

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

Original Application no. 739 of 2023

In the matter of

Environment Protection Society (Regd).

.....Applicants

Versus

MoEF&CC & Others

.....Respondents

Reply of Er. Rantej Sharma, Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar in compliance of order dated 17.09.2024.

Respectfully Showeth:

1. That briefly submitted, the above mentioned case is pending before the Hon'ble Tribunal wherein the issue of cutting of trees for widening of road has been raised. It is alleged in the application that cutting of large number of trees in urban area are bound to cause damage / degradation of air quality causing air pollution. Considering

this fact, the Hon'ble Tribunal was pleased to pass an order dated 17.09.2024 thereby impleading the State Pollution Control Board as a party in the case with the direction to file reply.

2. That in compliance to the order dated 17.09.2024 passed by this Hon'ble Tribunal, it is submitted that the Board has enquired about the matter and it is observed that the Greater Mohali Area Development Authority (GMADA) is widening the inner roads of the city of Mohali namely Kumbra to Bawa White House, Franco chowk to SSP residence chowk and Inner Road passing adjoining Golf Range. The GMADA has axed 309 number of trees in the area of Golf Range whereas for widening of other two roads, trees have not yet been axed. GMADA has replanned the widening of two number of roads and after replanning the number of trees to be axed have been reduced substantially and only one side of road will be affected.
3. That it is relevant to mention here that the Air Quality of Mohali (SAS Nagar) is being monitored by the Punjab Pollution Control Board through manual station at Dr. B.R. Ambedkar State Institute of Medical Science, Sector 56, Phase -6, Mohali. The annual average of PM10, NO2 and SO2 for the year 2022, 2023 and for the year 2024 upto the month of September, is tabulated herein below :

S.No.	Parameters	Year		
		2022	2023	2024 (upto the month of September, 2024)
1	PM ₁₀ (µg/m ³)	91	99	91
2	NO ₂ (µg/m ³)	18	15	15
3	SO ₂ (µg/m ³)	05	06	06

It is further relevant to mention here that the GMADA is planting trees in the area of Mohali at three locations in Urban Forest Sector 97, Choe Reserve Area Sector 67 and Aerocity Airport Chowk to compensate the cutting of trees undertaken for widening of the roads.

4. That it is relevant to mention here that the Government of Punjab, Department of Forests and Wildlife Preservation has prepared and circulated 'The Tree Preservation Policy for Non-Forest Government and Public Lands-2024' in the State of Punjab. The committees of officers at Sub Divisional, District and State Level have been constituted to regulate The Tree Preservation Policy for Non-Forest Government and Public Lands-2024. A copy of the Tree Preservation Policy for Non-Forest Government and Public Lands-2024 is enclosed as Annexure-A.

5. That the present case primarily relates to the Government of Punjab, Department of Forests and Wildlife Preservation and GMADA. The GMADA has obtained the requisite permission from the Competent Authority i.e. Department of Forests and Wild Life Preservation. In the given circumstances, the replies filed by GMADA and Department of Forests and Wildlife Preservation may kindly be perused.
6. That the reply on behalf of the Punjab Pollution Control Board is submitted for kind consideration of the Hon'ble Tribunal.

Submitted by

Date: 9/10/2024

Place: Sas Nagar

Ranjit Sharma
Environmental Engineer
Punjab Pollution Control Board,
Regional Office, SAS Nagar.

GOVERNMENT OF PUNJAB
DEPARTMENT OF FORESTS & WILDLIFE PRESERVATION

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

1. PREAMBLE

- 1.1 Punjab, the grain basket of India has about 85% of its area under agriculture and the remaining area is under other land uses like residential/commercial, roads/railways infrastructure, industrial, irrigation canals, forests etc. The forest and tree cover of the state is around 5.92% of the geographical area and as per the Sustainable Development Goals, the State is aiming to increase it to 7.5% by promoting tree plantation and conserving existing tree cover on both forest as well as non-forest lands by the year 2030. Promoting Agroforestry is also one of the key thrust areas to achieve this target. In order to provide a healthy environment, mitigate global warming and to arrest fall of ground water level, efforts are being made to protect existing tree cover on forest as well as non-forest lands and promote diversification of agriculture so as to bring more and more area under tree cover.
- 1.2 The analysis of current legal and administrative provisions pertaining to trees on non-forest government land/public land (henceforth termed as the "SAID LANDS") necessitates a specific policy which brings uniformity of regulations, provides improved inbuilt provisions for protection of trees on SAID LANDS, regulation of removal/felling of trees for developmental and safety purposes from SAID LANDS based on well reasoned justifications apart from compensating environmental losses caused by felling of trees.

2. OBJECTIVES

The objectives of the Policy are as follows –

- 2.1 Provide institutional mechanism to provide adequate protection to trees standing on the SAID LANDS and to facilitate well-reasoned decision making in cases where removal of trees is inevitable for development and safety and other purposes.
- 2.2 To provide adequate mechanism to compensate the environmental loss caused by the felling of trees while implementing developmental projects on the said lands.
- 2.3 Provide adequate tree cover on the SAID LANDS thereby safeguarding and providing a better living environment to the people of the State.

3. EXTENT

- 3.1 The policy is applicable on all non-forest lands owned by the State Government Departments, all State owned institutions, Local Bodies and lands of Panchayats excluding lands notified under Punjab Land Preservation Act, 1900.
- 3.2 The policy will however, not be applicable in cases where any government or semi government research institutes require felling of trees for the purpose of research.

4. REGULATION OF FELLING OF TREES AND PROTECTION OF TREES

- 4.1 The owners of the SAID LAND will take all necessary and possible measures to protect trees from illicit felling, pruning and pollarding by evolving their own mechanisms and use provisions of Indian Penal Code or any other law applicable to penalize offenders, if required, so as to deter illicit felling, pruning and pollarding of trees on the said lands.
- 4.2 Following Committees at sub-divisional level, District level and State level shall be constituted to regulate the policy:

4.2.1 The Sub-Divisional Level Committee:

(a)

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

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

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

4.2.2 The District Level Committee:

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

(vi)	District Level Head of the concerned land owning Department	Member
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4.2.3 The State Level Committee:

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

- 4.3 The State level committee shall review the implementation of the policy from time to time and should meet preferably once in every three months. This committee will also suggest necessary changes required in the policy from time to time and look into the inter departmental coordination issues.
- 4.4 The respective Member Secretaries in all the committees as mentioned in para 4.2.1 and 4.2.2 shall place the agenda before the respective Committees as received from the respective departments. The concerned officers of the land owning department will submit the agenda to the Member Secretary to the respective committee.
- 4.5 Sub-Divisional Committee shall decide about developmental cases involving felling of up to 100 trees per case. District level committee shall decide cases involving felling of more than 100 trees per case. The committees shall prescribe the compensatory plantation plans in case of developmental felling of trees.
- 4.6 All Departments/institutions desiring to fell trees for developmental works from the SAID LANDS shall send the details of development project and list of trees to

be felled (as per annexure 1) through its District level head to a Committee at Sub-Division or District level depending upon the number of trees required to be felled in each case. These Sub-Division or District level committees shall scrutinize and decide upon the need of felling of trees from the SAID LANDS for developmental purposes and issue necessary approvals.

- 4.7 In cases involving removal of trees posing imminent threat to life and property and where immediate removal of such trees is essential and unavoidable, instead of referring the case to Sub-Division/District/Municipal Corporation Committees, the in-charge of such premises /institute shall report the matter immediately to the District Head of the concerned department, who shall in turn constitute a departmental committee immediately to inspect and certify the threat imposed by such trees. The report of the committee after due acceptance by the District Head of the Department concerned shall be sent to the concerned premises in-charge and the same shall be treated as permission to fell such trees which are an immediate threat to life and property. District Head of the Department shall also endorse the copy of above letter (along with committee report) to concerned chairpersons of the committees for information. Value of such trees will be got assessed by respective Divisional Forest Officer before felling of trees. The Divisional Forest Officers shall determine the price of such trees within 24 hours of receipt of such reference from the district head of the Department. This will be applicable to all species of trees.
- 4.8 In case of trees which require pruning or removal due to high tension wires, PSPCL will be the nodal department to take up the case to the concerned district/sub-divisional level committee in coordination with the institutions/owners of the trees.
- 4.9 All departments shall adopt the approach of avoidance, reduction and offsetting with respect to need of felling of trees on the SAID LANDS while designing and implementing the developmental projects. Efforts shall be made to preserve

Old/Heritage trees of species like Pipal, Bohar, Neem etc. and recommendation of their felling should be made only in rarest of rare cases.

- 4.10 District Level officers of various departments shall ensure that no felling of trees take place in their jurisdiction without the approval obtained as per the provisions of this policy. In case there is a violation of the policy, apart from the other actions as per the policy and the law applicable, such district level officers shall be proceeded as per the disciplinary proceedings as provided in the Punjab Civil Services Punishment Conduct and Appeal Rules. Further, in case of the educational intuitions in particular, apart from the district level officers, such an action shall also be initiated against the respective institutional head.
- 4.11 In case trees are required to be felled for the research purpose, prior written intimation of the same to the concerned district/sub-divisional level committee should be done by the concerned department.
- 4.12 If a village Panchayat is promoting agroforestry on their own lands and enhancing the tree cover of the state, no restriction in felling of such trees should be imposed provided such Panchayat agree to replant the equivalent area with trees/agroforestry. The Panchayat shall pass a resolution to this effect. In such cases, separate Compensatory plantation should not be made mandatory on Panchayats as mentioned in Para 5 of the Policy.
- 4.13 Decision on any issue which is not covered in this policy, shall be taken at the discretion of the concerned Committee, which shall take an appropriate and well reasoned decision in the best interest of State and Environment.

5 COMPENSATORY PLANTATIONS

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

- 5.2 The normal ratio for taking up of compensatory plantation will be 1:5 (planting 5 saplings for every one tree felled) along with minimum of 5 years maintenance. Plants to be planted should be of good quality and not less than 4 to 5 feet of height.
- 5.3 For taking up of compensatory plantation, every department shall identify a suitable land bank from lands owned by it preferably at same site to the extent possible and if it is not possible then alternatively at the nearest possible site within same District from where trees are to be felled.
- 5.4 Compensatory Plantation shall be taken up by the respective departments on their own. In case, the department does not have land bank suitable for compensatory plantation or not able to take up plantation, same shall be certified by the concerned Head of Department and it shall deposit amount as per the plantation cost models of Forest Department in Green Punjab Mission Fund of State Government in consultation with the concerned Range Officer or Divisional Forest Officer. This amount shall be utilized as per the guidelines of Green Punjab Mission Scheme.
- 5.5 The revenue realized from developmental and other felling on the SAID LANDS shall be ploughed back for compensatory plantation and their maintenance. If this amount is not sufficient for the compensatory plantation, then respective department has to make adequate financial provision.
- 5.6 Actual felling of trees shall start only after securing funds for compensatory plantation in a manner mentioned in **5.4 and 5.5**.
- 5.7 The condition of compensatory plantation shall be mandatory for developmental felling and is only suggestive in other category of fellings.

6 MONITORING & EVALUATION

- 6.1 All the departments will create their inventory of trees standing on the SAID LAND by enumerating such trees within one year of notification of this policy in the prescribed format which will be circulated by the Forest Department.
- 6.2 Subsequently, record of such trees standing on the SAID LANDS shall be annually maintained by the concerned departments to safeguard and monitor these trees.
- 6.3 Efforts shall be made to create a digital data base for trees standing on the SAID LANDS by creating an online portal/mobile application for better monitoring of trees. Inventory of trees shall be continuously updated when trees are cut after obtaining the approval of the respective committees in this regard.

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