

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)  
IN  
ORIGINAL APPLICATION NO. 157 OF 2021 (SZ)**

**STATEMENT FILED ON BEHALF OF THE PRINCIPAL SECRETARY,  
FOREST & WILDLIFE DEPARTMENT**

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Dated at Chennai on this the 7<sup>th</sup> day of March, 2022.

**M/s. E.K.KUMARESAN**

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

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**STATEMENT OF THE PRINCIPAL SECRETARY, FOREST AND WILDLIFE, Kerala, 3RD RESPONDENT IN OA No. 157 Of 2021 (SZ) BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT CHENNAI**

Hon'ble National Green Tribunal (Tribunal) has initiated suo motu proceedings in the above case based on the news item published in Onmanorama E-paper, Web Edition dated 08.06.2021, under the caption "Revenue, Forest Departments failed in preventing Mutil tree felling, says report". The Hon'ble Tribunal by order dated 28.07.2021 directed the Principal Chief Conservator of Forests & Head of Forest Force, Kerala and the respective District Collectors to submit their independent reports regarding the allegations made in the newspaper report and also the possible damage if any caused to forest ecology and environment on account of the these acts, and what is the nature of action taken by them apart from initiating prosecution whether any steps have been taken to realise loss caused to the Government on account of the tree cutting applying the principles of Net Present Value (NPV) as has been observed by the Hon'ble Court in (T.N. Godavarman Thirumulpad vs. Union of India & Ors). It was also directed to report whether any trees have been cut in the guise of the impugned Government Order, if so how many trees had been cut and if any violation is found, what are all the nature of violations committed by the persons who are responsible for such illegal cutting, independent action taken by the respective Department.

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2) An Independent Report was submitted before the Hon'ble Tribunal by the Principal Chief Conservator of Forests & Head of Forest Force, Kerala (the 5th Respondent) dated 27.08.2021 on the above mentioned points. The Hon'ble Tribunal in Order dated 16.11.2021 observed that the Principal Chief Conservator of Forests & Head of Forest Force, Kerala has also not mentioned about the imposition of compensation for such illegal cutting and what is the nature of action, except prosecution taken by them in this regard and directed him to file a further report regarding the further steps taken on the basis of the directions issued by the Tribunal when admitting the matter.

3) The Hon'ble Tribunal by Order dated 28.07.2021 directed to report "what is the nature of action taken by them apart from initiating prosecution whether any steps have been taken to realise loss caused to the Government on account of the tree cutting applying the principles of Net Present Value (NPV) as has been observed by the Hon'ble Court in (T.N. Godavarman Thirumulpad vs. Union of India & Ors)." The action taken is summarised as follows:

**A. What is the nature of action taken apart from initiating prosecution**

*Most of the forest offences are booked under provisions of Rules 3, 4 & 7 of The Kerala Forest (Prohibition of Felling of Trees Standing on Land Temporarily or Permanently Assigned) Rules, 1995 and Sections 52, 61(A), 69 and 82 of Kerala Forest Act, 1961. A total of 794.163 M<sup>3</sup> (510.089 M<sup>3</sup> Teak and 284.074 M<sup>3</sup> Rosewood) has been seized by the Forest Department till now. The estimated value of the seizure so*

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far made is Rs. 1004.889 lakh. Apart from the prosecution of the cases, the procedures for confiscating the Government timber and also vehicles, tools etc. used for committing the offences in these cases are also being taken up under section 61(A) of Kerala Forest Act, 1961. Disciplinary action has also been taken against the officials for lapses in discharging their duties in connection with tree felling incidences.

Pattadar is bound to protect the Government trees reserved as per the pattayam conditions. If pattayam condition is violated, the Revenue Department is the competent agency to take appropriate actions against the pattadars under Kerala Land Conservancy Act, 1957.

**B. Whether any steps have been taken to realise loss caused to Government on account of the tree cutting applying the principles of Net Present value**

It is reported that a total of 2696 trees have been cut from the areas which fall under the jurisdiction of 35 Forest Ranges throughout the State. The felling of the individual standing trees happened in a scattered manner, mostly in the non-forest Pattayam lands under the possession of private individuals under cultivation since 1960s. Therefore, the principles of Net Present Value have not been applied for such trees standing in the pattayam lands till date.

4) It is further to submit that the principles of Net Present Value (NPV), as has been observed by the Hon'ble Supreme Court in (T.N. Godavarman Thirumulpad vs. Union of India & Ors) and the Guidelines issued by the Ministry of Environment, Forest and Climate Change,

*[Handwritten signature]*

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Government of India on Hon'ble Court Orders under Forest (Conservation) Act, 1980, is applicable to forest land. It is to reiterate that the felling of the individual standing trees happened in a scattered manner over many districts, mostly in the Pattayam lands under the possession of private individuals which are under cultivation since 1960s and having status as revenue land. Therefore, the principles of Net Present Value have not been applied for such trees standing in the Pattayam lands till date.

5) As on today, 583 OR cases have been registered against illegal cutting of trees and the investigation is progressing. Apart from the prosecution of the cases, the procedures for confiscating the Government timber and also vehicles, tools etc. used for committing the offences in these cases are also being pursued under section 61A of Kerala Forest Act, 1961. In 5 cases, confiscation procedure is completed; hearing is completed in 28 offence cases; notices have been issued in another 9 cases and the others are under reporting stage. Moreover, strict instructions has been given to all concerned Divisional Forest Officers and Range Forest Officers for reporting the cases to the concerned Revenue Authorities for taking up the cases under section 10 of Land Conservancy Act, 1957. A penalty upto three times the value of tree can be levied from the Pattadars as per this Act and action can be taken up against the Pattadars by the revenue authorities for violation of patta conditions.

6) The Chief Secretary convened a meeting on 18.01.2022 of all stakeholders to discuss the measures to be taken to compensate the loss caused to the ecosystem by the recent tree felling. In the meeting,

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Forest Department has been instructed to complete the confiscation process and booking of crimes and to assist plantation of trees to compensate to the loss in co-ordination with other departments and the Revenue Department has been instructed to register cases for violation of rules and felling of trees and impose adequate fine on Pattadars for illegalities.

7) In the above meeting, it has been decided to initiate separate action for planting in Private land, Institutional land and Government revenue land about 30,000 seedlings of indigenous species, which is 10 times the number of trees felled in order to compensate the environmental loss caused due to the tree felling. Biodiversity Board is entrusted with the job of tree-planting through Biodiversity Management Committees under the Board all over the State with the assistance of Local Self-Government Institutions. This drive will be taken up during June - July months of 2022 and will be primarily focused in the villages where the illegal tree felling incidences had happened in the State.



  
**Rajesh Kumar Sinha**  
Principal Secretary  
Forest & Wildlife Department