

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION**

CIVIL APPEAL NO(S).1249/2019

THE STATE OF UTTARAKHAND & ANR.

APPELLANT(S)

VERSUS

**IN THE MATTER OF THE PROTECTION OF FOREST,
ENVIRONMENT, ECOLOGY, WILDLIFE ETC.
FROM THE FOREST FIRE & ORS.**

RESPONDENT(S)

WITH

WRIT PETITION(C) NO.767/2019

RITUPARN UNIYAL

PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.

RESPONDENT(S)

O R D E R

1. The High Court of Uttarakhand, on the basis of some news reports, took judicial notice of the frequent forest fires that were occurring across 13 districts of Uttarakhand between April and May 2016. The forest fires had admittedly caused large-scale ecological destruction and adversely affected the forests, the local economy and the environment in Uttarakhand. The High Court accordingly directed the respondents to file affidavits on various issues identified by it pertaining to such recurring forest fires. The affidavits filed by the

official respondents revealed that there were 1798 reported incidents of forest fires during the 2015-2016 season, affecting 3948.15 hectares of land. In view thereof, the High Court called upon the State of Uttarakhand and its Forest Department to disclose the measures undertaken by them for prevention, management and control of forest fires.

2. According to the affidavit filed by the State of Uttarakhand before the High Court, the following steps had been taken by the State Government to mitigate forest fires:

- "i. Approval of District Fire Management Plan.
- ii. Awareness Generation programmes.
- iii. Rotational burning/controlled burning of forest floor litter.
- iv. Clearing of fire-lines in the forests.
- v. Master control room
- vi. Watch towers
- vii. Crew stations
- viii. Wireless communication network
- ix. Satellite based information system
- x. Efficient fire fighting tools
- xi. Detection of fire incidents
- xii. Continuation of multimedia campaign
- xiii. 40 MCRs and 1166 crew stations have been reinforced.
- xiv. Number of fire watchers have been increased from 3000 to 6000.
- xv. One team of SDRF and three team of NDRF have been deployed.
- xvi. 500 employees have been engaged for forest fire fighting.
- xvii. Water tankers have been provided.
- xviii. Three M.I. helicopters were also deployed."

3. The High Court nevertheless deemed it appropriate to consider the principles of environmental jurisprudence, the inadequate maintenance of certain well-known water-

resources in the forest area, the declarations made at the U.N. Conference on the Human Environment, as well as several decisions of this Court. Upon such consideration, the High Court issued a comprehensive set of directions contained in sub-paragraphs 'a' to 'z' of the operative portion of its judgment.

4. These directions include:

a. Union of India is directed to formulate National Forest Policy aiming on forest management, conservation and sustainable development also to maintain and increase forest covers and notify the same within a period of six months as per preamble and guidelines framed by United Nations Conference on Environment and Development also called Rio de Janeiro Declaration/Earth Summit/Forest Principles. The National Forest policy must integrate with other economic policies.

b. Union of India is directed to declare 10 Kms. of Eco Sensitive Zone around Jim Corbett National Park, other National Parks and Sanctuaries throughout the State of Uttarakhand within a period of six months. Till then, no fresh construction shall be undertaken by any person/institution within the radius of 10 Kms. of Jim Corbett National Park and other National Parks throughout the State of Uttarakhand. No new road shall be constructed through Jim Corbett National Park, National Parks and Sanctuaries in the State of Uttarakhand.

c. No wild animals including tigers, leopards and panthers shall be declared man-eater/rouge and killed in entire State of Uttarakhand. Dead body of wild animal shall not be displayed in print media,

electronic media including television. Henceforth, the wild animal who poses threat to human life should be captured alive by using tranquilizer gun in the presence of Veterinary Doctor. Captured wild animal shall be thereafter released in nearby forest/jungle or alternatively, can be kept in zoo temporarily and thereafter, be released in its own habitat.

d. The decision, whether wild animal causes threat to life of human being, shall be taken at the highest level by a committee comprising of Principal Secretary, Forest and Principal Chief Conservator of Forest. No private hunter shall be engaged by the State Government to kill wild animals.

e. Ministry of Railways is directed to dig up trenches around the electric poles along railway track in Rajaji National Park and also to insulate the electric poles by raising fence to avoid electrocution of wild animals within a period of three months from today.

f. State Government is directed to follow all notification dated 11/11/2009 issued by the Inspector-General of Forests and Director (Project Elephant) in letter and spirit for saving the elephants from electrocution.

g. State Government is directed to make suitable amendments in existing forest laws and laws pertaining to wild animals for imposing exemplary punishment including life imprisonment for poachers.

h. State Government is directed to appoint at least 55 fire watchers in order to detect and contain the forest fire at the earliest during summer season. Number of fire towers should be increased.

i. State Government is further directed to constitute a committee comprising of the Head of Forest Research Institute, Dehradun and Principal Secretary, Forest, State of Uttarakhand to save following endangered species of plants in Uttarakhand within three weeks: *Aconitum heterophyllum*, *Dactylorhiza hatagirea*, *Alpinia galangal*, *Coptis teeta*, *Nardostachys grandiflora*, *Podophyllum hexandrum*, *Panax pseudo-ginseng*, *Picrorhiza kurrooa*, *Dioscorea deltoidea*, *Angelica glauca*, *Allium stracheyi*, *Podophyllum hexandrum*, *Nardostachys grandiflora*, *Aconitum* spp., *Picrorhiza kurrooa*, *Saussurea lappa* and *Dactylorhiza hatagirea*.

j. State Government is directed to provide sufficient funds to prevent and control the forest fires in all the coming financial years.

k. State Government is directed to dig sufficient water bodies in the forest areas to control forest fires and maintain the moisture in environment.

l. Respondents are directed to use foam and other fire retardants to control the forest fires.

m. Disaster Management Plan be strengthened.

n. The cadre strength of Forest officers working in the field be increased at least by 30%.

o. State Government is also directed to provide fire fighting tools including fire proof clothing and machinery to the forest officials. They should be provided with latest monitoring equipment. The equipments should be updated from time to time. Local people must be associated to control forest fires by constituting the Fire Protection Groups.

p. Gujjars who have encroached upon the forest land be evicted within a period of one year from today.

- q. Forest fire range should be cleaned and maintained properly every three months.
- r. State Government should undertake the detailed geological, ecological and botanical survey in the entire State of Uttarakhand within a period of one year.
- s. State Government is also directed to fix pre-warning alerts system..
- t. Numbers of personnel of SDRF and NDRF be increased and deployed during fire months i.e. May, June & July in order to prevent and control forest fires.
- u. In case, the Forest fire continues for more than 24 hours, the concerned Divisional Forest Officer shall be deemed to be put under suspension. Similarly, if forest fire continues for more than 48 hours, the Conservator of Forest shall be deemed to be put under suspension. Lastly, if forest fire continues for more than 72 hours, Principal Chief Conservator of Forest shall be deemed to be put under suspension and disciplinary proceedings shall be initiated against them for not preventing/controlling forest fires.
- v. A person who causes forest fires intentionally must be sternly dealt with by framing suitable law.
- w. State Government is directed to ensure that all the developers maintain at least 20% greenery in housing developing projects.
- x. The State Government in coordination with the Central Government is directed to raise stone wall around the Jim Corbett National Park and other National Parks to save the wild animals.
- y. Forest Department is directed to set up a monitoring cell to track movement of elephants and other wild animals and to inform railway

authorities. There shall be coordination between the Forest Department and the Railways. Railway authorities are directed to ensure that the speed of trains should not be more than 30 Kms/hr. while passing of the train through Jim Corbett National Park.

z. State Government is also directed to formulate a policy to pay compensation/damages to the farmers for the loss of their crops due to forest fires within six months.

5. Feeling aggrieved, the State of Uttarakhand approached this Court challenging, *inter-alia*, directions (b), (c), (d), (g), (h), (l), (n), (u) and (x), contained in the impugned judgment. By order dated 27.03.2017, a Coordinate Bench of this Court stayed the operation of the impugned judgment.

6. It is not in dispute that the aforesaid stay order is still operative.

7. Pending these proceedings, Shri Rajiv Datta, learned senior counsel and a distinguished Member of the Supreme Court Bar Association, filed I.A. No. 156009/2026, seeking directions to the State of Uttarakhand to explain as to why despite the measures stated to have been undertaken in the year 2024-2025 and the assurances furnished before this Court regarding preparedness for forest fires, the State has not been able to curb the same.

8. It is only pursuant to the efforts made by him that

the interlocutory application as well as the main matter have now been taken on board for final hearing.

9. We have heard Shri Datta, learned Senior Counsel, who is applicant in-person as well as Shri K. Parameshwar, learned Senior Counsel, who is assisting the Court as *Amicus Curiae*. We have also heard Mr. Mr. Jatinder Kumar Sethi, learned Additional Advocate General on behalf of the State of Uttarakhand.

10. As may be seen, an extensive series of directions were issued by the High Court more than a decade ago. However, owing to the interim stay granted by this Court in 2017, the implementation and efficacy of those directions could not be meaningfully assessed. It appears to us that many of the directions contained in the impugned judgment have since been substantially implemented and complied with by the State of Uttarakhand as well as the Union of India.

11. The incidents of forest fire, however, continue to recur every year. Allegations have also been made regarding mismanagement, diversion, and misutilisation of funds, as well as a lack of commitment on part of the concerned authorities. In these circumstances, we are of the considered view that the directions issued by the High Court, which have remained under stay for nearly a decade, ought to be revisited. We say so because considerable changes have taken place on ground during this period. Further, with advancements in technology

and the modernization of forest fire detection and management systems, it is open to debate whether greater emphasis ought to be placed on increasing manpower, as directed by the High Court, or on the adoption of more effective scientific and technological solutions. Since forest fires constitute a recurring and continuing environmental challenge, the matter also requires periodic monitoring. In our considered view, the jurisdictional High Court is better placed to undertake such monitoring and to issue such periodic directions as may be warranted in light of changing circumstances and local requirements.

12. We also request Mr. Rajiv Datta, learned Senior Counsel, to extend his assistance to the High Court as *Amicus Curiae*, preferably through online appearances, if so required by the High Court.

13. In light of the foregoing discussion, the appeal and the Writ Petition are allowed in part. The impugned judgment of the High Court is set aside, and the matters are remitted to the High Court for fresh consideration. The High Court shall revisit the issues arising for determination in the light of subsequent developments and shall issue such revised directions as may be considered necessary in the changed circumstances.

14. We request the High Court to monitor the implementation of such measures, as may be directed, in accordance with law.

15. Before parting, we record our appreciation for the valuable assistance provided by Shri Rajiv Datta, learned Senior Counsel as well as Shri K. Parameshwar, learned Senior Counsel and *Amicus Curiae*.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
JULY 23, 2026

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

Civil Appeal No(s).1249/2019

THE STATE OF UTTARAKHAND & ANR.

Appellant(s)

VERSUS

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

Respondent(s)

WITH

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

IA No. 156009/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 23-07-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

Mr. K. Parameshwar, Sr. Adv. (A.C.)
Ms. Kanti, Adv.
Mr. Sai Kaushal N., Adv.
Mr. Prasad Hegde, Adv.
Mr. Adit Garg, Adv.
Ms. Vallari K.N., Adv.

For Appellant(s) : Petitioner-in-person
Mr. Jaswant Singh Rawat, AOR

Mr. Jatinder Kumar Sethi, D.A.G.
Mr. Akshat Kumar, AOR
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For Respondent(s) : Mr. Saurabh Rajpal, AOR

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

Mr. Kuldip Singh, AOR
Applicant-in-person

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

1. The appeal as well as writ petition are allowed in terms of

the signed order.

2. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)

DY. REGISTRAR

(signed order is placed on the file)