

304

MINUTES OF THE SPECIAL MEETING OF THE RIDGE MANAGEMENT BOARD HELD AT 1530 HOURS ON 27.06.2012 UNDER THE CHAIRMANSHIP OF SHRI P.K. TRIPATHI, CHIEF SECRETARY TO CONSIDER THE PROPOSAL OF BORDER ROADS ORGANISATION FOR CONSTRUCTION ON DEFENCE LAND AT NARAINA IN DELHI CANTT.

The following attended the meeting:-

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|-------|--|------------------|
| 1.    | Shri K.S. Mehra, Pr. Secretary (Environment & Forests), GNCTD    | Member           |
| 2.    | Shri D.M. Spolia, Pr. Secretary (Finance & Planning), GNCTD      | Member           |
| 3.    | Shri G.N. Sinha, Addl. Pr. Chief Conservator of Forests, GNCTD   | Member           |
| 4.    | Shri Ravi Aggarwal, Toxic Links                                  | Member           |
| 5.    | Shri Ashok Kumar, Commissioner (Planning), DDA, Rep. of VC, DDA  | Member           |
| 6.    | Shri R.S. Sinha, Conservator of Forests, GNCTD                   | Spl. Invitee     |
| 7.    | Col. Gursimrat Singh, Director (Org.), Dte. General Border Roads | Spl. Invitee     |
| 8.    | Smt. Savita Bhandari, Addl. Commissioner (Landscape)             | Spl. Invitee     |
| 9.    | Er. R.C. Rangray, Engg. Officer/ L&DO, Ministry of UD, GOI       | Spl. Invitee     |
| 10.   | Shri Nisheeth Saxena, DCF (West), GNCTD                          | Spl. Invitee     |
| ✓ 11. | Shri D.M. Shukla, Chief Conservator of Forests, GNCTD.           | Member-Secretary |

The Chief Secretary & Chairman, Ridge Management Board (RMB), welcoming the Members and Special Invitees, informed that the proposal of the Directorate General of Border Roads for construction of transit training and other infrastructure facilities on A-1 Defence Land at Naraina in Delhi Cantt. on Ring Road, a non-forest land in the ridge, had emanated on account of the directions issued by the Hon'ble High Court of Delhi in its order dated 30.11.2011 in WP (C) No. 3339/2011 in the matter of Ashok Tanwar v/s UOI & Ors. Expressing his displeasure in the manner in which the Directorate General of Border Roads had gone ahead with the construction works on the morphological ridge despite repeated requests made by the Dy. Conservator of Forests (West) for obtaining clearance of this Board, the Organisation had shown no respect to the rule of law and the directions contained in the order dated 09.05.1996 in WP (C) No.4677 of 1985 in the matter of M.C. Mehta vs. Union of India & Ors. of the Hon'ble Supreme Court of India for protection of the ridge in Delhi, irrespective of the justification given by BRO. He, thereafter, asked the Member Secretary to apprise the Members and Special Invitees present in the meeting of the facts of the case for their consideration.

The Chief Conservator of Forests gave a detailed account of the proposal including the background of the case as under:

A. One Shri Ashok Kumar Tanwar R/o WZ-608, Naraina village, New Delhi-28 had filed a PIL in W.P. (C) No. 3339/2011 in the matter of Ashok Kumar Tanwar vs. Union of India & Ors. in the Hon'ble High Court of Delhi seeking its direction for protection of forest and waste land surrounded at West by Inderpuri Road and Naraina Industrial area i.e. 'Central Ridge in NCT of Delhi' as per notification dated 24<sup>th</sup> May, 1994 issued by the Lt. Governor and other related issues. Besides the respondents (four in number) from the Govt. of India, the Govt. of NCT of Delhi through Conservator of Forests, Department of Forests & Wildlife has been impleaded as Respondent No.2 in the above PIL.

B. The counter affidavit in the above matter had been filed in the Hon'ble High Court of Delhi through Shri Nazmi Waziri, Standing Counsel (Civil), GNCTD on behalf of Respondent No.2 i.e. the Conservator of Forests, Govt. of NCT of Delhi.

C. The Hon'ble High Court, after hearing the matter, had passed the following order on 19.10.2011:

*"Mr. M.K. Gautam, Advocate for the petitioner argues that the construction in question is on the ridge area. On the other hand, Mr. Najmi Waziri, Advocate appearing for Government of NCT of Delhi has stated that the construction is not on the ridge area but concedes that it is on the geological extended ridge area. Even if it is accepted, without proper clearance, no such construction could prima facie be raised. Mr. A.S. Chandhiok, learned ASG wants some more time to look into this aspect. Mr. N. Waziri, Advocate shall also take views of the Ridge Authorities in the matter."*

D. However, in compliance of the above directions, the views of the Ridge Management Board were filed in the Hon'ble Court as under:

- i. *That the Government of NCT of Delhi, vide notification dated 24.05.1994, had declared approximately 864 Ha. of government land in the Central Ridge as Reserved Forest under Section 4 of the Indian Forest Act, 1927.*
- ii. *That the Hon'ble Supreme Court of India, in its order dated 09.05.1996 in IA No.18 in WP (C) No.4677 of 1985 in the matter of M.C. Mehta vs. UOI & Ors., had directed that the "ridge" in Delhi should be protected in its pristine glory.*
- iii. *That the land in question is part of Defence Estate Land, and situated outside the limits of the Proposed Reserved Forest in the Central Ridge notified under section 4 of the Indian Forest Act, 1927 vide notification dated 24<sup>th</sup> May, 1994 and has morphological features conforming to the Ridge as defined by the Hon'ble Supreme Court of India in its order dated 09.05.1996 in WP (C) No.4677 of 1985 in the matter of M.C. Mehta vs. Union of India & Ors.*
- iv. *That neither the Border Road Organization nor the Defence Research & Development Organisation of the Ministry of Defence has sought clearance from the Ridge Management Board or obtained approval from the Hon'ble Supreme Court of India through the Central Empowered Committee before taking up construction in the said area, which is a pre-requisite in view of the directions issued by the Hon'ble Supreme Court of India contained in its order dated 09.05.1996 in WP (C) No.4677 of 1985.*
- v. *The Ridge Management Board, in similar cases, in the past, has granted clearance to DMRC for laying of Metro Lines and NHAI for upgradation of NH-236 in non-forest land having the morphological features of the ridge outside the notified forest land, which were confirmed by the Hon'ble Supreme Court of India through CEC as also the stand taken by the Government in SLP (Civil) No.6480/2011 in the Hon'ble Supreme Court of India in the matter of Govt. of NCT of Delhi vs. DDA & Ors (Tehkhand case).*

E. The Hon'ble High Court of Delhi, after hearing the parties in WP (C) No. 3339/2011 in the matter of Ashok Tanwar v/s UOI & Ors. and disposing of the PIL, had passed the following order on 30.11.2011:

1. *The petitioner is alleging unauthorized construction known as OTM accommodation for Supervisors/ Ors of HQ DGBR at Naraina, New Delhi on land surrounded at*

203

*West by Inderpuri Road and Naraina Industrial Area i.e. Central Ridge in NCT of Delhi as per Notification dated 24<sup>th</sup> May, 1994.*

2. *As per the petitioner, the area is part of Central Ridge and therefore as per the orders of the Supreme Court, no construction is permissible there upon. The Govt. of NCT of Delhi as well as Border Road Organisation (BRO) have filed the affidavits explaining the nature of the land in question. As per Govt. of NCT of Delhi though it is not exactly ridge area, but it is geologically extended ridge area.*
3. *Today, short affidavit on behalf of Govt. of NCT of Delhi is handed over wherein it is stated that after carefully examining the matter and taking the views of Ridge Management Board following position emerges:*
  - i. *That approximately 864 Hectares of ridge land of the Central Ridge was notified as 'proposed reserved forest' under section 4 of the Indian Forest Act, 1927, vide notification dated 24<sup>th</sup> May 1994.*
  - ii. *That the Hon'ble Supreme Court in its order dated 9<sup>th</sup> May 1996 in W.P. (C) No 4677/1985 viz. M.C. Mehta vs. UOI and ors. clearly enunciate that:*

*"...some parts of the Ridge have been erased in the Central City area. No further infringement of the Ridge is to be permitted. It should be maintained in its pristine glory...."*
  - iii. *That both impugned sites form a part of the Defense Estate Land and are of the character of a 'Geological Ridge', though falling outside the Notified Forest Ridge Land.*
  - iv. *That none of the organizations under the Ministry of Defence, Government of India have sought any clearance either from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee (CEC), before undertaking any construction in the area. Such permission is a pre-requisite in view of the directions of the Hon'ble Supreme Court in its order as aforementioned.*
  - v. *That the Ridge Management Board in similar cases in the past has granted clearance to the DMRC for laying of Metro Lines and NHAI for upgradation of NH-236 in non-forest land having morphological features of the Ridge but situated outside the notified forest land. The said permission was also confirmed by the Hon'ble Supreme Court through the CEC.*
4. *It is clear from the aforesaid that the area in question is given the character of a "Geological Ridge" though falling outside the Notified Forest Ridge Land. Even in respect of such a land, clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee is to be obtained before carrying out any construction. Such permission is a pre-requisite in view of the directions of the Supreme Court. It is also mentioned that for laying of Metro Lines and NHAI for upgradation of NH-236 in the said area, DMRC and NHAI had taken permission of the Ridge Management Board in the non-forest land having morphological features of the Ridge. Admittedly, no such permission is sought by BRO.*

5. *Learned counsel appearing for the BRO submits that the area does not fall in the Central Ridge Area which is concluded by the Ridge committee constituted by the Supreme Court. He has drawn our attention to the Action Taken Report filed by Deputy Conservator of Forests (West) along with its covering letter dated 23<sup>rd</sup> September, 2010. No doubt according to the report this area is not a part of Ridge Area, however the report itself suggests that it morphologically appeared to be Ridge Area. The report further states that for this reason, even letter dated 10<sup>th</sup> June, 2009, was written to the BRO requesting it to stop ongoing construction work immediately till the status of the land is ascertained. Whether further deliberations were carried out by the said Committee and status of the area is finally determined or not, is not clear.*
6. *One fact which clearly emerges is that clearance of Ridge Management Board or the Supreme Court through the Central Empowered Committee is required for carrying out any construction. No such permission is sought, on the contrary Central Empowered Committee had asked the BRO vide letter dated 10<sup>th</sup> June, 2009 to stop the ongoing construction work.*
7. *In these circumstances, we restrain the BRO from carrying out any further construction works on the land aforesaid till it obtains necessary clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee.*
8. *It is not necessary to go to other prayers as the Supreme Court is seized of the matter in M.C. Mehta case.*

F. The Member Secretary, RMB informed that the present proposal submitted by the Directorate General of Border Roads was in compliance of the above directions of the Hon'ble High Court, the salient features of which were as under:

- a. BRO had taken up the construction of transit, training and other infrastructure facilities on 2.25 Acre of A-1 Defence Land (GLR Survey No. 1 (Pt.) Naraina, Delhi Cantt.) allotted to the Dte. of Border Roads by the Ministry of Defence for the personnel of the Border Road Organization.
- b. As per the records the land in question upon which the construction works were undertaking is part of Morphological Ridge but outside the limits of the notified Reserved Forests in the Central Ridge near Naraina on the Ring Road.
- c. The work was sanctioned in the year 2007 for an estimated cost of Rs. 12.50 Crore. Though the Deputy Conservator of Forests (West) vide his letter dated 10.06.2009 had asked BRO to stop the ongoing construction works immediately but the same continued and at present is 95% complete.
- d. The location of the BRO construction site has been shown in the map.
- e. As per the records available in the office of the Deputy Conservator of Forests & Tree Officer (West), one tree which was found standing at the time of inspection carried out in 2009 could not be seen in the project site. As no permission was sought/taken by BRO for removal of the said tree, it is presumed that the same has been removed. The Tree Officer, having taken cognizance of the offence, shall be

302

initiating proceedings under the provisions of the Delhi Preservation of Trees Act, 1994 and Rules made there under separately.

G. Shri Ravi Aggarwal, Member, RMB pointed out that BRO's continuing ahead with the construction works on the morphological ridge was in complete disregard to the directions issued by the Hon'ble Supreme Court of India in the landmark case of M.C. Mehta on ridge matters. He further pointed out that if the defence organization like BRO of the Government of India, Ministry of Defence cannot follow the rule of law and the directions of the Apex Court, how could the same be expected from other organization/ institutions and government agencies. Shri Aggarwal impressed upon the Members of the Board to take strong exception of it and requested to put in place a mechanism whereby recurrence of such cases do not take place in future.

H. Col. Gursimrat Singh, Director (Org.) from the Directorate General of Border Roads submitted that the construction of transit, training facilities on 2.5 Acres (approx.) A-1 defence land allotted to BRO at Naraina by the Ministry of Defence had been sanctioned for providing much needed accommodation for the BRO personnel as there was acute shortage of the same at the Headquarters and there had been no intention on the part of the organization to violate the law and directions of the Apex Court by taking up such construction works. He also pointed out that in absence of clear demarcation of the limits of morphological ridge and existence of old structures in the vicinity, the area in question had been inadvertently construed to be falling outside the limits of morphological ridge and assured that no such violation would take place from their side in future.

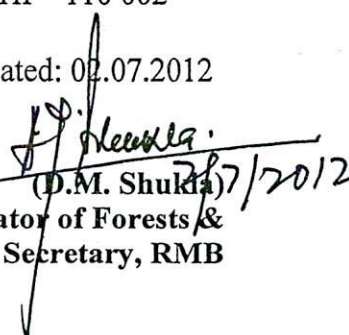
After careful consideration of the facts and the views expressed by Members, it was decided that the Directorate General of Border Roads Organisation may move the Central Empowered Committee constituted by the Hon'ble Supreme Court of India for ex-post facto approval of the Apex Court in respect of the construction works so undertaken by them in terms of the order dated 9<sup>th</sup> May 1996 in W.P. (C) No 4677/1985 viz. M.C. Mehta vs. UOI and Ors. and in compliance of the directions issued by the Hon'ble High Court of Delhi stated above without making it as a precedence. As regards the unlawful removal of a tree from the site of construction, it was further decided that Dy. Conservator of Forests & Tree Officer (West) shall dispose of the offence in accordance with the provisions made in the Delhi Preservation of Trees Act, 1994 and Rules made thereunder.

The meeting ended with the thanks to the Chair.

GOVT. OF NCT OF DELHI  
DEPARTMENT OF FORESTS AND WILDLIFE  
2<sup>ND</sup> FLOOR, A-BLOCK, VIKAS BHAWAN, I P ESTATE, NEW DELHI - 110 002

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Dated: 02.07.2012

  
(D.M. Shukla)  
Chief Conservator of Forests &  
Member Secretary, RMB

**Distribution :**

All Members of the Ridge Management Board (As per list enclosed).

**Copy to:**

1. Col. Gursimrat Singh, Directorate General of Border Roads, Seema Sarak Bhawan, Ring Road, Delhi Cantt.-110 010.
2. The Dy. Conservator of Forests, West Forest Division, Mandir Marg, New Delhi.
3. The Addl. Commissioner (Landscape), DDA, Vikas Sadan, INA, New Delhi.
4. Er. R.C. Rangray, Engg. Officer/ L&DO, Ministry of Urban Development, Nirman Bhawan, New Delhi.

**Copy also to:**

1. The Chief Secretary & Chairman, RMB, Govt. of NCT of Delhi, 5<sup>th</sup> Level, Delhi Sachivalaya, IP Estate, New Delhi.
2. Shri M.K. Jiwrajika, Member Secretary, Central Empowered Committee, 2<sup>nd</sup> Floor, Chanakya Bhawan, Africa Avenue, Chanakyapuri, New Delhi-21.

*B.M. Shukla*  
2/11/2012  
Chief Conservator of Forests &  
Member Secretary, RMB