BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, DELHI

ORIGINAL APPLICATION NO. 911/2022

In the matter of:

Prof. Dr. Sanjeev Bagai & Ors. … Applicants

Vs.

Department of Environment, GNCTD & Ors. … Respondents

INDEX

Sr. No.	Particulars	Page Nos.
1.	**2nd Interim Report of the Joint Committee** in pursuance to the orders dated 05.04.2024 and 06.08.2024 of Hon'ble NGT in Original Application No.911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.)Versus Department of Environment, GNCTD & Ors	**1 – 6**
2.	**Annexure – I:** A copy of Minutes of Meeting (MoM) of the 3rd Meeting of the Joint Committee held on October 4, 2024, in the matter of Original Application No. 911/2022, I.A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.	**7 – 11**
3.	**Annexure – II:** A copy of Minutes of the 4th Meeting of the Joint Committee held on October 28,2024 at 15:30 hrs., in the	

	matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.	**12 – 15**
4.	**Annexure – III:** A copy of Hon'ble NGT orders dated 05.04.2024 and 06.08.2024 in Original Application No. 911/2022.	**16 – 56**

Filed by:

Advocate Vikrant Pachnanda
On Behalf of Central Pollution Control Board

Place: - Delhi
Dated: - 14.11.2024

2nd Interim Report of the Joint Committee in pursuance to the orders dated 05.04.2024 and 06.08.2024 of Hon'ble NGT in Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

1. Introduction

In compliance with the order dated 05.04.2024 of Hon'ble NGT, the Joint Committee convened its meetings on June 03, 2024 and on July 30, 2024 to complete the assignments as per the Terms of Reference as given by the Hon'ble NGT. The progress achieved and the important decisions taken by the Joint Committee were submitted before the Hon'ble NGT through the 1st Interim Report dated August 05, 2024.

Through the said report, the Joint Committee sought additional time for preparingits final report and submission of the same. In response to the prayer, the Hon'ble NGT, vide its order dated August 06, 2024, granted time for another three months and directed the Joint Committee to submit its final report.

2. Further Progress achieved by the Joint Committee

In pursuance of the orders dated April 05, 2024 and August 06, 2024 of the Hon'ble NGT the Joint Committee convened two further meetings. Deliberations held in those meetings and further progress made in the matter are as givenbelow:

The Third meeting of the Joint Committee was convened on October 04, 2024. In that meeting, it was decided that a Sub-Committee comprising of the Inspector General of Forests, Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India as Chairperson, along with

Assistant Inspector General of Forests (EAP), MoEF&CC and the Assistant Inspector General of Forests (FPD), MoEF&CC, and Scientist 'E', CPCB as Members, be constituted to expedite the process of preparation of Joint Committee's Final Report. A copy of the minutes of the meeting is placed as **Annexure-I** The following recommendations were made in the third meeting:

a. The Sub-Committee shall draft the report based on the Terms of Reference (ToR) outlined in the order dated April 5, 2024 of Hon'ble NGT under the guidance of the Director, Indian Institute of Forest Management (IIFM), Bhopal. Further, comments on the draft Model Act shared by the members of the Committee may be examined by the Sub-Committee and suitably incorporated in the report.

b. The report would incorporate salient features from the Draft Model Act and SoPs for tree transplantation and felling.

c. The draft report will be completed within two weeks, and it would be circulated among the Joint Committee Members for review.

d. The fourth Joint Committee meeting shall be convened between October 25 and October 31, 2024, to review the draft report of the Sub-Committee.

Further, to assist the Joint Committee, the Sub-Committee considered the relevant documents and analysed them using the following approach /methodology:

i. Review of the existing provisions of the Constitution in terms of tree protection and management.

ii. Review of the Role of Existing Policies in Tree Preservation/ Protection.

iii. Review of Judicial Directives for Responsible Tree Cutting and Preservation.

iv. Content analysis of the Acts, Rules, Guidelines, etc., about the protection and management of trees in the non-forest area of the States and UTs (relevant information received from 27 nos. of States and UTs in this matter and for the remaining 09 States/UTs, through concerned websites).

v. Review of draft model Act, SoPs/Guidelines prepared by IIFM, Bhopal,as per the minutes of the meetings.

Based on the above, certain recommendations as per the Terms of Reference (ToR) were prepared and presented by the Sub-Committee before the Joint Committee in the fourth meeting convened on 28th October 2024. In the fourthmeeting, the following decisions were arrived at:

A. Draft advisories on the following should be finalised by the Sub-Committee Members in one week and would be shared with the Joint Committee Members.

i. Advisory framework for developing Policy, Act, and Guidelines for growth, protection/preservation, pruning, and management of trees in non-forest areas in States/UTs not having such arrangements/provisions.

ii. Advisory framework for developing Policy, Act, and Guidelines on;

a) cutting and felling of trees in Rural areas,

b) cutting, felling, and pruning of the trees for urban areas; and

c) Translocation/Transplantation of the trees.

B. All the Members of the Joint Committee would review the draft report prepared by the Sub-Committee and provide their inputs/comments within a week.

C. After the finalisation of the advisory frameworks based on the comments received from the Joint Committee members, the Sub-Committee would share the report with the IIFM, Bhopal, for technical validation of the report.

D. Further, the Sub-Committee shall conduct stakeholders' consultation meeting with Forest Departments of States/UTs in the last week of November 2024 to consolidate the Advisory frameworks on policy, Act and guidelines.

E. Since the present matter is listed for further hearing on 18.11.2024, it was recommended by the Joint Committee that considering the requirement of technical validation of the report and the required consultation with States/UTs, Hon'ble NGT may be requested to grant time for two monthsfor submission of the final report.

The minutes of the meeting and the list of the Joint Committee Members who attended the meeting along with other participants are placed as **Annexure II**.

3. Joint Committee's Prayer

In view of the above, it is humbly prayed that an extension by another two months' time may kindly be granted to the Joint Committee on account of the requirement of technical validation of the report and the required consultation

with States/UTs and for finalisation and submission of the report to the Hon'ble NGT.

The Hon'ble NGT may issue appropriate directions as it deems fit, which the JointCommittee shall comply with.

(Bharat Kumar Sharma)
Member Secretary
Central Pollution Control Board

Dated :- 14.11.2024

2605

Mail Fwd: Re

Fwd: APPROVED 2nd Interim Report of the Joint committee in O.A No. 911/2022 -reg

========== Forwarded message ==========
From: Vinod Kumar <fpd-moefcc@gov.in>
To: "sharandeepcpcb"<sharandeep.cpcb@nic.in>
Cc: "Rajesh"<rajesh.skumar@gov.in>, "sanjayifs12"<sanjay.ifs12@mp.gov.in>, "moefcc ravi" <moefcc.ravi@gmail.com>
Date: Wed, 13 Nov 2024 16:44:18 +0530
Subject: APPROVED 2nd Interim Report of the Joint committee in O.A No. 911/2022 -reg
========== Forwarded message ==========

Respected Sir,

Please find attached the approved 2nd Interim Report of the Joint committee in

O.A No. 911/2022 in the matter of NGT BAR Association & Ors. Vs. Department of Environment, GNCTD & Ors. before NGT (PB),

New Delhi. for kind information and necessary action.

The case is listed for hearing on **18.11.2024.**

With best regards,

Forest Protection Division
Ministry of Environment, Forest and Climate Change
(Government of India)
Indira Paryavarn Bhawan
5th Floor, Agni Wing, Jor Bagh Road
New Delhi-110003
Tel No. 011-20819255

3 Attachment(s) • Download as Zip • Add To

APPROVED 2ND NTERIM REPORT.pdf
27.3 KB •

Annexure-I Minutes of IIIrd meeting ... .pdf
37.5 KB •

Annexure -II - 4th Meeting of Joint c... .pdf
36.6 KB •

Minutes of meeting (MoM) of the 3rd Meeting of the Joint Committee held on October 4, 2024, in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors

The third meeting of the Joint Committee constituted in the matter of O.A. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors., was convened on October 4, 2024, at 11:00 hrs under the Chairmanship of the Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi (hereinafter referred to as MoEFCC). The list of participants is given in Annexure-**I**.

The Member Secretary of the Joint Committee/Member Secretary of the Central Pollution Control Board (CPCB) welcomed the Chairman and the Participants and briefed the agenda of the meeting. Thereafter Shri Sharandeep Singh, Scientist 'E', CPCB, made a presentation on the progress made so far in the matter.

Shri Sharandeep Singh explained; (a) the background of the matter, (b) the Terms of Reference (ToR) of the Joint Committee as per the Hon'ble NGT order dated April 5, 2024, (c) recommendations made in the second meeting of this Joint Committee, (d) the status of comments received from the Joint Committee members and institutes under NIRANTAR.

Thereafter, Shri. Advait Edgaonkar, Associate Professor, Indian Institute of Forest Management [IIFM], Bhopal informed that they had prepared a Draft Model Act on Trees (Plantation and Protection in Non-Forest Areas) Act, 2024, along with Standard Operating Procedures (SOPs) for transplantation and felling of trees. It was also informed that the comments received from the Joint Committee members and the NIRANTAR Institutes have been incorporated suitably into the Draft Model Act. Shri Edgaonkar also delivered a presentation on the salient features of the Model Act and SOPs.

Shri. S.J. Pandit, IFS (Retd.) suggested that;

a. The proposed Model Act recommends imprisonment of 1-2 years for certain offences, which may make them bailable and non-cognizable. He indicated that it might be beneficial to include provision for a minimum of three years imprisonment, extendable to seven years. Additionally, Section 24(1) of the draft Model Act, which addresses the powers to prevent offenses, may be revised by incorporating for cognizance of offenses.

b. Rather than relying solely on online plantation registration, technology-driven solutions like satellite imagery could be considered for monitoring of tree covers.

c. Institutions with a large number of trees might be encouraged to preserve them through incentives such as municipal tax exemptions.

d. For construction projects exceeding 20,000 square meter of carpet area, it would be advisable to require environmental clearance (EC) from the State Environment Impact Assessment Authority (SEIAA).

e. The Ministry of Environment, Forest, and Climate Change (MoEF&CC) may consider issuing suitable instructions to SEIAAs to impose conditions for roof terrace plantations, taking into account structural safety.

f. To achieve the target of 33% tree cover, specific goals for increasing tree cover outside forests might be set for both urban and rural areas, with annual progress monitoring by the MoEF&CC. This approach could align with Sustainable Development Goals [SDGs 13 - Climate Action and SDG 15 - Life on Land].

g. It was suggested in the meeting that instead of the District Forest Officer/Divisional Forest Officer/ Deputy Conservator of Forest (DCF), a Gram Panchayat member or a Revenue Department functionary in villages, the Chief Officer in municipality areas, and an Assistant or Deputy Municipal Commissioner in Municipal Corporations may serve as Tree Officer.

h. Tree officer may not require concurrence of State Pollution Control Board before issuing the certificate of clearance under section 12(4) of the Model Act.

ii. Shri V. Arivudai Nambi, Scientific Consultant, National Biodiversity Authority, Chennai suggested that institutions established at the ground level, particularly the Biodiversity Management Committees under the Biological Diversity Act, be considered as one of the implementing agencies in the Draft Act. He also recommended including provisions for a tree census in the Draft Model Act and a tree census linked to the People's Biodiversity Registers (PBRs) available in rural and urban areas. The e-PBRs could also be utilized in future for issuing online felling and transit passes and for tracking them. Additionally, he mentioned about the need to establish separate rules for horticulture and forestry.

iii. Shri Vipul Ujwal, Director, Ministry of Panchayati Raj suggested that Panchayats should have jurisdiction over the trees within their areas and proposed that proceeds of any pecuniary penalties imposed on trees should be shared with the panchayats. He further added that Panchayats may also be responsible for planting trees along the sides of canals and

roads within their jurisdiction.

In order to prepare the report to be submitted before the Hon'ble NGT, it was decided that a Sub Committee comprising of Shri Rajesh S., Inspector General of Forests, MoEF&CC as Chairperson, along with Shri Amit Anand, Assistant Inspector General of Forests, MoEF&CC, Shri Sanjay Chauhan Assistant Inspector General of Forests, MoEF&CC, and Shri Sharandeep Singh (Scientist 'E', CPCB) as Members, be constituted.

After detailed discussions, the following recommendations were made;

a. The Sub-Committee shall draft the report based on the Terms of Reference (ToR) outlined in the Hon'ble NGT order dated April 5, 2024, under the guidance of Shri K. Ravichandran, Director, IIFM, Bhopal. Further, comments on the draft Model Act shared by the members of the Committee may be examined by the Sub- Committee and suitably incorporated in the report.

b. The report would incorporate salient features from the Draft Model Act and SoPs for tree transplantation and felling.

c. The draft report be completed within two weeks and it would be circulated among the Joint Committee Members for review.

d. The fourth Joint Committee meeting shall be convened between October 25 and October 31, 2024, to review the draft report of the Sub-Committee.

[Action: by the concerned]

The meeting ended with a vote of thanks to the Chair and all the participants.

Annexure-I

List of Participants

Date & Time: **October 4, 2024 at 11:00 AM**

Sl.No	Name & Designation Organization
1.	Shri Rajesh S., Inspector General of Forests (Forest Protection Division) Ministry of Environment, Forest and Climate Change

2.	Shri Bharat Kumar Sharma, Member Secretary Central Pollution Control Board & Member Secretary of the Joint Committee
3.	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests (Forest Protection Division) Ministry of Environment, Forest and Climate Change
4.	Shri Amit Anand Inspector General of Forests (Forest Protection Division) Ministry of Environment, Forest and Climate Change
5.	Dr. K. Ravichandran, Director, Indian Institute of Forest Management (IIFM), Bhopal
6.	Shri Vipul Ujwal, Director Ministry of Panchayati Raj
7.	Ms. Piyali Roy choudhary, Consultant Ministry of Panchayati Raj
8.	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
9.	Shri. A. C. Teron, IFS, DCF Indian Council for Forest Research and Education (ICFRE), Dehradun
10.	Shri Kiran P Mali, Programme Officer,NRM Ministry of Rural Development
11.	Shri S.J Pandit IFS Ret.
12.	Shri . V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
13.	Shri. Advait Edgaonkar (Associate Professor), The Indian Institute of Forest Management (IIFM), Bhopal
14.	Shri Sharandeep Singh, Scientist ‘E’ Central Pollution Control Board
15.	Ms. Juli Patel, Scientist ‘B’ Central Pollution Control Board
16.	Dr. Palash Mal, Research Associate-III Central Pollution

	Control Board

Minutes of the 4th Meeting of the Joint Committee held on October 28, 2024 at 15:30 hrs., in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

The 4th meeting of the Joint Committee constituted in the matter of O.A. No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Vs Department of Environment, GNCTD & Ors., was convened on October 28, 2024, under the Chairmanship of Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi/Chairman, Joint Committee. The list of participants is given in **Annexure I**.

Deliberations:

1. At the outset, Shri Rajesh S., IGF, MoEFCC welcomed all the participants and after taking permission of the Chairman requested Shri Sharandeep Singh, Scientist-E, CPCB to deliver a presentation on the progress on the works assigned to the Sub-Committee constituted in the last meeting.
2. Shri Sharandeep Singh, Scientist-E, CPCB explained the background of the case; the Terms of Reference (ToR) of the Joint Committee as directed by the Hon'ble NGT vide its order dated 05.04.2024; recommendations made in the third Meeting of the Joint Committee, draft report prepared by the Sub-Committee and highlighted the methodology adopted by the Sub-Committee, results of the content analysis of the Acts, Rules, Guidelines, etc., with regard to the protection and management of trees in non-forest areas in the States and UTs, and concluded with Sub-Committee's recommendations with regard to the TOR (I), TOR (II) and TOR (III).

3. Further, Shri Rajesh S., IGF, MOEFCC, referred to the TOR(I) and mentioned that the land as a subject matter falls under the purview of State/UTs. Accordingly, the Sub-Committee prepared a draft framework for an advisory on cutting / felling, pruning of trees, and translocation/ transplantation of trees along with a set of recommendations concerning the TOR(I), TOR(II), TOR(III). A draft framework of the advisories was

submitted for consideration/ review by the Joint Committee.

4. It was recommended in the meeting that the draft report prepared by the Sub-Committee would incorporate advisory frameworks for developing policy, Act, and guidelines for the management of trees outside forest areas, in accordance with the TORs. The same needs to be validated by a technical expert institution such as the IIFM, Bhopal.
5. Further, Shri S.J. Pandit, IFS (Retd.), Expert Member, and Shri V. Arivudai Nambi, Scientific Consultant, National Biodiversity Authority, Chennai suggested that in the advisory framework, ecological issues/problems associated with the plantation of alien species in areas outside notified forest areas to considered. It was also suggested that instead of alien species, emphasis should be given to promoting native species. They also highlighted the need to address issues associated with the growth of alien species/invasive species that are harmful to other biotic components in the concerned landscapes.

6. After detailed discussions, the following decisions were arrived at;

a. Draft advisories on the following should be finalized by the Sub-Committee Members in one week and would be shared with the Joint Committee Members.

i. Advisory framework for developing Policy, Act, and Guidelines for growth, protection/preservation, pruning, and management of trees in non-forest areas in States/UTs not having such institutional arrangements.
ii. Advisory framework for developing Policy, Act, and Guidelines on; a) cutting and felling of trees for Rural areas, b) cutting, felling, and pruning of the trees for urban areas; and c) Translocation/ Transplantation of the trees.

(Action by: FPD Division)

b. All the Members of the Joint Committee would review the draft report prepared by the Sub-Committee and provide their inputs/comments within a week.

(Action by: Members of the Joint Committee)

c. After finalization of the advisory frameworks based on the comments received from the Joint Committee members, the Sub-Committee would share the report with the IIFM, Bhopal for technical validation of the report.

(Action by: IIFM-Bhopal)

d. Further, the Sub-Committee shall conduct a shareholder consultation meeting with all States/UTs Forest Departments in the last week of November 2024 to consolidate the Advisory frameworks on policy, Act, and guidelines.

(Action by: Sub-Committee)

e. Since the present matter is listed for further hearing on 18.11.2024, it was recommended by the Joint Committee that on account of the requirement of technical validation of the report and the required consultation with States/UTs, two months times may be requested from the Hon'ble NGT for submission of the final report of the Joint Committee.

(Action by: CPCB)

The meeting ended with a vote of thanks to the Chair and all the Participants.

Annexure-I

List of Participants

Sl. No.	Name & Designation Organization
1	Shri Jitendra Kumar, the Director General Forest & Special Secretary, MoEF&CC, Govt. of India.
2	Shri Anjan Kumar Mohanty, ADGF, MoEF&CC, Govt. of India.
3	Shri Rajesh S., Inspector General of Forests (Forest Protection Division), MoEF&CC, Govt. of India.
4	Shri Bharat Kumar Sharma, Member Secretary

	Central Pollution Control Board & Member Secretary of the Joint Committee, New Delhi.
5	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests (Forest Protection Division), MoEF&CC, Govt. of India.
6	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
7	Shri Kiran P Mali, Programme Officer, NRM, Ministry of Rural Development, Govt. of India.
8	Shri Pankaj Kumar, Ministry of Panchayati Raj, Govt. of India
9	Ms. Piyali Roy Choudhary, Consultant, Ministry of Panchayati Raj, Govt. of India.
10	Dr. Sarita Jain, Indian Council for Forest Research and Education (ICFRE), Dehradun
11	Shri. Advait Edgaonkar (Associate Professor), The Indian Institute of Forest Management (IIFM), Bhopal
12	Sh. Sudhansu Sekhar Dash, Scientist 'F', Botanical Survey of India
13	Shri V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
14	Shri S.J. Pandit, IFS Retd. Technical Expert, Joint Committee
15	Shri Sharandeep Singh, Scientist 'E', Central Pollution Control Board, New Delhi
16	Ms. Juli Patel, Scientist 'B', Central Pollution Control Board, New Delhi
17	Dr. Palash Mal, Research Associate-III, Central Pollution Control Board, New Delhi
18	Shri Ankit Sobit, Legal Assistant, MoEF&CC, New Delhi

Item No. 5 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022
I. A. No. 09/2024 and I. A. No. 16/2023

NGT Bar Association (Substituted
for original applicants
Prof. Dr. Sanjeev Bagai & Ors.) ...Applicant

Versus

Department of Environment, GNCTD & Ors. ...Respondents

Date of hearing: 05.04.2024

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicant: Mr. Narender Pal Singh, Vice President- NGT Bar Association (substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.).

Respondents: Ms. Jyoti Mendiratta, Advocate for respondents no. 1, 3 and 5-GNCTD.
Ms. Puja Kalra, Advocate for respondents no. 2, 4, 7 and 8.
Mr. P.K. Banerjee, Deputy Director, Horticulture, MCD.
Ms. Kritika Gupta and Ms. Latika Malhotra, Advocates for respondent no. 6-DDA and respondent no. 37-VC,DDA (through VC).
Mr. Kaushal Gautam and Ms. Snehpreet Kaur, Advocates for respondent no. 20- State of Uttarakhand and respondent no. 27-UKPCB.
Mr. Rahul Khurana, Advocate for respondent no. 22-State of Haryana and respondent no. 30-HSPCB.
Mr. Pradeep Misra, Advocate for respondent no. 28-UPPCB (through VC).
Ms. Priyanka Swami, Advocate for Respondent State of U.P.
Ms. Richa Kapoor and Ms. Esha Sharma, Advocates for respondent no. 29- PPCB.

Mr. Shubham Bhalla, Advocate for respondent no. 24-UT Chandigarh and respondent no. 32-Chandigarh PCC.
Mr. Vaibhav Shrivastava, Advocate for respondent no. 31-HPPCB.
Mr. Divyanshu Kumar Srivastava, Advocate for respondent no.- 23, State of HP
Mr. Raj Kumar, Advocate for Respondent no. 34-LPCC
Dr. Vasanthakumar. N IAS, Secretary Forest, UT of Ladakh and BM Sharma, Member Secretary Ladakh Pollution Control Committee
Ms. Shilpi Satyapriya Satyam, Advocate for respondent no. 35- MoEF & CC.
Mr. Vikrant Pachnanda, Advocate for respondent no. 36-CPCB.
Ms. Isha Bhalla and Mr. Vipin Vishkarma Advocates for DCF West, Delhi.
Mr. Maulik Nanavati for State of Gujarat and Gujarat PCB.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking *inter alia* issuance of directions to respondents no. 1 to 6 to take appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar.

2. This Tribunal passed interim orders permitting pruning of trees, if considered necessary, by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994.

3. The Applicants filed Writ Petition (Civil) No. 2317 of 2023, titled as "Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors before the Hon'ble High Court of Delhi which was disposed of by the Hon'ble High Court of Delhi vide its judgement dated **29.05.2023**. The relevant part of the judgment is reproduced as under:-

"Conclusion:

14. Under the Act there is no sanction for the 15.7 cms girth of a tree branch to be cut. Therefore, this figure is incongruous with the statutory requirements as mandated under sections 8 and 9 of the DPT Act. The so-called permission granted under the Guidelines seek to over-reach the statute. The Guidelines, are in conflict with the DPT Act, they are arbitrary and illegal. Consequently, the permission for pruning, presumed to be or granted under the Guidelines would be of no consequence and shall always be non- est. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.

15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite.

16. As regards, the petitioner's reservations apropos the personal observations about him in the impugned order, the court is of the view that in the light of substantive orders having been passed in this petition, the personal observations stand superseded and would be of no relevance. They stand expunged. The learned counsel for the petitioner says, upon instructions, that in view of the above, he would seek to withdraw his petition before the NGT. The petitioner would always have the liberty to pursue all remedies as may be available to him in law.

17. As regards the complaints and specific grievances in this case, the learned counsel for the Tree Officer submits that he has received instructions as well as copies of the record of the proceedings on various dates before the Tree Officer. He assures the court that the matters will be expeditiously proceeded with in accordance with law.

18. In W.P (C) 12271/2022 titled Rajiv Dutta vs. GNCTD & Ors., this court had directed that complainants and public spirited persons who bring to the notice of the Tree Officer, DCF, any harm to trees or breach of statute or would be "required to be

heard apropos complaint made or otherwise be kept informed throughout the proceedings...". There should be no denial of natural justice in proceedings initiated before the Tree Officer. Therefore, apropos the conduct of quasi-judicial proceedings, imparting of refresher courses, to the Tree Officers, DCF would be of some assistance. The GNCTD is directed to arrange refresher training courses as maybe requisite, which would also cover the conduct of hearings through hybrid mode, e-filing of petitions, replies, etc., for the benefit of Tree Officers, DCF and other Officers of the Department, at the Delhi Judicial Academy, within four weeks of receipt of this order.
19. The petition stands disposed-off in terms of the above."

4. The Original Applicants filed application for withdrawal of OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. Vs. Department of Environment, Government of National Capital Territory of Delhi and others on the ground of the present Original Application having become infructuous.

5. This Tribunal observed that the Hon'ble High Court of Delhi did not grant all the reliefs claimed in the OA, did not completely set aside order dated 03.01.2023 and did not observe the OA to have become infructuous, this Tribunal has to proceed with the OA and has to adjudicate upon all environmental questions involved in the case. Consistent with its statutory obligations under the National Green Tribunal Act, 2010, this Tribunal has to respond to the duly verified factual position in the present case with requisite remedial/ameliorative measures for protection of environment and this Tribunal cannot take refuge under any technical dispensation by dismissal of application as withdrawn. In the peculiar facts and circumstances of the case the Applicants were allowed to withdraw from the application and the application was further proceeded with in exercise of the powers of this Tribunal to take cognizance of civil cases involving issues relating to

environment arising out of enforcement of enactments specified in Schedule I to the National Green Tribunal Act, 2010. The National Green Tribunal Bar Association is accordingly allowed to join the proceedings as applicant and substituted for the Applicants and the names of the Applicants were deleted and the name 'National Green Tribunal Bar Association' was substituted for them in the array of parties. This Tribunal also emphasized the need for consideration of all relevant aspects regarding protection of trees including permissibility of pruning of trees and the modalities for carrying out the same. The relevant part of the order is reproduced as under:-

> *"19. It may be observed here that Hon'ble High Court of Delhi relied upon order dated 13.03.2017 passed by Western Zone Bench of this Tribunal in O.A. no. 157/2016 titled as Mr. Pradeep Indulkar Vs. Municipal Corporation for the City of Thane and others which analyzed a similar provision of law regarding pruning of trees under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as upheld by Hon'ble Supreme Court in Civil Appeal No. 8946/2017. For brevity relevant part of the Judgment is not extracted and reproduced herein as the same can be referred to therein.*
>
> *20. While setting aside the Guidelines Hon'ble High Court of Delhi directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. The question of framing of such guidelines and/or rules has to be considered by the concerned authorities in the light of observations made by Hon'ble High Court of Delhi. We are of the considered view that the matter needs to be examined by a Committee of Experts from the relevant fields with respect to all relevant aspects as to permissibility of pruning of trees and the modalities for carrying out the same.*
>
> *21. In the course of hearing of this case and of similar matters coming up for hearing before this Tribunal it has come to our notice that there is no enactment similar to the Delhi Preservation of Tree Act, 1994, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, the Uttar Pradesh Protection of Trees Act, 1976 in the States of Haryana, Punjab and Himachal Pradesh besides others and the aspects of illegal cutting and pruning of trees are being ignored or remain un- remedied due to*

absence of statutory frame work and requisite guidelines. Protection of trees is of utmost importance for protection and improvement of environment and remedial measures are also required to be taken under the Environment Protection Act, 1986 and the matter also calls for intervention by this Tribunal in exercise of powers under the National Green Tribunal Act, 2010.

22. We widen the scope of present proceedings in exercise of powers to take suo moto cognizance of the cases involving substantial question relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 as upheld by the Hon'ble Supreme Court vide its Judgment passed in Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others reported at 2021 SSC Online SC 897."

6. In view of the nature of the environmental questions involved in the matter having national ramifications, this Tribunal considered presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case may be, and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case may be, and Pollution

Control Boards/Pollution Control Committees thereof through their Member Secretaries were impleaded and notices were ordered to be issued to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB was also directed to obtain and compile the information with respect to the above mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. Personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA before this Tribunal physically or through VC was ordered. In compliance thereof Mr. B N Sharma, Member Secretary, LPCC, Dr. Shobhita Aggarwal, Assistant Inspector General of Forest and Dr. Sharandeep Singh, Scientist E, CPCB have appeared before this Tribunal through VC and Mr. P.K. Banerjee, Deputy Director, Horticulture, MCD appeared before this Tribunal physically.

7. Reports/responses have been filed by J&KPCC vide email dated 25.01.2024, by PPCB vide email dated 03.02.2024, by DCF Chandigarh vide email dated 05.02.2024, by Chandigarh PCC vide email dated 05.02.2024 and by HPSPCB vide email dated 05.02.2024, by MoEF & CC vide email dated 05.02.2024,by CPCB vide email dated 05.02.2024, by Uttarakhand SPCB vide emails dated 04.03.2024 and 07.03.2024, by MPCB vide email dated 22.03.2024, by Department of Science, Technology and Environment, Punjab vide email dated 28.03.2024, by

PCCF, Shimla, Himachal Pradesh vide email dated 02.04.2024 and by State of Haryana vide email dated 04.04.2024

8. In its reply MoEF & CC has submitted information in tabular format regarding Acts/Rules framed by the States/UTs and submitted that MoEF & CC is of opinion that there is no requirement of framing of centralized guidelines for Tree Preservation Acts/Tree Felling Acts as it is already being regulated by State Governments as per existing provisions in State Acts, Rules based on State specific circumstances. Relevant part of the reply reads as under:-

> "***REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 1 (MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE)***
>
> *X X X X*
>
> *5. That, the land is a state subject and the State Government /UT Administration have regulated felling of trees on non-forest land through various Acts and Rules. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating felling of trees on revenue lands and penal provisions for violations.*
>
> *6. The implementation of these Acts and rules is supervised by designated authorities whose permission is necessary for felling of trees in Non- Forest Land. A list of the States/UT's having their own Tree Preservation Acts / Tree Felling Acts is as follows;*

S.N	Name of States/UTs	Name of Acts/ Rules
1	Assam	Assam (Control of felling and Removal of Trees from Non-Forest land) Rules, 2002
2	Arunachal Pradesh	The Arunachal Pradesh Forest (Removal of Timber) Regulation Act 1983
3	Andhra Pradesh	The Andhra Pradesh Preservation of Private Forest rules, 1978; (The Andhra Pradesh (Protection Of Trees And Timber in Public Premises) Rules 1989

6	*Delhi*	*The Delhi Preservation of Tree Act, 1994*
7	*Dadar and Nagar Haveli and Daman &Diu*	*The Goa, Daman and Diu Preservation of Trees Act, 1984 extends to Dadar and Nagar Haveli*
8	*Goa*	*The Goa, Daman and Diu Preservation of Trees Act, 1984*
9	*Gujarat*	*The Saurashtra Felling of Trees (Infliction of Punishment Act 1951, Gujarat Private Forests (Acquisition) Act 1972*
10	*Haryana*	*Punjab Land Preservation Act, 1900*
11	*Punjab*	*Punjab Land Preservation Act, 1900*
12	*Madhya Pradesh*	*The Madhya Pradesh Prohibition of Regulation of the cutting of Trees Rules, 2002*
13	*Maharashtra*	*The Maharashtra Felling of Trees (Regulation) Act 1964, Maharashtra (Urban Areas) Preservation of Tree Act, 1975, Maharashtra Land Revenue Code 1966*
14	*Himachal Pradesh*	*The Himachal Pradesh Land Preservation Act, 1978,*
15	*Jharkhand*	*Jharkhand Timber and other Forest produce Transit and Regulation) Rules 2004*
16	*Karnataka*	*The Karnataka Preservation of Trees Act, 1976*
17	*Kerala*	*The Kerala Preservation of Trees Act, 1986, Kerala Forest (Vesting And Management Of Ecologically Fragile Lands) Act 2003*
18	*Meghalaya*	*The Meghalaya Forest (removal of Timber Regulation) Acts and Rules 1981, The Meghalaya Tree (Prevention) Act 1976.*

19	*Mizoram*	*Government notification dated 26.09.2017 for felling and removal of trees*
20	*Manipur*	*Guidelines for Felling of Trees From Non-Forests Areas,2002*
21	*Nagaland*	*Nagaland Tree Felling Regulation 2002*
22	*Odisha*	*The Orissa Timber and other Forest Produce Transit Rules 1980, The Orissa Timber and other Forest Produce Transit (Amendment Rules) 2006, The Orissa Village Forest Rules 1985,*
23	*Puducherry*	*Pondicherry Timber Transit Rules. 1983*
25	*Tripura*	*Notification issued by Tripura in 2010*
26	*Uttar Pradesh*	*Uttar Pradesh Timber and other forest produce transit Rules, 1978, The Uttar Pradesh Private Forest Act 1948, The Uttar Pradesh Protection of Trees Act, 1976.*
27	*West Bengal*	*The West Bengal Trees Protection and Conservation in Non-Forest Areas Act 2006*
28	*Tamil Nadu*	*The Tamil Nadu Preservation of Private Forest Act 1949*
29	*Sikkim*	*The Sikkim Private & Other non-Forest Lands tree Felling Rules, 2006.*
30	*Telangana*	*The **Telangana Water , Land and Trees Act ,2002***
31	*Chandigarh*	*Tree Felling **Committee order dated 22.07.2022***
32	*Uttarakhand*	*Uttar Pradesh Tree Preservation Act, 1976 is implemented in Uttarakhand*

7. Further, the Answering respondent is of opinion that there is no requirement for framing of centralized guidelines for Tree Preservation Acts / Tree Felling Acts as it is already being regulated by State Governments as per existence provisions in State Acts, Rules based on State specific circumstances."

9. CPCB has compiled the information received from the SPCBs/UTPCCs and filed report alongwith copies of the information so received. Relevant part of the report reads as under:-

"Report in compliance to the Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023 titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

2. Compliance of directions:

2.1 Approach

CPCB vide letter dated 03.01.2024, has requested SPCBs & PCCs to provide information in a prescribed format (Format was also provided by CPCB) in consultation with concerned Government Departments in their State/Union Territory (the said letter dated 03.01.2024 and Format is placed at Annexure 2).

Further a meeting has also been convened on 23.01.2024 with SPCBs and PCCs to follow-up in the matter.

2.2 Compilation and Review of information received from SPCBs & PCCs

In response to above communication and meeting, total 26 Nos of SPCBs/PCCs have responded. Responses received from 26 nos. of SPCBs, PCCs have been compiled and the same are given in the subsequent paragraphs of this report.

3. State-wise information received from State Pollution Control Boards and Pollution Control Committees.

Information received from 26 nos. of SPCBs and PCCs of the States & UTs. The names of them are SPCBs / PCCs of

Andaman & Nicobar, Andhra Pradesh, Arunachal Pradesh, Bihar, Chhattisgarh, Dadra & Nagar Haveli and Daman & Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, Kerala, Jammu & Kashmir, Ladakh, Lakshadweep, Madhya Pradesh, Meghalaya, Maharashtra, Nagaland, Odisha, Puducherry, Punjab, Tamil Nadu, Telangana, Tripura,and Uttarakhand
Status of information received from SPCBs & PCCs are as follows:

Sl. No.	***States/UTs***	***Response received from SPCBs/PCCs and concerned Forest departments***	***Annexure***
1	*Andaman and Nicobar*	*Yes*	*Annexure 3*
2	*Andhra Pradesh*	*Yes*	*Annexure 4*
3	*Arunachal Pradesh*	*Yes*	*Annexure 5*
4	*Assam*	*Not yet Received*	-
5	*Bihar*	*Yes*	*Annexure 6*
6	*Chandigarh*	*Not yet Received*	-
7	*Chhattisgarh*	*Yes*	*Annexure 7*
8	*Dadra & Nagar Haveli and Daman & Diu*	*Yes*	*Annexure 8*
9	*Delhi*	*Yes*	*Annexure 9*
10	*Goa*	*Not yet Received*	-
11	*Gujarat*	*Yes*	*Annexure 10*
12	*Haryana*	*Yes*	*Annexure 11*
13	*Himachal Pradesh*	*Yes*	*Annexure 12*
14	*Jammu and Kashmir*	*Yes*	*Annexure 13*
15	*Jharkhand*	*Not yet Received*	-
16	*Karnataka*	*Not yet Received*	-
17	*Kerala*	*Yes*	*Annexure 14*
18	*Ladakh*	*Yes*	*Annexure 15*
19	*Lakshadweep*	*Yes*	*Annexure 16*
20	*Madhya Pradesh*	*Yes*	*Annexure 17*
21	*Maharashtra*	*Yes*	*Annexure 18*
22	*Manipur*	*Not yet Received*	-
23	*Meghalaya*	*Yes*	*Annexure 19*
24	*Mizoram*	*Not yet Received*	-
25	*Nagaland*	*Yes*	*Annexure 20*
26	*Odisha*	*Yes*	*Annexure 21*
27	*Puducherry*	*Yes*	*Annexure 22*
28	*Punjab*	*Yes*	*Annexure 23*
29	*Rajasthan*	*Yes*	*Annexure 24*

30	*Sikkim*	*Not yet Received*	-
31	*Tamilnadu*	*Yes*	*Annexure 25*
32	*Telangana*	*Yes*	*Annexure 26*
33	*Tripura*	*Yes*	*Annexure 27*
34	*Uttarakhand*	*Yes*	*Annexure 28*
35	*Uttar Pradesh*	*Not yet Received*	-
36	*West Bengal*	*Not yet Received*	-

The received information with respect to aspects of protection of trees, felling and pruning of trees and framing of guidelines/rules regarding the same have been compiled and placed below:

3.1 Andaman and Nicobar

As per the information provided by the office of the Principal Chief Conservator of Forests of Andaman and Nicobar Islands vide Letter dated 24.01.2024 (Copy Given at Annexure 3):

a. There is currently no specific Act in place to regulate the felling and pruning of non-forest areas.

b. The Revenue Department of the A&N Administration has submitted the draft "Andaman and Nicobar Islands Felling and Transit of Tree Species on Non-Forest Land Regulation 2020" to the Government of India. However, the department has not provided information about the timelines for the final notification of this regulation.

c. Furthermore, the department mentioned that since the act is still in the draft stage, no rules are present regarding the felling and transit of tree species on non-forest land.

d. At present, no penalty or compensation is being imposed for violations related to illegal tree felling and pruning in non-forest areas. Additionally, there is currently no plan to develop a methodology for imposing environmental compensation or penalty, under consideration of the Department of Environment and Forest.

e. As the approval of the mentioned draft regulation is under consideration, the Sub-Divisional Magistrate is allowing the removal of dangerous trees that pose a threat to life and property on revenue land/private land/land belonging to any

institution/individual under Section 133 of the Criminal Procedure Code (CRPC).

3.2 Andhra Pradesh

As per information provided by the Government of Andhra Pradesh, Forest Department vide Letter dated 24.01.2024 (Copy Given at Annexure 4):

a. In respect of illegal cutting/felling/pruning of trees as envisaged under the Andhra Pradesh Forest Act,1976, Andhra Pradesh Reservation of Private Forest Rules, 1978, Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules,1989, Andhra Pradesh Water, Land and Trees Act,2002 and Andhra Pradesh Water, Land and Trees Rules,2004.

b. In G.O.Ms. No.87, EFS&T, (Sec-II) Dept., dt.29/11/2017 under ease of doing business (EoDB), the government of Andhra Pradesh have prescribed simplified procedure to accord tree felling permission, as per which applicant has to apply to forest department for felling of trees duly paying rupees 500 per tree (rupees 450 towards security deposit for planting charges in case the applicant fails to plant no. of trees felt and rupees 50 towards inspection charges.

c. For illegal felling of trees in the forest areas, penalties and procedures have been prescribed under sections 44 and 59 of the Andhra Pradesh Forest Act, 1967. For illegal felling of trees in other than forest areas, penalties and procedures have been prescribed under sections 37, 38 of Andhra Pradesh Water, land & Trees Act, 2002 read with sections 26, 27 & 28 of Andhra Pradesh Water, land & trees rules, 2002.

Arunachal Pradesh

As per information provided by the Government of Arunachal Pradesh, Department of Environment, Forest & Climate Change, Itanagar vide Letter dated 30.01.2024 (Copy Given at Annexure 5):

a. The Assam Forest Regulation Act 1891, Amendment Act 2005, and Arunachal Pradesh (Control of Felling and Removal of Trees from Non-Forest Land) Rules, 2001, are applicable in the state.

b. No information about guidelines has been provided.

c. As per Section 2.35, there is a provision for the imposition of penalties for the violation of the Assam Forest Regulation Act 1891.

3.3 Bihar

As per the information received from the Office of the Chief Principal Forest Conservator, Bihar, Patna vide Letter dated 11.01.2024 through Bihar State Pollution Control Board vide Letter dated 23.01.2024 (Copy Given at Annexure 6):

a. There is no specific Act for the protection/preservation of trees, or for the felling and pruning of trees. Additionally, no information has been provided regarding a plan for formulating the aforementioned Act.

b. Furthermore, it was mentioned that there is no Rule in place for the protection of trees or the felling and pruning of trees. However, the department highlighted that by Resolution No. 43(E) dated 28.01.2013, 119(E) dated 03.03.2014, and 178(E) dated 29.03.2016 of the State Government, guidelines have been laid down for the felling of trees on Non-Forest Government Land. Provision has been made for compensatory plantation of trees against the felled trees.

3.4 Chhattisgarh

As per information provided by Office of the Chief Principal Forest Conservation and Forest Force Chief, Chhattisgarh vide Letter dated 24.01.2024 (Copy Given at Annexure 7):

a. Acts, Rules, Guidelines, Statutory framework are there in place and accordingly action is taken for any illegal felling of trees in forest areas.

b. Chhattisgarh is following the Indian Forest Act, 1927 for protection/ preservation of trees or felling and pruning of trees. Department informed that Section 26, 33 and 41 are related to protection / preservation of trees or felling and pruning of trees. Further, Department informed that there is no rule for the protection/ preservation of trees.

c. There is a system of beat inspection as per sanctioned beat roaster in which Divisional Forest Officer/Sub Divisional Officer/Range Officer/Range Assistants do regular beat

inspection. Regular night patrolling is done in sensitive areas. JMF Samities have been actively involved in inspection. For illegal felling of trees there is provision of penalty in terms of tax and compensation.

d. However, there is no specific information provided for preservation/ protection of trees outside forest area i.e. non – forest areas.

3.5 Dadra & Nagar Haveli and Daman & Diu

As per the information received from the Deputy Conservator of Forest (Territorial) – Administration of Dadra & Nagar Haveli (U.T) vide dated 22.01.2024 through Pollution Control Committee of Dadra & Nagar Haveli and Daman & Diu vide Letter dated 24.01.2024 (Copy Given at Annexure 8):

a. The trees in the Forest Area are protected under the Indian Forest Act, 1927, and the Wildlife Protection Act, 1972. The trees outside the forest area are protected under the Dadra & Nagar Haveli and Daman & Diu PTA, 1984 (2022).

b. The rules are framed to implement the Acts mentioned above. The rules are Dadra & Nagar Haveli Forest Rules & Goa, Daman & Diu Forest Rules.

c. Penalties for illegal felling of trees are imposed under the respective Acts and Rules. In Chapter IX, Sections 52 to 69 of the Indian Forest Act, 1927, in Chapter VI, Section 51 of the Wildlife Protection Act, 1972, and in Chapter VI, Sections 16 to 26 of the Preservation Tree Act, DNH & DD, 2022.

3.6 Delhi

As per information provided by Department of Forests and Wildlife, GNCTD vide E¬mail dated 25.01.2024 (Copy Given at Annexure 9):

a. There are Delhi Preservation of Trees Act, 1994 in Delhi. The relevant Section 8, 9, 10 & 11 of the Delhi Preservation of Trees Act, 1994 gives information on restriction on felling and removal of trees, procedure for obtaining permission to fell, cut, remove or dispose of, a tree, obligation to plant trees and preservation of trees.

b. The Delhi Preservation of Trees Rules, 1996 are there in Delhi.

c. The pruning guidelines dated 01.10.2019 were in force for effective/ scientific pruning of trees framed under the provisions of DPTA, 1994. However, the Hon'ble High Court of Delhi vide order dated 29.05.2023 in W.P.(C). No. 2317/2023 "Dr. Sanjeev Bagai Vs. Principal Secretary (Env. & Forest), GNCTD", set aside the existing guidelines and gave the following direction: -

"14. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.

"15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite In view of the above, the new guideline has been framed by the department and are under submission to the Government for seeking approval under Delhi Preservation of Trees (DPTA), 1994.
The file of draft guidelines for pruning / felling of trees is under submission to the Government for seeking approval under Delhi Preservation of Trees Act (DPTA), 1994.

d. The relevant Section 21 & 24 of the Delhi Preservation of Trees Act, 1994 are related to penal provision.

3.7 Gujarat

As per information provided by Gujarat Pollution Control Board vide E-mail dated 25.01.2024 (Copy Given at Annexure 10):

a. Provisions of Indian Forest Act, 1927 and the amendment made by Gujarat State are applicable for protection/preservation of trees for notified forest areas.

b. Forest (Conservation) Act, 1980 ["Van (Sanrakshan Evam Samvardhan) Adhiniyam"] for diversion for Forest areas for non-forestry purposes.

c. Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 is enacted for felling of trees outside notified forest areas

d. Information about Rule is not mentioned. However, for Gandhinagar capital City, a provision for consultation of Forest Department for cutting of trees has been made and Forest Department undertakes the tree felling or pruning activities in Gandhinagar Capital City.

e. No separate guidelines have been issued in state.

f. The provisions of Indian Forest Act, 1927 and the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 are applicable for violation in respect of illegal trees felling and illegal pruning of trees.

3.8 Haryana

As per information provided by Principal Chief Conservator of forest (HoEF) Haryana vide Letter dated 25.01.2024 (Copy Given at Annexure 11):

a. Land on which the Indian Forest Act ,1927 , Wildlife (Protection) Act, 1972 & special notification made under Punjab Land Preservation Act, 1900 have been made attract provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam,1980. Further, tree felling in forest areas is permitted only in accordance with the 10 year working plans of the Forest Divisions approved by MoEF&CC or when forest land get diverted for non-forestry purposes by the Central Government under provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Tree felling in Forest areas outside these provisions is an illegal activity and lawful action for such illegal activities is taken under penal clauses of Indian Forest Act, Wildlife Protection Act Punjab Land Preservation Act and Van (Sanrakshan Evam Samvardhan) Adhiniyam. There is restriction of tree felling in lands notified under general section 4 of Punjab Land Preservation Act, 1900 without approval of Divisional Forest Officer. The tree felling on such lands has been notified by the State Government as Right to Service.

b. Persons requiring tree felling on land of their ownership apply on right to service portal and the applications are proposed and decided by the Competent Authority as per procedure of Right to service Portal.Any tree felling done without permission of Competent Authority is punishable under section 19 of the Punjab Land Preservation Act, 1900.

c. The Guidelines made under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are followed.

d. The penal provisions of Forest Laws provide for fines and imprisonment or both for violation of tree felling or diversion of Forest Land for non-Forestry Purposes. However, there is no provision for environmental compensation.

3.9 Himachal Pradesh

As per information provided by Principal Chief Conservator of forest (HoEF) Himachal Pradesh vide Letter dated 23.01.2024 (Copy Given at Annexure 12):

a. In the State of Himachal Pradesh, conservation and protection of tree grown on private land is dealt as per Land preservation Act, 1978 and rules made there under i.e. HP land Preservation Rules, 1983.

b. Trees grown on Forest Land, necessary actions are being taken as per provisions of the IFA, 1927. Besides there are HP Govt. Order No. FFE-B-A(3)4/99 dated 24.09.2003

c. As regards pruning and loping of trees necessary instructions/ guidelines to field functionaries in compliance of OA No. 372 of 2022 titled as Avinash Vidrohi Vs State of HP have been issued vide Letter No. Ft1/2018-19(S) Vol II dated 06.07.2023.

3.10 Jammu and Kashmir

As per information provided by Jammu and Kashmir Pollution Control Committee vide Letter dated 24.01.2024 (Copy Given at Annexure 13):

a. In Forest area, the trees have been protected in accordance with Indian Forest Act, 1927.

b. In State and Private land, the trees have been protected in accordance with J&K Specified Trees Act, 1969 and J&K Specified Trees Rules, 1969 and particularly with reference to Khair trees it is regulated as per the provisions laid out in SRO-111 of 2016. Restrictions on felling is applicable only on trees that had been declared as specified trees. As of now, the following species have been declared as specified trees:- Walnut, Willow, Khair, Conifers and Oaks.

c. Felling of trees in village woodlots, strip plantations and community land involving community participation is regulated under the Jammu and Kashmir Social Forestry (Plantation) Rules 2023

d. As per the provisions laid out in chapter XX in Section 339 to 355 of J&K Municipal Corporation Act, 2000, the tree felling are regulated within the jurisdiction of Municipal Corporations.

e. Following Guidelines have been mentioned for protection/ preservation of trees or felling and pruning of trees:

i. Circular No. 05 of 1998 by J&K Forest Department dated 05-03-1998 read with Circular by J&K Forest Department dated 31-03-2011

ii. Guidelines for felling of trees posing threat to life and property has been issued in J&K Forest Department vide Circular No. 01 of 2019 dt. 28- 11¬2019.

f. In Forest land, Penal Provisions are dealt under the provisions of lndian Forest Act, 1927.In the jurisdictions of Municipal Corporations as per the provisions laid out in Section 352, penal provisions are provided. Section 13 of Jammu and Kashmir Preservation of Specified Trees Act, 1969 prescribes penalties for violations of the provisions of the said Act.

3.11 Kerala

As per information provided by Kerala State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 14):

a. In Forest area - the trees have been protected in accordance with the Kerala Forest Act, 1961; in Non-Forest Area - the trees have been protected in accordance with the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.

b. The Kerala Promotion of Tree Growth in Non-forest Land Rules, 2011 are being followed for protection preservation of trees.

c. Guidelines having No. G.O(Rt) No.68/2010/F&WLD dated 10.02.2010 also exist for protection of trees

d. Government permission from Tree Committee constituted as per G.O(Rt) No.172/2010/F&WLD dated 21.04.2010 is mandatory for felling of trees in public land. Compensatory planting in the ratio of 1:10 in lieu of tree felling has to be carried out by the user agency. For illicit felling, on complaint received from the authority of the land, concerned SHO of Police Department can initiate legal action for theft from Government property.

3.12 Ladakh

As per information provided by Ladhak Pollution Control Committee vide Letter dated 15.01.2024 (Copy Given at Annexure 15):

a. The Indian Forest Act, 1927 is implemented for protection/preservation of trees growing on forest land. However, the trees growing on the State land /Private land are under protection of Jammu & Kashmir Preservation of specified Tress Act, 1969 which is applicable to Ladakh Region also.

b. No specific rules, but protection of trees or felling or pruning of trees etc. growing on forest land is governed under Indian Forest Act, 1927.The Jammu & Kashmir Preservation of specified Tress Rule, 1969 under the Jammu & Kashmir Preservation of specified Tress Act, 1969 applicable for the trees growing on State land/private land are comprehensive for the purpose.

c. Ladakh is a cold desert with most of areas above tree line, with no natural forests, except for plantation of popular and salix sporadically occurring at different locations. Further for felling/pruning of trees raised/growing on industrial lands/defence land, the circular guidelines issued by the office of the principal chief conservator of Forests, J&K vide No.: PCCF/Lease/Felling/Trees/2011/1094-1144, dated 31.03.2011 are applied. There are circular guidelines issued vide circular no.: 01/2019, dt. 28.11.2019 for felling of trees posing threat to life and property which are also applicable.

d. The general penal provisions for felling/loping of trees in reserved forest are implemented as per Sec 26(1) (e) and (f) of India Forest Act, 1927, which provide punishment for imprisonment for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both, in addition to such compensation for damage done to

the forest as the convicting court may direct to be paid. Similarly for felling or lopping of trees in a protected forest, the penal provisions are contained in Section 33 (1) (a) & (f) which prescribe a penalty in the form of imprisonment for term which may extend to two years, or with fine which may extend to twenty-five thousand rupees.

3.13 Lakshadweep

As per information provided by Lakshadweep Pollution Control Committee vide Letter dated 30.01.2024 (Copy Given at Annexure 16):

a. As on date, there is no Act. However, it is stated, that within one year Act shall be developed and accordingly Rules and Guidelines will be developed and Penal provisions shall be incorporated in Act.

b. Lakshadweep comprised of 32 Sq. km of land area and 90.33 of the total land mass have forest cover. Among the total plants, approximately 80% of tree cover comprised of coconut plants. The local peoples inherited the habit of plant coconut trees in between their old coconut trees. They also have habit of planting other indigenous in their partition boundaries of their land. As per ISFR 2019 and 2021, here forest cover is 90.33 % respectively. There is no change in forest cover and is maintained properly. Through Nutri garden programme the UTLA has distributed thousands of plants to maintain the green cover.

3.14 Madhya Pradesh

As per information provided by Madhya Pradesh Pollution Control Board vide Letter dated 22.01.2024 (Copy Given at Annexure 17):

a. For protection / preservation of trees or felling and pruning of trees in urban areas is dealt as per Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001.

b. Guidelines and procedure to apply for tree cutting permission is available on MP Nagar Palika Portal.

c. Section 18 of the M.P. Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001 states that "Whoever fells any tree or causes any tree to be felled in contravention of any

provision of this Act or Rules or order made thereunder shall, on conviction be punished with imprisonment which may extend to two years or with line which may extend to fifty thousand rupees or with both. The line, if not deposited within the prescribed time limit, will be recoverable as arrears of land revenue."

d. The issue of protection/preservation of trees or felling and pruning of trees situated in Forest Areas is governed by the Forest Department and allied rules and regulations laid down by Ministry of Forest, Environment and Climate Change.

3.15 Maharashtra

As per the information received from Department of Environment and Climate Change, Government of Maharashtra through Maharashtra Pollution Control Board E-mail dated 25.01.2024 (Copy Given at Annexure 18):

a. Protection/ preservation of trees in urban areas in Maharashtra is dealt under the Maharashtra (Urban Areas) Preservation of Trees Act, 1975 (Act 44 of 1975).

b. Guidelines for tree pruning is under development.

3.16 Meghalaya

As per information provided by Meghalaya State Pollution Control Board vide Letter dated 25.01.2024 (Copy Given at Annexure 19):

a. Pretection / Preservation of trees in Meghalaya are being dealt by Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1973), the Meghalaya Tree Prevention Act, 1976 (Meghalaya Act 13 of 1976) and Meghalaya Tree Felling (Non Forest Areas) Rules 2006.

b. There is no any methodology for imposing environment compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation & recovery etc. for Violation of the Guidelines of tree felling within non-forest area. In case of Reserved Forest Provision of Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of

1978). The Meghalaya Tree (Prevention) Act, 1976. (Meghalaya Act 13 of 1976) is applicable.

3.17 Nagaland

As per information provided by Nagaland Pollution Control Board vide Letter dated 16.01.2024 (Copy Given at Annexure 20):

a. In Nagaland, Preservation of trees are being dealt under the Nagaland Forest act 1968 where in provisions of Reserved Forests, Village Forests , General Protection of Forests and Forest Produce , control over Forest and Waste land not being the Property of Government and penalties and procedure provided.

b. The protection of trees, felling of trees are in place through the Nagaland Forest Act, 1968 in line with the Indian Forest Act, 1927.

c. There is no information provided regarding Act, guidelines and penalty provisions for non – forest areas.

3.18 Odisha

As per information provided by Odisha State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 21):

a. Protection/ Preservation of trees in Odisha are dealt under Section-3 of Odisha Preservation of Private Forests Act, 1947, Section-2 of Forest (Conservation) Act, 1980, Section-27, 31, 36, 42 & 55 of Odisha Forest Act, 1972, Section-3 of Odisha Preservation of Private Forests Rules, 1963, Section-2 of Forest (Conservation) Rules, 2003, Section 4 of the Odisha Timber other Forest Produce Transit, 1980, Section 5 of Odisha Village Forest Rules, 1985

b. Odisha is not mentioned about any Guidelines.

c. Penalty provisions have been mentioned in the context of trees conservation are covered under Section-3 of Odisha Preservation of Private Forests Act, 1947, Under Section-2 of Forest (Conservation) Act, 1980, Sec-27, 31, 36, 42 & 55 of Odisha Forest Act, 1972

3.19 Puducherry

As per information provided by Pondicherry Pollution Control Committee Pondicherry vide E-mail dated 30.01.2024 (Copy Given at Annexure 22):
a. In Puducherry, there is no Act, rules and Guidelines for preservation of trees. However, as per the information provided Applications are submitted to the Department of Forests and Wildlife, Puducherry, through user agency which includes general public/ organizations, private establishments as well as Government Departments. Major number of applications are received through Departments of Municipality, Public Works Department, Electricity, etc. Applications are scrutinized by means of field inspection for both tree pruning and felling.
b. Penalty provisions for illegal tree pruning and felling are enforced during the illegal transit of the material so realized. Violation are booked under Puducherry Timber Transit Rules, 1983, which are evoked under Indian Forests Act, 1927.

3.20 Punjab

Punjab state Pollution Control Board vide Letter dated 15.01.2024 (Copy Given at Annexure 23) has informed that the Secretary to Government of Punjab, Department of Science, Technology and Environment has written a letter memo no. 03/73/2023-STE(4)/25 dated 10.01.2024 in reference to another case (OA No. 142 of 2023 titled as Balbir Dass V/s State of Punjab and others) for the framing of requisite Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in General Conditions in the State of Punjab. This exercise may take three months' time.

3.21 Rajasthan

As per information provided by Rajasthan State Pollution Control Board vide Letter dated 29.01.2024 (Copy Given at Annexure 24):

Protection / preservation of trees are dealt under Rajasthan Forest Act 1953 for forest areas protected forest Rules 1957 & Rajasthan tenancy Act 1955 for trees outside forest section 81-85. In forest area protection for trees done by Rajasthan Forest

Act 1953.For illegal Tree felling and Transportation of trees penalty imposed as per provisional Rajasthan forest Act 1953.

3.22 Tamil Nadu

As per information provided by Tamil Nadu State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 25):

a. There are number of acts & rules notified by Tamil Nadu for conservation of forests which are as follows

i. Tamil Nadu Preservation of Private Forest Act, 1949
ii. Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955
iii. Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1955
iv. Tamil Nadu Rosewood (Conservation) Act, 1994
v. Tamil Nadu Sandalwood Rules, 1967
vi. Tamil Nadu Timber Transit Rules, 1968
vii. Tamil Nadu Sandalwood Possession Rules, 1970.

b. As per the Tamil Nadu Government G.O Ms. 39, ECCF dept. dated 02.07.2021 the District and State level committee has been constituted to regulate the cutting of trees and to take up tree planting activities in public lands and public offices. In generally Private Lands in respect of the forest Department the question does not arise. However, the private land comes under the Tamil Nadu Preservation of Private Forests Act, 1949(TNPPF Act, 1949/TNHP Act, 1955) that the permission should be obtained from the District Forest Committee for the felling of trees. Tamil Nadu preservation of Trees Act, 2023, Preservation of Trees (Government Lands) Act, 2023 preservation of trees and regulation of felling of trees on Government Lands in state of Tamil Nadu in draft stage. There is no Penal provision mentioned.

3.23 Telangana

As per information provided by Government of Telangana, Forest Department vide Letter dated 23.01.2024 (Copy Given at Annexure 26):

a. Protection / preservation of trees in Telangana are dealt under the Telangana Forest Act, 1967(For protection and management of Forests, duly prescribing for punishments for violation of said Act,Telangana Water, Land and Trees Act

(WALTA), 2002 (An Act to promote Water Conservation and increase Tree cover and Regulate the protection and management of trees outside the forest areas. For Protection and Management of Tress in scheduled areas, 'Telangana Preservation of Private Forest Rules 1978' are there.To increase Tree Cover and Regulate the Protection and management of trees there are 'Telangana Water, Land and Trees in Rues, 2004'.

b. In G.O.Ms. No.23, EFS&T, (For. I) Dept.,Dated 05.07.2017 Under Ease of doing business, government of Telangana have prescribed simplified procedure to accord tree felling permission. As per which the applicant has to submit application through online under TGFMIS website of Telangana Forest Department for feeling of tress duly paying Rs 500/- per tree (Rs-450/- towards Security Deposit for planting Charges in case the applicant fails to plant number of trees felled and RS. 50/- towards inspection charges.

c. For illegal felling of trees in the Forest areas, Penalties and procedure has been prescribed under section 44, 48, & 59 of Telangana Forest Act, 1967.For illegal felling of trees in other than Forest areas, penalties and procedure has been prescribed under section 37,38 of Telangana Water, Land and trees Act, 2002 read with section 26, 27 & 28 of Telangana water, Land and Tress Rules, 2004.

3.24 Tripura

As per information provided by the Tripura State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 27):

a. The Indian Forest Act, 1927 has been adopted in the state and necessary amendments have been undertaken time to time for the purpose of dealing issue related conservation of forest, wherever needed.There is no separate rule specific to the state for such protection of trees.
b. There is a Guideline for managing and regulating tree felling in non-forest areas.
c. There is no any methodology for imposing environment compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation of tree felling within non-forest area. In respect of trees within the forest the provisions of IFA is applicable.

3.25 Uttarakhand

As per information provided by Uttarakhand Pollution Control Board vide Letter dated 30.01.2024 (Copy Given at Annexure 28):

a. Uttar Pradesh Protection of Trees Act 1976 is adapted in the State of Uttarakhand by Uttaranchal (UPPTAct1976) Adaption and Modification Order 2002.

b. Section 10 of the act provide for imprisonment extend to six months or with fine which may extend to one thousand rupees or with both. Section 15(1) also provides for compounding of offences in respect of trees on private land on payment of money not exceeding rupees five thousand.

c. The felling and pruning of trees not falling under the purview of IFA 1927 are regulated by the provision of UP Protection of trees Act 1976.

4. Observation and Analysis of the information received from SPCBs & PCCs.

As per information received from the 26 nos. of SPCBs and PCCs following have been observed in context available Act/ Rules/ Guidelines with respect to protection of trees, felling and pruning of trees and framing of guidelines/rules regarding the same:

Within Forest Area:

a) In context of Existing Acts notified by the Central Government

- *Indian Forest Act, 1927 are followed by about 11 Nos. of States & UTs namely Chattisgarh, Dadra and Nagar Haveli and Daman and Diu, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir , Ladakh, Nagaland , Puducherry, Tripura, Uttarakhand. Among them, Wildlife Protection Act, 1972 is followed by 02 Nos. of States & UTs namely Dadra and Nagar Haveli and Daman and Diu, Haryana and Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 followed by 01 Nos. of State namely Haryana.*

b) In context of Own Acts for Regulation of trees under Forest Area

- *No. of States & UTs have prepared their Separate Own Acts for regulation of trees under Forest Area - about 10 Nos.*
- *Name of States/UTs - Andhra Pradesh, Arunachal Pradesh, Gujarat, Kerala, Meghalaya, Nagaland, Odisha, Rajasthan, Tamil Nadu, Telangana.*
- *Separate own Act under draft or planned stage : Separate Acts have been drafted or planned by only 02*

No. of UT namely Andaman and Nicobar Island and Lakshadweep.

c) In context of Rules for Regulation of trees under Forest Area :

- *No of States & UTs have prepared their Separate Rules- 04 Nos.*
- *Name of States & UTs- Dadra and Nagar Haveli and Daman and Diu, Odisha, Rajasthan, Telangana.*

d) In context of Guidelines for Regulation of trees under Forest Area Forest Trees:

- *No of States & UTs have prepared their Separate Guidelines-01 Nos.*
- *Name of States & UTs – Chhattisgarh*
- *Guidelines have been drafted or planned by 02 Nos. of States & UTs namely Delhi, Maharashtra.*

e) In context of Penal Provision for Regulation of trees under Forest Area Forest Trees:

- *No of States & UTs have stipulated Penal Provisions under act/ Rules / guidelines – about 12 Nos.*
- *Name of States & UTs - Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Dadra and Nagar Haveli and Daman and Diu, Gujarat, Jammu & Kashmir, Ladakh, Nagaland, Odisha, Puducherry, Rajasthan and Telangana.*

Outside the Forest Area

a) In context of the protection of Trees specifically outside the forest area

- *Separate Acts have been prepared by 15 Nos. of States & UTs namely: Andhra Pradesh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Gujarat, Himachal Pradesh, Jammu and Kashmir, Kerala, Ladakh, Madhya Pradesh, Maharashtra, Meghalaya, Rajasthan, Tamilnadu, Telangana, Uttarakhand.*
- *Separate Acts have been drafted or planned by 01 No. of UT namely A&NI.*
- *Rules have been prepared by 12 Nos. of States & UTs namely Andhra Pradesh, Arunachal Pradesh, Delhi, Himachal Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Meghalaya, Puducherry, Tamilnadu, Telangana.*
- *Guidelines have been prepared by about 10 no. of States & UTs namely Andhra Pradesh, Bihar, Himachal*

Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Tamilnadu, Telangana, Tripura and Uttarakhand.

- *Penal Provision have been possessed by about 10 States & UTs namely Andhra Pradesh, Dadra & Nagar Haveli and Daman & Diu, Delhi, Gujarat, Jammu and Kashmir, Kerala, Madhya Pradesh, Puducherry, Telangana and Uttarakhand.*

On the basis of development of own Regulations, above observations are briefed as under:

S. No.	States/UTs	Regulations w.r.t protection/ preservation/felling/ pruning of trees within Forest Area				Regulations w.r.t protection/ preservation/felling/pruning of trees outside the Forest Area			
		Act	Rules	Guidelines	Penal provision	Act	Rules	Guidelines	Penal provision
1	Andaman and Nicobar Island	N	N	N	N	N	N	N	N
2	Andhra Pradesh	Y	NSI	NSI	Y	Y	Y	Y	Y
3	Arunachal Pradesh	Y	NI	NI	Y	NI	Y	NSI	NI
4	Bihar	N	N	N	N	N	N	Y	N
5	Chhattisgarh	N	N	Y	Y	N	N	N	N
6	Dadra & Nagar Haveli and Daman & Diu	N	Y	N	Y	Y	N	N	Y
7	Delhi	NI	NI	NI	NI	Y	Y	NSI	Y
8	Gujarat	Y	N	N	Y	Y	N	N	Y
9	Haryana	N	N	N	N	N	N	N	N
10	Himachal Pradesh	NI	NI	NI	NI	Y	Y	Y	NI
11	Jammu and Kashmir	NI	NI	NI	Y	Y	Y	Y	Y
12	Kerala	Y	NI	NI	NI	Y	Y	Y	Y
13	Ladakh	-	NS	NSI	Y	Y	Y	NSI	NSI

S. No.	States/UTs	Regulations w.r.t protection/ preservation/felling/ pruning of trees within Forest Area				Regulations w.r.t protection/ preservation/felling/pruning of trees outside the Forest Area			
		Act	Rules	Guidelines	Penal provision	Act	Rules	Guidelines	Penal provision
14	Lakshadweep	N	N	N	N	N	N	N	N
15	Madhya Pradesh	NI	NI	NI	NI	Y	Y	Y	Y
16	Maharashtra	NI	NI	NI	NI	Y	N	N	N
17	Meghalaya	Y	NI	NI	NI	Y	Y	NI	NI
18	Nagaland	Y	NI	NI	Y	NI	NI	NI	NI
19	Odisha	Y	Y	NI	Y	NI	NI	NI	NI
20	Puducherry	NI	NI	NI	Y	NI	Y	NI	Y
21	Punjab	NI	NI	NI	NI	NI	NI	NSI	NI
22	Rajasthan	Y	Y	NI	Y	Y	NI	NI	NI
23	Tamilnadu	Y	NI	NI	N	Y	Y	Y	N
24	Telangana	Y	Y	Y	Y	Y	Y	Y	Y
25	Tripura	N	N	NI	NI	NI	NI	Y	NI
26	Uttarakhand	NI	NI	NSI	NI	Y	NI	Y	Y

Y: Yes, N: No, NI: No Information, NSI: No Specific Information,"

10. Trees are the most important landscape architects of our country, not only in forests but also in countless other ecosystems, including human-fabricated habitats. Due to their significance in the majority of terrestrial ecosystems, trees play an important role in maintaining biodiversity and providing food and habitat for countless microorganisms, fungi, climbers, invertebrates, and vertebrates. Trees are also indispensable for the development of human societies and are important for our survival today and in the future. Trees therefore have

an inestimable scientific, economic, social, cultural, and aesthetic value. By their very nature, trees and green space provide benefits and add value to developments. The ability of trees to improve and maintain the quality of water, soil, and air and to remove pollutants from the air is well known. Trees not only provide shade, help lower temperatures during hot weather and beautify landscapes but also enrich our lives cleaning the air we breathe, providing food we eat, providing medicines to cure our ailments, meet our requirements of fuel and timber and protecting our habitat. However, industrialization and growth of population with ever increasing demand for utilization of natural resources to meet requirements thereof has resulted in illegal felling of trees, not only in forests but also in non- forest areas/private lands, which may have disastrous consequences for our natural habitat. Hence the need to promote growth of trees and to preserve trees not only in forest but also in non-forest areas/private lands by formulation of policy and Statutory framework/guidelines.

11. Reference in this regard may be made to the Statement of Objects and Reasons for enactment of the Karnataka Preservation of Trees Act, 1976 and the Preamble to the the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.

12. Statement of Objects and Reasons for enactment of the Karnataka Preservation of Trees Act, 1976 (Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 8-11-1976 as No. 4417 at page 16.) reads as under :-

> *"Industrialisation and pressure of population have resulted in heavy destruction of tree growth in urban areas. Trees which provide shade, mitigate the extremes of climate, render*

aesthetic beauty, purify the polluted atmosphere, mute the noise, have been one of the first casualties of pressure on space in our cities and towns.

The percentage of forest area in the heavy rainfall zone is very much below the required level. Denudation in the rest of the areas has catastrophic results. This is the zone forming the catchment of the major rivers in South India. Large scale felling of trees has resulted in increased soil erosion and floods during monsoons. Stream flow during the rest of the year is reduced. Sedimentation in the reservoirs of our multi-crore projects has increased.

In the vast belt covered by the eastern districts of the State, drought and famine conditions have become recurring features. Rains have become erratic. Loss of soil moisture due to wind is excessive. Due to shortage of fuel, cow dung instead of being diverted as manure to the fields is availed as fuels. Avenue trees are destroyed. In this some judicious mixture of silviculture and agriculture can benefit agriculture and animal husbandry. Small number of trees, well distributed, grown in the marginal lands and on bunds of fields can be more effective than blocks of plantations. Trees of leguminous species can benefit agriculture by improving the soil, provide green leaf manure and fodder for cattle. It will provide small timber and fuel.

We have reached the stage when it is incumbent to legislate to restrict and regulate the felling of trees and prescribe growing of a minimum number where none exists."

13. The Preamble to the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005, which extends to the whole of the State of Kerala and applies to all non-forest lands in the State reads as under:-.

"Preamble.-WHEREAS, it is necessary to maintain environmental stability by the cultivation of trees in non-forest areas;

AND WHEREAS, cultivation of new trees are necessary for checking soil erosion and denudation in the catchment areas of rivers, lakes, tanks and canals and for mitigating floods and droughts;

AND WHEREAS, in order to increase the green cover in the country, it is necessary to cultivate trees in all non-forest lands also;

AND WHEREAS, in order to meet the requirements of fuel, wood, fodder and small timber to the rural populations, it is necessary to promote cultivation of trees in all non-forest areas in the State;

AND WHEREAS, it is necessary to establish tree lands, wherever possible, for the amelioration of the people and for

preserving climatic conditions and promoting the general well being of the people;
AND WHEREAS, for the constant supply of wood for industrial growth and realization of maximum annual revenue in perpetuity, it is necessary to promote cultivation of trees in all non-forest areas;
AND WHEREAS, the Law-Reforms Committee appointed by the Government of Kerala have recommended to bring in a legislation to promote cultivation of trees in non-forest areas, in order to fulfill the needs enumerated above;
BE it enacted in the Fifty-sixth Year of the Republic of India as follows....."

14. The protection of trees in Urban as well as Rural areas outside the Notified Forests is extremely crucial for the management of the environment, mitigating the Urban heat island effect, Carbon sink and maintenance and extension of green cover outside forests. Large number of States/UTS have Trees Protection/Preservation Acts for the protection of trees in Urban and Rural Areas but there are no such enactments in some States.

15. In I.A. No. 162/2022 in O.A. No. 374/2022 titled as Green Earth Vs. Dy. Commissioner, Kurukshetra & Ors this Tribunal directed State of Haryana to evolve appropriate regulatory mechanism and the relevant part of order dated 01.07.2022 is reproduced as under: -

"10. We have considered the rival submissions. Having regard to environmental significance of trees, it is difficult to accept that trees should be allowed to be cut without any regulation or approval. If there is no regulatory mechanism, the State is bound by public trust doctrine to lay down an appropriate regulatory mechanism on the subject. Environmental concerns may be addressed as per laid down mechanism.

11. Accordingly, we direct that the Chief Secretary, Haryana to look into the matter and if no regulation exists, the same be laid down within a month. Regulatory mechanism be complied before cutting the trees in question.."

16. In M.A. No. 48/2023 in OA no. 200/2023 titled as Kuldeep Singh Khaira & Ors. Vs. State of Punjab & Ors. this Tribunal directed formulation of policy and evolving of regulatory mechanism in the State of Punjab and the relevant part of order dated 28.07.2023 is reproduced as under:-

> *"5. The Committee has recommended that the Forest Department should be directed to formulate the policy and guidelines for such activities.*
> *6. Accordingly, we direct Chief Secretary, Punjab to issue a proper instruction to Forest Department to formulate the policy of such incidents and the modalities may be adopted from Tree Protection Act of Delhi in addition to some other modifications required and thought by the authorities concerned.*
> *7. In the meanwhile, Forest Department shall take appropriate action with regard to such incidents and proper remedial measures would be taken for cutting of trees and protection of trees. Policies and guidelines so formulated be submitted to this Tribunal within three months..."*

17. In these facts and circumstances we are of the considered view that the question as to whether there is any necessity for formulation of any policy, legislating any statutory frame work and laying down any guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same needs proper examination by a Committee of Experts and appropriate action by concerned Statutory and Administrative Authorities on due consideration the recommendations of the Committee.

18. In view of the above, we constitute a Joint Committee comprising of the following:

1. Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC)

...Chairperson

2. Representative of the Ministry of Housing and Urban Affairs to be nominated by the Secretary not below the rank of Joint Secretary.

...Member

3. Representative of the Ministry of Rural Development and Panchayati Raj (to be nominated by the Secretary not below the rank of Joint Secretary. ... Member

4. Representative of the Director General, Indian Council for Forest Research and Education (ICFRE), Dehradun, Uttarakhand.

... Member

5. Representative of Indian Institute of Forest Management (IIFM), Bhopal, M.P. ... Member
6. Representative of the Director, Botanical Survey of India, Kolkata.

... Member

7. Representative of the National Biodiversity Authority, Chennai.

... Member

8. Mr. S.J.Pandit (IFS Retd.), Government of Gujarat.

... non-official Member

9. Member Secretary, Central Pollution Control Board

...Member Secretary

Terms of reference

(i) Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth,

protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.

(ii) Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.

(iii) Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.

(iv) In addition to the above any other relevant aspect which the Committee considers necessary to address the issues.

19. The Chairperson of the Committee may also Co-opt any other expert and seek assistance from any Authority/Institution.

20. Non Official Members be paid honorarium of Rs. 25,000/-(Rs. Twenty Five Thousands only) for each meeting in addition to TA/DA & boarding/ lodging, local conveyance as admissible to Joint Secretary to the Government of India.

21. Expenditure on TA/DA, lodging and boarding, local transportation, convening the meetings and providing logistics will be borne by the CPCB, from the environmental compensation amount lying deposited with it.

22. The Member Secretary of CPCB will act as Convenor/Coordinator/Nodal Officer for the reimbursement of the Expenditure and making all necessary arrangements for the convening of the Meetings.

23. The Committee shall submit its Report to the NGT, Principal Bench, New Delhi within four months from the date of receipt of a copy of this Order.

24. So far as the present Original Application is concerned, vide order dated 05.12.2023 MCD and DDA were directed to file response regarding orders passed/permissions granted for pruning of trees in Delhi and also carrying out of pruning of trees in Vasant Vihar by them before and after 29.05.2023 and DCF, West Forest Division was directed to file response regarding complaints made to him and action taken by him in respect of illegal cutting/pruning of trees. Report dated 01.02.2024 was filed by MCD vide email dated 02.02.2024; report dated 05.02.2024 has been filed by DDA vide email dated 05.02.2024 and report dated 02.02.2024 has been filed by DPCC vide email dated 02.02.2024.

25. In its reply MCD has given information regarding permissions granted by the Department of Forest and Wild Life, GNCTD for pruning of trees but MCD has not submitted any specific reply in respect of pruning done in Vasant Vihar area. In its report DPCC has mentioned having written a letter to Additional PCCF, Department of Forest and Wild Life, GNCTD. In its reply DDA has given information regarding green strip GHPS at Vasant Vihar and District Park at Vasant Vihar and requested for grant of four weeks time to collect data with respect to pruning of trees undertaken by DDA in entire Delhi. DCF, West Forest Division did not file any response in compliance to order dated 05.12.2023.

26. MCD and DDA are directed to file their response in terms of order dated 06.02.2024 with respect to pruning activities carried out by the

respondents no. 12 to 18 in Vasant Vihar area mentioning in detail particulars regarding application for permission for pruning of trees or carrying out of the same, supervision/monitoring of pruning of trees if any done by them and complaints if any received by them regarding illegal pruning of trees and DCF, (West Forest Division), Delhi is directed to file response in terms of order dated 05.12.2023 within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

27. List the matter for further consideration on 06.08.2024.

28. A copy of this order be sent to Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), Director General of Forest, Ministry of Housing and Urban Affairs, Secretary, Ministry of Rural Development and Panchayati Raj, Director General, Indian Council for Forest Research and Education (ICFRE), Dehradun, Uttarakhand, Vice Chairperson, Indian Institute of Forest Management (IIFM), Bhopal, M.P, Director, Botanical Survey of India, Kolkata, the National Biodiversity Authority, Chennai, Mr. S.J.Pandit (IFS Retd.), Government of Gujarat and Member Secretary, CPCB.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 05, 2024
ag

Item No. 09 Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 911/2022
(IA NO 16/2023,IA NO 9/2024)

NGT Bar Association (substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Applicant

Versus

Department of Environment GNCTD Respondent

Date of hearing: 06.08.2024

CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: None

Respondents: Ms. Jyoti Mendiratta and Mr. Vipin Vishkarma, Advocates for DCF (West)
Kritika Gupta and Ms. Latika Malhotra, Advocates for DDA.
Mr. Vikrant Panchanda, Advocate for CPCB
Ms. Puja Kalra and Mr. Virendra Singh, Advocates for MCD.
Ms. Atika Singh and Ms. Udipti Chopra Proxy Counsel for Ms. Richa Kapoor, Advocate for PPCB
Mr. Rahul Khurana, Advocate for State of Haryana and HSPCB.
Mr. Vaibhav Srivastava, Advocate for HPPCB Respondent No 33 (through VC)
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB (through VC)
Mr. Kaushal Gautam, AAG for State of Uttarakhand(through VC)
Ms. Snehpreet Kaur Adv for UKPCB(through VC)
Mr. Shubham Bhalla Advocate for UT Chandigarh and Chandigarh PCC. (through VC)
Mr. Raj kumar Advocate for LPCC (through VC)
Mr. Divyanshu Srivastava Advocate for State of HP (through VC)
Mr. Antarik Chakrabarti, Advocate for Respondent No. 18 (through VC)
Mr. Ghanshyam, MS JKPCC (through VC)

ORDER

1. Vide order dated 05.04.2024, Committee was constituted and term of reference was also provided by this Tribunal.

2. Committee was granted four months' time to submit its report.

3. Now by means of an interim report dated 05.08.2024, request has been made on behalf of Committee to grant four months' further time for submitting further report. We find that there is laxity on part of the Committee in as mush as first meeting was held almost after two months from the date when committee was constituted on 05.04.2024. This laxity cannot be appreciated.

4. We do not find that that such a long time of four months could be justified.

5. However, we grant three months' time and direct the Committee to submit its final report.

6. List on 18.11.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 06, 2024
Original Application No. 911/2022
(IA NO 16/2023,IA NO 9/2024)
AB