

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.445/2022

Surjeet Singh

....Applicant

Versus

State of Himachal Pradesh

...Respondent

Date of hearing: 17.10.2022

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

Applicant: None.

Respondent: Mr. Pushp Gupta and Mr. Sandeep Mishra,
Advocates for MoEF & CC.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Mr. Surjeet Singh has filed the present letter petition, which has been treated and registered as original application, complaining about illegal cutting/uprooting of thousands of Khair trees from the Rail Beat area mentioned in the letter petition falling in Dada Seeba Forest range, District Kangra, Himachal Pradesh and transportation of the same to other States for sale causing loss of crores of rupees to the State exchequer by the persons named in the letter petition.

2. Vide order dated 25.07.2022 this Tribunal constituted a Joint Committee comprising of Representative of MoEF & CC, Shimla, Principal Chief Conservator of Forests (HoFF), Government of Himachal Pradesh, State PCB and Deputy Commissioner, Kangra and directed the same to meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite remedial action by

following due process of law and submit factual and action taken report within two months.

3. In compliance thereof Member Secretary, HPSPCB has sent the report of the Joint Committee vide letter dated 24.09.2022 emailed on 24.09.2022.

The relevant part of the same reads as under:-

“Joint Inspection cum Action Taken Report of the committee constituted in compliance to the order dated: 25/07/2022 passed by the Hon’ble NGT in Original Application No. 445/2022 titled Surjeet Singh V/s State of H.P.

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INSPECTION BY THE JOINT COMMITTEE ON DATE: 22/08/2022

In compliance of above order, joint inspection of the spot by the joint committee was conducted on date: 22/08/2022. During the joint inspection, the complainant was not present in the joint inspection, however Sh. Yashpal Singh, S/o Sh. Budhi Singh, Village Mehda, PO Rail, Tehsil Dadaisba, District Kangra, Sh. Manoj Kumar, S/o Sh. Kewal Singh, Village Jol, P.O. Jandour, Tehsil Jaswan, District Kangra and Sh. Ranbir Singh, S/o Sh. Hakam Singh, Village & PO Siyul Khad, Tehsil Dadasiba, District Kangra H.P were present.

Photographs of Joint inspection carried out on date: 22/08/2022 in reference to order dated: 25/07/2022 passed by the Hon’ble NGT in Original Application No. 445/2022 titled Surjeet Singh V/s State of H.P

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THE DETAILED REPORTS/OBSERVATIONS OF CONCERNED AUTHORITIES ARE AS UNDER:

Divisional Forest Officer, Dehra, (Representative on behalf of Principal, Chief Conservator of Forests (HoFF), Government of H.P):

The joint committee as constituted by Hon’ble NGT during its spot visit in Rail Beat of Dadasiba Range on 22nd August 2022 was apprised about the private sale from the private land in Dadasiba Range. In this connection, it is submitted that Tikas Banuri along with other Tikas of Bathu, Behi of Dadasiba Mauza and along with other mauzas of Dadasiba Range were opened for felling/ sale of trees during 2021-22 under approved ten years felling program of Dehra Forest Division as approved by Govt. of H.P. under Land Preservation Act, 1978. In various tikas of Dadisiba range which were opened for felling / sale of khair trees during 2021-22, the land owners bargained with the Registered Forest Contractors/ SPA for felling/ sale of their Khair trees standing in their

private / Malkiyati land during the above period and after carrying out the demarcation of private land by competent Revenue authority in the presence of forest staff and after having adopted the proper procedure, the felling permission was granted by the competent authority for felling of 5569 number of green khair trees from private malkiyati land in Dadasiba Range and of which 1512 number of khair trees felled upto 31.03.2022. Whereas in Tikas Banuri of Mauza Dadasiba in Dadasiba range, the Tikas which is mentioned in the complaint filed by Sh. Surjit Singh S/O Sh. Pirthi Chand R/O Ward No.2 village Banuri PO Rail Tehsil Jaswan Distt. Kangra has 563 number of khair trees which were allowed for fell/sale from private malkiyati land after following proper procedure and of which 400 number of trees were felled upto 31st March 2022. The felling permission was accorded during the year 2021-22 in favour of the forest contractors in Dadasiba range. As per record, a complaint of Shri Surjit Singh S/O Shri Pirthi Chand R/O Ward No.2 village Banuri PO Rail Tehsil Jaswan Distt. Kangra has been received in division office from CCF Hamirpur vide office endorsement number 359 dated 19.04.2022 and received by the DFO office on dated 23.04.2022 and was further endorsed to RO Dadasiba vide DFO Dehra endorsement number 1398 dated 9.05.2022 for taking necessary action and submission of detailed fact finding report. In pursuance of direction, the RO Dadasiba had conducted the enquiry & submitted the enquiry report vide his office memo no. 331/ DS dated 28.06.2022. It is pertinent to mention here that the statement of the complainant Shri Surjit singh s/o Shri Pirthi Chand had also been recorded, wherein he admitted that he had an feeling of suspicion that the trees which were felled would be from Government land. But after the spot demarcation carried out by Patwari of Revenue department and forest kanungo, the status of land where the trees were found felled was Private land where the trees were allowed to felled under approved ten years felling program by the competent authority. Further a complaint of Sh. Surjit Singh S/O Sh. Pirthi Chand R/O Ward No. 2 village Banuri PO Rail Tehsil Jaswan Distt. Kangra had also been received from SDM Dehra vide his office no. 942 reader dated 17.5.2022 addressed to DFO Dehra and Tehsildar Jaswan. Which was marked to ACF Dehra by DFO Dehra on 19.5.2022 for conducting enquiry and submission of fact finding report and ACF Dehra was further directed to associate the complainant during the course of enquiry. In compliance to the direction of DFO Dehra, ACF Dehra had conducted enquiry and submitted the enquiry report vide no. 3282 dated 19.07.2022 wherein it was reported by ACF Dehra that the complainant was informed by the team about the inspection and requested him to associate & assist the team during the course of enquiry but the complainant could not turn up. Further reported by ACF Dehra that a total of 21 no. of Khair trees were found illicitly felled of which the staff has already taken the cognizance of 11 no. of trees in January and April months and issued damage report bearing numbers 77/110, 78/110, 79/110, 82/110, 86/110 87/110 and subsequently compounded the case and deposited the compounding fees / compensation of Rs. 3,13,541 /- (Rs. Three lakhs thirteen thousands five hundred and forty one rupees) in the Government Treasury. But the remaining 10 no. of khair stumps/ uprootings which were found on the boundary of private and forest land and later, after demarcation were found on forest land. On the basis of Enquiry report of ACF Dehra and for gross negligence, the concerned forest guard i/c of Rail Beat of Dadasiba Range Sh. Atish Kumar was placed under suspension by DFO Dehra vide DFO office No. 109/DFD/2022-23 dated 03.08.2022 and fixed his headquarter at Dehra range office. The

offenders against whom the damaged report was chalked out for felling of 11 no. of khair trees illicitly as mentioned above and the case was compounded and compensation / compounding fees was charged accordingly, those offenders were also engaged in carry out the plantation at their own cost in the same beat. Not only plantation but the maintenance of plants so planted for next 3 years would also be carried out by them only.

In Dadasiba range, sincere efforts have been made by the staff to check the incident of illicit fellings and poaching. The staff had been conducting regular group patrolling and nakkas to protect the forest and wild life from smugglers. It is true that smugglers have certain geographical advantages as Dadasiba range shares long boundary with Punjab state and the Tikkas which were opened for private sale were very close to the border of Punjab state and most of the time the staff has to use their own vehicles for conducting patrolling and nakkas as there is no official vehicle in this range for supervision and patrolling. So despite the adversities, efforts have been put sincerely by the staff for the protection forests and wild life. Besides this, the staff conduct meeting with the villagers/ local communities and make them aware of the importance of forests and wildlife and seek their assistance in protection of forests & biodiversity.

Though reported by RO Dadasiba that extent of adjoining forests to be inspected is large & are having dense undergrowth, so a committee may be constituted for the inspection of said forests. On his request, a committee is constituted at the Division level for the inspection of adjoining forests also and submission of detailed report. The committee is further directed to make a request & associate the complainant Sh. Surjit Singh S/O Sh. Pirthi Chand R/O Ward No.2 village Banuri PO Rail Tehsil Jaswan Distt. Kangra during the course of enquiry. Since the forest that to be traversed & inspected is large in extent & is having dense undergrowth, so completion of enquiry may take some time. The complete enquiry report along with departmental action will be communicated on its completion.

Representative of MoEF & CC, Shimla

As the applicant, Shri Surjeet Singh was not present before the Joint Inspection Committee it couldn't be verified the alleged felling of the thousands of Acacia catechu has taken place in the concerned area. However, as per the documents submitted by the concerned official of Forest Department of Dehra, it can be said that illegal felling has occurred in the region. Further, the DFO Dehra has submitted that 21 Acacia catechu trees have been felled illegally in the forest land. Concerned ACF and DFO have taken departmental action against the official responsible for illegal felling of 11 no. of Acacia trees. The department shall take action against illegal felling of remaining 10 no. of Acacia catechu tree as well which is pending as on 22.08.2022, the date of Joint Inspection. As per the statements of ACF and DFO, the Acacia catechu trees are distributed in both Forest Land and Non-Forest Land. Felling/uprooting permission of Acacia catechu trees from Non-Forest Land are granted by the DFO to the registered private parties and the subsequently the trees are marked by the forest officials in private lands/Non-Forest Land which are to be felled. The DFO has further submitted before the Joint Inspection Committee that 131 Acacia catechu trees have been

felled in Non-Forest Land/Private land after seeking the necessary permission from the Forest Department...."

4. We have gone through the report of the Joint Committee which shows that permissions for felling of Khair (*Acacia catechu*) trees from Non-Forest Land were granted by the DFO to the registered private parties. 131 (*Acacia catechu*) trees have been felled in Non-Forest Land/Private land after seeking the necessary permission from the Forest Department. On request of RO, Dadasiba a committee has been constituted for the inspection of forests adjoining Punjab which has been directed to associate the applicant- Sh. Surjit Singh S/O Sh. Pirthi Chand R/O Ward No.2 village Banuri PO Rail Tehsil Jaswan Distt. Kangra during the course of enquiry. The DFO, Dehra has submitted that 21 *Acacia catechu* trees have been felled illegally in the forest land. Concerned ACF and DFO have taken departmental action against the official responsible for illegal felling of 11 (*Acacia catechu*) trees. Damage report was chalked out against the offenders for felling of 11 (*Acacia catechu*) trees which was compounded and compensation/compounding fee was charged from them and they have been engaged in carrying out the plantation at their own cost in the same beat and maintain the same for the next three years. However, action against illegal felling of remaining 10 (*Acacia catechu*) trees is pending.

5. In view of the observations in the report of the Joint Committee and the facts and circumstances of the case, the application is disposed of with the following directions:-

- (i) The Forest Department is directed to take remedial action for prosecution of the offenders, imposition and recovery of environmental compensation and compensatory afforestation for illegal felling of 10 (*Acacia catechu*) trees in the forest area within three months at [judicial-](#)

ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

- (ii) The Committee constituted on request by RO, Dadasiba is directed to conclude the enquiry within three months and on completion of the same send a copy of the enquiry report to the PCCF (HoFF), Government of Himachal Pradesh and HPPCB for taking appropriate action of prosecution of the offenders, imposition and realization of environmental compensation and compensatory afforestation.
- (iii) The Forest Department is also directed to encourage by appropriate means for the plantation/compensatory afforestation in non-forest/private land in lieu of (*Acacia catechu*) trees permitted to be felled for protection and improvement of the environment.

6. Copies of the enquiry report and Action Taken Reports giving requisite details taken by the Forest Department and HPPCB be filed by email within six months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions.

7. However, any of the parties having any grievance at any subsequent stage shall be at liberty to move this Tribunal for further directions in the matter as may be considered necessary.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 17, 2022
AG