

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

ORIGINAL APPLICATION NO.1208 OF 2024

IN THE MATTER OF: -

Tejasvi Minhas

... Applicant

VERSUS

Public Works Division, Punjab & Ors.

... Respondent(s)

NDOH: -06.05.2025

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THROUGH COUNSEL

A handwritten signature in blue ink, appearing to read 'Shubham', is written over a horizontal line. The signature is stylized and cursive.

(SHUBHAM BHALLA)

ADVOCATES FOR THE RESPONDENT

D-52, BASEMENT, PANCHSHEEL

ENCLAVE, NEW DELHI - 110017.

Mob. No.: +91-96544-27273

Email: shubhambhalla@hotmail.com

DATE: 05.05.2025

PLACE: NEW DELHI

1

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

Original Application No. 1208/2024

IN THE MATTER OF: -

Tejasvi Minhas ... Applicant

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Public Works Division, Punjab & Ors. ... Respondent(s)

SHORT AFFIDAVIT ON BEHALF OF RESPONDENT

NO.1,5& 6.

I, Sandeep Verma, Executive Engineer, Provincial Division PWD B&R Jalandhar, being well conversant with the fact of the case in my official capacity and being competent to swear this affidavit on behalf of Respondent No. 1,5 and 6 do hereby solemnly affirm and state as under: -

1. That I am the authorized representative of Respondent No. 1/Public Works Division in the above-captioned matter and am fully conversant with the facts and circumstances of the case and am duly competent to file the present Short Affidavit.


Executive Engineer
Provincial Divn. PWD B&R Br.
Jalandhar Cantt



05 MAY 2025

2. That the answering respondent is in receipt of the notice issued by this Hon'ble Tribunal issued vide order dated 03.10.2024. The answering respondent is filing the present short affidavit as they have only received the copy of the notice, but the copy of the original application has not been supplied.
3. That the original application has been registered based on complaint made by the Applicant alleging illegal cutting of 20 heritage trees in the premises of Civil Surgeon Office, Jalandhar on the direction of Public Works Department (PWD) by one Baljeet Singh, contractor, without any proper permission from the requisite authorities.
4. The answering respondent would like to apprise this Hon'ble Court the site in question housed the building for the Civil Surgeon, Jalandhar. The site in question is owned by the State government and under the Health and Family Welfare Department Punjab.
5. The decision was taken by the concerned authorities to demolish the building housing the office of the Civil Surgeon and construct a new 100 bedded Critical Care Block at Civil Surgeon Office Distt. Jalandhar (Punjab) (basement+4 storey) under scheme PM-ABHIMAN


Executive Engineer
Provincial Divn. PWD B&R Br.
Jalandhar Cantt



scheme to meet the increasing health care demands of the city of Jalandhar.

6. That in furtherance of this the Director Health and Family Welfare Department Punjab directed necessary action to be taken for the removal of the trees vide letter No. HWC 054-62 dated 24.03.2024.
7. That accordingly the answering respondents were directed to complete the job for felling of the trees within the compound of the Civil Surgeon in order to construct the new 100 bedded Critical Care Block.
8. Thereafter, Executive Engineer Provincial Division PWD B&R Jalandhar Cantt duly submitted an application to the District Forest Officer Jalandhar at Phillaur for permission for felling the trees. The DFO vide letter No.637 dated 24.04.2024 sent the assessment of 20 number of trees and also intimated that jurisdiction for cutting and selling of these 20 trees would fall under the PWD only.
A true copy of the letter dated 24.04.2024 is annexed herewith as **Annexure R-1 @ pg 7.**
9. That the permission granted by the DFO also contained a direction to plant 5 times the number of trees that were supposed to be cut.


Executive Engineer
Provincial Divn. PWD B&R Br.
Jalandhar Cantt



10. That at this juncture it would be pertinent to mention is that the trees within the compound of the Civil Surgeon, Jalandhar were not old, or heritage trees as stated in the assessment report of DFO Jalandhar vide letter No. 637 fated 24.04.2024. The total number of trees that have been felled are 20 but none of them are heritage trees. A true copy of the letter dated 24.04.2024 is annexed herewith as Annexure R-1.
11. The answering respondent would like to humbly submit that the condition imposed by the DFO to plant 5 times the number of trees that have been cut has been complied with. The compensatory afforestation at the site of Civil Hospital Jalandhar has been done by the Provincial Division PWD B&R Jalandhar in compliance to the directions of DFO Jalandhar the PWD has planted 100 number plants at Civil Hospital complex Jalandhar in lieu of 20 trees cut at this site.
- True copy of the pictures of the geo-tagged photos are annexed herewith as **Annexure R-2 @ pgs 8 to 59.**
12. The answering respondent would like to humbly submit that the trees that have been felled, have been done in conformity with the Policy formulated by the Department of Forests and Wildlife Preservation notified


Executive Engineer
Provincial Divn. PWD B&R Br.
Jalandhar Cantt



on 12.09.2024 known as the Tree Preservation Policy for Non-Forest Government and Public Lands- 2024.

A true copy of the Tree Preservation Policy 1014 is annexed herewith as **Annexure R-3 @ pgs. 60 to 68.**

13. The answering respondent would like to humbly submit that the reserve price of standing green trees/dry trees was assessed as per the norms and rates fixed by Punjab State Forest Development Corporation Ltd. after taking the required measurements of the standing trees at the spot.

A true copy of the Letter bearing No. 11032 dated 20.12.2024 is annexed herewith as **ANNEXURE R-4 @ pg 69.**

14. That the contents of the foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Place: Jalandhar
Date: 02-05-2025



DEPONENT

[Handwritten signature]

Er. Sandeep Kumar
Executive Engineer
Provincial Division
PWD B&R Jalandhar.

VERIFICATION: -

I, Sandeep Verma, Executive Engineer, Provincial Division PWD B&R Jalandhar, the deponent above-named do hereby verify and declare that the facts stated in the above affidavit from para no. 1 to 14 are true to my knowledge and belief.
Verified at Jalandhar on this 2nd day of May 2025.

Place: Jalandhar
Date: 02-05-2025

DEPONENT
[Signature]
Er. Sandeep Kumar
Executive Engineer
Provincial Division
PWD B&R Jalandhar

THROUGH COUNSEL

SHUBHAM BHALLA
Advocate for Resp. No.1
Office: D-52, Basement, Panchsheel Enclave,
New Delhi - 110017. Mobile: +91-96544-27273
Email: shubhambhalla@hotmail.com

[Signature]
I Know the executant/deponent,
Personally who has Signed in my
presence 9888055996



Certified that the above was read
before me this 05 MAY 2025
by *[Signature]* identified by *[Signature]*
who has personally known to me further
Certified that contents of the affidavits
has been read-over explained to the
deponent who seems perfectly to understand
the same & admits the same to be correct

Oath Commissioner Jalandhar
05 MAY 2025

Certified further that this affidavit has
been read and explained to (Name.....)
The declarant who seemed
perfectly to understand the same at the
time of marking there of.

[Signature]
Oath Commissioner Jalandhar

ANNEXURE A-1Office of Divisional Forest Officer, JalandharLetter No. 637

Ph. No. 01826-222537

Dated : 24.04.2024E-Mail : dfojalandhar@gmail.com**(Revenue Branch)**

To

Executive Engineer,
Provincial Division, PWD, B&R Br.,
Jalandhar Cantt.

Sub:-

Rate Access for Cutting of trees for the Construction of 100 Bedded Critical Care Block (CCB) at Civil Hospital Jalandhar under Pradhan Mantri Ayushman Bharat Health Infrastructure Mission (PM- ABHIM)

Ref:-

Your letter no. 3117 dated 16.02.2024

In reference to the aforementioned subject, information as desired by your office & report submitted by Forest Range Office Jalandhar vide letter no. 35- H Dt. 12.04.2024 the reserved prices for cutting of tress are hereby submitted to your office. Further, this office is only responsible for evaluation of the reserved prices. Your Office may get the NOC for Cutting/Selling of tress from your department. This office is not responsible for the bid prices received at low/above at reserved price. Also, please ensure the 5 times of plantation at the vacant site.

Species	V	IV	III	IIA	IIB	IA	IB	Total Trees	Volume	Price
Shisham	0	0	0	0	0	1	0	1	2.8	32017
Mullberry	0	1	0	0	0	0	0	1	0.15	397
Drek	0	0	0	0	1	0	0	1	2	5473
Mango	0	0	0	0	0	0	2	2	7	26780
Misc	0	5	2	2	0	3	3	15	22.95	92196
Total	0	6	2	2	1	4	5	20	34.9	156863

Forest Officer,
Jalandhar at Phillaur

True Translated Copy


//TRUE COPY//

ANNEXURE A-2







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Makhdoom Pura, Punjab 144001, India
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10/12/24 05:05 PM GMT +05:30

GPS Map Camera

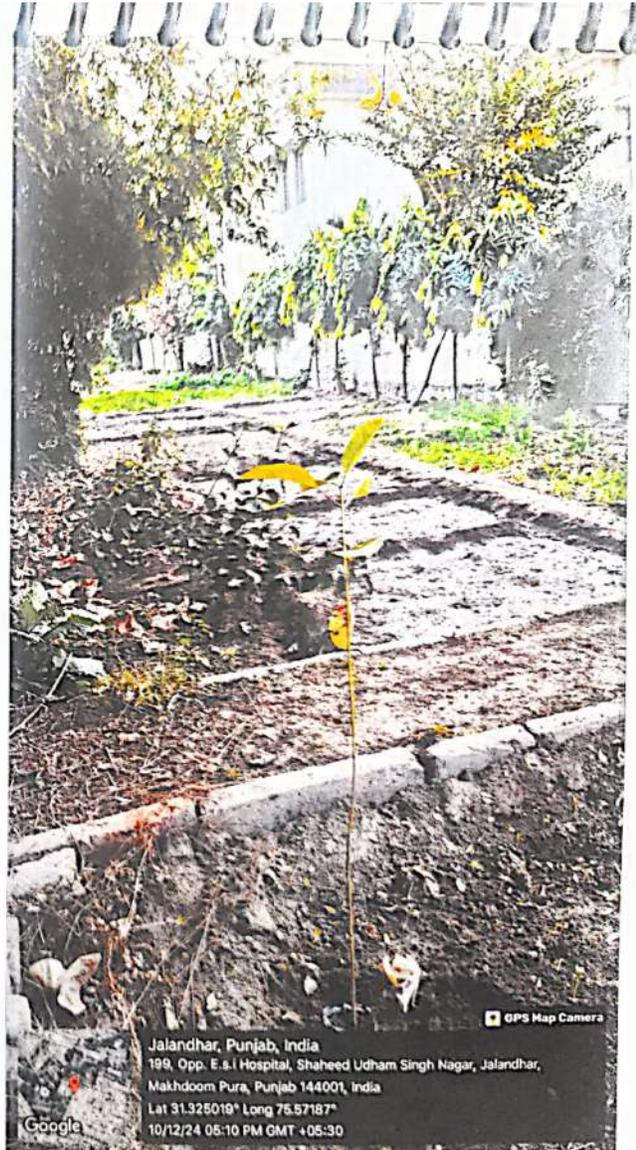
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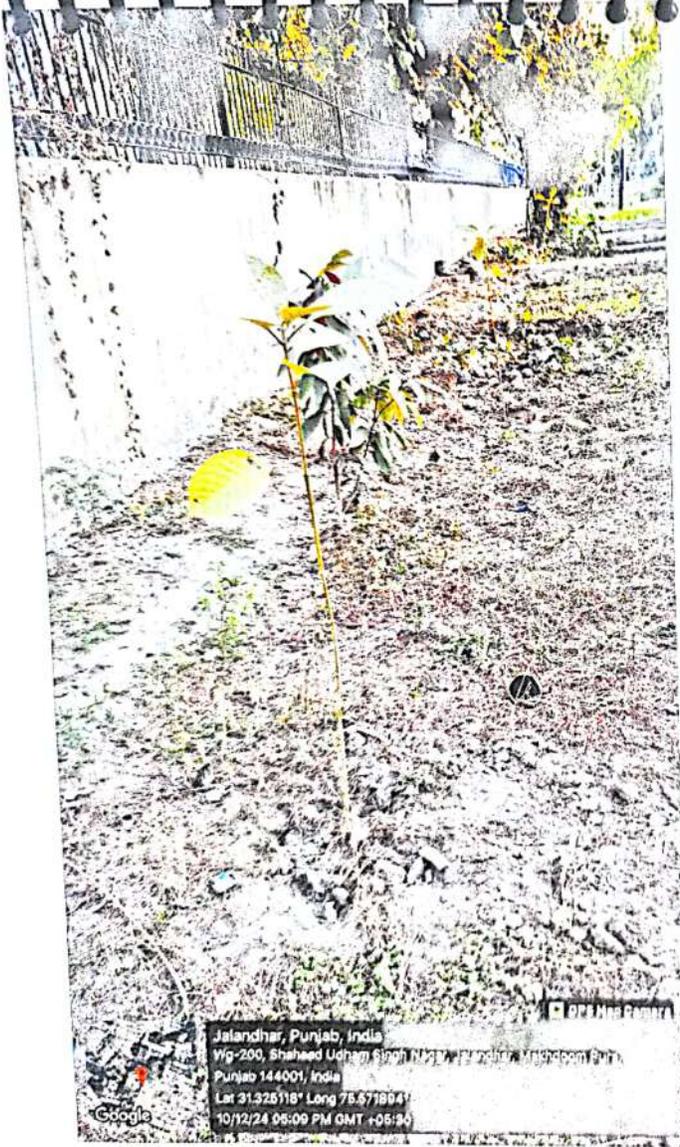
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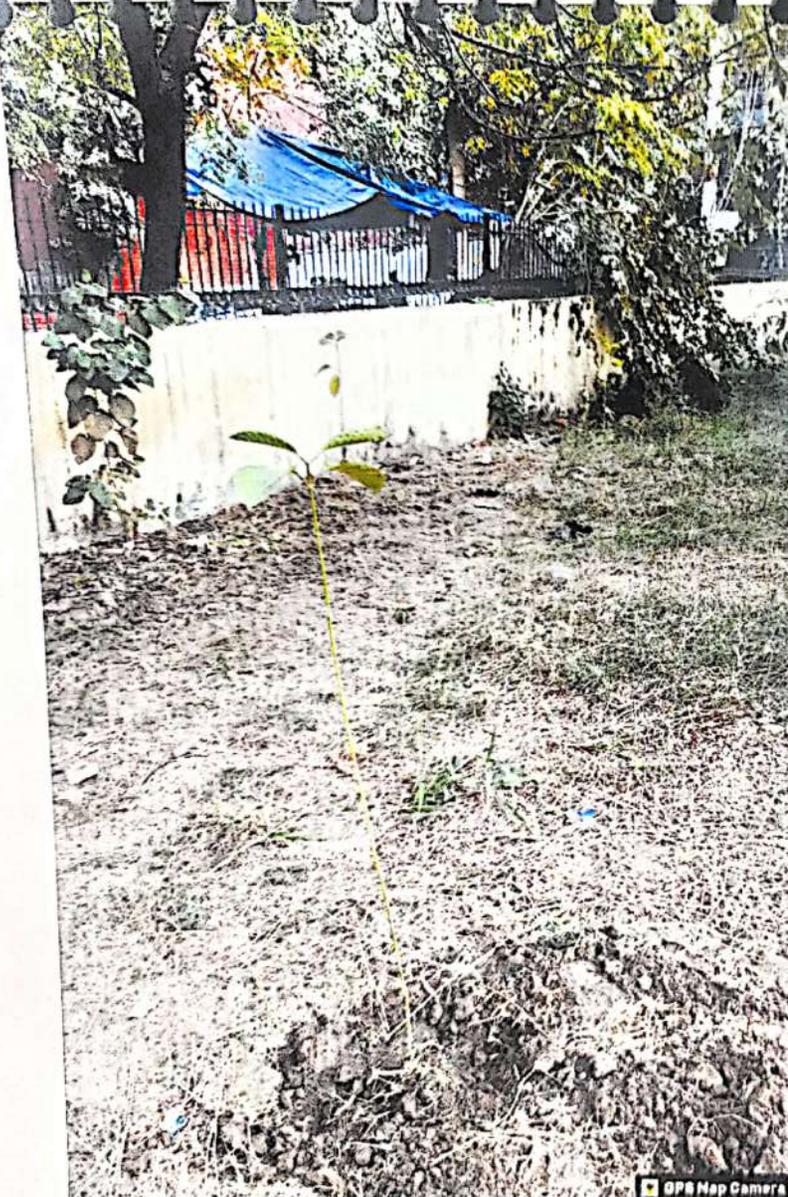








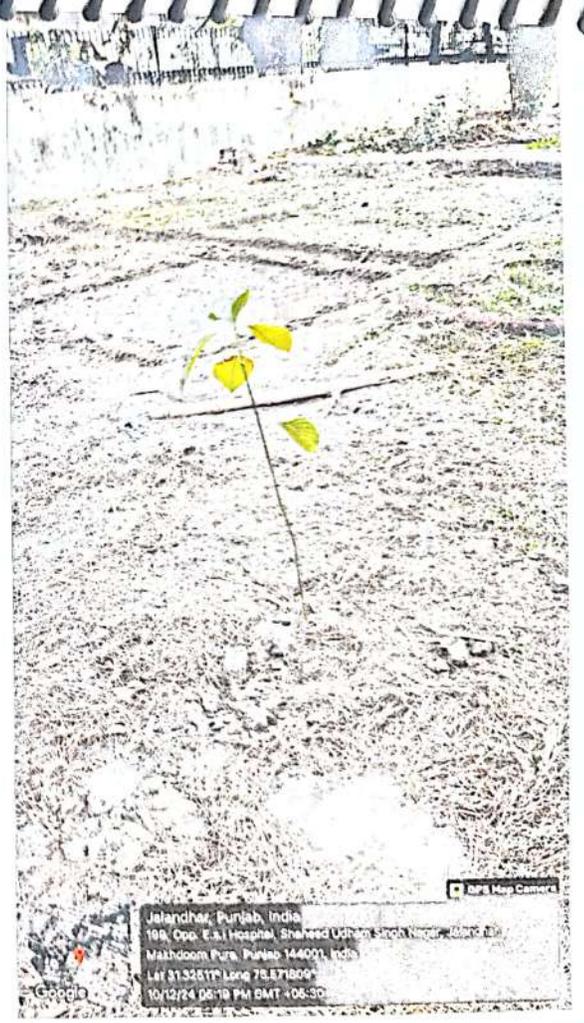


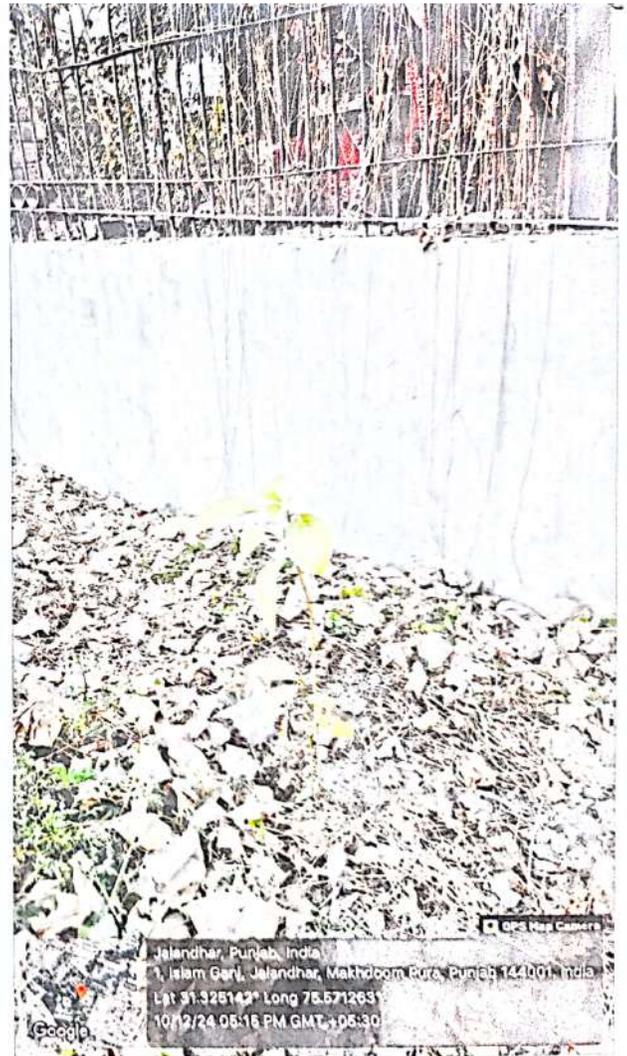


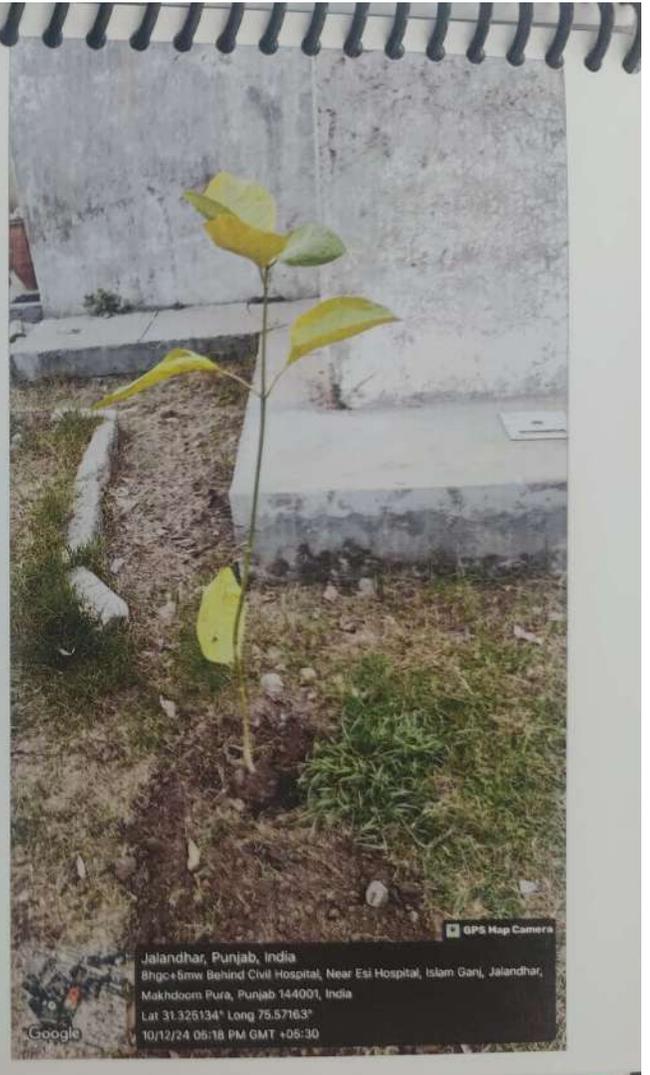
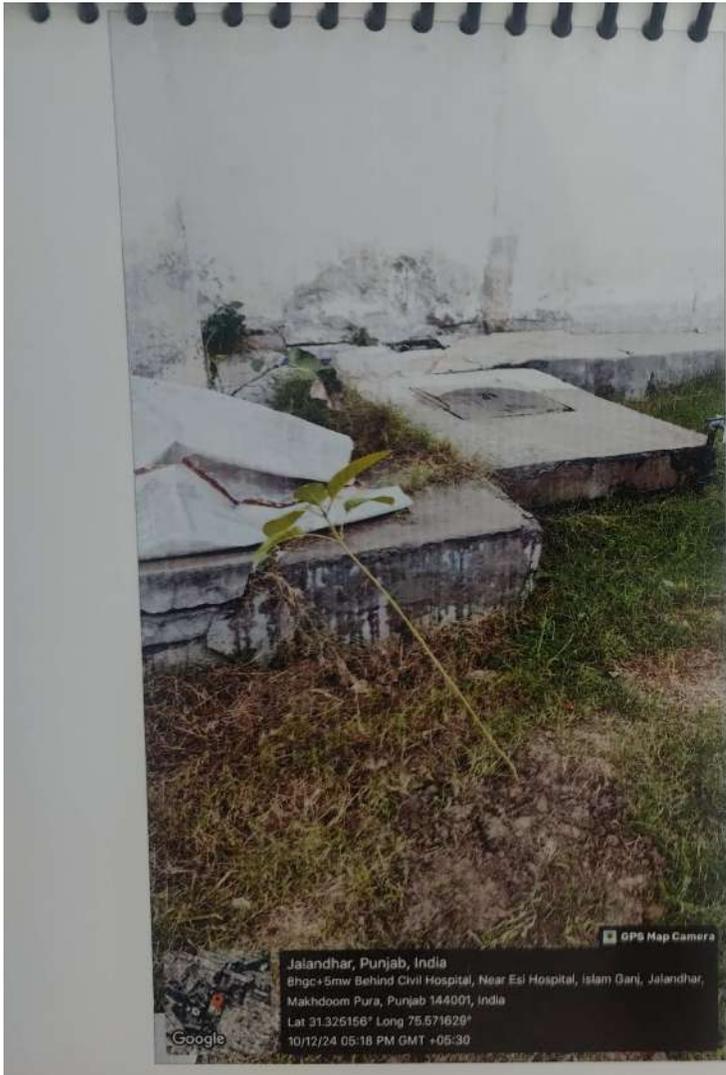
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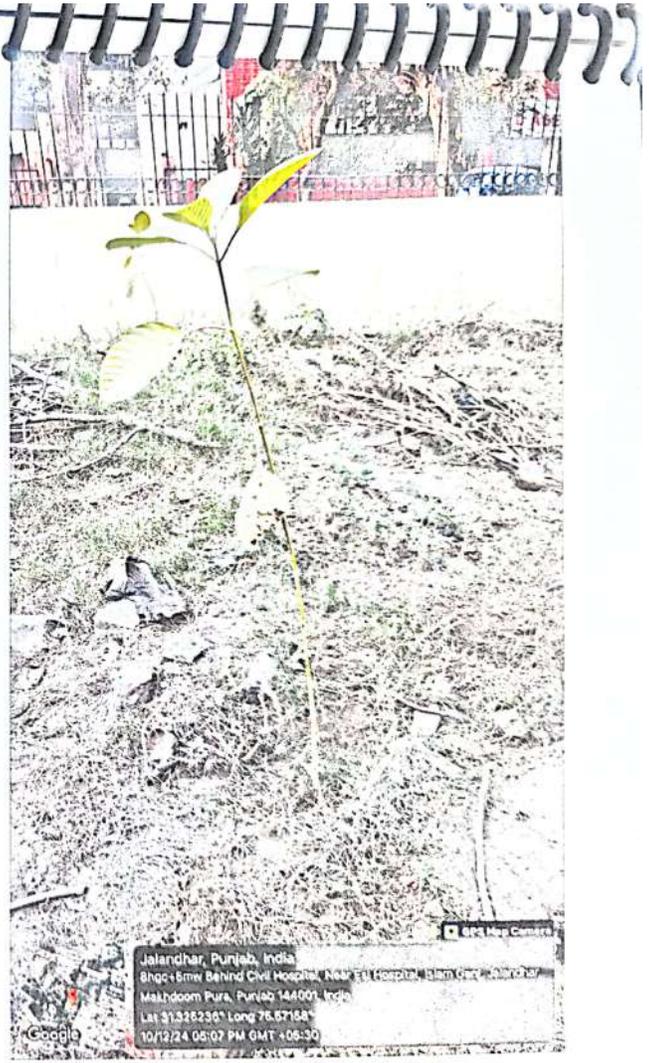
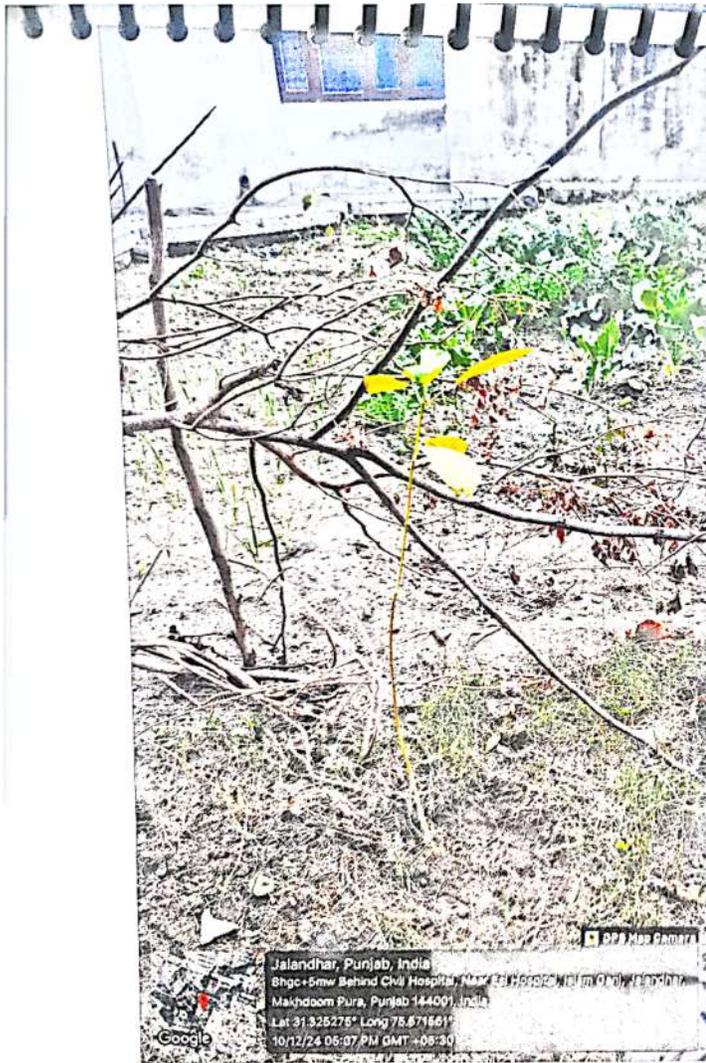












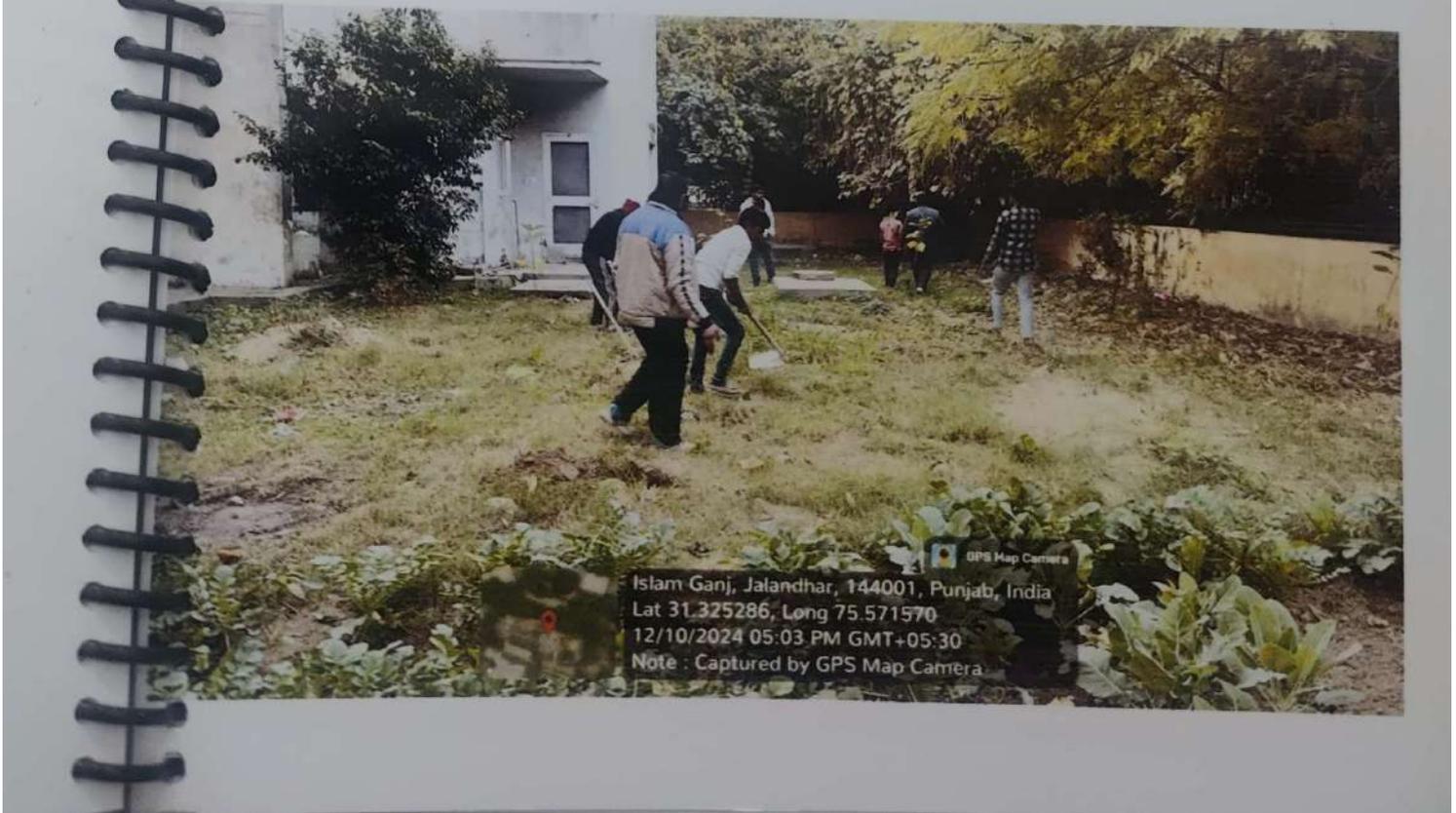
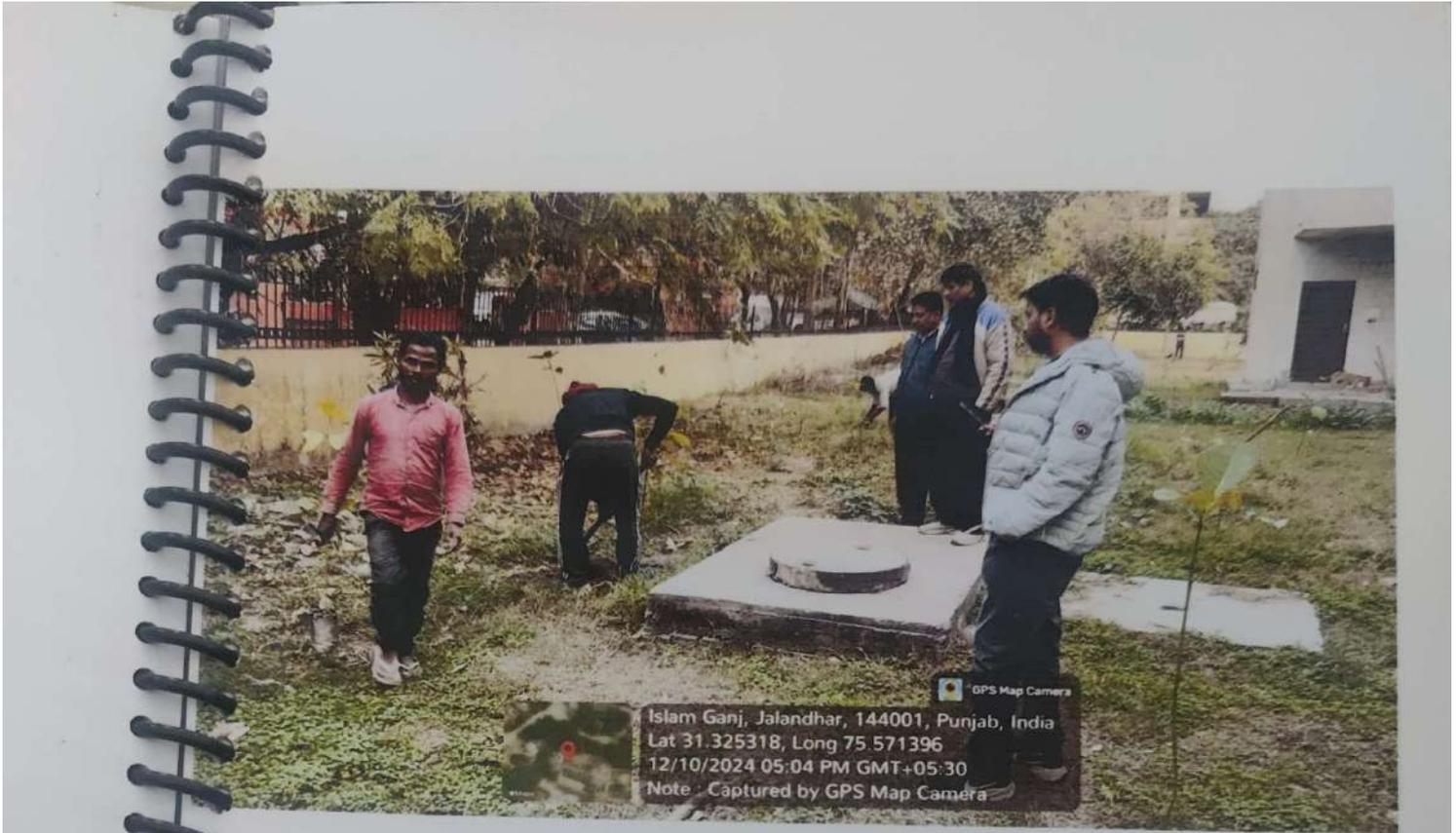


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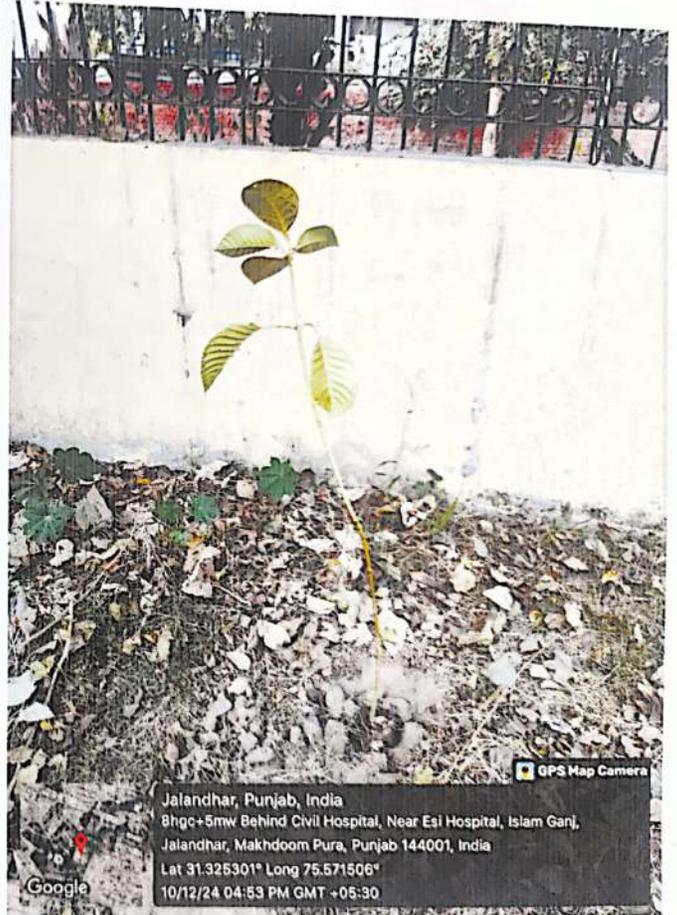


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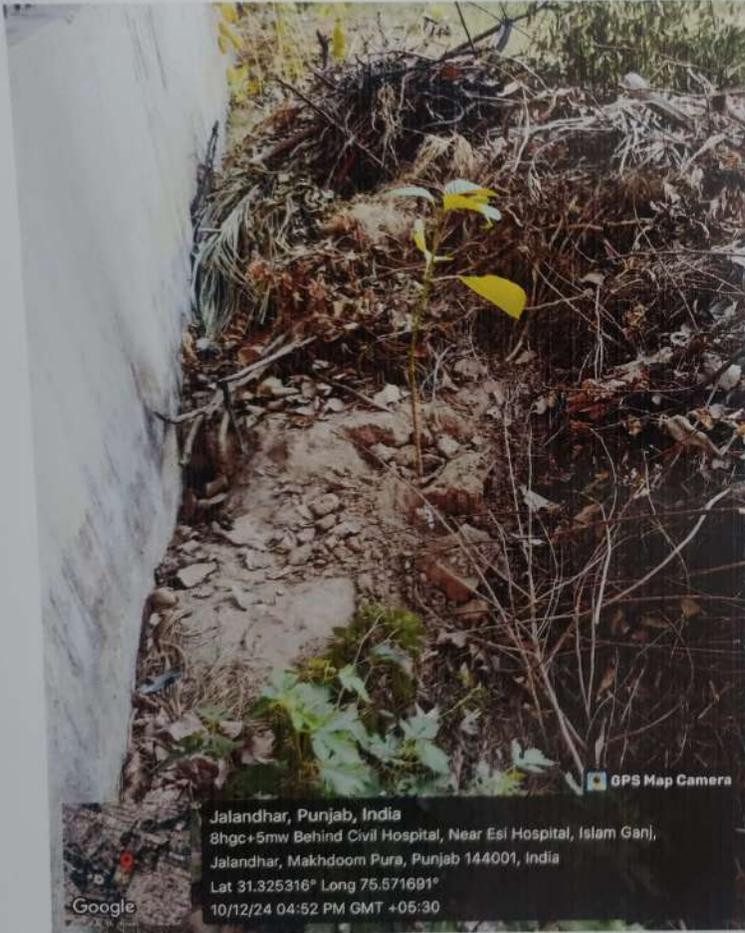




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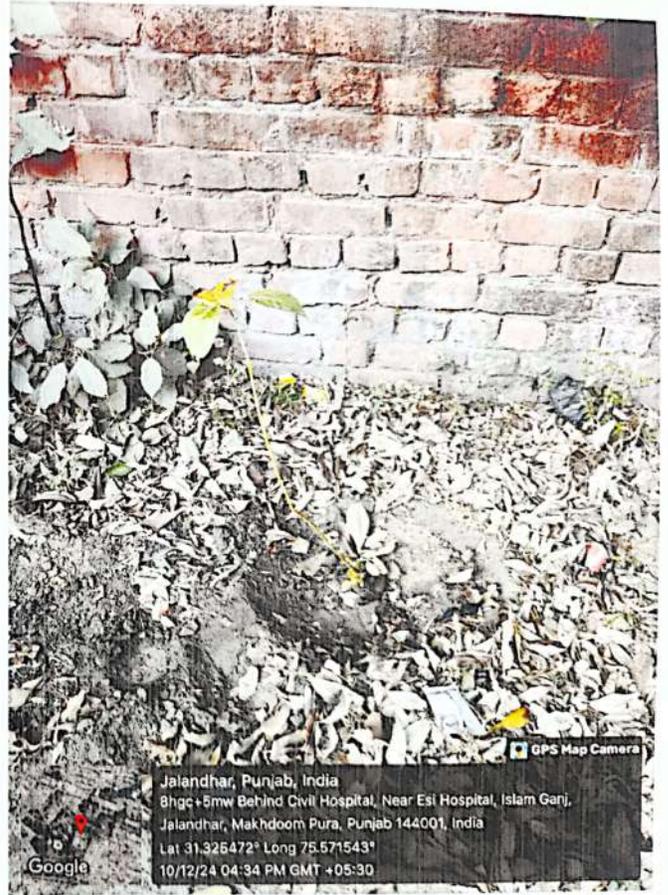
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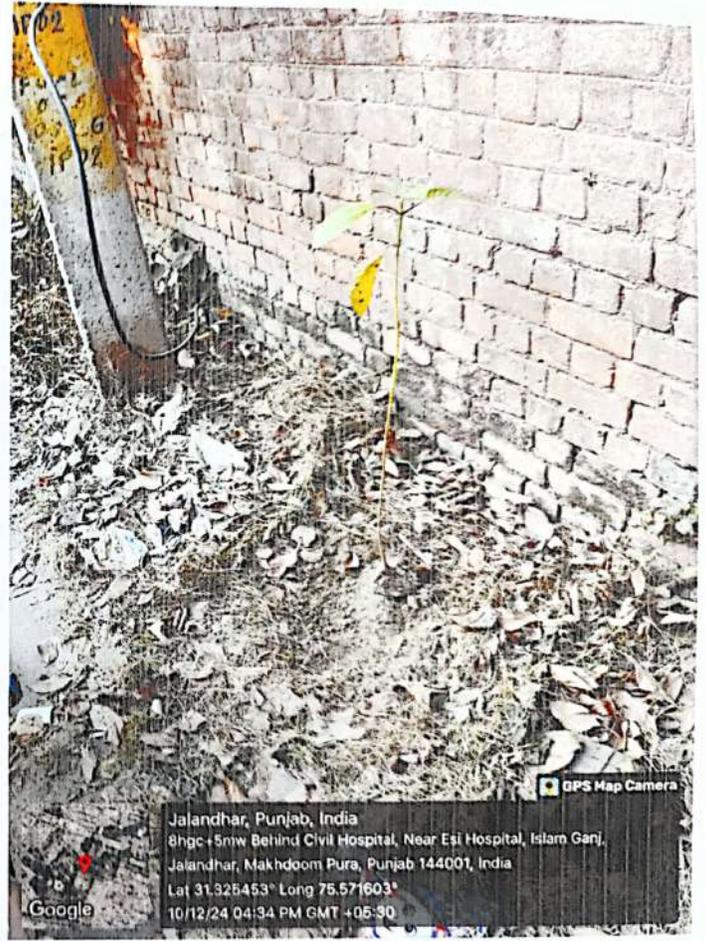
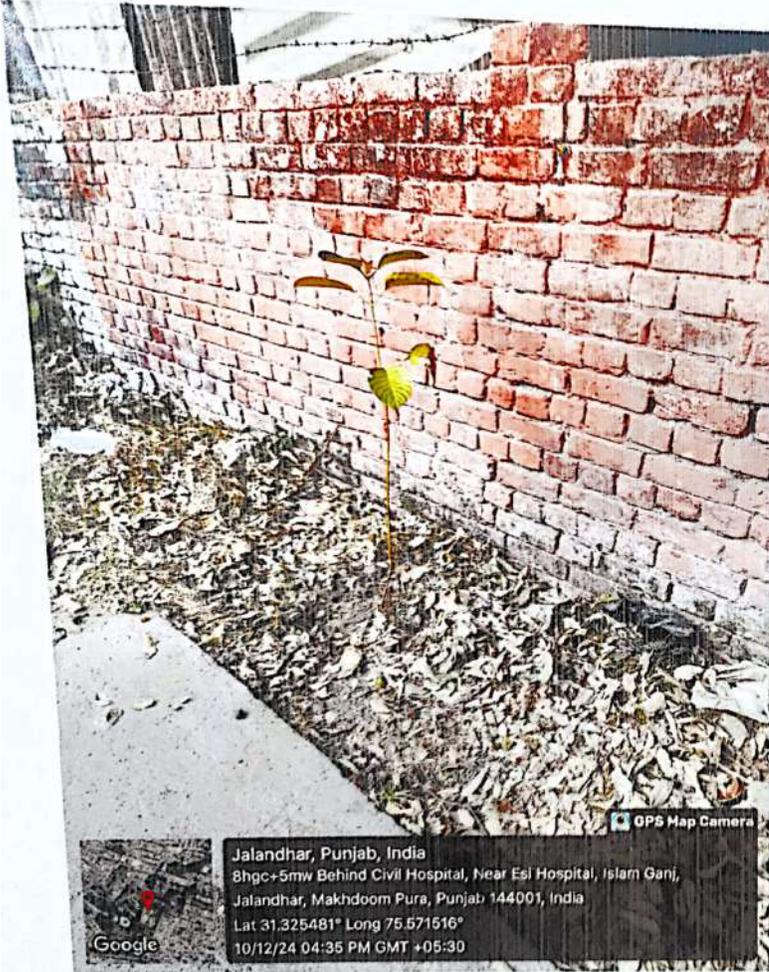


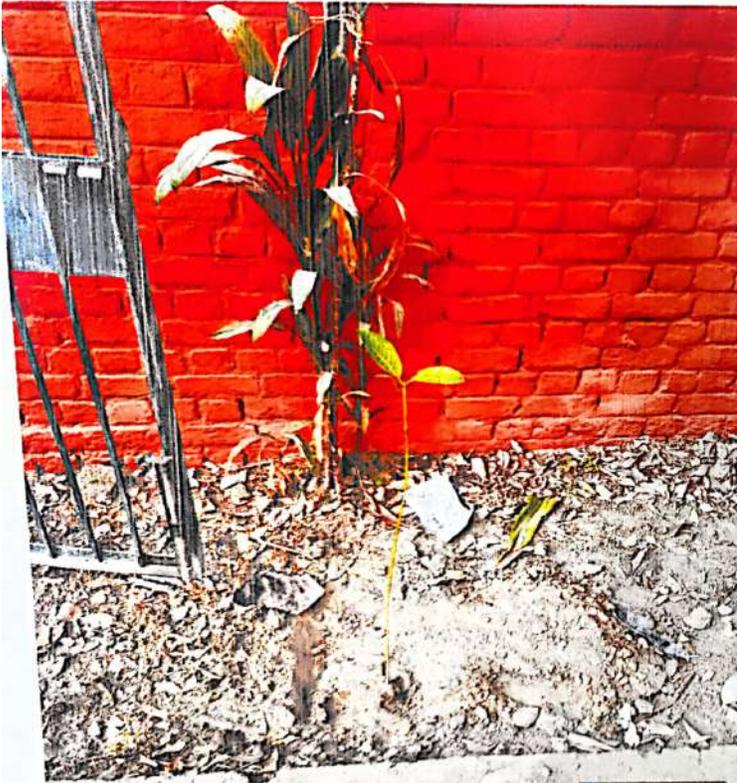
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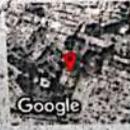
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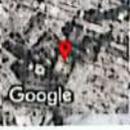
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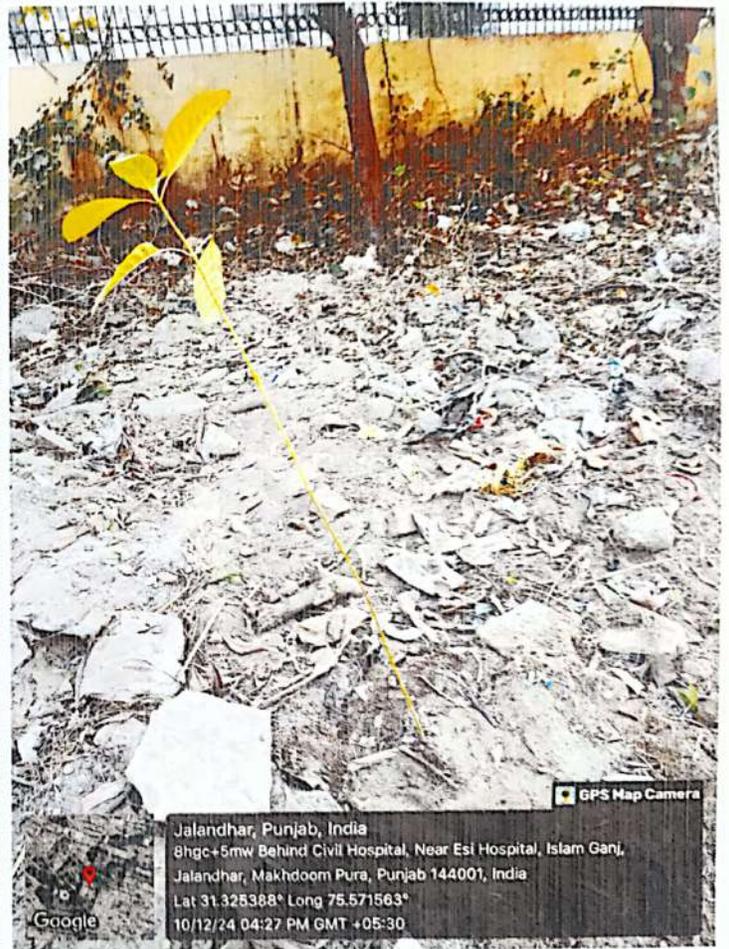
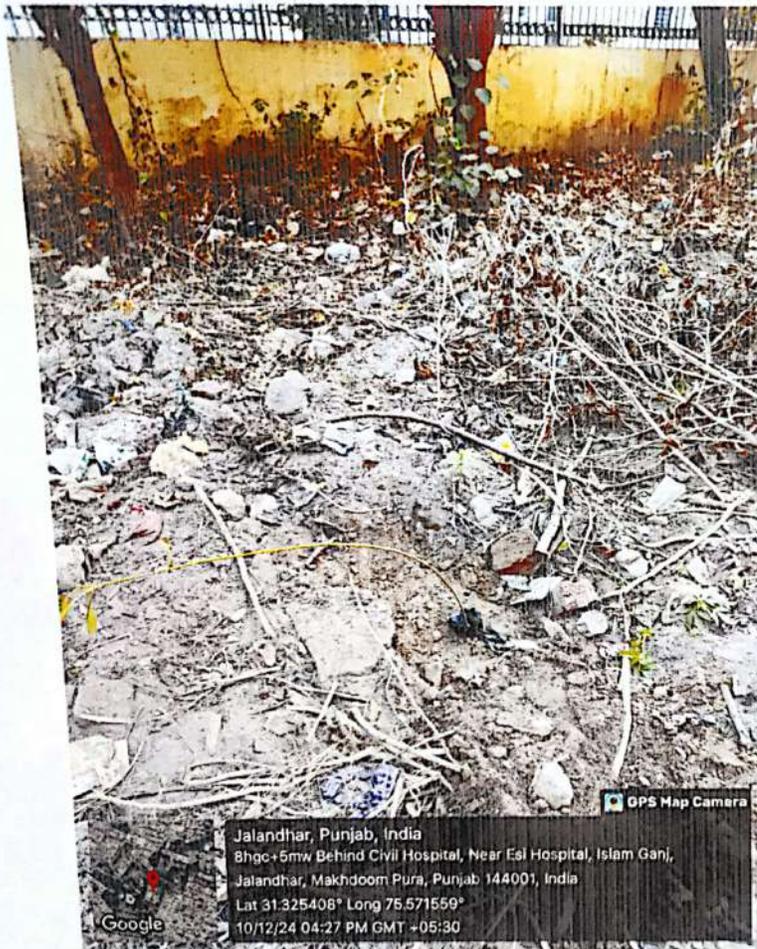
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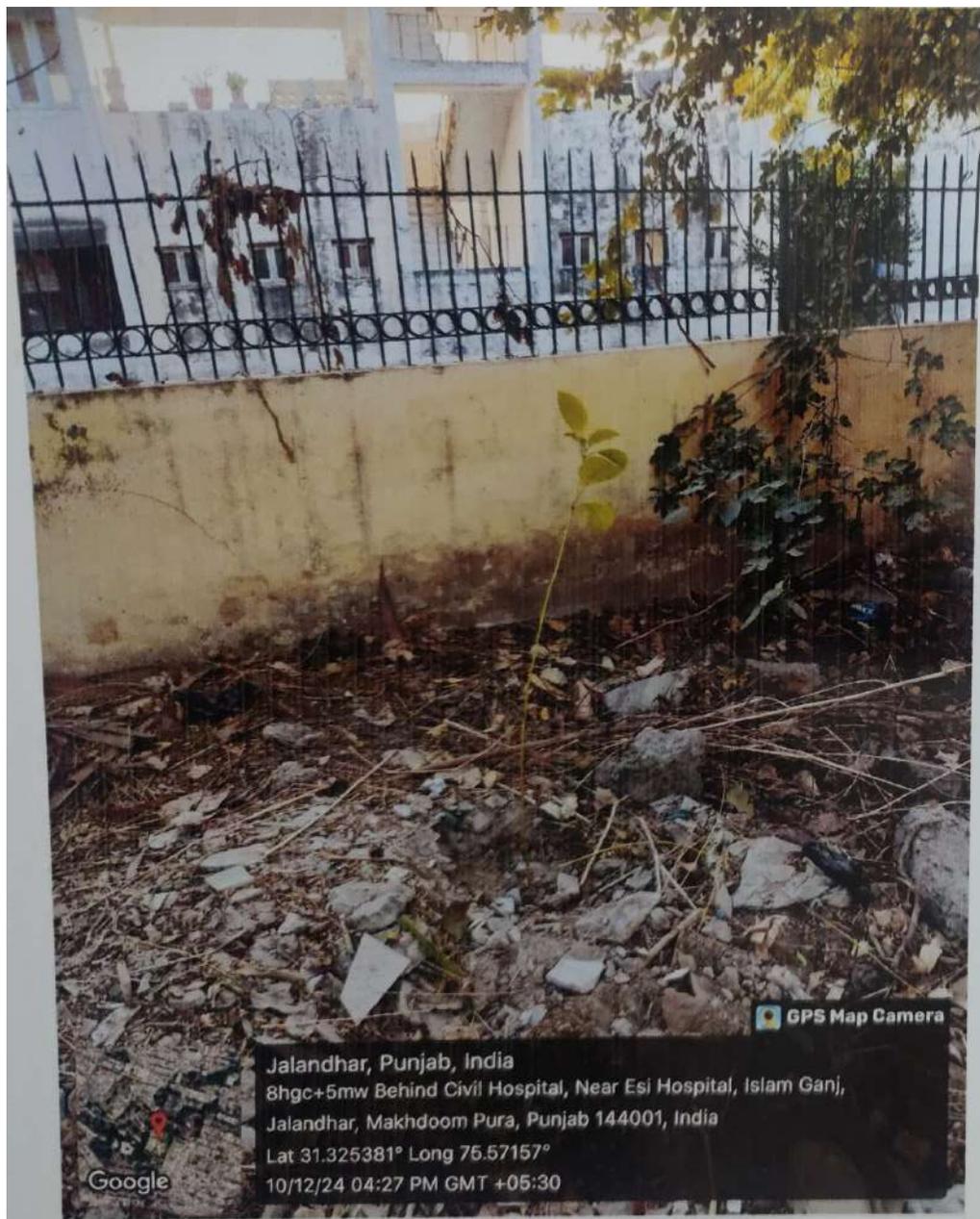


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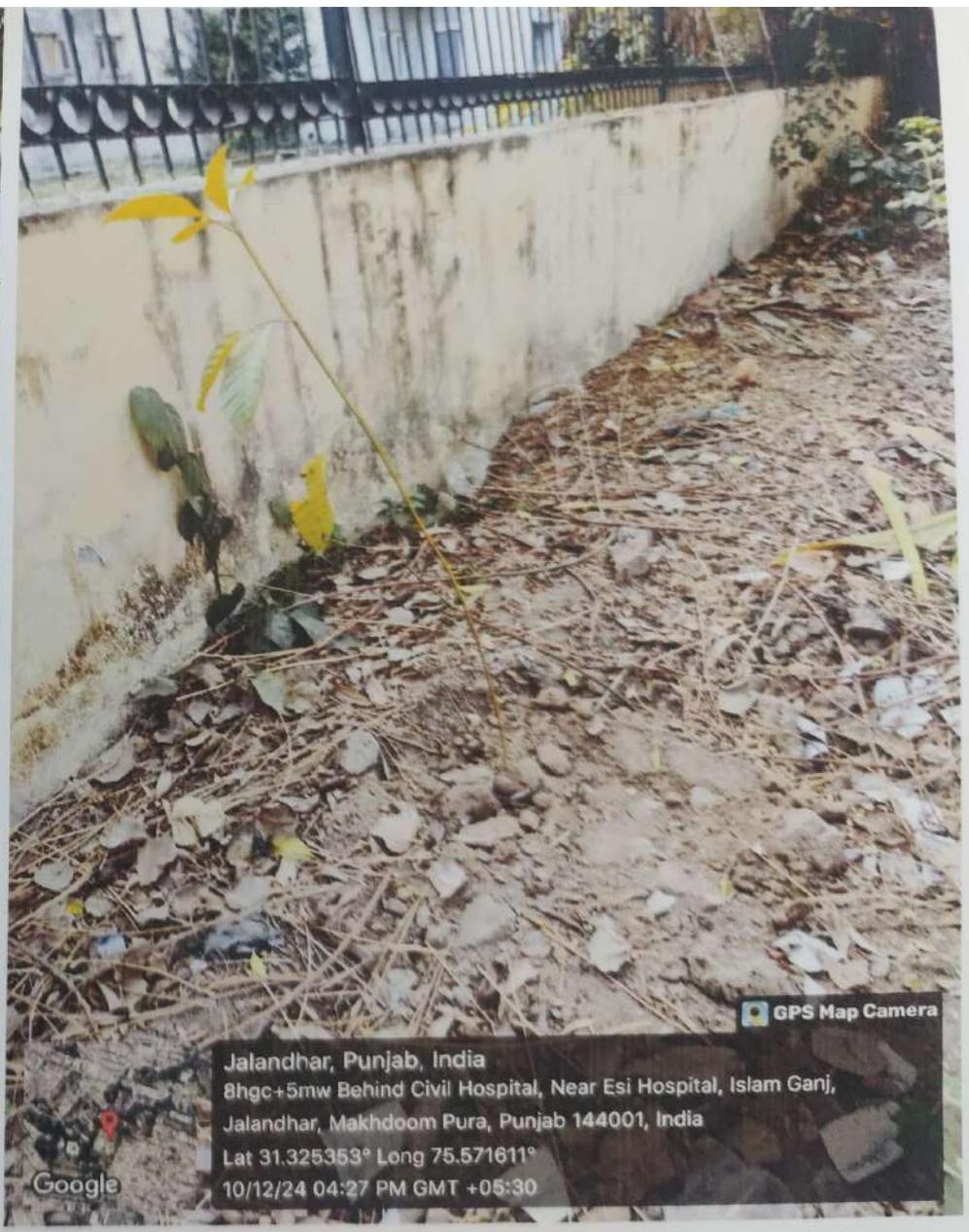




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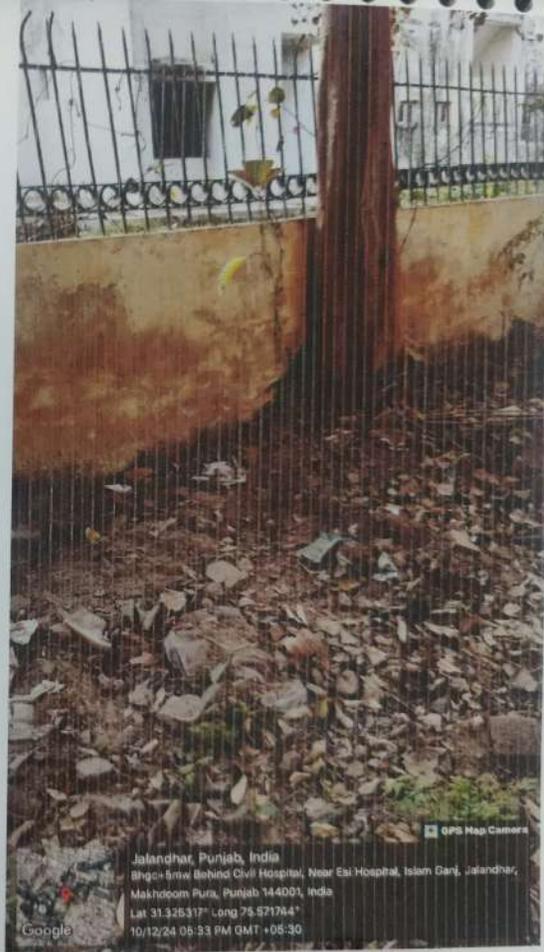
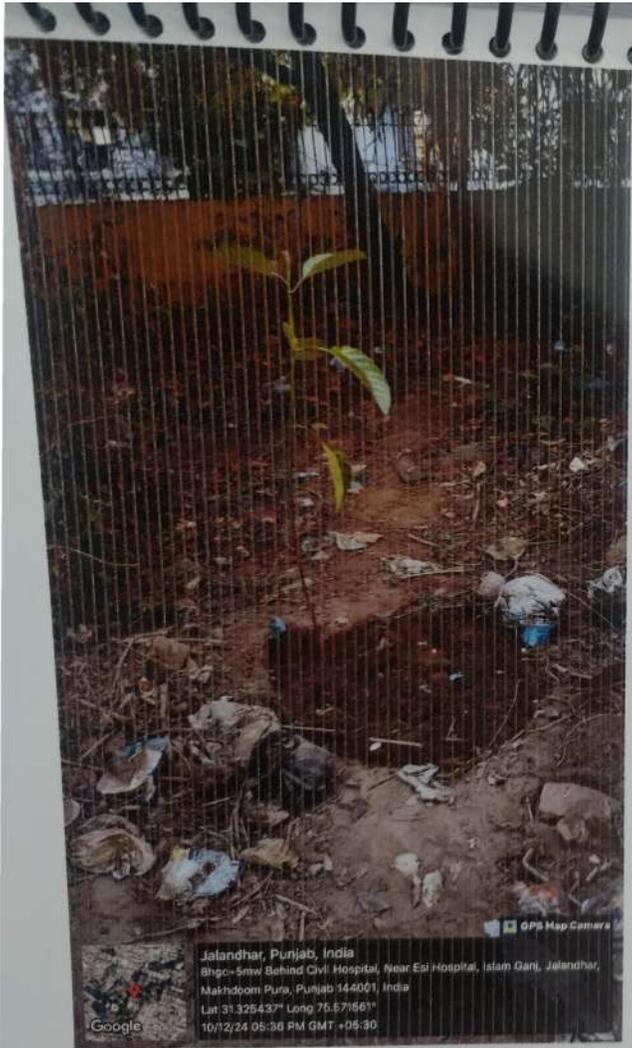
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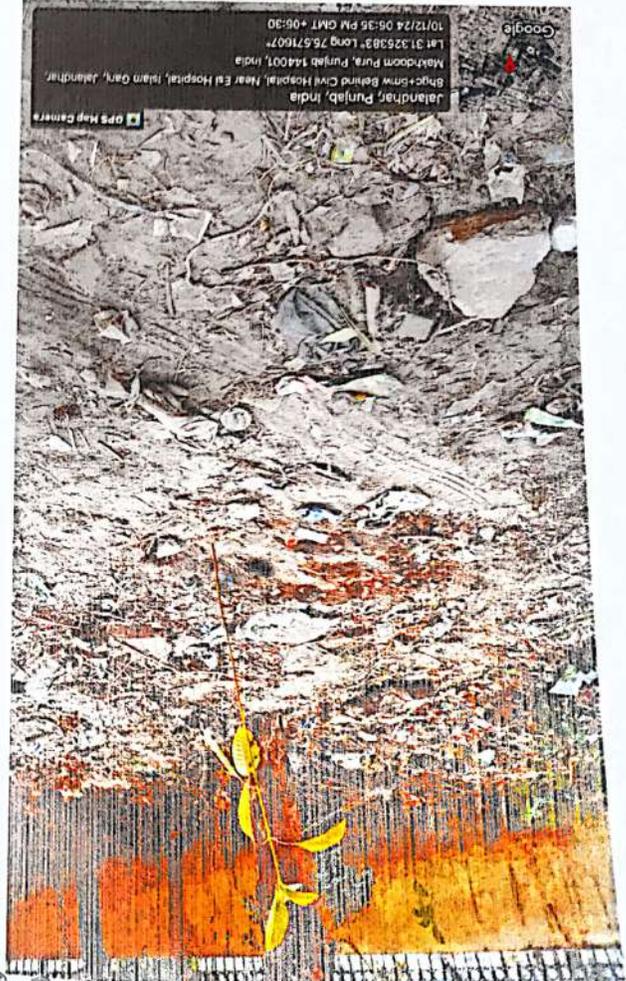
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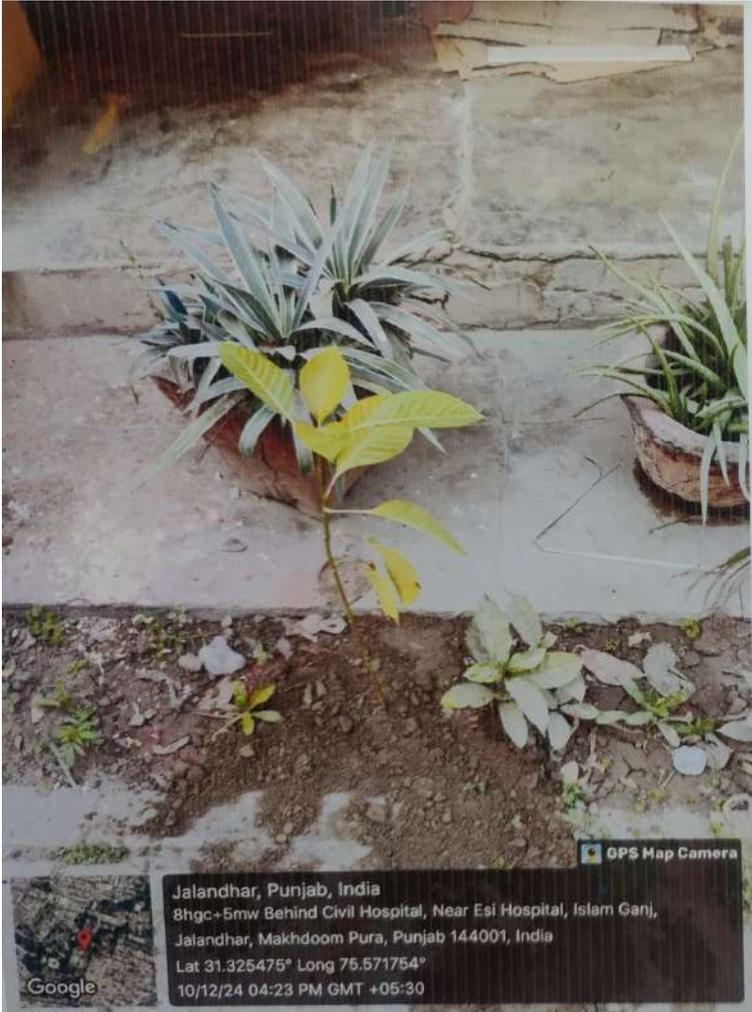
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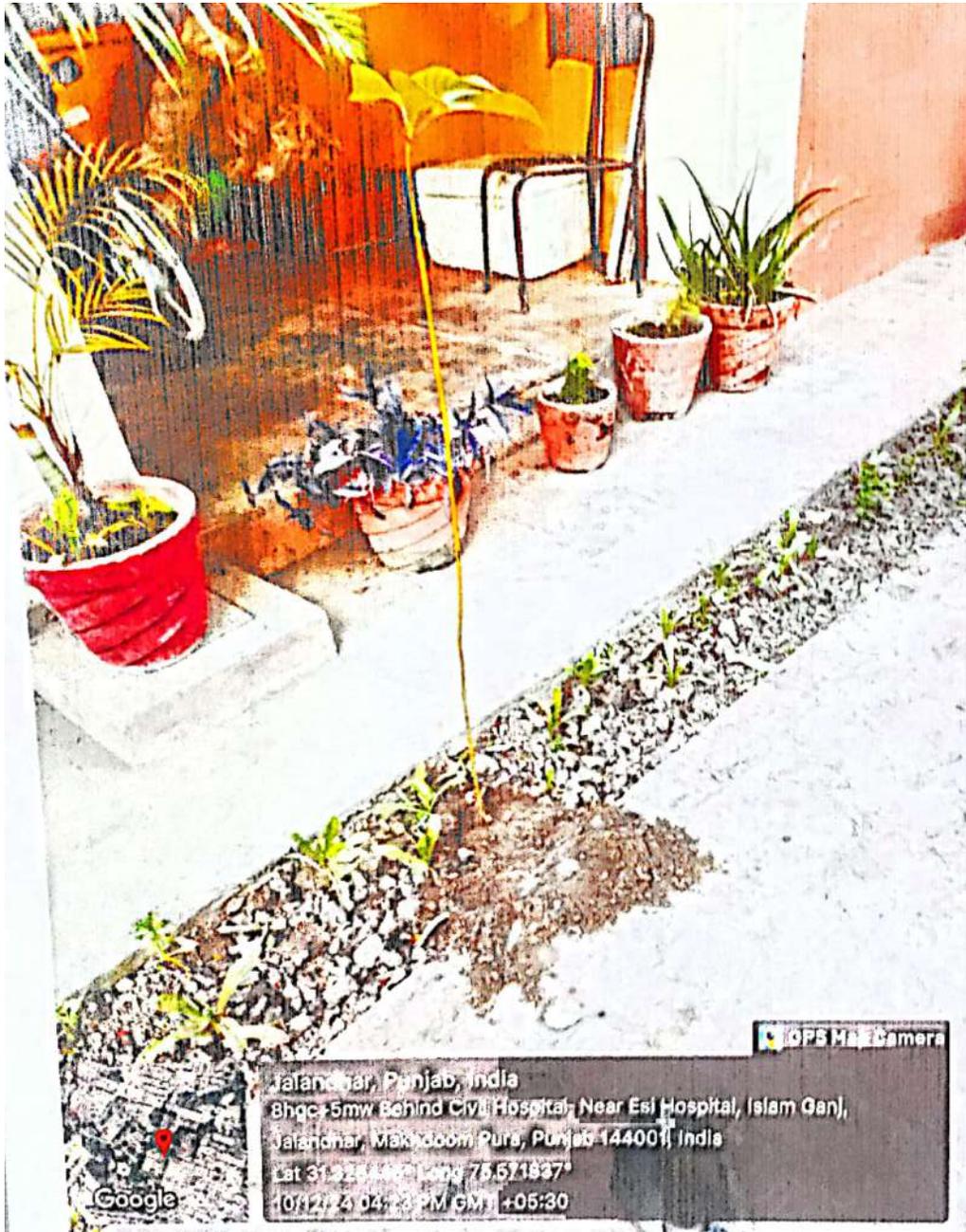
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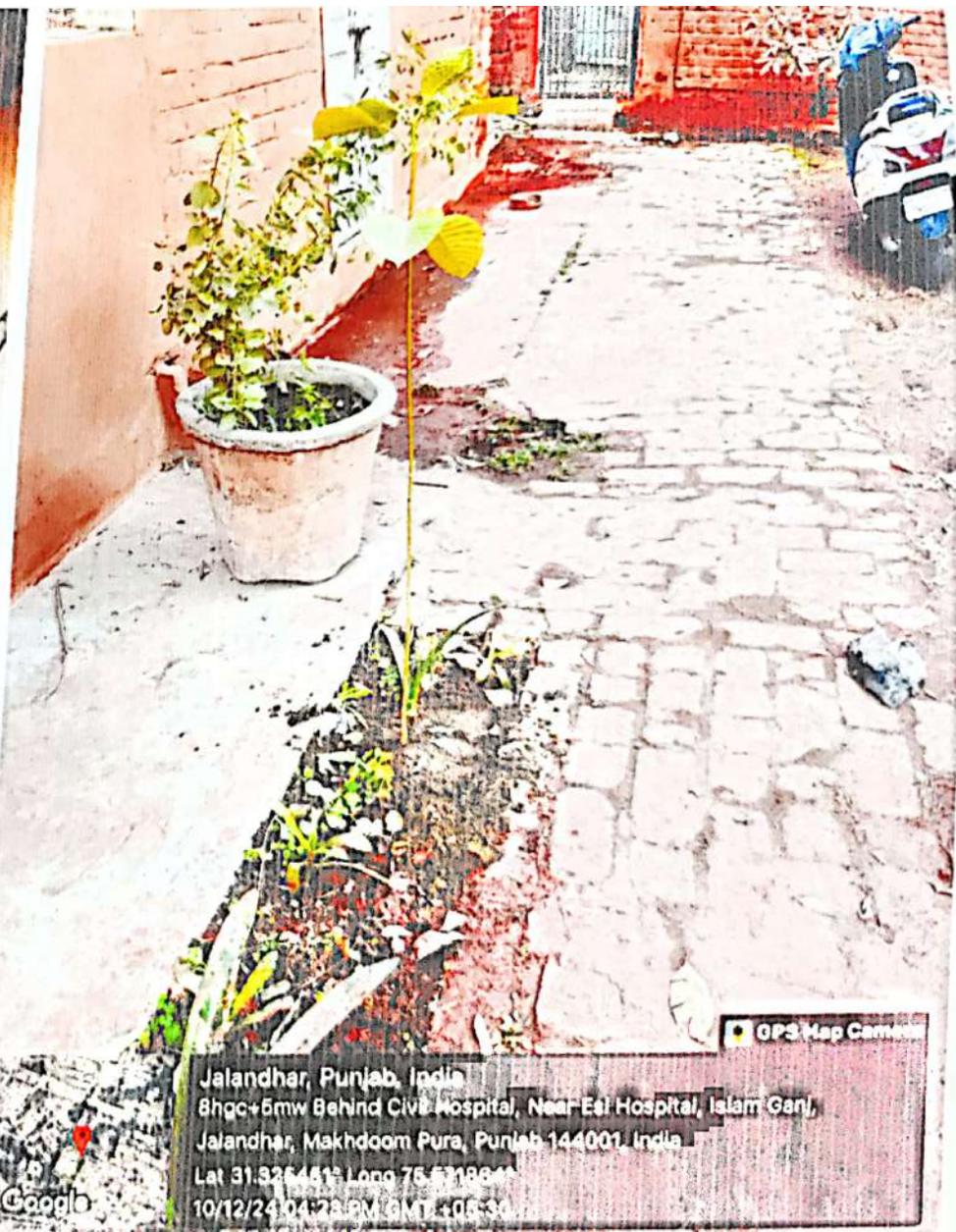
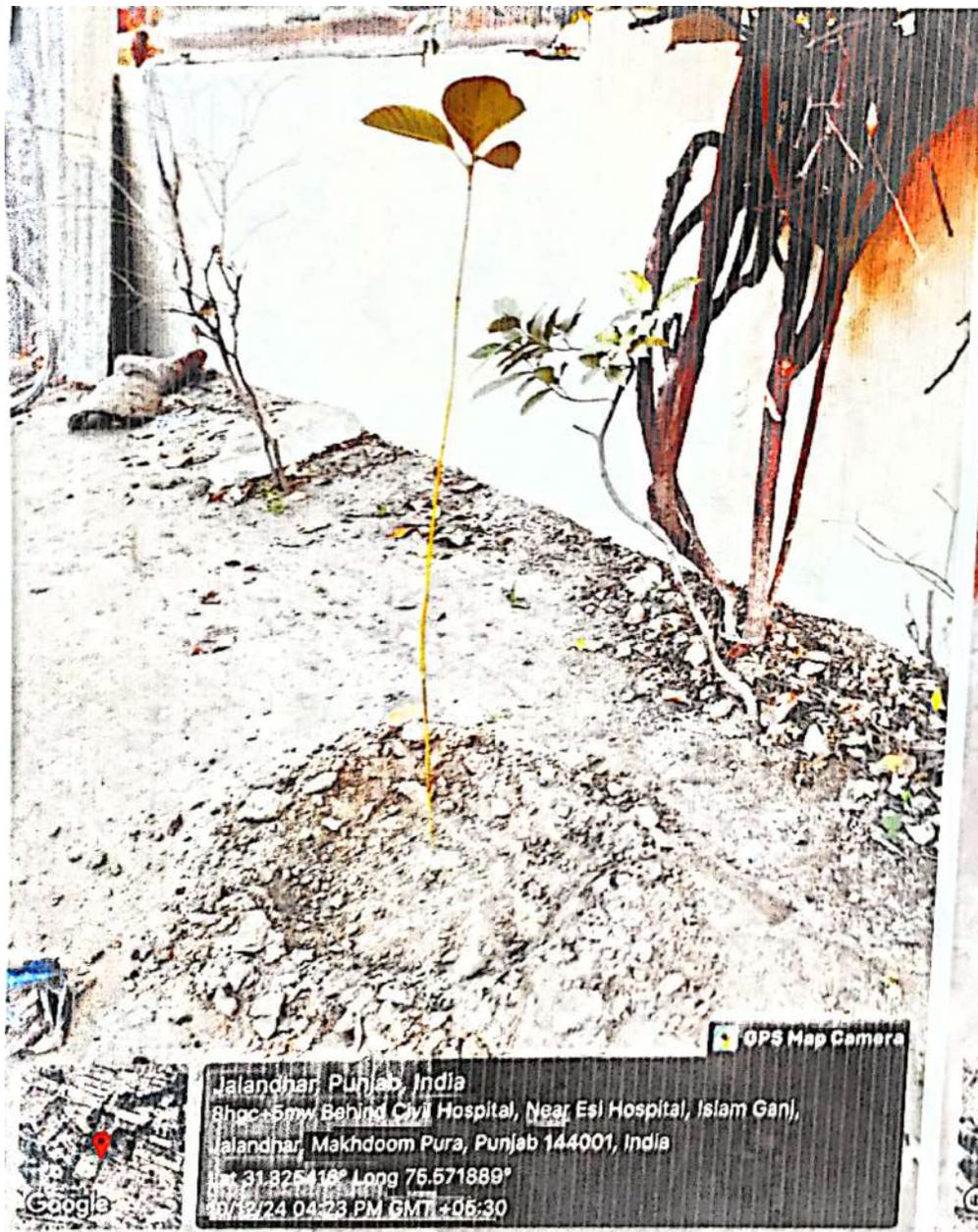


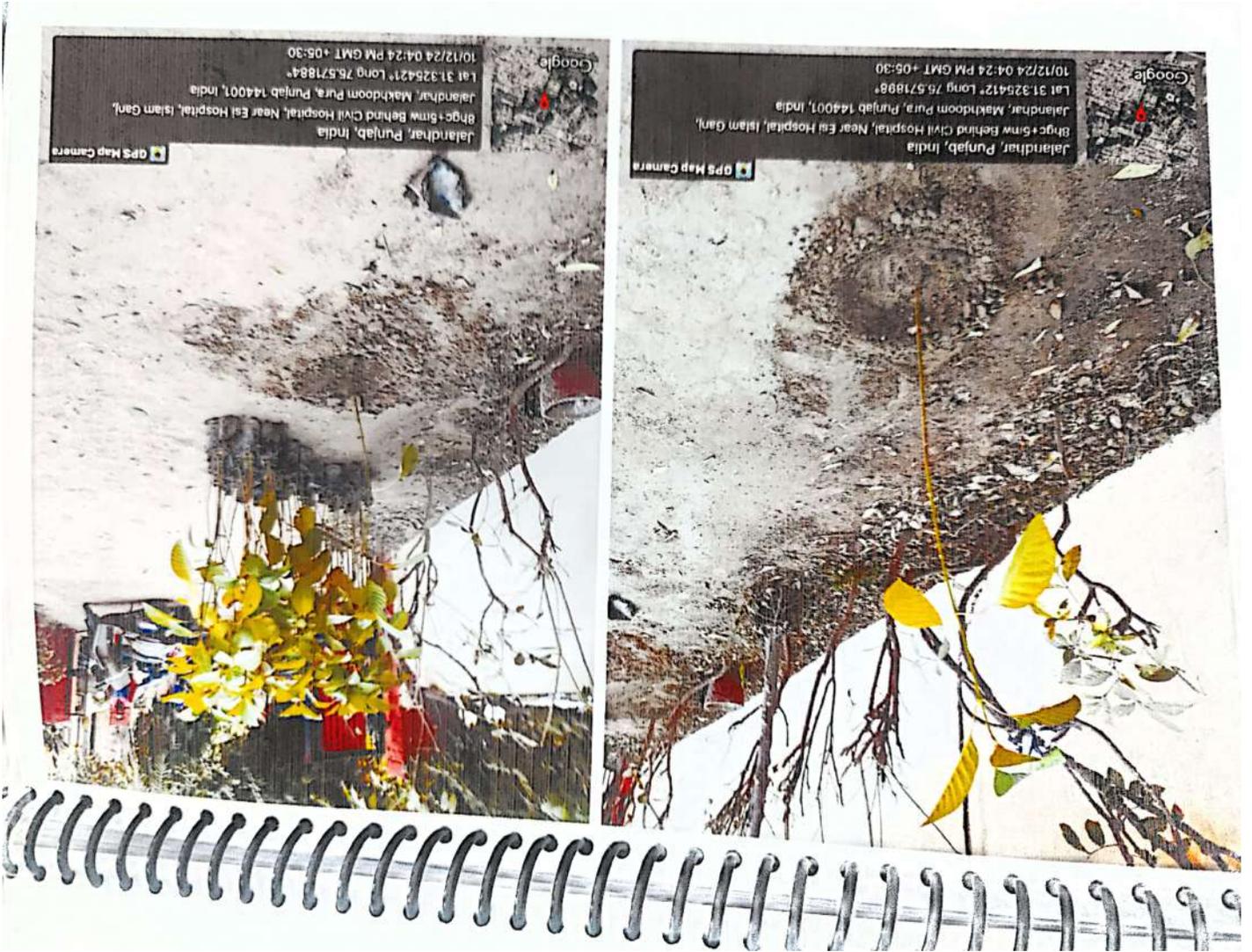
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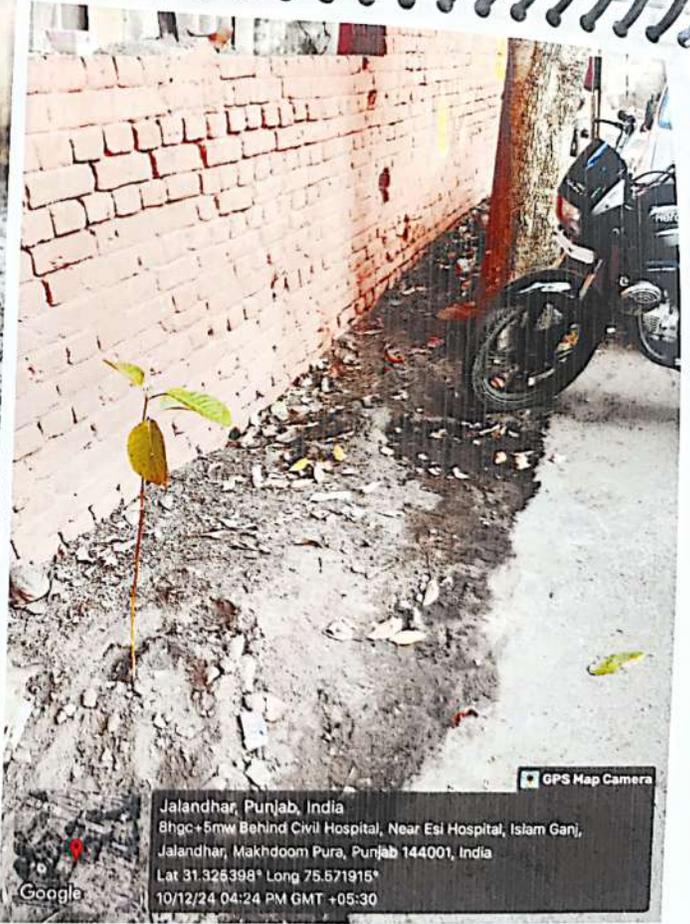




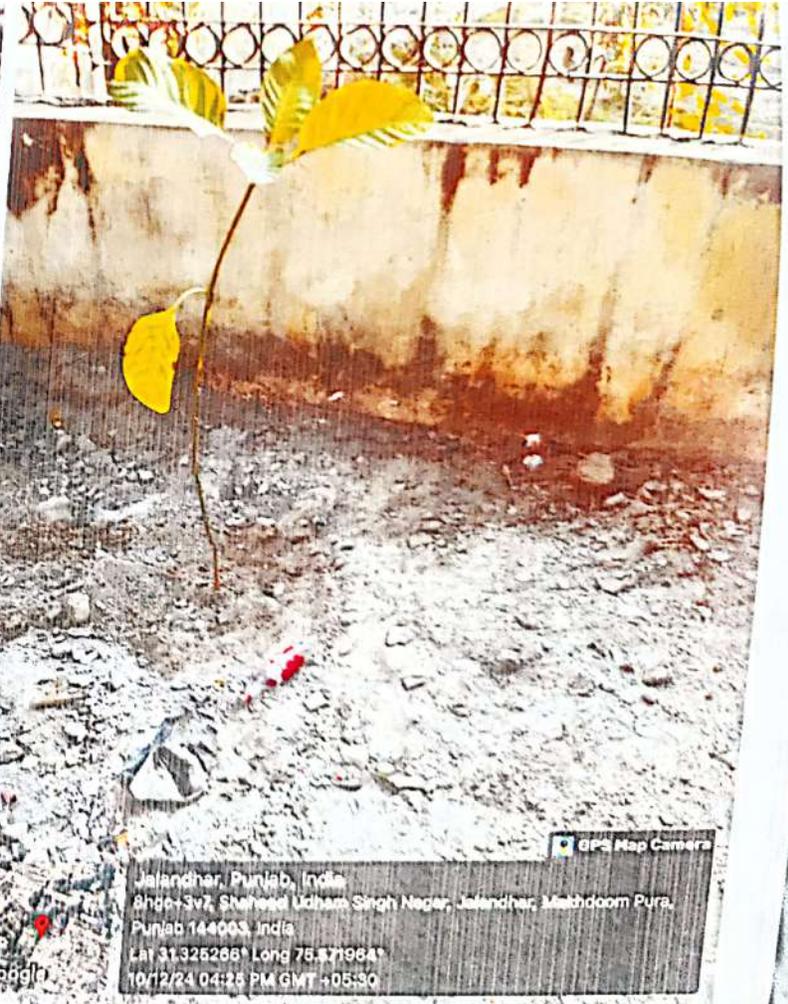
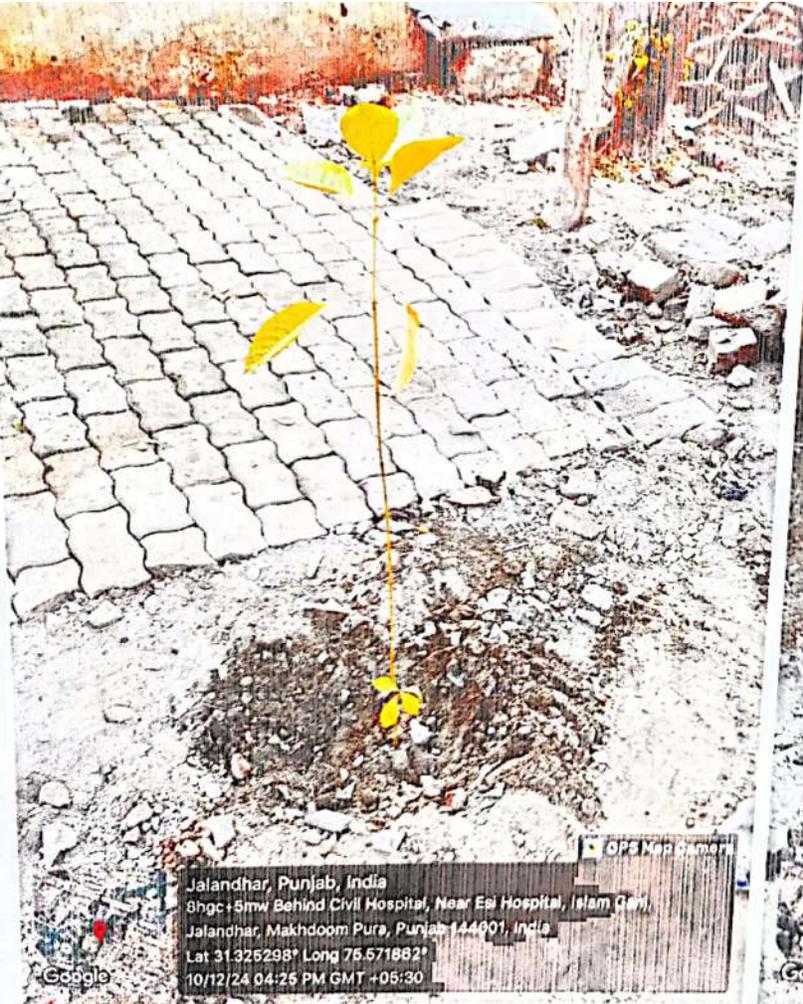




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GOVERNMENT OF PUNJAB
DEPARTMENT OF FORESTS & WILDLIFE PRESERVATION
(FOREST BRANCH)

Notification No. DFWLP-45/ 144 /2024 -O/o FINANCIAL COMM.-FOREST &
WILDLIFE /1/925874/2024

Chandigarh, Dated: 12-09-2024

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.	Designation	

no.		
(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

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 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 institutions 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 database 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.

Chandigarh, Dated: 12-09-2024 **Ajoy Sharma, IAS,**
Financial Commissioner to Government of Punjab,
Department of Forests and Wildlife Preservation.

Endst. No. DFWLP-45/144/2024-O/o FINANCIAL COMM.-FOREST & WILDLIFE
/I/925874/2024

Chandigarh, Dated: 12-09-2024

A copy of this notification is forwarded to the following for information and further necessary action:-

1. Secretary to Hon'ble Chief Minister, Punjab.
2. Secretary to Hon'ble Forest and Wildlife Preservation Minister, Punjab.
3. Private Secretary to Financial Commissioner Forest, Punjab.
4. All Administrative Secretaries, Government of Punjab.
5. Principal Chief Conservator of Forest (HoFF), Punjab
6. All Deputy Commissioners, Punjab.
7. All Head of the Departments, Punjab.
8. All Sub Divisional Magistrates, Punjab.

KULDEEP SINGH SYAN
UNDER SECRETARY
12-09-2024


//TRUE COPY//

ਪੰਜਾਬ ਸਰਕਾਰ
ਵਣ ਅਤੇ ਜੰਗਲੀ ਜੀਵ ਸੁਰੱਖਿਆ ਵਿਭਾਗ, ਪੰਜਾਬ
ਦਫ: ਵਣ ਮੰਡਲ ਅਫਸਰ, ਜਲੰਧਰ

OFFICE OF DIVISIONAL FOREST OFFICER, JALANDHAR

ਪੱਤਰ ਨੰਬਰ : 11032

Ph. No. : 01826-222537

ਮਿਤੀ : 20/12/24

E-mail

dfojalandhar@gmail.com

To,

Deputy Commissioner,
Jalandhar .

subject - Regarding Compliance of order of NGT Date 03/10/2024

It is Submitted that the grievance of applicant Regarding "the value of green standing trees was not Appropriately assessed by forest department" . It Submitted that the reserve price of standing green trees / dry tress was assessed as per norms and rates fixed by Punjab state forest development corporation ltd. after taking the required measurements of the standing trees at the spot.


Divisional Forest Officer,
Jalandhar at Phillaur.



//TRUE COPY//