

NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 177/ 2023/EZ

In Re: 'News item appearing in Northeast Now dated 27.10.2023 title "Assam: Adil Hussain joins chorus urging Govt., NHA to spare century old trees for highway project"

-Versus-

National Highways and Infrastructure Development Corporation Limited and Another

INDEX

Sl. No.	Particulars	Description	Page No.
1	Additional Affidavit		1 to 4
2	Annexure - I	Minutes of the meeting dated 16.07.24	5 to 6
3	Annexure -II	Report dated 11.09.24	7 to 8
4	Annexure - III	Report of the DFO , Kamrup West Division	9

Filed by:


Santanu Bora, Advocate

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Ph. No. 9864176825

Serial No. 599
Date 11/09/2024

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 177/2023/EZ

IN THE MATTER OF:

In Re: 'News item appearing in Northeast
Now dated 27.10.2023 title "Assam:
Adil Hussain joins chorus urging Govt.,
NHA to spare century old trees for
highway project"

.....APPLICANT

-Versus-

National Highways and Infrastructure
Development Corporation Limited and
Another

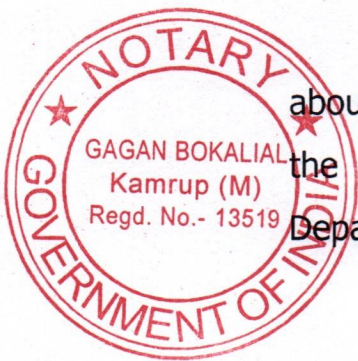
.....RESPONDENTS

Bidit Das

Joint Secretary to the Government of Assam
Environment & Forest Department
Government of Assam
Dispur, Guwahati-781006

ADDITIONAL AFFIDAVIT FILED BY RESPONDENT No.2
ON BEHALF OF THE STATE OF ASSAM AS PER ORDER
DATED 24.07.24.

I, Sri Bidit Das, ACS, son of late Dondiram Das, aged
about 55 years, presently holding the post of Joint Secretary to
the Government of Assam, Environment and Forest
Department, Dispur, Guwahati -6, Assam in the district of



[Signature]

GAGAN BOKIALIAL
NOTARY
Guwahati, Kamrup (M)
Regd. No.- 13519

11 SEP 2024

Kamrup (Metro) do hereby solemnly affirm and state as follows:

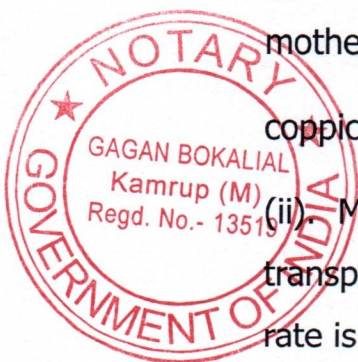
1. That I am the Joint Secretary to the Government of Assam, Environment and Forest Department. As such, I am fully conversant with the facts and circumstances of the case, I am also duly authorized to swear this affidavit on behalf of the State of Assam and file this instant affidavit as per order dated 24.07.24 passed by the Hon'ble Tribunal.

2. That the answering deponent begs to state that as per report submitted by DFO, Goalpara during the National Highway (NH) four-laning operations a total of 4972 Nos. of trees having girth above 60cm. have been felled. That total of 973 Nos. of trees have been transplanted and the current survival rate of transplanted trees is 61%. That among the tree species, Sal (Shorea robusta) was not considered for transplantation since Sal coppices have less visible out growth and mother root are deep. Few Sal trees / poles are translocated however; the survival was extremely low below 10%. The low survival rate was due to following reason:

(i). Sal Coppice – Coppices are generally not successful as mother roots are deep and the

coppices out growth are less viable for translocation.

(ii). Mature and large trees are identified for felling as the transplantation at this stage is extremely difficult and success rate is minimal with existing technology.



17 1 SEP 2024

GAGAN BOKALIAL
NOTARY
Guwahati, Kamrup (M)
Regd. No.- 13519

Bidit Dm

3. In compliance with the directions issued by the Hon'ble National Green Tribunal (NGT), the alignment of the National Highway was adjusted slightly towards the low-density side of the existing highway corridor. This realignment was specifically undertaken to minimize the environmental impact of the four-laning project by reducing the number of trees required to be felled - this has resulted in reducing of felling of 581 trees which are now conserved and protected in-situ. Further, mature and large tree transplantation is difficult and the success rate is minimal with existing technology. That in this regard a meeting was held under the Chairmanship of CCF & Nodal Officer (FC Act) on 16.07.24.

A copy of the minutes of the meeting dated 16.07.24 is annexed and marked as **ANNEXURE -I**

4. That the answering deponent begs to state that, in this regard DFO, Goalpara Division has also furnished a report to the CCF & Nodal Officer (FC Act,) on 11.09.24. As per the report submitted by DFO, Kamrup West Division a total of 6596 trees about 60 cm girth have been felled during the National Highway (NH) four-laning operations under Kamrup West Division.

In order to minimize the felling, the NHIDCL implemented a minimization strategy in the neighboring division of Goalpara wherein the cross section of the highway was reduced to minimize the land requirement and going by the same strategy the land requirement in Kamrup West was reduced from 29 Ha to 16.712 Ha.



17 1 SEP 2024

GAGAN BOKALIAL
NOTARY
Guwahati, Kamrup (M)
Regd. No.- 13519

Bidit Das

Also, since the number of trees that were felled (against the Pkg-IX) in an area of 16.712 Ha of Forest Land in Kamrup Westwas enumerated to be 11667 trees, the average trees per hectare is calculated to be 698.

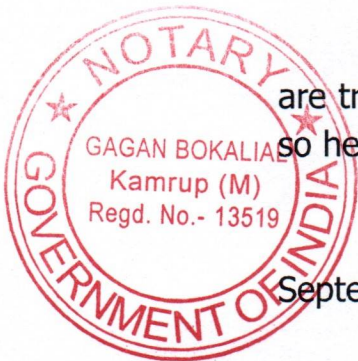
Thereby, assuming the forest cover to be having the same density, the total number of trees saved by reducing the area diverted from 29 Ha to 16.712 Ha is assumed to be 8577 trees

A copy of report dated 11.09.24 of DFO, Goalpara annexed and marked as **ANNEXURE -II and** DFO, Kamrup West Division annexed and marked as **Annexure - III.**

5. That the statements made in paragraph X X of this affidavit are true to my knowledge and belief, those made in paragraph 12 and 3 being matters of records which I believe to be true and rest are my humble submission before this Hon'ble Court.

That the declarations made in the above paragraphs are true and it conceals nothing and that no part of it is false, so help me God.

And I sign this affidavit on this the 11th day of September 2024 at Guwahati.



Bidit Das
DEPONENT

Joint Secretary to the Government of Assam
Environment & Forest Department
Government of Assam
Dispur, Guwahati-781006

Identified by me:

Sanku B
Advocate

GAGAN BOKALIA
NOTARY
Guwahati, Kamrup (M)
Regd. No.- 13519

11 SEP 2024

**MINUTES OF MEETING TO FRAME STANDARD OPERATING PROCEDURE
FOR TREE TRANSPLANTATION IN ASSAM HELD ON 16.07.2024 AT 11:00 AM
THROUGH VIDEO CONFERENCE**

Members present at Annexure- 'A'

The meeting was held under the chairmanship of Dr. C. Muthukumaravel, IFS, Chief Conservator of Forest and Nodal Officer (FCA) to frame standard operating procedure for tree transplantation in Assam.


Opening deliberation made by Chairman regarding the background of the Tree Translocation Project and draft SOP prepared by the committee based on available literature and techniques adopted in the Kamrup East Division & Goalpara Division which is further referred to Assam Agriculture University and Rain Forest Research Institute (RFRI), Jorhat for their comments by Govt of Assam. Chairman then asked all the members to present their views on the basis of applicability of forest Conservation Act, 1:10 plantation rule, transplantation seasonality issues and impact on development works.

Comments made by DFO, Kamrup East and DFO, Goalpara was that the transplantation was weather dependent, there was limited time for the plantation to occur and very limited number of species would be suitable. Projects from the User Agency are all the year round but the translocation process is limited to only 2-3 months in the whole year.

Further during the discussion the following views have emerged:

1. In case of Forest Clearance (FC), there is already guidelines and rules issued by MoEF mandating Compensatory Afforestation for the diverted area. So, the proposed translocation process shall not be made mandatory and only made voluntary wherever possible.
2. As the success of translocation also depends on the season (April to July in case of Assam), the tree felling for development projects during non-season may not be linked to translocation.
3. Considering the climatic and soil conditions in Assam highly favourable for Afforestation, the translocation of trees will not be cost effective and will incur huge resources.
4. It was suggested by RFRI that for time being, the translocation may be attempted at pilot levels to understand the process and also cost involved. It may be taken up in collaboration with ICFRE/RFRI.

In the end the Chairman informed that further discussion will be held in the next meeting and requested the RFRI, Jorhat to come up with their comments on the earlier draft submitted by the committee.


(Dr. C Muthukumaravel, IFS)
Chairman,
Tree Transplantation Committee
CCF & Nodal Officer (FC Act)

74

-6-

Memo No. FG.27/Nodal/Tree Transplantation/2024

Dated. 16.07.2024

Copy for information to: -

1. The Special Chief Secretary (Forest) to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6.
2. The Director, Rain Forest Research Institute, Jorhat.
3. The General Manager, NHIDCL, Regional Office, Guwahati.
4. The Project Director, National Highway Authority of India, NEDFI House, Dispur.
5. The Chief Engineer, PWD (Roads), Chandmari, Guwahati.
6. The Chief Engineer, PWD (B & NH), Chandmari, Guwahati.
7. The Project Director -cum-CGM (PP&I), APDCL, Bijulee Bhawan, Guwahati.
8. The Chief Engineer, Irrigation Department, Assam, Chandmari, Guwahati.
9. The Divisional Forest Officer, Goalpara Division, Goalpara.
10. The Divisional Forest Officer, Kamrup East Division, Basistha, Guwahati.



(Dr. C Muthukumaravel, IFS)
Chairman,
Tree Transplantation Committee
CCF & Nodal Officer (FC Act)

Annexure - I

- 7 -



GOVT. OF ASSAM

Environment & Forest Department

OFFICE OF THE DIVISIONAL FOREST OFFICER (T): GOALPARA DIVISION:GOALPARA

E-mail :dfo.t.goalpara@gmail.com

No. A/GLP (T)/NGT/2024-25/1372-76,

dtd. 11.09.2024.

To

The Chief Conservator of Forests & Nodal Officer (F.C.Act),
O/o the Principal Chief Conservator of Forests &
Head of Forests Force, Assam, Aranya Bhavan, Panjabari,
Guwahati-37.

Sub: - O.A.No.177/2023/EZ (Earlier OA No.686/2023/PB)- Reg.

Ref:- OSD, Environment & Forests Department's Letter No.ECF.406412/228, dtd.07.09.2024.

Sir,

With reference to the subject cited above, I have the honour to submit herewith the following point wise required information in compliance of the Original Application No.177/2023/EZ (Earlier OA No.686/2023/PB) pertaining to this Division as sought for.

The National Highway No-17(Seventeen) 4-lanning project is an important infrastructure project in connecting Goalpara to the Guwahati and for the economic development of the Goalpara and surrounding areas. However, the four lanning of the Highway requires expansion of the existing ROW and in an area where the NH is flanked by forest on both sides, the expansion results in felling of trees along the new ROW. The tree felling permission was accorded for the project vide: -B/GLP/(T)/FC Act/NH/3014-17 dated 12/06/2023 as there was no other alternative routes possible.

Total Number of Trees and Poles Felled: During the National Highway (NH) four-laning operations, a total of 4972 trees having girth above 60 cm. have been felled.

Translocated Trees and Survival Rate: The division had carried out translocation of the trees which were found feasible considering the current logistical capacity of the department. Total number of trees transplanted were 973Nos. Current survival rate is as 61%.

Translocating Sal Trees/Poles: Few Sal trees / poles are translocated however; the survival was extremely low below 10%. The low survival rate was due to following reasons.

1. Sal Coppice – Coppices are generally not successful as mother roots are deep and the coppices out growth are less viable for translocation.
2. Mature and large trees are identified for felling as the transplantation at this stage is extremely difficult and success rate is minimal with existing technology.

Number of trees protected in-situ :- In compliance with the directions issued by the Hon'ble National Green Tribunal (NGT), the alignment of the National Highway was adjusted slightly towards the low-density side of the existing highway corridor. This realignment was specifically undertaken to minimize the environmental impact of the four-laning project by reducing the number of trees required to be felled - this has resulted in reducing of felling of 581 trees which are now conserved and protected in-situ.

This is for favour of your kind information and necessary action.

Yours faithfully,
TEJAS
MARISWA
MY
Tejas Mariswamy, IFS
Divisional Forest Officer
Goalpara Division.

Copy to:-

1. The Special Chief Secretary (Forests) to the Govt. of Assam, Environment & Forests Department, Dispur, Guwahati for favour of his kind information.
2. The Principal Chief Conservator of Forests & Head of Forests Force, Assam Panjabari, Guwahati-37 for favour of his kind information.
3. The Addl. Principal Chief Conservator of Forests, Lower Assam Zone, Basistha, Guwahati-29 for favour of his kind information.
4. The Chief Conservator of Forests(T), Central Assam Circle, Basaistha, Guwahati-29 for favour of his kind information.

TEJAS
MARISWAMY
Divisional Forest Officer
Goalpara Division.

ANNEXURE - III - 9 -

**INFORMATION IN CONNECTION WITH
ORIGINAL APPLICATION NO. 177/2023/EA**

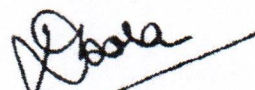
During the time of "Widening and improvement of Dhupdhara to Mirza (NH-17)" under Kamrup West Division the following numbers of trees were felled. But no translocation of trees was made.

Sl. No.	Status of land	Nos. of permitted tree felling	
		Above 60cm Girth	60cm & below 60cm Girth (Pole size)
1	Govt. land	2987	892
2	Reserve Forest	3609	8058
	Total	6596	8950

In order to minimize the felling, the NHIDCL implemented a minimization strategy in the neighboring division of Goalpara wherein the cross section of the highway was reduced to minimize the land requirement and going by the same strategy the land requirement in Kamrup West was reduced from 29 Ha to 16.712 Ha.

Also, since the number of trees that were felled (against the Pkg-IX) in an area of 16.712 Ha of Forest Land in Kamrup West was enumerated to be 11667 trees, the average trees per hectare is calculated to be 698.

Thereby, assuming the forest cover to be having the same density, the total number of trees saved by reducing the area diverted from 29 Ha to 16.712 Ha is assumed to be 8577 trees.


Divisional Forest Officer,
Kamrup West Division,
Bamunigaon