatra and other related activities is concerned, the Election Commission of India, by various orders, has exempted requisitioning of the forest staff as well as the forest vehicles for the election and allied purposes.

11. Be that as it may, we direct that in all the States the forest staff as well as the forest vehicles shall not be requisitioned for the election purposes or any other purposes like Char Dham Yatra.

12. One of the grievances the State has addressed is regarding failure of timely disbursement of the National Disaster Management Fund/State Disaster Management Fund (NDMF/SDMF) and non-

availability of resources (Deployment of Personnel and Vehicle). We fail to understand as to how the State should have grievance with regard to the disbursement of the SDMF, inasmuch as it is within the domain of the State to disburse the said fund. Insofar as the NDMF is concerned, we will consider passing appropriate orders.

13. It is further pertinent to note that on one hand the State contends that the resources i.e. the manpower and the vehicles are not available and on the other hand keeps large number of vacancies unfilled.

14. Shri Rajiv Dutta, applicant in person, further submits that in Ranikhet the Army is using pine needles for generation of electricity, He suggests that considering the same to be an example the State Government should also consider using the pine needles for either generation of electricity or generation of biogas. We find that the State Government needs to take some concrete decision in that regard.

15. Insofar as the inadequacy of funds is concerned, we fail to understand as to how the State Government can make such a grievance when a huge amount of CAMPA Fund is lying with it and is not releasing it for the forest related activities.

16. Shri Gaurav Kumar Bansal, petitioner/applicant in person, submits that the salaries of the contractual/daily wage staff, who have been deployed by the Forest Department have not been paid for months together and writ petitions are being filed for the said purpose by such labourers/employees.

17. We, therefore, direct the Union of India to explain their position with regard to timely disbursement of the NDMF so also the timely disbursement of fund with regard to Central Sponsored Schemes.

18. We direct the Chief Secretary of the State of Uttrakhand to personally remain present before this Court on 17.05.2024 and explain:-

- i. As to why from the CAMPA Fund only Rs.3.40 Crores was released for the financial year 2023-24, when the Union of

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India had sanctioned Rs.9.12 Crores. It shall also be explained as to whether the said fund is being utilized for other purposes, which are not related to forest activities.

ii. What steps were being taken for releasing the SDMF?

iii. As of now, how many vacancies are remaining unfilled and as to within how much period the said vacancies would be filled?

iv. The measures that State Government proposes to take for preventing fires on account of pine needles.

v. As to why the forest personnel were deployed on election duties, in spite of their being a specific exemption issued by the Election Commission of India.

vi. Why steps are not being taken for providing necessary equipments for fire fighting in various Districts, Talukas of the State?

vii. As to why the salaries/wages of the contractual employees/daily wagers have not been paid for such a long period?

19. List on 17.05.2024. To be taken up at the end of the miscellaneous Board.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER

ITEM NO.71

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1249/2019

THE STATE OF UTTARAKHAND FOREST AND
ENVIRONMENT GOVERNMENT OF
UTTARAKHAND PRINCIPAL SECRETARY

Appellant(s)

VERSUS

IN THE MATTER OF THE PROTECTION
OF FOREST ENVIRONMENT ECOLOGY
WILDLIFE ETC. FROM THE FOREST FIRE

Respondent(s)

(IA No. 1/2017 - EXEMPTION FROM FILING O.T. AND IA No. 2/2017 -
PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

C.A. No. 1250/2019 (X)

(IA No. 135275/2017 - CLARIFICATION/DIRECTION, IA No. 12373/2018 -
EXEMPTION FROM FILING O.T., IA No. 12369/2018 - EXEMPTION FROM
FILING O.T., IA No. 41356/2017 - EXEMPTION FROM FILING O.T., IA No.
12337/2018 - INTERVENTION/IMPLEADMENT, IA No. 12333/2018 -
INTERVENTION/IMPLEADMENT, IA No. 41353/2017 - PERMISSION TO FILE
ANNEXURES)

CONMT.PET.(C) No. 566/2018 in SLP(C) No. 15477/2017 (X)

(IA No. 79663/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 767/2019 (PIL-W)

(IA No. 89435/2019 - EXEMPTION FROM FILING O.T., IA No. 32705/2021
- INTERVENTION/IMPLEADMENT, IA No. 148089/2019 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s)

Mr. K. Parameshwar, leaned A.C.
Mr. M.V. Mukunda, Adv.
Ms. Kanti, Adv.
Ms. Aarti Gupta, Adv.
Mr. Chinmay Kalgaonkar, Adv.
Ms. Raji Gururaj, Adv.

Petitioner-in-person

Mr. Krishna Ballabh Thakur, Adv.

Mr. Shashank Singh, Adv.
Mr. Madan Chandra Karnatak, Adv.
Mr. Ravindra S. Garia, AOR

Mr. Jaswant Singh Rawat, AOR

Mr. Krishna Ballabh Thakur, AOR
Mr. Abhishek Kumar Sharma, Adv.
Mr. Lokesh Kumar Gunjan, Adv.
Ms. Rashmi Kumari, Adv.
Mr. Shashank Singh, Adv.

Mr. Akshat Kumar, AOR
Mr. Jatinder Kumar Sethi, D.A.G.
Mr. Ashutosh Sharma, Adv.

Mr. Rajiv Dutta, applicant-in-person
Ms. Neha Singh, Adv.

For Respondent(s)

Ms. Aishwarya Bhati, ASG
Ms. Suhasini Sen, Adv.
Mr. Shagun Thakur, Adv.

Ms. Namita Choudhary, AOR
Mr. Ashutosh Kumar Sharma, Adv.
Mr. Srishti Choudhary, Adv.

Mr. Akshat Kumar, AOR
Mr. Jatinder Kumar Sethi, D.A.G.
Mr. Ashutosh Sharma, Adv.

Mr. Kuldip Singh, AOR

Mr. Aniruddh Joshi, Adv.
Mr. Ramesh Kumar, Adv.
Mr. Gayan Arora, Adv.
Mr. Umang Shankar, AOR

Applicant-in-person, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Pursuant to our order dated 15th May, 2024, Smt. Radha Raturi, Chief Secretary for the State of Uttarakhand along with Dr. Dhananjai Mohan, IFS, Principal Chief Conservator of Forests (HoFF), Uttarakhand and Mr. Nishant Verma, APCCF,

Forest Department Uttarakhand, are personally present in the Court.

2. Mr. Tushar Mehta, learned Solicitor General has placed on record a copy of the report prepared by the Chief Secretary on behalf of the Government of Uttarakhand showing compliance of the Order dated 15th May 2024.

3. As we have stated earlier, the present litigation is not an adversarial litigation, the only concern is that the precious forest should be saved from the hazards of forest fires.

4. Mr. Tushar Mehta, learned Solicitor General has assured us that the State has taken up the issue seriously and the Chief Secretary, State of Uttarakhand along with the other senior officers would be personally looking into the issue and shall endeavour to find out a permanent solution for avoiding forest fires and bringing it under control at the earliest.

5. The learned Solicitor General further states that he himself, along with the Chief Secretary, the learned Amicus Curiae, Mr. Rajiv Dutta, who appears in person and Mr. Chandra Prakash Goyal, representative of the Central Empowered Committee would sit together for working out a solution.

6. We appreciate the stand taken by the State.

7. List these matters in the month of September, 2024.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

कार्यालय प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड, देहरादून।

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पत्रांक ख-979 / 30-1 (E.C) देहरादून दिनांक

25/मार्च/2026

सेवा में,

1. प्रमुख वन संरक्षक, वन्यजीव/मुख्य वन्यजीव प्रतिपालक, उत्तराखण्ड।
2. मुख्य वन संरक्षक, कुमाऊँ, नैनीताल।
3. मुख्य वन संरक्षक, गढ़वाल, पौड़ी।

विषय :- जनगणना 2027 के प्रथम चरण-मकान सूचीकरण तथा मकानों की गणना हेतु वन क्षेत्रों में प्रगणक तथा पर्यवेक्षक उपलब्ध करवाने के संबंध में।

महोदया/महोदय,

उपर्युक्त विषयक निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड (भारत सरकार, गृह मंत्रालय) के पत्र संख्या-11016/115/2027/Cen, दिनांक 23.03.2026 (संलग्नक-1) का संदर्भ ग्रहण करे, जिसके द्वारा अवगत कराया गया है कि राज्य में जनगणना के प्रथम चरण-मकान सूचीकरण तथा मकानों की गणना के कार्य हेतु नियुक्त प्रगणकों तथा पर्यवेक्षकों द्वारा घर-घर जाकर राज्य के सभी क्षेत्रों वरन ग्रामीण, शहरी तथा वन क्षेत्रों में किया जायेगा। इस क्रम में निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी द्वारा उक्त जनगणना कार्य हेतु आवश्यकतानुसार वन क्षेत्रों में प्रगणकों तथा पर्यवेक्षकों की नियुक्ति के लिए समन्वय हेतु निर्देश जारी करने का अनुरोध किया गया है।

अतः उक्त के क्रम में निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड के उक्त पत्र दिनांक 23.03.2026 की प्रति संलग्न कर इस निर्देश के साथ प्रेषित है कि वनाग्नि काल-2026 प्रारम्भ होने के कारण वन क्षेत्रों में वनाग्नि की घटनाओं के प्रभावी रोकथाम हेतु विभागान्तर्गत सिमित मानव संसाधन के मध्यनजर आपसे यह अपेक्षा है कि आप अपने नियंत्राधीन अधिकारियों को संबंधित जिलाधिकारियों से समन्वय स्थापित करते हुए वन क्षेत्रों में कम से कम फील्ड स्तर के अधिकारियों/कार्मिकों को आवश्यकता के दृष्टिगत उक्त जनगणना संबंधी कार्य में लिये जाने के संबंध में नियमानुसार कार्यवाही करते हुए दिशा-निर्देश देना सुनिश्चित करें।

संलग्न : यथोपरि ।

भवदीय,

(रंजन कुमार मिश्र)
प्रमुख वन संरक्षक (HoFF),
उत्तराखण्ड, देहरादून।

पत्रांक ख-979 / 30-1 तददिनांकित

प्रतिलिपि : निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड (भारत सरकार, गृह मंत्रालय) एल0डी0टावर-3, निकट माता वाला बाग, सहारनपुर रोड़, देहरादून-248001 को उपरोक्त के क्रम में सूचनार्थ प्रेषित।

(रंजन कुमार मिश्र)
प्रमुख वन संरक्षक (HoFF),
उत्तराखण्ड, देहरादून।



कार्यालय प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड, देहरादून।

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पत्रांक-1398/1-1

देहरादून:

दिनांक

14

मई, 2026

सेवा में,

1. समस्त वन संरक्षक, वन विभाग, उत्तराखण्ड।
2. समस्त प्रभागीय वनाधिकारी, वन विभाग, उत्तराखण्ड।

विषय:-

जन गणना कार्य में अपेक्षित सहयोग प्रदान किये जाने के संबंध में।

महोदय,

उपरोक्त विषयक के क्रम में निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड (भारत सरकार, गृह मंत्रालय) देहरादून द्वारा की गयी वार्तानुसार यह संज्ञान में आया है कि जनगणना कार्य में नियुक्त वन विभाग के प्रगणकों तथा पर्यवेक्षकों संबंधित वन संरक्षकों/प्रभागीय वनाधिकारियों के स्तर से कार्यालय समय में जनगणना कार्य के लिए अवमुक्त नहीं किया जा रहा है, जिससे जनगणना कार्य प्रभावित हो रहा है, चूंकि इस कार्य को दिनांक 24 मई 2026 तक सम्पन्न किया जाना है। आप अवगत ही है कि विभागीय कार्यों के साथ-साथ जनगणना कार्य भी एक अत्यंत महत्वपूर्ण राजकीय कार्य है।

अतः जनगणना कार्य की महत्ता के दृष्टिगत आप दिनांक 24 मई 2026 तक विभागीय कार्यों को भी साथ-साथ किये जाने की व्यवस्था बनाते हुये जनगणना कार्य में नियुक्त प्रगणकों तथा पर्यवेक्षकों को कार्यालय समय के दौरान जनगणना के लिए समय से अवमुक्त करना सुनिश्चित करें ताकि जनगणना कार्य निर्धारित समयवधि के अन्तर्गत सम्पन्न किया जा सके।

संलग्नक:-यथोपरि।

भवदीय,

(आर० के० मिश्र)

प्रमुख वन संरक्षक (HoFF)

उत्तराखण्ड, देहरादून।

संख्या-1398/1-1 दिनांकित।

प्रतिलिपि- निम्नलिखित को उक्तानुसार उक्तानुसार सूचनार्थ व आवश्यक कार्यवाही हेतु प्रेषित:-

1. प्रमुख वन संरक्षक, (वन्यजीव)/मुख्य वन्यजीव प्रतिपालक, उत्तराखण्ड, देहरादून।
2. मुख्य वन संरक्षक, गढ़वाल, पौड़ी।
3. मुख्य वन संरक्षक, कुमाऊँ, नैनीताल।

(आर० के० मिश्र)

प्रमुख वन संरक्षक (HoFF)

उत्तराखण्ड, देहरादून।

संख्या-1398/1-1 दिनांकित।

प्रतिलिपि- निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड (भारत सरकार, गृह मंत्रालय), एल०डी० टावर-3, निकट माता वाला बाग, सहारनपुर रोड़, देहरादून को उक्तानुसार सूचनार्थ प्रेषित।

(आर० के० मिश्र)

प्रमुख वन संरक्षक (HoFF)

उत्तराखण्ड, देहरादून।



2163

कार्यालय प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड, देहरादून।

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पत्रांक P-0151/30-1

देहरादून:

दिनांक

21

मई, 2026

सेवा में,

1. अपर प्रमुख वन संरक्षक, प्रशासन, वन्यजीव सुरक्षा एवं आसूचना, उत्तराखण्ड, देहरादून।
2. मुख्य वन संरक्षक, कुमाऊँ, नैनीताल।
3. मुख्य वन संरक्षक, गढ़वाल, पौड़ी।

विषय:-

वनाग्नि काल में जन-जागरुकता के साथ जनगणना कार्य में अपेक्षित सहयोग प्रदान किये जाने के संबंध में।

संदर्भ:-

इस कार्यालय का पत्रांक ख-979/30-1 दिनांक 25.03.2026 एवं पत्रांक क-1398/1-1 दिनांक 14.05.2026।

महोदय,

उपरोक्त संदर्भित पत्रों का संदर्भ ग्रहण करने का कष्ट करें। आप अवगत ही है कि निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड, भारत सरकार (गृह मंत्रालय) के पत्र संख्या 11016/115/2027/Cen दिनांक 23.03.2026 के क्रम में वन क्षेत्रों में विभागीय कार्मिकों को प्रगणको/पर्यवेक्षको के रूप में नियुक्ति के संबंध में सामान्य निर्देश जारी किये गये थे। इस संबंध में कतिपय प्रभागीय वनाधिकारियों द्वारा की गयी पृच्छा के क्रम में निम्न विशिष्ट निर्देश (Specific Instructions) जारी किये जाते हैं:-

1. मा0 सर्वोच्च न्यायालय द्वारा सिविल अपील संख्या 1249/2019 में दिनांक 15.05.2024 को पारित आदेश में निम्न निर्देश दिये गये हैं:-

"11..... we direct that in all the States the forest staff as well as the forest vehicles shall not be requisitioned for the election purposes or any other purposes like Char Dham Yatra."

अतः ग्रीष्मकाल के दौरान वनों, पर्यावरण और वन्यजीवों को वनाग्नि से सुरक्षित रखने हेतु यह अनिवार्य है कि वन विभाग के फील्ड कार्मिकों और विभागीय वाहनों का उपयोग चुनाव या चार-धाम यात्रा जैसे किसी अन्य कार्य में न किया जाए। उक्त के आलोक में यदि किसी फील्ड कार्मिक की ड्यूटी जिला प्रशासन स्तर से जनगणना कार्य में लगाई गई है, तो संबंधित प्रभागीय वनाधिकारी द्वारा तत्काल जिलाधिकारी से समन्वय स्थापित कर उन्हें मा0 सर्वोच्च न्यायालय के उक्त आदेश से अवगत कराते हुए यह स्पष्ट किया जाए कि वनाग्नि घटनाओं की गंभीरता के दृष्टिगत संबंधित कार्मिक को जनगणना कार्य से मुक्त रखना अनिवार्य है, और तदनुसार ऐसे कार्मिकों को जनगणना ड्यूटी हेतु अवमुक्त न किया जाए।

2. फील्ड कार्मिकों की ड्यूटी यदि किसी विशिष्ट परिस्थिति में लगाई जानी अपरिहार्य हो तब संबंधित प्रभागीय वनाधिकारी द्वारा तदसंबंधी प्रस्ताव अपने नियंत्रक अधिकारी के माध्यम से वन मुख्यालय को प्रेषित किया जाये, जिस पर वन मुख्यालय स्तर से नियमानुसार अग्रोत्तर कार्यवाही की जायेगी।
3. जनगणना एक राष्ट्रीय महत्व का कार्यक्रम है, जिसका प्रथम चरण दिनांक 24.05.2026 तक पूर्ण किया जाना है। अतः जिन कार्यालय कार्मिकों को जिला प्रशासन के स्तर से जनगणना कार्य में नियुक्त किया गया है, उन कार्यालय कार्मिकों को संबंधित कार्यालयाध्यक्ष द्वारा तदनुसार निर्देशित किया जाये।
4. जनगणना कार्य के दौरान ड्यूटी में नियुक्त विभागीय कार्मिकों द्वारा प्रत्येक परिवार के साथ पृथक-पृथक सम्पर्क किया जाता है। अतः प्रत्येक परिवार से सम्पर्क के दौरान वनाग्नि सुरक्षा एवं मानव वन्यजीव संघर्ष न्यूनीकरण रणनीति एवं बचाव के उपायों के बारे में प्रचार-प्रसार करते हुये व्यापक जन जागरुकता के साथ जनगणना कार्य सम्पन्न किया जाये।

उक्त निर्देशों का अनुपालन सुनिश्चित किये जाने हेतु अपने स्तर से समस्त अधीनस्थ अधिकारियों को निर्देशित करने का कष्ट करें।

भवदीय,

(आरो को मिश्र)

प्रमुख वन संरक्षक (HoFF)

उत्तराखण्ड, देहरादून।

संख्या- १०-१५१ / ३०-१ दिनांकित।

प्रतिलिपि- निम्नलिखित को उक्तानुसार सूचनार्थ व आवश्यक कार्यवाही हेतु प्रेषित:-

1. मुख्य वन संरक्षक, वनाग्नि एवं आपदा प्रबन्धन, उत्तराखण्ड, देहरादून।
2. समस्त वन संरक्षक/निदेशक, वन विभाग, उत्तराखण्ड।
3. समस्त उप वन संरक्षक/प्रभागीय वनाधिकारी/उप निदेशक, वन विभाग, उत्तराखण्ड।

(आर० के० मिश्र)

प्रमुख वन संरक्षक (HoFF)
उत्तराखण्ड, देहरादून।

संख्या- १०-१५१ / ३०-१ दिनांकित।

प्रतिलिपि- निदेशक एवं मुख्य प्रमुख जनगणना अधिकारी, जनगणना कार्य निदेशालय, उत्तराखण्ड (भारत सरकार, गृह मंत्रालय), एल०डी० टावर-३, निकट माता वाला बाग, सहारनपुर रोड, देहरादून को उक्तानुसार सूचनार्थ प्रेषित।

(आर० के० मिश्र)

प्रमुख वन संरक्षक (HoFF)
उत्तराखण्ड, देहरादून।