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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

Original Application No. 911/2022

I. A. No. 09/2024 and I. A. No. 16/2023

**In the matter of:**

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

**....Applicants**

**Versus**

Department of Environment, GNCTD & Ors.

**....Respondents**

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**(Bharat Kumar Sharma)**

Member Secretary

Central Pollution Control Board

Dated: 05.08.2024

Place: Delhi

**Interim Progress Report of the Joint Committee in compliance to the Hon'ble NGT Order dated 05.04.2024 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. Background**

Issues raised initially in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors. are about illegal act of cutting, felling and pruning of trees in Vasant Vihar, Delhi. During proceedings in the matter, while addressing the referred specific issue, Hon'ble NGT observed that, nature of the environmental questions involved in the said issues have national ramifications and vide Order dated 05.12.2023 sought reply/response from various Government Departments in that context.

On submission of the various Departments, Hon'ble NGT vide Order dated 05.04.2024 made following observation:

*"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."*

Further, Hon'ble NGT vide Order dated April 05, 2024 also constituted a Joint Committee comprising of the following Members:



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' of the Joint Committee as directed by Hon'ble NGT, are as follows:

*"(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.”*

## **2. Compliance of directions of the Hon’ble NGT**

In accordance with Hon’ble NGT Order dated April 05, 2024, Joint Committee was constituted by seeking nominations from each concerned organizations.

Accordingly, 1<sup>st</sup> Meeting of the Committee has been convened on June 03, 2024. Minutes of the Meeting and list of the Joint Committee Members attended the meeting along with other participants is placed at **Annexure-I**. After detailed discussions, the following recommendations were made:

- i. Head of the Department of Forest, Government of National Capital Territory of the Delhi be co-opted as member in the Joint Committee.
- ii. The Delhi Government may carry out plantation of indigenous species particularly in areas, where high temperature has been recorded recently by Indian Meteorological Department during this summer season.
- iii. A draft Model Act focusing on the provisions for support, growth, protection/preservation/pruning and management of trees in urban and rural non-forest areas may be prepared by the Indian Institute of Forest Management (IIFM), Bhopal in consultation with Shri S. J. Pandit, Member, and shall be submitted to Member Secretary of the Joint Committee.
- iv. Analysis of the existing Acts/Rules/Guidelines shall be carried out by the Forest Protection Division of the MoEF&CC and CPCB.
- v. A Status report on existing Green Cover in the urban and rural areas outside the notified and recorded forests shall be prepared by ICFRE and submitted to the Member Secretary of the Joint Committee.

On receipt of the Action taken reports as stated above, the second

meeting of the Joint Committee was conducted on July 30, 2024. Minutes of the Meeting and list of the Joint Committee Members attended the meeting along with other participants is placed at **Annexure-II**. The following recommendations were made in the second meeting:

- i. The draft Model Act prepared by the IIFM, Bhopal, shall be circulated among the Joint Committee Members and the institutes of the Ministry of Environment Forest & Climate Change, Government of India under NIRANTAR for their comments and inputs, to be submitted within two weeks. The IIFM, Bhopal will accordingly modify the draft Model Act by considering comments/inputs so received suitably and place the modified draft before the committee in the next meeting.
- ii. The ICFRE, Dehradun should collaborate with the FSI, Dehradun to collate information for updating the status report regarding existing green cover in urban and rural areas outside the notified and recorded forests and further circulate it to all members of the Joint Committee for comments.
- iii. Since the present matter is listed for further consideration on 06.08.2024, it was decided, that an interim reply affidavit/progress report may be submitted to the Hon'ble National Green Tribunal, New Delhi. As finalization of the final report will take some more time, the Hon'ble NGT may be requested to grant an extension by four months for the committee.

### **3. Joint Committee's Prayer:**

It is humbly prayed that this interim report may kindly be considered and extension of additional four months may be given to the Joint committee for preparing its final report and submission of the same to Hon'ble NGT.

Additionally, Hon'ble NGT may issue any other appropriate directions as deemed fit for compliance by the Joint Committee.

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**Minutes of the Meeting held on June 03, 2024 in the matter of 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.**

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**Meeting date & time** : June 03, 2024 at 3:00 PM

The first meeting of the Joint Committee was convened on 3<sup>rd</sup> June 2024 under the Chairmanship of Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi (*hereinafter referred as MoEFCC*). A List of a participant is enclosed in **Annexure-I**.

**Deliberations:**

1. The Chairperson of the Committee welcomed participants and requested for a brief introduction of all the Members of the Committee. It was noted that, the Member of the Committee from the Ministry of Panchayati Raj (MoPR) was not present in the meeting.
2. The Member Secretary of Central Pollution Control Board (CPCB) explained the background of the case and terms of reference as per the order dated 05.04.2024 passed by the Hon'ble National Green Tribunal, New Delhi. During discussion, it was deliberated that as the matter raised in Original Application is related to Government of National Capital of Territory Delhi, there may be need to co-opt Head of Forest Department from Government of National Capital Territory of Delhi in the Committee.
3. The Assistant Inspector General of Forests (Forest Protection Division), MoEFCC, New Delhi briefed the committee on existing Policy/Rules /Guidelines at Central Level/State Level in Rural and Urban Areas.
4. After detailed deliberations, it was suggested that a Model Act may be drafted taking into consideration the best features of the existing Acts/Guidelines/Rules in the States and UTs along with the Terms of Reference as laid by the Hon'ble Tribunal. The Model Act should focus on the provisions for support, growth, protection/preservation/pruning and management of trees in urban and rural non-forest areas.
5. Shri S.J.Pandit (IFS Retd.), Member raised the issue of extremely high temperature in the Country during summer season and proposed for plantation of indigenous tree species in vacant spaces of Urban and Rural areas especially in areas where high temperature has been recorded.



After detailed discussions, the following recommendations were made:

- a. As the issue for consideration before Joint Committee is of utmost importance, Member from MoPR to ensure presence in further proceedings of the Joint Committee. **(Action by: Member of MoPR)**
- b. Head of the Department of Forest, Government of National Capital Territory of the Delhi be co-opted as member in the Joint Committee. **(Action by: CPCB and GNCTD,)**
- c. The Delhi Government may carry out plantation of indigenous species particularly in areas, where high temperature has been recorded recently by Indian Meteorological Department during this summer season. **(Action by: MOHUA, GNCTD)**
- d. A draft Model Act focusing on the provisions for support, growth, protection/preservation/pruning and management of trees in urban and rural non-forest areas may be prepared by the Indian Institute of Forest Management (IIFM), Bhopal in consultation with Shri. .S.J.Pandit, Member and shall be submitted to Member Secretary of the Joint Committee within 15 Days. **(Action by:IIFM, BHOPAL and Shri. .S.J.Pandit ,Member)**
- e. Analysis of the existing Acts/Rules/Guidelines shall be carried out by the Forest Protection Division of the MoEFCC and CPCB within 15 days **.(Action by:IG(FPD),MoEFCC and CPCB))**
- f. A Status report on existing Green Cover in the urban and rural areas outside the notified and recorded forests shall be prepared by ICFRE and submitted to Member Secretary of the Joint Committee within 15 Days. **(Action by: ICFRE)**
- g. Next meeting of the Joint committee be held immediately after receipt of the above reports.

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



## Annexure-I

List of Participants

Date &amp; Time: June 03, 2024,

3:00 PM onwards

S. No.	Name & Designation	Organization
1	Shri. Jitendra Kumar, Director General of Forest & Special Secretary	Ministry of Environment, Forest and Climate Change (MoEF&CC)
2	Ms. Manisha Sensarma, Economic Advisor, (Housing-II, LSG & UD)	Ministry of Housing and Urban Affairs
3	Shri. Anuh Chadha, Under Secretary	Ministry of Rural Development
4	Shri. Kiran P Mali, Programme Officer, NRM	Ministry of Rural Development
5	Shri. A. C. Teron, IFS, DCF	Indian Council for Forest Research and Education (ICFRE), Dehradun.
6	Dr. Manmohan Yadav, Professor & Dean,	Indian Institute of Forest Management (IIFM), Bhopal, M.P.
7	Shri Sudhansu Sekhar Dash, Scientist F & Incharge, Technical Section,	Botanical Survey of India, Kolkata.
8	Dr. Hanchinal Ramappa, Non-Official Member	National Biodiversity Authority, Chennai.
9	Shri. S.J.Pandit, IFS Retd.,	Government of Gujarat.
10	Shri Bharat Kumar Sharma, Member Secretary	Central Pollution Control Board
11	Dr. Shobhita Agarwal, AIGF (FPD)	Ministry of Environment, Forest & Climate Change
12	Smt. Suveena Thakur, AIGF (RT)	Ministry of Environment, Forest & Climate Change
13	Ms. Prity, Associate (Legal)	Ministry of Environment, Forest & Climate Change
14	Mr. Ankit Sobti, OA	Ministry of Environment, Forest & Climate Change
15	Shri. Sharandeep Singh, Additional Director, DH-UPC-I	Central Pollution Control Board
16	Shri Danish Meena, Scientist C	Central Pollution Control Board
17	Dr. Palash Mal, RA-III	Central Pollution Control Board

**Minutes of the 2<sup>nd</sup> Meeting of the Joint Committee held on July 30, 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.**

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**Meeting Date & Time: July 30, 2024, at 3:00 PM**

The second meeting of the Joint Committee constituted 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., was convened on July 30, 2024, under the Chairmanship of the Director General Forests & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi (hereinafter referred to as MoEFCC). The list of participants is enclosed in **Annexure-I.**

**Deliberations:**

1. The Inspector General of Forests (Forest Protection Division) welcomed the participants and briefed the agenda of the meeting.
2. The Member Secretary of the Joint Committee/Member Secretary of the Central Pollution Control Board (CPCB) explained the background of the case and the Terms of Reference of the joint committee as per the Hon'ble NGT order dated 05.04.2024.
3. Then, the Chairperson of the Committee requested a status update regarding the actionable points identified in the first meeting of the Joint Committee. In response to the same the following were intimated:
  - a. The Director, Indian Institute of Forest Management (IIFM), Bhopal, informed that a Model Act encompassing provisions for support, growth, protection/preservation/pruning, and management of trees in urban and rural non-forest areas has been drafted. The work done by the IIFM, Bhopal was appreciated in the meeting.
  - b. The representative from the Indian Council for Forest Research and Education (ICFRE), Dehradun reported that ICFRE had prepared a status report on the existing green cover outside the notified recorded forests. In this regard, ICFRE was requested for further

refinement of the report by segregating the data pertaining to the tree cover in urban and rural areas, outside the notified recorded forests, in collaboration with the Forest Survey of India (FSI), Dehradun.

4. After detailed discussions, the following decisions were arrived at;
- i. The draft prepared by the IIFM, Bhopal, shall be circulated among the Joint Committee Members and the institutes of the Ministry of Environment Forest & Climate Change, Government of India under NIRANTAR for their comments and inputs, to be submitted within two weeks. The IIFM, Bhopal will accordingly modify the draft Model Act by considering comments/inputs so received suitably and place the modified draft before the committee in the next meeting. **(Action by: IIFM, NIRANTAR institutions)**
  - ii. The ICFRE, Dehradun should collaborate with the FSI, Dehradun to collate information for updating the status report regarding existing green cover in urban and rural areas outside the notified and recorded forests and further circulate it to all members of the Joint Committee for comments. **(Action by:ICFRE, Dehradun)**
  - iii. Since the present matter is listed for further consideration on 06.08.2024, it was decided, that an interim reply affidavit/progress report may be submitted to the Hon'ble National Green Tribunal, New Delhi. As finalization of the final report will take some more time, the Hon'ble NGT may be requested to grant an extension by four months for the committee. **(Action:Member Secretary, Joint Committee).**

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



List of Participants

Date &amp; Time: July 30, 2024, 3:00 PM onwards

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.	Dr. K. Ravichandran, Director,	Indian Institute of Forest Management (IIFM), Bhopal
5.	Mr. A. C. Teron, IFS, DCF	Indian Council for Forest Research and Education (ICFRE), Dehradun
6.	Shri Vipul Ujwal, Director	Ministry of Panchayati Raj
7.	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
8.	Dr. Sandeep Kumar Pant, TCP	Ministry of Housing and Urban Affairs
9.	Dr. Pawan Kumar, Associate TCP	Ministry of Housing and Urban Affairs
10.	Shri Kiran P Mali, Programme Officer, NRM	Ministry of Rural Development

11.	Dr. K. Ravichandran, Director,	Indian Institute of Forest Management (IIFM), Bhopal
12.	Dr. Manmohan Yadav, Professor & Dean,	Indian Institute of Forest Management (IIFM), Bhopal
13.	Dr. Sudhansu Sekhar Dash, Scientist F & Incharge, Technical Section,	Botanical Survey of India, Kolkata
14.	Dr. Hanchinal Ramappa, Non-Official Member	National Biodiversity Authority, Chennai
15.	Shri Sharandeep Singh, Scientist 'E'	Central Pollution Control Board
16.	Dr. C K Dixit, Scientist 'C'	Central Pollution Control Board
17.	Ms. Juli Patel, Scientist 'B'	Central Pollution Control Board
18.	Dr. Palash Mal, Research Associate-III	Central Pollution Control Board
19.	Ms. Prity , Associate (Legal)	Ministry of Environment, Forest & Climate Change

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 &amp; 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

O.A. No. 911/2022

NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai &amp; Ors.). Vs. Department of Environment, GNCTD &amp; Ors.

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

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 <b>Telangana Water , Land and Trees Act ,2002</b>
31	Chandigarh	Tree Felling <b>Committee order dated 22.07.2022</b>
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:*

<b>Sl. No.</b>	<b>States/UTs</b>	<b>Response received from SPCBs/PCCs and concerned Forest departments</b>	<b>Annexure</b>
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 Indian 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 poplar 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 fine which may extend to fifty thousand rupees or with both. The fine, 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. Protection / 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 TGFMS 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	NS	NSI	Y	Y	Y	Y	Y
3	Arunachal Pradesh	Y	NI	NI	Y	NI	Y	NSI	NI
4	Bihar	N	N	N	N	N	Y	N	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

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NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.). Vs. Department of Environment, GNCTD & Ors.

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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](mailto: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  
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