

REPORT ON THE VASANT KUNJ RIDGE AND FOREST AREA



Prepared by
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Special Invitee
Central Empowered Committee
Set up by
The Supreme Court Of India

July 2004

BACKGROUND

1. The Central Empowered Committee, vide its order No. 1-5/CEC/SC/02 dated 26.3.2004 (Copy at Annex 1), co-opted Mr. Shekhar Singh as a member to look into the issues raised in application No. 331 and to prepare a report and make suitable recommendations.
2. Prof. Vikram Soni and others had submitted an application (No. 331) to the Central Empowered Committee (CEC) dated 19 January, 2004 (copy at Annex 2). The applicants stated that in the ridge area extending from south west of Mehrauli and North of Vasant Vihar:
 - a. There is extensive felling of trees and construction activities.
 - b. That this area is a part of the Delhi Ridge that has to be protected from all destruction and encroachments, as per the Master Plan of Delhi 2001 (MPD 2001).
 - c. That this area is also a forest area and, therefore, cannot be diverted for non-forest use without the permission of the MoEF, as per the Forest Conservation Act.
 - d. That the felling of trees and construction activities in this area are also in violation of various other laws and orders.
3. They prayed that:
 - a. The CEC should pass necessary orders to stop all infringements/violations forthwith.
 - b. Direct all concerned authorities to protect and preserve this area as a forest area.
4. Further, in their application (not dated- copy at Annex 3), they prayed that the CEC immediately stay the felling of trees and construction activities going on in the area.

THE QUESTIONS ARISING OUT OF APPLICATION 331

5. The questions that arise out of the application are:
 - a. Is there extensive felling of trees going on in the area?
 - b. Is there construction activity going on in the area?

6. If the answer to the above questions is “yes”, then the CEC further needs to examine the following questions :
- a. Is this area a part of the Delhi Ridge?
 - b. Does it have protection under the MPD 2001?
 - c. Is this area a forest area?
 - d. If so, have all the required permissions being given under the various relevant acts, for felling of trees/construction in the area?
 - e. Are there other laws, orders, or considerations, that are relevant to the area and that are being violated by the felling of trees/construction activities?

THE AREA

7. The area under consideration is the area enclosed by the Nelson Mandela Marg (and the Jawaharlal Nehru University) on the East, the Mehrauli Road (and Vasant Kunj) on the South, The Gurgaon Road (National Highway 8) on the West and the Outer Ring Road (Rao Tula Ram Marg and Vasant Vihar) on the north (Map at Annex 4).

Unfortunately, as detailed later, despite repeated reminders, no response was received from the DDA and, as such, the exact details of the area, including its exact area (estimated to be about 800 to 1000 hectares), the allotments and uses made and actually in existence, etc., are not available.

FIELD VISIT

8. The concerned area was visited on Saturday, 10 April, 2004, along with the applicant, Prof. Vikram Soni. Apart from inspecting much of the site, a visit was also made to the areas where, according to the applicant, felling of trees and construction work was going on. Among other things, it was observed that construction work in the area demarcated by the Army was going on and that trucks carrying rocks and debris were moving around. Stumps of numerous cut trees were also observed and it was obvious that this area had been cleared of its trees and vegetation. Given the thick forest vegetation surrounding the area where the army construction was going on (see photographs 4-9), it seemed

reasonable to assume that the area being used by the army must have also been thick forest before the construction work started.

9. A letter was subsequently written to the Member Secretary of the CEC (14 April, 2003 – copy of letter at Annex 5) alerting him to the ongoing activities and suggesting that these activities be immediately stayed, as had already been suggested by the CEC (Annex 6).

CONTACTING OTHER PARTIES

10. A letter was also sent to all the parties to the application, on 19 April 2004, requesting them to send in any response or view that they might have on the said application (Annex 7). As a response was received only from the Delhi Station Headquarters of the Army (Annex 8), by the due date, a reminder was sent to all the other parties vide letter of 12 May 2004 (Annex 9). Subsequently, responses were also received from the Department of Forests, Government of Delhi (Annex 10) and the Central Ground Water Board (Annex 11). However, there was no response, despite the reminder, from the other parties.
11. On 17 May 2004, a letter was addressed to the Vice Chairman of the DDA (Annex 12), requesting him to make available a copy each of the Master Plan of Delhi 1966 and 2001, so that land use categories of the area in question could be verified. He was also requested for a copy of the zonal plans for the area under question, prepared under these two master plans, and for a map of the area indicating all the allotments made to date, along with the details of the allotments (name of allottee, area, date of allotment, purpose, etc.). As there was no response till the due date, a reminder was sent on 25 May 2004 (Annex 13). Subsequently, a copy each of three maps, two being zonal maps and one being a land use plan map, were received. However, despite the reminder, the other information sought was never provided.

FINDINGS

12. Given below are the findings on the various issues arising from application 331, as listed in 5 above. These findings are based on the field visit, on an examination of various relevant documents, and on the responses received from the concerned parties,

13. *Is there extensive felling of trees going on in the area?*

a. There is no doubt that extensive tree felling has taken place in the area. This is obvious from:

- The fact that areas adjoining the areas walled in by the Army have a large number of trees while all vegetation has cleared from the walled in areas (see photographs 7 and 8)
- The existence of tree stumps even in areas that have not been cleared .
- Earlier report of the Forest Department of Delhi Government describing the area as being under “good forests”.

b. Though it is not possible to get direct evidence, from a field visit, on who might be cutting the trees, it seems very probable that, at least in the area walled off by the army, the clearing of vegetation was done by the Army itself. This is further supported by the fact that the Forest Department of Delhi Government had fined the Army under the Delhi Tree Act for cutting trees (Annex 14) and, though the Army had denied it, they had nevertheless paid the fine and not contested the matter beyond recording that they were not admitting to it. Therefore, I have no hesitation in answering the first question in the affirmative.

14. *Is there construction activity going on in the area?*

a. The field visit also made it clear that, at least until 10 April, 2004, construction activity was going on in the area and not only were there

labourers working at the construction site (photograph 3), but trucks were also moving around carrying construction material.

- b. Therefore, I have no hesitation in answering the second question also in the affirmative.

15. As the answers to the first two questions was in the affirmative, it becomes incumbent on the CEC to investigate the other questions raised in the application, as they now become relevant and of great importance. The first of these questions is: is this area a part of the Delhi Ridge.

16. *Is this area a part of the Delhi Ridge?*

- a. The demarcation of the ridge had been suggested, among other things, by a committee set up by the Lt. Governor of Delhi, in 1993, under the chairmanship of Shri Lovraj Kumar, former Secretary to the Government of India. This committee, commonly known as the Lovraj Kumar Committee, had the following composition and terms of reference: “Through his Notification No. F.2 (11)/DCF/1990-91 dated April 24, 1993, the Lt. Governor of Delhi constituted a Committee to suggest a management pattern for the Delhi Ridge comprising:

Shri Lovraj Kumar	Chairman
Dr. Shekhar Singh, IIPA	Member
Shri N. D. Jayal, INTACH	Member
Shri Ashish Kothari, Kalpavriksh	Member
Shri Thomas Mathew, WW Fund for Nature – India	Member
Dr. Mrs. Iqbal Malik, Srishthi	Member

Inspector General of Forests,
or his nominee (Represented by
Shri M.K. Jivarajkar, DIG Forests)

Ministry of Environment of Forest

Member

Shri S.P. Jakhanwal, Vice Chairman, DDA

Member

Shri K. Dharmarajan, Joint Secretary,
Ministry of Urban Development

Member

Shri Rakesh Mehta, Development
Commissioner of the Government of
the National Capital Region, Delhi

Member-Secretary

Shri R. Dayal, Director
(Horticulture), DDA

Joint Secretary

With the following terms of reference:

- (i) the committee will study the present arrangement regarding the management of the Delhi Ridge and suggest alternative management pattern with the objective of preserving its natural habitat;
- (ii) the committee will examine the problems in the existing set up with respect to the provisions in the M.P.D 2001 wherein it has stated that “the ridge thus identified should be conserved with utmost care and should be afforested with indigenous species with minimum of artificial landscape; and
- (iii) the committee will suggest ways by which the monitoring of the Ridge could become an integral part of the work of the agency/agencies responsible for management of the Ridge.”

- b. The question of whether the area in question, or a part thereof, was a part of the Delhi ridge seems to have exercised the CEC earlier. The CEC seemed to have earlier assumed that this is not a part of the ridge area and, therefore, asked the Forest Department of the Delhi Government, Why the area in question had been left out side the Ridge area? In their reply (Dated: 24.03.2004 – Annex 15), Shri A K Sinha, Conservator of Forest, Delhi Government has stated:

“In this regard it is submitted that a committee was constituted by the Govt. of Delhi under the Chairmanship of Sh. Lovraj Kumar to suggest a management pattern for the Delhi Ridge. Sh Lovraj Kumar’s Committee identified the Ridges on the basis of Master Plan 2001. The committee’s report was submitted to the Govt. of India for their opinion on 4.11.1993. The Govt. of India had given their opinion on 24.11.1993 to take action on the issue of notification under See – 4 of Indian Forest Act 1927. As per the report, the Committee had identified four Ridges to be notified as Reserved Forests. Total notified area of all 4 Ridges is approx. 7777 Ha as mentioned by Sh. Lovraj Kumar committee. The Committee has relied upon the MPD, 2001 prepared by the DDA to arrive at 7777 Ha areas for the notification of Ridge.

“Pursuant to the directions of the Hon’ble Supreme Court and after getting the opinion of the Govt. of India on the recommendations of the Lovraj Committee and approval of Cabinet of the Govt. of NCT of Delhi, notification under section 4 of Indian Forest Act, 1927 was issued on 15.5.1994 for Four Ridges i.e. Northern Ridge, Central Ridge, South – Central Ridge and Southern Ridge comprising of an area of 7777 ha. The boundary of each Ridge mentioned above has been defined in the notification (based on the Lovraj Kumar Committee Report).

“From the above it is submitted that the Ridges were notified as Reserved Forest on the basis of recommendations of Lovraj Committee Report, in which MPD – 2001 formed the basis for identification of

Ridges. The Forest Deptt. Cannot at this stage state as to why this area was not included in the Ridge.”

- c. However, a close look at the Lovraj Kumar Committee (LKC) Report and the enclosed maps suggest a somewhat different picture. The LKC had made the following observations about the extent of the ridge:

‘The maps enclosed with this report show the boundaries of the Delhi Ridge as well as the allotments. **But these maps do not reflect the ground reality in all cases. The ground position can be determined only through survey and demarcation on the ground.** The list of allotments is not also complete and reflects only such information as is available with the different agencies managing the Ridge. The Notifications under the Indian Forest Act 1927 on April 10, 1980 incorrectly declared certain Reserve Forest areas as Protected Forest. The status of the Reserved Forest can not be so altered and , therefore, this subsequent Notification is in fructuous.

“Contrary to the prime objective of these important Notifications, physical destruction of the Ridge has continued. At first this was to provide access to developing colonies – in the 1920s and 1930s Karolbagh, at the time being developed, was provided access by blasting parts of the Ridge where now Jandewalan and Sadar Bazar are located. The physical destruction of the Ridge accelerated in the years after Independence with the pressure to resettle a large number of refugees, but has continued apace since. Land in the Ridge has been permitted to be occupied (in several cases, temporarily, but still not vacated after long years) for an increasing variety of uses – Police Stations, Wireless stations; by the Military, C.R.P.F and C.I.S.F, Petrol Pumps, Schools, Hospitals, staff Quarters, Transmission Towers and so on. It has been also encroached upon by large number of individuals and associations. Also, Contrary to the prime objective of the earlier mentioned notifications and the Master Plan of Delhi 2001, parts of the Ridge have been artificially landscaped after clearing the natural vegetation. It is specially distressing that a substantial part of this

contravention of Government's own notifications has been (and continues to be) by agencies of the Union Government and the Delhi Administration, and that permission to them to occupy land on the Ridge has been often granted by Government Department – mostly on a temporary basis but with little or no intent to terminate the occupation.

“Pressures for the use (misuse) of land in the Ridge for a very wide variety of purpose continue, indeed are increasing. These continue also to lead to denudation of vegetation, large-scale excavations and the consequent environmental degradation.” (P 14-15; emphasis added)

The LKC goes on to say:

“In the circumstance, the Committee concluded that for the present it will be most feasible to immediately notify the intention to declare all areas in the entire Ridge (Northern, Central, South Central and Southern) as Reserved Forest under section 4 of the Indian Forest Act, 1927. This must be accompanied by demarcation on the ground by the erection of boundary pillars (which has been just now – in October, 1993, entrusted by the Development Commissioner to the Survey of India) in the Shortest possible time, as well as by the simultaneous appointment of Settlement Officers who must be directed to complete their work under the Indian Forest Act, 1927 with the utmost speed. In order to ensure that each and every provision of this Act is followed and no legal infirmity is permitted to exist, the expertise of the Centre for Environment Law in World Wide Fund for Nature – India, should be availed of for overseeing the implementation.

“The committee further recommends that some guidelines be formulated to assist in the process of determining what areas, if any, should be excluded from the final notification, constituting the Ridge into a reserved forest. Suggested guidelines are being sent separately.” (P 19 - emphasis added)

- d. From the above passages it seems clear that the LKC did not accept, in toto, the demarcation of the Ridge, as depicted in the DDA maps. They

had suggested that there be a survey and demarcation based on field realities.

- e. Further, when one looks at the maps enclosed with the LKC Report, one realizes that they are maps prepared by the DDA. The question can, then, be asked, why did the DDA not include this area as a part of the Delhi Ridge? This is especially pertinent as the officially designated ridge extends just across the Mehrauli Mahsudpur Road, a few metres from this area, and is in no way distinguishable from this area (See map at Annex 16). Perhaps the answer lies in DDA's perceptions of its own role and functions. The LKC itself noted the inclination of the DDA to look at the Ridge as a "development area". The Committee has recorded the following observations in its report:

"During discussion, the Vice Chairmen, DDA, and his colleagues in DDA explained that proper management of the Ridge (for the purpose of rigorous conservation) would be facilitated if the entire Ridge is also declared 'Development Area' under the Delhi Development Act, 1957. Section 2 of this Act (Definition) defines development as 'carrying out of buildings, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land including redevelopment'. **This is just the reverse of the conservation of the Ridge that the Committee is convinced is essential.**" (P 19-20; emphasis added)

- f. Therefore, it is not surprising that many areas that should certainly have been included in the map as parts of the ridge were left out by the DDA. It seems clear that the DDA had already made up its mind to develop this area and therefore did not include the said area within the boundaries of the Delhi Ridge, despite the fact that it had the same geological and the vegetation characteristics as the rest of the ridge. There is, therefore, no reason whatsoever to even consider that this area is not a part of the Delhi Ridge. The fact that it is located to the west of much of Delhi gives it even greater ecological importance as it becomes of the last barrier between the

hot and dusty winds coming from Rajasthan and the main city of Delhi. The LKC has the following to say on the subject:

“Satellite images indicate clearly that the Ridge (Which is an extension of Aravallis) provides a natural boundary between the desert and green area. It acts as a barrier to keep out the sands of Rajasthan and also, to an extent, hot winds from the plains to the North. With its vegetation, the ridge acts as a moderator of the climate and absorbs dust.” (P 5)

- g. The master Plan of Delhi 1962, the Master Plan of Delhi 2001, the National capital Regional Plan 1990, and the Lt. Governor of Delhi have all stressed on the ecological value of the Ridge and the criticality of preserving it. This has been stated by the LKC as follows:

“The Master Plan of Delhi – M.P.D. 1962, recognized the importance of preservation of the eco-system for the environment of the city (refer also to paragraphs of 3 to 6 this report) and so recommended that it be conserved and protected as a natural forest (though it saw the possibility of developing the Ridge along the lines of the Central Park in New York!). This was reiterated in the Master Plan of Delhi – MPD 2001, which stated that conservation of the Ridge (and the Yamuna River) was of the utmost importance for sustaining the natural eco-system and recommended that the Ridge must be conserved with utmost care and should be afforested with indigenous species with minimum of artificial landscape’ – quoted by the Lt. Governor to form the basis of the second term of reference of this committee. The National Capital Region Plan 1990 also emphasized that the Ridge areas and sanctuaries should be conserved with the utmost care and should be afforested with suitable species.

“It is worth noting that Delhi is now the most highly polluted large city in the country. So the conservation of the Ridge has become of vital importance to the improvement of this city’s environment.” (P 8-9)

- h. From the above it seems clear that the inclusion of any area as a part of the Delhi Ridge must be based on at least two considerations:
- Whether the area is ecologically a part of the ridge.
 - Whether the area is geologically a part of the ridge, especially as the ridge is fundamentally a geological entity.
- i. Once this has been determined then, in keeping with the guidelines formulated by the LKC, areas that have already been built up with institutions that are of great public service (like hospitals and educational institutions) could be excluded, if their shifting out would mean heavy public expenditure. However, commercial establishments and private structures must be removed and the ridge reclaimed for the greater good of the people of Delhi. In fact, this principle has been followed subsequent to the LKC report, and many petrol pumps and shops, and even the riding club of the President's Estate were consequently relocated.
- j. For the area under question, it has been established beyond question that it is geologically a part of the Delhi Ridge. This has been determined by no less an organisation than the Geological Survey of India, which says:

“Based on the study of geology and geomorphology of the entire tract, extending from southwest of Mahrauli to Masudpur and north of Vasant Vihar, it is the opinion of GSI that the land earmarked for proposed International Hotel complex, falls within the ridge area, the boundary of which is shown in the enclosed plate.”

“The DDA in its Master Development Plan 2001 has notified only certain rocky highlands occurring in the South, Central and Northern parts of Delhi as ridge areas.

“However, considering the geological aspects and geomorphologic disposition it is evident that the entire tract of exposed quartzite rock running from southwest of Mehrauli to Masudpur and north of Vasant Vihar stands at almost 20-40 mts on an average from

the adjoining flat alluvial plains and manifest as a prominent ridge (Plate – 1 and 2).

“Based on these facts our expert opinion on the land earmarked for the proposed “International Hotel Complex” comprising of about 315 ha of land is that it falls within the ridge area whose boundaries have been marked on plate – 2.” (Letter No. 579/M/46G/Mon. Divn./CHQ/96 dated 15.7.1997, from the Deputy Director General (OP-I) of the Geological Survey of India, Calcutta, addressed to the Member Secretary, EIA Authority (for NCR), Ministry of Environment and Forests, Government of India)

- k. Similarly, it has also been established, beyond question, that the area is ecologically a part of the Delhi Ridge. Shri D.C Khanduri, the then DFO, Forest Department of Delhi Government had said:

"On the request of Mr. Soni, the area was visited some time in October, 1996 to assess the flora and fauna of the area and the stress that is being exercised on the natural resources of this area due to the presence of many jhuggi-jhopari dwellers in the nearby area and the development activities that are being taken up by the Delhi Development Authority.

“2. Physically and geographically, this area is also an extension of the Aravalli Ridge. However, as per the Master Plan, it has not been included in the Ridge and, therefore, the area has been excluded from the Notification issued under Section 4 of Indian Forest Act, 1927 in May, 1994 notifying the intention of the Govt. to declare it as reserve forest. The area has JNU and Sanjay Van on one side and Maradabad Pahari, which is good forest cover, on the other side. Most of the area has dense growth of forest trees, where biotic interference is absent. However, the predominant specie is *Prosopis Julliflora*, which indicates that this must have come recently and the indigenous special like Neem, Dhak, Keekar, Jungle Jalebi, etc. are few and far, though the root stock of theses species is present at many places. A portion of the area had been mined previously. Some of these mined pits have

developed in excellent water bodies, which harbour number of species of water birds which include, the spot billed duck, the little grebe, moorhens, cormorants and herons, etc. In addition to this, peafowl, partridge, quail, spotted owlet, horned owl, flycatchers, etc. are also found in the area.” (Attached to letter dated 24 March, 2004 from Conservator of Forests, Delhi to the CEC)

1. Also, though there are biotic pressures on the area, much of it is still free from any building, especially any building of great public value.

Therefore, there appears to be no reason to exclude this area from the Delhi Ridge. In fact, as it is geologically and ecologically a part of the ridge, it is impossible to argue that it should not legally and administratively also be considered a part of the ridge.

17. *Does it have protection under the MPD 2001?*

- a. As already mentioned, despite requests and reminders, a copy of the MPD was not made available by the DDA. However, on the basis of the secondary material available, it can be stated that the MPD2001 places the highest priority on conserving the ridge. According to LKC “the Master Plan of Delhi – MPD 2001,stated that conservation of the Ridge (and the Yamuna River) was of the utmost importance for sustaining the natural eco-system and recommended that the Ridge must be conserved with utmost care and should be afforested with indigenous species with minimum of artificial landscape” (P 8-9)

- b. The MPD also asserts:

“ECOLOGICAL BALANCE TO BE MAINTAINED: Delhi has two distinct natural features, the ridge which is the rocky outcrop of the Aravalli hills and the river Yamuna. Some parts of the ridge have been erased in the central city area. No further infringements of the ridge is to be permitted; it should be maintained in its pristine glory.” [From MPD 2001, as quoted in the EPA Delhi report of February 2000, p 4]

18. *Is this area a forest area?*

- a. This was also a question posed by the CEC to the Delhi Forest Department. In response, they stated:

“As regards to whether it is forest and has characteristics of forests, it is already submitted that the area under reference is not a part of the Notified Forest / Ridge. The area having vegetation, excluding the build up land was inspected and found that it has vegetation characteristics of the Aravalli Ridge. The portion of the area in question which has natural vegetation is under heavy biotic pressure and in degraded stage. The species are Xerophytes in nature and represent the Forest Type – Tropical Dry Thorn Forest 6B/C of Champion & Seth (1968). The tree and shrubs species found on field inspection are *Prosopis juliflora* (Vilaiti Keekar), *Prosopis cineraria* (Khejri), *Acacia nelotica* (Babool), *Butea monspersa* (Dhak), *Anogeisus pendula* (Dhok), *Holoptelia integrifolia* (Churale Papri), *Acacia leucophloea* (Raunj), *Azadirachta indica* (Neem), *Calotropis procera* (Dhatura), *Balanites roxburghii* (Hinghot), *Ziziphus* spp. (Beri Wild), *Ficus* spp, *Capparis deciduas* (Teet), *Ehretia*, *Adhotoda vesica* (Vasak) etc. Good natural regeneration has been found in some areas.

“In this connection a copy of the letter dated July 19th 1997 of the then Secretary (E&F), Govt. of NCT of Delhi on the subject of Clearance for International Hotel Complex, which is relevant to the matter, is enclosed. A copy of inspection report of the then Deputy Conservator of Forests, Govt. of NCT of Delhi is also enclosed.

“The area having vegetation has the potential to be restored as a forest with protection with natural regeneration / afforestation with control on non-forestry activities.” (Letter dated 24 March, 2004 from Conservator of Forests, Delhi to the CEC)

- b. An earlier report, of the DCF, as quoted in para 16j above, also supports this contention.
- c. The Environment Pollution Authority for the National Capital Region, in its report of February 2000, also discusses the issue whether the concerned area (or a part of it) is forest land, as defined by the Hon'ble Supreme Court of India. In this connection, they have the following to say:

“In the judgement of 12th December, 1996, emphasizing that the Forest Conservation Act, 1980 was enacted to check further deforestation which ultimately results in ecological imbalance and should therefore apply to all forests irrespective of the nature of ownership or classification thereof. Supreme Court ruled that the dictionary meaning of forest should be taken into account to decide whether a piece of land should be notified as forest. Consequently, the Supreme Court had directed each State Government to “constitute an expert committee to identify area which are ‘forests’ irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the ownership of the land of such forests: and to identify area which were earlier forest but stand degraded, denuded or cleared”, and to “promptly ensure total cessation” of any sort of non-forest activity forthwith.

“The Chambers Dictionary (1983 Edition) meaning of forests is “n. a large uncultivated tract of land covered with trees and underwood: *Woody ground and rude pasture*: a preserve for big game: a royal preserve for hunting, governed by a special code called the forest law”. Seen a *woody ground with rude pasture, the stands degraded, denuded or cleared*, the said area of 315 ha, would stand classified as forest irrespective of whether it is outside or within the notified forest area.

“If this interpretation is applied, especially in view of the advice to apply the Precautionary principle, the said 315 ha, of land would be classified as degraded forest land. It would then have to be earmarked for conservation and the provisions of forests and the

matters connected therewith would need to be applied to it irrespective of its ownership and intended use. Approval of the Central Government must then be taken for any non-forest activity within this area. Presumably, the Central Government would also need to bear in mind the 'precautionary principle' when deciding the case." (p 26)
(For a profile of the original area, see photographs 1 and 2)

- d. Consequently, the area comes under the legal definition of forest and any non-forest activity or even the cutting of naturally grown trees would attract the provisions of the Forest (Conservation) Act of 1980, as amended from time to time.

19. *If so, have all the required permissions being given under the various relevant acts, for felling of trees/construction in the area?*

- a. In so far as the area is forest land, clearance is needed of the GOI for any non-forestry activity. However, as per the information available, no permission was either sought or granted for any of the activities being carried out in this area. Therefore, they are all illegal. Also, the cutting of any tree requires the clearance of the Tree Officer, under the Delhi Tree Act. It also appears that no such permission has been granted and, in fact, the Army, being one of the parties operating in the area, has actually been fined under this Act for illegally cutting trees.
- b. The Delhi Station Headquarters of the Army, in its response (Annex 8) to the application, has argued that:
 - The land in question (where the Army is carrying out construction) is not a part of the ridge.
 - That no objections were raised when construction was done in the adjoining areas and completed in 2001.
 - That the Deputy Conservator of Forests had confirmed to them, during interactions, that this land did not fall within the boundaries of any reserve forest.

- c. As far as the first contention is concerned, no reasons are given for the contention that the land in question is not a part of the ridge. On the contrary, for reasons given in this report at point 16 above, it seems clear that this area is a part of the ridge.
- d. It also does not seem correct that no objections were raised during the construction of the earlier buildings. In fact, a detailed objection, along with documentation, had been sent to the then Defence Minister of India, by Shri Kuldip Nayyar, MP, and Prof. Vikram Soni, vide their letter dated October 21, 1998. However, even if it was the case that no objection was raised, though in actual fact it was, the fact that a wrong doing was not detected once cannot be the basis to justify it again.
- e. Finally, the contention that this area is not a part of any reserve forest might be correct, however it is clearly a part of what is legally defined as a forest, as argued in this report (point 18 above).

20. *Are there other laws, orders, or considerations, that are relevant to the area and that are being violated by the felling of trees/construction activities?*

- a. Having established that this area is a part of the Delhi ridge, and legally a forest area, it becomes important to examine what restrictions, if any, have been placed on the type of use that the ridge can be put too.

Legal Considerations

- b. As already mentioned above, by virtue of the fact that this area is legally a forest area for the purposes of the Forest (Conservation) Act, as defined by the Honourable Supreme Court of India, prior permission of the Government of India is required to undertake any “non-forest” activity. This permission has neither been sought nor granted.
- c. Also, as it is a part of the Delhi ridge, as certified by the Geological Survey of India, construction and diversion for other uses is also banned under the MPD.
- d. There are also orders of the Hon’ble Supreme Court of India banning various activities on the Ridge. Specifically, even when excluding 92

hectares from the purview of its orders of 13 September, 1996, the Hon'ble Supreme Court specifically ordered (on 8 April, 1997) that all those situated outside the area covered under its orders of 13 September, 1996 were nevertheless "required to abide by all the conditions of clearance from the environmental authorities including taking the measures necessary for checking pollution and all other requirements of law."

Other Considerations

- e. However, apart from the legal considerations, there are other ecological and social factors that need to be taken into consideration in deciding whether felling of trees and construction activities should be allowed in the area under consideration. These include factors related to the use and availability of water, to the role of city forests in regulating pollution and temperature, to the value of wilderness areas in cities and to the wildlife and biodiversity value of the area.
- f. **Water:** These 700 odd hectares are very important for the recharging of ground water for South Delhi, an area facing an acute shortage of water. According to the Central Ground Water Board:

"The entire Delhi Ridge area is underlain by highly fractured / jointed Quartzite formations and is the Recharge zone for the surrounding areas. Mining of silica sand involving pumping of ground water have resulted depletion of ground water resources in the mining as well as surrounding buffer zone areas. To avoid adverse impact on ground water regime, pumping of ground water below water table is not recommended in the ridge area.

"In the mined out areas of the ridge where water table is exposed to the atmosphere causing evaporation losses, it is recommended to fill up those mines with coarse and upto the water table." (Letter No. 21-3/CGWA/2K3-723 dated 21-5-2004 from Central Ground Water Authority)

"... it is imperative that the areas extending from south west of Mehrauli to Masudpur and north to Vasant Vihar is "Recharge Area"

for the underline aquifers in the vicinity. Development activities may adversely affect the ground water regime in the area.” (Letter No. 22-24/Court/CGWA/2004 dated 10th June, 2004, from Central Ground Water Authority to the CEC).

- g. Detailed calculations of ground water availability and harvest potential have been calculated variously by various agencies, including the Central Ground Water Board, and details for a part of the area are available in the report of the Environment Pollution (Prevention and Control) Authority for the National Capital Region on the Constraint Area and M/s Unison Hotels Ltd., Vasant Kunj. (Page No. 10 –11). Based on these, back-of-the-envelope calculations suggests that between 1.3 and 1.5 million cubic metres of water can be collected from this area.
- h. Also, as this is an area where there is no major traffic or other polluting activities yet, the ground water would be of excellent quality and, estimates suggest that, if bottled, would fetch nearly a 1000 crores of rupees a year, at Rs. 10 per litre! This seems to be much more revenue, and in a very environmentally friendly way, than other options could yield.
- i. On the other hand, if the hotels, housing colonies and shopping malls that are currently being thought of, are actually built in this area, not only would we lose much of the ground water recharge but these facilities would themselves require a huge amount of water (each room in a 5 star hotel is said to consume 1000 litres of water a day). Therefore, the proposed constructions in these areas would impact adversely on the water availability on at least two counts, one by significantly reducing the ground water recharge (and polluting whatever remains), and secondly by significantly increasing the demand for water far beyond the capacity of the area to meet.
- j. It might also be kept in mind that the Central Ground Water Commission has prohibited the extraction of water from this area, as clarified in their letter No. 4-8/CR/CGWA/98 dated 29 November 1999, to Ms. Unison Hotels Limited, annexed at page 55 of the report of the Environment Pollution (Prevention and Control) Authority for the National Capital Region of Delhi, dated February 2000, on the constraint area and Ms. Unison Hotels Limited, Vasant Kunj) . In fact, the ground water currently

being extracted by the parties using this area also seems to be in violation of the law.

- k. **Buffer to the sands of Rajasthan:** The LKC has highlighted the role of the Ridge in providing a buffer from the hot and dusty winds of Rajasthan, The Committee states:

“Satellite images indicate clearly that the Ridge (Which is an extension of Aravallis) provides a natural boundary between the desert and green area. It acts as a barriers to keep out the sands of Rajasthan and also, to an extent, hot winds from the plains to the North. With its vegetation, the ridge acts as a moderator of the climate and absorbs dust.” (P 5)

Considering the said segment of the Ridge is the western most extent of the Delhi ridge, it is the first and only barrier between the deserts and arid areas to the West and the heavily populated South and Central Delhi. Therefore, the maintenance of this area as a green area is critical for the well being of the citizen’s of Delhi.

- l. **Prevention of Air Pollution:** It is an established fact that one of the greatest deterrents to attracting tourists, especially foreign tourists, is high level of air pollution. Delhi is already one of the most polluted cities in the world, especially in terms of particulate matter. Though through the intervention of the Hon’ble Supreme Court and the consequent conversion of public transport vehicles from diesel to CNG has considerably reduced the RSPM load in the atmosphere, the total SPM load still continues to be very high and many times the maximum permissible limit. The forested areas of the ridge perform a valuable function of acting as sinks for particulate matter. According to the LKC:

“The vegetation [of the Delhi Ridge] acts as a sink for many pollutants, acts as a purifier – of air and replenisher of oxygen in the atmosphere. The forest area has the ability to absorb noise and plays an effective role as a noise buffer” (P 6)

The further reduction of the vegetation cover in Delhi would adversely affect all these functions.

- m. **Regulation of Temperature:** Green areas around Delhi help to regulate temperatures in the city and to lower temperatures during the summer, not

only giving relief to the people but also saving valuable electricity.

According to the LKC:

“Temperatures inside the Ridge are significantly lower than in the city and the cooling effect extends to a larger area.” (P 5-6)

- n. **Delhi Government’s Policy:** Recently, the Government of Delhi has been issuing half and full page advertisements in national news papers stating that the remaining forests of Delhi must not be touched. The forest cover of Delhi is reportedly less than 6% against a requirement of 33% for the country and 20% for plains. Therefore, to cut down and destroy standing forests would not only be against the policy of the Government of Delhi but also against public interest. It would be much better to harness the lands that are currently under illegal occupation, especially by well to do people, and use them for various public purposes rather than to further deplete a disappearing ridge.

CONCLUSIONS AND RECOMMENDATIONS

21. In conclusion, it can be reiterated that the area under consideration is clearly a part of the Delhi Ridge, is clearly forest area, both legally and ecologically, and is critical to the ecological health of the citizen’s of Delhi. It not only is an important water catchment, but is a part of the very sparse remaining forest cover in Delhi (less than 6 %) which helps control air pollution, noise pollution and regulate temperature, apart from supporting wildlife population and biodiversity. It, consequently, unquestionably needs to be conserved,.
22. It is, therefore, recommended that in the entire area enclosed by the Nelson Mandela Marg (and the Jawaharlal Nehru University) on the East, the Mehrauli Road (and Vasant Kunj) on the South, Gurgaon Road (National Highway 8) on the West and the Outer Ring Road (Rao Tula Ram Road and Vasant Vihar) on the north (Map at Annex 4), all felling of trees and clearing of vegetation be immediately stopped. The nearly 230 acres already excepted by the Hon’ble Supreme Court from the purview of its order of September 13, 1996, and those areas that have already been fully built up on the date of the order, be excluded, provided the construction was with the prior approval of all the concerned authorities.

23. It is further recommended that the intention to declare the remaining area as a Reserve Forest immediately be notified and, as a measure of ample caution, no activity be permitted in that area that would not be permitted in a national park.
24. That, in the mean time, the process of declaring the area into a national park also be initiated, as recommended for the whole ridge by the LKC, and as soon as demarcation has been done and the rights, if any, settled, the area should be declared a national park.
25. Meanwhile, given the fragility of the area and its critical importance for maintaining the ecological balance of Delhi, as detailed above, any diversion of forest land in this area, for any non-forestry purpose, should be done as per the procedures laid down for diverting forest land from protected areas.

PHOTOGRAPHS OF THE AREA UNDER SCRUTINY

Taken by Mr. Shekhar Singh on
10 April, 2004 during field visit

PHOTOGRAPHS



PHOTOGRAPH 1



PHOTOGRAPH 2



PHOTOGRAPH 3



PHOTOGRAPH 4



PHOTOGRAPH 5



PHOTOGRAPH 6



PHOTOGRAPH 7



PHOTOGRAPH 8



PHOTOGRAPH 9

CENTRAL EMPOWERED COMMITTEE(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITION (CIVIL NO. 202/95 & 171/96)

Gate No. 31, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi-3, Tel : 30944904 Fax : 24363976

F. No. 1-5/CEC/SC/02

Dated : 26.3.2004

Sub: Application No. 331 filed before the Central Empowered Committee by Citizens for the Preservation of the Quarries and Lakes Wilderness (CPQLW) through Prof. Vikram Soni regarding preservation of environment and bio-diversity on Delhi Ridge area.

In exercise of the powers vested with the Central Empowered Committee (CEC) pursuant to the Hon'ble Supreme Court's order dated 9.5.2002 in W.P. (C) No. 202/95 and 171/96, the CEC hereby co-opts Mr. Shekhar Singh as a special invitee for Application No. 331 filed by Citizens for the Preservation of the Quarries and Lakes Wilderness (CPQLW) through Prof. Vikram Soni regarding preservation of environment and bio-diversity on Delhi Ridge area. He is also hereby authorised to convene meeting of applicants and respondents, seek information from them and to carry out site visit on behalf of the CEC. He is requested to please prepare a self-contained report on the issues raised in the Application alongwith specific recommendations after site visit, investigation and meeting as deemed fit. Applicants / respondents are requested to fully cooperate with Mr. Shekhar Singh to enable him to complete the report at the earliest.



(M.K. Jiwrajka)
Member Secretary

Distribution:

1. Mr. Shekhar Singh, Special Invitee in Application No. 331
2. Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-3.

-01 : D G F

3. Secretary, Ministry of Defence, South Block , New Delhi
4. Chief Secretary, Government of Delhi
5. Vice-Chairman, Delhi Development Authority
6. Chairman, Central Pollution Control Board
7. Chairman, Central Ground Water Authority
8. Conservator of Forests, Delhi Forest Department
9. Mr. A.D.N. Rao, Advocate on record for MoEF
10. Prof. Vikram Soni, Applicant
11. Major General Thomas Mathews, Area Commander, Delhi

To

**The Member Secretary
Central Empowered Committee constituted by the
Hon'ble Supreme Court of India
Room N.106, Paryavaran Bhavan,
CGO Complex, Lodi Road,
New Delhi-110 003**

In the matter of : -

Citizens For the Preservation of the Quarries and Lakes Wilderness" (CPQLW)
through Prof. Vikram Soni,
A-10/4, Vasant Vihar,
New Delhi-57. Applicant

Versus

1. Union of India
Through Secretary, Ministry of Environment & Forests
Paryavaran Bhavan, CGO Complex, Lodi Road,
New Delhi-110 003

2. Government of NCT of Delhi
Through its Chief Secretary
Secretariat, New Delhi.

3. Delhi Development Authority,
(Through its Vice Chairman)
Vikas Sadan, I.N.A., New Delhi.

4. Forest Department, NCT of Delhi
(Through its Chief Conservator of Forests)
A Block, Vikas Sadan, New Delhi

5. Central Pollution Control Board
(Through its Chairman)
Parivesh Bhavan, East Arjun Nagar, Delhi 110032

6. The Union of India
(Through the Secretary Ministry of Defence)
South Block 11, New Delhi.

7. Central Ground Water Authority
(Through the Chairman)
Jam Nagar House, Man Singh Road, New Delhi.

Respondents

Sir,

This application has been filed by the Applicant which is a group of citizens working for preservation of environment and bio-diversity in and around Delhi and in particular, the Ridge Area. It has been making various representations to the concerned Government Departments from time to time for protection and preservation of the ridge area. This application has been made because of the blatant violations and infringements taking place in the ridge area extending from south west of

Mehrauli to Masudpur and north of Vasant Vihar, through extensive felling of trees and construction activities. True and correct copies of various letters dated 1.4.99, 27.4.99, 27.5.99, 23.5.2000 written to different authorities including Conservator of Forests and the Newspaper reports are Annexure –A (Colly).

2. That as per the MPD-2001, it is mandatory to keep the ridge free from all encroachers and maintain its pristine glory at all times. This is clear from the following observations in the said MPD-2001:

“ECOLOGICAL BALANCE TO BE MAINTAINED: Delhi has two distinct natural features, the ridge which is the rocky outcrop of the Aravalli Hills and the River Yamuna. Some parts of the ridge have been erased in the central city area. No further infringements of the ridge is to be permitted; it should be maintained in its pristine glory”.

The said ridge area is full of water bodies, forest trees and wildlife. As per MPD-2001, water bodies and wildlife have to be protected and preserved. The Applicant craves leave to refer to the Master Plan – 2001. This area, therefore, falls within the definition of “Forests” given in the judgement dated 12.12.1996 by the Hon’ble Supreme Court.

3. That the Geological Survey of India (GSI) in its letter dated 15.7.1997 to the Member Secretary, EIA Authority (for NCR of MOEF) clearly stated that in the opinion of GSI, based on study of Geology and Geo-morphology of the entire tract, extending from south west of Mehrauli to Masudpur and north of Vasant Vihar, falls within the ridge area. A true and correct copy of the letter dated 15.7.1997 with detailed Report and the Maps are Annexure –B (colly).

That thereafter the Deputy Conservator of Forests Mr. D.C. Khanduri did inspection of the concerned area and found dense growth of forest trees, water bodies harbouring number of species of water birds including spot billed duck, little grebe, moorhens, herons etc. The report clearly shows that the concerned area is a forest area. True and correct copy of the Report prepared by Deputy Conservator of Forests Mr. D.C. Khanduri in the year 1996 is Annexure – C. The

applicant is also enclosing photographs of this ridge area showing water bodies and forest cover and detailing the damage being done to them as Annexure – D.

4. That the Environment Pollution (Prevention & Control) Authority for the National Capital Region Delhi submitted its *Report in February 2000 in which* vide para 5.4 at pages 26-28, it was categorically held that this ridge area falls within the definition of “protected forest”. A true and correct copy of the relevant pages from the said Report are annexed hereto as Annexure-E.

5. That the ridge forest area has to be preserved and protected from deforestation, encroachment and the provisions of Indian Forest Act, 1927, Wildlife (Protection) Act, 1972, Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986 and the National Forest Policy, 1988 including Rules, Regulations and Guidelines framed thereunder have to be followed.

PRAYER

The Applicant, therefore, prays that this Hon’ble Committee may kindly consider submissions made in this Application and after conducting spot verification of the infringements, pass necessary directions to stop all the infringements/violations forthwith and also direct all concerned authorities to protect and preserve this area as a Forest area.

FILED BY



APPLICANT

Citizens For the Preservation of the Quarries and Lakes Wilderness (CPQLW)
Through Prof. VIKRAM SONI
A-10/4, Vasant Vihar,
New Delhi-110057.

Dated: 11/1/04

In the matter of : -

Citizens For the Preservation of the
Quarries and Lakes Wilderness" (CPQLW)

.... Applicant

Versus

Union of India & Others.

.... Respondents

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1.	Application	
2.	Annexure-A(colly): True and correct copies of letters dated 1.4.99, 27.4.99, 27.5.99 and 23.5.2000 to various authorities including Conservator of Forests and various Newspaper reports.	
3.	Annexure-B(colly): True and correct copy of the letter dated 15.7.1997 with detailed Report and the Maps.	
4.	Annexure-C: True and correct copy of the Report by Shri D.C. Khanduri, Deputy Conservator of Forests in the year 1996.	
5.	Annexure-D: Photographs of the Ridge Area	
6.	Annexure-E: True and correct copies of the relevant pages from the Report of EPA for the NCT Delhi.	

FILED BY

Vikram Soni

APPLICANT

Citizens For the Preservation of the Quarries and Lakes Wilderness (CPQLW)
Through Prof. VIKRAM SONI
A-10/4, Vasant Vihar,
New Delhi-110057.

Dated 19/1/00

To

**The Member Secretary
Central Empowered Committee constituted by the
Hon'ble Supreme Court of India
Room N.106, Paryavaran Bhavan,
CGO Complex, Lodi Road,
New Delhi-110 003**

Reference : In the matter of Application No.331 , filed by

Citizens For the Preservation of the Quarries and Lakes Wilderness" (CPQLW)
through Prof. Vikram Soni,
A-10/4, Vasant Vihar,
New Delhi-57.

.... Applicant

Sir,

This is with respect to the hearing on Application No. 331, held at the CEC offices on 20/4/04 at 2.30 pm onwards.

The hearing concluded with the CEC asking the Forest Department to look into the issue of the concerned ridge being a deemed forest area. On this matter there are some important issues that need immediate attention and this we would like to record.

- 1) Continuous tree felling and forest clearing and building at a furious pace is going on there presently and over the last few months (as happened once before in 1999), clearly undermining the the forest status of the area. Since the issue at hand is the deemed forest status of the tract, we request the CEC to stay any further construction in this area.(There is no confusion of the definition of "Forest" as per the Supreme Court judgement of 12.12.96 in the Godavarman case..
- 2) We are also appending two further documents which attest to the forest status of the area.
 - i) The 1962 zonal map in which the entire area is shown as a 'Reserved Forest'. We also wish to record that no building was carried out on the land in the custody of the Army till 1999, when we first made our representation to stop building.(Encl.1)
 - ii) Letter from the Secretary Environment, Delhi Government, No.F-11(26)/PA/DCF/95/3579 dated July 31 1997, which establishes in the context of the Forest case , Supreme Court order of 12.12.96 (under which the CEC is constituted) that **this is a ridge forest area.**(Encl.2)

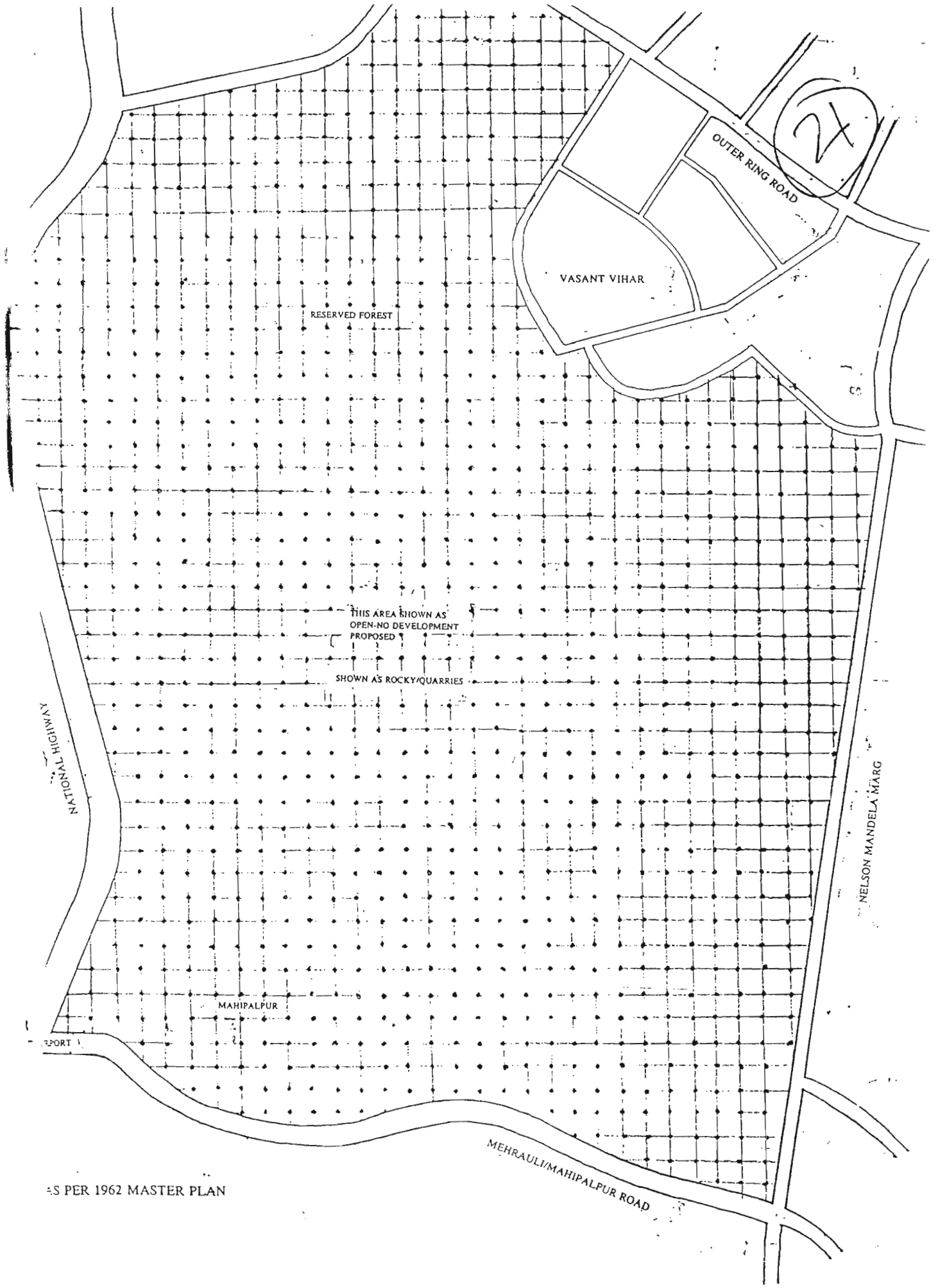
3)The Forest Department has just inspected the area and prosecuted the Army for cutting trees and levelled a fine of Rs. 16,000. They already have an inspection report and can therefore furnish this report immediately. This assumes importance in as much as the area is suffering forest destruction on a daily basis.

We request the CEC to stay any construction activity and tree felling urgently and convene a meeting at the earliest.

FILED BY

APPLICANT
Citizens For the Preservation of the Quarries and Lakes Wilderness (CPQLW)
Through Prof. VIKRAM SONI
A-10/4, Vasant Vihar,
New Delhi-110057.

Dated:



AS PER 1962 MASTER PLAN

Enclure 1

No.F.11(26)/PA/DCF/95/3579

Dated:- July 31, 1997

To

Shri P.M. Ansari,
Member Secretary,
Environmental Assessment Authority,
CGO Complex, New Delhi-110003

Subject:- Clearance for International Hotel Complex

Sir,

Reference is invited to your letter No.1-2/96-ED.A dated 22.7.97 seeking clarification whether the International Hotel Complex area in Vasant Vihar is a part of the Ridge or not. In this connection, I am directed to inform you that this area is physically, topographically and geographically is a ridge, being extension of Arwali Range, as also confirmed by Geological Survey of India and presently carries growth of forest vegetation of various species, in patches, characteristics of dry, thorny & tropical forest. However, this is not included in ridge areas, as defined by DDA in Master Plan 2001 forming the basis of declaring ^{them} as Reserved Forest U/s 4 of the Indian Forests Act, 1927 vide notification No.F.10(42)-1/PM/DCF/93/2012-17(1) dated 24.5.1994. Irrespective of the status of the area, the Sponsoring Authority, DDA requires to seek prior permission for felling of trees under Delhi Trees Preservation Act, 1994.

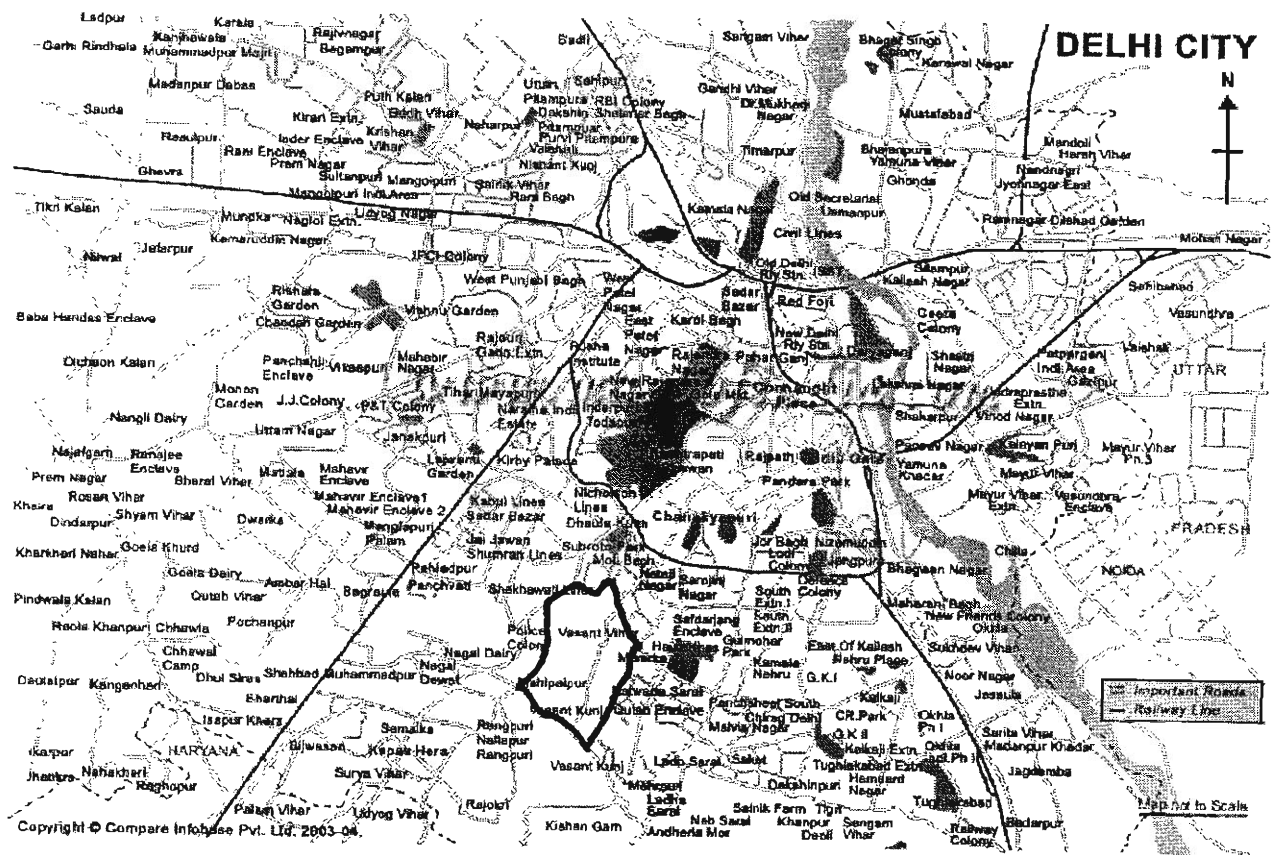
As desired by the Chairman, Environmental Assessment Authority on 28.7.1997, I am enclosing a copy of the Supreme Court order dated 12.12.1996 which appears to have direct bearing on this project which carries the vegetation as indicated above.

Yours faithfully,

Encl:- As above

(H.A.Arfi)
Secretary (Environment)







Samya - Centre for Equity Studies

Shekhar Singh
Honorary Director

14 April, 2004

Dear Shri Jiwrajka,

In pursuance of your letter No. 1-5/CEC/SC/02 dated 26.3.2004, regarding application No. 331, I made a preliminary visit to the concerned area on Saturday, 10 April, 2004. Among other things, I observed that construction work in the area demarcated by the Army was going on and that trucks carrying rocks and debris were moving around.

Considering that the application against the destruction of the area and its tree cover is pending and that the CEC had already requested the Delhi Government, vide its letter of 26.3.2004 addressed to the Chief Secretary of Delhi, to ensure that no further felling of trees or construction work is allowed to be undertaken in the said area, I would strongly recommend that all further construction activities and destruction of habitat in the area be immediately suspended till the disposal of the application.

With regards,

Yours sincerely,

Shekhar Singh
Special Invitee for Application No 331
Central Empowered Committee

Shri M.K. Jiwrajka
Member Secretary
Central Empowered Committee
Gate No. 31, Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi 110 003

Cc: petitioner/respondents, Application No. 331

050212-110-010
CEC directive

ANNEX-6

T G F

PHONE NO. : 91 11 4363957

MAR. 26 2004 03:35PM F.

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA

IN WRIT PETITION (CIVIL NO. 202/95 & 171/96)

Gate No. 31, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi-3, Tel : 30944904 Fax : 24363976

F. No. 11-5/CEC/Sd/-1

Dated : 26.3.2004

To

The Chief Secretary
Government of Delhi
Secretariat
New Delhi

Sub: Application No. 331 filed before the Central Empowered Committee by Citizens for the Preservation of the Quarries and Lakes Wilderness (CPQLW) through Prof. Vikram Soni regarding preservation of environment and bio-diversity on Delhi Ridge area.

Sir,

The hearing of Application No. 331 filed by Citizens for the Preservation of the Quarries and Lakes Wilderness (CPQLW) through Prof. Vikram Soni regarding preservation of environment and bio-diversity on Delhi Ridge area was held before the Central Empowered Committee on 25.3.2004. The main prayer made in the application is that in violation of Hon'ble Supreme Court's order dated 12.12.1996 and the Forest (Conservation) Act, 1980 large scale felling of trees and construction activities are continuing in the ridge area extending from South-West of Mehrauli to Masudpur and North of Vasant Vihar. The applicant has relied upon the Hon'ble Supreme Court's order dated 12.12.1996 to establish that the area is "forest" for the purpose of the FC Act, notwithstanding the fact that no notification under Section-4 of the Indian Forest Act, 1927 for the said area was not identified as forest by the Delhi Government.

applicant has furnished a copy of the Master Plan of 1962, wherein the said area is shown as reserved forest.

During the course of the hearing an affidavit (copy enclosed) has been filed by the Delhi Government through Mr. A.K. Singh, Conservator of Forests and which prima-facie shows that the area is "forest".

In exercise of the powers vested with the CEC, Mr. Shekhar Singh has been co-opted as a special invitee to prepare a detailed report on the issues raised in the application after site visit and enquiries as deemed fit. After receipt of the report, a final decision on the Application will be taken by the CEC. In the meanwhile, in view of the extreme sensitivity of the issues raised in the Application, you may please consider ensuring that no felling of trees or new construction is allowed to be undertaken in the said area. All concerned may also please be asked to fully cooperate with Mr. Shekhar Singh during the enquiry and preparation of the report by him.

Yours faithfully,



(M.K. Jiwrajka)
Member Secretary

Copy to:

1. Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-3.
2. Secretary, Ministry of Defence
3. Mr. A.D.N. Rao, Advocate on record for MoEF
4. Conservator of Forests, NCD Delhi
5. Major General Thomas Mathews, Area Commander, Delhi
6. Mr. Shekhar Singh, Special Invitee
7. Prof. Vikram Soni, Applicant



ANNEX 7

Samya - Centre for Equity Studies

19 April, 2004

Dear Sir,

As you are aware, the Central Empowered Committee (CEC), constituted by the Supreme Court of India, has vide letter No. 1-5/CEC/SC/02 dated 26.3.2004, from the Member Secretary, co-opted Mr. Shekhar Singh, Director, Centre for Equity Studies, as a special invitee to prepare a detailed report on the issues raised in application No. 331 regarding preservation of environment and biodiversity on the Delhi Ridge Area.

In this connection, if your Ministry/Department is interested in expressing any views on the matter, I would be grateful if a written submission is sent to the undersigned to reach not later than 26 April, 2004.

In case any representative of your Ministry/Department would like to supplement the written submissions through a presentation or briefing, that could be fixed immediately after the receipt of the written submissions.

I would, in any case, be grateful for an early indication of whether or not your Ministry/Department is proposing to make any written and/or oral submissions.

With regards,

Yours sincerely,

Vishaish Uppal

(Ms.) Vishaish Uppal

Mr. A D N Rao,
Advocate on Records of MoEF,
Chamber No. 116.
Supreme Court Compound,
Tilak Marg,
New Delhi - 110 001

R-38A South Extension - II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



Samya - Centre for Equity Studies

Vishaish Uppal
Co-ordinator

19 April, 2004

Dear Sir,

As you are aware, the Central Empowered Committee (CEC), constituted by the Supreme Court of India, has vide letter No. 1-5/CEC/SC/02 dated 26.3.2004, from the Member Secretary, co-opted Mr. Shekhar Singh, Director, Centre for Equity Studies, as a special invitee to prepare a detailed report on the issues raised in application No. 331 regarding preservation of environment and biodiversity on the Delhi Ridge Area.

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With regards,

Yours sincerely,

(Ms.) Vishaish Uppal

Shri P C Chatarvedi,
Chairman, Central Ground Water Authority,
NH4 Faridabad,
CGO Complex Faridabad,
Central Water, Ground Water Bhawan,
Faridabad.

R-38A South Extension - II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



Samya - Centre for Equity Studies

Vishaish Uppal
Co-ordinator

19 April, 2004

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With regards,

Yours sincerely,

(Ms.) Vishaish Uppal

Mrs. Shailaja Chandra,
Chief Secretary, Government of Delhi,
Delhi Secretariat,
IP Estate,
New Delhi – 110 002

R-38A South Extension – II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



Samya - Centre for Equity Studies

Vishaish Uppal
Co-ordinator,

19 April, 2004

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I would, in any case, be grateful for an early indication of whether or not your Ministry/Department is proposing to make any written and/or oral submissions:

With regards,

Yours sincerely,

(Ms.) Vishaish Uppal

Shri Prodipto Ghosh,
Secretary,
Ministry of Environment & Forest,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003

R-38A South Extension – II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



Samya - Centre for Equity Studies

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Co-ordinator

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I would, in any case, be grateful for an early indication of whether or not your Ministry/Department is proposing to make any written and/or oral submissions.

With regards,

Yours sincerely,

(Ms.) Vishaish Uppal

Major General Thomas Mathews,
Area Commander, Delhi,
Station Head Quarters,
Delhi Area,
Delhi Cantt.

R-38A South Extension - II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



Samya - Centre for Equity Studies

Vishaish Uppal
Co-ordinator

19 April, 2004

Dear Sir,

As you are aware, the Central Empowered Committee (CEC), constituted by The Supreme Court of India, has vide letter No. 1-5/CEC/SC/02 dated 26.3.2004, from the Member Secretary, co-opted Mr. Shekhar Singh, Director, Centre for Equity Studies, as a special invitee to prepare a detailed report on the issues raised in application No. 331 regarding preservation of environment and biodiversity on the Delhi Ridge Area.

In this connection, if your Ministry/Department is interested in expressing any views on the matter, I would be grateful if a written submission is sent to the undersigned to reach not later than 26 April, 2004.

In case any representative of your Ministry/Department would like to supplement the written submissions through a presentation or briefing, that could be fixed immediately after the receipt of the written submissions.

I would, in any case, be grateful for an early indication of whether or not your Ministry/Department is proposing to make any written and/or oral submissions.

With regards,

Yours sincerely,

(Ms.) Vishaish Uppal

Dr. V. Rajagopalan,
Chairman,
Central Pollution Control Board,
Parivash Bhawan,
East Arjun Nagar,
Delhi – 110 032

R-38A South Extension – II, New Delhi 110 049
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(Ms.) Vishaish Uppal

Shri Ajay Parsad,
Secretary,
Ministry of Defence,
South Block,
199-C, South Block,
New Delhi – 110 011



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Shri Madhukar Gupta
Vice-Chairman,
Delhi Development Authority,
3 Block, 1st Floor,
Vikas Sadan, INA,
New Delhi – 110 023

R-38A South Extension – II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



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Shri A K Sinha,
Conservator of Forest, NCD Delhi
A - Block, IInd Floor,
Vikas Bhawan,
I T O,
New Delhi - 110 002

R-38A South Extension - II, New Delhi 110 049
Telefax: 6+91-(0)-11-51642147; email: vishaish@vsnl.net

Tele Mil : 6192

Station Headquarters
Delhi Cantt-10

63/1/BOO/Q2(PC)

26 Apr 2004

Ms Vishaish Uppal
Co-ordinator
Samay Centre for Equity studies
R-38-A, South Extension – II
New Delhi-110049

APPLICATION NO 331 FILED BEFORE THE CENTRAL EMPOWERED COMMITTEE BY CITIZENS FOR THE PRESERVATION OF THE QUARRIES AND LAKES WILDERNESS (CPQLW) THROUGH PROF. VIKRAM SONI REGARDING PRESERVATION OF ENVOIRNMENT AND BIO-DIVERSITY ON DELHI RIDGE AREA

1. Please refer to your letter dated 19 Apr 2004.

Brief Background of the Case.

1. A Major Works Project for location of an Army Battalion is coming up in the Mahipalpur area which includes offices and residential complex for troops. The area is undulating with large ditches in the neighbourhood where earlier extensive mining used to be carried out. An Infantry Battalion is already located in the adjoining area whose KLP has been completed in 2001.

2. The allegation that Army has cut trees in the area is not correct. In fact, approx 20-25 overgrown keekar shrubs and bushes have been removed to clear the area for a parade ground. As per the policy issued vide GOI, Ministry of Defence(Dte Gen Defence Estate) letter No 744/2/L/L&C/72/Landour dated 18 Mar 1987, consultation with local forest authorities is required for cutting of trees. However since no cutting of trees was involved, no information was given to forest department. The board of officers, which included the member from Defence Estate Officer's office for siting of the unit location also did not include any trees for cutting in the board proceedings.

3. It is for your information that there is a labour colony at village Lalkhera in the vicinity of the defence land where approx 20,000 labourers are staying in JJ clusters. These people have been involved in cutting of trees for firewood both from defence land as well as the adjoining DDA land. A large number of tree stumps were discovered when the shrubs were removed by the Army to clear the ground. To prevent tree cutting a wall has been constructed to prevent the civilians from trespassing on the defence land.

Factual Position of the Case.

4. The land in question is the defence land classified as analogous to A-1 defence land. It is not part of the Ridge area as claimed. The Govt Notification of May 1994 has also not included the area as part of the Ridge. Moreover, no such objections were raised during the construction of buildings for the battalion located in the adjoining area which was completed in 2001 only. A copy of letter No 3/743/Mahipalpur/Dem/DEO/171 dated 29 Aug 97 sent by Defence Estate Office is enclosed (Appx 'A')

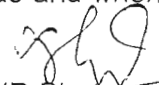
5. After a detailed scrutiny of relevant documents obtained from the Delhi Govt (Master Plan) and the Delhi Gazette Extraordinary Notification dated 24 Mar 1994 (Copy enclosed)(Appx 'B') the following facts emerge :-

(a) The area in which Army construction is going on is not a part of South Central or Southern Ridge (Please see sketch attached)(Appx 'C'). The area is unencumbered A-1 Defence land of the Army. Delhi Govt may carry out its own verification of the above, if required.

(b) During interaction with Deputy Conservator of forests, he has confirmed that the Army area where construction is going on does not fall within boundary of any Reserve Forest.

6. The forest department had imposed a fine of Rs. 16,000/- on the Army for alleged felling of trees. The fine had been paid on 16 Feb 2004 despite the fact that no trees were felled by the Army. It has been emphasized in the departments reply to the notice served that the payment of fine is not an admission of guilt (Copy att)(Appx 'D'). In fact, the army has been in the forefront of arboriculture drive. During the last three years more than 3 500 trees have been planted in that particular area and 78,936 in the entire Cantonment by the Army and more trees are planned to be planted in future as part of arboriculture drive. A sketch of area showing the plantation carried out in the area of construction by the Army is enclosed (Appx 'E'). It is worthwhile to mention here that the Delhi cantonment is the most 'green area' of Delhi and the credit for maintaining it green goes, to Army.

6. This HQ is willing to interact with Mr, Shekhar Singh as and when required for which the latter may coordinate a suitable date.


(R Bhatnagar)
Col
Adm Comdt
For Stn Cdr

Copy to :-

Addl Dte Gen LWE
QMG's Branch, Army HQ
DHQ PO New Delhi-11

ADG PI
Room No 30B, South Block
Army Headquarters
DHQ PO. New Delhi-11

HQ Western Comd Q(Wks)
Chandimadir
DEO Delhi Circle
Delhi Cantt

CWE (P) Delhi Cantt
OC Adv Party
19 RAJ RIF
C/O 56 APO

- For info please.

9810770442
(May Kulkarni)

Defence Estates Office,
Delhi Circle, Delhi Cantt.
Dated 29 August 87

HQ Delhi Area,
Delhi Cantt.

Subject: - KLP ZONAL PLAN 1985

Reference your letter No. 3747/28/235 dt 26-3-87.

The details of land transferred by IAAI and DOA at Mahipal pur in lieu of defence lands transferred to them is as under:-

- (a) Land measuring 183.367 acres transferred by IAAI to Defence at Mahipal pur on 29th August 1984.
- (b) Land measuring 18.143 acres at Rangpuri transferred by IAAI to Defence on 12-5-1988.
- (c) Land measuring 0.175 acre at Rangpuri transferred by IAAI to Defence on 27-9-1988.
- (d) Land measuring 16.13 acres transferred by IAAI to Defence on 17-10-1988.
- (e) Land measuring 1.19 acres transferred by DOA on 29-5-1984 to Defence.

Total area = 209.863 acres

A Khaska plan of each holding is attached herewith alongwith a copy of GLO plan showing the location of above.

As regards para 3, it is submitted that this office please be supplied with a copy of Zonal Plan 1985/ KLP 1985 so that status of land vis a vis location of the plan of the land quoted in your letter is ascertained and intimated to you.

Defence Estates Office,
Delhi Circle, Delhi Cantt.

Copy to:-

1. HQ Western Command
(HQ W&P)
Chandimandir. for information with reference above.
2. Asst Dto Gen of LWS
HQ's Branch, Q3W (West)
Army Headquarters
HQ FC New Delhi-11
3. CO, Delhi Zone
Delhi Cantt-10
4. Station HC
Delhi Cantt.

APPX-2

DELHI GAZETTE : EXTRAORDINARY
DEVELOPMENT DEPARTMENT
NOTIFICATIONS

Dated, the 24th May, 1974

No. F.10(42)-I/PA/DCE/93/2012-17(I).—In pursuance of the provisions of Section 4 of the Indian Forest Act, 1927 (Act No. 15 of 1927) the Lt. Governor of National Capital Territory of Delhi hereby declares the lands mentioned in Schedule 'A' below as reserved forest.

SCHEDULE 'A'

All forest lands and wastelands which is the property of the Government of Delhi or Government of India, proprietary rights in:

I. Northern Ridge in National Capital Territory of Delhi, surrounded on

North by	Jubilee Hall, Govt. Petrol Pump, Mandla, Mall Road.
South by	Crossing of Old G.T. Road and Road Round Marg, Old Seizi Mandla.
East by	Mall Road, Rajpur Road, Building Office.
West by	Ice Factory, Malika Ganga, Dabholpur, and University Road.

(Approximate area 87 ha.)

II. Central Ridge in NCT of Delhi, surrounded on

North by	Link Road along Institutional area.
South by	Mandla Ganga Milling Plant, Baidar Patel Marg.
East by	Mandla Ganga Institutional area and Villages Ghatani.
West by	Industrial Road and Mandla Ganga area.

(Approximate area 864 ha.)

III. South Central Ridge in NCT of Delhi, surrounded on

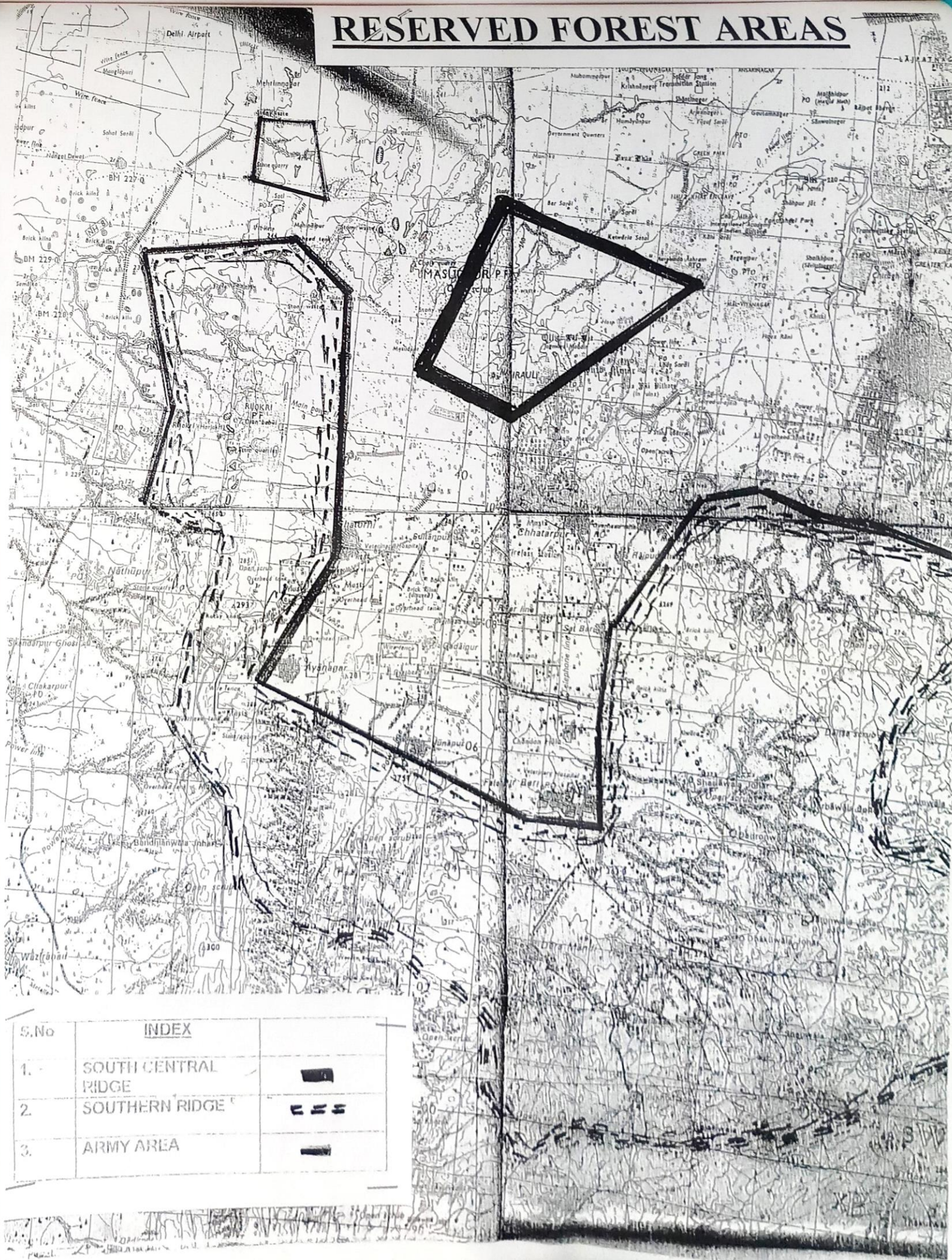
North by	Govt. Institutional area.
South by	Vasant Kunj, Kishan Ganga.
East by	Anandrade Marg, Nizamuddin Bagh.
West by	Jawahar Lal University Road, Vasant Kunj, Mehrauli.




(Approximately area 625 ha.)

IV. Southern Ridge in NCT of Delhi

North by	Power Line from Mehrauli to Delhi Grand Trunk, Telephone Line from Delhi to Ghatani, crossing of Ghatani Power Line & Road, Western Boundary of Ghatani, Western Boundary of Anand Nagar, Southern Boundary of Anand Nagar, Southern Boundary of Fatchpuri Buz, Eastern Boundary of Asola Village, Eastern Boundary of Chakpuri, Eastern Boundary of Chaudhahala, Eastern Boundary of Ghatani, Eastern Boundary of Mandla Ganga, Southern Boundary of Nadi Patti, South Eastern Boundary of Delhi and Adilabad ruins.
South by	State of Haryana.
East by	Sardikand Road and State of Haryana.

RESERVED FOREST AREAS



S.No	INDEX	
1.	SOUTH CENTRAL RIDGE	
2.	SOUTHERN RIDGE	
3.	ARMY AREA	


33/1/800/Q2(PC)

16 Feb 2004

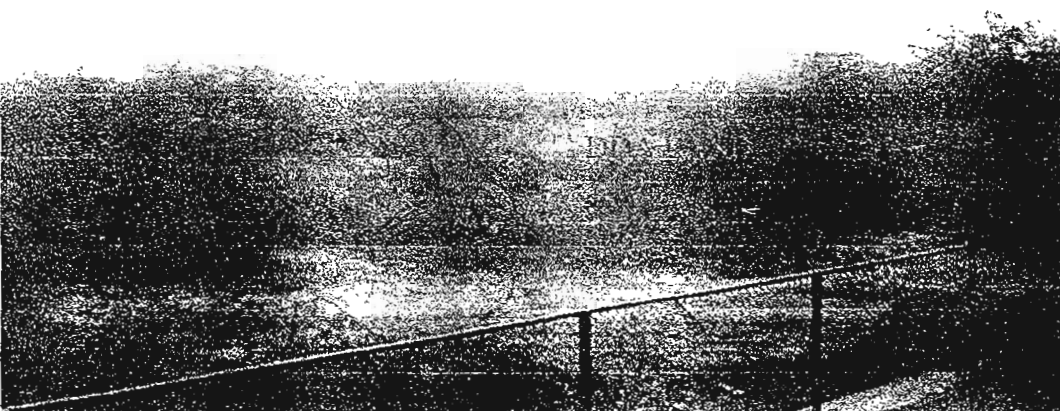
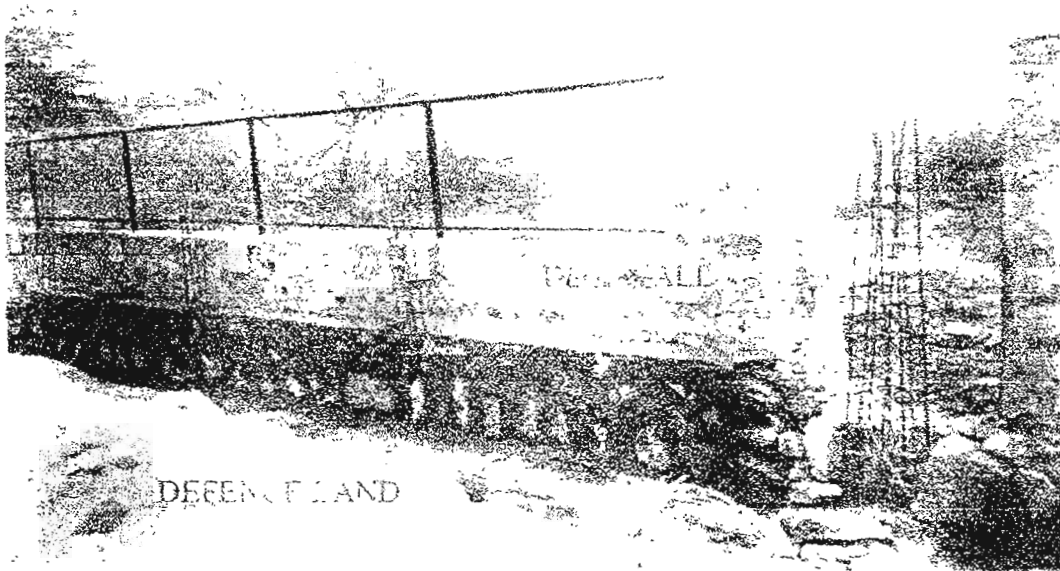
Office of tree Officer
DCFG (South) Near Shooting Range
Tughlakabad, New Delhi-110044

NOTICE

1. Please reference your letter No 0-TO/SFD/03/243 dt 03 Feb 2004.
2. It is intimated that the construction being carried out for accommodation of troops is on A-1 defence land. Moreover, no trees were cut as has been alleged. However, few keekar shrubs were removed by the contractor to level the ground for a playfield. In fact Army has been in the forefront of arboriculture drive. A total of 73,100 trees have been planted in the entire Cantonment in the last three years and 3,500 trees in Mahipalpur area.
3. It is reiterated that villagers/laborers from neighboring village of Lalkhera have been trespassing into defence land/DDA land and felling trees illegally. The same was also shown to the conservator of forest and DCF(S) on 01 Jan 2004. Now, a boundary wall has been built around the defence land to prevent any trespassing by the villagers.
4. Notwithstanding the above, directions have been passed to the concerned to incorporate a representative of forest department in any such future project.
5. A draft of Rs 16,000/- is enclosed as payment of fine imposed by your office. However, it is emphasized that the payment of fine is not an admission of guilt on the part of Army.


Major
DAA/COMG
For Station Commandant

People are not to be disturbed in any way. If any person is found disturbing the people, the same will be dealt with strictly.



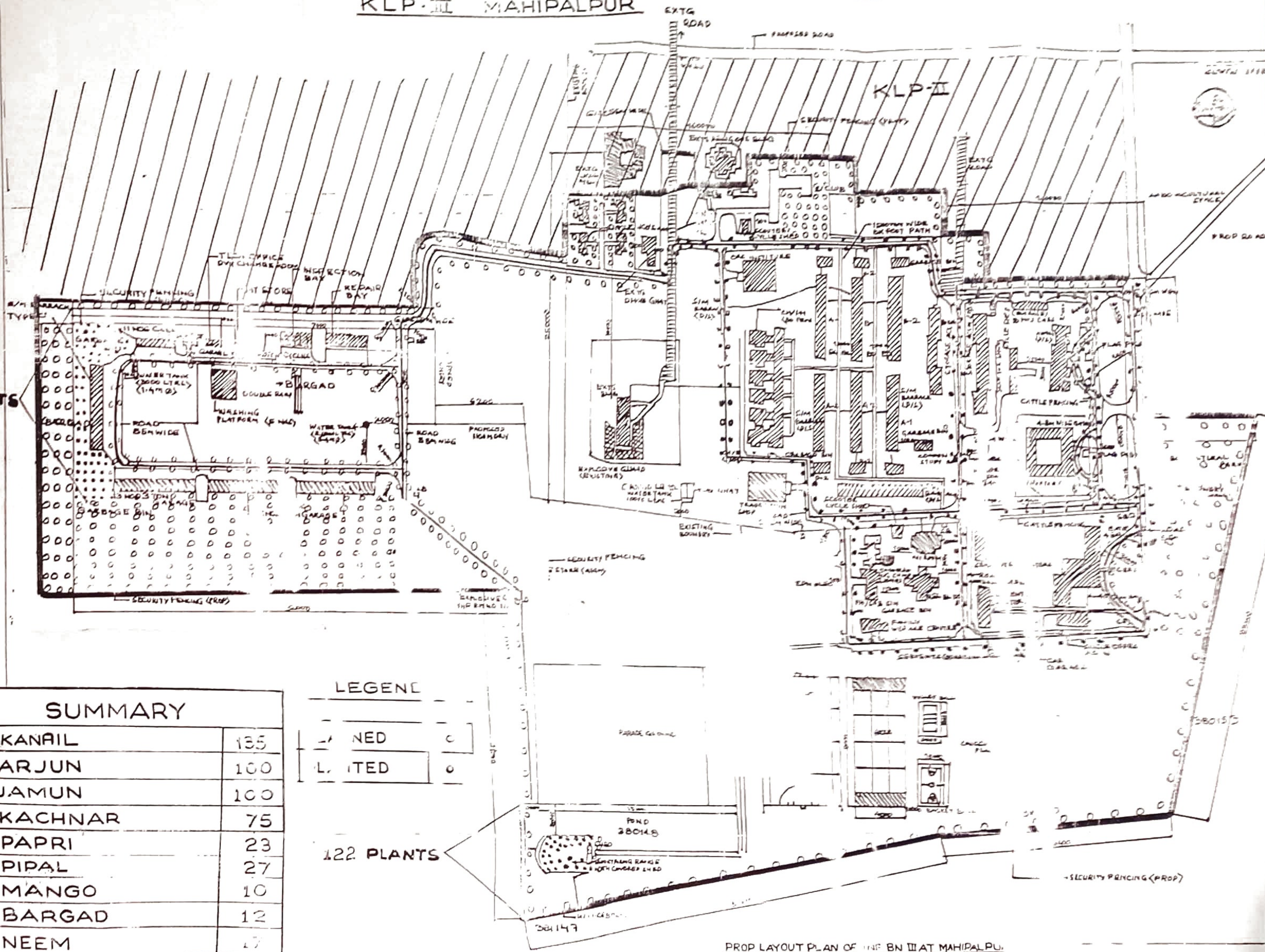
1000
00 PLANTS

SUMMARY		
1	KANAIL	135
2	ARJUN	100
3	JAMUN	100
4	KACHNAR	75
5	PAPRI	23
6	PIPAL	27
7	MANGO	10
8	BARGAD	12
9	NEEM	17
TOTAL		499

LEGEND

PLANTED
LIMITED

122 PLANTS



PROP LAYOUT PLAN OF THE BN III AT MAHIPALPUR



ANNEX 9
Samya - Centre for Equity Studies

Vishaish Uppal
Co-ordinator

12 May, 2004

Dear Sir,

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As some of the concerned departments have represented that they needed more time because some of their officers were away on election duty, the deadline for sending in your response has been extended to Monday, 17 May, 2004.

I would, therefore, be grateful if your response is sent to the undersigned by the said date. In case we do not hear from you by then, it would be assumed that you have no views to offer on the said application.

With regards,

Yours sincerely,

(Ms.) Vishaish Uppal

Shri P C Chatarvedi,
Chairman, Central Ground Water Authority,
NH4 Faridabad,
CGO Complex Faridabad,
Central Water, Ground Water Bhawan,
Faridabad.

CC: Shri MK Jiwrajka, Member Secretary, CEC



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Mrs. Shailaja Chandra,
Chief Secretary, Government of Delhi,
Delhi Secretariat,
I P Estate,
New Delhi -- 110 002

CC: Shri MK Jiwrajka, Member Secretary, CEC

R-38A South Extension – II, New Delhi 110 049
Telefax: 6+91 (0) 11 51642147; email: vishaish@vsnl.net



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Shri Prodipto Ghosh,
Secretary,
Ministry of Environment & Forest,
Paryavaran Bhawan,
CGO Complex,
Lodhi Road,
New Delhi – 110 003

CC: Shri MK Jiwrajka, Member Secretary, CEC

R-38A South Extension – II, New Delhi 110 049
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I T O,
New Delhi – 110 002

CC: Shri MK Jiwarajka, Member Secretary, CEC

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Delhi - 110 032

CC: Shri MK Jiwrajka, Member Secretary, CEC



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B Block, 1st Floor,
Vikas Sadan,
INA,
New Delhi – 110 023

CC: Shri MK Jiwarajka, Member Secretary, CEC

R-38A South Extension – II, New Delhi 110 049
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Mr. A D N Rao,
Advocate on Records of MoEF,
Chamber No. 116
Supreme Court Compound,
Tilak Marg,
New Delhi – 110 001

CC: Shri MK Jiwarajka, Member Secretary, CEC

DEPARTMENT OF FORESTS & WILDLIFE
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
A-BLOCK, 2ND FLOOR, VIKASH BHAVAN, NEW DELHI

No. 8 (61)/ CF/COT/02//Part I/ 597

Dated : 7/05/2004

To

Ms. Vishaish Uppal
Co-ordinator
Samya-Centre for Equity Studies
R-38A South Extension - II, Delhi - 49

Sub: Comments of Forest Department in the Application No. 331 before
CEC

Ref: Your letter dated 19.04.2004 addressed to the Chief Secretary, Govt.
of N.C.T. of Delhi.

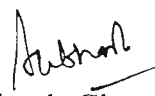
Madam,

I am directed to enclose herewith a copy of the reply of the Forest Department submitted to the Central Empowered Committee (CEC) in the application No.331 regarding preservation of environment and biodiversity in the area in question.

It is requested to kindly inform this office about the next visit of Sh. Shekher Singh, co-opted as special invitee of CEC to the site. The Conservator of Forest would like to accompany with Shekher Singh during inspection of site.

Enclo: as above

Yours faithfully,


(Subhash Chandra)
DCF (HQ)

134/C

To

The Member Secretary,
Central Empowered Committee constituted by the
Hon'ble Supreme Court of India
Room No.106, Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi – 110 003.

Reference: In the matter of Application No.331, filed by Citizens For the Preservation of the Quarries and Lakes Wildness" (CPQLW) Through Prof. Vikram Soni, A-10/4, Vasant Vihar, New Delhi-57.

Sir,

Kindly refer the directions of the Central Empowered Committee in the hearing on application No.331, held at the CEC offices on 20.2.2004 at 2:30 pm onwards wherein the Forest Deptt., Govt. of NCT of Delhi was directed to furnish clarifications on the following points before next hearing which is fixed on 25.03.2004 at 3:00 p.m.

1. Why the area in question had been left out side the Ridge area ?
2. Whether it is forest?
3. Whether the area in question has the characteristic to be developed as forest?

The point wise reply of the Respondent No. 4 based on available records and field observations is given hereunder:

Point No: 1- Why the area in question had been left out side the Ridge area?

Reply: In this regard it is submitted that a committee was constituted by the Govt. of Delhi under the Chairmanship of Sh. Lovraj Kumar to suggest a management pattern for the Delhi Ridge. Sh Lovraj Kumar's Committee identified the Ridges on the basis of Master Plan 2001. The committee's report was submitted to the Govt. of India for their opinion on 4.11.1993. The Govt. of India had given their opinion on 24.11.93 to take action on the issue of notification under Sec-4 of Indian Forest Act 1927. As per the report, the Committee had identified four Ridges to be notified as Reserved Forests. Total notified area of all 4 Ridges is approx. 7777 Ha as mentioned by Sh. Lovraj Kumar committee. The committee

has relied upon the MPD, 2001 prepared by the DDA to arrive at 7777 Ha area for the notification of Ridge.

Pursuant to the directions of the Hon'ble Supreme Court and after getting the opinion of the Govt. of India on the recommendations of the Lovraj Committee and approval of Cabinet of the Govt. of NCT of Delhi, notification under Section 4 of Indian Forest Act, 1927 was issued on 15.5.1994 for Four Ridges i.e. Northern Ridge, Central Ridge, South - Central Ridge and Southern Ridge comprising of an area of 7777 ha. The boundary of each Ridge mentioned above has been defined in the notification (based on the Lovraj Kumar Committee Report).

From the above it is submitted that the Ridges were notified as Reserved Forest on the basis of recommendations of Lovraj Committee Report, in which MPD – 2001 formed the basis for identification of Ridges. The Forest Deptt. cannot at this stage state as to why this area was not included in the Ridge.

Point No: 2- Whether it is Forest?

Reply: As regards to whether it is forest and has characteristics of forests, it is already submitted that the area under reference is not a part of the Notified Forest/ Ridge. The area having vegetation, excluding the built up land was inspected and found that it has vegetation characteristics of the Aravalli Ridge. The portion of the area in question which has natural vegetation is under heavy biotic pressure and in degraded stage. The species are Xerophytic in nature and represent the Forest Type-Tropical Dry Thorn Forest 6B/C of Champion & Seth (1968). The tree and shrubs species found on field inspection are Prosopis juliflora (Vilaiti Keekar), Prosopis cineraria (Khejri), Acacia nelotica (Babool), Butea monosperma (Dhak), Anogeissus pendula (Dhok), Holoptelia integrifolia (Churale Papri), Acacia leucophloea (Raunj), Azadirachta indica (Neem), Calotropis procera (Dhatura), Balanites roxburghii (Hinghot), Ziziphus spp.(Beri wild), Ficus spp, Capparis decidua (Teet), Ehretia, Adhatoda vesica (Vasak) etc. Good natural regeneration has been found in some areas.

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132/c

In this connection, a copy of the letter dated July 19th 1997 of the then Secretary (E&F), Govt. of NCT of Delhi on the subject of Clearance for International Hotel Complex, which is relevant to the matter, is enclosed. A copy of inspection report of the then Deputy Conservator of Forests, Govt. of NCT of Delhi is also enclosed.

Point No: 3- Whether the area in question has the characteristics to be developed as forests?

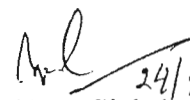
Reply: The area having vegetation has the potential to be restored as a forest with protection with natural regeneration/ afforestation with control on non forestry activities.

Accordingly, the reply of the Conservator of Forests as above is submitted before the Central Empowered Committee as directed in the last hearing held on 20.02.04.

It is respectfully submitted that it may kindly be treated as the reply of the respondent No.4.

Encl: As above.

Yours faithfully


(A.K. Sinha)

24/3/04

Conservator of Forests

New Delhi Dated 24.03.2004

21-3/CGWA/2K3-723
Central Ground Water Authority
Ministry of Water Resources
A2W3, Curzon Road Barracks
K. G. Marg
New Delhi – 110 001

Dated: 19.5.2004

To,

Ms. Vishaish Uppal
Coordinator
Samya – Centre for Equity Studies
R-38 / A, South Extension – II
New Delhi – 110049

Sub: Preservation of environment and biodiversity on the Delhi Ridge area-reg

Dear Madam,

Kindly refer to your letter no. Nil, dated 19.4.2004 on the subject cited above. As desired, the views of Central Ground Water Board area as follows:

1. The entire Delhi Ridge area is underlain by highly fractured / jointed Quartzite formations and is the Recharge zone for the surrounding areas. Mining of silica sand involving pumping of ground water have resulted depletion of ground water resources in the mining as well as surrounding buffer zone areas. To avoid adverse impact on ground water regime, pumping of ground water below water table is not recommended in the ridge area.
2. In the mined out areas of the ridge where water table is exposed to the atmosphere causing evaporation losses, it is recommended to fill up those mines with coarse and upto the water table.

Yours faithfully,

(Dr. Saleem Romani)
Member SML



Samya - Centre for Equity Studies

Shekhar Singh
Honorary Director

MOST IMMEDIATE

17 May 2004

Dear Shri Gupta,

Kindly refer to letter No. 1-5/CEC/SC/02, dated 26.3.2004, from the Central Empowered Committee constituted by the Hon'ble Supreme Court of India, co-opting me as a special invitee for application No. 331.

In this connection, I would be grateful if a copy each of the Master Plan of Delhi 1962 and 2001 is sent to me, so that we can verify the land use categories of the area in question. I would also be grateful if the zonal plans, specifically for the area under question, prepared under these two master plans, are also sent to me. I would also be grateful for a map of the area indicating all the allotments made to date, along with the details of the allotments (name of allottee, area, date of allotment, purpose, etc.)

The area under consideration is the area enclosed by the Nelson Mandela Marg (and the Jawahar Lal Nehru University) on the East, the Mehrauli Mahsudpur road (and Vasant Kunj) on the South, National Highway 8 on the West and the Outer Ring Road (Vasant Vihar) on the north.

As there is an urgency to finalise the report, I would be grateful if these documents are sent to me latest by 21 May, 2004.

With regards,

Yours sincerely,

Shekhar Singh
Special Invitee for Application No 331
Central Empowered Committee

Shri Madhukar Gupta
Vice Chairman, Delhi Development Authority
B Block, 1st floor
VIKAS SADAN, INA
New Delhi 110 023

Cc: Mr. MK Jiwrajka, member Secretary, CEC



Samya - Centre for Equity Studies

Shekhar Singh
Honorary Director

MOST IMMEDIATE

25 May 2004

Dear Shri Gupta,

Kindly refer to my letter of 17 May, 2004 (copy enclosed), requesting for a copy each of the Master Plan of Delhi 1962 and 2001, zonal plans, and a map. Unfortunately, the same have not yet been received.

As there is an urgency to finalise the report, I would be grateful if these documents are sent to me at the earliest, and in any case before the end of the week.

With regards,

Yours sincerely,

Shekhar Singh
Special Invitee for Application No 331
Central Empowered Committee

Shri Madhukar Gupta
Vice Chairman, Delhi Development Authority
B Block, 1st floor
VIKAS SADAN, INA
New Delhi 110 023

✓ Mr. MK Jiwarajka, member Secretary, CEC

Army Tree Act Prosecution
PD document

14/12/2003 - 14

GOVT OF NCT OF DELHI
OFFICE OF TREE OFFICER / D.C.F. : SOUTH
NEAR SHOOTING RANGE, TUGHLAKABAD, NEW DELHI – 44.

No. TO/SFD/03/

Dated : 29.12.2003

SHOW CAUSE NOTICE

Subject : Cutting of trees from the Defence land near Vasant Kunj, New Delhi.

Whereas a complaint has been received in this office 29-12-2003, that trees have been cut from the land owned by the Defence at Vasant Kunj (near Shankar Vihar). During the inspection of the said area and on enquiry it has been noticed that the construction work is under the control of the Defence Estate Officer, Delhi Zone, Delhi Cantt., New Delhi-110010.

AND Whereas it has been confirmed that 40 trees of Kabli Kikar (*Prosopis juliflora*) have been cut without any prior permission of the Tree Officer, which is violation of Section-08. of Delhi Preservation of Trees Act, 1994 and punishable with imprisonment or fine or both.

Therefore, I, R.S.Prashanth, DCF & Tree Officer, call upon the area Officer, Delhi Zone, Delhi Cantt., New Delhi-110010., to show cause within 10 days of receipt of this notice, why the trees have been cut without any permission from the Tree Officer and why action should not be taken against him as per the provision of Delhi Preservation of Trees Act, 1994.

(R.S.PRASHANTH)
TREE OFFICER/DCF
(SOUTH)

The Station Commander,
Delhi Cantt.
Near Gopinath Market,
New Delhi – 110010.

No. TO/SFD/03/

Dated : 29.12.2003

Copy to :-

✓ Conservator of Forests, Govt. of NCT of Delhi for information.

(R.S.PRASHANTH)
TREE OFFICER/DCF
(SOUTH)

To

The Member Secretary,
Central Empowered Committee constituted by the
Hon'ble Supreme Court of India
Room No.106, Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi – 110 003.

Reference: In the matter of Application No.331, filed by Citizens For the Preservation of the Quarries and Lakes Wildness" (CPQLW) Through Prof. Vikram Soni, A-10/4, Vasant Vihar, New Delhi-57.

Sir,

Kindly refer the directions of the Central Empowered Committee in the hearing on application No.331, held at the CEC offices on 20.2.2004 at 2:30 pm onwards wherein the Forest Deptt., Govt. of NCT of Delhi was directed to furnish clarifications on the following points before next hearing which is fixed on 25.03.2004 at 3:00 p.m.

1. Why the area in question had been left out side the Ridge area ?
2. Whether it is forest?
3. Whether the area in question has the characteristic to be developed as forest?

The point wise reply of the Respondent No. 4 based on available records and field observations is given hereunder:

Point No: 1- Why the area in question had been left out side the Ridge area?

Reply: In this regard it is submitted that a committee was constituted by the Govt. of Delhi under the Chairmanship of Sh. Lovraj Kumar to suggest a management pattern for the Delhi Ridge. Sh Lovraj Kumar's Committee identified the Ridges on the basis of Master Plan 2001. The committee's report was submitted to the Govt. of India for their opinion on 4.11.1993. The Govt. of India had given their opinion on 24.11.93 to take action on the issue of notification under Sec-4 of Indian Forest Act 1927. As per the report, the Committee had identified four Ridges to be notified as Reserved Forests. Total notified area of all 4 Ridges is approx 7777 Ha as mentioned by Sh. Lovraj Kumar committee. The committee

has relied upon the MPD, 2001 prepared by the DDA to arrive at 7777 Ha area for the notification of Ridge.

Pursuant to the directions of the Hon'ble Supreme Court and after getting the opinion of the Govt. of India on the recommendations of the Lovraj Committee and approval of Cabinet of the Govt. of NCT of Delhi, notification under Section 4 of Indian Forest Act, 1927 was issued on 15.5.1994 for Four Ridges i.e. Northern Ridge, Central Ridge, South - Central Ridge and Southern Ridge comprising of an area of 7777 ha. The boundary of each Ridge mentioned above has been defined in the notification (based on the Lovraj Kumar Committee Report).

From the above it is submitted that the Ridges were notified as Reserved Forest on the basis of recommendations of Lovraj Committee Report, in which MPD – 2001 formed the basis for identification of Ridges. The Forest Deptt. cannot at this stage state as to why this area was not included in the Ridge.

Point No: 2- Whether it is Forest?

Reply: As regards to whether it is forest and has characteristics of forests, it is already submitted that the area under reference is not a part of the Notified Forest/ Ridge. The area having vegetation, excluding the built up land was inspected and found that it has vegetation characteristics of the Aravalli Ridge. The portion of the area in question which has natural vegetation is under heavy biotic pressure and in degraded stage. The species are Xerophytic in nature and represent the Forest Type-**Tropical Dry Thorn Forest 6B/C** of Champion & Seth (1968). The tree and shrubs species found on field inspection are Prosopis juliflora (Vilaiti Keekar), Prosopis cineraria (Khejri), Acacia nelotica (Babool), Butea monosperma (Dhak), Anogeissus pendula (Dhok), Holoptelia integrifolia (Churale Papri), Acacia leucophloea (Raunj), Azadirachta indica (Neem), Calotropis procera (Dhatura), Balanites roxburghii (Hinghot), Ziziphus spp.(Beri wild), Ficus spp, Capparis decidua (Teet), Ehretia, Adhatoda vesica (Vasak) etc. Good natural regeneration has been found in some areas.

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In this connection, a copy of the letter dated July 19th 1997 of the then Secretary (E&F), Govt. of NCT of Delhi on the subject of Clearance for International Hotel Complex, which is relevant to the matter, is enclosed. A copy of inspection report of the then Deputy Conservator of Forests, Govt. of NCT of Delhi is also enclosed.

Point No: 3- Whether the area in question has the characteristics to be developed as forests?

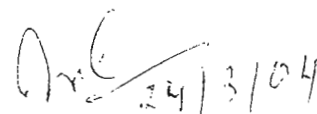
Reply: The area having vegetation has the potential to be restored as a forest with protection with natural regeneration/ afforestation with control on non forestry activities.

Accordingly, the reply of the Conservator of Forests as above is submitted before the Central Empowered Committee as directed in the last hearing held on 20.02.04.

It is respectfully submitted that it may kindly be treated as the reply of the respondent No.4.

Encl: As above.

Yours faithfully



(A.K. Sinha)

Conservator of Forests

New Delhi Dated 24.03.2004

To,

Shri P. M. Ansari,
Member Secretary,
Environmental Assessment Authority,
CGO Complex, New Delhi – 110003

Sub: Clearance for International Hotel Complex

Sir,

Reference is invited to your letter No. 1-2/96-EIA dated 22.7.97 seeking clarification whether the International Hotel Complex area in Vasant Vihar is a part of the Ridge or not. In this connection, I am directed to inform you that this area is physically, topographically and geographically is a ridge, being extension of Arawali Range, as also confirmed by Geological survey of India and presently carries growth of forest vegetation of various species in patches, characteristics of dry, thorny & tropical forest. However, this is not included in ridge areas, as defined by DDA in Master Plan 2001 forming the basis of declaring then as Reserved Forest U/s 4 of the Indian Forests Act, 1927 vide notification No. F. 10(42) – 1/PM/DCF/93/2012-17 (1) dated 24.5.1994. Irrespective of the status of the area, the sponsoring Authority, DDA requires to seek prior permission for felling of trees under Delhi Trees Preservation Act, 1994.

As desired by the Chairman, Environmental Assessment Authority on 28.7.1997, I am enclosing a copy of the Supreme Court order dated 12.12.1996, which appears to have direct bearing on this project which carries the vegetation as indicated above.

Yours faithfully,

(H.A. Arfi)
Secretary. (Environment)


Encl: As above

ANNEXURE-C

INSPECTION REPORT ON VASANT VIHAR, VASANT KUMH AND NEARBY AREA

On the request of Mr. Soni, the area was visited some time in October, 1996 to assess the flora and fauna of the area and the stress that is being exercised on the natural resource of this area due to the presence of many jhuggi- jhopari dwellers in the nearby area and the developmental activities that are being taken up by the Delhi Development Authority.

2. Physically and geographically, this area is also an extension of the Aravalli Ridge. However, as per the Master plan, it has not been included in the Ridge and, therefore, the area has been excluded from the Notification issued under Section 4 of Indian Forest Act, 1927 in May, 1994 notifying the intention of the Govt. to declare it as reserve forest. The area has JNU and Sanjay Van on one side and Marol Bhai Pahari, which is good forest cover, on the other side. Most of the area has dense growth of forest trees, where biotic interference is absent. However, the predominant specie is *Prosopis juliflora*, which indicates that this must have come recently and the indigenous species like Neem, Dhak, Keekar, Jungle Jalebi, etc. are few and far, though the root stock of these species is present at many places. A portion of the area had been mined previously. Some of these mined pits have developed in excellent water bodies which harbour number of species of water birds which include, the spot billed duck, the little grebe, moorhens, cormorants and herons, etc. In addition to this, peafowls, partridge, quail, spotted owlet, horned owl, flycatchers, etc. are also found in the area.


(D.C. Khanduri)

