

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

**Original Application No. 60 of 2018
(M.A. No. 539/2018)
(Earlier O.A. No. 679 of 2017)**

Rajiv Dutta Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Present:

Applicants	Mr. Rajiv Dutta, Sr. Adv & Mr. Raghav Jha and Mr. Mukul Lather, Mr. Siddharth Dutta, Adv.
Respondents	Mr. Krishna Kumar Singh, Adv. for Ministry of Environment, Forest & Climate Change
General	Mr. Rahul Verma, Addl. Advocate for State of Uttarakhand Mr. Mukesh Verma, Adv. for UEPPCB Mr. R. Rakesh Sharma, Adv. for Tamil Nadu Pollution Control Board and Mr. V. Mowli, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 04 July 17, 2018 ss	<p>1. Proceedings in this matter were initiated in view of the allegation that there was large scale unchecked damage to the environment on account of forest fires specially in the States of Uttarakhand and Himachal Pradesh. Reliance was placed on press reports highlighting the instances of such damage. This Tribunal posed the following questions in its order dated 04th May, 2016.</p> <p><i>“i) What action has been taken by the respective State Government, particularly the Forest Department on the fire alerts received by them from the Forest Survey of India and they will place on record the alerts received by them for last two months.</i></p> <p><i>ii) Whether the State Government and other concerned Authorities or Institute have made mapping of the forest areas which are critical as far as forest fire is concerned. If such mapping of vulnerable areas was brought before the Authorities concerned, what action was taken by them. The Departments would clearly state before the Tribunal as to what steps were taken for fire line cutting as preventive measures, amongst such other</i></p>

	<p>Item No. 04</p> <p>July 17, 2018</p> <p>SS</p>	<p>preventive measures that they have taken.</p> <p>iii) What steps have been taken by the respective State Government particularly Forest Department after the current forest fire have been noticed to prevent their aggravation and adverse impacts on environment and ecology.</p> <p>iv) Both the State Government would also submit as to whether the Madhya Pradesh Forest Fire Management Policy has been adopted and implemented by both these State or not. We may notice that before the Tribunal it was stated on behalf of the concerned State Governments that the Madhya Pradesh Model was ideal to be adopted and action taken in terms thereof.”</p> <p>2. After considering the response of the concerned authorities and considering the submissions put forward by the parties, following final directions were given on 03.08.2017:-</p> <p>“i. The MoEF & CC should in consultation with the States formulate National policy/Guidelines for forest fire prevention and control, which should be updated periodically. It should also issue directions under Section 5 of the Environment (Protection) Act, 1986 to the States to prepare and implement forest fire management plan for effective prevention and control of forest fires in the respective States. First lot of such policy should be issued within 3 months from the date of passing of this judgment.</p> <p>ii. Considering that forest fires can create serious environmental hazards and disaster, we direct that the Chief Secretary of the State shall along with concerned State Departments review implementation of the Forest Fire/Crisis Management Plan of the State to take effective steps, so as to prevent and control forest fire and execute relief, rehabilitation and restorative measures, in the event of forest fires. They shall ensure that adequate resources and manpower are placed at the disposal of the concerned Department for the aforesaid purposes.</p> <p>iii. The financial resources, manpower, transport/vehicle and fire fighting equipment should be made available to the Forest Department both at the State and district/Division level, at the beginning of the Financial Year so that Forest Fire Management Plan could be implemented in totality and effectively.</p> <p>iv. The department should, as a part of the Management Plan, carry out forest fire vulnerability mapping of the entire forest area,</p>
--	---	--

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p>identify high hotspots of fire in vulnerable areas and locations where stations for fires prevention and control could be set up and necessary manpower and equipment provided for monitoring and disseminating alerts for timely intervention.</p> <p>v. In order to ensure effective participation of people living in villages close to the forests in prevention and control of forest fires, the labour for fire prevention and control should be sourced preferably from the same area and special incentive provided to such labour force considering the risks and hazard associated with forest fire control measures.</p> <p>vi. The Forest Fire Management Plan should be prepared with active partnership of the village level Panchayati Raj Institutions, Van Panchayats and should be revised every year based on the experience gained.</p> <p>vii. The satellite based Forest Fire Alert System should be strengthened in collaboration with National Remote Sensing Agency (NRSA) and the Forest Survey of Indian and the field staff trained in prevention and control. Use of social media, print and electronic media and a dedicated web site should be created for the purpose of information dissemination and the officer to be contacted in the event of Fire.</p> <p>viii. A Sufficiently Senior Officer, at Least of the level of Chief Conservator of Forests, should be designated to oversee the Fire prevention and control at the state Head Quarters. He should be able to coordinate with other Government Agencies in the event of outbreak of Fire and mobilize resources and manpower. The cell should commence its functioning and operational preparedness at least two month before the commencement of fire season so that it can plan its operation and mobilize resources, manpower and machinery besides carrying out mock drills well before the fires season.</p> <p>ix. MoEF should while approving the Fire Management Plan/Crisis Management Plan of various states disseminate the best practices to the states based, on the experience both within the Country and abroad.</p> <p>x. A network of automated surveillance or watch towers/observation posts should be set up at strategic locations to provide regularly, on a real time basis, data for forest fire alerts for timely interventions of fires incidences.</p> <p>xi. Mock drill exercises need to be taken up for effective disaster risk reduction and management and training of front line staff in the field in fire control and handling disaster.</p> <p>xii. Dedicated team of Official at the State district and Range level with adequate funds, infrastructure and manpower which should be in place at least two months before the fire</p>
--	--	---

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p>season so that mock drills, planning and deployment of personnel and machinery is organized and proper liaison with villagers established in time.”</p> <p>3. Accordingly, an affidavit has been filed by the Ministry of Environment, Forest and Climate Change stating as follows:-</p> <p>(a) The World Bank study team which conducted the study on “Situation Analysis of Forest Fire” has submitted the draft report on “Forest Fire Prevention and Management in India” on 11.01.2018 and the copy of the same is placed as Annexure-R-2.</p> <p>(b) This Ministry has sought the comments of the eleven states which formed the part of the study namely Assam, Meghalaya, Himachal Pradesh, Tripura, Chhattisgarh, Uttarakhand, Jharkhand, Odisha, Kerala, Madhya Pradesh and Telangana on the draft report on “Forest Fire Prevention and Management in India” vide letter dated 16.01.2018 and 19.01.2018 and the same are placed as Annexure R-3 & R-4 respectively.</p> <p>(c) Further, this Ministry has also sought the comments of NITI Aayog, National Disaster Management Authority (NDMA), Forest Survey of India (FSI), Dehradun and Forest research Institute (FRI), Dehradun on the draft report on “Forest Fire Prevention and Management in India” vide letter dated 24.01.2018 and the copy of the same is placed as Annexure R-5.</p> <p>4. That it is submitted that the National Action Plan on Forest Fire will be prepared taking some essential inputs from the above mentioned report after its finalization after receiving comments from all the concerned states which formed part of the study and the inputs from NITI Aayog, National Disaster Management Authority (New Delhi Municipal Council), Forest Survey of India (FSI), Dehradun and Forest Research Institute (FRI), Dehradun and with the approval of competent authority in the Ministry.</p> <p>5. That in this connection, it is submitted that as the National Action Plan on Forest Fire has to be prepared taking inputs from the above mentioned report of the World Bank study after its finaliation and after due consultation with the major stakeholders, it is submitted that the Hon’ble Tribunal may please grant additional time till the end of April, 2018 for preparation of the same</p>
--	--	---

	<p>Item No. 04</p> <p>July 17, 2018</p> <p>ss</p>	<p><i>taking inputs from the major stakeholders.”</i></p> <p>4. Thereafter, a further affidavit has been filed on behalf of Ministry of Environment, Forest and Climate Change dated 23rd April, 2018 stating as follows:-</p> <p>5. <i>That, further it is submitted that this Ministry issues advisories to all State/UT Governments for taking adequate measures for prevention and control of forest fire. The copy of such advisory issued during the current year for preparedness of forest fire is placed as Annexure R-1. The Forest Survey of India (FSI) Dehradun, a sub-ordinate organization of this Ministry disseminates satellite based forest fire alerts on the location of forest fire to all State/Union Territory Forest Departments and other registered users through SMS and e-mail. The information received from FSI, Dehradun regarding this case vide letter dated 23.04.2018 and email dated 23.04.2018 is submitted as Annexure R-2. The FSI vide the above mentioned letter inter-alia mentioned that the fire alerts disseminated at 11:20 hours on 11th March, 2018 using MODIS sensor carried positional coordinates and other details pertaining to the Anaikaraipatty beat of Theni range, Theni district. Fire alerts disseminated at 14:29 hours using MODIS sensor pertained to Kurangani-sough and Kurangani-north beat, where as the fire alert disseminated at 15:37 hours from SNPP-VIIRS sensor pertained to Kurangani-south beat.</i></p> <p>6. <i>This Ministry is also supplementing the efforts of State/UT Forest Departments by providing financial assistance for undertaking various forest fire prevention and management measures under the Centrally sponsored Scheme: Forest Fire Prevention and Management (FPM) Scheme. During the financial year 2017-18, this Ministry has released an amount of Rs. 105.00 lakhs (Rupees one hundred and five lakhs only) to the Tamil Nadu Forest Department under the FPM scheme for effective prevention and management of forest fire. Further, during the current financial year (2018-19), an amount of Rs. 175.00 lakhs (Rupees one hundred and seventy five lakhs only) has been tentatively allocated to the Tamil Nadu Forest Department under the FPM Scheme for undertaking various forest fire prevention and management measures which will be released based on the complete proposal received from the Tamil Nadu Forest Department as per the operational guidelines of the FPM scheme and with the approval of competent authority in this Ministry.</i></p> <p>7. <i>That it is submitted that, in response to</i></p>
--	---	--

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p><i>the forest fire incident of Kurangani, hills, Theni District, Tamil Nadu on 11.03.2018, this Ministry has issued an advisory to all State/UT Governments on regulation of movement of people inside the forest areas. The copy of the same is placed as Annexure R-3.</i></p> <p>5. Along with the said affidavit, 'National Action Plan on Forest Fire' has also been annexed. The said plan mentions the steps to be taken for preventing fire.</p> <p>The plan also stipulates the communication strategy for awareness generation, reaching out to different target groups like school campaign, campaign on radio, T.V., social media, mobile campaign during festival season sharing of information on portals. It provides for empowering the community so that cooperation of all concerned in the forest can be secured in various steps such as during mock drilling on forest fires. It further stipulates steps for increasing the resilience of forests to fires such as moisture retention plans. Forest floor biomass management and weed management. The plan also envisages forest fire preparedness by detection of forest fires and alerts by various steps like use of wireless network, digitization of the resources for forest fire, prevention and management. Resources to be inventories may include watch towers, control rooms, fire lines, telecommunication network etc. Further steps proposed are controlling the burning and suppression of fire, training the field staff, the fire watchers and the community fire fighters, equipping the fire fighters and having adequate manpower. The steps proposed also including assessment of loss due to fire and restoration action by garnering financial resources.</p>
--	--	---

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p>5. While we appreciate some of the steps taken in the right direction, it has been pointed out in the Rejoinder that following further steps need to be taken further:-</p> <p><i>“6. The Hon’ble Tribunal in Para 81(iii) had directed that in the beginning of each financial year the Respondents should disclose the financial resources, manpower, transport vehicle and firefighting equipment to the Forest Department both at State and district/division level so that the forest fire management plan could be implemented in totality and effectively. This direction has been completely overlooked in the plan submitted by the Respondent.</i></p> <p><i>7. I state further that the direction in Para 81 (vii) that Satellite based Forest Fire Alert should be strengthened in collaboration with the Naitonla Remote Sensing Agency (NRSA) and the Forest Survey of India (FSI) and the fiels staff trained in prevention and control, use of social media, print and electronic media and a dedicated website to be created for the purpose of information dissemination and the officers to be contacted in the event of fire has also not been fully complied with the said National action Plan on Forest Fire submitted and approved by the competent authority.</i></p> <p><i>8. I state further that the direction issued by this Hon’ble Court in Para 81 (viii) where a Sufficiently Senior Officer, at least at the level of Chief Conservator of Forests, should be designated to oversee fire prevention and control at the state Head Quarters and he should also be able to coordinate with other Government Agencies in the event of outbreak of fire and mobilze resources and man power, has also not been complied with. It is also further to be noted that the Hon’ble Tribunal also directed that a Cell comprising of the same officer should commence his work at least two months prior to the commencement of the fire season so that he can plan and mobilze resources, manpower and machinery besides carrying out mock drills well before the fire season.”</i></p> <p>6. Learned Counsel for the Ministry has, however, pointed out that in the affidavit dated 01st November, 2017 the above aspects have been duly adverted particularly para 10 which is as follows:-</p> <p><i>10. That with reference to the direction of the Hon’ble NGT regarding taking effective steps for prevention and control of forest fire such as</i></p>
--	--	---

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p><i>review of Crisis Management Plan, mobilizing financial & other resources at the beginning of the financial year mapping of forest fire vulnerability areas, ensuring effective participation of people living in villages close to forests in forest fire prevention and control by engaging the labour for forest fire prevention and control from same area & incentivizing them, preparing Forest Fire Management Plan with active partnership of Village Panchayat Raj Institution, Van Panchyats and revising the same every year based on the experience gained, use of social media, print & electronic media, creation of dedicated website for the purpose of information dissemination and the officers to be contacted in the event of forest fire designation of sufficiently senior level officer at least of the level of Chief Conservator of Forest (CCFs) to oversee the Fire Prevention and Control at the State level in coordination with other Government agencies in the areas of outbreak of forest fire, setting up of network of automated surveillance of watch towers/observations post at strategic locations, keeping dedicated team of official at the State, district and range level with adequate funds, infrastructure and manpower etc., it is submitted that as the action for compliance in this regard lies with the respective State Governments, the copy of the final judgment of Hon'ble National Green Tribunal dated 03.08.2017 has already been forwarded to Chief Secretaries of all States/Union Territories Governments with a copy to the Principal Chief Conservator of Forest of all States/Union Territories Government vide letter no. 8-4/2016-FPD (pt) dated 05.10.2017 for compliance. A copy of letter is annexed as Annexure R-6."</i></p> <p>7. The petitioner in person has pointed out certain news items on the subject:-</p> <ol style="list-style-type: none"> 1. Hindustan Times dated 08.03.2018. 2. Hindu dated 19.04.2018. 3. Indian Express dated 24.05.2018. 4. Times of India dated 24.05.2018. 5. Times of India dated 30.05.2018. <p>The news items give instances of incidents of forest fires.</p> <p>8. We have no doubt that these instances will be</p>
--	--	--

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p>looked into by the Ministry and such further steps taken in the light of such instances as may be necessary.</p> <p>9. Learned Counsel for the Ministry of Environment, Forest and Climate Change states that when these instances came to notice immediate action was taken. The issue being of continuing nature and polices have to be reviewed from time to time so as to ensure that as far as possible such incidents are avoided. Those all the helm of affairs as well as by the general public in the concerned areas have to deal with the situation. The issue of displacement of animal habitats on account of may also need to be looked into by the concerned authorities. We are informed that website has already been created for the purpose of dissemination of information. We are also informed that the Chief Conservator of Forest in every State is the Nodal Officer to monitor every incident, the Ministry has also created an 'App' for faster communication.</p> <p>9. We are of the view there must also be a Nodal Officer at the Central Level to continuously monitor and coordinate with States. We understand that an IG level officer in Forest protection division is responsible for the job. This aspect may be looked into by the concerned ministry.</p> <p>10. We are informed by the learned Counsel for the State of Tamil Nadu one man Commission (an IAS Officer) was appointed to look into the matter and give suggestions and a report has been submitted on 14th July, 2018. The same will be looked into and action taken.</p> <p>In view of the above, Original Application No. 60 of</p>
--	--	---

	<p>Item No. 04</p> <p>July 17, 2018 ss</p>	<p>2018 stands disposed of.</p> <p><u>M.A. No. 539 of 2018</u></p> <p>This application does not survive for consideration as the main application itself stands disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (Raghuvendra S. Rathore)</p> <p>....., EM (Dr. Satyawan Singh Garbyal)</p> <p>17.07.2018</p>
--	--	---

