

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

Original Application No. 911/2022

In the matter of:-
Prof. Dr. Sanjeev Bagai & Ors.

.....Applicants

Versus

Department of Environmental, GNCTD & Ors.

.....Respondents

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Place:

Date: 03.04.2024

Subhash chander

Subhash Chander, Under Secretary
Department of Environment, Forest & Wildlife, Haryana

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**Response on behalf of State of Haryana in
compliance to order dated 05-12-2023**

May it please your lordships:-

1. That the present Application under Section 14 and 15 of the National Green Tribunal Act, 2010 was filed by the applicant against the 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. Later on scope of the case was expanded and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh and State Pollution Control Boards were impleaded as respondents. These respondents were directed 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 was 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.
2. That in the State of Haryana issues of protection/preservation of trees or illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same are being regulated by the Department of Environment, Forest & Wildlife, Haryana under Forest Laws i.e. Indian Forest Act, 1927, Wildlife (Protection) Act, 1972, Punjab Land Preservation Act, 1990 & 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 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 & 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 Officers. The tree felling on such lands has been notified by the State Government as Right to Service. Notification dated 11th July, 2022 is placed at **Annexure R-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. The guidelines for protection of trees or felling and pruning of trees made under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEFCC.

3. That 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. The information as desired by the CPCB has been provided through State Pollution control Board vide letter dated 25.01.2024 of the PCCF(HoFF), Haryana, copy of which is attached as **Annexure R-2**.
4. That the response of the State of Haryana are hereby submitted for kind perusal and consideration of the Hon'ble Tribunal.

Place:

Date:03.04.2024

Subhash Chander

**Subhash Chander, Under Secretary
Department of Environment, Forest & Wildlife, Haryana**



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हरियाणा सरकार

प्रशासकीय सुधार विभाग

अधिसूचना

दिनांक 11 जुलाई, 2022

संख्या 7/31/2014-3ए0आर0.— हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) की धारा 3 की उपधारा (1) तथा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा हरियाणा सरकार, प्रशासकीय सुधार विभाग, अधिसूचना संख्या 7/31/2014-3ए.आर., दिनांक 15 फरवरी, 2016 की अनुसूची की क्रम संख्या 190 तथा 191 तथा उसके सामने प्रविष्टियों के अधिक्रमण में, हरियाणा के राज्यपाल, आयोग की सिफारिशों पर, इसके द्वारा, नीचे दी गई अनुसूची में यथा विनिर्दिष्ट उक्त अधिनियम के अधीन वन तथा वन्य प्राणी विभाग की निम्नलिखित सेवाएं, समय सीमा, जिसके भीतर नागरिकों को उपलब्ध करवाई जानी हैं, पदाभिहित अधिकारी, प्रथम शिकायत निवारण प्राधिकारी तथा द्वितीय शिकायत निवारण प्राधिकारी अधिसूचित करते हैं अर्थात् :-

अनुसूची

क्रम संख्या	विभाग का नाम	सेवा का नाम	दी गई समय सीमा	पदाभिहित अधिकारी	प्रथम शिकायत निवारण प्राधिकारी	द्वितीय शिकायत निवारण प्राधिकारी
1	2	3	4	5	6	7
1.	वन तथा वन्य प्राणी विभाग	हरियाणा भू-परिरक्षण अधिनियम, 1900 (1900 का पंजाब का अधिनियम II) की धारा-4 के अधीन अधिसूचित भूमि में वृक्षों की कटाई की अनुमति	15 दिन	वन मण्डल अधिकारी	मुख्य वन संरक्षक / वन संरक्षक	अतिरिक्त प्रधान मुख्य वन संरक्षक, (वानिकी)
2.	वन तथा वन्य प्राणी विभाग	हरियाणा भू-परिरक्षण अधिनियम, 1900 (1900 का पंजाब का अधिनियम II) अथवा वन अथवा प्रतिबन्धित भूमि के संबंध में निराक्षेप प्रमाण पत्र	15 दिन	वन मण्डल अधिकारी	मुख्य वन संरक्षक / वन संरक्षक	अतिरिक्त प्रधान मुख्य वन संरक्षक, (वानिकी)

संजीव कौशल,
मुख्य सचिव, हरियाणा सरकार।

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. HSPCB-015003-042024-PUBLICITYCELL/HSPCB (Computer No. 1058844)
I/242273/2024
I/242273/2024 Annexure-R2

HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

E-mail- hspcbhmisc@gmail.com

Website: hspcb.gov.in

To

The Member Secretary, CPCB
Parivesh Bhawan, East Arjun Nagar,
New Delhi.

Subject: 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).

Ref: CPCB letter no. CM-13011/196/2023-LAW-HO-CPCB-HO Dated 03.01.2024

With reference to subject cited above, please find enclosed herewith copy of letter no. 573 dated 25.01.2024 received from Principal Chief Conservator Of Forests (HoFF) Haryana for information and further necessary action please.

D.A as above

Signed by

~~Kuldeep Singh~~ Environmental Engineer

Date: 07-02-2024 17:09:16
For Member Secretary, HSPCB

CC

A copy of above is forwarded for information:-

1. District Attorney, HSPCB

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.

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	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 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 :	Yes 1. Indian Forest Act, 1927 2. Wildlife (Protection) Act, 1972 3. Punjab Land Preservation Act, 1900 4. Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 -NA- -NA-
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 :	Yes 1. The land on which the Indian Forest Act, 1927, Wildlife (Protection) Act, 1927 & 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 & Van (Sanrakshan Evam Samvardhan) Adhiniyam. 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 th July, 2022 is placed

		at Annexure-I. 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.	-NA-
	iii) If no, is there any plan of development of Rule : Yes/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/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 :	Yes	
		The guidelines made under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEFCC can be accessed from the website of MoEFCC.	-NA-
			-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 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 and copy of the same :	No	
		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.	-NA-
	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		
6.	Other relevant information	--	

Principal Chief Conservator of Forests (HoFF)