

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

(By Video Conferencing)

Original Application No. 301/2022

In re : News item published in Hindustan dated 21.04.2022 titled
“Village in danger due to fire in forest”

Date of hearing: 29.04.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. The matter has been taken up in light of captioned media report to the effect that forest fire has taken place in Champavat Division in Uttrakhand, adversely affecting the environment and biodiversity and the life of inhabitants and animals in the area including Boom, Bhigrada, Devidura Forest and Sakedna, Machiyad, Poorvi Tallapal Veloon which requires remedial action.

2. We have considered the matter as reported in the media, mentioned above, and are of the view that remedial action is required to control the fire and also to prevent future fires. There is also need for rehabilitation of affected persons and restoration of the environment.

3. There are norms in place for preventing and controlling such forest fires by way of crisis management, rehabilitation and restoration. Preventive measures include alert systems, creating awareness, surveillance and mock drills. National Action Plan on Forest Fire (NAPFF)

has been adopted by MoEF&CC stipulates various strategies to prevent and control forest fires.

4. The matter was considered by this Tribunal inter-alia vide order dated 28.05.2019 in *M.A. No. 122/2019 in O.A. NO. 60/2018, Rajiv Dutta vs. Union of India & Ors.* Tribunal noted the steps taken in the matter as follows:-

“1. The issue for consideration is the control of forest fires. The matter has been dealt with earlier in various orders of this Tribunal. The Tribunal sought report on fire alerts, mapping of forest areas which are critical and vulnerable, steps for fire line cutting as preventive measures, steps to prevent aggravation and adverse impact on environment and policy framework. National Policy was directed to be prepared and periodically updated under Section 5 of the Environment (Protection) Act, 1986, envisaging Forest Fire Management Plans, Crisis Management Policy, plans for relief, rehabilitation and restoration, financial resources, manpower, transport, fire-fighting equipment, community involvement, including involvement of Panchayati Raj Institutions, Van Panchayats, satellite based forest fire alert system in collaboration with the National Remote Sensing Agency (NRSA) and the Forest Survey of India (FSI), use of media for information, dissemination and awareness, having a nodal officer to oversee fire prevention and control at Head Quarters to coordinate with different Government agencies, dissemination of best practices and experiences, network of automated surveillance or watch towers/observation posts at strategic locations, mock drill exercises, capacity building at various levels. The Ministry of Environment, Forest and Climate Change (MoEF&CC) accordingly responded by formulating Action Plans.

*2. The matter was finally reviewed on 17.07.2018 in the light of affidavit of the MoEF&CC dated 23.04.2018 to the effect that National Action Plan on Forest Fire (NAPFF) was duly adopted by the MoEF&CC to minimize forest fires and allied issues. It is not necessary to reproduce the entire plan. Suffice it to state that the Plan stipulates 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 drill 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 inventorised 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 include assessment of loss due to fire and restoration action by garnering financial resources.

3. The Tribunal noted that the problem being of continuous nature, policies and implementation were required to be reviewed from time to time by an institutional mechanism. Apart from forest fires, issue of its impact on general public and wildlife are also needed to be addressed. Nodal officer at the central level, preferably Inspector General, in the Forest Protection Division in the MoEF&CC could monitor and coordinate the implementation of the NAPFF with the States. The matter was accordingly disposed of.

4. M.A. No. 122/2019 has been filed by the applicant on 26.04.2019 stating that incidents of forest fires are on the increase as per the report published on the internet which required more effective steps for implementation. The Tribunal, vide order dated 02.05.2019, sought a report from the MoEF&CC and also required the presence of the Inspector General of Forest (In-charge, Forest Protection and Forest Fire) to be present in person.

5. Accordingly, report has been filed by the MoEF&CC vide e-mail dated 23.05.2019 and Mr. Deepak Kumar Sinha, Inspector General of Forest (In-charge, Forest Protection and Forest Fire) is present in person. The compliance report states that **forest fire hotspots have been identified which are 74 in number based on Moderate Resolution Imaging Spectro-radiometer (MODIS) data. Satellite-based forest fire alerts are sent through sms/e-mails for effective measures. The NAPFF has been uploaded on the website. Advisories have been issued to the States/UTs for prevention and control of forest fires on 03.01.2019. Primary responsibility to prevent, control and manage forest fires is of the State Forest Departments. The Central Government may provide assistance under the Central Sponsored Forest Fire Prevention and Management (FPM) Scheme. Funds are released against the Annual Plan Operations (APOs) approved by the State Forest Department. Compensatory Afforestation Fund Act 2016 and Rules, 2018 provide for utilization of Net Present Value (NPV) for protection of forests from fire and State Forest Departments are utilizing the fund for the said purpose.**

6. We have interacted with the Inspector General of Forest (In-charge, Forest Protection and Forest Fire) present in person. **During the interaction, we find that though comprehensive action plan has been duly adopted, its implementation requires a robust institutional mechanism in view of increase in the incidents in spite of such a plan. Such mechanism may comprise of representatives of the MoEF&CC, the Central Pollution Control Board (CPCB), Wildlife Institute of India, Dehradun, National Disaster Management Authority, Indian Council of Forestry Research and Education (ICFRE), Dehradun, Forest Survey of India and the National Remote Sensing Centre, Hyderabad representing the Central**

Government on the one hand and the Principal Chief Conservator of Forests of all the States/UTs on the other.

7. *The Central Monitoring Committee will be headed by the Secretary, MoEF&CC with seven members mentioned above. The Secretary, MoEF&CC will be free to coopt any other member or experts, apart from special invitees, if any. The Central Monitoring Committee may meet preferably once in three months and address all the issues arising out of the forest fires, including the effective implementation of the NAPFF.*

8. *We also note from the NAPFF that a national level database is to be developed for burnt area assessment on yearly basis. Standardized protocols and procedures are needed to facilitate the reporting of the area affected and losses due to forest fire which is to be developed by the ICFRE in association with FSI and other institutions. The work has been assigned to the ICFRE to standardize protocols for estimating area affected and losses due to forest fire and reporting the same at successive levels. ICFRE is also to assist in designing and organizing adequate training programs for forest officials at various level. ICFRE may expedite the process and conclude the assigned task within three months. The Central Monitoring Committee may hold its first meeting as early as possible, preferably within three weeks in view of ongoing season for such forest fires.*

9. *The Secretary, MoEF&CC may issue directions for constitution of appropriate institutional mechanism at State levels also.”*

5. In view of above, we consider it appropriate to direct the Secretary, Forest, Uttarakhand to look into the incident of fires mentioned in the media report and take appropriate action for rehabilitation of the effected persons and restoration of the affected area, as per current schemes, utilizing the CAMPA Funds, available with the State.

The application is disposed of.

In case any grievance survives, it will be open to the aggrieved party to take remedy as per law.

A copy of this order be forwarded to Secretary, Forest Uttarakhand and MoEF&CC by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

April 29, 2022
Original Application No. 301/2022
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