

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

Original Application No. 911/2022  
I.A. No. 14/2023 and I.A. No. 16/2023

Prof. Dr. Sanjeev Bagai & Ors.

Applicants

Versus

Department of Environment, GNCTD & Ors.

Respondents

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Date: 27/3/2024

Place: Chandigarh



(Harjeet Singh Sandhu)  
Additional Secretary,  
Department of Science, Technology  
and Environment, Government of  
Punjab  
(On behalf of respondent no.21)

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

Original Application No. 911/2022  
I.A. No. 14/2023 and I.A. No. 16/2023

Prof. Dr. Sanjeev Bagai & Ors.  
(Substituted as National Green Tribunal Bar Association)

Applicants

Versus

Department of Environment, GNCTD & Ors.

Respondents

**Reply of Additional Secretary, Department of Science, Technology and Environment, Government of Punjab on behalf of respondent no. 21 (Secretary to Government of Punjab, Department of Science, Technology and Environment) in compliance of order dated 05.12.2023 and 06.02.2024.**

**Respectfully Showeth**

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1. That briefly submitted, the Hon'ble National Green Tribunal has taken cognizance of the above-mentioned case relating to the cutting, felling and pruning of trees in Vasant Vihar area of New Delhi. However, considering the fact that environmental questions involved in the matter are having national ramifications, the Hon'ble National Green Tribunal was pleased to pass an order dated 5.12.2023 thereby impleading Ministry of Environment, Forest and Climate Change, Government of

India, Central Pollution Control Board, States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, NCT of Delhi, Union Territories of Chandigarh, Jammu and Kashmir and Ladakh (through their Secretaries, Environment) and the Pollution Control Boards / Pollution Control Committees of the Said States and UTs as respondents in the case with direction to file reply / response with regard 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.

2. That the case has been examined and it is submitted that the Department of Science, Technology and Environment has not framed any guidelines with regard to felling, cutting and pruning of trees as the subject matter with regard to the protection and preservation of trees falls within the purview of the Department of Forests and Wildlife Preservation.
3. That it is relevant to mention here that in another case bearing O.A. no.142/2023 titled as Balbir Dass versus State of Punjab and others (decided by the Hon'ble National Green Tribunal vide order dated 25.01.2024), the Secretary, Department of Science, Technology and Environment vide memo no. 3/73/2023-STE4/25 dated 10.01.2024 has already requested the Department of Forests and Wildlife Preservation to frame requisite Standard Operating Procedure, Statutory Framework for protection of trees, grant of permission for cutting trees, imposition of Environmental Compensation for illegal cutting of trees, which may be made applicable in general conditions in the State of Punjab. A copy of memo dated 10.01.2024 of the Government of Punjab, Department of Science, Technology and Environment is enclosed herewith as **Annexure-A**.
4. That it is pertinent to mention here that the Punjab Pollution Control Board is working under the administrative control of the



Government of Punjab, Department of Science, Technology & Environment and as per the information supplied by the Punjab Pollution Control Board, the Central Pollution Control Board has also sought the information relating to the aspect of protection of trees, felling and pruning of trees and framing of guidelines /rules from the Punjab Pollution Control Board vide email. The prescribed proforma supplied by the Central Pollution Control Board to the Punjab Pollution Control Board is enclosed herewith as **Annexure-B**.

5. That the Member Secretary, Punjab Pollution Control Board has also written a letter bearing no. 2267 dated 22.1.2024 in the above mentioned case to the Principal Chief Conservator of Forests (PCCF), SAS Nagar to supply a copy of the guidelines/policy/with regard to felling, cutting and pruning of trees alongwith information contained in the prescribed proforma of the Central Pollution Control Board to the Punjab Pollution Control Board so that appropriate reply is filed before the Hon'ble National Green Tribunal. A copy of letter no. 2267 dated 22.1.2024 of Punjab Pollution Control Board is enclosed herewith as **Annexure-C**.
6. That the Principal Chief Conservator of Forests (PCCF), Department of Forests and Wildlife Preservation, Government of Punjab vide letter no. Forest-FWOFW-2(CC)/2/2024-FW dated 31.1.2024 has supplied the requisite information pertaining to the Forest Department in the prescribed proforma to the Punjab Pollution Control Board. The Punjab Pollution Control Board has filed separate reply in the case and as such, the reply filed by the Punjab Pollution Control Board may kindly be perused.
7. That further it is submitted that the draft policy for management/regulation of trees standing on Non-Forest Public Lands is being prepared by the Department of Forests and

sh.

Wildlife Preservation, Government of Punjab as per the directions of Hon'ble National Green Tribunal in MA No. 48 of 2023 in OA No. 200 of 2023 Kuldeep Khaira and others Vs State of Punjab and Others. The Department of Forests and Wildlife Preservation will finalize the same after consultation with other stakeholder departments and consideration of the State Government. The Hon'ble National Green Tribunal will be apprised accordingly.

8. That the reply on behalf of respondent no. 21 is being submitted in compliance to order dated 5.12.2023 and 06.02.2024.

Submitted by



(Harjeet Singh Sandhu)

Additional Secretary,

Department of Science, Technology  
and Environment, Government of  
Punjab

(On behalf of respondent no.21)

Date: 27/3/2024

Place: Chandigarh

Government of Punjab  
Department of Science, Technology and Environment

To

The Principal Secretary-cum-Financial Commissioner  
Government of Punjab,  
Department of Forests & Wildlife Preservation,  
Chandigarh.

Memo No. 03/73/2023-STE4/25

Dated: 10.01.2024

**Subject:** Framing of Standard Operating Procedure for protection of trees, giving of permission for cutting of trees and imposition of Environmental Compensation for illegal cutting / felling of trees in the State of Punjab.

Please refer to the subject cited above.

- 2) It is informed that the Hon'ble National Green Tribunal has taken cognizance of a case in Original Application No. 142 of 2023 titled as Balbir Dass v/s State of Punjab and Others wherein the Sarpanch of Village Kaddon, Tehsil Payal, District Ludhiana, Punjab has indulged in cutting of about 40 trees at Panchayati Land of Village Kaddon without any requisite permission from the concerned authorities and has caused damage to the environment.
- 3) The applicant has filed application under the provisions of the National Green Tribunal Act, 2010 with the Hon'ble National Green Tribunal for issuance of direction for registration of FIR against Sarpanch Parminder Singh and imposing fine which should be minimum 30 times of the amount of Rs. 1,67,000/- received by him by illegally cutting and selling 40 trees standing over the panchayat land.
- 4) Though the Director, Rural and Development and Panchayats on receiving the report dated 30.11.2022 from District Development and Panchayat Officer, Ludhiana has suspended the Sarpanch, Gram Panchayat Village Kaddon, Tehsil Payal, District Ludhiana and marked the regular inquiry to Additional Deputy Commissioner (Rural Development), Ludhiana, but the substantial question relating to the protection of the environment due to illegal cutting of trees and the remedial measures required to be taken has remained unanswered. In such cases Environmental Compensation is also required to be imposed for damage to environment.
- 5) Considering the averments made in the application and the observations of the report of Joint Committee, the Hon'ble National Green Tribunal by passing an order

dated 4.12.2023 has impleaded the (1) State of Punjab through Chief Secretary, Government of Punjab, (2) Secretary, Department of Science, Technology and Environment, Government of Punjab, (3) Financial Commissioner, Rural Development and Panchayat, Government of Punjab, (4) District Magistrate, Ludhiana and (5) District Development and Panchayat Officer, Ludhiana, as party respondents No. 1 to 5 in the case requiring them to file their reply/response with reference to the averments made in the application and also the statutory framework/SoP/instructions issued for protection of trees and grant of permission for cutting of trees, if any, on or before 19.01.2024. Copies of the relevant orders of the Hon'ble National Green Tribunal are enclosed herewith for perusal.

6) In the above background, the case is referred to the Department of Forests and Wildlife Preservation, Punjab for 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.

Please treat it as important.

  
 Secretary to Government of Punjab,  
 Department of Science, Technology and Environment

Endst. No. 08/73/2023-STE4/26-80

Dated 10.01.2024

A copy of the above alongwith Copies of the relevant orders of the Hon'ble National Green Tribunal is forwarded to the following for information and necessary action please.

- ✓ 1) Chief Secretary to Government of Punjab, Civil Secretariat-1, Punjab, Chandigarh.
- ✓ 2) Financial Commissioner, Government of Punjab, Department of Rural Development and Panchayats.
- ✓ 3) Principal Secretary to Government of Punjab, Department of Local Government, Chandigarh.
- ✓ 4) Principal Secretary to Government of Punjab, Department of Housing and Urban Development, Chandigarh.
- ✓ 5) Principal Chief Conservator of Forests, Punjab, Chandigarh.

  
 Secretary to Government of Punjab,  
 Department of Science, Technology and Environment

Format

Information with respect to all related aspects of protection of trees; felling and pruning of trees and framing of guidelines/rules regarding the same

1.	Name of State/Union Territory	:
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	: Yes/No
	ii) If yes, please provide brief details of the Act and copy of the same	:
	iii) If no, is there any plan of development of Act	: Yes/No
	iv) If yes, please provide timeline of development of such Act	:
2.	i) Is there any Rule for protection of trees or felling and pruning of trees	: Yes/No
	ii) If yes, please provide brief details of the Rule and copy of the same	:
	iii) If no, is there any plan of development of Rule	: Yes/No
	iv) If yes, please provide timeline of development of such Rule	:
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees	: Yes/No
	ii) If yes, please provide brief details of the Guidelines and copy of the same	:
	iii) If no, is there any plan of development of Guidelines	: Yes/No
	iv) If yes, please provide timeline of development of such Guidelines	:
4.	i) Is there any methodology for imposing environmental compensation /penalty for violation in respect of illegal trees felling and illegal pruning of trees.	: Yes/No
	ii) If yes, please provide brief details of the methodology and copy of the same	:
	iii) If no, is there any plan of development of methodology	: Yes/No
	iv) If yes, please provide timeline of development of such methodology	:
5	If Acts, Rules, Guidelines, statutory framework are not there, how issues like - protection of trees, felling and pruning of trees are dealt, please provide information	:
6	Other relevant information	:

Please refer to enclosed letter.

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Annexure - C

# ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ

## PUNJAB POLLUTION CONTROL BOARD

No. 2267

Dated. 22/1/24

To

Principal Chief Conservator of Forests (PCCF) HoFF,  
Forest Complex, Kumbra Road,  
Sector -68, SAS Nagar (Mohali).

**Sub:** O.A. no. 911/2022 titled as Prof. Dr. Sanjeev Bagri & Ors. substituted as NGT Bar Association versus Department of Environment, GNCTD & Ors.

**Ref:** Memo no. STE-STE03/2/2024-STE4/753628 dated 03.01.2024 of the Department of Science, Technology and Environment and email of the O/o worthy Chief Secretary, Punjab.

Please refer to subject cited above.

2. The O.A. no. 911 of 2022 (I.A. no. 14/2023 & I.A. No. 16/2023) titled as Prof. Dr. Sanjeev Bagri & Ors. substituted as NGT Bar Association versus Department of Environment, GNCTD & Ors. is pending before the Hon'ble National Green Tribunal.

3. Vide Order dated 05.12.2023, Secretary to the Government of Punjab, Department of Science, Technology and Environment and Member Secretary, Punjab Pollution Control Board have been impleaded as Respondents no. 3 and 13 respectively by the Hon'ble National Green Tribunal and notice has been issued requiring them to file reply/response with regard to aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines, rules regarding the same.

4. The Department of Science, Technology and Environment and the Punjab Pollution Control Board had not framed any guidelines with regard to felling, cutting and pruning of trees as the subject matter with regard to the protection and preservation of trees falls within the purview of the Department of Forests and Wildlife Preservation.

5. It is further to mention here that in another case bearing no. O.A. no. 142/2023 titled as Balbir Dass versus State of Punjab and others pending before the Hon'ble National Green Tribunal, the Secretary, Department of Science, Technology and Environment vide memo no. 3/73/2023-STE4/25 dated 10.01.2024 has already requested the Department of Forests and Wildlife Preservation to frame requisite Standard Operating Procedure, Statutory Framework for protection of trees, grant of permission for cutting trees, imposition of Environmental Compensation for illegal cutting of trees, which may be made applicable in general conditions in the State of Punjab. (Copy of memo dated 10.01.2024 is enclosed).

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001

Vatavaran Bhawan, Nabha Road, Patiala -147001

Phone : Chairman. : 0175-2215793, Member Secretary : 0175-2215802 (O)

Website : www.ppcb.gov.in | E-Mail : chairmanppcb@yahoo.in | msppcb@gmail.com |



6. It is further relevant to mention here that the Hon'ble National Green Tribunal vide Order dated 05.12.2023 passed in the subject cited case has also directed the Central Pollution Control Board to obtain and compile the information relating to protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same from all the States and Union Territories and include such compiled information in its reply/response. Accordingly, the Central Pollution Control Board has sought the requisite information from the Punjab Pollution Control Board by sending a prescribed Proforma. The copy of Order dated 05.12.2023 of the Hon'ble National Green Tribunal passed in the subject cited case alongwith copy of prescribed proforma of Central Pollution Control Board is enclosed herewith for kind perusal.

7. It is, therefore, requested that a copy of the guidelines/policy/with regard to felling, cutting and pruning of trees may kindly be instructed to be supplied alongwith information contained in the prescribed proforma of the Central Pollution Control Board to the Punjab Pollution Control Board so that appropriate reply is filed before the Hon'ble National Green Tribunal well in time. It is further requested to issue necessary instructions to the concerned Officers to frame the SOP, Guidelines etc. in reference to memo dated 10.01.2024 of the Department of Science, Technology and Environment (as explained in para 5 above) at the earliest. The case is listed for hearing before the Hon'ble National Green Tribunal on 06.02.2024.

DA/As Above

*[Signature]*  
Member Secretary

Endst. No. \_\_\_\_\_

Date \_\_\_\_\_

A copy of the above along with copy of paperbook received in the case is forwarded to the Secretary, Department of Science, Technology and Environment, Mini Secretariat-2 Punjab, Chandigarh. It is requested that defence sanction in the case may please be ordered to be issued so that the case may be defended by the State counsel before the Hon'ble National Green Tribunal.

*[Signature]*  
Member Secretary

Endst. No. \_\_\_\_\_

Date \_\_\_\_\_

A copy of the above along with copy of paperbook received in the case is forwarded to the Environmental Engineer (H2 -2), Punjab Pollution Control Board, Patiala with a request to collect and frame the information with regard to the subject matter of the case so that reply of the case may be filed before the Hon'ble National Green Tribunal.

*[Signature]*  
Member Secretary