

**Government of Punjab
Forests and Wildlife Preservation Department, Punjab,
O/o Principal Chief Conservator of Forests (HoFF),
Forest Complex, Sector-68,
Sahibzada Ajit Singh Nagar**

To

The Registrar General,
National Green Tribunal,
Principal Bench, New Delhi.

No. 1063

Dated 01/06/2023

Sub:- Petition against illegal Axing of trees again and again in area coming within the jurisdiction of Municipal Corporation Ludhiana, Ludhiana improvement Trust, Greater Ludhiana Area Development Authorities & Agriculture University Ludhiana.

On the above mentioned subject the Hon'ble National Green Tribunal, New Delhi in OA No. 200/2023 vide order dated 17-03-2023 has directed the Principal Chief Conservator of Forests (HoFF), Punjab to look into the matter, take remedial action and file an action report to the Hon'bel NGT within two months.

As per the orders of the Hon'ble National Green Tribunal a Committee was constituted by this office under the Chairmanship of Chief Conservator of Forest (Plains), Punjab by this office letter no. 947-77 dated 20-03-2023. The Committee submitted his report with its findings and recommendations.

All Head of the responding Departments/institutions are being informed to take remedial measures as per recommendations of the committee by incorporating same in their working to safeguard environment. They have been requested to frame and draft law/rules in departmental procedure to ensure necessary legal backing in this regard at their own end.

Copy of the Committee report is enclosed herewith in the form of PDF/OCR format.

Encl: Committee report



Principal Chief Conservator of Forests (HoFF),
Punjab, Sahibzada Ajit Singh Nagar.

Background

The Hon'ble National Green Tribunal while disposing Original Application No.200/2023 vide Order dated 17.03.2023 has directed the Principal Chief Conservator of Forests (HoFF) Punjab to look into the matter and take remedial action. He has been further directed to file an action taken report regarding same to Hon'ble Tribunal within a period of two months. The Operative part of the judgment is reproduced as under.

“Having regard to above, we direct PCCF (HoFF), Punjab to look into the matter and take remedial action, preferably within two months, following due process of law.”

Key issues raised in Original Application

1. To introduce "The Tree Protection Act of Punjab" with stringent provisions of criminal proceedings (Registration of FIR) and hefty penalty (as per value of tree assessed by Hon'ble Supreme Court) on the violators.
2. Census of Trees along with numbering coming within their jurisdiction (including private colonies) in a fixed given time as decided by this Hon'ble Tribunal.
3. Compensatory planting of trees at same place where tree has been axed due to natural calamities or illegally axed by violators.

4. To conduct enquiry into axing of hundreds of trees by Punjab Agricultural University & imposing Environment compensation as per provisions of NGT Act, 2010.

In pursuance to this order, the undersigned, had constituted a committee to investigate the matter and submit a report. After going through the key issues raised in the Original Application, on hearing the applicants, considering the replies of concerned departments, the Committee submitted its report.

Findings of The Committee

1. Presently there is no legal provision or any mechanism in place with the respondent departments/institutions to penalize the offenders involved in illicit felling/lopping/pruning/pollarding of trees. Only remedy presently available with the respondent departments/institutions is lodging of a police complaint/FIR for tree offences, whereas there is need for a legal enabling mechanism in place to impose fines and prosecute offenders in the court by the respective departments/institutions which will act as a deterrent to check these offences.
2. Municipal Corporation and Ludhiana improvement trust have reported the axing/topping/pruning incidents to police but the

desired results on follow up by concerned departments and action by concerned police station are lacking.

3. All respondent departments/institutions except Municipal Corporation Ludhiana have allegedly completed the enumeration work. MC Ludhiana has given an assurance to complete the enumeration work by 31/12/2023.
4. Desired surveillance mechanism to check illicit axing/pollarding/pruning is still wanting especially in case of trees standing in open public places, roads, parks etc. (un-walled premises) which is not the case with walled premises with watch and ward personnel/ employees round the clock.
5. The respondent departments are taking up planting work in their respective domain areas but enforcing compensatory plantation at the site of axed/lopped/pollarded trees still needs a specific and more attention for its strict implementation.
6. As far as felling of trees in Punjab Agriculture University premises is concerned, they were auctioned departmentally. As reported by Estate officer, the Eucalyptus trees harvested were mature and posing a threat to life and property as they were leaning towards buildings and roadside traffic and many of them were cut by PSPCL which were disturbing high tension wires as well as interfering with 66 KV substation established within

university. Some snaps have been attached to prove his contention. In the recent past a total of 332 trees have been auctioned departmentally out of these 249 Eucalyptus, 18 Poplar, 02 Siris and 01 Shisham have coppiced. Committee observed that except few 8 odd trees of other species all remaining trees were of Eucalyptus and Poplar species. Poplar cannot be retained for a longer period as it becomes hollow and loses its timber quality and value. Even though Eucalyptus is an agroforestry species, but when planted in public premises, it can be retained for a long period for environmental gains unlike the cases where revenue generation is an objective.

Apart from this, 410 new trees have been planted on the main campus and are being maintained. Further, there is proposal to plant round 120 (*Jaccarnda, Delonix, Cassia, Sterculia, Lagerstroemia, Melia, Plumaria, Saraca* etc.) trees of ornamental value in coming season.

Based on findings and recommendations of the committee following recommendations are made.

Recommendations

1. Presently there is no legal mechanism/legal provisions for tree protection on non-forest public lands in place to penalize offenders for illicit felling/lopping/pollarding etc. which needs to be put in place by the respective departments/institutions looking after and safeguarding public trees standing on Non-Forest Public Land. Same needs to be implemented by respective respondent departments/institutions. This will enable the concerned departments to impose fines or alternatively prosecute offenders so that it acts as a deterrent in checking the tree offences. However, private areas, agroforestry plantations on Private/Panchayat/Institutional lands (other than PLPA areas) need to be kept out of purview of such stringent legal mechanism so as to encourage agroforestry and enhance tree cover in the State.
2. Municipal Corporation Ludhiana has a lot of pendency of illicit felling/lopping/pollarding cases which needs to be cleared by a close follow up and liaison with Police Department. Likewise, Police Department needs to deal them on priority and expedite the pending proceedings so as to conclude them in a time bound manner.

Likewise, Improvement Trust Ludhiana needs to get its such pending cases concluded. It would be in the interest of public and safeguarding environment that in future due consideration and priority is given to tree offences by police department as trees are one of the foremost, important and in dispensable public utility.

3. Proper numbering of trees and maintenance of proper enumeration records is a must. It can be done on same pattern which is currently being followed by Forest Department. All respondent departments need to ensure that enumeration exercise and related records are completed into in the earliest possible shortest time.
4. The responding departments/institutions need to improve surveillance mechanism for open public places especially during holidays and night hours which might require more staffing and mobility.
5. The respondent departments/institutions should take up compensatory plantations at the site of axed lopped/pollarded trees to the maximum possible extent. If impossible, alternative site nearest to the site of offence should be explored and planted.

6. Besides this, given the large area and population of the Ludhiana city the respondent departments/institutions need to have effective and sizable plantation plans so as to mitigate the pollution and other environmental issues with a proper aftercare and monitoring/evaluation mechanism.
7. In order to mainstream Compensatory plantation in our developmental works it needs to be embedded in the development proposal itself. It becomes very difficult to stop a development project when it nears the implementation stage, hence this needs to be done at the planning stage itself.
8. While scrutinizing proposals for construction works/developmental projects, the concerned Head of Department/Institution should adhere to the mitigation hierarchy of avoidance, reduction and offsetting preferably through plantation at same site to the maximum possible extent and if impossible then alternatively at the nearest possible site. It should examine the proposal and look for alternatives with the first objective of avoiding the felling of trees altogether. If that is not possible, then reducing the total number of trees to be felled should be the next alternative. And only if this too, is not found feasible, should felling and offsetting be permitted.

9. Eucalyptus is an agroforestry species and is to be harvested at a short rotation in case of agroforestry plantations, but when standing at public premises for addressing environment issues they can be retained for a long period to have a larger biomass and maximize environmental gains unless and until they are not a threat to life and property. This may not be the case with agroforestry species like Poplar which starts hollowing up after 9/10 years.