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Before the Hon'ble National Green Tribunal, Principal Bench, New Delhi

Original Application no. 142 of 2023

Balbir Dass

... Applicant

Versus

State of Punjab and Others

.... Respondents

Short reply of Additional Secretary to Government of Punjab, Department of Science, Technology and Environment on behalf of respondent no. 1 and 2 i.e. the Chief Secretary, Punjab and Secretary, Department of Science, Technology and Environment, Punjab respectively.

Respectfully Showeth

- 1) That the undersigned is working as Additional Secretary to Government of Punjab, Department of Science, Technology and Environment and as such is conversant with the facts and circumstances of the case and is authorized and competent to file the present reply on behalf of the Chief Secretary, Punjab and Secretary, Department of Science, Technology and Environment, Punjab i.e. respondent no. 1 and 2 respectively.

- 2) That briefly submitted, the Hon'ble National Green Tribunal has taken cognizance of the present case in Original Application No. 142 of 2023 titled as Balbir Dass v/s State of Punjab and Others wherein the Sarpanch of Village Kaddon, Tehsil Payal, District Ludhiana, Punjab has indulged in cutting of about 40 trees at Panchayati Land of Village Kaddon without any requisite permission from the concerned authorities and has caused damage to the environment.
- 3) That the applicant has filed application under the provisions of the National Green Tribunal Act, 2010 with the Hon'ble National Green Tribunal for issuance of direction for registration of FIR against Sarpanch Parminder Singh and imposing fine which should be minimum 30 times of the amount of Rs. 1,67,000/- received by him by illegally cutting and selling 40 trees standing over the panchayat land.
- 4) That considering the averments made in the application and the observations of the report of Joint Committee, the Hon'ble National Green Tribunal was pleased to pass an order dated 4.12.2023 thereby impleading the (1) State of Punjab through Chief Secretary, Government of Punjab, (2) Secretary, Department of Science, Technology and Environment, Government of Punjab, (3) Financial Commissioner, Rural Development and Panchayat, Government of Punjab, (4) District Magistrate, Ludhiana and (5) District Development and Panchayat Officer, Ludhiana, as party respondents No. 1 to 5 in the case requiring them to file their reply/response with reference to the averments made in the application

and also the statutory framework/SoP/instructions issued for protection of trees and grant of permission for cutting of trees, if any, on or before 19.01.2024.

- 5) That the examination of the case has revealed that though the Director, Rural and Development and Panchayats on receiving the report dated 30.11.2022 from District Development and Panchayat Officer, Ludhiana has suspended the Sarpanch, Gram Panchayat Village Kaddon, Tehsil Payal, District Ludhiana and marked the regular inquiry to Additional Deputy Commissioner (Rural Development), Ludhiana, but the substantial question relating to the protection of the environment due to illegal cutting of trees and the remedial measures required to be taken has remained unanswered. In such cases Environmental Compensation is also required to be imposed for damage to environment.
- 6) That in the above background, the case has been referred to the Department of Forests and Wildlife Preservation, Punjab vide memo no. 25 dated 10.01.2024 for framing of requisite Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in general conditions in the State of Punjab. A copy of memo no. 25 dated 10.01.2024 is enclosed herewith as **Annexure-A**.

- 7) That the State of Punjab may kindly be granted three-month time to formulate Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc.
- 8) That the short reply is hereby submitted on behalf of respondent no. 1 and 2 in compliance to order dated 4.12.2023.

Submitted by

Date: 10.01.2024

Place: Chandigarh


Additional Secretary to Government of Punjab
Department of Science Technology and Environment
(On behalf of respondent no. 1 and 2)

Government of Punjab
Department of Science, Technology and Environment

To

The Principal Secretary-cum-Financial Commissioner
Government of Punjab,
Department of Forests & Wildlife Preservation,
Chandigarh.

Memo No. 03/73/2023-STE4/25

Dated: 10.01.2024

Subject: Framing of Standard Operating Procedure for protection of trees, giving of permission for cutting of trees and imposition of Environmental Compensation for illegal cutting / felling of trees in the State of Punjab.

Please refer to the subject cited above.

2) It is informed that the Hon'ble National Green Tribunal has taken cognizance of a case in Original Application No. 142 of 2023 titled as Balbir Dass v/s State of Punjab and Others wherein the Sarpanch of Village Kaddon, Tehsil Payal, District Ludhiana, Punjab has indulged in cutting of about 40 trees at Panchayati Land of Village Kaddon without any requisite permission from the concerned authorities and has caused damage to the environment.

3) The applicant has filed application under the provisions of the National Green Tribunal Act, 2010 with the Hon'ble National Green Tribunal for issuance of direction for registration of FIR against Sarpanch Parminder Singh and imposing fine which should be minimum 30 times of the amount of Rs. 1,67,000/- received by him by illegally cutting and selling 40 trees standing over the panchayat land.

4) Though the Director, Rural and Development and Panchayats on receiving the report dated 30.11.2022 from District Development and Panchayat Officer, Ludhiana has suspended the Sarpanch, Gram Panchayat Village Kaddon, Tehsil Payal, District Ludhiana and marked the regular inquiry to Additional Deputy Commissioner (Rural Development), Ludhiana, but the substantial question relating to the protection of the environment due to illegal cutting of trees and the remedial measures required to be taken has remained unanswered. In such cases Environmental Compensation is also required to be imposed for damage to environment.

5) Considering the averments made in the application and the observations of the report of Joint Committee, the Hon'ble National Green Tribunal by passing an order

dated 4.12.2023 has impleaded the (1) State of Punjab through Chief Secretary, Government of Punjab, (2) Secretary, Department of Science, Technology and Environment, Government of Punjab, (3) Financial Commissioner, Rural Development and Panchayat, Government of Punjab, (4) District Magistrate, Ludhiana and (5) District Development and Panchayat Officer, Ludhiana, as party respondents No. 1 to 5 in the case requiring them to file their reply/response with reference to the averments made in the application and also the statutory framework/SoP/instructions issued for protection of trees and grant of permission for cutting of trees, if any, on or before 19.01.2024. Copies of the relevant orders of the Hon'ble National Green Tribunal are enclosed herewith for perusal.

6) In the above background, the case is referred to the Department of Forests and Wildlife Preservation, Punjab for framing of requisite Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in general conditions in the State of Punjab.

Please treat it as important.


 Secretary to Government of Punjab,
 o/c Department of Science, Technology and Environment

Endst. No. 03/73/2023-STE4/26-30

Dated 10-01-2024

A copy of the above alongwith Copies of the relevant orders of the Hon'ble National Green Tribunal is forwarded to the following for information and necessary action please.

- ✓ 1) Chief Secretary to Government of Punjab, Civil Secretariat-1, Punjab, Chandigarh.
- ✓ 2) Financial Commissioner, Government of Punjab, Department of Rural Development and Panchayats.
- ✓ 3) Principal Secretary to Government of Punjab, Department of Local Government, Chandigarh.
- ✓ 4) Principal Secretary to Government of Punjab, Department of Housing and Urban Development, Chandigarh.
- ✓ 5) Principal Chief Conservator of Forests, Punjab, Chandigarh.


 Secretary to Government of Punjab,
 o/c Department of Science, Technology and Environment

Item No. 5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 142/2023
(I.A. No. 706/2023)

Balbir Dass

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 04.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in Person (Through VC).

Respondents: None for the respondents.

**Application has been filed under the provisions of the National
Green Tribunal Act, 2010.****ORDER**

1. Vide order dated 13.03.2023 notices were ordered to be issued to the respondents.
2. Pursuant to service of notice, reply has been filed by Block Development and Panchayat Officer, Doraha, Tehsil Payal, District Ludhiana vide email dated 26.05.2023.
3. In the reply it has been mentioned that on receiving the report dated 30.11.2022 submitted by District Development and Panchayat Officer, Ludhiana, Director, Rural Development & Panchayat Department, S.A.S. Nagar (Mohali) suspended the Sarpanch, Gram

Panchayat, Kaddon, Tehsil Payal, District Ludhiana and marked regular inquiry to the Additional Deputy Commissioner (RD), Ludhiana.

4. The case involves substantial question relating to environment as to illegal cutting of trees and the remedial measures required to be taken.

5. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Punjab through Chief Secretary, Government of Punjab, (2) Secretary, Department of Science, Technology and Environment, Government of Punjab, (3) Financial Commissioner, Rural Development and Panchayat, Government of Punjab, (4) District Magistrate, Ludhiana and (5) District Development and Panchayat Officer, Ludhiana, who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 5 requiring them to file their reply/response with reference to the averments made in the application and also the statutory framework/SoP/instructions issued for protection of trees and grant of permission for cutting of trees, if any, **on or before 19.01.2024** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).

6. The DDPO, Ludhiana is also directed to ensure compensatory afforestation in the land of Gram Panchayat, Kaddon, Tehsil Payal, District Ludhiana. Requisite details regarding action taken in this regard be mentioned by the DDPO, Ludhiana in his reply/response to be filed as directed above.

7. List for further consideration on 22.01.2024.

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8. A copy of this order, along with a copy of the application and documents attached with the same, be also forwarded to Chief Secretary, Government of Punjab, Secretary, Department of Science, Technology and Environment, Government of Punjab, Financial Commissioner, Rural Development and Panchayat, Government of Punjab, District Magistrate, Ludhiana and District Development and Panchayat Officer, Ludhiana by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 04th, 2023
AG

Item No. 6

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
NEW DELHI (PRINCIPAL BENCH)**

**Original Application No. 142/2023
(IA NO 706/2023)**

Balbir Dass

.... Applicant

Versus

State Of Punjab

.... Respondent

Date of Hearing: 20.09.2023

Matter stands adjourned to: 04.12.2023

Item No. 11

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
NEW DELHI (PRINCIPAL BENCH)**

Original Application No. 142/2023

Balbir Dass

.... Applicant(s)

Versus

State Of Punjab

.... Respondent(s)

Date of Hearing: 26.05.2023

Matter stands adjourned to: 20.09.2023

Item No. 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 142/2023

Balbir Dass

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 13.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Under the provisions of the National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed present application under the provisions of the National Green Tribunal Act, 2010 for issuance of direction for registration of FIR against Sarpanch Parminder Singh and imposing fine which should be minimum 30 times of the amount of Rs. 1,67,000/- received by him by illegally cutting and selling 40 trees standing over the panchayat land.

2. The applicant has submitted that Parminder Singh, Sarpanch of Gram Panchayat-Kaddon, Tehsil Payal, District Ludhiana, Punjab had cut approximately 40 trees illegally from Panchayat land near Senior Secondary School, village Kaddon, Ludhiana and sold the same for Rs. 1,67,000/-. The applicant made complaint against Parminder Singh, Sarpanch of Gram Panchayat-Kaddon to the District Development and Panchayat Officer, Ludhiana who conducted the inquiry and found him guilty and made recommendation to the Director, Rural Development

and Panchayat Department for his removal/suspension but did not recommend any penal action against him.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. Let notices of the application be issued to the respondents requiring them to file their reply/response **within two months** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. List for further consideration on 26.05.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 13 2023
AVT