

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 206 of 2021

IN THE MATTER OF:

Umeed NGO Vs. State of Punjab & Ors.

**Factual Report Submitted by Sh Anoop Upadhayay, IFS
Principal Chief Conservator of Forest (HoFF), Punjab
Department of Forests and Wildlife Preservation Government of
Punjab.**

The National Green Tribunal, New Delhi in its order dated 19, August 2021 in Original Application No. 206/2021 directed the PCCF (HoFF), Punjab to furnish a factual report in the matter within one month.

In this regard it is submitted

1. That the applicant has not come to the Hon'ble Tribunal with clean hands
2. That the prayer of the applicant, as also pointed out in para 1 of the order of the Hon'ble Tribunal itself, is that the applicant has grievance against the decision of the State Level Committee (SLC), Punjab dated 29.07.2021.
3. That as per para 9 of the Wood-Based Industries (Establishment and Regulation) Guidelines, 2016 issued by the Ministry of Environment, Forest and Climate Change, Government of India,

- (i) Any person aggrieved by any decision taken by the State Level Committee (SLC) may file an appeal

before the concerned Regional Office of the Central Government in the Ministry of Environment, Forest and Climate Change seeking appropriate relief within 60 days' time.

(ii) Head of Regional Office shall within 60 days of filing the appeal pass the appropriate Order.

(iii) If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal to the DGF&SS/MoEF&CC.

4. That the applicant has not approached the Regional Office of the Central Government in the Ministry of Environment, Forest and Climate Change seeking appropriate relief, if any, as prescribed in the Guidelines issued by the Government of India (GoI), as outlined in the previous para. By not following the said Guidelines, the applicant has undermined the process laid down by the GoI, through which his grievance could be redressed.

5. That the application needs to be dismissed on this ground alone, with a direction to the applicant to follow the procedure laid down in the procedure prescribed by the Government of India (GoI) in Wood-Based Industries (Establishment and Regulation) Guidelines, 2016 with liberty to approach the Hon'ble Tribunal if he still feels aggrieved after exhausting the procedure.



6. That since the Hon'ble Tribunal in its order dated 19.08.2021 has sought a factual report in the matter, it is submitted as under:

- a. **The main contention of the applicant is that the decision of the SLC dated 29.07.2021 will lead to establishment of unlimited number of WBI units which in turn will result in "cutting trees without any checks and balances" and "would also lead to cut the trees from the forest illegally." The number of Wood Based Industry (WBI) should be regulated because the more the number of units, the more trees will be felled, which will "burden the existing forest".**

The contention of the applicant is based on wrong facts.

It is factually not correct *"that so many wood based industries are being established in the nearby area of the forest in an unregulated manner without any restriction of the Forest Department"* as alleged by the applicant.

Punjab is among the first states in the country to comply with the direction of the Hon'ble Supreme Court (SC) dated 30.10.2002. Punjab notified the "Punjab Regulation of Saw Mills, Veneer and Plywood Industries Rules" in 2006 and a State level Committee "Punjab Committee for Wood Based Industries" was formed specifically to ensure regulation of Wood Based Industries in compliance with the directions of the SC and the Central Empowered Committee (CEC) in 2006. In fact all the WBI units established in Punjab is done after scrutiny by the Committee and with the approval of the Supreme Court appointed CEC. The last approval for license was issued in 2014 and **no WBI unit has been**

set up in the state after 2014. It may also be noted that as per directions contained in order dated 5.10.2015 of the Supreme Court in CWP no 202 of 1995, the Govt of India issued the Wood Based Industries (Establishment and Regulation) Guidelines in 2016 which require states to conform their rules according to these Guideline. Accordingly Punjab notified the “Punjab Regulation of Wood Based Industries Rules” in 2019. In other words, Punjab has always been at the forefront with regards to compliance of the Supreme Court directions and Regulations of WBIs.

Secondly, no Wood Based Industry in Punjab is permitted to use wood directly from notified forests of the state as a raw material as implied by the applicant. Almost all the Wood Based Industries are using agro-forestry produce as raw materials and very small amount of wood is sourced from Government Depots. The material in the Govt depot is from felling of trees either due to developmental projects in which land is diverted under the Forest (Conservation) Act, 1980 or as per management plan prescriptions. Since no wood is taken directly from the notified forests without following due process, there is no “burden on the forests” as alleged by the applicant. In fact the availability of wood outside forest through agro-forestry not only reduces the burden

on forests but also help create more livelihood opportunities for the farmers through diversification. This will not only increase the demand of agro-forestry woods/farmwoods and motivate farmers to plant more trees in their farmlands but also will boost the efforts of the state govt to meet Sustainable Development Goals by increasing the tree cover outside forests. Such diversification also helps improve the soil, water regime of the area by moving away from the usual cycle of wheat-paddy cultivation, thereby improving the overall environment.

Thirdly, the applicant has mixed up the issues of Licensing and Registration of WBIs and tried to create confusion. It is submitted that the decision of the SLC dated 29.07.2021 has recommended only registration of WBIs which are sourcing their wood from agro-forestry, imported wood and wood from other states in consonance with the Guidelines laid down in the Wood-Based Industries (Establishment and Regulation) Guidelines, 2016 of GoI and the Punjab Regulation of Wood Based Industries Rules, 2019 and not from the notified forests. It is also clarified that in order to ascertain and ensure that the source of wood for registered WBIs comes only from the sources mentioned above and not from notified forests, the Department is developing mobile app and software which will track and record the source of wood



for each of the WBI units of the state, right from its original source to its final destination. The digital tracking/app shall ensure that the raw material for Registered units are 100% verified and there shall be no scope for use of illegal or unverified wood in the Registered units. Moreover, the question of assessing availability of wood arises only in the case of Licensing of WBIs, **regarding which the SLC has not taken any decision at all**, even though the state has carried out wood availability studies as submitted in subsequent paras below.

From the above, it is clear that the alleged fear of the applicant that the decision of the SLC would lead to unregulated establishment of unlimited WBI units which would lead to damage of existing forests by *“cutting trees without any checks and balances”* and *“would also lead to cut the trees from the forest illegally”* is totally unfounded and not based on facts. It seems the applicant, for reasons best known to him, in the garb of a concerned citizen/environmentalist is against the establishment of legal, regulated, scientifically based WBI units which would not only generate employment opportunities for thousands of people, improve the economy of the state but would also lead to lesser burden on forests, soil and water resources of the state as outlined above.

b. The availability of wood should be assessed before granting any further licenses for establishment of WBI.

It is very important that the availability of wood in the state is assessed. That is why the state of Punjab took the initiative and became the first state in the country to assess Trees Outside Forests (TOF) by engaging The Forest Survey of India (FSI), Dehradun, the premier institute of the country in 2003. FSI submitted its report in June 2006. Another study was got conducted by the Forest Research Institute, Dehradun (FRI) on "Interrelationship between Production Level and Marketing of Important Forestry Species in Punjab", which was also submitted by FRI in 2006. Based on the above two studies the total volume of wood available in the state annually was assessed as 198.54 lakh cum. By following the method devised by the Central Empowered Committee of the Hon'ble Supreme Court (CEC), it was assessed that of the total 198.54 lakh cum wood available, 31.92 lakh cum or say 32 lakh cum wood was available for commercial purposes. All these are from Trees Outside Forests (TOF) from the state and not from any notified forest area. In addition to this 6.37 lakh cum was annually imported from abroad and 3.15 lakh cum wood is imported annually from other states. In addition

to this a further 14.37 lakh cum of wood from the roots and the lops and tops of TOF is also available annually. The total wood (including lops & tops and roots) available for WBIs was calculated as 51.19 lakh cum.

The total estimated consumption of wood by all the WBIs was calculated as per the procedure devised by the CEC as 28.39 lakh cum. All these assessment are done for the whole state as well as Division/district wise also. These figures have been duly approved by the Supreme Court appointed CEC and all the WBI units established in Punjab are as per this assessment of wood availability and wood consumption.

In 2017, the state got another study done by FRI, Dehradun on "Demand and Supply of Wood in Punjab" wherein the total quantity of wood available for utilisation was estimated as 37.2 lakh cum whereas the total demand was estimated as 30.16 lakh cum. This study was also done Division-wise.

From the above, it is amply clear that the allegation of the applicant that the state government has not carried out assessment of wood availability is totally wrong and unfounded. The state government has not only been carrying out assessment of Wood availability in the state from time to time but also has ensured that the total

availability of wood in the state is far more than the estimated requirement of the existing WBIs.

It is pertinent to point out that the applicant has mixed up the issues of Licensing and Registration of WBIs and is trying to create confusion. In this regard it is submitted that the decision of the SLC dated 29.07.2021 has recommended only registration of WBIs which are sourcing their wood from agro-forestry, imported wood and from other states in consonance with the Guidelines laid down in the Wood-Based Industries (Establishment and Regulation) Guidelines, 2016 of GoI and the Punjab Regulation of Wood Based Industries Rules, 2019 and not from the notified forests. It is also clarified that in order to ascertain and ensure that the source of wood for registered WBIs comes only from the sources mentioned above and not from notified forests, the Department is developing mobile apps and software which will track and record the source of wood for each of the WBI units of the state, right from its original source to its final destination. The question of assessing availability of wood arises only in the case of Licensing of WBIs, **regarding which the SLC has not taken any decision at all**, even though the state has carried out wood availability studies as already submitted in the paras above.



It is once again emphasised that WBI units will be allowed to be established only by following the procedure and guidelines laid down in the Wood-Based Industries (Establishment and Regulation) Guidelines, 2016 of GoI , the Punjab Regulation of Wood Based Industries Rules, 2019, the Guidelines of the CEC and judgements of the Hon'ble Courts.

c. The forest cover of the state of Punjab is very low and that the department is not conscious towards the environment.

With nearly 85 % of the total geographical area under cultivation, it is but obvious that the forest cover of the state is very low. However, it is wrong to say that the government is doing nothing and not conscious towards the environment. On the contrary, Punjab has always been on the forefront of taking sustained and new initiatives in forest and wildlife conservation. Despite having a forest cover of less than 7% of the total geographical area, Punjab has 21 Protected Areas, of which 13 are Wildlife Sanctuaries, 4 are Community Reserves and 5 Conservation Reserves. Besides, Punjab has 6 Wetlands of International Importance or Ramsar sites which is second only to Uttar Pradesh, which has 7. All these conservation measures help preserve our natural forests and wildlife. Besides, the State of Forest Report (SFR), which is the report of forest data collected

with the most modern methods including satellite imagery, by the Forest Survey of India, Dehradun shows that the forest cover of Punjab has been increasing gradually and in fact the forest cover has doubled during the last 3 decades. The latest SFR of 2019 shows an increase of 11.63 sq km. as compared to 2017 (The study is conducted every two years).

The State has launched innovative programs to encourage peoples participation including Ghar Ghar Haryali Scheme under which 123 lakh saplings have been provided free of cost to the people; 75 lakh plants were planted in 12986 villages throughout Punjab during the 550 Anniversary of Guru Nanak Dev ji; 60 lakh plants have been planted in 6986 villages of Punjab as part of 400 Anniversary of Guru Tegh Bahadur ji; 432 Nanak Bagichees or Oxy Parks have been created. All these are besides the normal departmental plantations carried out by the state government every year.

From the above, it is clear that the state government is very much aware and concerned about its forests, wildlife & environment. It is carrying out various innovative schemes, using modern technologies and also involving people for the conservation, protection and awareness generation of the natural resources.

In light of the above, it is submitted that the present application may be dismissed, being not only legally untenable, as the applicant has not followed the procedure as outlined in para 1-5 above, but also because it has no substance and the cause of action made out has no legs to stand on.

Place: SAS Nagar


(DEPONENT)

Dated 17.09.2021