

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

O.A. No. 18/2019 (EZ)

(I.A. No. 16/2019) (EZ)

Jorjo Tana Tara

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 30.08.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): Ms. Kanika Sood, Advocate

For Respondent (s): Mr. Anil Shrivastav, Advocate for Respondent
Nos. 2-5.

ORDER

1. As noted in the order dated 09.04.2019, the main concern expressed in the application is the indiscriminate felling of trees in reserved forest area which is part of Papum Reserved Forest, and part of Pakke Tiger Reserve in Arunachal Pradesh. According to the applicant, indiscriminate felling of trees has been taking place and, though the Government authorities were aware of this, no effective steps have been taken to curb it and on account of such large scale felling there is likelihood of creating man-animal conflict threatening the survival of tigers in the area. According to the

petitioner, these forests are also sites for hornbill breeding and nesting.

2. In order to ascertain the facts, before admitting the case for hearing, it was felt appropriate to obtain a report from the Divisional Forest Officer (DFO), Khellong Forest Division, and the Director, Pakke Tiger Reserve, Cicigusa, Arunachal Pradesh. The officers were thus directed to conduct a joint inspection by the order of the same date in respect of the area and to submit a factual and action taken report and if any violations were detected, they were directed to take appropriate action in accordance with law including prosecution and recovery of environmental compensation.

3. We have perused the report of the DFO, Khellong Forest Division, Arunachal Pradesh, filed through email on 03.06.2019. The learned counsel for the Applicant contends that the report does not depict the correct state of affairs as illicit felling of trees still continues unabated contrary to what has been reported.

4. The joint inspection report indeed indicates that illicit felling of trees is continuing but according to the Committee, it is not to the extent as has been projected by the Applicant. It is also reported that regular patrolling of the area is being carried out by the Forest Range Officer, Seijosa Forest Range along with Mobile Squad, Western Circle, Special Tiger Protection Force and Police personnel whose help is being taken at present for curbing the illegalities because of which illegal felling has been controlled to a large extent.

A complainant by the name of Shri Sakam Paffa referred to in Annexure A-2 of the petition had been contacted for identification of the area where large scale felling was alleged to have taken place but he could show only 30-40 logs at the Nallah No. 8 and Banga Pahad. Another person named Ms. Aprajita Dutta, a Scientist, working in Pakke Tiger Reserve, also did not appear although she had made a complaint to the Principal Chief Conservator of Forest, Arunachal Pradesh from Bangalore.

5. The report reveals that although efforts are being made by the Range Officer, the limited manpower under his command has made it difficult to deal with the menace effectively. Threats from the mafia and the miscreants involved in the illegal timber trade had led him to request the Superintendent of Police, East Kameng District, Seppa for his security on 16.08.2014. Power chain saw which is being used for illegal fellings has been identified as the principal menace and the porous interstate Assam-Arunachal Pradesh border in the Southern boundary of Seijosa Forest Range jurisdiction facilitates miscreants from the other side of the border to indulge in the illegal felling and removal of timber.

6. The sum and substance of the report appears to be that illegal felling of trees is indeed continuing in Khellong Forest Division which brings within its ambit the Pakke Tiger Reserve, Cicigusa, Arunachal Pradesh. The measures being taken to curb the menace appear to be grossly inadequate which would be borne out by the fact that in the entire Khellong Forest Division there appears to be

just one Range Officer reflecting acute shortage of forest personnel at the lower level which has resulted in failure of the State to enforce the law for protection of the forest. We are of the view that considering the vast forest areas still in existence in the State of Arunachal Pradesh in its pristine condition, urgent steps require to be made by the State to conserve and further nurture the natural setting of the State. Conservation of the forest areas would not just be protection of the trees and the greenery but also the rich biological diversity, wildlife habitats and the entire ecology which has evolved over the centuries that sustain varied flora and fauna and wildlife including the numerous tribal communities inhabiting the areas. There is no gainsaying that the State is the trustee of its natural resources and in that capacity, it is expected to discharge the responsibility which the Constitution of India has reposed upon them under Article 48A. Sporadic and stray efforts would not be sufficient. The rapid degradation of the forests requires to be arrested considering its immense role in carbon sequestration. In *T.N. Godavarman Thirumulpad v. Union of India & Ors.*¹ felling of any kind of trees in the tropical wet evergreen forests of Tirap and Changlang in Arunachal Pradesh was banned because of their particular significance in maintaining ecological balance to preserve biodiversity. An Expert Committee was directed to be constituted *inter-alia* to identify forests, assess sustainability of State forests qua saw mills and timber based industries.

¹(1997) 2 SCC 267

7. Considering the aforesaid facts and circumstances and the serious environmental questions that arises in the case, we direct the State to take the following measures at the first instance:

i) The State shall take appropriate action to identify the Hot Spots, where illegal felling of trees and deforestation is taking place.

ii) Strategic Action Plan be drawn up to combat the illegalities.

iii) Considering the size of the State and the huge tract of forest land that plays the role of carbon sink and considered as lung of the country, the State shall consider enhancing the strength of the forest personnel (at all levels including lower level) adequately which may include revisiting the existing forest divisions and ranges in order to ensure effective enforcement of the forest laws and protection of the rich forest resources in the State.

iv) The State shall constitute a High Level Committee headed by the Chief Secretary of the State to put into action the above observations. Meeting of the Committee shall be held within a period of one month from hence.

v) If necessary, the Committee may also deliberate common issues arising from the question with its neighbouring States like State of Assam.

8. A compliance report in respect of the above directions shall be filed by the Chief Secretary and transmitted to this Tribunal through e-mail at judicial-ngt@gov.in, within two months from hence.

9. List on 29.11.2019.

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

30th August, 2019
O.A. No. 18/2019 (EZ)
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