

ITEM NO.301

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. &amp; ORS.

Respondent(s)

(“ONLY”[ 1 ] INTERLOCUTORY APPLICATION NO. 3840 (Disposed of) [APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES]IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESHAND[ 2 ] INTERLOCUTORY APPLICATION NO. 26893/2018 AND 27160/2018 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS]IN RE : MANOJ KUMAR MISHRAAND[ 3 ] INTERLOCUTORY APPLICATION NOS. 19010/2019 [APPLICATION FOR DIRECTIONS]IN RE : CONSERVATION ACTION TRUST, MAHARASHTRA IN W.P.(C) NO. 202/1995)

Date : 15-04-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for the  
parties

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Mr. M. Yogesh Kanna, Adv.

Mr. Rajarajeshwaran S., Adv.

Mr. Parthasarathi S., Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A.No. 3840 [IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF  
HIMACHAL PRADESH]

We have heard the learned counsel for the parties.

Submissions have been made on behalf of the State of Himachal Pradesh that there is no difficulty faced with respect to accepting the following 24 recommendations of the Committee, as enumerated at Paragraph No. 9 (Pages 26 to 32) of the response affidavit :-

“(i) Para 2.1.1-p.14, p.45

**A. Chirpine-Approval of silviculture markings with retention of only 25 mother trees per hectare instead of 40 mother trees as laid down in Hon'ble Supreme Court order of 16<sup>th</sup> February, 2018.**

**(ii) Para 2.1.1-p.14, p.46**

**Sal 40-55 seed bearers-no restriction of area**

**(iii) Para 2.1.1-p.15, p.47**

**Khair-Marking in Khair forests to include chirpine markings as well**

**(iv) Para 2.1.3-p.16, p.49**

**a) Boundary Pillars must be erected at all forests planned for treatment in 2018-19 & 2019-20**

**b) furnishing of certificate by DFO & CF concerned in prescribed format**

**(v) Para 2.1.4- p.17, p.50**

**Immediate action required for approval of three management plans**

**(vi) Para 2.1.10, p.54**

**The monitoring committee has estimated that about Rs. 1.25 lac per ha is likely to be spent on all forests under experimental silvicultural felling programme meaning an investment of about Rs. 26 crores on 68 forests spread over 2054 ha of area for 100% enumerations, silviculture markings, fencing and other required interventions for ensuring regeneration. Unless such forests have secure legal tenure and boundary pillars in position for demarcation and fencing, all investments will go waste.**

**(vii) Para 2.1.13 A I, p.59,**

**Expired working plans for 15 Forest Division need revision.**

**(viii) Para 2.1.13 A I (6),p.17, p.62 ,**

*Seeking extensions after expiry of Working Plan operative for 10-15 years be discontinued & Revised Working Plans to be prepared well in time*

*(ix) Para 2.1.13(7), p.18, p.62,*

*Mid-term revision of Working Plans to be done.*

*(x) Para 2.1.13, p.18, p.63,*

*Subsidiary silviculture operations to be allowed only in forest divisions having approved Working Plan.*

*(xi) Para 2.2.2 & Table 2.9, p. 19, p.68*

*a) Inspection of all areas planned for 2019-20 in Bhagani and Jamta Forest Ranges (Eucalyptus) by senior forest officers in 1st fortnight of March'19.*

*b) Final Time Table for inspection and approval of forests for experimental silviculture fellings (inspections, completion of extraction by HPSFDC, videography, enumeration, marking etc.) by senior forest officers and monitoring committee. This includes the recommendation regarding senior forest officers to inspect forests in the first fortnight of March, 2019.*

*(xii) Para 3.1, p. 21, p.75-76*

*Subject to execution of prioritized core activities during preparatory period of 2019-20 for achieving scientific Forest Management, Ban on Green Fellings should be relaxed from 2020-21 onwards.*

*(xiii) Para 3.2, p.79-81*

*The Monitoring Committee has concluded that the only practical way to revive much talked scientific forest management at the ground level is possible only by the compliance of four inter related pillars/indicators. It needs to be stressed that action on all four prioritized core activities has to be taken in tandem.*

*(xiv) Para 3.2.2, p.22, p. 83.*

**Authentication of Legal status of Forests by Mutation in Revenue Records.**

**(xv) Para 3.2.3.A-p.22, p.84.**

**A. Issues relating to preparation of Working Plans and strengthening of Working Plan wing.**

**1. Staffing of o/o APCCF Working Plan Mandi with adequate technical staff**

**3. Mid-term Review of existing Working Plans to be done by Territorial Conservators.**

**4. Working Plan preparation should be undertaken only after inspection of each forest & location of BPs be shown on the map with GPS location.**

**(xvi) Para 3.2.4, p.22, p.85**

**1. Training of freshly recruited Forest guards.**

**2. Revision of the syllabus for training of front-line staff to include practical processes of experimental silviculture fellings.**

**4. Immediate action to expedite all formalities for the recruitment of Forest rangers.**

**5. Creation of smaller forest beats for effective patrolling.**

**(xvii) Para 3.2.5-p.23, p.86**

**Posting of 9 IFS officers working in non-cadre posts in cadre post**

**(xviii) Para 3.3-p.24, p.92**

**It needs to be recognized that in a hilly state having fragile geological formations, the agenda of "Development" has to be planned green cover of Himachal Pradesh. We need to save our natural resources, at all costs for our next generations.**

**(xix) Para 3.4.2-A, p.25, p.95**

**HPFD to improve existing database showing exact extent of area as per legal classification & allotment of each forest to a Working Circle.**

**(xx) Para 3.7, p.42, p.63**

It was noticed by the monitoring committee that out of 37 forest divisions, approved Working Plans are available for 20 forest divisions and for remaining forest division, 16 Working Plans are not approved. It was decided in principle that SSO will be allowed only in 20 forest divisions having approved Working plans.

(xxi) Annexure 2.8-Vol. II, p.97

Posting of qualified range officers in selected forest ranges of Nurpur, Bharari and Paonta as directed by the Hon,ble Court vide orders dated 30.10.2018 is being done shortly.

(xxii) (Para 3.7 Vol. -I Page 116)

SEVENTH RECOMMENDATION: Approval for uploading Hon'ble Supreme Court monitored experimental silviculture programme on a dedicated website.

(xxiii) (Para 3.2.4 Vol. -I Page 85)

A very unusual cadre management system has resulted in the present availability of only 24 trained Forest Rangers in a cadre strength of 296 Forest Rangers, which obviously had diluted the much-required professional ability to manage a Forest Range competently. Immediate action is called for to expedite all formalities for the selection and training of directly recruited Forest Rangers.

(xxiv) (Para 3.3 Vol.-I page 92)

THIRD RECOMMENDATION: Importance of maintaining green cover in Himachal Pradesh

It needs to be recognized that in a hilly State having fragile geological formations, the agenda of "Development" has to be planned without recklessly destroying green cover of Himachal Pradesh. We need to save our natural resources, at all costs for our next generations."

With respect to 13 recommendations, there are certain objections raised, supported by an affidavit. We will have to hear in detail with respect to these 13 recommendations.

It was urged by the learned Solicitor General that certain work of public importance/interest, which are owned and managed by the Government, have to be completed. We permit the following ongoing projects to be completed :-

- (a) Schools;
- (b) Dispensary or hospital;
- (c) Anganwadis;
- (d) Electric and telecommunication lines;
- (e) Tanks and other minor water bodies;
- (f) Drinking water supply and water pipelines;
- (g) Water or rain water harvesting structures;
- (h) Minor irrigation canals;
- (i) Non-conventional source of energy;
- (j) Skill upgradation or vocational training centres;
- (k) Roads.

Fair price shops and Community Centres are disallowed at this juncture. With respect to future plans and the activities proposed to be undertaken, let a detailed plan be submitted to this Court before the next date of hearing. However, it is directed that the ongoing projects may go on.

With respect to Nurpur, Paonta and Bharari Ranges, construction/repair work of the boundary pillars of reserved forests and DPFs shall be completed by 31.08.2019 and an undertaking to that effect shall be filed by the next date of

hearing.

It is assured that the Committee will be provided with adequate security. Let assurance be carried out at the earliest.

List for further hearing on 29.04.2019.

**I.A.Nos. 26893 of 2018 and 27160 of 2018 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS]**

**IN RE : MANOJ KUMAR MISHRA**

As prayed for by the learned counsel, list the applications in the last week of August, 2019.

**I.A.No. 19010 of 2019 [APPLICATION FOR DIRECTIONS]**

**IN RE : CONSERVATION ACTION TRUST, MAHARASHTRA**

Let the State Government as well as M/s Balyogi Sadanand Ashram file their response to the applications within fifteen days from today.

List the application on 06.05.2019.

**(JAYANT KUMAR ARORA)  
COURT MASTER**

**(SANTOSH KUMAR)  
BRANCH OFFICER**