

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)**

M.A. No.38/2024
In
Original Application No.257/2023

In the matter of

Balbir Dass Applicant

V/s

State of Punjab & Ors

..... Respondent

INDEX

| Sr. No. | Particulars | Page No. |
|------------|--|-------------|
| 1. | Reply by way of affidavit of Priyank Bharti, Secretary to Government of Punjab, Department of Science, Technology and Environment in compliance of order dated 23.10.2024 | 1-4 |
| 2 | Annexure R-6/A A copy of order dated 20.12.2024 passed by the Hon'ble Tribunal in MA No. 146 of 2024 (in disposed of cases) in Original Application No. 378 of 2022. | 5-31 |
| 3 | Annexure R-6/B A copy of Tree Preservation Policy for non-forest Government and Public lands, 2024. | 32-40 |


(Priyank Bharti)

Place: Chandigarh

Date: 05.2.2025

Secretary to Government of Punjab
Department of Science, Technology and
Environment
(Respondent no.6)

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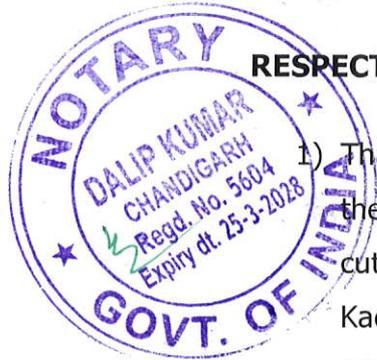
..... Respondent

Reply by way of affidavit of Priyank Bharti, Secretary to Government of Punjab, Department of Science, Technology and Environment in compliance of order dated 23.10.2024.

I, the above-named deponent, do hereby, solemnly affirm and state as under:

RESPECTFULLY SHOWETH

- 1) That briefly submitted in pursuance to the order dated 28.04.2023 passed by the Hon'ble Tribunal in OA No. 257/2023 concerning the allegation of illegal cutting of about 40 trees by one Parminder Singh at Panchayati land of village Kaddon and causing environmental damage, the Joint Committee has filed report dated 09.10.2023 revealing that Mr. Parminder Singh has been suspended from the post of Sarpanch, Gram Panchayat Kaddon. The report states that on the said area and nearby area where 40 Eucalyptus trees were cut, 112 saplings of different species have been planted. The Miscellaneous



803

6/2/25

Application above mentioned has been registered on the basis of report of the Joint Committee dated 09.10.2023.

- 2) That the Hon'ble Tribunal by passing an order dated 08.04.2024 had impleaded parties in the case and issued notice. It is relevant to mention here that the Punjab Pollution Control Board has filed reply before this Hon'ble Tribunal disclosing the fact that in pursuance to the order dated 28.07.2023 passed by the Hon'ble Tribunal in MA No. 48 of 2023 In OA No. 200 of 2023 titled as Kuldip Singh Khaira and other v/s State of Punjab and the State of Punjab is formulating a policy for the preservation of trees standing on non-forest public lands and the same is under active consideration of the State.
- 3) That considering the above-mentioned case, the Hon'ble Tribunal has observed that there is no clear statutory provisions or regulations in the State of Punjab for regulating the felling of tree in non-forest area. In view of these facts of the case, the Hon'ble Tribunal was pleased to pass an order dated 23.10.2024 in the above-mentioned case thereby impleading the Secretary, Environment of the State of Punjab as respondent no.6 in the case with direction to file reply by way of affidavit disclosing the provisions which exist in the State of Punjab for regulating the felling of tree in non-forest areas.
- 4) That in compliance to the order dated 23.10.2024, it is submitted that this Hon'ble Tribunal by passing an order dated 30.01.2024 in OA No.378 of 2022 titled as Sahil Garg v/s State of Punjab and Others has suggested the Government of Punjab to consider the desirability of enactment of appropriate legislation for the protection of trees with direction to the Chief Secretary to Government of Punjab to place the above suggestion before the Government of Punjab.
- 5) The desirability of enactment of appropriate legislation were placed before the Council of Ministers. The Council of Ministers in its meeting held on 14.08.2024 considered the suggestions of the Hon'ble National Green Tribunal made in the order dated 30.01.2024 and after careful consideration, the Council of Ministers felt that instead of framing a legislation, the Tree Preservation Policy for Non-



Forest Government and Public Lands, 2024 as prepared by the Government of Punjab, Department of Forests and Wildlife Preservation should be adopted for the State of Punjab. Accordingly, the Tree Preservation Policy for Non- Forest Government and Public Lands, 2024 was approved by the Council of Ministers in its meeting held on 14.08.2024. It was decided that the Department of Forests and Wildlife Preservation will implement the said policy in the State of Punjab.

- 6) That the entire matter was placed before the Hon'ble Chief Minister, Punjab and the Hon'ble Chief Minister has given concurrence to implement the recommendations of the Joint Committee and the Council of Ministers has approved the Tree Preservation Policy for Non-Forest Government and Public Lands, 2024 for adoption by the State of Punjab as explained herein above.
- 7) That the above facts were placed before this Hon'ble Tribunal by the filing of an affidavit dated 27.08.2024 by the Additional Secretary to Government of Punjab, Department of Science, Technology and Environment on behalf of the Chief Secretary to Government of Punjab in compliance to order dated 30.01.2024 passed in OA No.378 of 2022.
- 8) That this Hon'ble Tribunal was pleased to dispose of Miscellaneous Application no. 146 of 2024 (in disposed of cases) in Original Application No. 378 of 2022 titled as Sahil Garg v/s State of Punjab and Others vide orders dated 20.12.2024 with direction to the Chief Secretary to the Government of Punjab for notification of the above said policy. A copy of order dated 20.12.2024 passed by the Hon'ble Tribunal in MA No. 146 of 2024 (in disposed of cases) in Original Application No. 378 of 2022 is enclosed as **Annexure R-6/A**.
- 9) That it is relevant to mention here that the Government of Punjab, Department of Forest and Wildlife Preservation has notified the Tree Preservation Policy for non-forest Government and Public lands, 2024 vide notification no. DFWLP-45/144/2024 o/o Financial Comm-Forest & Wildlife/ 1/925874/2024 dated 12.09.2024.



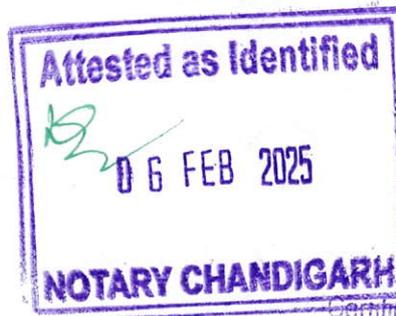
- 10) That the Tree Preservation Policy for non-forest Government and Public lands, 2024 as mentioned, will regulate the felling and protection of trees in non-forest government and public lands in the State of Punjab. A copy of Tree Preservation Policy for non-forest Government and Public lands, 2024 is enclosed as **Annexure R-6/B**.
- 11) That the reply by way of above affidavit is hereby submitted in compliance to order dated 23.10.2024 for kind consideration of this Hon'ble Court.

Deponent


(Priyank Bharti)Secretary to Government of Punjab
Department of Science, Technology and
Environment
(Respondent no.6)Place: Chandigarh
Date: 05.02.2025**VERIFICATION:**

I, the deponent above named, do hereby verify and state that the contents of the above affidavit are true and correct to the best of my knowledge and belief, as derived from the official record. No part of the above affidavit is false and nothing material has been concealed there from.

Deponent


(Priyank Bharti)Secretary to Government of Punjab
Department of Science, Technology and
Environment
(Respondent no.6)Place: Chandigarh
Date: 05.02.2025

Certified that the Affidavit/SPA/GPA/RA has been read over & Explained to the Deponent / Executant who seemed directly to understand the same at the time of making & signing the document

Item No.10

Court No. 3

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Misc Application in Disposed of Cases No. 146/2024
In
Original Application No. 378/2022

Sahil Garg

Applicant

Versus

State of Punjab & Ors.

Respondents

Date of hearing: 20.12.2024

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

Applicant: None for the applicant

Respondents: None for the respondents.

ORDER

1. Mr. Sahil Garg had filed Original Application No. 378/2022 complaining about concretization of open spaces (on the pretext of parking area requirements) and road sides (in the name of pedestrian path) right upto the neck of the existing trees and non-implementation of any plantation program for developing green belts in open spaces and along the road sides.

2. The above said O.A was disposed of by this Tribunal vide Judgment dated 30.01.2024. The relevant part of the order reads as under:-

21. In view of importance of protection and proper maintenance of open spaces, parks, green belts and instances of conversion of part or whole of open spaces, parks, green belts in the State of Punjab coming up before this Tribunal, we consider it appropriate to widen the scope of the present proceedings and constitute a Joint Committee comprising of representatives of (i) MOEF&CC, (ii) CPCB, (iii) ACS/Principal Secretary, Department of urban Planning Government of Punjab, (iv) ACS/Principal Secretary, Department of Local Bodies, Government of Punjab (v) Director General, Town and Country Planning, Punjab, (vi) Chief Administrator, PUDA and (vii) PSPCB with the directions to (1) compile/catalogue information regarding all green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab with requisite details as to (a) location, revenue number, boundaries, measurements etc.; (b) present status regarding plantation/green cover, user, maintenance, and agency deputed for maintenance; and (c) encroachments (including encroachments made by unauthorizedly constructing religious structures) made on the same with requisite details as to who made the encroachments, when and in which manner and what action has been taken/is to be taken for removal of such encroachments specifically mentioning Court cases decided/pending regarding the same; (2) to get entire such information uploaded on the website of the District Administration and Municipal Bodies for seeking public participation for protection of green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab against any encroachment and also for ensuring proper use and maintenance thereof; and (3) to verify factual position of per capita green cover and assess its adequacy in view of the number of residents and give suggestions for remedial measures required to be taken for proper user, development, maintenance, protection, and improvement of such green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab.

22. The Committee may constitute sub committees, seek reports from concerned administrative officers, NGOs, Civil Societies Environmental Activists or other experts in the field as may be considered appropriate and may also seek complaints from Members of Public. The Member Secretary, PSPCB shall be the Nodal Officer for coordination and compliance and all necessary expenses including travel, boarding, lodging expenses shall be borne by PSPCB. Report may be submitted by the Joint Committee within three months to this Tribunal 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 and also to the Chief Secretary to Government of Punjab who shall place the same before the Government of Punjab for such action on the recommendations of the Joint Committee as may be considered appropriate.

23. We are also of the considered view that the matter of protection of green areas/public parks/green belts and trees needs proper statutory framework for reservation, development, maintenance and preservation of green areas/parks/greenbelts and protection of trees. Besides the statutory frame work, appropriate administrative guidelines are also required to be issued for identification, demarcation, development, maintenance and preservation of green areas/parks/green belts and protection of trees in the urban development/colonization schemes/layouts.

24. In the context of increasing environmental air and water pollution, we consider it appropriate to make a suggestion to Government of Punjab to consider the desirability of making suitable amendments in the relevant Rules in this regard. We also find that at present there is no legislation in the State of Punjab for protection of green areas/parks/green belts and trees and we also consider it appropriate to suggest to Government of Punjab to consider desirability of enactment of appropriate legislation on the lines of the Uttar Pradesh Parks, Playgrounds and Open Spaces (Preservation and Regulation) Act, 1975 and the Delhi Preservation of Trees Act, 1994/the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976. The Chief Secretary to Government of Punjab is directed to place the above suggestion before the Government of Punjab within two months for such action as may be considered appropriate.

25. In view of the above the present application is disposed of with direction to the Chief Secretary to Government of Punjab to file his affidavit mentioning in detail action taken for issuance of instructions and placing the recommendations of the joint Committee and also the suggestion given by this Tribunal before Government of Punjab as mentioned above before learned Registrar General of this Tribunal, within six 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, who may, if necessary, put up the matter before this Bench for further directions."

3. Municipal Council, Gobindgarh sent single sentence letter dated 22.03.2024 in Gurmukhi (Punjabi) language enclosing therewith tabular chart which was illegible.
4. No affidavit was filed by the Chief Secretary, Government of Punjab.
5. In view of non-compliance the matter was listed before this Bench for further orders.

6. In the course of proceedings, report dated 17.05.2024 has been filed by the Member Secretary, PPCB. The relevant part of the report is reproduced under:-

***“Report of the Joint Committee
(Constituted vide Judgment/Order dated 30.01.2024 by the
Hon’ble National Green Tribunal in O.A. No. 378/2022 Sahil
Garg Vs. State of Punjab and others.***

X X X X X
***Constitution of joint committee: Order dated 05.07.2022 and
submission or report***

Vide order dated 05.07.2022, the Hon'ble National Green Tribunal had constituted a Joint Committee comprising of Principal Secretary, Ministry of Urban Development, Government of Punjab, Principal Chief Conservator of Forests, Government of Punjab, State PCB and Deputy Commissioner, Mohali with direction to submit factual and action taken report within two months which period was extended vide order dated 12.10.2022. In compliance to order dated 05.07.2022, report of the Joint Committee was filed before the Hon'ble Tribunal vide email dated 23.11.2022.

Impleadment of respondents

In view of the averments made in the application and observations in the report of the Joint Committee, the Hon'ble Tribunal was pleased to pass an order dated 24.11.2022 thereby Impleading the State of Punjab through Chief Secretary, Government of Punjab, State PCB, Mohali Development Authority and District Magistrate, Mohali as respondents No. 1 to 4. Pursuant to service of notices, replies were filed by respondents no. 1, 3 and 4 vide email dated 07.12.2022 and by respondent no. 2 vide email dated 30.12.2022.

Observations of the Hon'ble National Green Tribunal

After considering the averments made in the application, the contents of the report of the joint committee and submissions made in the replies filed by the respondents no. 1 to 4 and other material available on record, it was observed by the Hon'ble National Green Tribunal that the case involves substantial environmental questions of de-concretization of trees and protection of parks, open spaces, green belts in cities which are being over-concretized without providing adequate green cover or destroying the existing green cover.

It was observed by the Honble Tribunal that concretization on road sides by use of interlocking tiles is not prohibited. Use of Interlocking tiles with sand without contamination is not prohibited as

water can seep through the joints. Use of permeable block pavement in cities and towns can help replenish depleting underground sources of water, filter pollutants before they reach open water sources, help reduce storm water runoff and decrease the quantum of drainage structures.

However, concretization upto the roots and trunks of the trees is not permissible. In Original application No. 82 of 2013 filed with regard to de-concretization around trees standing on roads, pavements, parks etc., the Hon'ble Tribunal vide order dated 23.04.2013 directed the public authorities, more particularly Municipal Corporation of Delhi, DDA, DTC, DMRC, NHAI and all Government respondents including the Director General of CPWD and the Chief Engineer, PWD that all the sign boards, names, advertisements, any kind of boards or signages, electric wires and high tension cables or other damaging elements be removed from the trees forthwith and that the concrete surrounding the trees within one metre of the trees be removed forthwith and due precaution taken in future so that no concrete or construction or repairing work is done at-least within one metre radius of the trunk of trees.

It was further observed by the Hon'ble Tribunal that Concretization around trees not only hampers root aeration but also the percolation of water which could ultimately lead to death of the tree. Since concretization around trees leads to damage of the root system of the tree which ultimately leads to its death so an area of one meter is required to be left de-concretized around the base of the tree at the time of construction of the pavements or roads to facilitate percolation of water to the roots. The area should be leveled with earth/ soil and grass/ shrubs may be planted, if need be.

Scope Widened: Formation of Joint Committee

In view of importance of protection and proper maintenance of open spaces, parks, green belts and instances of conversion of part or whole of open spaces, parks, green belts in the State of Punjab, the Hon'ble Tribunal considered It appropriate to widen the scope of the present proceedings and vide judgment dated 30.01.2024 has constituted a Joint Committee comprising of representatives of the following departments of the Central and the State Government.

- i. Ministry of Environment, Forest and Climate Change (MOEF&CC),
- ii. Central Pollution Control Board (CPCB),
- iii. ACS/Principal Secretary, Department of urban Planning, Government of Punjab, ACS/Principal Secretary, Department of Local Bodies, Government of Punjab
- iv. Director General, Town and Country Planning, Punjab,
- v. Chief Administrator, Punjab Urban and Development Authority (PUDA) and
- vi. Punjab State Pollution Control Board (PSPCB)

Directions given to the Joint Committee

In the Judgment dated 30.1.2024, following directions have been issued to the Joint Committee by the Hon'ble National Green Tribunal.

- (1) *compile/catalogue information regarding all green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab with requisite details as to*
 - (a) *location, revenue number, boundaries, measurements etc.;*
 - (b) *present status regarding plantation/green cover, user, maintenance, and agency deputed for maintenance; and*
 - (c) *encroachments (including encroachments made by unauthorizedly constructing religious structures) made on the same with requisite details as to who made the encroachments, when and in which manner and what action has been taken/is to be taken for removal of such encroachments specifically mentioning Court cases decided/pending regarding the same;*
- (2) *to get entire such information uploaded on the website of the District Administration and Municipal Bodies for seeking public participation for protection of green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab against any encroachment and also for ensuring proper use and maintenance thereof; and*
- (3) *to verify factual position of per capita green cover and assess its adequacy in view of the number of residents and give suggestions for remedial measures required to be taken for proper user, development, maintenance, protection, and improvement of such green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab.*

Empowerment of Joint Committee to constitute Sub Committees

The Joint Committee has been empowered by the Hon'ble National Green Tribunal to constitute sub committees, seek reports from concerned administrative officers, NGOs, Civil Societies Environmental Activists or other experts in the field as may be considered appropriate and may also seek complaints from Members of Public.

Appointment of Nodal Officer

In the judgement dated 30.01.2024 the Hon'ble National Green Tribunal has nominated the Member Secretary, Punjab State Pollution Control Board (PSPCB) as the Nodal Officer for coordination and compliance and all necessary expenses including travel, boarding, lodging expenses shall be borne by PSPCB.

Direction for submission of report to the Joint Committee

The Joint Committee was directed by the Hon'ble Tribunal vide judgment dated 30.01.2024 to submit report within three months to the Tribunal 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 and also to the Chief Secretary to Government of Punjab.

Directions of the Hon'ble Tribunal to Chief Secretary Punjab

Apart from the formation of the Joint Committee vide judgement dated 30.01.2024, the Hon'ble National Green Tribunal was pleased to issue directions and suggestions to the Chief Secretary to Government of Punjab in two parts in paragraph 17, 22, 23 and 24 of the said judgement dated 30.01.2024 as explained and described herein below:

A. Paragraph 17

In view of the above Chief Secretary to Government of Punjab is directed to issue appropriate instructions within one month to all the Municipal Bodies/Civic Agencies/Government Departments/Gram Panchayats to ensure:-

- i. That all the sign boards, names, advertisements, any kind of boards or signages, electric wires and high tension insulated cables etc. placed on trees are removed within one month from the date of issuance of the instructions;
- ii. That the trees which are already concretized are de-concretized, manually without use of JCB machines etc so that the roots and trunks are not damaged, by leaving soil filled space of one meter radius to allow percolation of water to the roots thereof within two months from the date of issuance of the instructions;
- iii. That during fresh construction of roads/ pavements etc, a fresh clause is added in the tender documents that one meter area around the trees shall be left de-concretized/ soil filled to allow percolation of water to the roots and that.
- iv. That concretization of road berms beyond footpath and central verge of the roads/ pathways be avoided and appropriate land scaping with plantation of grass, shrubs, flowering plants may be done, as may be viable.

B. Paragraph 22, 23 and 24

The Hon'ble Tribunal has also issued the following directions and suggestions to Chief Secretary, Government of Punjab in paragraph 22, 23 and 24 of the judgement dated 30.01.2024.

- (i.) To place the report of the Joint Committee before the Government of Punjab for such action on the recommendations of the Joint Committee as may be considered appropriate.
- (ii.) The matter of protection of green areas/public parks/ green belts and trees needs proper statutory framework for reservation, development, maintenance and preservation of green areas/parks/greenbelts and protection of trees.
- (iii.) Besides the statutory frame work, appropriate administrative guidelines are also required to be issued for identification, demarcation, development, maintenance and preservation of green areas/parks/green belts and protection of trees in the urban development/colonization schemes/layouts.
- (iv.) In the context of increasing environmental air and water pollution, we consider it appropriate to make a suggestion to Government of Punjab to consider the desirability of making suitable amendments in the relevant Rules in this regard.
- (v.) At present there is no legislation In the State of Punjab for protection of green areas/parks/green belts and trees and we also consider it appropriate to suggest to Government of Punjab to consider desirability of enactment of appropriate legislation on the lines of the Uttar Pradesh Parks, Playgrounds and Open Spaces (Preservation and Regulation) Act, 1975 and the Delhi Preservation of Trees Act, 1994/the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976.
- (vi.) The Chief Secretary to Government of Punjab is directed to place the above suggestions before the Government of Punjab within two months for such action as may be considered appropriate

Direction for filing of affidavit by Chief Secretary, Government of Punjab

The Hon'ble National Green Tribunal has disposed of O.A No. 378 of 2022 vide Judgment dated 30.01.2024 wherein direction has been issued in paragraph 25 to the Chief Secretary to Government of Punjab to file his affidavit mentioning in detail action taken for issuance of instructions and placing the recommendations of the joint Committee and also the suggestion given by this Tribunal before Government of Punjab before learned Registrar General of the Tribunal, within six 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, who may, if necessary, put up the matter before this Bench for further directions. **This part of the order/judgement dated 30.01.2024 has to be complied by the Chief Secretary to Government of Punjab.**

Compliance of the directions of the Hon'ble Tribunal by the Joint Committee.

To make compliance of the orders/directions of the Hon'ble Tribunal as contained in Judgment dated 30.01.2024, following actions have been taken:

- A. The Member Secretary, Punjab Pollution Control Board being the Nodal Officer has issued a letter bearing no. 6697-6705 dated 12.03.2024 to the following departments and officers for nominating the respective officers as member of the joint committee who shall act and perform function In accordance with the mandate of order dated 30.01.2024:
- a) Deputy Director General of the Forest (c), Ministry of Environment, Forest & Climate Change
 - b) Regional Direction, Central Pollution Control Board.
 - c) The Principal Secretary to Government of Punjab, Department of Housing and Urban Development
 - d) The Principal Secretary to Government of Punjab, Department of Local Government
 - e) The Director, Department of Town and Country Planning
 - f) The Chief Administrator, Punjab Urban Planning & Development Authority

A copy of letter no. 6697-6705 dated 12.03.2024 is enclosed herewith as **Annexure-A** [Pages no. 20 to 24]

First meeting of the Joint Committee: 19.03.2024

- B. 1st meeting of the joint committee was held on 19.03.2024 by the Member Secretary Punjab Pollution Control Board. After detailed discussions and deliberations, it was decided In the 1st meeting as under:
- i. The EE, PPCB RO SAS Nagar to visit the office of Chairman State Environment Impact Assessment Authority (SEIAA) to get the clarification regarding imposition of conditions in Environmental Clearance in all construction projects as well as industries related to the said matter within 2 days.
 - ii. The EE, PPCB RO SAS Nagar to coordinate with Sh. Ashwani Chaudhary, Chief Engineer, Local Government, Mohali to finalize the Google sheet.
 - iii. The STP, Mohali to provide a copy of the Punjab Urban Planning and Development Building Rules, 2021 to EE, PPCB, RO, Mohali.
 - iv. To conduct next meeting on 28.03.2024 at 11:00 AM through virtual mode to discuss the progress with all the stake holder departments so that the compiled report may

be sent to Worthy Chief Secretary to Govt. of Punjab before 31.03.2024.

- v. The minutes of the meeting were recorded and circulated amongst the members of the joint committee and concerned departments vide letter no. 1176-81 dated 20.03.2024 by the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar and a copy of the minutes of the meeting is enclosed herewith as Annexure-B. [Pages no. 25 to 31]

C. In compliance to the decisions taken during the first meeting, a letter no. 7849 dated 21/03/2024 was written to the Chairman, State Environment Impact Assessment Authority (SEIAA), Punjab to provide the list conditions being imposed in the Environmental Clearance granted to various projects/industries. A copy of letter no. 7849 dated 21/03/2024 is enclosed as **Annexure-C**. [Page no. 32- 35]

Second meeting of the Joint Committee: 28.03.2024

D. 2nd meeting of the joint committee was held on 28.03.2024 by the Member Secretary Punjab Pollution Control Board. After detailed discussions and deliberations it was decided in the 2nd meeting as under:

- i. All the departments will update the information in Excel Sheet by 15.4.2024, post in WhatsApp group and will be deliberated in the forth-coming physical meeting to be held on 18.04.2024 at 11:00 AM at Regional Office, Punjab Pollution Control Board, SAS Nagar.
- ii. EE, PPCB RO SAS Nagar to contact the Chairman SEIAA to get the information regarding imposition of conditions in Environmental Clearances to be granted to the various projects.
- iii. Department of Town & Country Planning shall provide the data regarding green cover reserved by various construction projects by 15.4.2024, post in WhatsApp group. Senior Town Planner, Deptt. of Town & Country Planning, SAS Nagar will also attend the meeting to be held on 18.4.2024.
- iv. The minutes of the meeting were recorded and circulated amongst the members of the joint committee and concerned departments vide letter no. 1311-19 dated 28.03.2024 by the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar and a copy of the minutes of the meeting is enclosed herewith as **Annexure-D**. [Pages no. 36 to 39]

Third meeting of the Joint Committee: 18.04.2024

E. 3rd meeting of the joint committee was held on 18.04.2024 by the Member Secretary, Punjab Pollution Control Board, wherein after detailed deliberations following decisions were taken :-

- i. Local Government to prepare the data according to the Hon'ble NGT directions i.e a, b & c.
- ii. Each department shall fill the complete data in the respective columns of Excel sheet.
- iii. All the departments were requested to send the name of Nodal officers for the said case for further submission of reports to the Hon'ble NGT.
- iv. Department of PUDA shall verify the projects having completion certificate as per the list given by STP Mohali.
- v. Each department will get the permission from the respective authorities to get the information uploaded on the website of the District Administration for public comments.
- vi. The progress will be deliberated In the next meeting to be held on 25.04.2024 at 11:00 AM at Regional Office, Punjab Pollution Control Board, SAS Nagar.
- vii. The minutes of the meeting were recorded and circulated amongst the members of the joint committee and concerned departments vide letter no. 1547-52 dated 18/04/2024 by the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar and a copy of the minutes of the meeting Is enclosed herewith as **Annexure-E. [Page no. 40-43]**.

Fourth meeting of the Joint Committee: 25.04.2024

F. 4th meeting of the joint committee was held on 25.04.2024 by the Member Secretary, Punjab Pollution Control Board, wherein after detailed deliberations following decisions were taken :-

- i. All the departments were requested to send the name of Nodal Officer for the said case for further submission of reports to the Hon'ble NGT.
- ii. The information available as on date may be provided to Director, Directorate of Environment & Climate Change, Punjab as sought vide his office letter no. DECC/2024/875 dated 19/04/2024.
- iii. The minutes of the meeting were recorded and circulated amongst the members of the joint committee and concerned departments vide letter no. 2432-37 dated 30/04/2024 by the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar and a copy of the minutes of the meeting is enclosed herewith as Annexure-F. [Page no. 44-47]

Compilation of information

The information given by various departments in reference to the proceedings and minutes of the four meetings held by the Member

Secretary, Punjab Pollution Control Board with various departments to make compliance of the directions of the Hon'ble NGT has been complied.

Compliance of the directions of the Hon'ble National Green Tribunal

The directions given to the Joint Committee by the Hon'ble NGT vide judgment dated 20.01.2024 and the compliance thereof is given in the tabular form herein below :-

| Sr. No. | Judgment dated 30.01.2024 of the Hon'ble NGT | |
|---------|---|---|
| | Directions given to Joint Committee | Compliance thereof |
| 1 | <p>compile/catalogue regarding information green all green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab with requisite details as to:</p> <p>(a) location, revenue number, boundaries, measurements etc.;</p> <p>(b) present status regarding plantation/green cover, user, maintenance, and agency deputed for maintenance; and</p> <p>(c) encroachments (including encroachments made by unauthorized constructing religious structures) made on the same with requisite details as to who made the encroachments, when and in which manner and what action has been taken/is to be taken for removal of such encroachments specifically mentioning Court cases decided /pending regarding the same;</p> | <p>There are 13 Municipal Corporations, 153 Municipal Council, Nagar Panchayats and 27 Improvement Trusts in the State of Punjab. Apart from that development activities in the towns and cities are also being carried out by various authorities falling under the purview and jurisdiction of the Government of Punjab, Department of Housing and Urban Development. There are 7 such development authorities in the State namely Punjab Urban Planning and Development Authority (PUDA), Amritsar Development Authority (ADA), Greater Mohali Area Development Authority (GMADA), Jalandhar Development Authority (JDA), Greater Ludhiana Area Development Authority (GLADA), Patiala Development Authority (PDA) and Bathinda Development Authority (BDA). The information relating to green areas /parks/green belts reserved, in the respective areas of all the Municipal Corporations, Municipal Councils, Nagar Panchayats, Improvement Trusts and Development Authorities in the State of Punjab with, their location, revenue number,</p> |

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| | | <p>boundaries, measurements etc, present status regarding plantation/green cover, user; maintenance, and agency deputed for maintenance, encroachments is enclosed herewith as below:</p> <p>i) Information relating to 13 Municipal Corporations: Annexure- G [48 -147]</p> <p>ii) Information relating to 153 Municipal Councils/ Nagar Panchayats: Annexure- H [148-162]</p> <p>iii) Information relating to 27 Improvement Trusts: Annexure- I [165-170]</p> <p>Information relating to 7 Development Authorities: Annexure- J [171-178].</p> |
| (2) | <p>to get entire such information uploaded on the website of the District Administration and Municipal Bodies for seeking public participation for protection of green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab against any encroachment and also for ensuring proper use and maintenance thereof; and</p> | <p>The information has been uploaded by the concerned agencies i.e. 13 Municipal Corporations, 153 Municipal Councils/ Nagar Panchayat, 27 Improvement Trusts and 7 Development Authorities on their separate websites as mentioned in Annexure — G, Annexure -H, Annexure — I and Annexure — 3 respectively.</p> |
| 3 | <p>to verify factual position of per capita green cover and assess its adequacy in view of the number of residents and give suggestions for remedial measures required to be taken for proper use, development, maintenance, protection, and improvement of such green areas/parks/green belts reserved in the respective areas of all the Municipal Bodies in the State of Punjab.</p> | <p>The information relating per capita green cover, status of adequacy, remedial measures required to be taken for proper use, development, maintenance, protection, and improvement of green areas/parks/green belts is given by the separate agencies as mentioned below:</p> <p>1) Information relating to 13 Municipal Corporations:</p> |

| | | |
|--|--|--|
| | | <p>Annexure- G [48-147] ii) Information relating to 153 Municipal Councils/ Nagar Panchayats: Annexure- H [146-162] iii) Information relating to 27 Improvement Trusts: Annexure- I [163-170] iv) Information relating to 7 Development Authorities: Annexure-3 [171-178]</p> |
|--|--|--|

Observations and Recommendations of the Joint Committee

The Joint Committee has thoroughly deliberated the issues relating to the availability of green belts, parks, green areas and their maintenance by the respective agencies in different town and cities of the State of Punjab. In larger cities Municipal Corporations are in existence, in smaller towns and cities Municipal Councils, Nagar Panchayats as well as Improvement Trusts are in existence. Apart from the above, the development activities in cities and towns are also carried out by the Punjab Urban Planning and Development Authority and other development authorities (namely Amritsar Development Authority, Jalandhar Development Authority, Greater Ludhiana Area Development Authority, Greater Mohali Area Development Authority, Patiala Development Authority and Bathinda Development Authority) working under the administrative control of the Department of Housing and Urban Development. As such the matter relating to green areas, park, belts its maintenance etc falls under the preview and jurisdiction of Municipal Corporations; Municipal Councils, Nagar Panchayats, Improvement Trusts and Urban Development Authorities. The Joint Committee hereby record its observations and recommendations in the following terms:

| S.No. | Observations & recommendations | Responsible Department |
|--------------|--|---|
| 1 | The green areas/ parks/ belts by whatsoever name are existing in the towns and cities need proper maintenance and future expansion plans in terms of population. The above-named agencies shall make provision for increase in the green areas, parks and belts. | Department of Local Government, Department of Housing and Urban Development |

| | | |
|---|---|--|
| 2 | <i>The State of Punjab has initiated and implemented the green cover drive namely "Nanak Bagichi" during the 550th Birthday celebrations of Shri Guru Nanak Dev Ji, the founder of Sikhism. All the agencies shall make efforts to adopt the idea of Nanak Bagichi for replication in towns and cities of Punjab so as to increase green cover. The financial support in this regard may be ensured through Corporate Environment Responsibility.</i> | <i>Department of Local Government, Department of Housing and Urban Development Department of Forests and Wildlife Preservation</i> |
| 3 | <i>It is observed that green areas/belts are mostly cemented or tiled to suppress dust and for walking etc., which is a wrong practice. All green areas must only be covered by good grass or small plants/hedges as a binder to dust as well as allowing percolation of water.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |
| 4 | <i>Arrangements of gardeners, water, organic manure etc be made available for the maintenance of such locations in the cities and towns.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |
| 5 | <i>Waterbodies, thick plantations, man-made wetlands, fountains, water sprinkles etc may be made essential part of the parks (cities and towns) with minimum civil work.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |
| 6 | <i>Strong and fancy lights will destroy the plants and trees rather walls and boundaries should be covered with climbers and creepers plants with small nursery beds at the bottom to raise these climbers.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |
| 7 | <i>Instead of concrete boundary walls of the parks it should be raised by thick hedge or bamboo or straight growing trees/plants.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |
| 8 | <i>Roads, footpaths etc, if required in big gardens should only be made up of pebbles or red soil/sand to allow water recharge and grass development.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |
| 9 | <i>The Local Government/ Authorities shall be made self-reliant to generate funds or Budgetary provisions for maintenance and expansion of green areas/parks/ belts etc.</i> | <i>Department of Local Government, Department of Housing and Urban Development</i> |

| | | |
|----|---|---|
| 10 | The agencies shall carry out Information Education and Communication (IEC) activities in respect of creation and maintenance of green areas, parks and belts. In view of global warming, greenhouse effect due to deforestation, the people shall be made aware about the benefits of clean and green environment, to conserve tree, to take care of plants growing in and around their localities the slogan each one, plant one and care one shall be made compulsory. The role of Resident Welfare Associations must be strengthened towards the performance of such activities. | Department of Local Government, Department of Housing and Urban Development |
| 11 | The agencies shall start tree plantation program during the monsoon season on road sides, parks, schools, factories, homes, villages, | Department of Local Government, Department of Housing and Urban Development, Department of Rural Development and Panchayat, Department of Forests |
| 12 | People shall be made aware to report the incidents of tree cutting to the concerned departments/ District Administration through toll free numbers. | Department of Local Government, Department of Housing and Urban Development, Department of Rural Development and Panchayat, Department of Forests |

7. Affidavit dated 27.08.2024 has also been filed by the Additional Secretary to Government of Punjab, Department of Science, Technology and Environment on behalf of the Chief Secretary to Government of Punjab. The relevant part of the Affidavit reads as under:-

“COMPLIANCE REPORT OF ORDER DATED 30.01.2024

A) Paragraph 17

In compliance to the directions issued by the Hon'ble National Green Tribunal in paragraph 17 of the judgment, appropriate

instructions were issued by the Chief Secretary, Government of Punjab vide Memo No. 01/02/2024-1MC/54 dated 06.03.2024 to all the Administrative Departments of the State of Punjab whereby the Departments were directed to strictly comply with the NGT order and asked to submit the compliance of the directions mentioned in paragraph 17 of the judgement dated 30.1.2024. A copy of the instructions issued by Chief Secretary; Govt. of Punjab vide letter dated 06.03.2024 is placed at Annexure-A

B) Paragraph 22 and 23

The Member Secretary, Punjab Pollution Control Board being the Nodal Officer has submitted the Joint Committee report to the Registrar General, National Green Tribunal, New Delhi vide letter no. 12208-12211 dated 17.05.2024 in pursuance to order dated 30.01.2024 of the Hon'ble National Green Tribunal. A copy of the Joint Committee report was endorsed to the office of Chief Secretary to Government of Punjab vide letter endorsement no. 12209 dated 17.05.2024 in compliance to the Judgment dated 30.01.2024 of the Hon'ble National Green Tribunal. A copy of the Joint Committee report is enclosed as Annexure-B. The Annexures enclosed with the Joint Committee report are not being annexed as the same are voluminous. However, these annexures have already been attached by the Joint Committee with its report submitted to the Hon'ble National Green Tribunal vide letter no. 12208-12211 dated 17.05.2024.

The Joint Committee has thoroughly deliberated the issues relating to the availability of green belts, parks, green areas and their maintenance by the respective agencies in different town and cities of the State of Punjab. In larger cities Municipal Corporations are in existence and in smaller towns and cities Municipal Councils, Nagar Panchayats as well as Improvement Trusts are in existence. Apart from the above, the development activities in cities and towns are also carried out by the Punjab Urban Planning and Development Authority and other development authorities (namely Amritsar Development Authority, Jalandhar Development Authority, Greater Ludhiana Area Development Authority, Greater Mohali Area Development Authority, Patiala Development Authority and Bathinda Development Authority) working under the administrative control of the Department of Housing and Urban Development. As such the matter relating to green areas, park, belts its maintenance etc falls under the preview and jurisdiction of Municipal Corporations, Municipal Councils, Nagar Panchayats, Improvement Trusts & Urban Development Authorities and Department of Forests and Wildlife Preservation. The Joint Committee has recorded its observations and recommendations by mentioning the names of the departments responsible for

implementing the recommendations of the Joint Committee in the following terms:

| S. No. | Observations & recommendations of the Joint Committee | Responsible Department |
|--------|---|---|
| 1 | The green areas/ parks/ belts by whatsoever name are existing in the towns and cities need proper maintenance and future expansion plans in terms of population. The above-named agencies shall make provision for increase in the green areas, parks and belts. | Department of Local Government, Department of Housing and Urban Development |
| 2 | The State of Punjab has initiated and implemented the green cover drive namely "Nanak Bagichi" during the 550th Birthday celebrations of Shri Guru Nanak Dev Ji, the founder of Sikhism. All the agencies shall make efforts to adopt the idea of Nanak Bagichi for replication in towns and cities of Punjab so as to increase green cover. The financial support in this regard may be ensured through Corporate Environment Responsibility | Department of Local Government, Department of Housing and Urban Development & Department of Forests and Wildlife Preservation |
| 3 | It is observed that green areas/ belts are mostly cemented or tiled to suppress dust and for walking etc., which is a wrong practice. All green areas must only be covered by good grass or small plants/hedges as a binder to dust as well as allowing percolation of water. | Department of Local Government, Department of Housing and Urban Development |
| 4 | Arrangements of gardeners, water, organic manure etc be made available for the maintenance of such locations in the cities and towns. | Department of Local Government, Department of Housing and Urban Development |
| 5 | Waterbodies, thick plantations, man-made wetlands, fountains, water sprinkles etc may be made essential part of the parks (cities and towns) with minimum civil work. | Department of Local Government, Department of Housing and Urban Development |

| | | |
|----|--|---|
| 6 | <i>Strong and fancy lights will destroy the plants and trees rather walls and boundaries should be covered with climbers and creepers plants with small nursery beds at the bottom to raise these climbers.</i> | Department of Local Government, Department of Housing and Urban Development |
| 7 | <i>Instead of concrete boundary walls of the parks it should be raised by thick hedge or bamboo or straight growing trees/plants.</i> | Department of Local Government, Department of Housing and Urban Development |
| 8 | <i>Roads, footpaths etc, if required in big gardens should only be made up of pebbles or red soil/sand to allow water recharge and grass development</i> | Department of Local Government, Department of Housing and Urban Development |
| 9 | <i>The Local Government/ Authorities shall be made self-reliant to generate funds or budgetary provisions for maintenance and expansion of green areas/ parks/ belts etc</i> | Department of Local Government, Department of Housing and Urban Development |
| 10 | <i>The agencies shall carry out Information Education and Communication (IEC) activities in respect of creation and maintenance of green areas, parks and belts. In view of global warming, greenhouse effect due to deforestation, the people shall be made aware about the benefits of clean and green environment, to conserve tree, to take care of plants growing in and around their localities and the slogan each one, plant one and care one shall be made compulsory. The role of Resident Welfare Associations must be strengthened towards the performance of such activities.</i> | Department of Local Government, Department of Housing and Urban Development |
| 11 | <i>The agencies shall start tree plantation program during the monsoon season on road sides, parks, schools, factories, homes, villages, towns, cities and vacant spaces.</i> | Department of Local Government, Department of Housing and Urban Development, Department of Rural Development and Panchayat, Department of Forests |
| 12 | <i>People shall be made aware to report the incidents of tree cutting to the concerned</i> | Department of Local Government, Department of Housing and Urban Development, Department of |

| | | |
|--|--|--|
| | departments/ Administration through toll free numbers. | District Rural Development and Panchayat, Department of Forests |
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C) Paragraph 24

The suggestions of the Hon'ble National Green Tribunal made in the order dated 30.01.2024 in O.A No. 378 of 2022 regarding considering desirability of enactment of appropriate legislation were placed before the Council of Ministers. The Council of Ministers in its meeting held on 14.08.2024 considered the suggestions of the Hon'ble National Green Tribunal made in the order dated 30.01.2024 and after careful consideration, the Council of Ministers felt that instead of framing a legislation, the Tree Preservation Policy for Non-Forest Government and Public Lands, 2024 as prepared by the Government of Punjab, Department of Forests and Wildlife Preservation should be adopted for the State of Punjab. Accordingly, the Tree Preservation Policy for Non- Forest Government and Public Lands, 2024 was approved by the Council of Ministers in its meeting held on 14.08.2024 and a copy of the policy is enclosed herewith as Annexure-C.

The Department of Forests and Wildlife Preservation will implement the said policy in the State of Punjab. A copy of English Translation of memo letter no. 01/74/2024-1 Cabinet/1725-1737 dated 14.08.2024 is enclosed as Annexure-D.

D) The entire matter was placed before the Hon'ble Chief Minister, Punjab and the Hon'ble Chief Minister has given concurrence to implement the recommendations of the Joint Committee and the Council of Ministers has approved the Tree Preservation Policy for Non-Forest Government and Public Lands, 2024 for adoption by the State of Punjab as explained herein above."

8. Copy of the Tree Preservation Policy for non-forest Government and Public lands, 2024 has been enclosed with the report as Annexure C which has been approved by the Council of Minsters for adoption by the State of Punjab. The relevant part of the above said Policy reads as under:-

"GOVERNMENT OF PUNJAB

DEPARTMENT OF FORESTS & WILDLIFE PRESERVATION
TREE PRESERVATION POLICY FOR NON-FOREST
GOVERNMENT AND PUBLIC LANDS- 2024

1. PREAMBLE

1.1 Punjab, the grain basket of India has about 85% of its area under agriculture and the remaining area is under other land uses like residential/ commercial, roads/railways infrastructure, industrial, irrigation canals, forests etc. The forest and tree cover of the state is around 5.92% of the geographical area and as per the Sustainable Development Goals, the State is aiming to increase it to 7.5% by promoting tree plantation and conserving existing tree cover on both forest as well as non-forest lands by the year 2030. Promoting Agroforestry is also one of the key thrust areas to achieve this target in order to provide a healthy environment, mitigate global warming and to arrest fall of ground water level, efforts are being made to protect existing tree cover on forest as well as non-forest lands and promote diversification of agriculture so as to bring more and more area under tree cover.

1.2 The analysis of current legal and administrative provisions pertaining to trees on non-forest government land/public land (henceforth termed as the SAID LANDS") necessitates a specific policy which brings uniformity of regulations, provides improved inbuilt provisions for protection of trees on SAID LANDS, regulation of removal/felling of trees for developmental and safety purposes from SAID LANDS based on well reasoned justifications apart from compensating environmental losses caused by felling of trees.

2. OBJECTIVES

The objectives of the Policy are as follows -

2.1 Provide institutional mechanism to provide adequate protection to trees standing on the SAID LANDS and to facilitate well-reasoned decision making in cases where removal of trees is inevitable for development and safety and other purposes.

2.2 To provide adequate mechanism to compensate the environmental loss caused by the felling of trees while implementing developmental projects on the said lands.

2.3 Provide adequate tree cover on the SAID LANDS thereby safeguarding and providing a better living environment to the people of the State.

3. EXTENT

3.1 The policy is applicable on all non-forest lands owned by the State Government Departments, all State owned institutions, Local Bodies and lands of Panchayats excluding lands notified under Punjab Land Preservation Act, 1900.

3.2 The policy will however, not be applicable in cases where any government or semi government research institutes require felling of trees for the purpose of research.

4. REGULATION OF FELLING OF TREES AND PROTECTION OF TREES

4.1 The owners of the SAID LAND will take all necessary and possible measures to protect trees from illicit felling, pruning and pollarding by evolving their own mechanisms and use provisions of Indian Penal Code or any other law applicable to penalize offenders, if required, so as to deter illicit felling, pruning and pollarding of trees on the said lands.

4.2 Following Committees at sub-divisional level, District level and State level shall be constituted to regulate the policy:

4.2.1 The Sub-Divisional Level Committee:

(a)

| Sr. No. | Designation | |
|----------------|--|------------------|
| (i) | Sub-Divisional Magistrate | Chairman |
| (ii) | Forest Range Officer | Member Secretary |
| (iii) | Sub-Divisional Level Officer of Concerned land owning Department or any other officer in case there is no sub-divisional officer | Member |
| (iv) | Representative of concerned Municipal body | Member |
| (v) | Block Development and Panchayat Officer of Block Concerned | Member |

(b) For the areas under the jurisdiction of the Urban Development Authorities of the Department of Housing and Urban Development, the following committee shall take appropriate decisions instead of committee at sub para (a) above:

| Sr. no. | Designation | |
|----------------|---|------------------|
| (i) | Chief Administrator of the respective | Chairman |
| (ii) | Forest Range Officer | Member Secretary |
| (iii) | Representative of the Deputy Commissioner concerned | Member |
| (iv) | Representative of the concerned Municipal body | Member |

4.2.2 The District Level Committee:

| Sr. no. | Designation | |
|----------------|---------------------|----------|
| (i) | Deputy Commissioner | Chairman |

| | | |
|-------|---|------------------|
| (ii) | Divisional Forest Officer | Member Secretary |
| (iii) | Commissioner or Executive Officer of Municipal Corporation/ Municipal Committee as the case may be. | Member |
| (iv) | Divisional Level Officer of the SAID LAND (PWD, B&R, Water Resources, PSPCL etc.) | Member |
| (v) | District Development and Panchayat Officer | Member |
| (vi) | District Level Head of the concerned land owning Department | Member |

4.2.3 The State Level Committee:

| Sr. no. | Designation | |
|---------|---|------------------|
| (i) | Financial Commissioner (Forests) | Chairman |
| (ii) | Administrative Secretary Department of Local Government or his representative | Member |
| (iii) | Administrative Secretary, Housing & Urban Development, or his representative | Member |
| (iv) | Administrative Secretary Department of Rural Development and Panchayats or his representative | Member |
| (v) | Principal Chief Conservator of Forests (HoFF) | Member |
| (vi) | All Deputy Commissioners in the State of Punjab | Members |
| (vii) | Officer of the Rank of CCF/APCCF in the Forest Department | Member Secretary |

4.3 The State level committee shall review the implementation of the policy from time to time and should meet preferably once in every three months. This committee will also suggest necessary changes required in the policy from time to time and look into the inter departmental coordination issues.

4.4 The respective Member Secretaries in all the committees as mentioned in para 4.2.1 and 4.2.2 shall place the agenda before the respective Committees as received from the respective departments. The concerned officers of the land owning

department will submit the agenda to the Member Secretary to the respective committee.

4.5 Sub-Divisional Committee shall decide about developmental cases involving felling of up to 100 trees per case. District level committee shall decide cases involving felling of more than 100 trees per case. The committees shall prescribe the compensatory plantation plans in case of developmental felling of trees.

4.6 All Departments/institutions desiring to fell trees for developmental works from the SAID LANDS shall send the details of development project and list of trees to be felled (as per annexure 1) through its District level head to a Committee at Sub-Division or District level depending upon the number of trees required to be felled in each case. These Sub-Division or District level committees shall scrutinize and decide upon the need of felling of trees from the SAID LANDS for developmental purposes and issue necessary approvals.

4.7 In cases involving removal of trees posing imminent threat to life and property and where immediate removal of such trees is essential and unavoidable, instead of referring the case to Sub-Division/District/Municipal Corporation Committees, the in-charge of such premises /institute shall report the matter immediately to the District Head of the concerned department, who shall in turn constitute a departmental committee immediately to inspect and certify the threat imposed by such trees. The report of the committee after due acceptance by the District Head of the Department concerned shall be sent to the concerned premises in-charge and the same shall be treated as permission to fell such trees which are an immediate threat to life and property. District Head of the Department shall also endorse the copy of above letter (along with committee report) to concerned chairpersons of the committees for information. Value of such trees will be got assessed by respective Divisional Forest Officer before felling of trees. The Divisional Forest Officers shall determine the price of such trees within 24 hours of receipt of such reference from the district head of the Department. This will be applicable to all species of trees.

4.8 In case of trees which require pruning or removal due to high tension wires, PSPCL will be the nodal department to take up the case to the concerned district/sub-divisional level committee in coordination with the institutions/owners of the trees.

4.9 All departments shall adopt the approach of avoidance, reduction and offsetting with respect to need of felling of trees on the SAID LANDS while designing and implementing the developmental projects. Efforts shall be made to preserve Old/Heritage trees of species like Pipal, Bohar, Neem etc. and recommendation of their felling should be made only in rarest of rare cases.

4.10 District Level officers of various departments shall ensure that no felling of trees take place in their jurisdiction without the

approval obtained as per the provisions of this policy. In case there is a violation of the policy, apart from the other actions as per the policy and the law applicable, such district level officers shall be proceeded as per the disciplinary proceedings as provided in the Punjab Civil Services Punishment Conduct and Appeal Rules. Further, in case of the educational institutions in particular, apart from the district level officers, such an action shall also be initiated against the respective institutional head.

4.11 In case trees are required to be felled for the research purpose, prior written intimation of the same to the concerned district/sub-divisional level committee should be done by the concerned department.

4.12 If a village Panchayat is promoting agroforestry on their own lands and enhancing the tree cover of the state, no restriction in felling of such trees should be imposed provided such Panchayat agree to replant the equivalent area with trees/agroforestry. The Panchayat shall pass a resolution to this effect. In such cases, separate Compensatory plantation should not be made mandatory on Panchayats as mentioned in Para 5 of the Policy.

4.13 Decision on any issue which is not covered in this policy, shall be taken at the discretion of the concerned Committee, which shall take an appropriate and well reasoned decision in the best interest of State and Environment.

5 COMPENSATORY PLANTATIONS

5.1 All Departments shall mainstream Compensatory plantation in their developmental projects which needs to be a compulsory and an embedded part of development project- proposal itself. There shall be adequate financial provisions for offsetting the effects of proposed felling of trees. This aspect shall also be considered by the committees at sub-division and District level while according the approval for felling of trees.

5.2 The normal ratio for taking up of compensatory plantation will be 1:5 (planting 5 saplings for every one tree felled) along with minimum of 5 years maintenance. Plants to be planted should be of good quality and not less than 4 to 5 feet of height.

5.3 For taking up of compensatory plantation, every department shall identify a suitable land bank from lands owned by it preferably at same site to the extent possible and if it is not possible then alternatively at the nearest possible site within same District from where trees are to be felled.

5.4 Compensatory Plantation shall be taken up by the respective departments on their own. In case, the department does not have land bank suitable for compensatory plantation or not able to take up plantation, same shall be certified by the concerned Head of Department and it shall deposit amount as per the plantation cost models of Forest Department in Green Punjab Mission Fund of State Government in consultation with the concerned Range Officer or Divisional Forest Officer. This

amount shall be utilized as per the guidelines of Green Punjab Mission Scheme.

5.5 The revenue realized from developmental and other felling on the SAID LANDS shall be ploughed back for compensatory plantation and their maintenance. If this amount is not sufficient for the compensatory plantation, then respective department has to make adequate financial provision.

5.6 Actual felling of trees shall start only after securing funds for compensatory plantation in a manner mentioned in 5.4 and 5.5.

5.7 The condition of compensatory plantation shall be mandatory for developmental felling and is only suggestive in other category of felling.

6 MONITORING & EVALUATION

6.1 All the departments will create their inventory of trees standing on the SAID LAND by enumerating such trees within one year of notification of this policy in the prescribed format which will be circulated by the Forest Department.

6.2 Subsequently, record of such trees standing on the SAID LANDS shall be annually maintained by the concerned departments to safeguard and monitor these trees.

6.3 Efforts shall be made to create a digital data base for trees standing on the SAID LANDS by creating an online portal/mobile application for better monitoring of trees. Inventory of trees shall be continuously updated when trees are cut after obtaining the approval of the respective committees in this regard.

6.4 Each department shall have its own monitoring and evaluation mechanism to assess and monitor the compensatory plantations undertaken, which shall be reviewed by the State Level Committee from time to time."

9. However, the same is not stated to have been so adopted and notified by issuance of notification in the Gazette.

10. The Chief Secretary, Government of Punjab is directed to take requisite steps for issuance of appropriate instructions for implementation of the recommendations made by the Joint Committee and also notification of the above said Policy and to send copies thereof to this Tribunal and also to upload the same on the website of the Government of Punjab with appropriate link on the main page of the website within three months.

11. In view of the compliance reports submitted, no further directions are required to be given by this Tribunal for compliance of order dated 30.01.2024 passed by this Tribunal on the original application and the present M.A. No. 146/2024 is disposed of accordingly with directions to the Chief Secretary, Government of Punjab as mentioned above.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 20th, 2024
M.A in Disposed of Cases No. 146/2024
In O.A No. 378/2022
AB

GOVERNMENT OF PUNJAB
DEPARTMENT OF FORESTS & WILDLIFE PRESERVATION
(FOREST BRANCH)

Notification No. DFWLP-45/ 144 /2024 -O/o FINANCIAL COMM.-FOREST & WILDLIFE /I/925874/2024

Chandigarh, Dated: 12-09-2024

TREE PRESERVATION POLICY FOR NON FOREST GOVERNMENT AND
PUBLIC LANDS- 2024

1. PREAMBLE

1.1 Punjab, the grain basket of India has about 85% of its area under agriculture and the remaining area is under other land uses like residential/commercial, roads/railways infrastructure, industrial, irrigation canals, forests etc. The forest and tree cover of the state is around 5.92% of the geographical area and as per the Sustainable Development Goals, the State is aiming to increase it to 7.5% by promoting tree plantation and conserving existing tree cover on both forest as well as non- forest lands by the year 2030. Promoting Agroforestry is also one of the key thrust areas to achieve this target. In order to provide a healthy environment, mitigate global warming and to arrest fall of ground water level, efforts are being made to protect existing tree cover on forest as well as non-forest lands and promote diversification of agriculture so as to bring more and more area under tree cover.

1.2 The analysis of current legal and administrative provisions pertaining to trees on non-forest government land/public land (henceforth termed as the "SAID LANDS") necessitates a specific policy which brings uniformity of regulations, provides improved inbuilt provisions for protection of trees on SAID LANDS, regulation of removal/felling of trees for developmental and safety purposes from SAID LANDS based on well reasoned justifications apart from compensating environmental losses caused by felling of trees.

2. OBJECTIVES

The objectives of the Policy are as follows –

2.1 Provide institutional mechanism to provide adequate protection to trees standing on the SAID LANDS and to facilitate well-reasoned decision making in cases where removal of trees is inevitable for development and safety and other purposes.

2.2 To provide adequate mechanism to compensate the environmental loss caused by the felling of trees while implementing developmental projects on the said lands.

2.3 Provide adequate tree cover on the SAID LANDS thereby safeguarding and providing a better living environment to the people of the State.

3. EXTENT

3.1 The policy is applicable on all non-forest lands owned by the State Government Departments, all State owned institutions, Local Bodies and lands of Panchayats excluding lands notified under Punjab Land Preservation Act, 1900.

3.2 The policy will however, not be applicable in cases where any government or semi government research institutes require felling of trees for the purpose of research.

4. REGULATION OF FELLING OF TREES AND PROTECTION OF TREES

4.1 The owners of the SAID LAND will take all necessary and possible measures to protect trees from illicit felling, pruning and pollarding by evolving their own mechanisms and use provisions of Indian Penal Code or any other law applicable to penalize offenders, if required, so as to deter illicit felling, pruning and pollarding of trees on the said lands.

4.2 Following Committees at sub-divisional level, District level and

State level shall be constituted to regulate the policy:

4.2.1 The Sub-Divisional Level Committee:

(a)

| Sr. no. | Designation | |
|---------|--|------------------|
| (i) | Sub-Divisional Magistrate | Chairman |
| (ii) | Forest Range Officer | Member Secretary |
| (iii) | Sub-Divisional Level Officer of Concerned land owning Department or any other officer in case there is no sub-divisional officer | Member |
| (iv) | Representative of concerned Municipal body | Member |
| (v) | Block Development and Panchayat Officer of Block Concerned | Member |

(b) For the areas under the jurisdiction of the Urban Development Authorities of the Department of Housing and Urban Development, the following committee shall take appropriate decisions instead of committee at sub para (a) above:

| Sr. no. | Designation | |
|---------|---|------------------|
| (i) | Chief Administrator of the respective authority | Chairman |
| (ii) | Forest Range Officer | Member Secretary |
| (iii) | Representative of the Deputy Commissioner concerned | Member |
| (iv) | Representative of the concerned Municipal body | Member |

4.2.2 The District Level Committee:

| Sr. | Designation | |
|-----|-------------|--|
| | | |

| | | |
|-------|--|------------------|
| no. | | |
| (i) | Deputy Commissioner | Chairman |
| (ii) | Divisional Forest Officer | Member Secretary |
| (iii) | Commissioner or Executive Officer of Municipal Corporation/Municipal Committee as the case may be. | Member |
| (iv) | Divisional Level Officer of the SAID LAND (PWD, B&R, Water Resources, PSPCL etc.) | Member |
| (v) | District Development and Panchayat Officer | Member |
| (vi) | District Level Head of the concerned land Owning Department | Member |

4.2.3 The State Level Committee:

| Sr. no. | Designation | |
|---------|---|------------------|
| (i) | Financial Commissioner (Forests) | Chairman |
| (ii) | Administrative Secretary Department of Local Government or his representative | Member |
| (iii) | Administrative Secretary, Housing & Urban Development, or his representative | Member |
| (iv) | Administrative Secretary Department of Rural Development and Panchayats or his representative | Member |
| (v) | Principal Chief Conservator of Forests (HoFF) | Member |
| (vi) | All Deputy Commissioners in the State of Punjab | Members |
| (vii) | Officer of the Rank of CCF/APCCF in the Forest Department | Member Secretary |

4.3 The State level committee shall review the implementation of the policy from time to time and should meet preferably once in every three months. This committee will also suggest necessary changes required in the policy from time to time and look into the inter departmental

coordination issues.

4.4 The respective Member Secretaries in all the committees as mentioned in para 4.2.1 and 4.2.2 shall place the agenda before the respective Committees as received from the respective departments. The concerned officers of the land owning department will submit the agenda to the Member Secretary to the respective committee.

4.5 Sub-Divisional Committee shall decide about developmental cases involving felling of up to 100 trees per case. District level committee shall decide cases involving felling of more than 100 trees per case. The committees shall prescribe the compensatory plantation plans in case of developmental felling of trees.

4.6 All Departments/institutions desiring to fell trees for developmental works from the SAID LANDS shall send the details of development project and list of trees to be felled through its District level head to a Committee at Sub-Division or District level depending upon the number of trees required to be felled in each case. These Sub-Division or District level committees shall scrutinize and decide upon the need of felling of trees from the SAID LANDS for developmental purposes and issue necessary approvals.

4.7 In cases involving removal of trees posing imminent threat to life and property and where immediate removal of such trees is essential and unavoidable, instead of referring the case to Sub-Division/District/Municipal Corporation Committees, the in-charge of such premises /institute shall report the matter immediately to the District Head of the concerned department, who shall in turn constitute a departmental committee immediately to inspect and certify the threat imposed by such trees. The report of the committee after due acceptance by the District Head of the Department concerned shall be sent to the

concerned premises in- charge and the same shall be treated as permission to fell such trees which are an immediate threat to life and property. District Head of the Department shall also endorse the copy of above letter (along with committee report) to concerned chairpersons of the committees for information. Value of such trees will be got assessed by respective Divisional Forest Officer before felling of trees. The Divisional Forest Officers shall determine the price of such trees within 24 hours of receipt of such reference from the district head of the Department. This will be applicable to all species of trees.

4.8 In case of trees which require pruning or removal due to high tension wires, PSPCL will be the nodal department to take up the case to the concerned district/sub-divisional level committee in coordination with the institutions/owners of the trees.

4.9 All departments shall adopt the approach of avoidance, reduction and offsetting with respect to need of felling of trees on the SAID LANDS while designing and implementing the developmental projects. Efforts shall be made to preserve Old/Heritage trees of species like Pipal, Bohar, Neem etc. and recommendation of their felling should be made only in rarest of rare cases.

4.10 District Level officers of various departments shall ensure that no felling of trees take place in their jurisdiction without the approval obtained as per the provisions of this policy. In case there is a violation of the policy, apart from the other actions as per the policy and the law applicable, such district level officers shall be proceeded as per the disciplinary proceedings as provided in the Punjab Civil Services Punishment Conduct and Appeal Rules. Further, in case of the educational institutions in particular, apart from the district level officers, such an action shall also be initiated against the respective institutional head.

4.11 In case trees are required to be felled for the research purpose, prior written intimation of the same to the concerned district/sub-divisional level committee should be done by the concerned department.

4.12 If a village Panchayat is promoting agroforestry on their own lands and enhancing the tree cover of the state, no restriction in felling of such trees should be imposed provided such Panchayat agree to replant the equivalent area with trees/agroforestry. The Panchayat shall pass a resolution to this effect. In such cases, separate Compensatory plantation should not be made mandatory on Panchayats as mentioned in Para 5 of the Policy.

4.13 Decision on any issue which is not covered in this policy, shall be taken at the discretion of the concerned Committee, which shall take an appropriate and well reasoned decision in the best interest of State and Environment.

5 COMPENSATORY PLANTATIONS

5.1 All Departments shall mainstream Compensatory plantation in their developmental projects which needs to be a compulsory and an embedded part of development project- proposal itself. There shall be adequate financial provisions for offsetting the effects of proposed felling of trees. This aspect shall also be considered by the committees at sub-division and District level while according the approval for felling of trees.

5.2 The normal ratio for taking up of compensatory plantation will be 1:5 (planting 5 saplings for every one tree felled) along with minimum of 5 years maintenance. Plants to be planted should be of good quality and not less than 4 to 5 feet of height.

5.3 For taking up of compensatory plantation, every department shall identify a suitable land bank from lands owned by it preferably at same site to the extent possible and if it is not possible then alternatively at the

nearest possible site within same District from where trees are to be felled.

5.4 Compensatory Plantation shall be taken up by the respective departments on their own. In case, the department does not have land bank suitable for compensatory plantation or not able to take up plantation, same shall be certified by the concerned Head of Department and it shall deposit amount as per the plantation cost models of Forest Department in Green Punjab Mission Fund of State Government in consultation with the concerned Range Officer or Divisional Forest Officer. This amount shall be utilized as per the guidelines of Green Punjab Mission Scheme.

5.5 The revenue realized from developmental and other felling on the SAID LANDS shall be ploughed back for compensatory plantation and their maintenance. If this amount is not sufficient for the compensatory plantation, then respective department has to make adequate financial provision.

5.6 Actual felling of trees shall start only after securing funds for compensatory plantation in a manner mentioned in **5.4 and 5.5.**

5.7 The condition of compensatory plantation shall be mandatory for developmental felling and is only suggestive in other category of fellings.

6 MONITORING & EVALUATION

6.1 All the departments will create their inventory of trees standing on the SAID LAND by enumerating such trees within one year of notification of this policy in the prescribed format which will be circulated by the Forest Department.

6.2 Subsequently, record of such trees standing on the SAID LANDS shall be annually maintained by the concerned departments to safeguard and monitor these trees.

6.3 Efforts shall be made to create a digital database for trees standing on the SAID LANDS by creating an online portal/mobile application for better monitoring of trees. Inventory of trees shall be continuously updated when trees are cut after obtaining the approval of the respective committees in this regard.

6.4 Each department shall have its own monitoring and evaluation mechanism to assess and monitor the compensatory plantations undertaken, which shall be reviewed by the State Level Committee from time to time.

Chandigarh, Dated: 12-09-2024 **Ajoy Sharma, IAS,**
Financial Commissioner to Government of Punjab,
Department of Forests and Wildlife Preservation.

Endst. No. DFWLP-45/144/2024-O/o FINANCIAL COMM.-FOREST & WILDLIFE
/I/925874/2024

Chandigarh, Dated: 12-09-2024

A copy of this notification is forwarded to the following for information and further necessary action:-

1. Secretary to Hon'ble Chief Minister, Punjab.
2. Secretary to Hon'ble Forest and Wildlife Preservation Minister, Punjab.
3. Private Secretary to Financial Commissioner Forest, Punjab.
4. All Administrative Secretaries, Government of Punjab.
5. Principal Chief Conservator of Forest (HoFF), Punjab
6. All Deputy Commissioners, Punjab.
7. All Head of the Departments, Punjab.
8. All Sub Divisional Magistrates, Punjab.

KULDEEP SINGH SYAN
UNDER SECRETARY
12-09-2024