

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 3503 of 2014.

The Court On Its Own Motion Petitioner
 -Versus-
 Union of India & Others Respondents

With

W.P. (PIL) No.2470 of 2015

The Court On Its Own MotionPetitioner
 Versus
 The State of Jharkhand, through Chief Secretary & Ors....Respondents.

CORAM: HON'BLE MR. JUSTICE VIRENDER SINGH, CHIEF JUSTICE
HON'BLE MR. JUSTICE P.P. BHATT

For the Petitioners	: Mr. Delip Jerath, Advocate
For the State	: Mr. Ajit Kumar, Addl. Advocate General
For the Forest Deptt.	: Mr. A. Allam, Sr. Advocate
For the Intervenors	: Mrs. Shobha Jha, Advocate, Mr. Saurabh Shekhar, Advocate

18/ Dated: 27th July, 2015
Per Virender Singh, C.J.

Suo motu cognizance was taken vide order dated 14th July, 2014 and vide order dated 9th June, 2015 as it was noticed that thousands of trees are being cut fearlessly for road construction without proper application of mind in contravention of the Hon'ble Apex Court's Guidelines issued in this regard. The circulars issued by the Ministry of Environment, Government of India, were also not followed before undertaking the exercise of cutting/removal of the trees while widening the roads.

2. Why the State is named and known as 'Jharkhand'? "Jhar" means Trees/Forest and 'Khand' means 'Land/Bhoomi', which contains plateau region also. Jharkhand means, a portion of land which is full of forest and trees. The State of Jharkhand is also known as "Vananchal". The State has been named as 'Jharkhand' considering its forest coverage. The State is known for its natural resources and forest is one of the important organs of the State, which cannot be allowed to be forgotten by the concerned State authorities as well as public at large.

3. The indispensable need to protect and conserve Trees/forest areas, by planting more and more trees on every nook and corner in the State, for healthier atmosphere and maintenance of

ecological balance for sustainable development and growth also gets emphasized by the important extracts of quotations from the renowned Book naming '**ignited minds**', in its chapter titling "**Building A New State**", written by our former President & eminent Scientist, **Shri Dr. A.P.J. Abdul Kalam**, are worth-mentioning, with special respect to State of Jharkhand, which in turns to be one of the greatest bestower-States of the country, is quoted hereinbelow :

“ If I were to look over the whole world to find out the country most richly endowed with all the wealth, power and beauty that nature can bestow - in some parts a very paradise on earth- I should point to India”

F. Max Muller.

“To ease the tension I told the young gathering, 'Friends, when I was travelling from Ranchi to here, I admired God's great gift to the State. Under the ground and above it, you have minerals in abundance. The rich soil of the Jharkhand plains can give bountiful crops. When I was flying over the lovely forests and the valley and hills the thought of the wealth they hold in terms of forest and herbal products was very reassuring. On the ground I saw a fully operational steel plant. Now what I see in front of me and what the new state is famous for is its industrious people. So this state has all the wealth needed. It is a land waiting for a transformation to occur. I see in the future, villages that will be provided with urban facilities and are self-contained in respect of education, health and occupation. Today's incident will help define my remaining life's mission. I forgot my inconvenience during the landing after seeing the state's wealth. How can you use this core competence to become a developed state? For that you have to work in the mission mode.

At the time these children would be entering adult life and taking up careers, they could be part of a national endeavour to becoming a knowledge society. Their contribution to the state itself could be tremendous. That should be their goal; to make Jharkhand great.

On the flight back to Delhi, I wondered how Jharkhand could best be helped. What was needed were a few major missions to transform the state and a time-frame. The state and the Centre would need to make an integrated effort. Would it be possible?”

4. After formation of the State on 15th November, 2000, some steps have been taken for overall development of the State, but unfortunately in the last fourteen years, an average life of the government remained hardly one-and-a-half year or maximum upto two to three years and for want of stable government, neither proper policy was framed nor any systematic development, which was expected after the formation of the new State has been done.

The State cannot and should not be allowed to develop in a haphazard manner.

A quotation, given below, is worth-mentioning here, in the context:

***You can't change the past
but you can certainly change the
future, It's Upon you what
you Want !***

5. For any development, first of all, a clear vision is required and accordingly development plan is required to be prepared. Development should take place in a planned manner. It should be sustainable development where the ecological balance is required to be maintained.

6. The city of Ranchi acquired the status of capital of the newly created State of Jharkhand in the year 2000. Ever since, there has been a significant increase in the population and correspondingly there is an increase in the vehicular traffic. This Court has also from time to time asked the State Government to take effective steps for streamlining the traffic system in the capital city of Ranchi. As a result, amongst the other steps, projects for widening of the roads are required to be undertaken. Ranchi, being capital city of Jharkhand State, is required to be developed in such a way that it can bear the load of a developed capital city. The basic infrastructure, such as, roads, underground drainage, sewerage treatment plant, water supply and consistent /continuous electric supply should have been made available to the citizens of the capital city of Ranchi as well as other towns of the State.

7. We have noticed that the present government is making its sincere endeavour with clear vision for overall development of the State in a planned manner with required pace.

The master-plan of the capital city is coming very soon as it has been reported in the newspaper, and therefore, it is necessary to strike a balance between the environment and development. It is expected from the concerned State authorities that due care will be taken by urban planner for systematic development whereby ecological

balance can be maintained in the capital city of Ranchi and other major and small towns of the State.

8. Good road-network is an essential component of any developed state, but while preparing plan for road-network, due care is also required to be taken to save the trees, which are likely to be affected on account of development of road network. The execution of these road widening projects, drainage projects and other developmental schemes has invariably necessitated felling of trees that were planted hundreds of years ago. Whenever these trees are felled, there is concern expressed by citizens about the likely adverse impact on the weather and environment of the city. Therefore, the concerned authorities shall take all necessary steps to minimize cutting of trees and endeavour should be made that instead of cutting the trees, effort should be made to remove and re-plant the said trees to some other places. The technological advancement has provided such machines and tools through which trees can be removed and re-planted to some other places.

9. We have been apprised by the learned Advocate General and Additional Advocate General appearing for the State government that the State of Jharkhand is going to undertake project of road development to the tune of more than Rupees One Thousand Crores. We appreciate the endeavour made by the state government to provide good road network in the State which is very essential for the development, but at the same point of time, the officials of the concerned department, i.e. forest department and road construction department and urban development department shall make their sincere efforts/endeavours to save the trees. The road-line/ network should be developed in such a manner that the removal of trees can be minimized. In a city area, where large number of trees are likely to be affected while widening of the road, sincere efforts should be made by the concerned authorities to find out other alternative such as to make such road either one-way or parallel road in nearby area should be

developed if need be by acquiring some of the properties or by removing encroachment if any for smooth sailing of traffic. If such possibilities in some of the area are not possible, then in that case, bare minimum trees, which are essential to be removed, are required to be removed with the help of hi-tech machines so that it can be re-planted at a suitable place. Therefore, we direct the state authorities to procure sufficient number of such machines while spending more than thousand crores for road development to save the trees. It is expected from the concerned State authorities that instead of cutting the trees, necessary steps will be taken with the help of such machines to remove and re-plant the said trees at an appropriate/suitable place.

10. The Hon'ble Apex Court, while considering a similar question in case of ***T.N.Godavarman Thirumulkpad vr Union of India and Ors***, reported in ***(2013) 11 SCC 466*** directed the National Highways Authority of India to plant twice number of trees for every tree cut by them and also directed to maintain those trees for five years or deposit amount for maintenance of those trees. After taking suo motu cognizance by this Court, counter affidavits have been filed by the concerned department to show that necessary steps have been taken for plantation of trees in view of the direction issued by the Hon'ble Supreme Court. But the ground realities are not satisfactory and the concerned State authorities are required to take further appropriate steps for plantation of sufficient number of trees in an area which has been affected on account of road development.

11. The concept of-



should be encouraged and implemented with great zeal. The state government shall take necessary steps to see that tree plantation

programme is undertaken in a very extensive manner and for that purpose, plantation should be made in following manner:

- i) *Road-side plantation on all the national highways located/situated in the state;*
- ii) *State Highways road-side plantation on all the state highways;*
- iii) *Road-side plantation on city/town roads;*
- iv) *Road-side plantation on village roads;*
- v) *Tree plantation should be made in all government office premises;*
- vi) *Tree plantation should be made in all school premises of the state;*
- vii) *Tree plantation should be made in all public/ charitable institutions with the following logo:*

**EACH ONE
PLANT ONE**

shoutslogans.com

- viii) *Tree plantation should be made in the campus of Non-Governmental Organizations;*
- ix) *Tree plantation should be made in all the court complexes of the state;*
- x) *Green belts are required to be developed in each and every town/city;*

- xi) Parks and gardens are also required to be developed in all the cities /towns of the state with the following logo :*



- xii) Extensive tree plantation should be done at the site of new High Court Complex, New site of Vidhansabha and at the proposed site of New Sachivalaya Complex;*
- xiii) More number of trees should be planted in and around the complex of Government Hospitals, Primary Health Centres (PHCs) etc.;*
- xiv) Tree plantation should be made in the Recreation Centres in the City/town;*
- xv) Tree plantation should be made extensively in Army Cantonment area;*
- xvi) Tree plantation should also be made in and around village/gram panchayats as well as community centres (samudayik bhawan), Anganwadi, Pragma Kendra, etc.;*
- xvii) Tree plantation should be made in all government /semi government institutions at block level also;*
- xviii) Likewise tree plantation should also be made at the district headquarters;*
- xix) Extensive plantation should be made in mining areas;*
- xx) For the purpose of developing and maintaining saplings, the Nurseries be developed in all the districts of State of Jharkhand; and*

xxi) Bio-diversity Park/ Botanical Park, as it has been developed at the ring road Ranchi, be also developed in the other parts of the State.

xxii) As a part of Awareness Campaign for saving and protecting the trees, the concerned department may also place some Hoardings containing SLOGANS with Pictures, some of which are as depicted in the order itself, at the conspicuous places in the city of Ranchi and other towns of the State.

12. For the purpose of taking extensive tree plantation programme, the concerned department of the State Government shall organize appropriate programmes to sensitize their officers and organize awareness campaign /programme to make public aware. The corporate sector be also involved and given certain responsibilities for such programmes as a part of corporate - social responsibilities. The concerned department may also involve non-governmental organizations (NGOs) for the purpose of tree plantation programmes and for development of nature-park, such as N.C.C. Cadets & N.S.S. Volunteers, Rama Krishna Mission and such other reputed non- governmental organizations working in the field of environmental protection. The school teachers, students and para-legal volunteers of the Jharkhand State Legal Services Authorities (JHALSA) may also be involved in such campaigns.

13. As a part of awareness campaign, hoarding containing Pictures and Slogans for environment protection should be installed and displayed. The authorities concerned shall visit the cantonment area at Dipatoli and shall take ideas for installation of such Sign-Boards containing *SLOGANS* with Pictures to make the people aware regarding importance of trees and environment protection, which may turn out to be useful in Awareness Drive. Few Samples of the *SLOGANS*, which may be useful in Awareness Drive, are displayed hereinbelow :





14. The places be identified in Municipal Corporation towns area, Municipality area, Nagar Panchayat area, Taluka/Block Panchayat area, Village Panchayat area and at certain Notified Areas in the State of Jharkhand for the purpose of carrying out plantation in a systematic manner as well as for creating awareness and sensitization of officials working with the concerned department and also for identification of places for putting Sign -Boards as indicated above. The necessary Committees be formed at State level, District level, Block level and Village level for effective

implementation of the directions/observations made by this Court as also the Guidelines issued by the Hon'ble Apex Court in the case of ***T.N.Godavarman Thirumulkpad vr Union of India and Ors.*** (Supra) and the Resolution /Circular issued by Government of India from time to time in this regard.

15. The respondent -State authorities are directed to take necessary steps for plantation of the trees in the afore-narrated manner and procurement of required machines for re-plantation of the trees. It is also expected from the state government that the judgment delivered by the Hon'ble Apex Court and the guidelines issued by the Ministry of Forest and Environment from time to time in this regard are also followed strictly. The State Government is directed to resolve that henceforth all proposals for cutting /removal of trees received in the office of the D.F.O., Ranchi, and other D.F.O.'s of the State shall not be sanctioned in a mechanical manner. All such proposals before being approved by the competent authority, shall be referred to and scrutinized by the High Powered Committee, consisting of -i) Chief Conservator of Forests, Ranchi; ii) Superintendent Engineer, RCD, Ranchi; iii) CEO, RMC, Ranchi; iv) Vice Chairman, RRDA; v) Representative of the Requisitioning Dept., and vi) D.F.O., Ranchi, East.

The terms of the reference of this committee shall be as follows:

- i) To scrutinize the project in detail and see if it is indispensable to execute the project or not.
- ii) To scrutinize and examine whether an alternative site or alignment is feasible that can minimize the number of trees that are proposed to be felled.
- iii) Suggests the site and number of compensatory trees that must be planted by the requisitioning department.

The committee must hold its meeting within a week of the receipt of the proposal. As far as feasible, the site must be inspected by the committee before formulating its opinion on the

issue. The competent authority i.e. DFO, Ranchi East, shall act on the recommendations of the said committee. The permission granted by the DFO shall be reviewed by the High Powered Committee as mentioned hereinabove.

16. In addition to the environmental issue as discussed hereinabove, learned amicus curiae, Mr. Delip Jerath, also submits that for the purpose of road development, the encroachment made on the side of the existing roads are also required to be removed, so that roads can be widened in a proper way. The service lane/ sub lane is also required to be developed in parallel to the road so that passerby and small vehicle can make use of such service lane. While making such development, a road development plan can be prepared in such a way that trees can be maintained/saved in between the main road and the service lane/sub lane so that the natural beauty of the said road can also be maintained at the same point of time. It can also provide shadow to passerby. It is also pointed out by the learned amicus curiae that in the city of Ranchi on certain roads side by side the drainage/ footpath are created by the road construction department on both sides of the roads, and it has been covered by putting a slab on it and thereby footpath is being created, but necessary provisions for periodical cleaning of such '*nalas*' have not been made. Moreover, the '*jalis*' are also required to be placed at a certain distance of such raised footpath so that there may not be any water-logging during monsoon on the road. Mr. Jerath, learned Amicus Curiae further contended that even the foothpaths are required to be made strictly in accordance with the specifications of Indian Road Congress.

17. The State authorities shall also take necessary steps so as to avoid water logging where such footpaths are also required to be constructed in consonance with the specifications of Indian Road Congress wherever it is feasible.

18. Before parting with the order, we, hereby, make it very clear that there is no stay against construction/widening of roads, but due care be taken to save the trees and while developing/

widening the road, if any tree is required to be removed then in that case it shall be removed through the hi-tech machines in such a manner that the same can be re-planted at a suitable /appropriate place.

19. The concerned State authorities shall submit the Progress Report/steps taken, as per the aforesaid directions and observations made, on or before the next date.

20. We appreciate the assistance rendered by learned counsel Mr. Delip Jerath, appearing on behalf of the petitioner, Mr. Ajit Kumar, learned Addl. Advocate General, appearing for the State, Mr. A. Allam, Sr. Advocate appearing on behalf of the Forest Department, Mrs. Shobha Jha, and Mr. Saurabh Shekhar, learned counsels appearing on behalf of the intervenors as well as the learned members of the committee constituted for better appreciation in the matter concerning public interest at large.

21. List again on 4th September, 2015.

22. Copy of the order shall be provided to the learned counsel for both the sides under the signature and seal of the Court Master.

23. A copy of the order shall also be provided to the Member-Secretary of Jharkhand State Legal Services Authority (JHALSA) for placing it before the Hon'ble Executive Chairperson for His Lordship's perusal and necessary action as recorded in paragraph-12 hereinabove.

(Virender Singh, C.J.)

(P.P. Bhatt, J.)