

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

(BY HYBRID MODE)

Original Application No. 125/2023

In re News item published in Rashtriya Sahara dated 03.02.2023 titled
**“पौधों का पता नहीं, निराई गुड़ाई में लाखों का खेल (No knowledge of plants, the
game of millions in weeding)”**

Date of hearing: 19.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Gigi.C.George, Advocate with Mr. Pankaj Kumar Shukla, DFO Gonda,
State of UP
Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. Proceedings have been initiated suo motu in the light of the captioned media report to the effect that in the name of plantation at Tikri range, District Gonda huge funds are being diverted in collusion with the Forest Officers and no plantations have actually been done.

2. Vide order dated 01.03.2023, the Tribunal constituted a joint Committee comprising PCCF (HoFF), UP, ICFRE, Dehradun, FSI, Dehradun, District Magistrate, Gonda, nominee of MoEF&CC, Regional Officer, Lucknow and UP State PCB to furnish a factual report in the matter.

3. Accordingly, report dated 06.05.2023 has been filed to the effect that plantations in question have been actually undertaken. Observations of the Committee and conclusion are as follows:-

“Observation of the committee on site inspection

1. *The plantation sites were present predominantly on Sal and other miscellaneous associated species forest patch and were basically Gap plantation where plantation is done in the forest where sufficient gap is there in canopy for survival of the saplings.*
2. *The species planted were predominantly Sagaun (Teak), though other species like Jamun, Karanj, Imli and Asan were also there.*
3. *The saplings planted in rainy season of 2022 were present and as per ocular observation and random counting at 8 sites in all 7 beets (16.7% of total where the plantations were undertaken the survival was more than 90% through with variable height and growth of the seedlings. This is at par with the prescribed standards (Annexure-1).*
4. *Height growth of planted seedlings especially those of Teak at some sites was low which may have resulted due to a) damage to seedlings by heavy grazing pressure (toppling by the cattle) and regrowth thereafter; b) damage due to submergence of plantation for 2-3 months, late rains and passage of flood water, c) casualty replacement by the watchers. Regarding plants other than teak, -plants were of better height. Though grazing pressure on them was evident.*
5. *Since plantation project is of 3 years and heat wave has started in the area irrigation via water tanks using labors were being performed.*
6. *We were informed at the site that the working plan of the division has expired in 2018-19 and extension approval up to 2023-24 has been taken from Ministry of Environment and climate change via due procedure.*
7. *We also evaluated the report of the committee constituted under the Additional Principle Chief Conservator of Forest! Chief Conservator of Forest, Monitoring and Evaluation, UP, Lucknow (Annexure-2) by PCCF & HOFF, UP as per the guidelines for 100% verification of the plantations. It corresponds with our observation about survival of the plantations.*

On 19 April 2023 a meeting with stakeholders comprising Gram Pradhans, Villagers of the forest surrounding area, Nagar Panchayat representatives, the forest plantation watchers and people benefitting from forestry activities was organized. The committee had individual conversation with each of the stakeholders present.

Observation during committee Interaction with stakeholders:

1. *Most of the representatives from local bodies, Panchayat etc. were aware of plantations carried out in their areas. They reported the plantations are of good quality in the initial year of establishment and will be valuable in future (Annexure-3: List of stakeholder's/local body members interacted).*
2. *There is predominance of Teak in all plantation carried out by Forest department. The reason stated for high teak proportion is its hardiness and less palatability to stray cattle.*
3. *There is presence of stray cattle inside the forests since decades, this forest residing stray cattle are been given name "van gaiya" by villagers. As informed by villagers the behavior of van gaiya is different from normal livestock. They are more aggressive towards people as they have very less interaction with people. In forests plantation the grazing pressure is more by Van gaiyas than normal stray cattle living in the village surroundings.*
4. *The plantation registers which are the valid authentic documents for any plantation work carried. out, were found in place with proper entries of activities, duly signed by the officials/ observers and photographs.*
5. *People's representatives who had verified the works and commented on plantation journals were asked about genuineness of their comments. They were asked how they come on conclusion that plantation is in good or bad shape. Representatives had informed the committee that the survival heights and protection standards are observed by them in person. We asked representatives that if they know any villager of their area employed in forestry activities in response to which they were able to tell names of some villagers. The general observation of the committee that representatives were satisfied with the efforts of the state forest department in doing and protecting the plantations.*
6. *People's representatives were of the view that useful and fruit bearing plants like Bamboo, Amia, Kathal, Guava and Mango tree are a few recommended species by representatives which should be planted on community land and private area.*
7. *The watchers employed by the Forest department were also interviewed. They were found to be well versed with the planting and aftercare techniques. However, most of them cited heavy grazing pressure especially that of "van gaiya" in their area. Some reported submergence of plantations due to flooding for more than 2 months last year causality replacement done by the Daily wagers Suraksha watchers. (Annexure-4).*
8. *The committee interviewed the concerned FRO whose name appeared in the newspaper report. He denied meeting and providing any information to the scribe. Thus, the forest department view cited in the news report is imaginary and misleading (Annexure-5).*

Conclusion:

1. *Survivals of the plants are found to be more than 90 percent as observed by ocular estimation on the sites visited.*
2. *The plantations are being treated as per sanctioned project estimates by prescribed activities in the project.*
3. *Stake holders were satisfied with the execution of the plantation activities and confirmed the challenges like grazing pressure*
4. *The Committee observes that the assertion in newspaper report that the plantations are only in papers and not in field is not correct. Further "niralgurai", watering etc. are part of approved management prescription. We could see these were actually carried out in the areas sampled."*

4. In view of above, only direction which appears to be necessary is that safeguards for protecting the plantation such as tagging the plants be adopted which may be overseen by jurisdictional Chief Conservator of Forest (CCF). Report of the CCF may be placed on the website of the Forest Department every six months.

The Application is disposed of.

A copy of this order be forwarded to Chief Conservator of Forest, Gonda, U.P by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 19, 2023
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