

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

Original Application No. 829 of 2024

Public Action Committee &Ors.

Applicant

Versus

State of Punjab &Ors.

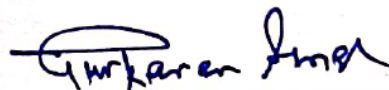
Respondent(s)

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Date: 10/10/2024

Place: Patiala



**Environmental Engineer
Punjab Pollution Control Board,
Regional Office, Patiala.**

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

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Respondent(s)

Reply / Status Report of Environmental Engineer, Regional
Office, Patiala on behalf of Punjab Pollution Control Board i.e. respondent
no.6.

Respectfully Showeth:

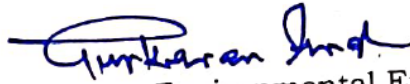
- 1) That briefly submitted, the Public Action Committee and others have raised the grievance in respect of felling of trees in the implementation of the four-laning project of Major District Road Sirhind-Patiala Road of 22 Km. stretch by filing an application before the Hon'ble National Green Tribunal. It is alleged by the applicants that in the implementation of the said project, 7392 fully grown-up trees and around 20000 mid-sized trees including the shrubs will be axed, with further allegation that trees in almost 7 Km. of stretch have already been axed by the Forest Department. The application was treated as Original Application No. 829 of 2024

titled as Public Action Committee and Others v/s State of Punjab and Others by the Hon'ble National Green Tribunal.

- 2) That after consideration of the matter, the Hon'ble National Green Tribunal was pleased to pass an order dated 24.07.2024, thereby issuing notice to the State of Punjab through Chief Secretary; Chief Conservator of Forest; Division Forest Officer, Patiala Division; Deputy Commissioner, District Administration Complex, Patiala; Chief Engineer, Public Works Department (B & R Branch) and Environmental Engineer, Punjab Pollution Control Board, Patiala.
- 3) That the perusal of the case shows that the facts of the case primarily relate to the Government of Punjab, Department of Public Works (Building and Roads) and the Department of Forest and Wildlife Preservation. 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'. 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**.
- 4) That the respondent Punjab Pollution Control Board has also enquired about the facts of the case from the Department of Public Works (B and R) and came to know about the fact that the Department of Public Works (B and R) is widening the Patiala-Sirhind Road and has obtained the permission from the Department of Forests and Wildlife Preservation, which is enclosed **Annexure-B**.

- 5) That in the given circumstances, the replies filed by the Department of Public Works (B and R) 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



Environmental Engineer
Punjab Pollution Control Board,
Regional Office, Patiala.

Date: 10/10/2024

Place: Patiala.

Item No. 07

Court No. 1

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

Original Application No. 829/2024

Public Action Committee & Ors.

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 24.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Kapil Dev, Applicant in Person (Through VC)

ORDER

1. In this original application, Applicant has raised the grievance in respect of felling of trees in the implementation of the four-laning project of Major District Road Sirhind-Patiala Road of 22 Km. stretch and the allegation is that in the implementation of the said project, 7392 fully grown-up trees and around 20000 mid-sized trees including the shrubs will be axed. It is further the allegation in the OA that trees in almost 7 Km. of stretch have already been axed within last 10 days by the Forest Department.

2. Submission of the Applicant is that the option of transplantation of the trees should have been adopted and that compensatory afforestation has been proposed in Hoshiarpur 180 Kms. away and Ropar 75 km away from the location of felling of trees on the ground that there is no space left for plantation along the roadside after widening the road in the concerned location. The plea of the Applicant is that in terms of the Indian Road Congress (IRC) Code SP: 21-2009 Guidelines, the land ought to have been acquired for compensatory afforestation. In support of the

plea, the Applicant has placed reliance upon clause 1.3, 1.4, 1.7 and 9.3 of the IRC Guidelines which are extracted as under:

"Section 1.3: It is the responsibility of the road agencies to offset the loss of trees and other changes resulted into the surroundings. There is a need to follow the approach of "Corridor Development & Management", rather than "Highway Development". Apart from mitigating the environmental losses, road agencies must plan to enhance the aesthetics of the highway corridor from all possible angles. Highways should not be looked upon merely as a means of transportation, but as a part and parcel of the environmental and socio-economic milieu.

Section 1.4: The land needed for the avenue plantation and landscape improvement has to be considered during the project formulation stage itself. As a result, after construction, when the plantation is actually to start, the land is available for planting. The width of the remaining ROW is, many times, not sufficient enough to accommodate even a single row of plants; whereas at some places, three to four rows can be planted. To ensure availability of sufficient width for avenue plantation, the requirement of land for tree plantation should be assessed and included in the land acquisition plans prepared for a highway widening project.

xxxxxx.....xxx

Section 1.7: Highway design and landscaping should be regarded as complementary and tackled as a single planning task. The detailed project reports prepared for the road projects must include landscaping and tree planting as an integral part of the design. The landscape features must be studied during the design process and specific drawing, designs, and specifications must be prepared. **There should be no compromise on the cost.**

xxxxxx.....xxx

Section 9.3: Acquisition of Additional Land

9.3.1 Based on the inventory, an action programme should be prepared as regards additional landscaping measures and traveller amenities. If available land width is insufficient to implement this programme, acquisition of additional land should be seriously considered keeping in view the following requirements:

- i) To provide flatter side slopes in cuts and fills along with contouring of the adjacent land.
- ii) **To provide enough space for planting suitable trees and plants."**

3. The OA raises substantial issue relating to compliance of the environmental norms.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.
5. List on 17.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 24, 2024
Original Application No. 829/2024
DV

**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.

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Government of India
Ministry of Environment, Forest and Climate Change
Regional Office, Chandigarh



Online Proposal No.: FP/PB/ROAD/414057/2023



Dated: 18/01/2024

To,

The Additional Chief Secretary (Forests),
Government of Punjab, Mini Secretariat,
Sector-9, Chandigarh

Subject: Proposal for non-forestry use of 22.59 ha of forest land under Forest (Conseravation) Act, 1980 in favour of M/s EXECUTIVE ENGINEER CENTRAL WORKS DIVISION PWD for Patiala Division in PATIALA Forest Division, District (PUNJAB)(FP/PB/ROAD/414057/2023) – reg.
Ref: State Government's Stage-I Compliance report dated 04.01.2024.

Sir/Madam,

Kindly refer to the subject cited above and letter under reference for seeking prior approval in accordance with section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 22.59 ha. of forest land for non-forestry purpose. In this proposal, *In-principle* approval was granted by this office's letter of even number dated 01.08.2023, whose compliance report was received through State Government's Stage-I Compliance report dated 04.01.2024. After careful examination of the received compliance, I am directed to convey *FinalApproval* for the above-mentioned project, subject to the following conditions:

1. General Conditions

S. No	Conditions
1.1	<ol style="list-style-type: none"> 1. Legal status of the forest land shall remain unchanged. 2. The number of trees/plants to be felled shall not in any way exceed the number indicated in the proposal and no harm shall be done to the wildlife during felling of trees. The felling of trees/plants will be carried out under the strict supervision of the State Forest Department and the amount spent on felling of trees/plants will be deposited by the user agency to the State Forest Department. 3. As per the proposed CA Scheme, Compensatory afforestation (CA) shall be taken up by the State Forest Department over degraded forest land in <i>H.B No. 496 of village Dada PF, Tehsil</i>

S. No	Conditions
	<p><i>and district Hoshiarpur</i> at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided.</p> <ol style="list-style-type: none"> 4. As per the proposed CA Scheme, Additional Compensatory afforestation (ACA) shall be taken up by the State Forest Department over degraded forest land in <i>Bhangala Forest in Rup Nagar Forest Division</i> at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided. 5. The Divisional Forest Officer shall ensure that the approved CA/ACA site (s) will not be changed without the approval of Competent Authority. 6. The Nodal Officer (State CAMPA) Authority shall ensure that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme. 7. The State Government shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the <i>E-Green watch portal of FSI</i>, before handing over of forest land to the user agency. 8. The initial permission will be given to this proposal for 99 years. After that the permission shall again be obtained from the Government of India. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favor of the user agency or the project life, whichever is less. 9. The forest land shall not be used for any purpose other than that specified in the proposal. 10. The user agency shall pay additional amount of NPV as and when increased by the order of Hon'ble Supreme Court and the State Government will ensure that the increased amount is deposited. 11. No kind of damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land. 12. The forest land proposed to be diverted shall, under no circumstances, be transferred to any other agency, department, or person without approval of the Central Government. 13. The layout plan of the proposal shall not be changed without prior approval of Central Government. 14. The user agency shall carry out muck disposal at pre-designated sites as per the scheme approved. 15. Any other condition may be stipulated by this regional office from time to time, in the interest of conservation, protection and development of forests & wildlife. 16. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable. 17. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan)Adhiniyam, 1980 and action would be taken as per para 1.16 of the consolidated guidelines and clarifications on Van (Sanrakshan Evam Samvardhan)Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan)Rules, 2023, MoEF&CC. 18. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.

2. Standard conditions

S. No	Conditions
2.1	<ol style="list-style-type: none">1. User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.2. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.3. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.

3. Specific Conditions

S. No	Conditions
3.1	The Ministry may suspend/cancel this approval if the implementation of any of the above conditions is not satisfactory. The State Government will ensure compliance of these conditions through the Forest Department.

Copy To

1. Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jorbagh, Aliganj, New Delhi. (ramesh.pandey@nic.in)
2. Principal Chief Conservator of Forests, Punjab, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab. (pccfpunjab@gmail.com)
3. Chief Executive Officer, CAMPA, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab(ceo.puncampa@gmail.com)
4. The Divisional Forest Officer, Forest Division & District Patiala & Fatehgarh Sahib, Punjab(dfopta@gmail.com).
5. The Executive Engineer, Executive Engineer, PWD B&R, Mohali, SAS Nagar.(eecwdmohpwpdb@gmail.com).

Your's faithfully
(Raja Ram Singh)
Dy. Inspector General of Forests (Central),
MoEF&CC, RO, Chandigarh