

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO. 911/2022 (IA No. 14/2023 and IA No. 16/2023)

IN THE MATTER OF:

PROF. DR. SANJEV BAGAI & ORS

...APPLICANT(s)

VERSUS

DEPARTMENT OF ENVIRONMENT GNCTD

AND OTHERS

...RESPONDENT (s)

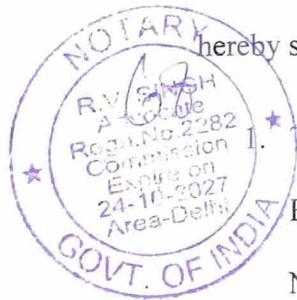
REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 1

(MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE)

I, Dr. Shobhita Agarwal D/o Late Sh. Krishna Kumar Agarwal , Aged 39 years do

hereby solemnly affirm and state as follows:

1. That I am working as Assistant Inspector General of Forests in the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003 (*hereinafter referred to as 'MoEFCC'*) and in my official capacity, I am conversant with the facts of the case based on knowledge derived from official records and as such I am competent and authorized to file this affidavit.
2. That, vide order dated 05.12.2023, Hon'ble Tribunal had impleaded MoEFCC as Respondent No.1 and the present affidavit is being filed in the light of directions passed by the Hon'ble Tribunal.



3. The Answering Respondent is filing the present reply with a view to enable this Hon'ble Tribunal to appreciate the issues involved in the petition in their correct perspective.
4. That at the very outset, I submit that the Ministry of Environment, Forest & Climate Change is the nodal Ministry of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, biodiversity, natural resources and wildlife.
5. That, the land is a state subject and the State Government /UT Administration have regulated felling of trees on non-forest land through various Acts and Rules. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating felling of trees on revenue lands and penal provisions for violations.
6. The implementation of these Acts and rules is supervised by designated authorities whose permission is necessary for felling of trees in Non- Forest Land. A list of the States/UT's having their own Tree Preservation Acts / Tree Felling Acts is as follows;

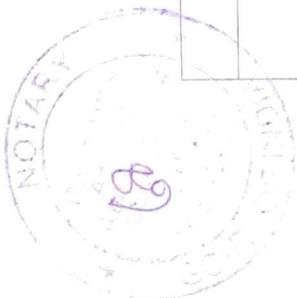
S.N	Name of States/UTs	Name of Acts/ Rules
1.	Assam	Assam (Control of felling and Removal of Trees from Non-Forest land) Rules, 2002
2.	Arunachal Pradesh	The Arunachal Pradesh Forest (Removal of Timber) Regulation Act 1983
3.	Andhra Pradesh	The Andhra Pradesh Preservation of Private Forest rules, 1978;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



		And Timber In Public Premises) Rules 1989)
6.	Delhi	The Delhi Preservation of Tree Act, 1994
7.	Dadar and Nagar Haveli and Daman &Diu	The Goa, Daman and Diu Preservation of Trees Act, 1984 extends to Dadar and Nagar Haveli
8.	Goa	The Goa, Daman and Diu Preservation of Trees Act, 1984
9.	Gujarat	The Saurashtra Felling of Trees (Infliction of Punishment) Act 1951, Gujarat Private Forests (Acquisition) Act 1972
10.	Haryana	Punjab Land Preservation Act, 1900
11.	Punjab	Punjab Land Preservation Act, 1900
12.	Madhya Pradesh	The Madhya Pradesh Prohibition of Regulation of the cutting of Trees Rules, 2002
13.	Maharashtra	The Maharashtra Felling of Trees (Regulation) Act 1964, Maharashtra (Urban Areas) Preservation of Tree Act, 1975, Maharashtra Land Revenue Code 1966
14.	Himachal Pradesh	The Himachal Pradesh Land Preservation Act, 1978,
15.	Jharkhand	Jharkhand Timber and other Forest produce Transit and Regulation) Rules 2004
16.	Karnataka	The Karnataka Preservation of Trees Act, 1976
17.	Kerala	The Kerala Preservation of Trees Act, 1986, Kerala Forest (Vesting And Management Of Ecologically Fragile Lands) Act 2003
18.	Meghalaya	The Meghalaya Forest (removal of Timber Regulation) Acts and Rules 1981, The Meghalaya Tree (Prevention)



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



7. Further, the Answering respondent is of opinion that there is no requirement for framing of centralized guidelines for Tree Preservation Acts / Tree Felling Acts as it is already being regulated by State Governments as per existence provisions in State Acts, Rules based on State specific circumstances.
8. That, the Answering Respondent craves liberty to rely on the present affidavit and thereafter reserves its right to file additional information before the Hon'ble Tribunal if required.
9. That, in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.



VERIFICATION:

DEPONENT

डा. शोभिता अग्रवाल / Dr. Shobhita Agarwal
सहायक वन महानिरीक्षक
Assistant Inspector General of Forest
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 2nd February of, 2024.

Identify the deponent/executee who has signed in presence.

Solemnly affirmed before me, read over & explained to the deponent

Notary Public. DELHI

- 2 FEB 2024

DEPONENT

डा. शोभिता अग्रवाल / Dr. Shobhita Agarwal
सहायक वन महानिरीक्षक
Assistant Inspector General of Forest
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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