

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

ORIGINAL APPLICATION NO. 911/2022

Prof. Dr. Sanjeev Bagai & Ors.

Applicants

Vs.

Department of Environment, GNCTD & Ors.

Respondents

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(Sharandeep Singh)

Scientist E

Central Pollution Control Board

Delhi-110032

Dated: 05.02.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**ORIGINAL APPLICATION NO. 911/2022**

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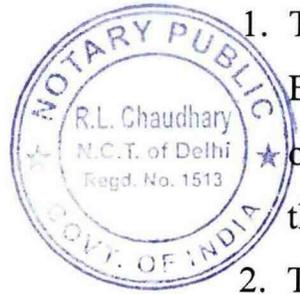
Respondents

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD,  
(CPCB).**

I, Sharandeep Singh, S/o S. Charanjeet Singh, aged 44 years, is working as Scientist 'E' in the Central Pollution Control Board; Parivesh Bhawan, East Arjun Nagar, Delhi-110032, do hereby solemnly affirm and declare as under:

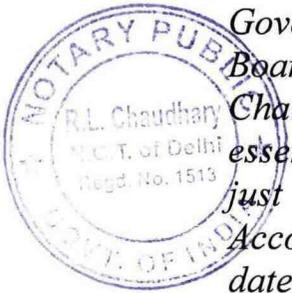
1. That I, in the capacity of Scientist 'E' of the Central Pollution Control Board (hereinafter referred as CPCB) and fully conversant with the facts of the case and hence, competent to swear this reply affidavit on behalf of the CPCB.
2. That Hon'ble National Green Tribunal (hereinafter referred as NGT) vide its order dated 05.12.2023 in OA No. 911/2022 (**Appendix 'A'**) directed as follows:

*"23. In view of the nature of the environmental questions involved in the matter having national ramifications, we consider the presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case may be,*



*and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, they are impleaded as respondents. The Registry is directed to amend memo of parties and issue notices to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB is also directed to obtain and compile the information with respect to the above-mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. The reply/response as directed above be filed on or before 03.02.2024 through the E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF).”*

*“26. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.”*



3. That in compliance of Hon'ble NGT above mentioned order, the report of CPCB is attached as **Appendix 'B'**.
4. That it is humbly submitted that CPCB shall abide by all the directions/orders passed by this Hon'ble Tribunal in the instant OA.

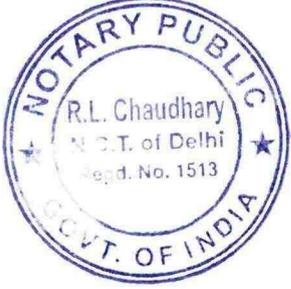
*Sharandeep*

**शरदीप शर्मा/Sharandeep Singh**  
**वैज्ञानिक 'ई' / Scientist 'E'**  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
 (Ministry of Environment, Forest & Climate Change, Govt. of India)  
 परियोजना भवन, पृथ्वी अर्जुन नगर, दिल्ली-110032  
 Delhi-110032

**VERIFICATION**

- 5 FEB 2024

Verified at Delhi on this ..... day of February, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.



  
शरधदीप सिंह / Sharaadeep Singh  
DEPONENT  
पेशानिक ई / Scientist E  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(Mo Environment, Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED  
  
NOTARY PUBLIC  
GOVT. OF INDIA

1- 5 FEB  
= 5 FEB 2024

Item No. 5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

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

Prof. Dr. Sanjeev Bagai &amp; Ors.

...Applicants

Versus

Department of Environment, GNCTD &amp; Ors.

...Respondents

Date of hearing: 05.12.2023

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

Applicant: Mr. Shobhit Sharma, Mr. Paritosh Dhawan and Ms. Mahima Arora Advocates for Applicant.

Respondents: Ms. Jyoti Mendiratta Advocate for Respondent No. 1, 3 & 5.  
Ms. Latika Malhotra & Ms. Kritika Gupta Advocates for respondent no. 6-DDA.  
Mr. Virendra Singh Proxy Counsel for Ms. Puja Kalra Advocate for Respondent No. 7 MCD.  
Ms. Zainab Khan Advocate for Respondent No. 18.

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

**ORDER**

1. The Applicants have filed application for withdrawal of OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. vs. Department of Environment, Government of National Capital Territory of Delhi and others with the following prayer:-

*“a) Allow the Applicants to withdraw the Original Application No. 911/ 2022; and  
b) Pass such other further orders as this Hon’ble Tribunal may feel appropriate in the interest of justice, equity and good conscience.”*

2. The application for withdrawal has been filed on the grounds that above said OA was filed by the Applicants under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking direction from this Tribunal to take action against the Respondents for allowing and/ or engaging into cutting, felling and pruning of trees, in Vasant Vihar New Delhi in violation of Section 8 read with Section 2(h) of the Delhi Preservation of Trees Act, 1994, along with other reliefs. After filing of the OA, order dated 19.01.2023 passed by this Tribunal was challenged before the Hon’ble High Court of Delhi by way of Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors”. The Hon’ble High Court of Delhi vide its judgement dated 29.05.2023 was pleased to strike down the guidelines issued by the Respondent No. 1 bearing no. F. No. 8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 for pruning of trees and grant other reliefs to the Applicants. Since all the reliefs sought and issues raised in the OA by the Applicants have been dealt/ addressed by the Hon’ble High Court of Delhi, liberty was granted to the Applicants vide the said judgment dated 29.05.2023 to withdraw the OA. Since all the reliefs sought and issues raised in the OA by the Applicants have been dealt/addressed by the Hon’ble High Court of Delhi under Writ Petition (Civil) No. 2317 of 2023, the OA has become infructuous and the same may be allowed to be withdrawn.

3. We have learned Counsel for the Applicants and learned Counsel for the respondents No.1, 3 and 5, 6, 7 and 18 and gone through the relevant report.
4. The learned Counsel for the applicants has reiterated the factual averments and the prayer made in the application.
5. On due consideration of the matter we are of the considered view for the reasons hereinafter mentioned that this OA having been filed for protection of public interest cannot be dismissed as withdrawn although the applicants can be allowed to withdraw from the same.
6. The Applicants filed OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. Vs. Department of Environment, Government of National Capital Territory of Delhi and others under Sections 14 and 15 of the National Green Tribunal Act, 2010 with the following prayer:-

*“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon’ble Tribunal may be pleased to pass the following orders:*

- A. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 12-17 for illegal act of cutting/ felling/ pruning of trees in Vasant Vihar in accordance with the applicable laws;*
- B. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 7-8 for giving permission to cut/ fell/ prune the trees to Respondent Nos. 12-18 beyond jurisdiction;*
- C. Prohibit Respondent Nos. 12-17 from further cutting, felling, and pruning of trees in Vasant Vihar in future without any prior written approval of the concerned authority;*
- D. Direct the Respondent Nos. 10 and 11 to take action/ launch a probe with immediate effect against the Respondent Nos. 12-17 (being managing committee members of Respondent No. 18) involved in the illegal act of pruning of trees;*
- E. Impose environmental compensation on the Respondent Nos. 12-17 for violating the provision of DPT Act, the said Guidelines and causing environment damage;*
- F. Direct the Respondent Nos. 12-17 to pay the aforesaid environmental compensation (as prayed in prayer ‘E’) from their*

*personal funds/ income and NOT from the account of Respondent No. 18; and  
G. Pass such other further order(S) as this Hon'ble Court deem fit to pass in the fact and circumstances of the case and in the interest of justice."*

7. Vide order dated 20.12.2022, this Tribunal took cognizance as prima facie the averments made in the application raised questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 and in the course of hearing ordered issuance of notices to concerned respondents. This Tribunal passed interim order dated 21.12.2022 permitting further pruning of the trees as mentioned therein and the relevant part of said order reads as under:-

*"8. In the meanwhile further pruning of the trees, if considered necessary, be carried out by the concerned civic authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. The Deputy Conservator of Forest, West Forest Division (Tree Officer); Deputy Director, Department of Horticulture, MCD and Deputy Director, Department of Horticulture, PWD are directed to ensure that such pruning takes place strictly in compliance with the statutory provisions and guidelines."*

8. The matter came up for hearing on 03.01.2023. Replies on behalf of Respondent No. 2-MCD and Respondent No. 18-Vasant Vihar Residents Welfare Association were filed vide emails dated 02.01.2023. Learned Counsel for the Respondents No. 1, 3 and 5 and learned Counsel for Respondent No. 6 sought time to file replies/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6, respectively. Learned counsel for the applicants also sought time to file photographs and copies of relevant documents to show pruning of trees by Respondents No. 12 to

18 in violation of the guidelines/environmental norms. This Tribunal ordered that reply/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6 and photographs and copies of relevant documents on behalf of applicants be filed within ten days. Learned counsel for the applicants submitted that pruning has been done and is being done by respondents no. 12 to 18 without requisite permission and in violation of statutory provisions/norms and such pruning may result in killing of about 7000 trees in Vasant Vihar, New Delhi. Learned counsel for the Respondents No. 12 to 18 refuted the allegations and submitted that scientific pruning of trees being essential for their growth was required to be carried out by the concerned Civic Authorities in accordance with the guidelines issued in this regard. Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association also submitted that on earlier occasions also pruning was done on the requests made by the residents as per decision taken in the meetings of office bearers of the above said association including applicant no. 3 and expenses for the same were borne by the above said association. In response thereto, even learned Counsel for the applicant did not dispute the requirement of scientific pruning of the trees but reiterated that pruning of the trees had been and was being carried out in violation of the guidelines endangering the very life of the trees in question. This Tribunal passed interim order dated 03.01.2023 permitting pruning of trees and relevant part of the order reads as under:-

*“11. Undisputedly, in the present case, Vasant Vihar Residents Welfare Association has approached the Civic Authorities for pruning of the trees in question in view of the request made by the residents of the locality. In the facts and circumstances of the case, we are of the considered view that the concerned Civic Authorities cannot be restrained from carrying out scientific pruning of the trees, which may be required for proper growth and health of the trees, in*

*accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. In case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who is directed to take appropriate action in accordance with law in case of making of any such complaint to him. However, in the peculiar facts and circumstances of the case, we do not find any impropriety in the Civic Authorities associating the Vasant Vihar Residents Welfare Association in carrying out scientific pruning of the trees. In fact, the environmental problems can be properly resolved with active participation of the members of the public/residents of the locality for protection and improvement of environment. The concerned instrumentalities of the State are required not only to create awareness amongst the members of public/residents of the locality but also to ensure their participation in plantation, protection, maintenance and management of trees by providing men-power/financial resources. In the facts and circumstance of the present case, it will be appropriate if the concerned Civic Authorities allow the office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants to participate, by voluntarily providing men-power/financial resources as the case may be, in carrying out scientific pruning of the trees in question as may be considered to be necessary in accordance with the guidelines under proper monitoring/supervision by the officials of the concerned Civic Authorities and Deputy Conservator of Forest, West Forest Division (Tree Officer) and the concerned Civic Authorities may for this purpose also constitute a Tree Management Committee (TMC) with concerned officials and office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants volunteering for plantation, protection, maintenance and management of the trees and other vegetation in the concerned area.*

12. *List for further consideration on 19.01.2023.*

13. *In the meanwhile, further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994 by associating office bearers of the Vasant Vihar Residents Welfare Association and other residents of the locality including the applicants volunteering for the purpose by providing the men-power/financial resources.*

14. *In the facts and circumstances of the case, we also consider presence of the concerned Deputy Directors (Horticulture), MCD, DDA and PWD respectively and the Deputy*

*Conservator of Forest, West Forest Division (Tree Officer) before this Tribunal on the date fixed to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and accordingly, they are directed to remain present before this Tribunal on the date fixed.”*

9. The Applicants filed Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors before the Hon’ble High Court of Delhi with the following prayer:-

*“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased pass the following orders:*

*A. Set aside the order dated 19.01.2023 passed by the Hon’ble National Green Tribunal, Principal Bench in Original Application No. 911 of 2022;*

*B. Decide the issue that whether pruning of trees on government land can be undertaken by any person (i.e. private individual) other than the land owning agencies; and whether guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 (especially clause 5 of the same) are in conformity with the Delhi Preservation of Trees Act, 1994;*

*C. Issue a writ of mandamus directing the concerned land-owning agencies/ civic agencies (viz. Municipal Corporation of Delhi, Delhi Development Authority and Public Works Department, etc.) to carry out pruning on their own (without taking/ seeking any man-power/financial aid from the residents of Vasant Vihar);*

*D. Expunge the observations of the Hon’ble National Green Tribunal, Principal Bench ‘casting aspersions’ on the bonafide of the Petitioners in paras 18, 19 and 26 of the order dated 19.01.2023; AND*

*E. Direct the Hon’ble National Green Tribunal, Principal Bench to pass a reasoned order after hearing the application under Section 340 of the CR.P.C. a fresh by taking into consideration the complete record;*

*AND*

*Pass such order further order (s) as this Hon’ble Court may deem fit and necessary in the interest of justice.”*

10. Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors was disposed of by the Hon’ble High Court of Delhi vide its judgement dated 29.05.2023. The relevant part of the judgment reads as under:-

“Conclusion:

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

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

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

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

18. In W.P (C) 12271/2022 titled *Rajiv Dutta vs. GNCTD & Ors.*, this court had directed that complainants and public spirited persons who bring to the notice of the Tree Officer, DCF, any harm to trees or breach of statute or would be “required to be heard apropos complaint made or otherwise be kept informed throughout the proceedings...”. There should be no denial of natural justice in proceedings initiated before the Tree Officer. Therefore, apropos the conduct of quasi-judicial proceedings, imparting of refresher courses, to the Tree Officers, DCF would be of some assistance. The GNCTD is directed to arrange refresher training courses as maybe requisite, which would also cover the conduct of hearings through hybrid mode, e-filing of petitions, replies, etc., for the benefit of Tree Officers, DCF and other Officers of the Department, at the Delhi Judicial Academy, within four weeks of receipt of this order.

19. The petition stands disposed-off in terms of the above.”

11. Hon'ble High Court of Delhi set aside the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer and directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. As regards, the petitioner's reservations apropos the personal observations about him in the impugned order dated 03.01.2023 passed by this Tribunal, Hon'ble High Court of Delhi expressed the view that in the light of substantive orders having been passed in the petition, the personal observations stood superseded and would be of no relevance and expunged the same.

12. It may be observed here that the Applicants did not challenge the validity of the Guidelines before this Tribunal and challenged the same for the first time in the writ petition filed before Hon'ble High Court of Delhi. Hon'ble High Court of Delhi set aside the Guidelines and expunged the remarks but Hon'ble High Court of Delhi did not completely set aside the impugned order dated 03.01.2023 passed by this Tribunal and also did not grant all the reliefs claimed in the OA particularly the relief for imposition and recovery of environmental compensation and the OA cannot be said to have become completely infructuous and is not liable to be dismissed as having become infructuous. It may also be added here that even Hon'ble High Court of Delhi also did not observe that the OA has become infructuous and merely observed as under:-

*"16. ...The learned counsel for the petitioner says, upon instructions, that in view of the above, he would seek to withdraw his petition before the NGT. The petitioner would always have the liberty to pursue all remedies as may be available to him in law."*

13. Since the Hon'ble High Court of Delhi did not grant all the reliefs claimed in the OA, did not completely set aside order dated 03.01.2023 and did not observe the OA to have become infructuous, this Tribunal has to proceed with the OA and has to adjudicate upon all environmental questions involved in the case.

14. In **Sheela Barse vs. Union of India ;AIR 1988 SC 2211: (1988) 4 SCC 226 Law Finder Doc Id # 89691** the main public interest litigation petition was filed by Sheela Barse to highlight the gross violations of the constitutional and statutory rights of a large number of children in the country who were suffering custodial restraints in various parts of the country and for the protection and enforcement of their rights. Sheela Barse filed Miscellaneous Petition for leave to withdraw the main public interest litigation on grounds which were held by Hon'ble Supreme Court to be untenable. The question agitated related to the aspect whether a public-minded person who brings such an action is entitled, as of right, to withdraw the proceedings from the court. The Applicant contended that not only that leave for withdrawal cannot be refused but also that the main petition cannot be continued by any other citizen or organisation. Hon'ble Supreme Court noticed that the prayer, if granted, would frustrate the important issues the main petition had served to highlight in the matter of the status and enforcement of the laws enacted for the protection and welfare of the children in the country. The proceedings espoused the cause of a large number of suffering children who, on account of the traditional inertia against reform, the bureaucratic and official apathy, insensitivity to and lack of human consideration for the lot

of the suffering children and the lack of proper perceptions of the values and ideology of the legislation concerning children even on the part of law enforcing agencies, were being denied the protection of their constitutional and statutory rights. Hon'ble Supreme Court observed that the proceedings in a public interest litigation are, therefore, intended to vindicate and effectuate the public interest by prevention of violation of the rights, constitutional or statutory, of sizeable segments of the society, which owing to poverty, ignorance, social and economic disadvantages cannot themselves assert - and quite often not even aware of - those rights and the "rights" of those who bring the action on behalf of the others must necessarily be subordinate to the "interests" of those for whose benefit the action is brought. Acknowledgement of any such status of a Dominus-Litis to a person who brings a public interest litigation will render the proceedings in public interest litigations vulnerable to and susceptible of a new dimension which might, in conceivable cases, be used by persons for personal ends resulting in prejudice to the public-weal. Hon'ble Supreme Court also noticed that in the proceedings Hon'ble Supreme Court had already gone through and had initiated an elaborate exercise as indicated in the orders excerpted earlier and held that the petition could not be permitted to be abandoned at that stage and only a private litigant could abandon his claims. Accordingly, Hon'ble Supreme Court refused permission for the withdrawal of the petition and directed that the applicant be deleted from the array of parties in the proceedings and the proceedings be proceeded with a direction to the Supreme Court Legal Aid Committee to prosecute the petition together with the aid and assistance of such persons or agencies as the Court may permit or direct from time to time.

15. Observations made by Hon'ble Supreme Court in the above mentioned case are also relevant and applicable to the question of withdrawal of application by the Applicants in the present case. The right of the Applicants to withdraw application filed for serving public interest in protection and improvement of environment must necessarily be subordinate to the "interests" of those for whose benefit the action was brought. According status of a Dominus-Litis to the Applicants, who filed application for serving public interest of protection and improvement of environment, will render the proceedings vulnerable to and susceptible of a new dimension of use thereof for personal ends resulting in serious prejudice to the public interest of protection and improvement of environment. In the present proceedings this Tribunal has already initiated an elaborate exercise and the present proceedings cannot be permitted to be withdrawn at this stage. In the facts and circumstances of the case the Applicants cannot be permitted to withdraw the application and request for dismissal of the application as withdrawn is declined due to the same having been filed in public interest for protection and improvement of the environment.

16. Moreover, this Tribunal has been conferred power to take suo motu cognizance in discharge of its functions under the National Green Tribunal Act, 2010. In **Municipal Corporation of Greater Mumbai v. Ankita Sinha (SC) : AIR 2021 Supreme Court 5147 : Law Finder Doc Id # 1890858** Hon'ble Supreme Court considered the question whether this Tribunal has the power to exercise Suo Motu jurisdiction in discharge of its functions under the National Green Tribunal Act, 2010 and held that this Tribunal is vested with suo motu power in discharge of its functions

under the National Green Tribunal Act, 2010. The relevant extracts from the conclusion in that case are reproduced as under:-

*"30. The NGT Act, when read as a whole, gives much leeway to the NGT to go beyond a mere adjudicatory role. The Parliament's intention is clearly discernible to create a multifunctional body, with the capacity to provide redressal for environmental exigencies. Accordingly, the principles of environmental justice and environmental equity must be explicitly acknowledged as pivotal threads of the NGT's fabric. The NGT must be seen as a sui generis institution and not unus multorum, and its special and exclusive role to foster public interest in the area of environmental domain delineated in the enactment of 2010 must necessarily receive legal recognition of this Court.*

*31. The environmental impacts on climate change are gaining increasing visibility in the shape of uncertain rains, species extinction, loss of natural habitat and so on. These also have the propensity to diminish fresh water resources, reduce agricultural yields and impact public health, particularly in the cities. The flooding and erosion in riverine and coastal areas are matters of serious concern. Governmental assessment of India's increased vulnerability to such changes in the near future also exists[41\*] with many countries declaring climate emergencies and many others being urged to follow suit[42\*].*

*[41\* Indian Network for Climate Change Assessment, Climate Change and India: A 4X 4 Assessment - A sectoral and regional analysis for 2030s,*

*Ministry of Environment and Forests, Government of India, 16 November 2010]*

*[42\* Secretary-General's Remarks at the Climate Ambition Summit. United Nations. United Nations, December 12, 2020.]*

*32. Therefore, the nature of ecological imbalance which is visible even in our own times may cascade, and the unforeseen injustice of the future may not be capable of being handled within the frontiers set forth today. The long term and very often irreparable environmental damage which are expected to be arrested by the NGT, urge this Court to advert to what is termed as the 'Seventh Generation' sustainability principle, or the 'Great Law of the Iroquois' (as it originates from the Iroquois Tribe) which requires all decision making to withstand for the benefit of seven generations down the line.*

*33. It is vital for the wellbeing of the nation and its people, to have a flexible mechanism to address all issues pertaining to environmental damage and resultant climate change so that we can leave behind a*

*better environmental legacy, for our children, and the generations thereafter.*

*34. In circumstances where adverse environmental impact may be egregious, but the community affected is unable to effectively get the machinery into action, a forum created specifically to address such concerns should surely be expected to move with expediency, and of its own accord. The potentiality of disproportionate harm imposes a higher obligation on authorities to preserve rights which may be waylaid due to such restrictive access. It is also noteworthy that the "global impacts of climate change will fall disproportionately on minority and low-income communities". Thus, an affirmative role, beyond mere adjudication at the instance of applicant, is certainly required for serving the ends of environmental justice, as the statute itself requires of the NGT. We cannot validate an argument which furthers uncertainty to justify the role of a spectator, if not inaction, and would most assuredly result in injustice.*

*35. The NGT, with the distinct role envisaged for it, can hardly afford to remain a mute spectator when no-one knocks on its door. The forum itself has correctly identified the need for collective stratagem for addressing environmental concerns. Such a society centric approach must be allowed to work within the established safety valves of the principles of natural justice and appeal to the Supreme Court. The hands-off mode for the NGT, when faced with exigencies requiring immediate and effective response, would debilitate the forum from discharging its responsibility and this must be ruled out in the interest of justice.*

*36. It would be procedural hairsplitting to argue (as it has been) that the NGT could act upon a letter being written to it, but learning about an environmental exigency through any other means cannot trigger the NGT into action. To endorse such an approach would surely be rendering the forum procedurally shackled or incapacitated.*

*37. When the Registry of the NGT does indeed receive a communication or letter, including matters published in media, it may cause to initiate suo motu action by inviting attention of NGT to such matters in the form of office report. Such circumstances would however require a notice to be given to the sender of the communication or author of the news item, as the case may be, to assist the NGT in the course of hearing and to substantiate the factual matters. It must also be said that the exercise of suo motu jurisdiction does not mean eschewing with the principles of natural justice and fair play. In other words, the party likely to be affected should be afforded due opportunity to present their side, before suffering adverse orders.*

*38. One could admit to the argument of danger of suo motu jurisdiction, if the NGT was acting outside its domain. But when it is legitimately working within the contours of its statutory mandate and with procedural safeguards clarified above in play, the nature of the trigger itself viz. a letter or a 'suo motu' initiation, cannot be the basis to curtail the role and responsibility of the specialized*

*forum.*

*39. Institutions which are often addressing urgent concerns gain little from procedural nitpicking, which are unwarranted in the face of both the statutory spirit and the evolving nature of environmental degradation. Not merely should a procedure exist but it must be meaningfully effective to address such concerns. The role of such an institution cannot be mechanical or ornamental. We must therefore adopt an interpretation which sustains the spirit of public good and not render the environmental watchdog of our country toothless and ineffective.*

*40. Let us now hark back to the dialogues of the two protagonists, in Waiting for Godot, the play written by Samuel Beckett with which, we started this judgment. At the end of the deliberations, we find ourselves saying that the National Green Tribunal must act, if the exigencies so demand, without indefinitely waiting for the metaphorical Godot to knock on its portal. The preceding discussion advises us to answer the pointed question in the affirmative. It is accordingly declared that the NGT is vested with suo motu power in discharge of its functions under the NGT Act."*

17. Consistent with its statutory obligations under the National Green Tribunal Act, 2010, this Tribunal has to respond to the duly verified factual position in the present case with requisite remedial/ameliorative measures for protection of environment and this Tribunal cannot take refuge under any technical dispensation by dismissal of application as withdrawn.

18. In the peculiar facts and circumstances of the case the Applicants are allowed to withdraw from the application and the application can be further proceeded with in exercise of the powers of this Tribunal to take cognizance of civil cases involving issues relating to environment arising out of enforcement of enactments specified in Schedule I to the National Green Tribunal Act, 2010. Mr. Rahul Khurana, Joint Secretary of National Green Tribunal Bar Association has stated that National Green Tribunal Bar Association is ready to join the proceedings as applicant and may be substituted for the Applicants. The National Green Tribunal Bar

Association is accordingly allowed to join the proceedings as applicant and substituted for the Applicants and the names of the Applicants be deleted and the name 'the National Green Tribunal Bar Association' be substituted for them in the array of parties. Memo of parties be amended accordingly.

19. It may be observed here that Hon'ble High Court of Delhi relied upon order dated 13.03.2017 passed by Western Zone Bench of this Tribunal in O.A. no. 157/2016 titled as Mr. Pradeep Indulkar Vs. Municipal Corporation for the City of Thane and others which analyzed a similar provision of law regarding pruning of trees under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as upheld by Hon'ble Supreme Court in Civil Appeal No. 8946/2017. For brevity relevant part of the Judgment is not extracted and reproduced herein as the same can be referred to therein.

20. While setting aside the Guidelines Hon'ble High Court of Delhi directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. The question of framing of such guidelines and/or rules has to be considered by the concerned authorities in the light of observations made by Hon'ble High Court of Delhi. We are of the considered view that the matter needs to be examined by a Committee of Experts from the relevant fields with respect to all relevant aspects as to permissibility of pruning of trees and the modalities for carrying out the same.

21. In the course of hearing of this case and of similar matters coming up for hearing before this Tribunal it has come to our notice that there is

no enactment similar to the Delhi Preservation of Tree Act, 1994, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, the Uttar Pradesh Protection of Trees Act, 1976 in the States of Haryana, Punjab and Himachal Pradesh besides others and the aspects of illegal cutting and pruning of trees are being ignored or remain unremedied due to absence of statutory frame work and requisite guidelines. Protection of trees is of utmost importance for protection and improvement of environment and remedial measures are also required to be taken under the Environment Protection Act, 1986 and the matter also calls for intervention by this Tribunal in exercise of powers under the National Green Tribunal Act, 2010.

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

23. In view of the nature of the environmental questions involved in the matter having national ramifications, we consider presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case

may be, and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, they are impleaded as respondents. The Registry is directed to amend memo of parties and issue notices to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB is also directed to obtain and compile the information with respect to the above mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. The reply/response as directed above be filed on or before 03.02.2024 through E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF).

24. It may be observed here that this Tribunal vide orders dated 21.12.2022 and 03.01.2023 directed the concerned Civil Authorities-MCD/DDA to carry out pruning of the trees as mentioned therein in accordance with the Delhi Preservations Trees Act, 1994 and Guidelines dated 01.10.2019. The guidelines were set-aside by Hon'ble High Court of Delhi vide order dated 29.05.2023. We consider it appropriate to seek response from MCD and DDA regarding orders passed/permissions granted for pruning of trees in Delhi and also carrying out of pruning of trees in Vasant Vihar by them before and after 29.05.2023 and response from DCF, West Forest Division regarding complaints made to him and action taken by him in respect of illegal cutting/pruning of trees. Replies by Commissioner, MCD, Vice Chairman, DDA and DCF, West Forest Division, Delhi be filed on or before 03.02.2024 through E-filing portal

O.A. No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. Vs.  
Department of Environment, GNCTD & Ors.

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(not through E-mail) in the form of searchable PDF/OCR Support PDF  
(not in the form of Image PDF).

25. List for further hearing on 06.02.2024.

26. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.

27. A copy of this order be sent to the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 05<sup>th</sup>, 2023  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION NO. 911/2022**

Prof. Dr. Sanjeev Bagai & Ors.

Applicants

Vs.

Department of Environment, GNCTD & Ors.

Respondents

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2.	<b>Annexure 1</b> – A copy of the Hon'ble NGT order dated 05.12.2023.	
3.	<b>Annexure 2</b> – A copy of CPCB vide letter dated 03.01.2024, has requested SPCBs & PCCs to provide information in a prescribed format (Format was also provided by CPCB)	
4.	<b>Annexure 3</b> – A copy of information received from Principal Chief Conservator of Forests of Andaman and Nicobar Islands vide Letter dated 24.01.2024	
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21.	<b>Annexure 20</b> – A copy of information received from Nagaland Pollution Control Board vide Letter dated 16.01.2024.	
22.	<b>Annexure 21</b> – A copy of information received from Odisha State Pollution Control Board vide Letter dated 24.01.2024.	
23.	<b>Annexure 22</b> – A copy of information received from Pondicherry Pollution Control Committee Pondicherry vide E-mail dated 30.01.2024.	
24.	<b>Annexure 23</b> – A copy of information received from Punjab state Pollution Control Board vide Letter dated 15.01.2024.	
25.	<b>Annexure 24</b> – A copy of information received from Rajasthan State Pollution Control Board vide Letter dated 29.01.2024.	

26.	<b>Annexure 25</b> – A copy of information received from Tamil Nadu State Pollution Control Board vide Letter dated 24.01.2024.	
27.	<b>Annexure 26</b> – A copy of information received from Government of Telangana, Forest Department vide Letter dated 23.01.2024.	
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**(Sharandeep Singh)**

Scientist E

Central Pollution Control Board

Delhi-110032

Dated: 05.02.2024

Place: Delhi

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

1. As directed by the Hon'ble National Green Tribunal (hereinafter NGT) vide its Order dated 05.12.2023 In OA No. 911/2022, the Respondent humbly submits the following:

Hon'ble NGT vide order dated 05.12.2023 (**Annexure 1**) directed as follows:

*“23. In view of the nature of the environmental questions involved in the matter having national ramifications, we consider the presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case may be, and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, they are impleaded as respondents. The Registry is directed to amend memo of parties and issue notices to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB is also directed to obtain and compile the information with respect to the above-mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. The reply/response as directed above be filed on or before 03.02.2024 through the E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF).”*

*“26. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.”*

## **2. Compliance of directions:**

### ***2.1 Approach***

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

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

### ***2.2 Compilation and Review of information received from SPCBs & PCCs***

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

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

Information received from **26 nos.** of SPCBs and PCCs of the States & UTs. The names of them are SPCBs / PCCs of Andaman & Nicobar, Andhra Pradesh,

Arunachal Pradesh, Bihar, Chhattisgarh, Dadra & Nagar Haveli and Daman & Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, Kerala, Jammu & Kashmir, Ladakh, Lakshadweep, Madhya Pradesh, Meghalaya, Maharashtra, Nagaland, Odisha, Puducherry, Punjab, Tamil Nadu, Telangana, Tripura, and Uttarakhand

Status of information received from SPCBs & PCCs are as follows:

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

29.	Rajasthan	Yes	Annexure 24
30.	Sikkim	Not yet Received	-
31.	Tamilnadu	Yes	Annexure 25
32.	Telangana	Yes	Annexure 26
33.	Tripura	Yes	Annexure 27
34.	Uttarakhand	Yes	Annexure 28
35.	Uttar Pradesh	Not yet Received	-
36.	West Bengal	Not yet Received	-

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

### **3.1 Andaman and Nicobar**

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

- a. There is currently no specific Act in place to regulate the felling and pruning of non-forest areas.
- b. The Revenue Department of the A&N Administration has submitted the draft "Andaman and Nicobar Islands Felling and Transit of Tree Species on Non-Forest Land Regulation 2020" to the Government of India. However, the department has not provided information about the timelines for the final notification of this regulation.
- c. Furthermore, the department mentioned that since the act is still in the draft stage, no rules are present regarding the felling and transit of tree species on non-forest land.
- d. At present, no penalty or compensation is being imposed for violations related to illegal tree felling and pruning in non-forest areas. Additionally, there is currently no plan to develop a methodology for imposing environmental

compensation or penalty, under consideration of the Department of Environment and Forest.

- e. As the approval of the mentioned draft regulation is under consideration, the Sub-Divisional Magistrate is allowing the removal of dangerous trees that pose a threat to life and property on revenue land/private land/land belonging to any institution/individual under Section 133 of the Criminal Procedure Code (CRPC).

### **3.2 Andhra Pradesh**

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

- a. In respect of illegal cutting/felling/pruning of trees as envisaged under the Andhra Pradesh Forest Act, 1976, Andhra Pradesh Reservation of Private Forest Rules, 1978, Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules, 1989, Andhra Pradesh Water, Land and Trees Act, 2002 and Andhra Pradesh Water, Land and Trees Rules, 2004.
- b. In G.O.Ms. No.87, EFS&T, (Sec-II) Dept., dt.29/11/2017 under ease of doing business (EoDB), the government of Andhra Pradesh have prescribed simplified procedure to accord tree felling permission, as per which applicant has to apply to forest department for felling of trees duly paying rupees 500 per tree (rupees 450 towards security deposit for planting charges in case the applicant fails to plant no. of trees felt and rupees 50 towards inspection charges).
- c. For illegal felling of trees in the forest areas, penalties and procedures have been prescribed under sections 44 and 59 of the Andhra Pradesh Forest Act, 1967. For illegal felling of trees in other than forest areas, penalties and procedures have been prescribed under sections 37, 38 of Andhra Pradesh Water, land & Trees Act, 2002 read with sections 26, 27 & 28 of Andhra Pradesh Water, land & trees rules, 2002.

## **Arunachal Pradesh**

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

- a. The Assam Forest Regulation Act 1891, Amendment Act 2005, and Arunachal Pradesh (Control of Felling and Removal of Trees from Non-Forest Land) Rules, 2001, are applicable in the state.
- b. No information about guidelines has been provided.
- c. As per Section 2.35, there is a provision for the imposition of penalties for the violation of the Assam Forest Regulation Act 1891.

### **3.3 Bihar**

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

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

### 3.4 Chhattisgarh

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

- a. Acts, Rules, Guidelines, Statutory framework are there in place and accordingly action is taken for any illegal felling of trees in forest areas.
- b. Chhattisgarh is following the Indian Forest Act, 1927 for protection/preservation of trees or felling and pruning of trees. Department informed that Section 26, 33 and 41 are related to protection / preservation of trees or felling and pruning of trees. Further, Department informed that there is no rule for the protection/preservation of trees.
- c. There is a system of beat inspection as per sanctioned beat roaster in which Divisional Forest Officer/Sub Divisional Officer/Range Officer/Range Assistants do regular beat inspection. Regular night patrolling is done in sensitive areas. JMF Samities have been actively involved in inspection. For illegal felling of trees there is provision of penalty in terms of tax and compensation.
- d. However, there is no specific information provided for preservation/ protection of trees outside forest area i.e. non – forest areas.

### 3.5 Dadra & Nagar Haveli and Daman & Diu

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

- a. The trees in the Forest Area are protected under the Indian Forest Act, 1927, and the Wildlife Protection Act, 1972. The trees outside the forest area are

protected under the Dadra & Nagar Haveli and Daman & Diu PTA, 1984 (2022).

- b. The rules are framed to implement the Acts mentioned above. The rules are Dadra & Nagar Haveli Forest Rules & Goa, Daman & Diu Forest Rules.
- c. Penalties for illegal felling of trees are imposed under the respective Acts and Rules. In Chapter IX, Sections 52 to 69 of the Indian Forest Act, 1927, in Chapter VI, Section 51 of the Wildlife Protection Act, 1972, and in Chapter VI, Sections 16 to 26 of the Preservation Tree Act, DNH & DD, 2022.

### 3.6 Delhi

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

- a. There are Delhi Preservation of Trees Act, 1994 in Delhi. The relevant Section 8, 9, 10 & 11 of the Delhi Preservation of Trees Act, 1994 gives information on restriction on felling and removal of trees, procedure for obtaining permission to fell, cut, remove or dispose of, a tree, obligation to plant trees and preservation of trees.
- b. The Delhi Preservation of Trees Rules, 1996 are there in Delhi.
- c. The pruning guidelines dated 01.10.2019 were in force for effective/ scientific pruning of trees framed under the provisions of DPTA, 1994. However, the Hon'ble High Court of Delhi vide order dated 29.05.2023 in W.P.(C). No. 2317/2023 "Dr. Sanjeev Bagai Vs. Principal Secretary (Env. & Forest), GNCTD", set aside the existing guidelines and gave the following direction:

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*"14. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only*

*permission that can be granted for pruning, etc. is under section 9 of the Act.*

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

The file of draft guidelines for pruning / felling of trees is under submission to the Government for seeking approval under Delhi Preservation of Trees Act (DPTA), 1994.

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

### **3.7Gujarat**

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

- a.** Provisions of Indian Forest Act, 1927 and the amendment made by Gujarat State are applicable for protection/preservation of trees for notified forest areas.
- b.** Forest (Conservation) Act, 1980 ["Van (Sanrakshan Evam Samvardhan) Adhiniyam"] for diversion for Forest areas for non-forestry purposes.
- c.** Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 is enacted for felling of trees outside notified forest areas
- d.** Information about Rule is not mentioned. However, for Gandhinagar capital City, a provision for consultation of Forest Department for cutting of trees has

been made and Forest Department undertakes the tree felling or pruning activities in Gandhinagar Capital City.

- e. No separate guidelines have been issued in state.
- f. The provisions of Indian Forest Act, 1927 and the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 are applicable for violation in respect of illegal trees felling and illegal pruning of trees.

### **3.8Haryana**

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

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

permission of Competent Authority is punishable under section 19 of the Punjab Land Preservation Act, 1900.

- c. The Guidelines made under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are followed.
- d. The penal provisions of Forest Laws provide for fines and imprisonment or both for violation of tree felling or diversion of Forest Land for non-Forestry Purposes. However, there is no provision for environmental compensation.

### **3.9 Himachal Pradesh**

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

- a. In the State of Himachal Pradesh, conservation and protection of tree grown on private land is dealt as per Land preservation Act, 1978 and rules made there under i.e. HP land Preservation Rules, 1983.
- b. Trees grown on Forest Land, necessary actions are being taken as per provisions of the IFA, 1927. Besides there are HP Govt. Order No. FFE-B-A(3)4/99 dated 24.09.2003
- c. As regards pruning and loping of trees necessary instructions/ guidelines to field functionaries in compliance of OA No. 372 of 2022 titled as Avinash Vidrohi Vs State of HP have been issued vide Letter No. Ft1/2018-19(S) Vol II dated 06.07.2023.

### **3.10 Jammu and Kashmir**

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

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

- b. In State and Private land, the trees have been protected in accordance with J&K Specified Trees Act, 1969 and J&K Specified Trees Rules, 1969 and particularly with reference to Khair trees it is regulated as per the provisions laid out in SRO-111 of 2016. Restrictions on felling is applicable only on trees that had been declared as specified trees. As of now, the following species have been declared as specified trees:- Walnut, Willow, Khair, Conifers and Oaks.
- c. Felling of trees in village woodlots, strip plantations and community land involving community participation is regulated under the Jammu and Kashmir Social Forestry (Plantation) Rules 2023
- d. As per the provisions laid out in chapter XX in Section 339 to 355 of J&K Municipal Corporation Act, 2000, the tree felling are regulated within the jurisdiction of Municipal Corporations.
- e. Following Guidelines have been mentioned for protection/ preservation of trees or felling and pruning of trees:

  - i. Circular No. 05 of 1998 by J&K Forest Department dated 05-03-1998 read with Circular by J&K Forest Department dated 31-03-2011
  - ii. Guidelines for felling of trees posing threat to life and property has been issued in J&K Forest Department vide Circular No. 01 of 2019 dt. 28- 11- 2019.
- f. In Forest land, Penal Provisions are dealt under the provisions of Indian Forest Act, 1927. In the jurisdictions of Municipal Corporations as per the provisions laid out in Section 352, penal provisions are provided. Section 13 of Jammu and Kashmir Preservation of Specified Trees Act, 1969 prescribes penalties for violations of the provisions of the said Act.

### **3.11 Kerala**

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

- a. In Forest area - the trees have been protected in accordance with the Kerala Forest Act, 1961; in Non-Forest Area - the trees have been protected in accordance with the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.
- b. The Kerala Promotion of Tree Growth in Non-forest Land Rules, 2011 are being followed for protection preservation of trees.
- c. Guidelines having No. G.O(Rt) No.68/2010/F&WLD dated 10.02.2010 also exist for protection of trees
- d. Government permission from Tree Committee constituted as per G.O(Rt) No.172/2010/F&WLD dated 21.04.2010 is mandatory for felling of trees in public land. Compensatory planting in the ratio of 1:10 in lieu of tree felling has to be carried out by the user agency. For illicit felling, on complaint received from the authority of the land, concerned SHO of Police Department can initiate legal action for theft from Government property.

### **3.12 Ladakh**

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

- a. The Indian Forest Act, 1927 is implemented for protection/preservation of trees growing on forest land. However, the trees growing on the State land /Private land are under protection of Jammu & Kashmir Preservation of specified Tress Act, 1969 which is applicable to Ladakh Region also.
- b. No specific rules, but protection of trees or felling or pruning of trees etc. growing on forest land is governed under Indian Forest Act, 1927. The Jammu & Kashmir Preservation of specified Tress Rule, 1969 under the Jammu & Kashmir Preservation of specified Tress Act, 1969 applicable for the trees growing on State land/private land are comprehensive for the purpose.

- c. Ladakh is a cold desert with most of areas above tree line, with no natural forests, except for plantation of poplar and salix sporadically occurring at different locations. Further for felling/pruning of trees raised/growing on industrial lands/defence land, the circular guidelines issued by the office of the principal chief conservator of Forests, J&K vide No.: PCCF/Lease/Felling/Trees/2011/1094-1144, dated 31.03.2011 are applied. There are circular guidelines issued vide circular no.: 01/2019, dt. 28.11.2019 for felling of trees posing threat to life and property which are also applicable.
- d. The general penal provisions for felling/loping of trees in reserved forest are implemented as per Sec 26(1) (e) and (f) of India Forest Act, 1927, which provide punishment for imprisonment for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid. Similarly for felling or lopping of trees in a protected forest, the penal provisions are contained in Section 33 (1) (a) & (f) which prescribe a penalty in the form of imprisonment for term which may extend to two years, or with fine which may extend to twenty-five thousand rupees.

### 3.13 Lakshadweep

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

- a. As on date, there is no Act. However, it is stated, that within one year Act shall be developed and accordingly Rules and Guidelines will be developed and Penal provisions shall be incorporated in Act.
- b. Lakshadweep comprised of 32 Sq. km of land area and 90.33 of the total land mass have forest cover. Among the total plants, approximately 80% of tree cover comprised of coconut plants. The local peoples inherited the habit of plant coconut trees in between their old coconut trees. They also have habit of planting

other indigenous in their partition boundaries of their land. As per ISFR 2019 and 2021, here forest cover is 90.33 % respectively. There is no change in forest cover and is maintained properly. Through Nutri garden programme the UTLA has distributed thousands of plants to maintain the green cover.

### **3.14 Madhya Pradesh**

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

- a.** For protection / preservation of trees or felling and pruning of trees in urban areas is dealt as per Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001.
- b.** Guidelines and procedure to apply for tree cutting permission is available on MP Nagar Palika Portal.
- c.** Section 18 of the M.P. Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001 states that "Whoever fells any tree or causes any tree to be felled in contravention of any provision of this Act or Rules or order made thereunder shall, on conviction be punished with imprisonment which may extend to two years or with fine which may extend to fifty thousand rupees or with both. The fine, if not deposited within the prescribed time limit, will be recoverable as arrears of land revenue."
- d.** The issue of protection/preservation of trees or felling and pruning of trees situated in Forest Areas is governed by the Forest Department and allied rules and regulations laid down by Ministry of Forest, Environment and Climate Change.

### 3.15 Maharashtra

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

- a. Protection/ preservation of trees in urban areas in Maharashtra is dealt under the Maharashtra (Urban Areas) Preservation of Trees Act, 1975 (Act 44 of 1975).
- b. Guidelines for tree pruning is under development.

### 3.16 Meghalaya

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

- a. Protection / Preservation of trees in Meghalaya are being dealt by Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1973), the Meghalaya Tree Prevention Act, 1976 (Meghalaya Act 13 of 1976) and Meghalaya Tree Felling (Non Forest Areas) Rules 2006.
- b. There is no any methodology for imposing environment compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation & recovery etc. for Violation of the Guidelines of tree felling within non-forest area. In case of Reserved Forest Provision of Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1978). The Meghalaya Tree (Prevention) Act, 1976. (Meghalaya Act 13 of 1976) is applicable.

### 3.17 Nagaland

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

- a. In Nagaland, Preservation of trees are being dealt under the Nagaland Forest act 1968 where in provisions of Reserved Forests, Village Forests , General

Protection of Forests and Forest Produce , control over Forest and Waste land not being the Property of Government and penalties and procedure provided.

- b. The protection of trees, felling of trees are in place through the Nagaland Forest Act, 1968 in line with the Indian Forest Act, 1927.
- c. There is no information provided regarding Act, guidelines and penalty provisions for non – forest areas.

### 3.18 Odisha

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

- a. *Protection/ Preservation of trees in Odisha are dealt under Section-3 of Odisha Preservation of Private Forests Act, 1947, Section-2 of Forest (Conservation) Act, 1980, Section-27, 31, 36, 42 & 55 of Odisha Forest Act, 1972, Section-3 of Odisha Preservation of Private Forests Rules, 1963, Section-2 of Forest (Conservation) Rules, 2003, Section 4 of the Odisha Timber other Forest Produce Transit, 1980, Section 5 of Odisha Village Forest Rules, 1985*
- b. Odisha is not mentioned about any Guidelines.
- c. Penalty provisions have been mentioned in the context of trees conservation are covered under Section-3 of Odisha Preservation of Private Forests Act, 1947, Under Section-2 of Forest (Conservation) Act, 1980, Sec-27, 31, 36, 42 & 55 of Odisha Forest Act, 1972

### 3.19 Puducherry

As per information provided by Pondicherry Pollution Control Committee Pondicherry vide E-mail dated 30.01.2024 (Copy Given at **Annexure 22**):

- a. *In Puducherry, there is no Act, rules and Guidelines for preservation of trees. However, as per the information provided Applications are submitted to the Department of Forests and Wildlife, Puducherry, through user agency which includes general public/ organizations, private establishments as well as*

Government Departments. Major number of applications are received through Departments of Municipality, Public Works Department, Electricity, etc. Applications are scrutinized by means of field inspection for both tree pruning and felling.

- b. Penalty provisions for illegal tree pruning and felling are enforced during the illegal transit of the material so realized. Violation are booked under Puducherry Timber Transit Rules, 1983, which are evoked under Indian Forests Act, 1927.

### **3.20 Punjab**

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

### **3.21 Rajasthan**

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

Protection / preservation of trees are dealt under Rajasthan Forest Act 1953 for forest areas protected forest Rules 1957 & Rajasthan tenancy Act 1955 for trees outside forest section 81-85. In forest area protection for trees done by Rajasthan Forest Act 1953. For illegal Tree felling and Transportation of trees penalty imposed as per provisional Rajasthan forest Act 1953.

### 3.22 Tamilnadu

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

- a.** *There are number of acts & rules notified by Tamil Nadu for conservation of forests which are as follows*
- i. Tamil Nadu Preservation of Private Forest Act, 1949
  - ii. Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955
  - iii. Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1955
  - iv. Tamil Nadu Rosewood (Conservation) Act, 1994
  - v. Tamil Nadu Sandalwood Rules, 1967
  - vi. Tamil Nadu Timber Transit Rules, 1968
  - vii. Tamil Nadu Sandalwood Possession Rules, 1970.
- b.** As per the Tamil Nadu Government G.O Ms. 39, ECCF dept. dated 02.07.2021 the District and State level committee has been constituted to regulate the cutting of trees and to take up tree planting activities in public lands and public offices. In generally Private Lands in respect of the forest Department the question does not arise. However, the private land comes under the Tamil Nadu Preservation of Private Forests Act, 1949(TNPPF Act, 1949/TNHP Act, 1955) that the permission should be obtained from the District Forest Committee for the felling of trees. Tamil Nadu preservation of Trees Act, 2023, Preservation of Trees (Government Lands) Act, 2023 preservation of trees and regulation of felling of trees on Government Lands in state of Tamil Nadu in draft stage. There is no Penal provision mentioned.

### 3.23 Telangana

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

- a. *Protection / preservation of trees in Telangana are dealt under the Telangana Forest Act, 1967*(For protection and management of Forests, duly prescribing for punishments for violation of said Act,Telangana Water, Land and Trees Act (WALTA), 2002 (An Act to promote Water Conservation and increase Tree cover and Regulate the protection and management of trees outside the forest areas. For Protection and Management of Tress in scheduled areas, ‘Telangana Preservation of Private Forest Rules 1978’ are there.To increase Tree Cover and Regulate the Protection and management of trees there are ‘Telangana Water, Land and Trees in Rues, 2004’.
- b. In G.O.Ms. No.23, EFS&T, (For. I) Dept.,Dated 05.07.2017 Under Ease of doing business, government of Telangana have prescribed simplified procedure to accord tree felling permission. As per which the applicant has to submit application through online under TGFMS website of Telangana Forest Department for feeling of tress duly paying Rs 500/- per tree (Rs-450/- towards Security Deposit for planting Charges in case the applicant fails to plant number of trees felled and RS. 50/- towards inspection charges.
- c. For illegal felling of trees in the Forest areas, Penalties and procedure has been prescribed under section 44, 48, & 59 of Telangana Forest Act, 1967.For illegal felling of trees in other than Forest areas, penalties and procedure has been prescribed under section 37,38 of Telangana Water, Land and trees Act, 2002 read with section 26, 27 & 28 of Telangana water, Land and Tress Rules, 2004.

### 3.24 Tripura

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

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

### **3.25 Uttarakhand**

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

- a. Uttar Pradesh Protection of Trees Act 1976 is adapted in the State of Uttarakhand by Uttaranchal (UPPTAct1976) Adaption and Modification Order 2002.
- b. Section 10 of the act provide for imprisonment extend to six months or with fine which may extend to one thousand rupees or with both. Section 15(1) also provides for compounding of offences in respect of trees on private land on payment of money not exceeding rupees five thousand.
- c. The felling and pruning of trees not falling under the purview of IFA 1927 are regulated by the provision of UP Protection of trees Act 1976.

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

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

##### **Within Forest Area:**

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

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

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

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

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

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

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

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

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

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

**Outside the Forest Area**

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

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

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

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

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

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

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

Item No. 5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

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

Prof. Dr. Sanjeev Bagai &amp; Ors.

...Applicants

Versus

Department of Environment, GNCTD &amp; Ors.

...Respondents

Date of hearing: 05.12.2023

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

Applicant: Mr. Shobhit Sharma, Mr. Paritosh Dhawan and Ms. Mahima Arora Advocates for Applicant.

Respondents: Ms. Jyoti Mendiratta Advocate for Respondent No. 1, 3 & 5.  
Ms. Latika Malhotra & Ms. Kritika Gupta Advocates for respondent no. 6-DDA.  
Mr. Virendra Singh Proxy Counsel for Ms. Puja Kalra Advocate for Respondent No. 7 MCD.  
Ms. Zainab Khan Advocate for Respondent No. 18.

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

**ORDER**

1. The Applicants have filed application for withdrawal of OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. vs. Department of Environment, Government of National Capital Territory of Delhi and others with the following prayer:-

O.A. No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. Vs.  
Department of Environment, GNCTD & Ors.

2

*“a) Allow the Applicants to withdraw the Original Application No. 911/ 2022; and  
b) Pass such other further orders as this Hon’ble Tribunal may feel appropriate in the interest of justice, equity and good conscience.”*

2. The application for withdrawal has been filed on the grounds that above said OA was filed by the Applicants under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking direction from this Tribunal to take action against the Respondents for allowing and/ or engaging into cutting, felling and pruning of trees, in Vasant Vihar New Delhi in violation of Section 8 read with Section 2(h) of the Delhi Preservation of Trees Act, 1994, along with other reliefs. After filing of the OA, order dated 19.01.2023 passed by this Tribunal was challenged before the Hon’ble High Court of Delhi by way of Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors”. The Hon’ble High Court of Delhi vide its judgement dated 29.05.2023 was pleased to strike down the guidelines issued by the Respondent No. 1 bearing no. F. No. 8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 for pruning of trees and grant other reliefs to the Applicants. Since all the reliefs sought and issues raised in the OA by the Applicants have been dealt/ addressed by the Hon’ble High Court of Delhi, liberty was granted to the Applicants vide the said judgment dated 29.05.2023 to withdraw the OA. Since all the reliefs sought and issues raised in the OA by the Applicants have been dealt/addressed by the Hon’ble High Court of Delhi under Writ Petition (Civil) No. 2317 of 2023, the OA has become infructuous and the same may be allowed to be withdrawn.

3. We have learned Counsel for the Applicants and learned Counsel for the respondents No.1, 3 and 5, 6, 7 and 18 and gone through the relevant report.
4. The learned Counsel for the applicants has reiterated the factual averments and the prayer made in the application.
5. On due consideration of the matter we are of the considered view for the reasons hereinafter mentioned that this OA having been filed for protection of public interest cannot be dismissed as withdrawn although the applicants can be allowed to withdraw from the same.
6. The Applicants filed OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. Vs. Department of Environment, Government of National Capital Territory of Delhi and others under Sections 14 and 15 of the National Green Tribunal Act, 2010 with the following prayer:-

*“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon’ble Tribunal may be pleased to pass the following orders:*

- A. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 12-17 for illegal act of cutting/ felling/ pruning of trees in Vasant Vihar in accordance with the applicable laws;*
- B. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 7-8 for giving permission to cut/ fell/ prune the trees to Respondent Nos. 12-18 beyond jurisdiction;*
- C. Prohibit Respondent Nos. 12-17 from further cutting, felling, and pruning of trees in Vasant Vihar in future without any prior written approval of the concerned authority;*
- D. Direct the Respondent Nos. 10 and 11 to take action/ launch a probe with immediate effect against the Respondent Nos. 12-17 (being managing committee members of Respondent No. 18) involved in the illegal act of pruning of trees;*
- E. Impose environmental compensation on the Respondent Nos. 12-17 for violating the provision of DPT Act, the said Guidelines and causing environment damage;*
- F. Direct the Respondent Nos. 12-17 to pay the aforesaid environmental compensation (as prayed in prayer ‘E’) from their*

*personal funds/ income and NOT from the account of Respondent No. 18; and  
G. Pass such other further order(S) as this Hon'ble Court deem fit to pass in the fact and circumstances of the case and in the interest of justice."*

7. Vide order dated 20.12.2022, this Tribunal took cognizance as prima facie the averments made in the application raised questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 and in the course of hearing ordered issuance of notices to concerned respondents. This Tribunal passed interim order dated 21.12.2022 permitting further pruning of the trees as mentioned therein and the relevant part of said order reads as under:-

*"8. In the meanwhile further pruning of the trees, if considered necessary, be carried out by the concerned civic authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. The Deputy Conservator of Forest, West Forest Division (Tree Officer); Deputy Director, Department of Horticulture, MCD and Deputy Director, Department of Horticulture, PWD are directed to ensure that such pruning takes place strictly in compliance with the statutory provisions and guidelines."*

8. The matter came up for hearing on 03.01.2023. Replies on behalf of Respondent No. 2-MCD and Respondent No. 18-Vasant Vihar Residents Welfare Association were filed vide emails dated 02.01.2023. Learned Counsel for the Respondents No. 1, 3 and 5 and learned Counsel for Respondent No. 6 sought time to file replies/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6, respectively. Learned counsel for the applicants also sought time to file photographs and copies of relevant documents to show pruning of trees by Respondents No. 12 to

18 in violation of the guidelines/environmental norms. This Tribunal ordered that reply/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6 and photographs and copies of relevant documents on behalf of applicants be filed within ten days. Learned counsel for the applicants submitted that pruning has been done and is being done by respondents no. 12 to 18 without requisite permission and in violation of statutory provisions/norms and such pruning may result in killing of about 7000 trees in Vasant Vihar, New Delhi. Learned counsel for the Respondents No. 12 to 18 refuted the allegations and submitted that scientific pruning of trees being essential for their growth was required to be carried out by the concerned Civic Authorities in accordance with the guidelines issued in this regard. Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association also submitted that on earlier occasions also pruning was done on the requests made by the residents as per decision taken in the meetings of office bearers of the above said association including applicant no. 3 and expenses for the same were borne by the above said association. In response thereto, even learned Counsel for the applicant did not dispute the requirement of scientific pruning of the trees but reiterated that pruning of the trees had been and was being carried out in violation of the guidelines endangering the very life of the trees in question. This Tribunal passed interim order dated 03.01.2023 permitting pruning of trees and relevant part of the order reads as under:-

*“11. Undisputedly, in the present case, Vasant Vihar Residents Welfare Association has approached the Civic Authorities for pruning of the trees in question in view of the request made by the residents of the locality. In the facts and circumstances of the case, we are of the considered view that the concerned Civic Authorities cannot be restrained from carrying out scientific pruning of the trees, which may be required for proper growth and health of the trees, in*

*accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. In case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who is directed to take appropriate action in accordance with law in case of making of any such complaint to him. However, in the peculiar facts and circumstances of the case, we do not find any impropriety in the Civic Authorities associating the Vasant Vihar Residents Welfare Association in carrying out scientific pruning of the trees. In fact, the environmental problems can be properly resolved with active participation of the members of the public/residents of the locality for protection and improvement of environment. The concerned instrumentalities of the State are required not only to create awareness amongst the members of public/residents of the locality but also to ensure their participation in plantation, protection, maintenance and management of trees by providing men-power/financial resources. In the facts and circumstance of the present case, it will be appropriate if the concerned Civic Authorities allow the office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants to participate, by voluntarily providing men-power/financial resources as the case may be, in carrying out scientific pruning of the trees in question as may be considered to be necessary in accordance with the guidelines under proper monitoring/supervision by the officials of the concerned Civic Authorities and Deputy Conservator of Forest, West Forest Division (Tree Officer) and the concerned Civic Authorities may for this purpose also constitute a Tree Management Committee (TMC) with concerned officials and office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants volunteering for plantation, protection, maintenance and management of the trees and other vegetation in the concerned area.*

12. *List for further consideration on 19.01.2023.*

13. *In the meanwhile, further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994 by associating office bearers of the Vasant Vihar Residents Welfare Association and other residents of the locality including the applicants volunteering for the purpose by providing the men-power/financial resources.*

14. *In the facts and circumstances of the case, we also consider presence of the concerned Deputy Directors (Horticulture), MCD, DDA and PWD respectively and the Deputy*

*Conservator of Forest, West Forest Division (Tree Officer) before this Tribunal on the date fixed to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and accordingly, they are directed to remain present before this Tribunal on the date fixed.”*

9. The Applicants filed Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors before the Hon’ble High Court of Delhi with the following prayer:-

*“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased pass the following orders:*

*A. Set aside the order dated 19.01.2023 passed by the Hon’ble National Green Tribunal, Principal Bench in Original Application No. 911 of 2022;*

*B. Decide the issue that whether pruning of trees on government land can be undertaken by any person (i.e. private individual) other than the land owning agencies; and whether guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 (especially clause 5 of the same) are in conformity with the Delhi Preservation of Trees Act, 1994;*

*C. Issue a writ of mandamus directing the concerned land-owning agencies/ civic agencies (viz. Municipal Corporation of Delhi, Delhi Development Authority and Public Works Department, etc.) to carry out pruning on their own (without taking/ seeking any man-power/financial aid from the residents of Vasant Vihar);*

*D. Expunge the observations of the Hon’ble National Green Tribunal, Principal Bench ‘casting aspersions’ on the bonafide of the Petitioners in paras 18, 19 and 26 of the order dated 19.01.2023; AND*

*E. Direct the Hon’ble National Green Tribunal, Principal Bench to pass a reasoned order after hearing the application under Section 340 of the CR.P.C. a fresh by taking into consideration the complete record;*

*AND*

*Pass such order further order (s) as this Hon’ble Court may deem fit and necessary in the interest of justice.”*

10. Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors was disposed of by the Hon’ble High Court of Delhi vide its judgement dated 29.05.2023. The relevant part of the judgment reads as under:-

“Conclusion:

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

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

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

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

18. In W.P (C) 12271/2022 titled *Rajiv Dutta vs. GNCTD & Ors.*, this court had directed that complainants and public spirited persons who bring to the notice of the Tree Officer, DCF, any harm to trees or breach of statute or would be “required to be heard apropos complaint made or otherwise be kept informed throughout the proceedings...”. There should be no denial of natural justice in proceedings initiated before the Tree Officer. Therefore, apropos the conduct of quasi-judicial proceedings, imparting of refresher courses, to the Tree Officers, DCF would be of some assistance. The GNCTD is directed to arrange refresher training courses as maybe requisite, which would also cover the conduct of hearings through hybrid mode, e-filing of petitions, replies, etc., for the benefit of Tree Officers, DCF and other Officers of the Department, at the Delhi Judicial Academy, within four weeks of receipt of this order.

19. The petition stands disposed-off in terms of the above.”

11. Hon'ble High Court of Delhi set aside the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer and directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. As regards, the petitioner's reservations apropos the personal observations about him in the impugned order dated 03.01.2023 passed by this Tribunal, Hon'ble High Court of Delhi expressed the view that in the light of substantive orders having been passed in the petition, the personal observations stood superseded and would be of no relevance and expunged the same.

12. It may be observed here that the Applicants did not challenge the validity of the Guidelines before this Tribunal and challenged the same for the first time in the writ petition filed before Hon'ble High Court of Delhi. Hon'ble High Court of Delhi set aside the Guidelines and expunged the remarks but Hon'ble High Court of Delhi did not completely set aside the impugned order dated 03.01.2023 passed by this Tribunal and also did not grant all the reliefs claimed in the OA particularly the relief for imposition and recovery of environmental compensation and the OA cannot be said to have become completely infructuous and is not liable to be dismissed as having become infructuous. It may also be added here that even Hon'ble High Court of Delhi also did not observe that the OA has become infructuous and merely observed as under:-

*"16. ...The learned counsel for the petitioner says, upon instructions, that in view of the above, he would seek to withdraw his petition before the NGT. The petitioner would always have the liberty to pursue all remedies as may be available to him in law."*

13. Since the Hon'ble High Court of Delhi did not grant all the reliefs claimed in the OA, did not completely set aside order dated 03.01.2023 and did not observe the OA to have become infructuous, this Tribunal has to proceed with the OA and has to adjudicate upon all environmental questions involved in the case.

14. In **Sheela Barse vs. Union of India ;AIR 1988 SC 2211: (1988) 4 SCC 226 Law Finder Doc Id # 89691** the main public interest litigation petition was filed by Sheela Barse to highlight the gross violations of the constitutional and statutory rights of a large number of children in the country who were suffering custodial restraints in various parts of the country and for the protection and enforcement of their rights. Sheela Barse filed Miscellaneous Petition for leave to withdraw the main public interest litigation on grounds which were held by Hon'ble Supreme Court to be untenable. The question agitated related to the aspect whether a public-minded person who brings such an action is entitled, as of right, to withdraw the proceedings from the court. The Applicant contended that not only that leave for withdrawal cannot be refused but also that the main petition cannot be continued by any other citizen or organisation. Hon'ble Supreme Court noticed that the prayer, if granted, would frustrate the important issues the main petition had served to highlight in the matter of the status and enforcement of the laws enacted for the protection and welfare of the children in the country. The proceedings espoused the cause of a large number of suffering children who, on account of the traditional inertia against reform, the bureaucratic and official apathy, insensitivity to and lack of human consideration for the lot

of the suffering children and the lack of proper perceptions of the values and ideology of the legislation concerning children even on the part of law enforcing agencies, were being denied the protection of their constitutional and statutory rights. Hon'ble Supreme Court observed that the proceedings in a public interest litigation are, therefore, intended to vindicate and effectuate the public interest by prevention of violation of the rights, constitutional or statutory, of sizeable segments of the society, which owing to poverty, ignorance, social and economic disadvantages cannot themselves assert - and quite often not even aware of - those rights and the "rights" of those who bring the action on behalf of the others must necessarily be subordinate to the "interests" of those for whose benefit the action is brought. Acknowledgement of any such status of a Dominus-Litis to a person who brings a public interest litigation will render the proceedings in public interest litigations vulnerable to and susceptible of a new dimension which might, in conceivable cases, be used by persons for personal ends resulting in prejudice to the public-weal. Hon'ble Supreme Court also noticed that in the proceedings Hon'ble Supreme Court had already gone through and had initiated an elaborate exercise as indicated in the orders excerpted earlier and held that the petition could not be permitted to be abandoned at that stage and only a private litigant could abandon his claims. Accordingly, Hon'ble Supreme Court refused permission for the withdrawal of the petition and directed that the applicant be deleted from the array of parties in the proceedings and the proceedings be proceeded with a direction to the Supreme Court Legal Aid Committee to prosecute the petition together with the aid and assistance of such persons or agencies as the Court may permit or direct from time to time.

15. Observations made by Hon'ble Supreme Court in the above mentioned case are also relevant and applicable to the question of withdrawal of application by the Applicants in the present case. The right of the Applicants to withdraw application filed for serving public interest in protection and improvement of environment must necessarily be subordinate to the "interests" of those for whose benefit the action was brought. According status of a Dominus-Litis to the Applicants, who filed application for serving public interest of protection and improvement of environment, will render the proceedings vulnerable to and susceptible of a new dimension of use thereof for personal ends resulting in serious prejudice to the public interest of protection and improvement of environment. In the present proceedings this Tribunal has already initiated an elaborate exercise and the present proceedings cannot be permitted to be withdrawn at this stage. In the facts and circumstances of the case the Applicants cannot be permitted to withdraw the application and request for dismissal of the application as withdrawn is declined due to the same having been filed in public interest for protection and improvement of the environment.

16. Moreover, this Tribunal has been conferred power to take suo motu cognizance in discharge of its functions under the National Green Tribunal Act, 2010. In **Municipal Corporation of Greater Mumbai v. Ankita Sinha (SC) : AIR 2021 Supreme Court 5147 : Law Finder Doc Id # 1890858** Hon'ble Supreme Court considered the question whether this Tribunal has the power to exercise Suo Motu jurisdiction in discharge of its functions under the National Green Tribunal Act, 2010 and held that this Tribunal is vested with suo motu power in discharge of its functions

under the National Green Tribunal Act, 2010. The relevant extracts from the conclusion in that case are reproduced as under:-

*"30. The NGT Act, when read as a whole, gives much leeway to the NGT to go beyond a mere adjudicatory role. The Parliament's intention is clearly discernible to create a multifunctional body, with the capacity to provide redressal for environmental exigencies. Accordingly, the principles of environmental justice and environmental equity must be explicitly acknowledged as pivotal threads of the NGT's fabric. The NGT must be seen as a sui generis institution and not unus multorum, and its special and exclusive role to foster public interest in the area of environmental domain delineated in the enactment of 2010 must necessarily receive legal recognition of this Court.*

*31. The environmental impacts on climate change are gaining increasing visibility in the shape of uncertain rains, species extinction, loss of natural habitat and so on. These also have the propensity to diminish fresh water resources, reduce agricultural yields and impact public health, particularly in the cities. The flooding and erosion in riverine and coastal areas are matters of serious concern. Governmental assessment of India's increased vulnerability to such changes in the near future also exists[41\*] with many countries declaring climate emergencies and many others being urged to follow suit[42\*].*

*[41\* Indian Network for Climate Change Assessment, Climate Change and India: A 4X 4 Assessment - A sectoral and regional analysis for 2030s,*

*Ministry of Environment and Forests, Government of India, 16 November 2010]*

*[42\* Secretary-General's Remarks at the Climate Ambition Summit. United Nations. United Nations, December 12, 2020.]*

*32. Therefore, the nature of ecological imbalance which is visible even in our own times may cascade, and the unforeseen injustice of the future may not be capable of being handled within the frontiers set forth today. The long term and very often irreparable environmental damage which are expected to be arrested by the NGT, urge this Court to advert to what is termed as the 'Seventh Generation' sustainability principle, or the 'Great Law of the Iroquois' (as it originates from the Iroquois Tribe) which requires all decision making to withstand for the benefit of seven generations down the line.*

*33. It is vital for the wellbeing of the nation and its people, to have a flexible mechanism to address all issues pertaining to environmental damage and resultant climate change so that we can leave behind a*

*better environmental legacy, for our children, and the generations thereafter.*

*34. In circumstances where adverse environmental impact may be egregious, but the community affected is unable to effectively get the machinery into action, a forum created specifically to address such concerns should surely be expected to move with expediency, and of its own accord. The potentiality of disproportionate harm imposes a higher obligation on authorities to preserve rights which may be waylaid due to such restrictive access. It is also noteworthy that the "global impacts of climate change will fall disproportionately on minority and low-income communities". Thus, an affirmative role, beyond mere adjudication at the instance of applicant, is certainly required for serving the ends of environmental justice, as the statute itself requires of the NGT. We cannot validate an argument which furthers uncertainty to justify the role of a spectator, if not inaction, and would most assuredly result in injustice.*

*35. The NGT, with the distinct role envisaged for it, can hardly afford to remain a mute spectator when no-one knocks on its door. The forum itself has correctly identified the need for collective stratagem for addressing environmental concerns. Such a society centric approach must be allowed to work within the established safety valves of the principles of natural justice and appeal to the Supreme Court. The hands-off mode for the NGT, when faced with exigencies requiring immediate and effective response, would debilitate the forum from discharging its responsibility and this must be ruled out in the interest of justice.*

*36. It would be procedural hairsplitting to argue (as it has been) that the NGT could act upon a letter being written to it, but learning about an environmental exigency through any other means cannot trigger the NGT into action. To endorse such an approach would surely be rendering the forum procedurally shackled or incapacitated.*

*37. When the Registry of the NGT does indeed receive a communication or letter, including matters published in media, it may cause to initiate suo motu action by inviting attention of NGT to such matters in the form of office report. Such circumstances would however require a notice to be given to the sender of the communication or author of the news item, as the case may be, to assist the NGT in the course of hearing and to substantiate the factual matters. It must also be said that the exercise of suo motu jurisdiction does not mean eschewing with the principles of natural justice and fair play. In other words, the party likely to be affected should be afforded due opportunity to present their side, before suffering adverse orders.*

*38. One could admit to the argument of danger of suo motu jurisdiction, if the NGT was acting outside its domain. But when it is legitimately working within the contours of its statutory mandate and with procedural safeguards clarified above in play, the nature of the trigger itself viz. a letter or a 'suo motu' initiation, cannot be the basis to curtail the role and responsibility of the specialized*

*forum.*

*39. Institutions which are often addressing urgent concerns gain little from procedural nitpicking, which are unwarranted in the face of both the statutory spirit and the evolving nature of environmental degradation. Not merely should a procedure exist but it must be meaningfully effective to address such concerns. The role of such an institution cannot be mechanical or ornamental. We must therefore adopt an interpretation which sustains the spirit of public good and not render the environmental watchdog of our country toothless and ineffective.*

*40. Let us now hark back to the dialogues of the two protagonists, in Waiting for Godot, the play written by Samuel Beckett with which, we started this judgment. At the end of the deliberations, we find ourselves saying that the National Green Tribunal must act, if the exigencies so demand, without indefinitely waiting for the metaphorical Godot to knock on its portal. The preceding discussion advises us to answer the pointed question in the affirmative. It is accordingly declared that the NGT is vested with suo motu power in discharge of its functions under the NGT Act."*

17. Consistent with its statutory obligations under the National Green Tribunal Act, 2010, this Tribunal has to respond to the duly verified factual position in the present case with requisite remedial/ameliorative measures for protection of environment and this Tribunal cannot take refuge under any technical dispensation by dismissal of application as withdrawn.

18. In the peculiar facts and circumstances of the case the Applicants are allowed to withdraw from the application and the application can be further proceeded with in exercise of the powers of this Tribunal to take cognizance of civil cases involving issues relating to environment arising out of enforcement of enactments specified in Schedule I to the National Green Tribunal Act, 2010. Mr. Rahul Khurana, Joint Secretary of National Green Tribunal Bar Association has stated that National Green Tribunal Bar Association is ready to join the proceedings as applicant and may be substituted for the Applicants. The National Green Tribunal Bar

Association is accordingly allowed to join the proceedings as applicant and substituted for the Applicants and the names of the Applicants be deleted and the name 'the National Green Tribunal Bar Association' be substituted for them in the array of parties. Memo of parties be amended accordingly.

19. It may be observed here that Hon'ble High Court of Delhi relied upon order dated 13.03.2017 passed by Western Zone Bench of this Tribunal in O.A. no. 157/2016 titled as Mr. Pradeep Indulkar Vs. Municipal Corporation for the City of Thane and others which analyzed a similar provision of law regarding pruning of trees under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as upheld by Hon'ble Supreme Court in Civil Appeal No. 8946/2017. For brevity relevant part of the Judgment is not extracted and reproduced herein as the same can be referred to therein.

20. While setting aside the Guidelines Hon'ble High Court of Delhi directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. The question of framing of such guidelines and/or rules has to be considered by the concerned authorities in the light of observations made by Hon'ble High Court of Delhi. We are of the considered view that the matter needs to be examined by a Committee of Experts from the relevant fields with respect to all relevant aspects as to permissibility of pruning of trees and the modalities for carrying out the same.

21. In the course of hearing of this case and of similar matters coming up for hearing before this Tribunal it has come to our notice that there is

no enactment similar to the Delhi Preservation of Tree Act, 1994, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, the Uttar Pradesh Protection of Trees Act, 1976 in the States of Haryana, Punjab and Himachal Pradesh besides others and the aspects of illegal cutting and pruning of trees are being ignored or remain unremedied due to absence of statutory frame work and requisite guidelines. Protection of trees is of utmost importance for protection and improvement of environment and remedial measures are also required to be taken under the Environment Protection Act, 1986 and the matter also calls for intervention by this Tribunal in exercise of powers under the National Green Tribunal Act, 2010.

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

23. In view of the nature of the environmental questions involved in the matter having national ramifications, we consider presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case

may be, and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, they are impleaded as respondents. The Registry is directed to amend memo of parties and issue notices to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB is also directed to obtain and compile the information with respect to the above mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. The reply/response as directed above be filed on or before 03.02.2024 through E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF).

24. It may be observed here that this Tribunal vide orders dated 21.12.2022 and 03.01.2023 directed the concerned Civil Authorities-MCD/DDA to carry out pruning of the trees as mentioned therein in accordance with the Delhi Preservations Trees Act, 1994 and Guidelines dated 01.10.2019. The guidelines were set-aside by Hon'ble High Court of Delhi vide order dated 29.05.2023. We consider it appropriate to seek response from MCD and DDA regarding orders passed/permissions granted for pruning of trees in Delhi and also carrying out of pruning of trees in Vasant Vihar by them before and after 29.05.2023 and response from DCF, West Forest Division regarding complaints made to him and action taken by him in respect of illegal cutting/pruning of trees. Replies by Commissioner, MCD, Vice Chairman, DDA and DCF, West Forest Division, Delhi be filed on or before 03.02.2024 through E-filing portal

O.A. No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. Vs.  
Department of Environment, GNCTD & Ors.

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(not through E-mail) in the form of searchable PDF/OCR Support PDF  
(not in the form of Image PDF).

25. List for further hearing on 06.02.2024.

26. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.

27. A copy of this order be sent to the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 05<sup>th</sup>, 2023  
N



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

URGENT: Hon'ble NGT MATTER

No.: CM-13011/196/2023-LAW-HO-CPCB-HO

3rd January, 2024

To

The Member Secretary  
All SPCBs & PCCs  
(As per list)

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

Sir,

This is in reference to Hon'ble NGT order dated 05.12.2023 (Copy enclosed) in Original Application No. 911/2022, I.A. No. 14/2023 and I.A. No. 16/2023 titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors., wherein Hon'ble NGT, in para 23 directed all States / Union Territories to file their reply/response on the aspects of protection of trees, action against illegal felling and pruning of trees, and all related aspects including framing of guidelines/rules regarding the same. The CPCB is also directed to collect the information from States/UTs and include the compilation in the reply to be filed by CPCB.

In view of the above, it is requested that information in the prescribed format (Format enclosed) may please be arranged in consultation with concerned Government Departments in your State/Union Territory and provided to Central Pollution Control Board in the form of a searchable PDF to [upcl.cpcb@gov.in](mailto:upcl.cpcb@gov.in), latest by 15.01.2024.

Encl.: As above

Yours faithfully,

(Bharat Kumar Sharma)  
Member Secretary

Copy to:

The Regional Director,  
Regional Directorates  
Central Pollution Control Board  
(As per List)

: For Information and following up  
with concerned SPCBs & PCCs  
under your jurisdiction

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : [www.cpcb.nic.in](http://www.cpcb.nic.in)

## List of SPCBs &amp;PCCs to whom Letters are issued

1.	The Member Secretary Andman&Nicobar Islands Pollution Control Committee Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair - 744102
2.	The Member Secretary Andhra Pradesh Pollution Control Board D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, ChalamvariStreet,Kasturibaipet, Mogalrajapuram, Vijayawada - 520 010
3.	The Member Secretary Arunachal State Pollution Control Board ParyavaranBhawan, Papu Hill, Yupia Road, Naharlagun- 791110
4.	The Member Secretary Assam Pollution Control Board Bamunimaidan, Guwahati, Assam - 781021
5.	The Member Secretary Bihar State Pollution Control Board, PariveshBhawan, Patliputra Industrial Area, P.O. -Sadaquat Ashram, Dist. - Patna, Pin - 800010
6.	The Member Secretary Chandigarh Pollution Control Committee ParyavaranBhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh - 160019
7.	The Member Secretary Chattisgarh State Environment Conservation Board ParyavasBhavan, North Block Sector-19, Nava Raipur Atal Nagar, Dist.-Raipur (C.G.) Pin - 492002
8.	The Member Secretary Daman & Diu and Dadra & Nagar Haveli Pollution Control Committee Office of the Deputy Conservator of Forests, Moti Daman, Daman - 396220

9.	The Member Secretary Delhi Pollution Control Committee, Department of Environment, Govt. of NCT of Delhi, 6th floor, C wing, Delhi Secretariat, I P Estate, Delhi-110002
10.	The Member Secretary Goa State Pollution Control Board Near Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao, Bardez, Goa - 403511
11.	The Member Secretary Gujarat Pollution Control Board ParyavaranBhavan, Sector 10-A , Gandhinagar - 382010
12.	The Member Secretary Haryana State Pollution Control Board C-11, Sector-6. Panchkula-134109, Haryana
13.	The Member Secretary Himachal Pradesh Pollution Control Board Him Parivesh, Phase-III, New Shimla, Himachal Pradesh 171009
14.	The Member Secretary Jammu & Kashmir Pollution Control Committee, Jammu PariveshBhawan, Forest Complex, Glandi Jammu - 180006
15.	The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC, P.O. Dhurwa, Ranchi - 834004
16.	The Member Secretary Karnataka State Pollution Control Board, ParisharaBhavan, No. 49, Church Street, Bengaluru - 560001
17.	The Member Secretary Kerala State Pollution Control Board Plamoodu Jn., Pattom Palace P.O. Thiruvananthapuram-695 004

18.	The Member Secretary Ladakh Pollution Control Committee Wildlife Office Building, Near Council Secretariat, Opposite Police Station Housing Colony, Leh - 194101 (Ladakh)
19.	The Member Secretary Lakshadweep Pollution Control Committee Department of Science, Technology & Environment, Kavarati - 682555
20.	The Member Secretary Madhya Pradesh Pollution Control Board ParayavaranParisar, E-5, Arera Colony Bhopal - 462 016, Madhya Pradesh
21.	The Member Secretary Maharashtra Pollution Control Board Kalpataru Point, 2 <sup>nd</sup> - 4 <sup>th</sup> Floor Opp. Cine Planet Cinema, Nr. Sion Circle, Sion (E) Mumbai - 400022
22.	The Member Secretary Manipur Pollution Control Board Lamphelpat, Near Imphal West D.C. Office, Imphal - 795 004, Manipur
23.	The Member Secretary Meghalaya Pollution Control Board ARDEN, Lumbynggad Shillong - 793 014, Meghalaya
24.	The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, KhatlaThlanmual Peng, Khatla, Aizawl, Mizoram: 796001
25.	The Member Secretary Nagaland Pollution Control Board Signal Point, Dimapur Nagaland -797112
26.	The Member Secretary Orissa Pollution Control Board A-118, Nilakanta Nagar, Unit -VIII, Bhubaneshwar - 751012

27.	The Member Secretary Puducherry Pollution Control Committee Department of Science, Technology & Environment Housing Board Complex, III <sup>rd</sup> Floor, Anna Nagar Pondicherry - 600005
28.	The Member Secretary Punjab Pollution Control Board, VatavaranBhawan, Nabha Road, Patiala - 147 001, Panjab
29.	The Member Secretary Rajasthan Pollution Control Board A-4, JhalanaDoongri Institutional Area, Jaipur - 302004, Rajasthan
30.	The Member Secretary Sikkim State Pollution Control Board Department of Forest, Environment & Wildlife Management Government of Sikkim, Deorali, Gangtok, - 737102
31.	The Member Secretary Tamil Nadu Pollution Control Board 76, Mount Salai, Guindy, Chennai - 600032
32.	The Member Secretary Telangana State Pollution Control Board, ParyavaranBhawan, A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500018
33.	The Member Secretary Tripura Pollution Control Board VigyanBhawan, Pandit Nehru Complex, Gorkhabasti, PO: Kunjaban Agartala: 799006
34.	The Member Secretary Uttar Pradesh Pollution Control Board Building.No. TC-12V VibhutiKhand, Gomti Nagar Lucknow-226010

35.	The Member Secretary Uttarakhand Environmental Protection & Pollution Control Board, 29/20, Nemi Road, Dehradun, Uttarakhand - 248001
36.	The Member Secretary West Bengal Pollution Control Board Paribesh Bhavan, Bldg. No. 10A, Block-LA., Sector III, Bidhan Nagar, Kolkata - 700098



## List of Regional Directorates, Central Pollution Control Board

1.	The Regional Director, Regional Directorate - Bengaluru, Central Pollution Control Board A-Block, NisargaBhavan, 1 <sup>st</sup> and 2 <sup>nd</sup> Floors, 7 <sup>th</sup> D Cross, Thimmaiahroad, Shivanagar, Bengaluru-560079,
2.	The Regional Director, Regional Directorate - Bhopal Central Pollution Control Board PariveshBhawan, ParyavaranParisar E-5, Arera Colony, Bhopal-462016
3.	The Regional Director, Regional Directorate - Chandigarh, Central Pollution Control Board, BSNL Exchange, 2nd Floor, Sector 49 C, Chandigarh - 160047
4.	The Regional Director, Regional Directorate - Chennai, Second Floor, No.77-A, South Avenue Road, Ambattur Industrial Estate, Ambattur Taluk, Thiruvallur District, Chennai, Tamil Nadu - 600058
5.	The Regional Director, Regional Directorate - Kolkata, Central Pollution Control Board 'South End Conclave' Block-502, 5 <sup>th</sup> & 6 <sup>th</sup> Floor, 1582, Razidanga, Main Road, Kolkata-700107
6.	The Regional Director, Regional Directorate - Lucknow Central Pollution Control Board PICUP Bhawan, Vibhutikhand, Gomtinagar, Lucknow - 226010
7.	The Regional Director, Central Pollution Control Board, Regional Directorate - Pune, Row House No. - 1, NisargVihar, Balewadi, Pune - 411045

8.	The Regional Director, Regional Directorate - Shillong Central Pollution Control Board Opp. Government Press, Ground Floor, CTO Building, BSNL Shillong- 793001
9.	The Regional Director, Regional Directorate - Vadodara Central Pollution Control Board Parivesh Bhawan, Opp. Ward No. 10 Vmc Office Subhanpura, Vadodara - 390 023

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	:



Item No. 5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

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

Prof. Dr. Sanjeev Bagai & Ors.

...Applicants

Versus

Department of Environment, GNCTD & Ors.

...Respondents

Date of hearing: 05.12.2023

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

Applicant: Mr. Shobhit Sharma, Mr. Paritosh Dhawan and Ms. Mahima Arora Advocates for Applicant.

Respondents: Ms. Jyoti Mendiratta Advocate for Respondent No. 1, 3 & 5.  
Ms. Latika Malhotra & Ms. Kritika Gupta Advocates for respondent no. 6-DDA.  
Mr. Virendra Singh Proxy Counsel for Ms. Puja Kalra Advocate for Respondent No. 7 MCD.  
Ms. Zainab Khan Advocate for Respondent No. 18.

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

**ORDER**

1. The Applicants have filed application for withdrawal of OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. vs. Department of Environment, Government of National Capital Territory of Delhi and others with the following prayer:-

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*“a) Allow the Applicants to withdraw the Original Application No. 911/ 2022; and  
b) Pass such other further orders as this Hon’ble Tribunal may feel appropriate in the interest of justice, equity and good conscience.”*

2. The application for withdrawal has been filed on the grounds that above said OA was filed by the Applicants under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking direction from this Tribunal to take action against the Respondents for allowing and/ or engaging into cutting, felling and pruning of trees, in Vasant Vihar New Delhi in violation of Section 8 read with Section 2(h) of the Delhi Preservation of Trees Act, 1994, along with other reliefs. After filing of the OA, order dated 19.01.2023 passed by this Tribunal was challenged before the Hon’ble High Court of Delhi by way of Writ Petition (Civil) No. 2317 of 2023, titled as “Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors”. The Hon’ble High Court of Delhi vide its judgement dated 29.05.2023 was pleased to strike down the guidelines issued by the Respondent No. 1 bearing no. F. No. 8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 for pruning of trees and grant other reliefs to the Applicants. Since all the reliefs sought and issues raised in the OA by the Applicants have been dealt/ addressed by the Hon’ble High Court of Delhi, liberty was granted to the Applicants vide the said judgment dated 29.05.2023 to withdraw the OA. Since all the reliefs sought and issues raised in the OA by the Applicants have been dealt/addressed by the Hon’ble High Court of Delhi under Writ Petition (Civil) No. 2317 of 2023, the OA has become infructuous and the same may be allowed to be withdrawn.

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3. We have learned Counsel for the Applicants and learned Counsel for the respondents No.1, 3 and 5, 6, 7 and 18 and gone through the relevant report.
4. The learned Counsel for the applicants has reiterated the factual averments and the prayer made in the application.
5. On due consideration of the matter we are of the considered view for the reasons hereinafter mentioned that this OA having been filed for protection of public interest cannot be dismissed as withdrawn although the applicants can be allowed to withdraw from the same.
6. The Applicants filed OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. Vs. Department of Environment, Government of National Capital Territory of Delhi and others under Sections 14 and 15 of the National Green Tribunal Act, 2010 with the following prayer:-

*"In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass the following orders:*

- A. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 12-17 for illegal act of cutting/ felling/ pruning of trees in Vasant Vihar in accordance with the applicable laws;*
- B. Direct the Respondent Nos. 1-6 to take appropriate remedial and penal action against Respondent Nos. 7-8 for giving permission to cut/ fell/ prune the trees to Respondent Nos. 12-18 beyond jurisdiction;*
- C. Prohibit Respondent Nos. 12-17 from further cutting, felling, and pruning of trees in Vasant Vihar in future without any prior written approval of the concerned authority;*
- D. Direct the Respondent Nos. 10 and 11 to take action/ launch a probe with immediate effect against the Respondent Nos. 12-17 (being managing committee members of Respondent No. 18) involved in the illegal act of pruning of trees;*
- E. Impose environmental compensation on the Respondent Nos. 12-17 for violating the provision of DPT Act, the said Guidelines and causing environment damage;*
- F. Direct the Respondent Nos. 12-17 to pay the aforesaid environmental compensation (as prayed in prayer 'E') from their*

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*personal funds/ income and NOT from the account of Respondent No. 18; and  
G. Pass such other further order(S) as this Hon'ble Court deem fit to pass in the fact and circumstances of the case and in the interest of justice."*

7. Vide order dated 20.12.2022, this Tribunal took cognizance as prima facie the averments made in the application raised questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 and in the course of hearing ordered issuance of notices to concerned respondents. This Tribunal passed interim order dated 21.12.2022 permitting further pruning of the trees as mentioned therein and the relevant part of said order reads as under:-

*"8. In the meanwhile further pruning of the trees, if considered necessary, be carried out by the concerned civic authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. The Deputy Conservator of Forest, West Forest Division (Tree Officer); Deputy Director, Department of Horticulture, MCD and Deputy Director, Department of Horticulture, PWD are directed to ensure that such pruning takes place strictly in compliance with the statutory provisions and guidelines."*

8. The matter came up for hearing on 03.01.2023. Replies on behalf of Respondent No. 2-MCD and Respondent No. 18-Vasant Vihar Residents Welfare Association were filed vide emails dated 02.01.2023. Learned Counsel for the Respondents No. 1, 3 and 5 and learned Counsel for Respondent No. 6 sought time to file replies/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6, respectively. Learned counsel for the applicants also sought time to file photographs and copies of relevant documents to show pruning of trees by Respondents No. 12 to

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18 in violation of the guidelines/environmental norms. This Tribunal ordered that reply/response on behalf of Respondents No. 1, 3 and 5 and Respondent No. 6 and photographs and copies of relevant documents on behalf of applicants be filed within ten days. Learned counsel for the applicants submitted that pruning has been done and is being done by respondents no. 12 to 18 without requisite permission and in violation of statutory provisions/norms and such pruning may result in killing of about 7000 trees in Vasant Vihar, New Delhi. Learned counsel for the Respondents No. 12 to 18 refuted the allegations and submitted that scientific pruning of trees being essential for their growth was required to be carried out by the concerned Civic Authorities in accordance with the guidelines issued in this regard. Mr. Gurpreet Singh Bindra, President of Vasant Vihar Residents Welfare Association also submitted that on earlier occasions also pruning was done on the requests made by the residents as per decision taken in the meetings of office bearers of the above said association including applicant no. 3 and expenses for the same were borne by the above said association. In response thereto, even learned Counsel for the applicant did not dispute the requirement of scientific pruning of the trees but reiterated that pruning of the trees had been and was being carried out in violation of the guidelines endangering the very life of the trees in question. This Tribunal passed interim order dated 03.01.2023 permitting pruning of trees and relevant part of the order reads as under:-

*"11. Undisputedly, in the present case, Vasant Vihar Residents Welfare Association has approached the Civic Authorities for pruning of the trees in question in view of the request made by the residents of the locality. In the facts and circumstances of the case, we are of the considered view that the concerned Civic Authorities cannot be restrained from carrying out scientific pruning of the trees, which may be required for proper growth and health of the trees, in*

*accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994. In case of any unscientific pruning of the trees in violation of the guidelines, the applicants may avail the equally efficacious remedy of making complaints to the Deputy Conservator of Forest, West Forest Division (Tree Officer) who is directed to take appropriate action in accordance with law in case of making of any such complaint to him. However, in the peculiar facts and circumstances of the case, we do not find any impropriety in the Civic Authorities associating the Vasant Vihar Residents Welfare Association in carrying out scientific pruning of the trees. In fact, the environmental problems can be properly resolved with active participation of the members of the public/residents of the locality for protection and improvement of environment. The concerned instrumentalities of the State are required not only to create awareness amongst the members of public/residents of the locality but also to ensure their participation in plantation, protection, maintenance and management of trees by providing men-power/financial resources. In the facts and circumstance of the present case, it will be appropriate if the concerned Civic Authorities allow the office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants to participate, by voluntarily providing men-power/financial resources as the case may be, in carrying out scientific pruning of the trees in question as may be considered to be necessary in accordance with the guidelines under proper monitoring/supervision by the officials of the concerned Civic Authorities and Deputy Conservator of Forest, West Forest Division (Tree Officer) and the concerned Civic Authorities may for this purpose also constitute a Tree Management Committee (TMC) with concerned officials and office bearers of the Vasant Vihar Residents Welfare Association and residents of the locality including the applicants volunteering for plantation, protection, maintenance and management of the trees and other vegetation in the concerned area.*

12. *List for further consideration on 19.01.2023.*

13. *In the meanwhile, further pruning of the trees, if considered necessary, be carried out by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994 by associating office bearers of the Vasant Vihar Residents Welfare Association and other residents of the locality including the applicants volunteering for the purpose by providing the men-power/financial resources.*

14. *In the facts and circumstances of the case, we also consider presence of the concerned Deputy Directors (Horticulture), MCD, DDA and PWD respectively and the Deputy*

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*Conservator of Forest, West Forest Division (Tree Officer) before this Tribunal on the date fixed to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and accordingly, they are directed to remain present before this Tribunal on the date fixed."*

9. The Applicants filed Writ Petition (Civil) No. 2317 of 2023, titled as "Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors before the Hon'ble High Court of Delhi with the following prayer:-

*"In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased pass the following orders:*

*A. Set aside the order dated 19.01.2023 passed by the Hon'ble National Green Tribunal, Principal Bench in Original Application No. 911 of 2022;*

*B. Decide the issue that whether pruning of trees on government land can be undertaken by any person (i.e. private individual) other than the land owning agencies; and whether guidelines bearing no. F.no.8(193)/CF/TA/07-18/Part file/18-19/8473-80 dated 01.10.2019 (especially clause 5 of the same) are in conformity with the Delhi Preservation of Trees Act, 1994;*

*C. Issue a writ of mandamus directing the concerned land-owning agencies/ civic agencies (viz. Municipal Corporation of Delhi, Delhi Development Authority and Public Works Department, etc.) to carry out pruning on their own (without taking/ seeking any man-power/financial aid from the residents of Vasant Vihar);*

*D. Expunge the observations of the Hon'ble National Green Tribunal, Principal Bench 'casting aspersions' on the bonafide of the Petitioners in paras 18, 19 and 26 of the order dated 19.01.2023; AND*

*E. Direct the Hon'ble National Green Tribunal, Principal Bench to pass a reasoned order after hearing the application under Section 340 of the CR.P.C. a fresh by taking into consideration the complete record;*

*AND*

*Pass such order further order (s) as this Hon'ble Court may deem fit and necessary in the interest of justice."*

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

*“Conclusion:*

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

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

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

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

18. In W.P (C) 12271/2022 titled *Rajiv Dutta vs. GNCTD & Ors.*, this court had directed that complainants and public spirited persons who bring to the notice of the Tree Officer, DCF, any harm to trees or breach of statute or would be “required to be heard apropos complaint made or otherwise be kept informed throughout the proceedings...”. There should be no denial of natural justice in proceedings initiated before the Tree Officer. Therefore, apropos the conduct of quasi-judicial proceedings, imparting of refresher courses, to the Tree Officers, DCF would be of some assistance. The GNCTD is directed to arrange refresher training courses as maybe requisite, which would also cover the conduct of hearings through hybrid mode, e-filing of petitions, replies, etc., for the benefit of Tree Officers, DCF and other Officers of the Department, at the Delhi Judicial Academy, within four weeks of receipt of this order.

19. The petition stands disposed-off in terms of the above.”

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11. Hon'ble High Court of Delhi set aside the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer and directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. As regards, the petitioner's reservations apropos the personal observations about him in the impugned order dated 03.01.2023 passed by this Tribunal, Hon'ble High Court of Delhi expressed the view that in the light of substantive orders having been passed in the petition, the personal observations stood superseded and would be of no relevance and expunged the same.

12. It may be observed here that the Applicants did not challenge the validity of the Guidelines before this Tribunal and challenged the same for the first time in the writ petition filed before Hon'ble High Court of Delhi. Hon'ble High Court of Delhi set aside the Guidelines and expunged the remarks but Hon'ble High Court of Delhi did not completely set aside the impugned order dated 03.01.2023 passed by this Tribunal and also did not grant all the reliefs claimed in the OA particularly the relief for imposition and recovery of environmental compensation and the OA cannot be said to have become completely infructuous and is not liable to be dismissed as having become infructuous. It may also be added here that even Hon'ble High Court of Delhi also did not observe that the OA has become infructuous and merely observed as under:-

*"16. ...The learned counsel for the petitioner says, upon instructions, that in view of the above, he would seek to withdraw his petition before the NGT. The petitioner would always have the liberty to pursue all remedies as may be available to him in law."*

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13. Since the Hon'ble High Court of Delhi did not grant all the reliefs claimed in the OA, did not completely set aside order dated 03.01.2023 and did not observe the OA to have become infructuous, this Tribunal has to proceed with the OA and has to adjudicate upon all environmental questions involved in the case.

14. In **Sheela Barse vs. Union of India ;AIR 1988 SC 2211: (1988) 4 SCC 226 Law Finder Doc Id # 89691** the main public interest litigation petition was filed by Sheela Barse to highlight the gross violations of the constitutional and statutory rights of a large number of children in the country who were suffering custodial restraints in various parts of the country and for the protection and enforcement of their rights. Sheela Barse filed Miscellaneous Petition for leave to withdraw the main public interest litigation on grounds which were held by Hon'ble Supreme Court to be untenable. The question agitated related to the aspect whether a public-minded person who brings such an action is entitled, as of right, to withdraw the proceedings from the court. The Applicant contended that not only that leave for withdrawal cannot be refused but also that the main petition cannot be continued by any other citizen or organisation. Hon'ble Supreme Court noticed that the prayer, if granted, would frustrate the important issues the main petition had served to highlight in the matter of the status and enforcement of the laws enacted for the protection and welfare of the children in the country. The proceedings espoused the cause of a large number of suffering children who, on account of the traditional inertia against reform, the bureaucratic and official apathy, insensitivity to and lack of human consideration for the lot

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of the suffering children and the lack of proper perceptions of the values and ideology of the legislation concerning children even on the part of law enforcing agencies, were being denied the protection of their constitutional and statutory rights. Hon'ble Supreme Court observed that the proceedings in a public interest litigation are, therefore, intended to vindicate and effectuate the public interest by prevention of violation of the rights, constitutional or statutory, of sizeable segments of the society, which owing to poverty, ignorance, social and economic disadvantages cannot themselves assert - and quite often not even aware of - those rights and the "rights" of those who bring the action on behalf of the others must necessarily be subordinate to the "interests" of those for whose benefit the action is brought. Acknowledgement of any such status of a Dominus-Litis to a person who brings a public interest litigation will render the proceedings in public interest litigations vulnerable to and susceptible of a new dimension which might, in conceivable cases, be used by persons for personal ends resulting in prejudice to the public-weal. Hon'ble Supreme Court also noticed that in the proceedings Hon'ble Supreme Court had already gone through and had initiated an elaborate exercise as indicated in the orders excerpted earlier and held that the petition could not be permitted to be abandoned at that stage and only a private litigant could abandon his claims. Accordingly, Hon'ble Supreme Court refused permission for the withdrawal of the petition and directed that the applicant be deleted from the array of parties in the proceedings and the proceedings be proceeded with a direction to the Supreme Court Legal Aid Committee to prosecute the petition together with the aid and assistance of such persons or agencies as the Court may permit or direct from time to time.

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15. Observations made by Hon'ble Supreme Court in the above mentioned case are also relevant and applicable to the question of withdrawal of application by the Applicants in the present case. The right of the Applicants to withdraw application filed for serving public interest in protection and improvement of environment must necessarily be subordinate to the "interests" of those for whose benefit the action was brought. According status of a Dominus-Litis to the Applicants, who filed application for serving public interest of protection and improvement of environment, will render the proceedings vulnerable to and susceptible of a new dimension of use thereof for personal ends resulting in serious prejudice to the public interest of protection and improvement of environment. In the present proceedings this Tribunal has already initiated an elaborate exercise and the present proceedings cannot be permitted to be withdrawn at this stage. In the facts and circumstances of the case the Applicants cannot be permitted to withdraw the application and request for dismissal of the application as withdrawn is declined due to the same having been filed in public interest for protection and improvement of the environment.

16. Moreover, this Tribunal has been conferred power to take suo motu cognizance in discharge of its functions under the National Green Tribunal Act, 2010. In **Municipal Corporation of Greater Mumbai v. Ankita Sinha (SC) : AIR 2021 Supreme Court 5147 : Law Finder Doc Id # 1890858** Hon'ble Supreme Court considered the question whether this Tribunal has the power to exercise Suo Motu jurisdiction in discharge of its functions under the National Green Tribunal Act, 2010 and held that this Tribunal is vested with suo motu power in discharge of its functions

under the National Green Tribunal Act, 2010. The relevant extracts from the conclusion in that case are reproduced as under:-

*"30. The NGT Act, when read as a whole, gives much leeway to the NGT to go beyond a mere adjudicatory role. The Parliament's intention is clearly discernible to create a multifunctional body, with the capacity to provide redressal for environmental exigencies. Accordingly, the principles of environmental justice and environmental equity must be explicitly acknowledged as pivotal threads of the NGT's fabric. The NGT must be seen as a sui generis institution and not unus multorum, and its special and exclusive role to foster public interest in the area of environmental domain delineated in the enactment of 2010 must necessarily receive legal recognition of this Court.*

*31. The environmental impacts on climate change are gaining increasing visibility in the shape of uncertain rains, species extinction, loss of natural habitat and so on. These also have the propensity to diminish fresh water resources, reduce agricultural yields and impact public health, particularly in the cities. The flooding and erosion in riverine and coastal areas are matters of serious concern. Governmental assessment of India's increased vulnerability to such changes in the near future also exists[41\*] with many countries declaring climate emergencies and many others being urged to follow suit[42\*].*

*[41\* Indian Network for Climate Change Assessment, Climate Change and India: A 4X 4 Assessment - A sectoral and regional analysis for 2030s,*

*Ministry of Environment and Forests, Government of India, 16 November 2010]*

*[42\* Secretary-General's Remarks at the Climate Ambition Summit. United Nations. United Nations, December 12, 2020.]*

*32. Therefore, the nature of ecological imbalance which is visible even in our own times may cascade, and the unforeseen injustice of the future may not be capable of being handled within the frontiers set forth today. The long term and very often irreparable environmental damage which are expected to be arrested by the NGT, urge this Court to advert to what is termed as the 'Seventh Generation' sustainability principle, or the 'Great Law of the Iroquois' (as it originates from the Iroquois Tribe) which requires all decision making to withstand for the benefit of seven generations down the line.*

*33. It is vital for the wellbeing of the nation and its people, to have a flexible mechanism to address all issues pertaining to environmental damage and resultant climate change so that we can leave behind a*

*better environmental legacy, for our children, and the generations thereafter.*

*34. In circumstances where adverse environmental impact may be egregious, but the community affected is unable to effectively get the machinery into action, a forum created specifically to address such concerns should surely be expected to move with expediency, and of its own accord. The potentiality of disproportionate harm imposes a higher obligation on authorities to preserve rights which may be waylaid due to such restrictive access. It is also noteworthy that the "global impacts of climate change will fall disproportionately on minority and low-income communities". Thus, an affirmative role, beyond mere adjudication at the instance of applicant, is certainly required for serving the ends of environmental justice, as the statute itself requires of the NGT. We cannot validate an argument which furthers uncertainty to justify the role of a spectator, if not inaction, and would most assuredly result in injustice.*

*35. The NGT, with the distinct role envisaged for it, can hardly afford to remain a mute spectator when no-one knocks on its door. The forum itself has correctly identified the need for collective stratagem for addressing environmental concerns. Such a society centric approach must be allowed to work within the established safety valves of the principles of natural justice and appeal to the Supreme Court. The hands-off mode for the NGT, when faced with exigencies requiring immediate and effective response, would debilitate the forum from discharging its responsibility and this must be ruled out in the interest of justice.*

*36. It would be procedural hairsplitting to argue (as it has been) that the NGT could act upon a letter being written to it, but learning about an environmental exigency through any other means cannot trigger the NGT into action. To endorse such an approach would surely be rendering the forum procedurally shackled or incapacitated.*

*37. When the Registry of the NGT does indeed receive a communication or letter, including matters published in media, it may cause to initiate suo motu action by inviting attention of NGT to such matters in the form of office report. Such circumstances would however require a notice to be given to the sender of the communication or author of the news item, as the case may be, to assist the NGT in the course of hearing and to substantiate the factual matters. It must also be said that the exercise of suo motu jurisdiction does not mean eschewing with the principles of natural justice and fair play. In other words, the party likely to be affected should be afforded due opportunity to present their side, before suffering adverse orders.*

*38. One could admit to the argument of danger of suo motu jurisdiction, if the NGT was acting outside its domain. But when it is legitimately working within the contours of its statutory mandate and with procedural safeguards clarified above in play, the nature of the trigger itself viz. a letter or a 'suo motu' initiation, cannot be the basis to curtail the role and responsibility of the specialized*

*forum.*

*39. Institutions which are often addressing urgent concerns gain little from procedural nitpicking, which are unwarranted in the face of both the statutory spirit and the evolving nature of environmental degradation. Not merely should a procedure exist but it must be meaningfully effective to address such concerns. The role of such an institution cannot be mechanical or ornamental. We must therefore adopt an interpretation which sustains the spirit of public good and not render the environmental watchdog of our country toothless and ineffective.*

*40. Let us now hark back to the dialogues of the two protagonists, in Waiting for Godot, the play written by Samuel Beckett with which, we started this judgment. At the end of the deliberations, we find ourselves saying that the National Green Tribunal must act, if the exigencies so demand, without indefinitely waiting for the metaphorical Godot to knock on its portal. The preceding discussion advises us to answer the pointed question in the affirmative. It is accordingly declared that the NGT is vested with suo motu power in discharge of its functions under the NGT Act."*

17. Consistent with its statutory obligations under the National Green Tribunal Act, 2010, this Tribunal has to respond to the duly verified factual position in the present case with requisite remedial/ameliorative measures for protection of environment and this Tribunal cannot take refuge under any technical dispensation by dismissal of application as withdrawn.

18. In the peculiar facts and circumstances of the case the Applicants are allowed to withdraw from the application and the application can be further proceeded with in exercise of the powers of this Tribunal to take cognizance of civil cases involving issues relating to environment arising out of enforcement of enactments specified in Schedule I to the National Green Tribunal Act, 2010. Mr. Rahul Khurana, Joint Secretary of National Green Tribunal Bar Association has stated that National Green Tribunal Bar Association is ready to join the proceedings as applicant and may be substituted for the Applicants. The National Green Tribunal Bar

O.A. No. 911/2022

Prof. Dr. Sanjeev Bagai & Ors. Vs.  
Department of Environment, GNCTD & Ors.

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Association is accordingly allowed to join the proceedings as applicant and substituted for the Applicants and the names of the Applicants be deleted and the name 'the National Green Tribunal Bar Association' be substituted for them in the array of parties. Memo of parties be amended accordingly.

19. It may be observed here that Hon'ble High Court of Delhi relied upon order dated 13.03.2017 passed by Western Zone Bench of this Tribunal in O.A. no. 157/2016 titled as Mr. Pradeep Indulkar Vs. Municipal Corporation for the City of Thane and others which analyzed a similar provision of law regarding pruning of trees under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as upheld by Hon'ble Supreme Court in Civil Appeal No. 8946/2017. For brevity relevant part of the Judgment is not extracted and reproduced herein as the same can be referred to therein.

20. While setting aside the Guidelines Hon'ble High Court of Delhi directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. The question of framing of such guidelines and/or rules has to be considered by the concerned authorities in the light of observations made by Hon'ble High Court of Delhi. We are of the considered view that the matter needs to be examined by a Committee of Experts from the relevant fields with respect to all relevant aspects as to permissibility of pruning of trees and the modalities for carrying out the same.

21. In the course of hearing of this case and of similar matters coming up for hearing before this Tribunal it has come to our notice that there is

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Prof. Dr. Sanjeev Bagai & Ors. Vs.  
Department of Environment, GNCTD & Ors.

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no enactment similar to the Delhi Preservation of Tree Act, 1994, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, the Uttar Pradesh Protection of Trees Act, 1976 in the States of Haryana, Punjab and Himachal Pradesh besides others and the aspects of illegal cutting and pruning of trees are being ignored or remain unremedied due to absence of statutory frame work and requisite guidelines. Protection of trees is of utmost importance for protection and improvement of environment and remedial measures are also required to be taken under the Environment Protection Act, 1986 and the matter also calls for intervention by this Tribunal in exercise of powers under the National Green Tribunal Act, 2010.

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

23. In view of the nature of the environmental questions involved in the matter having national ramifications, we consider presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case

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Department of Environment, GNCTD & Ors.

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may be, and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, they are impleaded as respondents. The Registry is directed to amend memo of parties and issue notices to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB is also directed to obtain and compile the information with respect to the above mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. The reply/response as directed above be filed on or before 03.02.2024 through E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF).

24. It may be observed here that this Tribunal vide orders dated 21.12.2022 and 03.01.2023 directed the concerned Civil Authorities-MCD/DDA to carry out pruning of the trees as mentioned therein in accordance with the Delhi Preservations Trees Act, 1994 and Guidelines dated 01.10.2019. The guidelines were set-aside by Hon'ble High Court of Delhi vide order dated 29.05.2023. We consider it appropriate to seek response from MCD and DDA regarding orders passed/permissions granted for pruning of trees in Delhi and also carrying out of pruning of trees in Vasant Vihar by them before and after 29.05.2023 and response from DCF, West Forest Division regarding complaints made to him and action taken by him in respect of illegal cutting/pruning of trees. Replies by Commissioner, MCD, Vice Chairman, DDA and DCF, West Forest Division, Delhi be filed on or before 03.02.2024 through E-filing portal

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(not through E-mail) in the form of searchable PDF/OCR Support PDF  
(not in the form of Image PDF).

25. List for further hearing on 06.02.2024.

26. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.

27. A copy of this order be sent to the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 05<sup>th</sup>, 2023

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C-18/3/2023-Dir(S&T)-SnT\_AN 1956

1/77618/2024

Annexure 3



अंडमान तथा निकोबार प्रशासन  
ANDAMAN & NICOBAR ADMINISTRATION  
प्रदूषण नियंत्रण समिति  
POLLUTION CONTROL COMMITTEE  
DEPARTMENT OF SCIENCE AND TECHNOLOGY  
Dolly Gunj, Port Blair-744 103 Tel/Fax 250370  
E-mail: dstpcc-andamans@nic.in

Port Blair, dated: 24-01-2024

To

The Divisional Head,  
UPC-I, Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar  
Delhi-110032.

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

Ref: CPCB office letter No. CM-13011/196/2023-LAW-HO-CPCB-HO dated 03.01.2024

Sir,

This is with reference to the direction issued in the Hon'ble NGT order dated 05.12.2023 in Original Application No. 911/2022, I.A. No. 14/2023 and I.A.No.16/2023, titled Prof.Dr. Sanjeev Bagai & Ors. Versus Department of Environment,GNCTD & Ors.

In this regard, please find the enclosed information received from the Department of Environment and Forest, Andaman & Nicobar Islands for your reference and necessary action.

Yours faithfully,

Encl: A/a

Member Secretary, ANPCC

Copy to:

1. PA to Secretary, S&T/Chairman ANPCC for kind information of the Secretary, S&T /Chairman ANPCC.
2. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Signed by Abhishek Bhukal

Date: 24-01-2024 18:45:11

Reason: Approved  
Member Secretary, ANPCC

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No. F.5 (Legal)/2/Vol-IV/19  
प्रधानमुख्य वन संरक्षक का कार्यालय

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS**

अण्डमान तथा निकोबार द्वीप समूह

**ANDAMAN AND NICOBAR ISLANDS**

वन सादन, हैडो

**VAN SADAN - HADDO**

\*\*\*\*\*

Port Blair dated the 18<sup>th</sup> January, 2024

To,

The Member Secretary,  
Andaman & Nicobar Pollution Control Committee,  
Department of Science and Technology,  
Dollygunj, Port Blair-744103.

Sub: Hon'ble NGT order dated 05.12.2023 in O.A. No. 911/2021, I.A. No.14/2023 and I.A. No. 16/2023 titled Prof. Dr. Sanjeev Bagal & Ors. -Vs- Dept, of Environment, GNCTD. - reg.

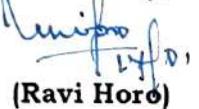
Ref: Your office letter No. 7-47/PCC/NGT/Misc/2023/920 dated 16.01.2024.

Sir,

Kind attention is invited to the letter under reference on the captioned subject matter I am directed to furnish the information sought with respect to all related aspects of protection of trees, felling and pruning of trees and framing of guidelines/rules in prescribed format (copy enclosed) for information and needful action at your end.

Encl: As above

Yours faithfully,



**(Ravi Horé)**

Conservator of Forests  
(Headquarters)

**Information with respect to all related aspects of protection of trees, felling and pruning of trees and framing of guidelines/rules regarding the same, pertaining to Andaman and Nicobar Islands**

1.	Name of State/Union Territory	Andaman & Nicobar Islands
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	There is no specific Act at present for regulating felling and pruning of trees in non-forest areas.
	ii) If yes, please provide brief details of the Act and copy of the same	Does not arise.
	iii) If no, is there any plan of development of Act	As per the records of this Department the Revenue Department, A&N Administration has submitted a draft "Andaman and Nicobar Islands Felling and Transit of Tree Species on Non-Forest land Regulation 2020 to Government of India.
	iv) If yes, please provide timeline of development of such Act	The relevant information may be obtained from Revenue Department.
3.	i) Is there any Rule for protection of trees or felling and pruning of trees	Does not arise in view of 2 (i) above.
	ii) If yes, please provide brief details of the rule and copy of the same	-do-
	iii) If no, is there any plan of development of such Rule	-do-
	iv) If yes, please provide timeline of development of such Rule	-do-
4.	i) Is there any Guidelines for protection of trees or felling and pruning of trees	Does not arise in view of 2 (i) above.
	ii) If yes, please provide brief details of the Guidelines and copy of the same	-do-
	iii) If no, is there any plan of development of Guidelines	-do-
	iv) If yes, please provide timeline of development of such Guidelines	-do-
5.	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees	As regards non-forest areas no such compensation/penalty is imposed at present.
	ii) If yes, please provide brief details of the methodology and copy of the same	Does not arise.
	iii) If no, is there any plan of development of methodology	No such matter is presently under consideration of Department of Environment and Forest

	iv) If yes, please provide timeline of development of such methodology	Does not arise.
6.	If Acts, Rule, Guidelines, statutory framework are not there, how issues like- protection of trees, felling and pruning of trees are dealt, please provide information,	Pending approval of the draft regulation as mentioned at 2(iii) the dangerous trees <sup>which pose</sup> threat to life and property standing on Revenue land/Private land/Land belonging to any institution/Individual are being allowed to be removed by the Sub-Divisional Magistrate under section 133 of CrPC.
7.	Other relevant information	NIL

  
 17/01  
 Conservator of Forests  
 (Headquarter)

**GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT**

FROM  
Sri Chiranjiv Choudhary I.F.S.,  
Principal Chief Conservator of Forests  
& Head of Forest Force (FAC),  
Aranya Bhavan, PVS Land Mark,  
Mangalagiri, Guntur District,  
522503

TO  
The Member Secretary,  
Central Pollution Control Board,  
MoEF &CC, Gol, Parivesh Bhavan,  
East Arjun Nagar,  
New Delhi - 110032.

Sir,

**Rc.No.1079/2024/Legal Cell, dt. 24.01.2024.**

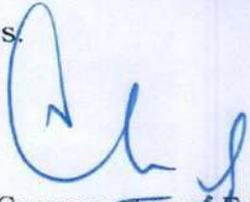
Sub: APFD - OA.No.911/2022 filed by for directions regarding illegal cutting /felling/ pruning of trees in Vasant Vihar, New Delhi - orders of Hon'ble NGT, dt.05.12.2023 calling for details on legal provisions for protection of trees - furnished - Reg.

Ref: 1.Member Secretary, MoEF & CC, Lr.No.CM-13011/196/2023-LAW-HO-CPCB-HO,dt.03.01.2024.  
2. APPCB, Lr.No.APPCB-11/4/2024-TSE-CFO-APPCB,dt.24.01.2024.

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Adverting to the reference cited, it is to inform that the information with regard to protection and management of forests/trees, and penalties thereof, and the procedure to be followed in respect of illegal cutting/felling/pruning of trees as envisaged under the Andhra Pradesh Forest Act, 1967, Andhra Pradesh Reservation of Private Forest Rules, 1978, Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules, 1989 and Andhra Pradesh Water, Land and Trees Act, 2002 and Andhra Pradesh Water, Land and Trees Rules, 2004 are mentioned in the format along with copies of the mentioned Acts and Rules.

Encl: As above.

  
Principal Chief Conservator of Forests &  
Head of Forest Force.

Copy to the Member Secretary, APPCB, Dr. YSR Pariyavaran Bhavan, APIIC Colony Road, Autonagar, Vijayawada (<https://pcb.ap.gov.in>) for information.

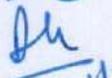
**Format**  
**information with respect to all related aspects of protection of trees, felling**  
**and pruning of trees and framing of guidelines**  
**/ rules regarding the same**

1	1. Name of State /Union Territory :		Andhra Pradesh
	(i) Is there any act for protection / preservation of trees or felling and pruning of trees :	Yes/No	Yes,
	(ii) If yes, please provide brief details of the Act and copy of the same :		1. Andhra Pradesh Forest Act, 1967 (For protection and management of Forests, duly prescribing severe punishment for violation of said Act.) 2. Andhra Pradesh Water, Land and Trees Act, 2002 (An Act to promote Water Conservation and increase Tree Cover and Regulate the protection and management of Trees).
	(iii) If no, is there any plan of development of Act :	Yes/No	No
	(iv) If yes, please provide timeline of development of such Act :		No
2	(i) Is there any Rule for protection of trees or felling and pruning of trees :	Yes/No	1. Andhra Pradesh Preservation of Private Forest Rules, 1978. (Protection and Management of Trees in scheduled areas) 2. Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules, 1989 (For empowering the officers of other departments with the powers of Forest Officers for preserving, reproduction and disposal of trees and timber belonging to Government. 3. Andhra Pradesh Water, Land and Trees Rules, 2004. (To increase Tree Cover and Regulate the protection and management of trees)
	(ii) If yes please provide brief details of the Rule and copy of the same :		Not Applicable

	(iii) If no, is there any plan of development of such Rule	:	Yes/No	Not Applicable
	(iv) If yes, please provide timeline of development of such Rule	;		Not Applicable
3	(i) Is there any guidelines for protection of trees or felling and pruning of trees	:	Yes/No	In G.O.Ms.No.87, EFS&T, (Sec.II) Dept., dt.29.11.2017 under Ease of Doing Business (EoDB), Government of Andhra Pradesh have prescribed simplified procedure to accord tree felling permission, as per which the applicant has to submit application to Forest Department for felling of trees duly paying Rs. 500/- per tree (Rs. 450/- towards security Deposit for planting charges in case the applicant fails to plant number of trees felled and Rs. 50/- towards inspection charges).
	(ii) If yes, please provide brief details of the guidelines and copy of the same	:		Yes
	(iii) If no is there any plan of development of Guidelines	:	Yes/No	No
	(iv) If yes, please provide timeline of development of such Guidelines	:		Does not arise
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	Yes,
	(ii) If yes, please provide brief details of the methodology and copy of the same	:		1. For illegal felling of trees in the Forest areas, Penalties and procedure has been prescribed under Section 44 & 59 of Andhra Pradesh Forest Act, 1967. 2. For illegal felling of trees in other than Forest areas, Penalties and procedure has been prescribed under Section 37, 38 of Andhra Pradesh Water, Land and Trees Act, 2002 read with Section 26, 27 & 28 of Andhra Pradesh Water, Land and Trees (WALTA) Rules, 2002.
	(iii) If no, is there any plan of development of methodology	:	Yes/No	No

	(iv) If yes, please provide timeline of development of such methodology	:		Does not arise
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.	:		Does not arise
6	Other relevant information.	:		Nil

  
 Principal Chief Conservator of Forests &  
 Head of Forest Dept.  
 Andhra Pradesh.

  
 24/10/24



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Annexure 5

Government of Arunachal Pradesh  
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD

Department of Environment & Forests

Paryavaran Bhawan, Yupia Road, Naharlagun -791110

Email ID: [arunachalspcb@gmail.com](mailto:arunachalspcb@gmail.com), website : [www.apspcb.net](http://www.apspcb.net)

No.APSPCB-10/2024/OA-911/2022/130-31

Date : 31/01/2024

To,

The Member Secretary  
Central Pollution Control Board  
East Arjun Nagar, Shadhra  
Delhi – 110032  
Email – [upc1.cpcb@gov.in](mailto:upc1.cpcb@gov.in)

Sub:- Hon'ble NGT Order dated 05.12.2023 in original application no.911/2022, I.A. No.14/23 and I.A. No.16/2023 titled Prof. Sanjeev Bagai & Ors versus department of environment, GNCTD & Ors.

Ref:- Your letter no.CM-13011/196/2023-LAW-HO-CPCB-HO dated 03.01.2024,

Sir,

Enclosed please find herewith the attached information (in supplied FORMAT) in the aforesaid matter of Hon'ble NGT order dated 05.12.2023 received from the Department of Environment, Forest & Climate Change, Itanagar for your necessary action.

Yours faithfully

(Koj Rinya, IFS)  
Member Secretary

No.APSPCB-10/2024/OA-911/2022/130-31

Date : 31/01/2024

Copy to:

1. The Regional Director, CPCB, Shillong for kind information please.
2. Office copy.

(Koj Rinya, IFS)  
Member Secretary

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GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF ENVIRONMENT FOREST & CLIMATE CHANGE  
ITANAGAR

No. FOR /277/LC/2023 / 1885

Dated Jan/2024  
30/1

To

The Member Secretary,  
Arunachal Pradesh State Pollution Control Board.

Sub:-Hon'ble NGT Order dated 05.12.2023 in Original Application no 911/2022, I.A. No 14/2022 and I.A. No. 16/2023 titled "Prof. Sanjeev Bagai & Ors versus Department of Environment, GNCTD & Ors.

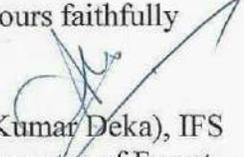
Ref:- No.APSPCB-10/2024/OA-911/2022/627. Dated 25<sup>th</sup> Jan 2024.

Sir,

Inviting reference to your letter No mentioned above this is to submit herewith the format duly filled up along with necessary enclosures for your further necessary action please.

- Encl:- (i) Assam Forest Regulation act 1891.  
(ii) Assam Forest Regulation act 1891 amended by Amendment act, 2005.  
(iii) Arunachal Pradesh (Control of felling & Removal of trees from Non-Forest land). Rules 2001 & 2012.

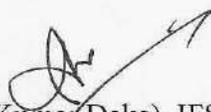
Yours faithfully

  
(Arup Kumar Deka), IFS  
Conservator of Forest  
(Protection)

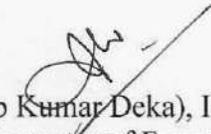
**FORMAT**

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	:	Arunachal Pradesh
2.	i) Is there any act for protection /preservation o trees or felling and pruning of trees	:	Yes
	ii) If yes, please provide brief details of the Act and copy of the same	:	Copy of Assam Forest Regulation Act 1891 amended by the Amendment Act 2005 is enclosed as <b>Annexure-A.</b>
	iii) If no, is there any plan of development of act	:	NA
	iv) If yes, please provide timeline of development of such act	:	NA
3.	i) Is there is any rule for protection of trees or felling and pruning of trees	:	Yes
	ii) If yes, please provide brief details of the rule and copy of the same	:	(I) "Arunachal Pradesh (control of Felling & Removal of Trees from Non-forest land). Rules, 2001" (II) "Arunachal Pradesh (control of Felling & Removal of Trees from Non-forest land). Rules, 2012" Copy enclosed as <b>Annexure-B.</b>
	iii) If no, is there any plan of development of rule	:	NA
	iv) If yes, please provide timeline of development of such rule	:	NA
4.	i) Is there any guideline for protection of trees or felling and pruning of trees	:	Yes
	ii) If yes, please provide brief details of	:	Same as Sl. no 2 & 3

  
 (Arup Kumar Deka), IFS  
 Conservator of Forest  
 (Protection)

	the guideline and copy of the same	
	iii) If no, is there any plan of development of guideline	: NA
	iv) If yes, please provide timeline of development of such guideline	: NA
5.	i) Is there any methodology for imposing environmental compensation /penalty for violation of in respect of illegal trees felling and illegal pruning of trees	: Yes
	ii) If yes, please provide brief details of the methodology and copy of the same	: As per Section 2.35, there is provision for imposition of penalties for violation of the Assam Forest Regulation Act 1891 amended by the Amendment Act 2005.
	iii) If no, is there any plan of development of methodology	: NA
	iv) If yes, please provide timeline of development of such methodology	: NA
6.	If Acts, Rules Guidelines, Statutory Framework are not there, how issues like – protection of trees, felling, feeling and pruning of trees are dealt, please provide information	: Does not arise
7.	Other relevant information.	: Nil

  
 (Arup Kumar Deka), IFS  
 Conservator of Forest  
 (Protection)



**REGISTERED / E-mail**  
**BIHAR STATE POLLUTION CONTROL BOARD**  
 Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: [msbspcb-bih@gov.in](mailto:msbspcb-bih@gov.in), Website <http://bspcb.bihar.gov.in>

Ref. No.:- 180

Patna, dated:- 23.1.24

**From**

S. Chandrasekar,  
Member-Secretary.

**To**

The Member Secretary,  
Central Pollution Control Board, New Delhi,  
Parivesh Bhawan, East Arjun Nagar,  
New Delhi- 110032.

**Sub: Hon'ble NGT order dated 05.12.2023 in O.A. No. 911/2022, I.A. No. 14/2023 and I.A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Vs Department of Environment, GNCTD & Ors.**

**Ref: Your letter no. CM-13011/196/2023-LAW-HO-CPCB-Ho 8382, dated 03.01.2024.**

Sir,

With reference to the subject above, it is to inform that the information in the prescribed format, as sought, has been obtained from the Department of Environment, Forest and Climate Change, Govt. of Bihar.(enclosed)

The same is being forwarded to your for necessary action and compliance.

Encl: As above.

(S. Chandrasekar)  
 Member-Secretary  
 23/1/24

1893

कार्यालय, प्रधान मुख्य वन संरक्षक, बिहार, पटना।

पंचम तल, अरण्य भवन, शहीद पीर अली खॉ पथ, पटना-800 014 (E-mail-pccfbihar@gmail.com)

पत्रांक- 54

प्रेषक,

कमल जीत सिंह, भा0व0से0,  
मुख्य वन संरक्षक-सह-वन संरक्षक (मुख्यालय)  
कार्यालय-प्रधान मुख्य वन संरक्षक,  
बिहार, पटना।

सेवा में,

सदस्य सचिव,  
बिहार राज्य प्रदूषण नियंत्रण पर्षद,  
पटना।

पटना-14, दिनांक- 11/1/2024

विषय-

माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली में दायर O.A. No. 911/2022 (IA no.-14/2023 & IA no.-16/2023), Prop. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors के मामले में पारित आदेश दिनांक-05.12.2023 के अनुपालन के संबंध में।

प्रसंग-

आपका कार्यालय पत्रांक-P/Legal/01-/2024/66 दिनांक-10.01.2024

महाशय,

उपर्युक्त विषयक मॉगी गई सूचना / प्रतिवेदन इस पत्र के साथ संलग्न कर भेजी जा रही

है।

अनु0-यथोक्त।

विश्वासभाजन

मुख्य वन संरक्षक-सह-वन संरक्षक (मुख्यालय)  
कार्यालय-प्रधान मुख्य वन संरक्षक,  
बिहार, पटना।

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	BIHAR
1.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	: No
	ii) If yes, please provide brief details of the Act and copy of the same.	: NA
	iii) If no, is there any plan of development of Act	: No
	iv) If yes, please provide timeline of development of such Act.	: NA
2.	i) Is there any Rule for protection of trees or felling and pruning of trees.	: No
	ii) If yes, please provide brief details of the Rule and copy of the same.	: NA
	iii) If no, is there any plan of development of Rule.	: No
	iv) If yes, please provide timeline of development of such Rule.	: NA
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees.	: Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same.	By Resolution no 43(E) dated 28.01.2013, 119 (E) dated 03.03.2014 and 178 (E) dated 29.03.2016 of state Government guidelines has been laid down for felling of trees on non-Forest Government Land. Provision has been made for compensatory plantation of trees against the felled trees.
	iii) If no, is there any plan of development of Guidelines.	: NA
	iv) If yes, please provide timeline of development of such Guidelines.	: NA
4.	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees	: No
	ii) If yes, please provide brief details of the methodology and copy of the same.	: NA
	iii) If no, is there any plan of development of methodology.	: No
	iv) If yes, please provide timeline of development of such methodology.	: NA
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.	: NA
6.	Other relevant information.	: NA



## छत्तीसगढ़ पर्यावरण संरक्षण मंडल

पर्यावास भवन, नार्थ ब्लॉक, सेक्टर - 19,  
नवा रायपुर अटल नगर, रायपुर (छ.ग.) 492002  
email:- hocecb@gmail.com

क्रमांक 8560 /तक./मु./छग.पंसंम./2024

नवा रायपुर अटल नगर, रायपुर दिनांक 24/1/2024

प्रति,

सदस्य सचिव,  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,  
परिवेश भवन, पूर्वी अर्जुन नगर,  
दिल्ली-110032

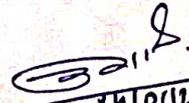
विषय :- Hon'ble NGT Order dated 05/12/2023 in Original Application No. 911/2022, I.A. No. 14/2023 and I.A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

संदर्भ :- 1. आपका पत्र क्रमांक CM-13011/196/2023-LAW-HO-CPCB-HO दिनांक 03/01/2024.  
2. दिनांक 23/01/2024 को Video Conferencing के माध्यम से हुई बैठक।

—: 00 :—

उपरोक्त विषय एवं संदर्भ के परिप्रेक्ष्य में वांछित जानकारी अपर प्रधान मुख्य वन संरक्षक (संरक्षण), कार्यालय प्रधान मुख्य वन संरक्षक एवं वन बल प्रमुख छत्तीसगढ़ से प्राप्त की गई है, जो कि संलग्न कर, आवश्यक कार्यवाही हेतु आपकी ओर कृपया प्रेषित है।

संलग्न :- उपरोक्तानुसार।

  
सदस्य सचिव (I/c)

छत्तीसगढ़ पर्यावरण संरक्षण मंडल,  
नवा रायपुर अटल नगर, रायपुर (छ.ग.)



# कार्यालय प्रधान मुख्य वन संरक्षक एवं वन बल प्रमुख छत्तीसगढ़

अरण्य भवन, सेक्टर-19, नॉर्थ ब्लॉक, अटल नगर, रायपुर,  
( शाखा-संरक्षण )

दूरभाष क्रमांक 0771-2512850

Email\_ID : apccf-protection.cg@gov.in

ccf\_protect@yahoo.co.in

क्रमांक/सं.-02/127

रायपुर, दिनांक 24/01/2024

प्रति,

सदस्य सचिव,  
छत्तीसगढ़ पर्यावरण संरक्षण मंडल  
नवा रायपुर अटल नगर,  
जिला-रायपुर(छ.ग.)

**विषय:-** Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

**संदर्भ:-** छत्तीसगढ़ पर्यावरण संरक्षण मंडल का पत्र क्रमांक 8410/तक./छ.ग. प.स.म/2024 नवा रायपुर अटल नगर, दिनांक19.01.2024

— \* —

विषयांतर्गत केन्द्रीय प्रदूषण बोर्ड द्वारा निर्धारित प्रपत्र में वांछित जानकारी समय सीमा में उपलब्ध कराने हेतु लेख किया गया है। तत्संबंध में संरक्षण शाखा की जानकारी संलग्न प्रस्तुत है।

**संलग्न :-** उपरोक्तानुसार।

अपर प्रधान मुख्य वन संरक्षक (संरक्षण)  
छत्तीसगढ़, अटल नगर, रायपुर

क्रमांक/सं.-02/128

रायपुर, दिनांक 24/01/2024

**प्रतिलिपि:-**सदस्य सचिव, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, परिवेश भवन, अर्जुन नगर, दिल्ली की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

**संलग्न :-** उपरोक्तानुसार।

अपर प्रधान मुख्य वन संरक्षक (संरक्षण)  
छत्तीसगढ़, अटल नगर, रायपुर

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

1.	Name of State/Union Territory	Chhattisgarh
2.	i) Is there any Act for Protection/preservation of trees or felling and pruning of trees	Indian Forest Act,1927
	ii) If yes, please provide brief details of the Act and copy of the same	Provisions under section 26, 33 and 41 are related to Protection/preservation of trees or felling and pruning of trees
	iii) If no, is there any Plan of development of Act	No
	iv) If yes, please provide timeline of development of such Act	-
3	i) Is there any Rule for protection of trees or felling and pruning of tress	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	No
	iv) If yes, please provide timeline of development of such Act	-
4	i) Is there any Guidelines for Protection of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same	1. There is a system of beat inspection as per sanctioned beat roaster in which Divisional Forest Officer/Sub Divisional officer/ Range officer/ Range Assistants do regular Beat inspection. 2. Regular night patrolling is being done in sensitive areas. 3. JMF samities have been actively involved in Forest Protection
	iii) If no, is there any Plan of development of Guidelines	No
	iv) If yes, please provide timeline of development of such Guidelines	-
5	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal tress felling and illegal pruning of trees.	for illegal felling of trees there is provsion of penalty in terms of tax and compensation
	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	-
	iv) If yes, please provide timeline of development of such methodology	-
6	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	1. Acts, Rules, Guidelines, Statutory frame works are there in Place and accordingly action is taken for any, illegal felling of trees in forest areas.
7	Other relevant information	



प्रदूषण नियंत्रण समिति  
Pollution Control Committee

Annexure 8

संघ प्रदेश प्रशासन दादराएवंनगरहवेली एवं दमन एवं दीव

U. T. Administration of Dadra and Nagar Haveli and Daman and Diu

प्रथमतल, उद्योगभवन, भेंसलोर, नानीदमन, दमन-३९६२१०

1<sup>st</sup> Floor, Udyog Bhavan, Bhenslore, Nani Daman, Daman-396210

Ph.: 0260-2262524/ 2260975, e-mail –pcc-dnhdd@ddd.gov.in



No. PCC/DDD/NGT-911(2022)/2023-24/ 2 2 8

Date: 24/ 01 / 2024

To,  
The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
New Delhi - 110032

Sub: Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I.A. No. 14/2023 and I.A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors. - reg.

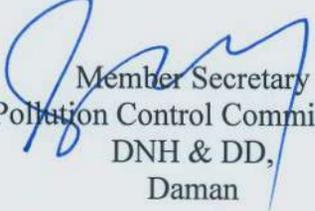
Ref: Letter vide No. CM-13011/196/2023-LAW-HO-CPCB-HO dated: 03/01/2024

Sir,

With reference to the subject cited above, kindly find enclosed herewith a copy of the details of protection of trees, action against illegal felling and pruning of trees and all related aspects including framing and guidelines / rules regarding the same for the U.T. of Dadra & Nagar Haveli and Daman and Diu.

This is for kind information and further needful, please.

Yours faithfully

  
Member Secretary  
Pollution Control Committee,  
DNH & DD,  
Daman

Encl: As above

Copy to: -

1. The Regional Directorate (West), Central Pollution Control Board, 'Parivesh Bhawan' Opp. VMC Office Ward No 10, HT Line Road, Subhanpura, Vadodara-390023
2. Urban Pollution Control-I Division, Central Pollution Control Board, Delhi-110032



संघ शासित प्रदेश दादरा एवं नगर हवेली  
Administration of Dadra & Nagar Haveli (U.T.)  
उप वन संरक्षक (प्रादेशिक) का कार्यालय  
Deputy Conservator of Forests (Territorial)  
सिलवासा / Silvassa.



Phone: 0260 – 2963693 E-mail: [deft-dnh@nic.in](mailto:deft-dnh@nic.in)

F. No. 8-1/134/FD/DEVP/2024/162

Date: 22, January, 2024.

To,

The Member Secretary,  
Pollution Control Committee,  
DNH & DD.  
E-mail: [pcc-dnhdd@ddd.gov.in](mailto:pcc-dnhdd@ddd.gov.in)

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

Ref: Your Office letter No.PCC/DDD/NGT-911(2022)/2023-24/17 dated 17/01/2024

Sir,

In reference to the above subject, the details of protection of trees, action against illegal felling and pruning of trees and all related aspects including framing and guidelines/rules regarding the same for the U.T. of Dadra & Nagar Haveli and Daman Diu are as below:

Sr. no.	Particular	Reply
1.	Union Territory Dadra and Nagar Haveli and Daman and Diu	
	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Act and copy of the same	The trees in the Forest Area are protected under Indian Forest Act, 1927 and Wildlife Protection Act, 1972. The Trees outside the Forest Area are protected under Dadra & Nagar Haveli and Daman & Diu PTA, 1984 (2022). The Copies of the Acts are enclosed herewith.
	iii) If no, is there any plan of development of Act	-
	iv) If yes, please provide timeline of development of such Act	-
2.	i) Is here any Rule for protection of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Rule and copy of the same	The Rules are framed to implement the Act mentioned above at 1 (ii). The Rules are Dadra & Nagar Haveli Forest Rules & Goa, Daman & Diu Forest Rules, The Wildlife Protection Act, 1972, the Dadra & Nagar Haveli and Daman & Diu Preservation of Tree Act Rule, 1984. (The Copies of the rules are enclosed herewith.
	iii) If no, is there any plan of development of Rule	-
	iv) If yes, please provide timeline of development of such Rule	-
3.	i) Is there any Guideline for protection/preservation of	NA

	trees or felling and pruning of trees	
	If yes, please provide brief details of the Guideline and copy of the same	-
	If no, is there any plan of development of Guidelines	-
	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	The penalties for illegal felling of the trees in Forest and Non Forest areas are imposed under respective Acts and Rules.
	ii) If yes, please provide brief details of the methodology and copy of the same	In Chapter IX Section 52 to 69 of Indian Forest Act, 1927, In Chapter VI section 51 of Wildlife Protection, 1972 and In Chapter VI Section 16 to 26 of Preservation Tree Act, DNH & DD, 2022. (The Copies of the Acts are enclosed herewith 1 (ii).
	iii) If no, is there any plan of development of methodology	-
	iv) If yes, please provide timeline of development of such methodology	-
5.	If Act, Rules, Guidelines, statutory framework are not there, how issues like - protection of trees, felling and pruning of trees are dealt, please provide information.	NA
6.	Other relevant information	-

This is issued with the approval of the Competent Authority..

Yours faithfully,



**(Rajthilak S., IFS)**

Deputy Conservator of Forests (T),  
Dadra & Nagar Haveli,  
Silvassa.

Encl:

1. Indian Forest Act. 1927
2. Wildlife Protection Act. 1972
3. Preservation of Tree Act. 1984
4. Dadra and Nagar Haveli Forest Rules, 1966
5. Goa Daman & Diu Forest Rules, 1965

Copy to,

1. The Chief Conservator of Forest, Dadra & Nagar Haveli and Daman & Diu, Silvassa for kind information please.
2. The Conservator of Forest, Dadra & Nagar Haveli and Daman & Diu, Silvassa for kind information please.

---

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

---

**From :** Amit Anand IFS <cf.gnctd@delhi.gov.in>

Thu, Jan 25, 2024 03:51 PM

**Subject :** Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I.A No. 14/2023 and I.A No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.- reg.

 4 attachments

**To :** UPC I <upc1.cpcb@gov.in>, Danish Meena <danish.cpcb@nic.in>

**Cc :** Suneesh Buxy <pccf-gnctd@delhi.gov.in>, Dr. SUNEESH BUXY IFS <cwlw-dofw@delhi.gov.in>, P. Viswakannan <ccf.gnctd@gov.in>, Amit Anand IFS <cf.gnctd@gov.in>, Amit Anand IFS <dcfpm.gnctd@delhi.gov.in>, Abhinav Kumar <dcfhq.gnctd@gov.in>, Dr. K.S Jayachandran <msdpcc@nic.in>

Please refer to your office letter dated 03.01.2024 on the subject cited above. In this regard, the requisite information in respect of the Department of Forests and Wildlife, GNCTD is hereby attached in the prescribed format for your kind reference.

--

With regards,

-----

O/o Conservator of Forests  
Department of Forests & Wildlife  
Govt. of NCT of Delhi  
Vikas Bhawan, 2nd Floor,'A' Block  
I.P. Estate, New Delhi-110002  
Tel No: 011-23379629

---

 **Information 2[1].pdf**  
213 KB

 **Annexure-A[1].pdf**  
6 MB

 **Annexure-B[1].pdf**  
3 MB

 **Annexure-C[1].pdf**  
978 KB

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# 1902

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	Department of Forests and Wildlife, GNCTD.
2.	i) Is there any Act for protection / preservation of trees or felling and pruning of trees	Yes
	ii) If yes, please brief details of the Act copy of the same	<p>The relevant Section 8, 9, 10 &amp; 11 of the Delhi Preservation of Trees Act, 1994 are reproduced below:-</p> <p><b>8. Restrictions on felling and removal of trees.-</b> Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer:</p> <p>Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.</p> <p><b>9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.-</b>(1) Any person desiring to fell or remove or otherwise dispose of, by any means, a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of such documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measure at a height of 1.85 metres from ground level and the reasons therefor, copy of sajra showing clearly the site and khasra numbers of the property.</p> <p>(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission:</p> <p>Provided that such permission may not be refused if the tree-</p> <ul style="list-style-type: none"> <li>(i) is dead, diseased or wind fallen; or</li> <li>(ii) is silviculturally mature, provided it does not occur on a steep slope; or (iii) constitutes a danger to life or property; or</li> <li>(iv) constitutes obstruction to traffic; or</li> <li>(v) is substantially damaged or destroyed by fire, lightening, rain or other natural causes; or</li> <li>(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for bone fide use for fuel, fodder, agricultural implements or other</li> </ul>

		<p>domestic use.</p> <p>(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application: Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.</p> <p>(4) If the Tree Officer fails to communicate his permission on request within the period specified under sub-section (3), the permission referred to in section 8, shall be deemed to have been granted.</p> <p>(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.</p> <p><b>10. Obligation to plant trees.</b>-Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission as may be directed by the Tree Officer: Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.</p> <p><b>11. Preservation of trees.</b>-(1) Subject to the provisions of section 13, it shall be the duty of the owner of the land to comply with an order made under section 9, or a direction issued under section 10 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.</p> <p>(2) All the owners shall effectively protect all lands or trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner to take such measures as are considered necessary to protect trees from damage. In case of default, the Tree Officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner. The copy of the said Act is annexed as <b>Annexure- A</b>.</p>
	iii) If no, is there any plan of development of Act.	Not applicable
	iv) if yes, please provide timeline of development of such Act.	Not applicable
2.	i) Is there any Rule for protection of trees or felling and pruning of trees.	Yes

	ii) If yes, please provide brief details of the Rule and copy of the same.	The copy of the said Rule is annexed as <b><u>Annexure- B</u></b>
	iii) If no, is there any plan of development of Rule.	Not applicable
	iv) if yes, please provide timeline of development of such Rule	Not applicable
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees.	Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same.	<p>The pruning guidelines dated 01.10.2019 were in force for effective/ scientific pruning of trees framed under the provisions of DPTA, 1994. However, the Hon'ble High Court of Delhi vide order dated 29.05.2023 in W.P.(C). No. 2317/2023 "Dr. Sanjeev Bagai Vs. Principal Secretary (Env. &amp; Forest), GNCTD", set aside the existing guidelines and gave the following direction:-</p> <p>"14. ....Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.</p> <p>15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite</p> <p>In view of the above, the new guideline has been framed by the department and are under submission to the Government for seeking approval under Delhi Preservation of Trees (DPTA), 1994. The copy of old guidelines for pruning of trees annexed as <b><u>Annexure- C</u></b>.</p>
	iii) If no, is there any plan of development of Guidelines.	Not applicable
	iv) If yes, please provide timeline of development of such Guidelines.	The file of draft guidelines for pruning / felling of trees is under submission to the Government for seeking approval under Delhi Preservation of Trees (DPTA), 1994.
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
	ii) If yes, please provide brief details of the methodology and copy of the same.	<p>The relevant Section 21 &amp; 24 of the Delhi Preservation of Trees Act, 1994 are reproduced below:-</p> <p><b>21. Power to compound offence.</b>-(1) The Government may, by</p>

		<p>notification empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forest</p> <p>(a) to compound any offence committed under this Act on payment of-</p> <p>(i) a sum not exceeding rupees ten thousand by way of composition for the offence which such person is suspected to have committed; and</p> <p>(ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed;</p> <p>(b) to release any property seized or liable to confiscation, on payment of the value thereof as estimated by such officer and the amount determined 'as payable for composition of the offence, as of ordered by the Tree Officer or any Forest Officer, as the case may be.</p> <p>(2) On the payment of such sums or such value or both, as the case may be, to such officer, the property seized and the offender, if in custody, shall be released and no further proceeding shall be taken against such offender or property.</p> <p><b>24. Penalty.</b>-(1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.</p> <p>However, as per the approval of Govt., the compounding by imposition of composition fee Rs. 60,000 (Minimum) for each tree felled and Rs. 20,000 (Minimum) for each tree pruned.</p>
	<p>iii) If no, is there any plan of development of methodology.</p>	<p>Not applicable</p>
	<p>iv) If yes, please provide timeline of development of such methodology.</p>	<p>Not applicable</p>
<p>5.</p>	<p>If Act, Rules, Guidelines statutory framework are not there, how issues like-protection of trees, felling and pruning of trees are dealt, please provide information.</p>	<p>Not applicable</p>
<p>6.</p>	<p>Other relevant information</p>	<p>Not applicable</p>

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**Most Urgent -Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors. Sir,**

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**From :** legal gpcb <legal.gpcb@gmail.com>

Thu, Jan 25, 2024 12:31 PM

**Subject :** Most Urgent -Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors. Sir,

 1 attachment

**To :** UPC I <upc1.cpcb@gov.in>

**Cc :** uh-gpcb-p1br@gujarat.gov.in

Respected sir,

This is in reference to Hon'ble NGT order dated 05.12.2023 in reference to above Original Application No. 911/2022, titled Prof.Dr. Sanjeev Bagai&Ors. Versus Department of Environment, GNCTD &Ors., wherein Hon'ble NGT, in para 23 directed all States / Union Territories to file their reply/response on the aspects of protection of trees, action against illegal felling and pruning of trees, and all related aspects including framing of guidelines/rules regarding the same.

In view of the above, please find enclosed herewith the details as asked by you in prescribed format for your kind perusal.

**Thanks & Regards,**

**R.R.Panchal**

Legal Executive,

Legal Branch,

Gujarat Pollution Control Board,

Sector 10A Gandhinagar,

Phone No.09427548944,

[E-mail:legal.gpcb@gmail.com](mailto:legal.gpcb@gmail.com)

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 **Forest details State of Gujarat.docx**

17 KB

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

S.No.	Name of State / Union Territory	Gujarat
1.	i. Is there any Act for protection / preservation of trees of felling and pruning of trees.	Yes
	ii. If yes, please provide brief details of the Act and copy of the same.	<p>1. Provisions of Indian Forest Act, 1927 and the amendment made by Gujarat State are applicable for protection/preservation of trees for notified forest areas.</p> <p>2. Forest (Conservation) Act, 1980 ["Van (Sanrakshan Evam Samvardhan) Adhinyam"] for diversion for Forest areas for non-forestry purposes.</p> <p>3. Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 is enacted for felling of trees outside notified forest areas wherein the following provision is made:</p> <p>3. (1) Notwithstanding anything contained in 8 or in any other law for the time being in force in the State-</p> <p>(a) no person either by himself or through any other person shall, without the written permission of the Collector or any other officer [any Village Panchayat constituted or deemed to be a Village Panchayat under the Bombay Village Panchayats Act, 1958] duly empowered in this behalf by the Government, voluntarily fell, appropriate or damage, or cause to be felled., appropriated or damaged, any tree, or any portion thereof</p> <p>(b) any person who contravenes the provisions of sub-clause (a) shall, on conviction by a revenue officer not below the rank of a Mahalkari authorised by Government in this behalf, be liable to fine which may extend to rupees one thousand and which shall not be less than rupees fifty, unless the Revenue Officer inflicting such fine considers it improper, for special reasons to be recorded in writing, to inflict such minimum amount of fine.</p>
	iii. If No, is there any plan of development of Act	No.
	iv. If Yes, Please provide timeline of development of such Act	Not applicable
2	i. Is there any rule for protection of trees or felling and pruning of trees.	No. However for Gandhinagar capital City, a provision for consultation of Forest Department for cutting of trees has been made and Forest Department undertakes the tree felling or pruning activities in Gandhinagar Capital City.

	ii. If yes, please provide brief details of the Rules and copy of the same.	Attached herewith
	iii. If No, is there any plan of development of Rule.	No.
	iv. If Yes, Please provide timeline of development of such Rule.	Not applicable
<b>3.</b>	i. Is there any Guidelines for protection of trees or felling and pruning of trees.	No.
	ii. If yes, please provide brief details of the Guidelines and copy of the same.	No separate guidelines have been issued
	iii. If No, is there any plan of development of Guidelines.	No.
	iv. If Yes, Please provide timeline of development of such Guidelines.	Not applicable
<b>4</b>	i. Is there any methodology for imposing environmental compensation / penalty for violation in respect of illegal trees felling and illegal pruning of trees.	Yes The provisions of Indian Forest Act, 1927 and the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 are applicable for violation in respect of illegal trees felling and illegal pruning of trees.
	ii. If yes, please provide brief details of the methodology and copy of the same.	As above
	iii. If No, is there any plan of development of methodology.	No.
	iv. If Yes, Please provide timeline of development of such methodology.	Not applicable
<b>5</b>	If Acts, Rules, Guidelines, Statutory framework are not there, how issue like – protection of trees, felling and pruning of trees are dealt. Please provide information.	As, there are existing provisions for this purpose, question does not arise
<b>6</b>	Other relevant information.	-

1909

Annexure 11

**PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HoFF) HARYANA**

C-18, Van Bhawan Sector-6, Panchkula, Telephone No.: +91 172 2563988, Email : papccf@gmail.com

No.: 573

Dated : 25/01/2024

To

✓ Senior Environmental Engineer,  
Haryana State Pollution Control Board,  
C-11, Sector-6, Panchkula.

**Sub.: Compliance to direction of Hon'ble NGT dated 05.12.2023 in the matter of Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors. (O.A. No. 91/2022, LA No. 4/2023 and LA 16/2023).**

\*\*\*\*\*

Please refer to your letter No. HSPCB/Misc.Cell/2024/1901 dated 23.01.2024.

The information on prescribed proforma on above noted subject is enclosed.

  
Principal Chief Conservator of Forests (HoFF),  
Haryana, Panchkula. *gc*

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	This information pertains to land which attracts provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in State of Haryana.
2.	i) Is there any Act for protection/ preservation of trees or felling and pruning of trees : Yes/No	Yes
	ii) If yes, please provide brief details of the Act and copy of the same :	<ol style="list-style-type: none"> <li>1. Indian Forest Act, 1927</li> <li>2. Wildlife (Protection) Act, 1972</li> <li>3. Punjab Land Preservation Act, 1900</li> <li>4. Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980</li> </ol>
	iii) If no, is there any plan of development of Act : Yes/No	-NA-
	iv) If yes, please provide timeline of development of such Act :	-NA-
2.	i) Is there any Rule for protection of trees or felling and pruning of trees : Yes/No	Yes
	ii) If yes, please provide brief details of the Rule and copy of the same :	<ol style="list-style-type: none"> <li>1. The land on which the Indian Forest Act, 1927, Wildlife (Protection) Act, 1927 &amp; Special Notifications made under Punjab Land Preservation Act, 1900 have been made attract provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The MoEFCC has made elaborate Rules and Guidelines under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 which can be accessed from the website of MoEFCC. Further, tree felling in Forest areas is permitted only in accordance with the 10 year Working Plans of the Forest Divisions approved by MoEFCC or when Forest lands get diverted for non-forestry purposes by the Central Government under provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Tree felling in Forest areas outside these provisions is an illegal activity and lawful action for such illegal activities is taken under penal clauses of Indian Forest Act, Wildlife Protection Act, Punjab Land Preservation Act &amp; Van (Sanrakshan Evam Samvardhan) Adhiniyam.</li> <li>2. There is restriction of tree felling in lands notified under General Section 4 of Punjab Land Preservation Act, 1900 without approval of Divisional Forest Officers. The tree felling on such lands has been notified by the State Government as Right to Service. Notification dated 11<sup>th</sup> July, 2022 is placed</li> </ol>

		at Annexure-1. Persons requiring tree felling on land of their ownership apply on Right to Service Portal and the applications are processed and decided by the Competent Authority as per procedure of Right to Service Portal. Any tree felling done without permission of Competent Authority is punishable under Section 19 of the Punjab Land Preservation Act, 1900.
	iii) If no, is there any plan of development of Rule : Yes/No	-NA-
	iv) If yes, please provide timeline of development of such Rule :	-NA-
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees : Yes/No	Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same :	The guidelines made under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEFCC can be accessed from the website of MoEFCC.
	iii) If no, is there any plan of development of Guidelines : Yes/ No	-NA-
	iv) If yes, please provide timeline of development of such Guidelines :	-NA-
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	No
	ii) If yes, please provide brief details of the methodology and copy of the same :	-NA-
	iii) If no, is there any plan of development of methodology and copy of the same :	The penal provisions of Forest Laws provide for fines or imprisonment or both for violation of tree felling or diversion of Forest land for non-forestry purposes. However, there is no provision for environmental compensation. The Forest Laws are enacted by the Central Government in MoEFCC and any plan of development of same, if needed, is to be done by the MoEFCC.
	iv) If yes, please provide timeline of development of such methodology :	-NA-
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	-NA-
6.	Other relevant information	--

  
 Principal Chief Conservator of Forests (HoFF)

**HARYANA GOVERNMENT**  
**ADMINISTRATIVE REFORMS DEPARTMENT**

**Notification**

The 11th July, 2022

**No. 7/31/2014-3AR.**— In exercise of the powers conferred under sub-sections (1) and (2) of section 3 of the Haryana Right to Service Act, 2014 (4 of 2014) and in supersession of serial numbers 190 and 191 and entries thereagainst of the Schedule to the Haryana Government, Administrative Reforms Department, notification No. 7/31/2014-3AR, dated the 15th February, 2016, the Governor of Haryana, on the recommendation of the Commission hereby notifies the following services, the time limit within which these are to be provided to citizens, the Designated Officers, First Grievances Redressal Authority and Second Grievances Redressal Authority of Forest and Wildlife Department under the said Act as specified in the Schedule given below, namely :-

**Schedule**

Serial No.	Name of the Department	Name of service	Given time limit	Designated officer	First Grievances Redressal Authority	Second Grievances Redressal Authority
1	2	3	4	5	6	7
1	Forest and Wildlife Department	Permission for felling of trees in areas notified under general section-4 of Haryana Land and Preservation Act, 1900 (Punjab Act II of 1900)	15 Days	Divisional Forest Officer(DFO)	Chief Conservator of Forests (CCF)/ Conservator of Forests (CF)	Additional Principal Chief Conservator of Forests (APCCF) (Forestry)
2	Forest and Wildlife Department	NOC in respect of Haryana Land and Preservation Act, 1900 (Punjab Act, II of 1900) or Forest or Restricted lands	15 Days	Divisional Forest Officer(DFO)	Chief Conservator of Forests(CCF)/ Conservator of Forests (CF)	Additional Principal Chief Conservator of Forests (APCCF) (Forestry)

SANJEEV KAUSHAL,  
Chief Secretary to Government, Haryana.

**File No. Ft42-1807/2023 (Mgt.) OA No. 911/2022  
Forest Department Himachal Pradesh.**

From :

Principal Chief Conservator of Forests (HoFF)  
Himachal Pradesh, Shimla.

To:

The Member Secretary HP State Pollution Control Board  
Phase-III, New Shimla-171009 Himachal Pradesh, Shimla.

Dated Shimla-1, the.

23 JAN 2024

Subject:

Compliance of NGT Order dated 05.12.2023 passed by the Hon'ble NGT in  
OA No. 911/2022 titled Prof. Dr. Sanjeev Bagai & Ors V/s Department of  
Environment, GNCTD & Ors pending before the Hon'ble NGT New Delhi.

Sir:

Kindly refer to your office letter No. PCB/(DL370)OA NO. 911/2022-  
14357 dated 17.01.2024 on the subject cited above.

2. The requisite information duly filled in proforma is sent herewith for favour  
of information & necessary action.

Your faithfully

Chief Conservator of Forests, (Management)  
O/o Pr. CCF (HoFF) HP

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.

		Remarks
1.	Name of State /Union Territory	-
2.	i) Is there any Act for protection /preservation of trees of felling and pruning of trees	Yes, i) In the State of HP conservation and protection of tree grown on private land is dealt as per Land Preservation Act 1978 and rules made there under i.e. HP Land Preservation Rules 1983. ii) As regards trees grown an Govt. Forests necessary action is being taken as per provisions contained vide IFA 1927 copy of same is available on the web site.
	ii) If yes, please provide brief details of the Act and copy of the same	A copy of LPA 1978, HP Land preservation Rules, 1983 HP Govt. order No.FFE-B-A(3)4/99 Dated 10.09.2002, and Govt order No. FFE-B-A(3)4/99 Dated 24.09.2003 is enclosed herewith as <b><u>Annexure-I</u></b>
	iii) If no, is there any plan of development of Act	- N/A
	iv) If yes, please provide timeline of development of such Act	- N/A
2.	i) Is there any Rule for protection of trees or felling and pruning of trees	As regards pruning & loping of trees necessary instructions/Guidelines to field functionaries in compliance of OA No. 372/2022 titled as Avinash Vidhrohi V/s State of HP have been issued vide this office letter No.Ft.1/2018-19(S)Vol-II dated 06.07.2023.
	ii) If yes, please provide brief details of the Rule and copy of the same	A copy of Memo No. Ft.1/2018-19(S) Vol-II dated 06.07.2023 is enclosed herewith as <b><u>Annexure-II</u></b>
	iii) If no, is there any plan of development of Rule	- N/A
	iv) If yes, please provide timeline of development of such Rule	- N/A
3.	i) Is there any Guidelines for protection	As per point No 2 above.

# 1915Annexure 13



Winter office: November-April  
Parivesh Bhawan, Gladini,  
Transport Nagar, Narwal,  
Jammu-180006  
Ph./Fax.0191-2476925

Government of Jammu and Kashmir  
J&K Pollution Control Committee



Summer office: May-October  
Sheikh-ul-Alam campus,  
Behind Govt. Silk factory,  
Rajbagh, Srinagar (J&K)- 190008  
Ph./Fax.0194-2311165

mail: membersecretaryjkspcb@gmail.com

The Member Secretary,  
Central Pollution Control Board,  
Delhi.

No:- JKPCB/NGT/147/22/ 2634-35

Date:- 24-01-2024

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

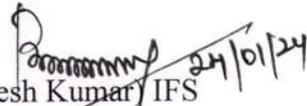
**Ref:- CPCB No. CM-13011/196/2023-LAW-HO-CPCB-HO/8389; dated 03-01-2024.**

Sir,

With reference to the subject cited above, the information pertaining to the Union Territory of Jammu and Kashmir as per prescribed format is enclosed, for information and necessary action.

Yours Sincerely,

**Encl:- As above.**

  
(K. Ramesh Kumar) IFS  
Member Secretary

Copy to the:

- 1) Regional Director, CPCB, Regional office Chandigarh for information and necessary action.

Information pertaining to the Union Territory of Jammu and Kashmir

1.	Name of State / Union Territory	Jammu and Kashmir
2.	i) Is there any Act for protection / preservation of trees or felling and pruning of trees	Yes.
	ii) If yes, please provide brief details of the Act and copy of the same	<p>i) The Jammu and Kashmir Preservation of Specified Trees Act, 1969 (copy enclosed as <b>Annexure- I</b>). This applies for trees growing on private land and State land but not on Forest land. Restrictions on felling is applicable only on trees that had been declared as specified trees. As of now, the following species have been declared as specified trees :- Walnut, Willow, Khair, Conifers and Oaks.</p> <p>ii) Further, as per the provisions laid out in chapter XX in Section 339 to 355 of J&amp;K Municipal Corporation Act, 2000, the Tree felling are regulated within the jurisdiction of Municipal Corporations (copy enclosed as <b>Annexure-II</b>).</p>
	iii) If no, is there any plan of development of Act	NA
	iv) If yes, please provide timeline of development of such Act	NA
3.	i) Is there any Rule for protection of trees or felling and pruning of trees.	Yes.
	ii) If yes, please provide brief details of the Rule and copy of the same	The Jammu and Kashmir Preservation of Specified Trees Rules, 1969 (copy enclosed as <b>Annexure III</b> ).
	iii) If no, is there any plan of development of Rule	NA
	iv) If yes, please provide timeline of development of such Rule.	NA
4.	i) Is there any Guidelines for protection of trees or felling and pruning of trees	Yes.
	ii) If yes, please provide brief details of the Guidelines and copy of the same	<p>i) Circular No. 05 of 1998 by J&amp;K Forest Department dated 05-03-1998 read with Circular by J&amp;K Forest Department dated 31-03-2011 is annexed as <b>Annexure IV</b>.</p> <p>ii) Guidelines for felling of trees posing threat to life and property has been issued in J&amp;K Forest Department vide Circular No. 01 of 2019 dt. 28-11-2019 (copy enclosed as <b>Annexure V</b>).</p>
	iii) If no, is there any plan of development of Guidelines	NA

	iv) If yes, please provide timeline of development of such Guidelines.	NA
5.	i) Is there any methodology for imposing environmental compensation / penalty for violation in respect of illegal trees felling and illegal pruning of trees	Yes,
	ii) If yes, please provide brief details of the methodology and copy of the same	<p>i) In Forest land, it is dealt under the provisions of Indian Forest Act, 1927.</p> <p>ii) In the jurisdictions of Municipal Corporations as per the provisions laid out in Section 352 penal provisions are provided (copy enclosed as <b>Annexure-VI</b>).</p> <p>iii) Section 13 of Jammu and Kashmir Preservation of Specified Trees Act, 1969 prescribes penalties for violations of the provisions of the said Act.</p>
	iii) If no, there any plan of development of methodology	NA
	iv) If yes, please provide timeline of development of such methodology	NA
6.	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	NA
7.	Other relevant information	<p>i) In Forest area, the trees have been protected in accordance with Indian Forest Act, 1927.</p> <p>ii) In State and Private land J&amp;K Specified Trees Act, 1969 and J&amp;K Specified Trees Rules, 1969 and particularly with reference to Khair trees it is regulated as per the provisions laid out in SRO-111 of 2016 (copy of SRO 111 is enclosed as <b>Annexure-VII</b>).</p> <p>iii) Tree Officer for the Tree Authorities in Jammu Municipal Corporation and Srinagar Municipal Corporation has been ordered vide Govt. Order no. 110-FST of 2023 dt. 11-05-2023 (copy enclosed as <b>Annexure-VIII</b>).</p> <p>iv) Felling of trees in village woodlots, strip plantations and community land involving community participation is regulated under the Jammu and Kashmir Social Forestry (Plantation) Rules 2023 (copy enclosed as <b>Annexure-IX</b>).</p>



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151  
e-mail: [chn.kspcb@gov.in](mailto:chn.kspcb@gov.in); [ms.kspcb@gov.in](mailto:ms.kspcb@gov.in) FAX: 2318152 web: [kspcb.kerala.gov.in](http://kspcb.kerala.gov.in)



## KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



KSPCB/390/2022-EE4

Date: 24/01/2024

From

The Member Secretary

To

The Member Secretary  
Central Pollution Control Board  
Parivesh Bhavan  
East Arjun Nagar  
Delhi-110032

Sub: Hon'ble NGT (PB) Order dated 05.12.2023 in Original Application No.911/2022, I.A. No.14/2023 and I.A. No.16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors-reg

Ref: 1. Your office Letter No. CM-13011/196/2023-LAW-HO-CPCB-HO dated 03/01/2024  
2. Letter No. SW3-578/2024 dated 24.01.2024 of the Forest Department (copy enclosed)

Sir,

Kind attention is invited to the subject matter wherein it was directed to collect the information on the aspects of protection of trees, action against illegal felling and pruning of trees, and all related aspects including framing of guidelines/ rules regarding the same. The report, based on the information submitted by Forest Department, in the prescribed format is attached herewith.

Yours Faithfully

MEMBER SECRETARY

for

Enclosures: As above

Social Forestry Head office  
Forest Headquarters,  
Thiruvananthapuram  
E-mail :pccf-sf.for@kerala.gov.in  
Phone-0471-2325364,

No. SW3-578/2024

Date: 24 -01-2024

From

The Additional Principal Chief Conservator of Forests (SF)  
Thiruvananthapuram

To

The Chairperson  
Kerala State Pollution Control Board  
Thiruvananthapuram.

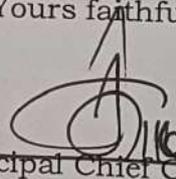
Sir,

Sub: Hon'ble NGT (PB) Order dated 05.12.2023 in Original Application No. 911/2022 I.A No. 14/2023 and LA No. 16/2023 titled Prof. Dr. Sanjeev Baga & Ors Versus Department of EnviroOnmetn, GNCTD & Ors - details - regarding

Ref: That office letter no. KSPCB/46/2024-SEE 1 dated 23.01.2024.

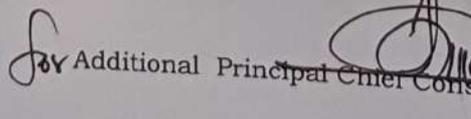
Attention is invited to the subject and references cited. The details requested vide reference cited in the prescribed proforma is forwarded herewith for information.

Yours faithfully

  
for Additional Principal Chief Conservator of Forests  
(Social Forestry), Thiruvananthapuram

**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	:	Kerala
2. i)	Is there any Act for protection/preservation of trees or felling	:	Yes
ii)	If yes, please provide brief details of the Act and copy of the same	:	In Forest area - THE KERALA FOREST ACT, 1961 In Non Forest area - THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST AREAS ACT, 2005
iii)	If no, is there any plan of development of Act	:	NA
iv)	If yes, please provide brief details of the Rule and copy of the same	:	
3. i)	Is there any Rule for protection of trees or felling and pruning of trees	:	Yes
ii)	If yes, please provide brief details of the Rule and copy of the same.	:	THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST LAND RULES, 2011
iii)	If no, is there any plan of development of Rules	:	NA
iv)	If yes, please provide timeline of development of such Rules	:	
4. i)	Is there any guidelines for protection of trees or felling and pruning of trees	:	Yes
ii)	If yes, please provide brief details of the Guidelines and copy of the same	:	G.O(Rt) No.68/2010/F&WLD dated 10.02.2010 (copy attached)
iii)	If no, is there any plan of development of Guidelines	:	NA
iv)	If yes, please provide timeline of development of such Guidelines	:	
5. i)	Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees	:	Yes For felling of trees in public land at the disposal of government - permission granted by Tree Committee constituted as per G.O(Rt)No.172/2010/F&WLD dated 21.04.2010 is mandatory. Compensatory planting in the ratio of 1:10 in lieu of tree felling has to be carried out by the user agency. For illicit felling - on complaint received from the authority of the land, concerned SHO of Police Department can initiate legal action for theft from Government property.
ii)	If yes, please provide brief details of the methodology and copy of the same	:	Compensatory planting - G.O(Rt)No.172/2010/F&WLD dated 21.04.2010. (copy attached)
iii)	If no, is there any plan of development of methodology	:	NA
iv)	If yes, please provide timeline of development of such methodology	:	NA
6.	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	:	NA
7.	Other relevant information	:	

  
 Additional Principal Chief Conservator of Forests (SF)

**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	Kerala
2	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Act and copy of the same	In Forest area - THE KERALA FOREST ACT, 1961 In Non Forest area - THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST AREAS ACT, 2005
	iii) If no, is there any plan of development of Act	NA
	iv) If yes, please provide timeline of development of such Act	
3	i) Is there any Rule for protection of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Rule and copy of the same	THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST LAND RULES, 2011
	iii) If no, is there any plan of development of Rule	NA
	iv) If yes, please provide timeline of development of such Rule	
4	i) Is there any Guidelines for protection of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same	G.O(Rt) No.68/2010/F&WLD dated 10.02.2010 (copy attached)
	iii) If no, is there any plan of development of Guidelines	NA
	iv) If yes, please provide timeline of development of such Guidelines	
5	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees.	Yes For felling of trees in public land at the disposal of government permission granted by Tree Committee constituted as per G.O(Rt) No.172/2010/F&WLD dated 21.04.2010 is mandatory. Compensatory planting in the ratio of 1:10 in lieu of tree felling has to be carried out by the user agency.  For illicit felling on complaint received from the authority of the land, concerned SHO of Police Department can initiate legal action for theft from Government property.
	ii) If yes, please provide brief details of the methodology and copy of the same	Compensatory planting- G.O(Rt)No.172/2010/F&WLD dated 21.04.2010.(copy attached)
	iii) If no, is there any plan of development of methodology	NA
	iv) if yes, please provide timeline of development of such methodology	NA
6	If Acts, Rules, Guidelines, statutory framework are not there, how issues like-protection action of trees, felling and proving of trees are dealt, please provide information	NA
7	Other relevant information	



संघ राज्य प्रशासन, लद्दाख

लद्दाख प्रदूषण नियंत्रण समिति

No: LPCC/UTL/NGT/2024/ 753-754

email: [membersecretarylpcc@gmail.com](mailto:membersecretarylpcc@gmail.com)

THE ADMINISTRATION OF  
UNION TERRITORY OF LADAKH  
LADAKH POLLUTION CONTROL  
COMMITTEE

Dated: - 15/01/2024

The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
New Delhi, 110032.

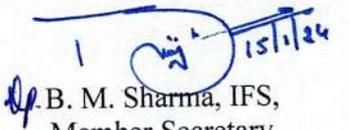
Subject: Hon'ble NGT Order dated 05-12-2023 in Original Application No. 911/2022, I.A. No. 14/2023 and I.A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

Sir,

With reference to CPCB communication No.CM-13011/196/2023-LAW-HO-CPCB-HO, dt: 03.01.2024, kindly find enclosed herewith the information as per the prescribed format for favour of further necessary action at your end.

Encl: A/A.

Yours faithfully,

  
B. M. Sharma, IFS,  
Member Secretary,  
Ladakh Pollution Control Committee,  
Union Territory of Ladakh.

Copy to the:

- Chairman, Ladakh Pollution Control Committee, UT of Ladakh, for favour of information please.

- 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	Union Territory of Ladakh
2.	i) Is there any Act for protection/ preservation of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Act and copy of the same	The Indian Forest Act, 1927 is strictly implemented for protection/ preservation of trees growing on forest land. However, the trees growing on State land/ private land are under protection of Jammu & Kashmir Preservation of Specified Trees Act, 1969, which is applicable to Ladakh region also.
	iii) If no, is there any plan of development of Act	N.A.
	iv) If yes, please provide timeline of development of such Act.	N.A.
2.	i) Is there any Rule of protection of trees or felling and pruning of trees.	No specific rules, but protection of trees or felling and pruning of trees etc. growing on forest land is governed under the provisions of Indian Forest Act, 1927.
	ii) If yes, please provide brief details of the rule and the copy of the same	
	iii) If no, is there any plan of development of Rule.	The J&K Preservation of Specified Trees Rules, 1969, under the Jammu & Kashmir Preservation of Specified Trees Act, 1969, applicable for the trees growing on State land/ Private land, are comprehensive for the purpose.
	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.	-As above- Some circulars as guidelines have been issued by the Forest Department, may please refer point No. 5.
	ii) If yes, please provide brief of the guidelines and copy of the same.	
	iii) If no, is there any plan of development of guidelines.	
	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	The general penal provisions for felling/ lopping of trees in Reserved Forest are implemented as per Sec. 26 (1) (e) and (f) of Indian Forest Act, 1927, which provide for punishment with imprisonment for a term which may extend to two years, or with fine which may extend to twenty-five thousand rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid. Similarly, for felling or lopping of trees in a Protected Forest, the penal provisions are contained in Section 33 (1) (a) & (f) which

		prescribe a penalty in the form of imprisonment for a term which may extend to two years, or with fine which may extend to twenty-five thousand rupees.
	ii) Is yes, please provide brief details of methodology and copy of the same.	-
	iii) If no, is there any plan of development of methodology	-
	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	<p>Ladakh is a cold desert with most of areas above tree line, with no natural forests, except for plantation of Poplar and Salix sporadically occurring at different locations.</p> <p>Further, for felling / pruning of trees raised / growing on institutional lands / defense land, the circular guidelines issued by the office of the Principal Chief Conservator of Forests, J&amp;K vide no: PCCF/Lease/Felling/Trees/2011/1094-1144, dt: 31.03.2011 are applied.</p> <p>There are also circular guidelines issued vide Circular no: 01 of 2019, dt: 28.11.2019 for felling of trees posing threat to life and property which are also applicable (both the copy enclosed)</p>
6	Other relevant information	As above.

Encl:

- i) The Jammu & Kashmir Preservation of Specified Trees Act, 1969.
- ii) The Jammu & Kashmir Preservation of Specified Trees Rule, 1969.
- iii) Circular No. PCCF/Lease/Felling/trees/2011/1094-1144, dt: 31.03.2011.
- iv) Circular No. 01 of 2019, dt: 28.11.2019.



Annexure 16

लक्षद्वीप प्रदूषण नियंत्रण समिति  
LAKSHADWEEP POLLUTION CONTROL COMMITTEE  
विज्ञान एवं प्रौद्योगिकी विभाग  
DEPARTMENT OF SCIENCE & TECHNOLOGY  
कवरत्ती- 682555  
KAVARATTI -682 555  
E-Mail: [lk-dst@nic.in](mailto:lk-dst@nic.in)

**File No: LD-03014/1/2024-LPCC-UT-LKS**

Dated 30.01.2024

To

Shri Apoorv Kurup,  
Advocate- on- Record, Supreme Court of India  
A-2/141, Lower Ground Floor,  
Safdarjung Enclave, New Delhi -110 029  
E-Mail: [apoorv@akurup.com](mailto:apoorv@akurup.com), [office@akurup.com](mailto:office@akurup.com)

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

Sir,

Kindly refer the Hon'ble NGT Order dated 05.12.2023 in Original Application No.911/2022, I.A. No. 14/2023 and I.A. No.16/2023, titled prof. Dr. Sanjeev Bagi & Ors. Versus Department of Environment, GNCTD & Ors. The information received from the Department of Environment & Forest, UT of Lakshadweep in the Performa is enclosed herewith for filing the response as of the Lakshadweep Pollution Control Committee. Further your professional charge bill may forward to the undersigned.

**Encl: As above**

Yours faithfully,

  
**MEMBER SECRETARY,**  
Lakshadweep Pollution Control Committee

**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 the State/ Union Territory	U.T. of Lakshadweep
2	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	No
	ii) If Yes, please provide brief details of the Act and copy of the same	Not applicable
	iii) If No, is there any plan of development of Act	Yes
	iv) If Yes, please provide time line of development of such act	One Year
3	i) Is there any rule for protection of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the rule and copy of the same	Not applicable
	iii) If No, is there any plan of development of Rule	Will be incorporating in Act.
	iv) If Yes, please provide time line of development of such rule	Along with Tree Protection Act
4	i) Is there any guidelines for protection of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the guidelines and copy of the same	Not applicable
	iii) If No, is there any plan of development of guidelines	Will be incorporating in Act
	iv) If Yes, please provide time line of development of such guidelines	Along with Tree protection Act
5	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees	No
	ii) If yes, please provide brief details of the methodology and copy of the same	Not applicable
	iii) If No, is there any plan of development of methodology	Will be incorporating in Act.
	iv) If Yes, please provide time line of development of such methodology	Along with Tree protection Act
6	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	Lakshadweep located in the Arabian Sea, Lakshadweep is a group of 36 Islands comprising of 12 atolls, three reefs, five submerged sand banks and 10 inhabited islands. It is the smallest Union Territory of India with a total geographical area of only 30 sq. km. the UT lies between 8°15'N to 11°45' N latitude and 72° E to 74° E longitude.  As per Indian State Forest Report

		<p>(ISFR) - 2019 &amp; 2021 the forest cover in the UT is 27.10 sq km which is 90.33% of the UT's geographical area. In terms of forest canopy density classes, the UT has 16.09 sq km under Moderately Dense Forest (MDF) and 11.01 sq km under Open Forest (OF). Forest Cover in UT has no change as compared to the previous assessment reported in ISFR 2017. The Union Territory of Lakshadweep does not have any notified forests. Approximately 82% of the land mass is covered by privately owned coconut plantations.</p> <p>The local people inherited the habit of plant coconut trees in between their old coconut trees. They also have habit of planting other indigenous plants like Thespesia populnea, Ocharosia oppositifolia, Cordia sucordata &amp; Artocarpus incsis etc of their land. Therefore not much scope on intensive afforestation programmes. These sea shore plantations are adequately protecting the beaches from the natural erosions. These plants are also helping as wind-breakup. Social forestry aims to the rejuvenation and raising of littoral and indigenous vegetation at beach and road side. This is one of the most important scheme to combat climate change. This scheme is envisaged for the conservation of medicinal plants and indigenous sea shore plantation.</p>
7	Other relevant information	Nil

  
**MEMBER SECRETARY,**  
 Lakshadweep Pollution Control Committee



## Annexure 17

**मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड,**  
पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल-462016



Fax No : +91-755-2463742 E-mail : it\_mppcb@rediffmail.com

क्रमांक **१-१** /विधि/NGT(CZ)/प्रनिबो/24, भोपाल, दिनांक **22/01/2024**.  
प्रति,

सदस्य सचिव,  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,  
परिवेश भवन, पूर्वी अर्जुन नगर  
**नई दिल्ली-110032**

- विषय :- माननीय राष्ट्रीय हरित अधिकरण के प्रकरण क्रमांक OA 911/20223 में आई.ए. नम्बर 14/2023 एवं 16/2023 के अन्तर्गत पारित आदेश दिनांक 05.12/2023 (संजीव बागई विरुद्ध पर्यावरण विभाग जी.एन.सी.टी.डी व अन्य) के परिपालन बावत् ।
- सन्दर्भ :-1 बोर्ड का पत्र क्रमांक 191/विधि/NGT(CZ)/प्रनिबो/24 भोपाल दिनांक 11.01.202  
2 केन्द्रीय प्रदूषण नियंत्रण बोर्ड का पत्र क्रमांक CM-13011/196/2023-LAW-CPCB-HO दिनांक 03.01.2024 ।

उपरोक्त विषयान्तर्गत कृपया संदर्भित पत्र का अवलोकन हो, प्रकरण पेडो के बचाव एवं पेडो की अवैध कटाई होने संबंधित है । उक्त के संबंध में मध्यप्रदेश राज्य में “मध्यप्रदेश वृक्षो का परिरक्षण (नगरीय क्षेत्र) नियम 2001” संलग्न है । अतः माननीय एनटीजी द्वारा पारित निर्देशो के पालनार्थ वांछित जानकारी निर्धारित प्रपत्र में संलग्न है ।

संलग्न :- उपरोक्तानुसार

*Sheema*  
**१ (हिमन्त कुमार शर्मा)**  
डायरेक्टर पर्यावरण(तकनीकी)

प्रतिलिपि :-

- 1 निज सचिव, प्रमुख सचिव, मध्यप्रदेश शासन, पर्यावरण विभाग, मंत्रालय भोपाल की ओर सूचनार्थ ।
- 2 निज सचिव, प्रमुख सचिव, नगरीय प्रशासन एवं विकास विभाग, भोपाल की ओर सूचनार्थ
- 3 अपर सचिव, वन विभाग, मंत्रालय, भोपाल की ओर सूचनार्थ ।
- 4 क्षेत्रीय निर्देशक, क्षेत्रीय निदेशालय(मध्य), केन्द्रीय प्रदूषण नियंत्रण बोर्ड, परिवेश भवन, पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल ।
- 5 डायरेक्टर पर्यावरण(विधि), मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ ।

FORMATInformation with respect to all related aspects of protection of trees, felling and pruning of trees and framing of guidelines/rules regarding the same.

1.	<b>Name of State/Union Territory: MADHYA PRADESH</b>
2.	<p>i) <b>Is there any Act for protection/preservation of trees or felling and pruning of trees:</b> Yes. In state of Madhya Pradesh the act is titled as <i>Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001.</i></p> <p>ii) <b>If yes, please provide brief details of the Act and copy of the same:</b> An Act to make better provision for regulation of felling of trees for the purpose of preservation and replanting of trees in urban areas of Madhya Pradesh. Copy of the Act is annexed as Annexure A.</p> <p>iii) <b>If no, is there any plan of development of Act:</b> Not Applicable.</p> <p>iv) <b>If yes, please provide timeline of development of such Act:</b> NA.</p>
3.	<p>i) <b>Is there any Guidelines for protection of trees or felling and pruning of trees:</b> Yes, there are guidelines which is available on MP Nagar Pallika Portal. The same can be <a href="#">accessed here</a>.</p> <p>ii) <b>If yes, please provide brie details of the Guidelines and copy of the same :</b> The copy of the guidelines and the procedure to apply for tree cutting is annexed as Annexure B.</p> <p>iii) <b>If no, is there any plan of development of Guidelines:</b> NA.</p>
4.	<p>i. <b>Is there any methodology for imposing environmental compensation /penalty for violation in respect of illegal trees felling and illegal pruning of trees. :</b> Section 18 of the M.P. Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001 states that " <i>Whoever fells any tree or causes any tree to be felled in contravention of any provision of this Act or</i></p>

	<p><i>Rules or order made thereunder shall, on conviction be punished with imprisonment which may extend to two years or with fine which may extend to fifty thousand rupees or with both. The fine, if not deposited within the prescribed time limit, will be recoverable as arrears of land revenue."</i></p> <p>ii. <b>If yes, please provide brief details of the methodology and copy of the same:</b> Kindly refer to Section 18 of the Act.</p> <p>iii. <b>If no, is there any plan of development of methodology:</b> NA.</p> <p>iv. <b>If yes, please provide timeline of development of such methodology:</b> NA.</p>
5.	<p><b>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:</b> NA.</p>
6.	<p><b>Other relevant information:</b> The issue of protection/preservation of trees or felling and pruning of trees situated in Forest Areas is governed by the Forest Department and allied rules and regulations laid down by Ministry of Forest, Environment and Climate Change.</p>



महाराष्ट्र शासन

पर्यावरण व वातावरणीय बदल विभाग

१५ वा मजला, नवीन प्रशासकीय इमारत,

मादाम कामा मार्ग, मंत्रालय, मुंबई ४०० ०३२

दूरध्वनी : ०२२-२२८५५०८२ Email : envmantra-mh@nic.in

क्रमांक :- संकीर्ण २०२४/प्र.क्र.३४/तां.क.२

दिनांक :- २५/०१/२०२४.

तात्काळ

प्रति,

सह-संचालक (हप्रनि),  
महाराष्ट्र प्रदूषण नियंत्रण मंडळ,  
सायन, मुंबई.

**विषय :-** मा. राष्ट्रीय हरित लवादामध्ये दाखल मूळ अर्ज क्र. ९११/२०२२, अंतरीम अर्ज क्र. १४/२०२३ व अंतरीम अर्ज क्र. १६/२०२३..

**संदर्भ :-** १. सदस्य सचिव, केंद्रीय प्रदूषण नियंत्रण मंडळाचे दिनांक ०३.०१.२०२४ रोजीचे पत्र क्र. CM-१३०११/१९६/२०२३-LAW-HO-CPCB-HO.

२. सदस्य सचिव, महाराष्ट्र प्रदूषण नियंत्रण मंडळाचे दिनांक १०.०१.२०२४ रोजीचे पत्र क्र. जा.क्र.मप्रनि/सह-सं(हप्रनि)/२४०११०-FTS-०१४१.

महोदय,

मा. राष्ट्रीय हरित लवादामध्ये दाखल मूळ अर्ज क्र. ९११/२०२२, अंतरीम अर्ज क्र. १४/२०२३ व अंतरीम अर्ज क्र. १६/२०२३ ही दाखल करण्यात आली आहे. सदर न्यायालयीन प्रकरणी वृक्ष संवर्धन, अनधिकृत वृक्षतोडीबाबत करण्यात येत असलेली कार्यवाही व इतर संबंधित बाबींच्या अनुषंगाने सर्व राज्ये व केंद्रशासित प्रदेशांकडून करण्यात येत असलेल्या कार्यवाहीची माहिती संकलित करून केंद्रीय प्रदूषण नियंत्रण मंडळामार्फत सादर करण्याचे निर्देश मा. लवादाने पारित केल्याचे केंद्रीय प्रदूषण नियंत्रण मंडळामार्फत संदर्भाधिन पत्र क्र. १ अन्वये कळविण्यात आले आहे.

उपरोक्त विषयाच्या अनुषंगाने अभियान संचालक, माझी वसुंधरा यांचेकडून विहित नमुन्यात प्राप्त माहिती यासोबत जोडून पाठविण्यात येत आहे. सदर माहिती आवश्यक त्या अहवालांसह केंद्रीय प्रदूषण नियंत्रण मंडळास आपल्यामार्फत सादर करण्यात यावी, ही विनंती.

आपला,

  
(चंद्रकांत विभूते)

शा.श्रे. १ तथा उपसचिव

सोबत :- वरिलप्रमाणे.

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	: Maharashtra
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	: Yes
	ii) If yes, please provide brief details of the Act and copy of the same	: Copy of the Act is attached
	iii) If no, is there any plan of development of Act	: —
	iv) If yes, please provide timeline of development of such Act	:
3.	i) Is there any Rule for protection of trees or felling and pruning of trees	: 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	: Guidelines for Tree Pruning is under development
	iv) If yes, please provide timeline of development of such Rule	:
4.	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees.	: 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	: —
	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	: —



No.MPCB/Gen-297/Vol-I/2023/2023-2024/ 31

Dated Shillong the 25<sup>th</sup> January 2024

To

The Member Secretary  
Central Pollution Control Board  
MOEF &CC , Govt . of India .  
Parivesh Bhawan, East Arjun Nagar , Delhi - 110032.

Sub: Hon'ble NGT Order dated 05/12/2023 in Original Application No.  
911/202/I.A.NO.14/2023 and I.A.NO.16/2023 title Prof Dr. Sanjeev Bagai &Ors Versus  
Department of Environmental GNCTD & Ors; Reg.

Ref: Letter No. CM- 13011 /196/ 2023- LAW -HO - CPCB-HO, dated 03.01.2024

Sir,

This has reference to your Letter No. CM-13011 /196/ 2023-LAW-HO-CPCB-HO, dated 03.01.2024 on the subject cited above. In this connection, please find enclosed herewith the required information in prescribed format for the State of Meghalaya for kind information.

Enclosed: as stated

Yours Faithfully

(Dr. G.H CHYRMANG, MFS)  
MEMBER SECRETARY

Meghalaya State Pollution Control Board  
Shillong

Memo No.MPCB/Gen-297/Vol-I/2023/2023-2024/ 31-A  
Copy to:

Dated Shillong the 25<sup>th</sup> January 2024

1. Chairman, Meghalaya State Pollution Control Board, for kind information.
2. Office of the Principal Chief Conservator of Forests & HoFF Meghalaya Forest Head Quarter Sylvan House, Lower lachumiere Shillong-793001 for kind information.
3. Shri. M.K Choudhury, Regional Director (North East), Central Pollution Control Board, CTO Building, Ground Floor – II, Shillong -793001 for kind information.

MEMBER SECRETARY  
Meghalaya State Pollution Control Board  
Shillong

**FORMAT**

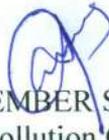
**Information with respect to all related aspects of protection of trees, felling and pruning of trees and framing of guidelines /rules regarding the same**

Sl. No	Name of State /Union Territory : Tripura	Remarks
1.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees :	Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1973) ,THE MEGHALAYA TREE (PREVENTION) ACT, 1976. (Meghalaya Act 13 of 1976)
	i) If yes, please provide brief details of the Act and copy of the same:	Enclosed as soft copy
	iii) If no , is there any plan of development of Act	No
	If yes , please provide timeline of development of such Act :	Does not arise.
2.	i) Is there any Rule for protection of trees or felling and pruning of trees :	There is no separate rule specific to the State for such protection of trees
	ii ) If yes, please provide the brief details of the Rule and copy of the same :	Does not arise.
	iii) If no , is there any plan of development of Rule:	No
	iv) If yes, please provide timeline of development of such Rule :	Does not arise.
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees	Meghalaya Tree Felling (Non forest Areas) Rules 2006
	ii ) If yes, please provide brief details of the Guidelines and copy of the same	Enclosed as soft copy
	iii) If no , is there any plan of development of Guidelines:	No
	iv) If yes, please provide timeline of development of such Rules;	Does not arise.
4.	i) Is there any methodology for imposing environmental compensation /penalty for violation in respect of illegal trees felling and illegal pruning of trees	There is no any methodology for imposing compensation/ penalty for environmental violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation & recovery etc for violation of the Guidelines of tree felling within non-forest area. In case of Reserved Forests provision of Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1973). THE MEGHALAYA TREE (PREVENTION) ACT, 1976. (Meghalaya Act 13 of 1976) is applicable
	ii ) If yes, please provide brief details of the methodology and copy of the same	Does not arise.
	iii) If no, is there any plan of development of methodology	No



MEMBER SECRETARY

	iv) If yes, please provide timeline of development of such methodology	Does not arise.
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 :	Does not arise
6.	Other relevant information :	Nil

  
MEMBER SECRETARY  
Meghalaya State Pollution Control Board  
Shillong



## NAGALAND POLLUTION CONTROL BOARD

Signal Point, Dimapur – 797112, Nagaland  
Tel.: 03862-245727, TeleFax; 03862-245726  
Website: [www.npcb.nagaland.gov.in](http://www.npcb.nagaland.gov.in) e-mail: [npcb2@yahoo.com](mailto:npcb2@yahoo.com)

NPCB/NGT O.A. 911/2022/ 5247

Dated: 16/01/2024

To,

✓ Shri. Bharat Kumar Sharma,  
Member Secretary,  
Central Pollution Control Board,  
Ministry of Environment, Forest & Climate Change,  
Govt. of India, Parivesh Bhawan, East Arjun Nagar,  
New Delhi- 110032.

**Sub: Hon'ble NGT Order dated 05.12.2023 in original Application No. 911/2022, I.A. No. 14/2023 and I.A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.**

*Ref: CM-13011/196/2023-LAW-HO-CPCB-HO, Dated 03/01/2024.*

Dear Sir,

With reference to the subject cited above, I am hereby attaching the format provided with the information required in the aspect of protection of trees, action against illegal felling and pruning of trees, and all related aspects including framing of guidelines/ rules regarding the same in the state of Nagaland.

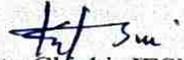
In addition, The Nagaland Forest Act, 1968 document is also being attached in support with the information required.

It is to be noted that the act is currently in place in the state of Nagaland.

Thank you.

**Encl.: As stated,**

Yours Sincerely,

  
(K. Hukato Chishi, IFS)  
Member Secretary  
Nagaland Pollution Control Board



## NAGALAND POLLUTION CONTROL BOARD

Signal Point, Dimapur – 797112, Nagaland  
 Tel.: 03862-245727, TeleFax: 03862-245726  
 Website: [www.npcb.nagaland.gov.in](http://www.npcb.nagaland.gov.in) e-mail: [npcb2@yahoo.com](mailto:npcb2@yahoo.com)

### 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	NAGALAND
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees.	Yes
	ii) If yes, please provide brief details of the Act and copy of the same.	The Nagaland Forest Act. 1968
3.	i) Is there any Rule for protection of trees or felling and pruning of trees.	Yes
	ii) If yes, please provide brief details of the Rule and copy of the same	The Nagaland Forest Act. 1968
4.	i) Is there any Guidelines for protection of trees or felling and pruning of trees.	Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same.	The Nagaland Forest Act. 1968
5.	i) Is there any penalty for violation in respect of illegal trees felling and illegal pruning of trees.	Yes
	ii) If yes, please provide brief details of the methodology and copy of the same.	The Nagaland Forest Act. 1968
6.	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.	The Act is in place
7.	Other relevant information	The protection of trees, felling and pruning of trees are in place through the Nagaland Forest Act, 1968 in line with the Indian Forest Act, 1927.

  
**Member Secretary**  
 Nagaland Pollution Control Board  
 Nagaland : Dimapur



**TOP PRIORITY**  
**NGT MATTER**

Tel : 2564033/2563924  
EPABX : 2561909/2562847  
E-mail: [paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org)  
Web site : [www.ospcboard.org](http://www.ospcboard.org)

## STATE POLLUTION CONTROL BOARD, ODISHA

(FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT, GOVT. OF ODISHA)

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII  
Bhubaneswar – 751012

No. 1062 / IND-IV- PCP (Plt.)- 63

Date 24/01/2024

By Speed Post / By E-mail

To,

The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
New Delhi-110032.

**Sub: Hon'ble NGT Order dated.05.12.2023 in Original Application No.- 911/2022, I.A No.14/2023 and I.A No.16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors - Reg.**

Ref: Your letter no. CM-13011/196/2023-LAW-HO-CPCB-HO, dtd.03.01.2024.

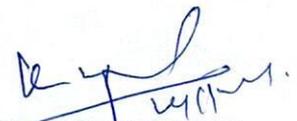
Sir,

With reference to the subject cited above, please find enclosed herewith the filled in format on information w.r.t. all related aspects of protection of trees felling and pruning of trees and framing of guidelines / rules regarding the same, obtained from PCCF (P & SM), Department of MoEF & CC, Govt. of Odisha.

This is for your kind information and necessary action.

**Encl: As above**

Yours faithfully,

  
**MEMBER SECRETARY**

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

1.	Name of State / Union Territory :	Odisha
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees :	Yes
	ii) If yes, please provide brief details of the Act and of the copy same :	1. Under Section-3 of Odisha Preservation of private Forests Act, 1947. 2. Under Section-2 of Forest (Conservation) Act, 1980 3. Under Sec-27,31,36,42&55 of Odisha Forest Act,1972
	iii) If no, is there any plan of development of such Act :	NA
	iv) If yes, please provide timeline of development of such Act :	NA
2.	i) Is there any Rule for protection of trees or felling and pruning of trees :	Yes
	ii) If yes, please provide brief details of the Rule and of the copy same :	1. Under Section-3 of Odisha Preservation of private Forest Rules, 1963. 2. Under Section-6 of Forest (Conservation) Rules, 2003. 3. Under Section-4 of the Odisha Timber and other Forest Produce Transit Rules, 1980. 4. Under Section-5 of Odisha Village Forest Rules,1985
	iii) If no, is there any plan of development of Rule :	NA
	iv) If yes, please provide timeline of development of such Rule :	NA
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees :	NA
	ii) If yes, please provide brief details of the Guidelines and copy of the same :	NA
	iii) If no, is there any plan of development of Guidelines :	NA
	iv) If yes, please provide timeline of development of such Guidelines :	NA
4.	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees :	1. Under Section-5 , Odisha Preservation of private Forests Act, 1947. 2. Under Section-3(A) of Odisha Forests (Conservation) Act, 1980. 3. Under Section-21of Forest (Conservation) Act, 1980 4. Under Section-15 of Odisha Village Forest Rules,1985
	ii) If yes, please provide brief details of the methodology and copy of the same :	NA
	iii) If no, is there any plan of development of methodology :	NA
	iv) If yes, please provide timeline of development of such methodology :	NA
5.	i) 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 :	NA
6.	Other relevant information :	NA

PCCF(P&SM)

Email

Danish Meena

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

**From :** SHARANDEEP SINGH <sharandeep.cpcb@nic.in>  
**Subject :** Fwd: Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors  
**To :** Danish Meena <danish.cpcb@nic.in>, PALASH MAL <palashmal.cpcb@supportgov.in>, JULI PATEL <juli.cpcb@gov.in>

Thu, Feb 01, 2024 05:52 AM

📎 1 attachment

With Warm Regards

Sharandeep Singh  
Additional Director & Divisional Head,  
Urban Pollution Control Division-I  
Central Pollution Control Board  
Ministry of Environment, Forest & Climate Change  
Government of India  
Delhi-110032

---

**From:** "H D VARALAXMI SEE CPCB" <vlaxmi.cpcb@nic.in>  
**To:** "SHARANDEEP SINGH" <sharandeep.cpcb@nic.in>  
**Cc:** "S KARTHIKEYAN" <skarthykeyan.cpcb@nic.in>  
**Sent:** Wednesday, January 31, 2024 12:39:33 PM  
**Subject:** Fwd: Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors

For kind information pl.

---

**From:** "Pondicherry Pollution Control Committee Pondicherry" <ppcc@py.gov.in>  
**To:** "S KARTHIKEYAN" <skarthykeyan.cpcb@nic.in>  
**Cc:** "Conservator of Forests Puducherry" <cf.pon@nic.in>, "Conservator of Forests Pondicherry" <dcf.pon@nic.in>, "H D VARALAXMI SEE CPCB" <vlaxmi.cpcb@nic.in>  
**Sent:** Tuesday, January 30, 2024 6:34:42 PM  
**Subject:** Re: Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors

Sir,

With reference to the trailing email, information related to the protection of trees, action against illegal felling and pruning of trees, and all related aspects including framing of guidelines/rules received from the Directorate of Forest and Wildlife, Government of Puducherry in the prescribed proforma is attached herewith.

Regards,  
Member Secretary, PPCC

---

**From:** "S KARTHIKEYAN" <skarthykeyan.cpcb@nic.in>  
**To:** "chem prabhu" <chem\_prabhu@yahoo.co.in>, "Pondicherry Pollution Control Committee Pondicherry" <ppcc.pon@nic.in>  
**Sent:** Tuesday, January 16, 2024 12:34:48 PM  
**Subject:** Fwd: Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors

Sir,

Kindly refer to the ongoing email and our mail dt.: 9<sup>th</sup> January, 2024, which is self-explanatory. As requested, pl provide the information related to the protection of trees, action against illegal felling and pruning of trees, and all related aspects including framing of guidelines/rules regarding the same, in the prescribed format (Format enclosed) may please be arranged in consultation with concerned Government Departments in U.T. of Puducherry and forward to Central Pollution Control Board in the form of a searchable PDF to upcl.cpcb@gov.in, at the earliest please with a copy to this office pl.

---

**From:** "H D VARALAXMI SEE CPCB" <vlaxmi.cpcb@nic.in>  
**To:** "RAJKUMAR" <raj कुमार.cpcb@nic.in>, "Sowmya D" <sowmyad.cpcb@nic.in>, "Poornima B M" <poornima.cpcb@nic.in>, "S KARTHIKEYAN" <skarthykeyan.cpcb@nic.in>  
**Sent:** Friday, January 12, 2024 5:46:34 PM  
**Subject:** Fwd: Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors

pl follow up with SPCBs/PPCC and obtain the requested informations pl.

**From:** "UPC I" <upc1.cpcb@gov.in>

**To:** "J Chandra Babu" <jcb.cpcb@nic.in>, "Pentani jagan" <jagan191.cpcb@gov.in>, "Mrinal Kanti Biswas" <mkbiswas.cpcb@nic.in>, "D K Soni" <dksoni.cpcb@nic.in>, "Mantu Kumar Choudhury" <mkc.cpcb@gov.in>, "PRASOON GARGAVA" <prason.cpcb@nic.in>, "Pratik Bhare" <pratik.cpcb@gov.in>, "gurnam" <gurnamsingh.cpcb@nic.in>, "H D VARALAXMI SEE CPCB" <vlaxmi.cpcb@nic.in>

**Cc:** "P K SELVI" <pkselvi.cpcb@nic.in>, "Sunil Kr Meena" <sunil.cpcb@gov.in>, "ABHIJIT" <apathak.cpcb@nic.in>, "Rajendra Dattatray Patil" <patil.cpcb@nic.in>, "anil ranveer" <anilranveer.cpcb@gov.in>, "Arvindkumar Jha" <arvindjha.cpcb@nic.in>, "SUSMITA EKKA" <susmita.cpcb@nic.in>, "Sunil Dave" <sdave.cpcb@nic.in>, "RAJKUMAR" <raj कुमार.cpcb@nic.in>

**Sent:** Friday, January 12, 2024 4:46:27 PM

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

उपर्युक्त के संदर्भ में यू०पी०सी०-1, सीपीसीबी द्वारा दिनांक 03 जनवरी 2024 को जारी पत्र और दिनांक 05.01.2024 को जारी ईमेल में सभी एसपीसीबी/पीसीसी से दिनांक 15 जनवरी 2024 तक सूचना उपलब्ध कराने का आग्रह किया गया है। इस संदर्भ में आपके क्षेत्र से संबंधित एसपीसीबी/पीसीसी से सूचना उपलब्ध कराने हेतु अनुवर्ती कार्रवाही का पुनः आग्रह किया जाता है।

भवदीय

शहरी प्रदूषण नियंत्रण-I प्रभाग,  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड



--

H.D. Varalaxmi  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
Ministry of Environment, Forests & Climate Change  
2nd Floor, 77-A, South Avenue Road  
Ambattur Industrial Estate, Chennai - 600058  
Phone:  
Mobile : 09449004165

--

H.D. Varalaxmi  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
Ministry of Environment, Forests & Climate Change  
2nd Floor, 77-A, South Avenue Road  
Ambattur Industrial Estate, Chennai - 600058  
Phone:  
Mobile : 09449004165

 **Puducherry\_TreeFelling\_Proforma.docx**  
14 KB

**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	Puducherry
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the Act and copy of the same	Does not arise
	iii) If no, is there any plan of development of Act	No
	iv) If yes, please provide timeline of development of such Act	Does not arise
3.	i) Is there any Rule for protection of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the Rule and copy of the same	Does not arise
	iii) If no, is there any plan of development of Rule	No
	iv) If yes, please provide timeline of development of such Rule	Does not arise
4.	i) Is there any Guidelines for protection of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the Guidelines and copy of the same	Does not arise
	iii) If no, is there any plan of development of Guidelines	No
	iv) If yes, please provide timeline of development of such Guidelines	Does not arise
5.	i) Is there any methodology for imposing environmental compensation /penalty for violation in respect of illegal trees felling and illegal pruning of trees.	No
	ii) If yes, please provide brief details of the methodology and copy of the same	Does not arise
	iii) If no, is there any plan of development of methodology	No
	iv) If yes, please provide timeline of development of such methodology	Does not arise
6.	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	Applications are submitted to the Department of Forests and Wildlife, Puducherry, through user agency which includes general public/ organizations, private establishments as well as Government Departments. Major number of applications are received through Departments of Municipality, Public Works Department, Electricity, etc. Applications are scrutinized by means of field inspection for both tree pruning and felling. Penalty provisions for illegal tree pruning and felling are enforced during the illegal transit of the material so realized. Violation are booked under Puducherry Timber Transit Rules, 1983, which are evoked under Indian Forests Act, 1927.
7.	Other relevant information	Cases hence booked are either compounded under Puducherry Timber Transit Rule, 1983, and Indian Forest Act, 1927, are filed in the court of law based on the nature and commission of offence.



# Punjab Pollution Control Board

Vatavaran Bhawan, Nabha Road, Patiala

Phone no.2215793

No. 1774

Dated: 15/01/2024

To

Sh. Gurnam Singh,  
Regional Director,  
Central Pollution Control Board,  
Chandigarh.

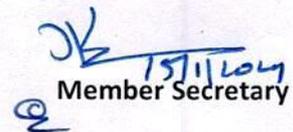
**Subject:** Hon'ble National Green Tribunal order dated 5.12.2023 in Original Application No. 911/2022, I.A No. 14/2023 and I.A No. 16/2023 titled as Prof. Dr. Sanjeev Bagai and Others v/s Department of Environment, GNCTD and Others.

**Ref:** E-mail dated 9.1.2024.

Please refer to the subject cited above.

2) It is informed that the Secretary to Government of Punjab, Department of Science, Technology and Environment has written a letter memo no. 03/73/2023-STE(4)/25 dated 10.1.2024 in reference to another case (O.A No. 142 of 2023 titled as Balbir Dass v/s State of Punjab and Others) for the framing of requisite Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in general conditions in the State of Punjab. A copy of memo dated 10.1.2024 is enclosed.

3) The above exercise may take three months' time. This is for information please.

  
15/01/2024  
Member Secretary

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



# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141- 2716804, 2716800 e-mail : [member-secretary@rpcb.nic.in](mailto:member-secretary@rpcb.nic.in)

Helpline No. : 0141-2716877

F14(1)Corres/RPCB/PLG- 81 - 82

Date: 29/01/2024

**Member Secretary**

**Central Pollution Control Board**

**Parivesh Bhawan, East Arjun Nagar,**

**New Delhi**

([upcl.cpcb@gov.in](mailto:upcl.cpcb@gov.in),

[danish.cpcb@gov.in](mailto:danish.cpcb@gov.in))

Sub: Hon'ble NGT Order dated 05/12/2023 in Original Application No. 911/2022 I.A. No. 14/2023 and I.A. 16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

Ref: i. Your Office letter No. CM-13011/196/2023-LAW-HO-CPCB- HO/ 8400 \ dated 03/01/2024.

ii. Letter received from the office of Principal Chief Conservator of Forest, Govt. of Rajasthan No. क्रमांक :एफ. 16(एनजीटी 911 / 2022) 2022 / वसु/प्रमुखसं / 292, dated 29/01/2024.

Sir,

With reference to above cited subject matter, requisite information as received from the Office of Principal Chief Conservator of Forest, Govt. Of Rajasthan vide their letter dated 29/01/2024 is being forwarded as enclosure for information and further necessary action.

Encl:-As above

Yours Sincerely,

  
(Vijay N.)

Member Secretary

Copy to: - Director cum Joint Secretary, Department of Environment Govt. of Rajasthan.

1  
Member Secretary

1946

कार्यालय प्रधान मुख्य वन संरक्षक, राजस्थान, जयपुर

क्रमांक- एफ: 16(एनजीटी 911/2022)2024/वसु/प्रमुवसं/२९२

दिनांक २९-१-२५

निमित्त:

सदरय सचिव  
राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड,  
झालाना डूंगरी, जयपुर।

विषय:- Hon'ble NGT Order Dated 05-12-2023 in original Application NO. 911/2022 I.A. No. 14/2023 and I.A. 16/2023 titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment GNCTD & Ors.  
सन्दर्भ:- आपका पत्र क्रमांक 1359-60 दिनांक 11.01.2023 के क्रम में।

महोदय,

उपरोक्त विषयान्तर्गत सन्दर्भित पत्र के क्रम में निवेदन है कि आपके द्वारा ओरिजनल ऐप्लीकेशन नंबर 911/2022 के संबंध में चाही गई सूचना संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित है।

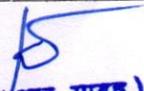
संलग्न-उक्तानुसार

भवदीय

(एस०आर० यादव)  
वन संरक्षक (वन सुरक्षा),  
राजस्थान जयपुर

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	
	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	Yes, Rajasthan Forest Act 1953 for forest areas & Rajasthan tenancy Act 1955
	ii) If yes, please provide brief details of the Act and copy of the same	Copy of Act section 26&33 & Rajasthan Forest Act 1953 and section 81-86 of Rajasthan tenancy Act 1955
	iii) If no, is there any plan of development of Act	
	iv) If yes, please provide timeline of development of such Act	
2.	i) Is there any Rule for protection for trees or felling and pruning of trees	Yes,
	ii) If yes, please provide brief details of the Rule and copy of the same	The protected forest rules 1957, Rajasthan tenancy Act 1955 for Trees outside forest section 81-86
	iii) If no, is there any plan of development of Rule	
	iv) If yes, please provide timeline of development of such Rule	
3.	i) Is there any Guidelines for protection for trees or felling and pruning of trees	In Forest area protection for trees done by Rajasthan Forest Act 1953 & felling/ pruning of as per Trees is done by working plan of division.
	ii) If yes, please provide brief details of the Guidelines and copy of the same	In front area for illegal Tree felling and Transportation of Trees panalty imposed as per provisional Rajasthan forest Act 1953
	iii) If no, is there any plan of development of Guidelines	
	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.	
	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	
	iv) If yes, please provide timeline of development of such methodology	
5.	If Acts, Rules, Guidelines, statutory framework are not there, how Issues like- protections of trees, felling and pruning of trees are dealt, please provide information	NA

  
 (एस. आर. यादव)  
 वन संरक्षक (वन सुरक्षा),  
 राजस्थान, जयपुर



## TAMIL NADU POLLUTION CONTROL BOARD


**From**

R. Kannan, M.Tech.,  
Member Secretary,  
Tamil Nadu Pollution Control Board,  
76, Mount Salai, Guindy,  
Chennai – 600 032

**To**

The Member Secretary,  
Central Pollution Control Board,  
MoEF&CC, Govt. of India,  
Parivesh Bhawan, East Arjun Nagar,  
New Delhi – 110 032  
[upc1.cpcb@gov.in](mailto:upc1.cpcb@gov.in)  
[danish.cpcb@gov.in](mailto:danish.cpcb@gov.in)

**Lr.No.TNPCB/P&D/01426/2024, Date: 24.01.2024**

Sir,

**Sub:** TNPCB – P&D – TNPCB – P&D - Hon'ble NGT Order dated 05.12.2023 in Original Application No.911/2022, I.A.No.14/2023 and I.A. No.16/2023, titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors. Information sought by CPCB – Details sending- Reg.

**Ref:** 1. Letter No.CM-13011/196/2023-LAW-HO-CPCB-HO, Dated 03.01.2024 (copy enclosed)  
2. Letter No.CO-16013/1/2021-UPC-I-HO-CPCB-HO, Dated: 19.01.2024

\*\*\*\*\*

I am to invite kind attention to the references cited above wherein CPCB has requested to arrange information in prescribed format regarding the Act/Rules/Guidelines for protection/preservation of trees or felling and pruning of trees, methodology for imposing environmental compensation/ penalty for violation in respect of illegal trees felling and pruning of trees in consultation with concerned Government Departments of Tamil Nadu.

In this regard, the requested information is enclosed in the prescribed format for kind perusal please.

Encl: As above

*[Handwritten signature]*  
24/1/24  
For Member Secretary

THE NATIONAL ARCHIVES

RECORDS OF THE DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

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

Name of State / Union Territory : Tamil Nadu		
S.No	Acts/ Rules related to Protection of Trees felling and pruning of Trees	
1.	Is there any Act for protection/preservation of trees or felling and pruning of trees: Yes	
	Act	Details downloaded from TNAU Agritech Forestry Web Portal
I.	Tamil Nadu Preservation of Private Forest Act, 1949.	This Act enacted to prevent the indiscriminate destruction of private forest and interference with customary and perspective rights therein Copy enclosed
II.	Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955	To Prevent deforestation and soil erosion and also to preserve the special characteristics of the hill areas as regards landscape, vegetal cover and climate. It is necessary to regulate the cutting of trees and also the cultivation of land in hill areas in the State of Tamil Nadu Copy enclosed
III.	Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1979	To cut any trees in the areas notified under Tamil Nadu Hill Areas (Preservation of Trees) Act 1955 and Tamil Nadu Preservation Private Forest Act 1949, prior permission should be obtained from the committee constituted under the said Act, under the Chairmanship of District Collector concerned. Petitions for cutting trees are decided by the committee, which may meet as often as necessary and shall not be more than two months between two meetings. Copy enclosed
IV.	Tamil Nadu Rosewood (Conservation) Act, 1994	To conserve the existing rosewood trees in the forest and in the interest of maintaining the heritage of forest. It has become necessary to prohibit the cutting, felling, transport, sale and possession of rosewood trees in the State immediately. Copy enclosed

2.	<b>Is there any Rule for protection/preservation of trees or felling and pruning of trees : Yes</b>	
	<b>Rules</b>	
I.	Tamil Nadu Sandalwood Rules, 1967	No person shall import sandalwood into, or export sandal wood from, or move sandalwood within, any place in the State unless such sandalwood is accompanied either by a permit referred to in Rule 4 or by a way permit referred to in Rule 6 and unless such sandalwood bears the mark of the Government of origin, as provided in Rule 7 of the property mark in respect of such sandalwood which has been duly registered in accordance with Rule 7 Copy enclosed
II.	Tamil Nadu Timber Transit Rules, 1968	No person shall move timber into or from, or within the State by land, water or air unless such timber is accompanied by a permit prescribed therefor under rule 4: Provided that where timber is moved within the limits of a municipality or a corporation under an invoice given by a timber Merchants, no permit is necessary for the transport of such timber. Copy enclosed
III.	Tamil Nadu Sandalwood Possession Rules, 1970	No person shall possess on stock sandalwood in excess of five kilograms without a licence. Whenever any person intends possessing or stocking sandalwood in excess of five kilograms, he shall apply to the District Forest Officer in Form 1 and obtain a licence after paying the fees prescribed in sub-rule (7) of rule 4. Every application for the grant of a licence shall be accompanied by authenticated documents and other relevant particulars in support of the procurement of the sandalwood Copy enclosed
3.	<b>Is there any guidelines for protection of trees or felling and pruning of trees? : Yes</b>	

	If yes please provide brief details of the Guidelines and copy of the same	As per the Tamil Nadu Government G.O Ms. 39, ECCF dept, dated 02.07.2021 the District and State level committee has been constituted to regulate the cutting of trees and to take up tree planting activities in public lands and public offices. In generally Private Lands in respect of the Forest Department the question does not arise. However, the private land comes under TNPPF Act, 1949/TNHP Act, 1955 that the permission should be obtained from District Forest Committee for felling of trees (Copy enclosed) Yes, the state Green Committee has desired to prepare Tamil Nadu preservation of Trees (Government Lands) Act, 2023 preservation of trees and regulation of felling of trees on Government Lands in the State of Tamil Nadu. Now, it is in draft stage
4.	Is there any methodology for imposing environmental compensation/ penalty for violation in respect of illegal trees felling and illegal pruning of trees	No
	If no, is there any plan of development of such methodology	No
5.	Other relevant information	Nil

  
 1.24/11/24  
**For Member Secretary**



Annexure 26

GOVERNMENT OF TELANGANA  
FOREST DEPARTMENT

From  
Sri R.M.Dobriyal, IFS,  
Prl. Chief Conservator of  
Forests  
(Head of Forest Force)  
Aranya Bhavan, ,  
Hyderabad  
Telangana- 500 004

To  
The Member Secretary,  
Central Pollution Control Board,  
MoE,F&CC, GoI, Parivesh Bhawan, East Arjun Nagar,  
New Delhi 11 00 32  
[www.cpcb.nic.in](http://www.cpcb.nic.in)  
[upc1.cpcb@gov.in](mailto:upc1.cpcb@gov.in)

Sir,

**Ref.No. 657363 /2024/Prod.-3 Dated: 23/01/2024**

Sub: TSFD - Production - O.A.No.911 of 2022 was filed for the illegal act of cutting / felling / pruning of trees in Vasant vihar, New Delhi - Orders of Hon'ble of NGT dated 05.12.2023 to furnish details with regard to protection of trees - details furnished -Reg.

Ref: 1. Member Secretary, MoEF&CC, Lr.No. CM-13011/196/2023-LAW-HO-CPCB-HO, dt. 03.01.2024.  
2. JCEE, TSPCB, Hyderabad

\*\*\*\*

Adverting to the references cited, it is to inform that the information with regard to Protection and Management of Forests / trees, thereby penalties and procedure to be followed for illegal cutting of trees and pruning of trees as envisaged under the Telangana Forest Act, 1967, Telangana Water, Land and Trees Act, 2002, Telangana Preservation of Private Forest Rules, 1978 and Telangana Water, Land and Trees Act, 2002, Telangana Water, Land and Trees Rules, 2004 have been filled in the format and enclosed herewith, along with copies of these Acts, Rules.

Yours faithfully,

1955

Dobriyal

Signed by Rakesh Mohan  
Dobriyal  
Date: 23-01-2024 07:45:05  
Reason: Approved

Rakesh Mohan

Prl. Chief Conservator of Forests  
(Head of Forest Force)

Copy to JC EE, Telangana State Pollution Control Board, Santhnagar, Hyderabad (**tspcbseeunit2gmail.com**) along with enclosures-enclosures sent through email.

//True Copy//



for Prl. Chief Conservator of Forests

1956

**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	1. Name of State: /Union Territory		<b>Telangana State</b>
	(i) Is there any act for: protection / preservation of trees or felling and pruning of trees	Yes/ No	Yes
	(ii) If yes, please: provide brief details of the Act and copy of the same		<b>1. Telangana Forest Act, 1967</b> (For protection and management of Forests, duly prescribing punishments for violation of said Act.)  <b>2. Telangana Water, Land and Trees Act (WALTA), 2002</b> (An Act to promote Water Conservation and increase Tree Cover and Regulate the protection and Management of Trees outside the forest areas).
	(iii) If no, is there any: plan of development of Act	Yes/ No	Does not arise
	(iv) If yes, please: provide timeline of development of such Act		Does not arise
2	(i) Is there any Rule for: protection of trees or felling and pruning of trees	Yes/ No	Yes
	(ii) If yes please provide brief details of the Rule and copy of the same		<b>1. Telangana Preservation of Private Forest Rules, 1978.</b> (Protection and Management of Trees in scheduled areas)  <b>2. Telangana Water, Land and Trees Rules, 2004.</b> (To increase Tree Cover and Regulate the protection and management of trees)
	(iii) If no, is there any: plan of development of such Rule	Yes/ No	Does not arise
	(iv) If yes, please: provide timeline of development of such Rule		Does not arise
3	(i) Is there any guidelines for protection of trees or felling and pruning of trees	Yes/ No	Yes

			In <b>G.O.Ms.No.23, EFS&amp;T, (For.I) Dept., dt.05.07.2017</b> under Ease of Doing Business (EoDB), Government of Telangana have prescribed simplified procedure to accord tree felling permission, as per which the applicant has to submit application through online under TGFMS website of Telangana Forest Department for felling of trees duly paying Rs. 500/- per tree (Rs. 450/- towards Security Deposit for planting charges in case the applicant fails to plant number of trees felled and Rs. 50/- towards Inspection charges).
	(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	Does not arise
	(iv) If yes, please provide timeline of development of such Guidelines		Does not arise
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	Yes
	(ii) If yes, please provide brief details of the methodology and copy of the same		1. For illegal felling of trees in the Forest areas, Penalties and procedure has been prescribed under Section 44, 48 & 59 of Telangana Forest Act, 1967.  2. For illegal felling of trees in other than Forest areas, Penalties and procedure has been prescribed under Section 37, 38 of Telangana Water, Land and Trees Act, 2002 read with Section 26. 27 & 28 of Telangana Water, Land and Trees (WALTA) Rules, 2004.
	(iii) If no, is there any plan of development of methodology	Yes/ No	Does not arise
	(iv) If yes; please provide timeline of development of such methodology		Does not arise
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.			--

Signed by Rakesh Mohan  
Dobriyal  
Date: 23-01-2024 07:49:29  
Reason: Approved

PCCF (HoFF), TS, Hyderabad

//True Copy//

  
for Prl. Chief Conservator of Forests

  
23/1/24



**Annexure 27**

No.F.18(28)/TSPCB/NGT/911/316

January 24, 2024

To  
The Member Secretary  
Central Pollution Control Board  
MOEF & CC, Govt. of India.  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

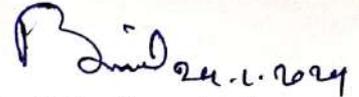
**Sub.: Compliance of Order passed by the Hon'ble NGT dated 05.12.2023 in OA No.911/2022 [IA No. 14/2023 and IA No.16/2023]-reg.**  
**Ref. : Letter No. CM-13011/196/2023-LAW-HO-CPCB-HO dated 03.01.2024**

Sir,

This has reference to your Letter No. CM-13011/196/2023-LAW-HO-CPCB-HO dated 03.01.2024 on the subject cited above. In this connection, please find enclosed herewith the required information in prescribed format for the State of Tripura for kind information.

Enclosed: As stated

Yours Faithfully,

  
(Dr. Bishu Karmakar)  
Member Secretary

Copy to:

- i) PA to the Chairman, Tripura State Pollution Control Board for kind information of the Chairman.
- ii) The Director, Science, Technology and Environment, Govt of Tripura for kind information.

 Address:

**PARIVESH BHAWAN**  
Pandit Nehru Complex, Gorkhabasti  
PO. Kunjaban, Agartala, Tripura(West)  
Pin: 799006

 Website:

[www.tspcb.tripura.gov.in/](http://www.tspcb.tripura.gov.in/) [trpervis.nic.in](http://trpervis.nic.in)

 Email:

[tripuraspcb@gmail.com](mailto:tripuraspcb@gmail.com) / [hoospcb-tr@gov.in](mailto:hoospcb-tr@gov.in)

 Contact:

Chairman : 0381 - 2322462  
Member Secretary : 0381 - 2325421  
Head of Office : 0381 - 2322455  
OCMMCS Heln Deck : 0381 - 2328792

**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 : Tripura	Remarks
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees :	The Indian Forest Act, 1927 has been adopted in the State and necessary amendments have been undertaken time to time for the purpose of dealing such issues, wherever needed.
	ii) If yes, please provide brief details of the Act and copy of the same :	Does not arise.
	iii) If no, is there any plan of development of Act:	No
	iv) If yes, please provide timeline of development of such Act :	Does not arise.
2.	i) Is there any Rule for protection of trees or felling and pruning of trees :	There is no separate rule specific to the State for such protection of trees.
	ii) If yes, please provide the brief details of the Rule and copy of the same :	Does not arise.
	iii) If no, is there any plan of development of Rule:	No
	iv) If yes, please provide timeline of development of such Rule :	Does not arise.
3.	i) Is there any Guidelines for protection of trees or felling and pruning of trees :	There is a Guideline for managing and regulating tree felling in non forest areas.
	ii) If yes, please provide brief details of the Guidelines and copy of the same:	Annexure- A
	iii) If no, is there any plan of development of Guidelines:	No
	iv) If yes, please provide timeline of development of such Rule:	Does not arise.
4.	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees:	There is no any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation & recovery etc for violation of the Guidelines of tree felling within non-forest area. In respect of trees within the forest area the provisions of IFA is applicable.
	ii) If yes, please provide brief details of the methodology and copy of the same :	Does not arise
	iii) If no, is there any plan of development of methodology:	No
	iv) If yes, please provide timeline of development	Does not arise

2

	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 :	Does not arise
6.	Other relevant information :	Nil



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**In the matter of OA No. 911 of 2022-Uttarakhand**

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**From** : rskathait2009@gmail.com

Tue, Jan 30, 2024 12:13 PM

**Subject** : In the matter of OA No. 911 of 2022-Uttarakhand 1 attachment**To** : UPC I <upc1.cpcb@gov.in>

From:  
Uttarakhand Pollution Control Board  
Dehradun

To,  
Shri Sarandeep Singh  
CPCB Delhi

Sub.: In compliance of order dated 05.12.2023 of HON'ble NGT In the matter of OA No. 911 of 2022 -reg

Sir

With reference to above subject matter, please find enclosed information in the matter related to the State of Uttarakhand.

Regards

Rajendra Singh

UKPCB

Mo. 9412383118

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 **Reply from Uttarakhand-OA No. 911 of 2022 30.01.2024.pdf**13 MB

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1.	Name of State/Union Territory	UTTARAKHAND
2.	i) Is there any Act for protection/preservation of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Act and copy of the same	Uttar Pradesh Protection of Trees Act 1976 as adapted in the State of Uttarakhand by Uttaranchal (UPPTAct1976)Adaptation and Modification Order 2002 Copy of original act and its subsequent amendments till 2000 are enclosed as annexure 1 (Colly) (Page 1-7)
	iii) If no, is there any plan of development of Act	NA
	iv) If yes, please provide timeline of development of such Act	NA
3.	i) Is there any Rule for protection of trees or felling and pruning of trees	No
	ii) If yes, please provide brief details of the Rule and copy of the same	NA
	iii) If no, is there any plan of development of Rule	No
	iv) If yes, please provide timeline of development of such Rule	NA
4.	i) Is there any Guidelines for protection of trees or felling and pruning of trees	Yes
	ii) If yes, please provide brief details of the Guidelines and copy of the same	Guidelines issued from time to time is enclosed as annexure 2 (Colly) (Page 12-16)
	iii) If no, is there any plan of development of Guidelines	No
	iv) If yes, please provide timeline of development of such Guidelines	NA
5.	i) Is there any methodology for imposing environmental compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees	No. However, section 10 of the Act provide for imprisonment extend to six months or with fine which may extend to one thousand rupees or with both. Section 15(1) also provides for compounding of offences in respect of trees on private land on payment of money not exceeding rupees five thousand.
	ii) If yes, please provide brief details of the Methodology and copy of the same	NA
	iii) If no, is there any plan of development of Methodology	No
	iv) If yes, please provide timeline of development of such Methodology	NA
6.	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	The felling and pruning of trees not falling under the purview of IFA 1927 are regulated by the provisions of UP Protection of Trees Act 1976
7.	Other relevant information	Notifications issued under this Act from time to time is annexed as Annexure 3 ( Colly) (Page 17-22)