

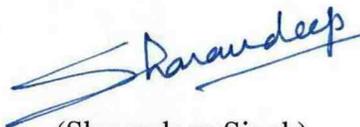
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 360/2024

In the matter of:

News item titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024

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1.	Reply on behalf of Respondent No. 1 Central Pollution Control Board (CPCB) in compliance to the Hon'ble NGT (PB) order dated 12.04.2024 in Original Application No. 360/2024 titled as News item titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024	
2.	Annexure – I Circular of Government of J&K office of Principal chief Conservator of Forests, Jammu dated 31.03.2011 regarding Procedure/guidelines for regulating felling of plantation and trees growing on institution lands including defence land	
3.	Annexure – II Circular of Government of J&K office of Principal chief Conservator of Forests Van Bhavan, Jammu dated 28.11.2019 regarding felling of trees posing threat to life and property.	
4.	Annexure – III A copy of Hon'ble NGT order dated 12.04.2024.	


(Sharandeep Singh)

Scientist 'E'

Central Pollution Control Board

Date: 12.07.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 360/2024 (PB)**

IN THE MATTER OF:-

News item titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024

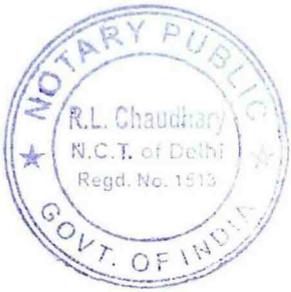
**REPLY ON BEHALF OF THE RESPONDENT No. 1
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT vide order dated 12.04.2024 and advance notice dated 05.04.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in this instant Original Application (hereinafter referred as O.A).
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
3. That, the matter is related to felling of 234 trees in the campus of Amar Singh College in Srinagar as per the referred news item. It is also mentioned that around 182 trees were planted many decades ago to create an avenue of Poplars in front of the main façade of the building and they had grown to 20-30 ft
4. That, this answering respondent humbly submits here about Hon'ble NGT matter having OA 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 matter, as per the direction of Hon'ble National Green Tribunal, Central Pollution Control Board has sought information from all State Pollution Control



Boards / Pollution Control Committees including Jammu and Kashmir State Pollution Control Committee (hereinafter referred as J&KPCC) regarding Acts/rules/guidelines/circulars for protection and management of trees. Information received from J&K PCC regarding various Acts / Rules / Circulars etc. for the protection and management of trees are summarized below:

- i. In Forest area, the trees have been protected in accordance with Indian Forest Act, 1927.
- ii. In State and Private land J&K Specified Trees Act, 1969 and J&K Specified Trees J&K Specified Trees Rules, 1969 are applicable.
- iii. Municipal Corporation Act, 2000, where in under chapter XX" Regulation of Felling and Planting Trees" are regulated within the jurisdiction of Municipal Corporations.
- iv. Circular No. PCCF/Lease/Felling/trees/2011/1094-1144 dated 31.03.2011 on Procedure/guidelines for regulating felling of plantation and trees growing on institution lands including defense land has been issued by Office of the Principal Chief Conservator of Forest, Government of Jammu and Kashmir (**Annexure-I**). The guidelines laid down are as follows:
 - a. In case Institution land is forest land diverted under the Jammu and Kashmir Forest (Conservation) Act,1997, the felling of plantation trees shall be allowed and regulated strictly under the provisions of the Jammu and Kashmir Forest (Conservation) Act,1997.
 - b. In case of the Institution land being non-forest land, the felling of plantation trees shall be governed and regulated under the provisions of the Circular no 5 of 1998 dated 05.03.1998 issued by the Principal Chief Conservator of Forests, Jammu and Kashmir.
 - c. In case of felling of Plantation trees as per the provisions of circular No.5 of 1998 dated 05.03.1998, the issuance of transportation permission / Form-25 for the transportation of the out-turn shall be required as per the standing law/orders/ instructions of the competent authority.
 - d. Felling of Royal, Reserved, specified trees and also those trees with restriction under any order of the Hon'ble Supreme Court or the Government of Jammu and Kashmir will not be allowed except under specific permission as provided under law.

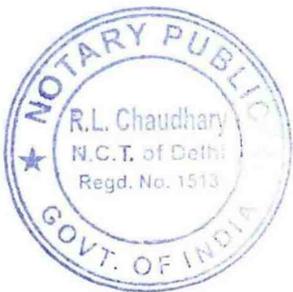


- e. The Institute shall endeavor to plant at least double the number of plants/trees felled in or around the campus. For technical and logistical help in this regard, the institute may approach the neared Social Forestry or Territorial Forest Division.
- v. Circular No. 01 of 2019 dated 28-11-2019 on Guidelines for felling of trees posing threat to life and property has been issued by Office of the Principal Chief Conservator of Forest, Government of Jammu and Kashmir (**Annexure-II**).

8. That it is humbly submitted that, the responsibility of implementation of the provisions as per the statute mentioned above is with the Concerned Authorities in the State under reference.

9. That the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.

That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



Sharandeep

Sharandeep Singh

Scientist 'E'

Central Pollution Control Board

शरान्दीप सिंह \ Sharandeep Singh
 वैज्ञानिक 'ई' \ Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (प्रदूषण, वायु प्रदूषण, जल प्रदूषण, ध्वनि प्रदूषण, ताप प्रदूषण)
 (Ministry of Environment, Forest & Climate Change, Govt. of India)
 पंजीकृत कार्यालय, प्लॉट नं. 110032, इंदिरा पार्क, दिल्ली-110032
 Plot No. 110032, Indira Park, New Delhi-110032

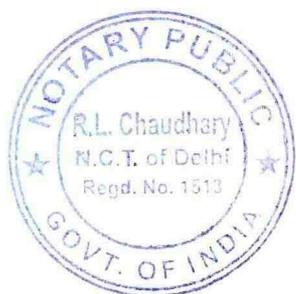
**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 360/2024 (PB)**

IN THE MATTER OF:-

News item titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024

AFFIDAVIT

I Sharandeep Singh, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 1, in the above matter, do hereby solemnly affirm, declare on oath and state as under:-



1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Sharandeep

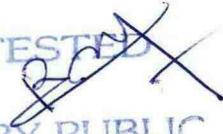
SHARANDEEP SINGH
शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032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

VERIFICATION

Verified at Delhi on this day of 12 JUL 2024 2024 that
 the contents of the above reply are correct and true on the basis of
 the record of the cases as mentioned in the day to day affairs of the
 CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at New Delhi on this the..... 12 JUL 2024 Day of _____ 2024



ATTESTED

 NOTARY PUBLIC
 GOVT. OF INDIA
 12 JUL 2024



DEPONENT

शरणदीप सिंह / Sharandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार)
 (Min. Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parvash Bhawan, East Arjun Nagar, Delhi-110032

Govt. of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, Jammu

<><><><>

CIRCULAR

Subject: Procedure/guidelines for regulating felling of plantation and trees growing on institution lands including Defence lands.

* * *

The various institutions including Defence establishment grow trees and plantations on the non-forest lands under their occupation. At times, these institutions require felling of these plantations in full or in part comprising a few trees, for various reasons including operational requirement and exigencies like developing existing infrastructure or removal of leaning and overgrown trees likely to fall, causing danger to the human life and property. Therefore, it was felt necessary;

To adopt uniform guidelines for dealing with such cases so that any confusion or any embarrassing situations are avoided. The following guide lines/procedure for regulating felling of plantations and trees on institutions lands including defence lands, the following procedure/guidelines are laid down:-

- In case the institution land is forest land diverted under the Jammu and Kashmir Forest (Conservation) Act-1997, the felling of plantation trees shall be allowed and regulated strictly under the provisions of the Jammu and Kashmir Forest (Conservation) Act-1997.
 - In case of the institution land being non-forest land, the felling of plantation trees shall be governed and regulated under the provisions of the Circular No. 5 of 1998 dated 5.3.1998 issued by the Pr. Chief Conservator of Forests, Jammu and Kashmir.
 - In case of felling of plantation trees as per the provisions of Circular No. 5 of 1998 dated 5.3.1998, the issuance of transportation permission/Form-25 for the transportation of the out-turn shall be required as per the standing law/orders/instructions of the Competent Authority.
 - Felling of Royal, Reserved, Specified trees, and also those ^{↑ trees} with restrictions under any order of the Hon'ble Supreme Court or the Government of Jammu and Kashmir, will not be allowed except under the specific permission as provided under law.
 - The institution shall endeavor to plant at least double the number of plants/trees felled in or around the Campus. For technical and logistical help in this regard, the institution may approach the nearest Social Forestry or Territorial Forest Division.
- By order of the Pr. Chief Conservator of Forests, J&K.

[Handwritten signature]
29/3
Addl. Pr. Chief Conservator of Forests
20/3
24/3
HA (Central)
20/3

No.PCCF/Lease/Felling/trees/2011/1094-1144

dated: 31/3/2011

Copy for information and n/action to the:-

1. Chief Conservator of Forests, Jammu
2. Chief Conservator of Forests, FCA
3. Chief Conservator of Forests, Kashmir
4. All Conservator of Forests
5. All DFOs

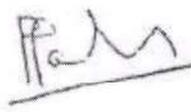
On receiving the application accompanied with revenue record of ownership, the DFO will scrutinize the application in his office and forward the same to Range Officer concerned for spot inspection and reporting the facts such as:-

- i) Species, number of trees with diameter at breast height.
- iii) Estimated quantity of firewood which could be extracted from the trees.

03. The Range Officer should verify the facts either himself or through a Forester after spot inspection, and report back to the DFO with his recommendation or otherwise within one week. Immediately on receipt of the verification report from the Range Officer, the DFO may sanction issue of Form 25, if so recommended by the Range Officer.

Following instructions will also be followed:-

- a) Form 25 will be issued personally on spot by the Block Forester concerned observing all rules and formalities.
- b) DFO will monitor operation of sanctions from time to time by deputing ACF or special parties.
- c) DFO will also reflect the sanctions issued by him and the quantity of firewood extracted from private lands in his monthly progress reports submitted to CF who in turn will submit a consolidated return to CCF on 10th of every month. This will ensure due check in the Circle office as well.


(P. Patnaik)

Pr. Chief Conservator of Forests

No.PCCF-Lease/90-125

Dated 02-01-1998

Copy for information and necessary action to the:-

Divisional Commissioner, Jammu.

All CCFs/CFs/DFOs J&K Forest Department.

Managing Director, J&K SFC, Jammu.

CIRCULAR NO :- 2 OF 1999
 DATED :- 15 - 6 - 1999

Subject - Addendum to circular No:- 5 of 1998 dated:-05-03-98 relating procedure for regulating transportation of firewood extraction from private lands in Jammu province.

The words " and timber " be added after the word " Firewood " where-ever it exists in the circular No: 5 of 1998 dated: 05-03-1998 issued by this office under endorsement No: PCCF/Lease/90-125 dated: 05-03-1998.

(P . Patnaik)

Pr. Chief Conservator of Forests.

14.6

PCCF/Lease/370-410

Dated: 15 -06-99

Copy for information and n/ action to the :-

Divisional Commissioner, Jammu.

All CCF's / CF's / DFO's J&K Forest Department:

Managing Director, J&K S.F.C. Srinagar.

H.A.B. PCCF

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests
Van Bhavan, Jammu

Circular 01 of 2019
Dated 28 /11/2019

Subject: Felling of trees posing threat to life and property

Proposals are received from time to time for removal of trees that pose threat to life and property. In this context, the following guidelines are hereby issued:-

1. In forest areas, removal of trees posing threat to life and property shall be governed strictly in accordance with the Qualitative and Quantitative norms formulated pursuant to the orders of Hon'ble Supreme Court dated 12.12.1996 in the case titled T.N. Godavarman V/s UOI & others.
2. If removal of trees raised by Forest Department on other State lands outside demarcated forests is required:
 - i. The application for felling of trees should be submitted by the concerned government department along with a certificate issued by a revenue officer not below the rank of Tehsildar having jurisdiction of the area that the trees pose threat to life and property.
 - ii. The DFO shall inspect the site and submit a report to the Conservator. The Conservator of Forests concerned shall accord the approval on the recommendation of the DFO concerned.
 - iii. The CF shall satisfy himself that the area in question is not a "Forest" as defined in the order of Hon'ble Supreme Court dated 12.12.1996 in case titled T.N. Godavarman V/s UOI & others.
3. The procedure to be adopted for felling and transportation of trees grown on private lands shall continue to be regulated in accordance with Circular No. 5 of 1998 dated 05.03.1998, issued under endorsement No.

4. In case of removal of trees from the premises of institutions, the J&K SFC may be requested by the concerned institutions for felling of such trees after obtaining the approval of the competent authority of the institution for felling of the trees. However, in case the institute intends to transport the felled timber, the same shall be governed by the Circular 5 of 1998 dated 05-03-1998.
5. The trees removed shall be replaced with ornamental shrubs or trees that do not grow very tall under appropriate scheme. Any attempt to encroach upon the land in question shall be reported to the appropriate authorities by staff concerned for necessary action under law.

Sd/
(Dr Mohit Gera IFS)
Pr Chief Conservator of Forests

NO: PCCF/Coord/SFC/2019/783-806

Dated: 28 /11/2019

Copy to

- ✓ 1. The Commissioner Secretary, Department of Forest, Ecology and Environment, Civil Secretariat, Jammu
2. The Director, Department of Soil and Water Conservation, Jammu
3. The Director, Department of Social Forestry, Jammu
4. The Director, State Forest Research Institute, Jammu
5. The Director, Department of Environment, Ecology and Remote Sensing, Jammu
6. The Chief Wildlife Warden, Jammu
7. The Director, Forest Protection Force, Jammu
8. The Managing Director, J&K State Forest Corporation, Jammu
9. The Chief Conservator of Forests (WP, R & T)
10. The Chief Conservator of Forests (FCA)
11. The Chief Conservator of Forests (P&P)
12. The Chief Conservator of Forests (Kashmir/Jammu)
13. All Conservators of Forests (Territorial)
14. The Conservator of Forests, Agrostology
15. The Conservator of Forests, Central Circle
16. The Conservator of Forests, Working Plan Circle
17. Circular File

(T Rabi Kumar)
Chief Conservator of Forests (Central)

Item No.02

Court No. 1

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

Original Application No. 360/2024

News item titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024

Date of hearing: 12.04.2024

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

Respondent: Mr. Ghansham Singh, Member Secretary, J&K PCC (Through VC)
Mr. Raj Kumar, Adv. for R - 1 (Through VC)
Ms. Deepika Gupta, Adv. for R - 4 (Through VC)

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024.

2. The news item relates to the felling of 234 trees on the 111 year old campus of Amar Singh College in Srinagar. The news item discloses that the campus had secured the award of merit in 2020 UNESCO Asia-Pacific Award for Cultural Heritage Conservation for its restoration after 2014 floods. It further reveals that around 182 poplars trees were planted many decades ago to create an avenue of poplars in front of the main facade of the building and they had grown to the height of 20-30 feet and the trees lent a distinctive character to the heritage stone and brick structure in an Indo-British style of the architecture. The action of the college administration has been criticized by the alumni stating that the administration has cold heartedly butchered the aesthetic of the college and the college has been ruthlessly stripped off its greenery.

3. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

4. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. Thus, we implead following as respondents in this OA:

- (i) Central Pollution Control Board (CPCB), through its Member Secretary
- (ii) Jammu & Kashmir Pollution Control Committee (J&K PCC), through its Member Secretary
- (iii) Ministry of Environment, Forest and Climate Change, Regional Office (NZ), Chandigarh
- (iv) Divisional Forest Officer, Srinagar

6. Let notice be issued to the above Respondents for filing their response at least one week before the next date of hearing.

7. On advance notice report on behalf of the J&K PCC has been filed but it does not clearly disclose the extent of trees which have been cut and the details of permission for cutting off the trees and the status of compensatory plantation, if any.

8. Learned counsel appearing for Respondent No. 1 and 4 have sought four weeks' time to file the response.

9. Mr. Ghansham Singh, Member Secretary, J&K PCC appears for Respondent No. 2 and has sought four weeks' time to file fresh report with all the relevant particulars.

10. List on 15.07.2024

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

April 12, 2024
Original Application No. 360/2024
AS.