

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA**

.....
**ORIGINAL APPLICATION No.18/2019/EZ
(I.A. No.16/2019/EZ)**

IN THE MATTER OF:

**Jorjo Tana Tara
S/o Hare Tana Tara (Head Gaon Burrah)
Aged about 46 years,
R/o Seijosa (Teachers Colony),
P.O. Seijosa, Pakke Kessang,
Arunachal Pradesh**

....Applicant(s)

Versus

- 1. Union of India
Ministry of Environment and Forests and Climate Change,
Through its Secretary,
Indira Paryavaran Bhawan,
Jorbagh Road, Aligunj,
New Delhi-110003**
- 2. State of Arunachal Pradesh
Through its Chief Secretary,
Government of Arunachal Pradesh,
Civil Secretariat,
Itanagar, Arunachal Pradesh-791111**
- 3. The Principal Chief Conservatory of Forests and Principal
Secretary
Government of Arunachal Pradesh,
Department of Forests & Environment,
Itanagar, Arunachal Pradesh**
- 4. Additional Principal Chief Conservator of Forests
Western Circle, Banderdewa Division,
Arunachal Pradesh Forest Department,
Banderdewa, Arunachal Pradesh**
- 5. Divisional Forest Officer
Government of Arunachal Pradesh,
Khellong Forest Division,
Bhalukpong, West Kameng District, Arunachal Pradesh**

**6. National Tiger Conservation Authority
Through its Member Secretary,
B-1 Wing, 7th Floor,
Pt. Deendayal Antyodaya Bhawan,
CGO Complex, New Delhi-110003**

....Respondent(s)

COUNSEL FOR APPLICANT:

Mr. Saurabh Sharma, Advocate

COUNSEL FOR RESPONDENTS:

**Mr. Anil Shrivastava, Advocate a/w
Mr. Ashok Prasad, Advocate for R-2 to 5**

JUDGMENT

PRESENT:

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)
HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

**Reserved On: - 21st July, 2022
Pronounce On: - 27th July, 2022**

1. Whether the Judgment is allowed to be published on the net? **Yes**
2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

Heard the learned Counsel for the parties and perused the documents on record.

2. This original application has been filed by the Applicant alleging 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 is taking place and though Government authorities were aware of this, no effective steps have been taken by them to curb the same and on account of the felling of the trees, it is likely

to create human-animal conflict and that may affect even the life of tigers in that area. According to the petitioner, this forest area is a hornbill breeding and nesting site. Though it is alleged in the petition that it is done for the purpose of non-forest activities, no such specific non-forest activities have been disclosed.

3. The Tribunal called for a Report from the Divisional Forest Officer, Khellong Forest Division and Director, Pakke Tiger Reserve, Cicigusa, Arunachal Pradesh. The Respondents were directed to conduct Joint Inspection in respect of this area and submit a factual and action taken report and if any violation is found and anybody has been found to be involved in committing such act, prosecution to be carried out and recovery of Environmental Compensation for the loss caused to the forest and environment be undertaken within two months.

4. In response, the Divisional Forest Officer, Khellong Forest Division filed his report stating that at Yarte Pobe area in Papum Reserve Forest (Seijosa Part), the Range Forest Officer has seized illegally sawed timbers under Section 49 of the Assam Forest Regulation, 1891 (Amendment) Act, 2005 but no offenders were found on the spot.

5. A chart was also filed showing the volume and value of the timbers seized which is extracted hereinunder: -

Sl. No.	Particulars	Volume	Value	Remarks
1.	SR.No.SJ/02 of 2017-18	144.050 Cft	22,123.00	

	<i>Dated:</i> 12/11/2017			
2.	SR.No.SJ/03 of 2017-18 <i>Dated:</i> 15/11/2017	89.727 Cft	18,170.00	
3.	SR.No.SJ/04 of 2017-18 <i>Dated:</i> 17/11/2017	98.348 Cft	18,413.00	
	<i>Total</i>		58,706.00	

6. The Joint Inspection Report indicated that illicit felling of trees is continuing, it was also reported that regular patrolling of the area is being carried out by the Forest Range Officer, Seijosa Forest Range along with Mobile Squad. The Report further reveals that although efforts are being made by the Range Officer, however, due to limited manpower, it is becoming extremely difficult to effectively protect the area.

7. The Tribunal felt that the measures being taken to curb the menace appear to be grossly inadequate as the entire Khellong Forest Division has just one Range Officer reflecting acute shortage of forest personnel at the lower level which is resulting in the failure of the State to enforce the law for protection of the forest. The Tribunal also felt that considering the vast stretch of forest which exists in the State of Arunachal Pradesh and which is one of the hotspots of biodiversity in India, urgent steps are required by the

State to conserve and further nurture the natural setting of the State.

8. Accordingly, the Tribunal vide its order dated 30.08.2019 gave the following directions: -

- 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 is considered as the 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.

The Chief Secretary, Arunachal Pradesh was directed to file a compliance Report in respect of the directions.

9. Again on 09.11.2020, the Tribunal noted that the State Government had expressed difficulty in monitoring the illegal felling of trees in the forest areas in the State of Arunachal Pradesh due to shortage of manpower and it was stated that the State Government, as a first step, intends to fill up the existing vacant posts of forest personnel and thereafter, create over 200 posts of front-line staff including foresters and forest guards. The Tribunal, therefore, issued directions to the State Government to proceed with recruitment on an urgent basis and also identify the hotspots where the illegalities are rampant. The State Respondents were also directed to take measures to make use of forest cover map prepared with the help of satellite imageries by Forest Survey of India, Dehradun, of the highly affected districts (hotspots) to observe the change in forest cover that has occurred over a time period of 10 years and to evolve an action plan to deal with this issue.

10. Mr. Saurabh Sharma, learned Counsel for the Applicant submitted that though since 2019, when the original application was filed lot of water has flown but the directions issued by the Tribunal in its order dated 30.08.2019 and 09.11.2020 have not been complied with.

11. Refuting the submissions of the learned Counsel for the Applicant, Mr. Anil Shrivastava, learned Counsel appearing for the State Respondents has referred to his affidavit dated 07.03.2022

and has submitted that each of the directions given by the Tribunal have been duly complied with.

12. With regard to the Tribunal's directions in paragraph 7 (i) & (ii) of the order dated 30.08.2019, it is stated that the hotspots where illegal felling of trees and deforestation has taken place have been identified which are as under: -

"IDENTIFICATION OF HOTSPOTS"

The PCCF (RE) wrote to the CCFs who are in-charge of the circles to identify the Hotspots under their jurisdiction. Accordingly, the following list of hotspots has been identified based on the information provided by the DFOs.

Sl. No.	Name of Division	Range	Location	Nearest administrative office	Police station
1	Bomdilla	1. Bomdila Range	Magopam area	ADC, Singchung, West Kameng	Rupa, West Kameng Dist.
		2. Dirong Range	Mandala- Naga GG area	ADC, Dirang, West Kameng Dist.	Dirang, west Kameng
		3. Nafra Range	Bichom- Buragaon	ADC, nafra, West Kameng Dist.	Nafra West kameng Dist.
2	Khellong	1. Seijosa Range	Margaso, saibung Nallah, jolly, Lanka	ADC, Seijosa, Pakke Kesang	Seijosa Pakke kesang Dist.
		2. Namorah Range	Dogal Mukh, Sichung	ADC, Seijosa, Pakke kesang Dist.	Seijosa, Pakke Kesang Dist.
		3. Foothills Range	Doimara area	ADC, Singchung, west Kameng Dist.	Bhalukpong, West Kameng Dist.
3	Bonderdewa	1. Dafflagarh Range	i. Mogoni ii. Harikso-Near Tonda Nallha iii. Kukurjan iv. Hollogi to kokila Forest Range		

		2. Doimukh Range	i. Bogoli ii. Denka iii. Gaburu		
		3. Dirgha Range	i. Dirgha ii. Koila Pahar iii. Boginadi iv. Borh hill v. Kui vi. Paro, vii. Sippu, viii. Gayun		
		4. Banderdewa Range	i. Bassar Nallha, ii. Sangdupoto iii. Jote, iv. Poma		
		5. Subansiri	i. Raja Nallha ii. Sel iii. Pech		
4	Pasighat				
5	Namsai	1. Tengopani Range	Tengapani RF i) Khai Nallah area ii) Nongtau area iii) Incha area		
		2. Medo forest range	Turung RF and Namgo Mishmi / Singpho village		
		3. Manabhum forest range, Lathoo			
6	Tezu				
7	Jairampur				
8	Changlang				
9	Deomali				
10	Roing				

The identified list of Hot Spots was communicated to the territorial CCFs vide No. FOR.66/PRO/2019/10923-26 dated 13.03.2020 and subsequent reminder No. FOR.66/PRO/2019/10927-30 dated 25.08.2020 wherein they have been directed to ensure adequate patrolling and monitoring and ensure that no illegalities are there.

EXISTING MECHANISMS TO COMBAT ILLEGALITIES

The frontline staff of the Dept. of Environment & Forests perform regular patrolling in the RF areas. Forest Checkposts (FCP) had been established under the control of the Divisional Forest Officers (DFOs) and Central Forest Checkposts (CFCPs) had been established under the administrative control of the Chief Conservator of Forests (CCFs) manning the Circles to check illegal transportation of timber and other forest produce. In addition to this, mobile squads are also placed under their disposal to undertake inspections either suo-motu or based on complaint.

Under CAMPA APO 2019-20, an amount of Rs.115.55 lakhs and under CAMPA APO 2020-21, an amount of Rs.179.53 lakhs has been proposed for Construction and Maintenance of Checkgates in various divisions to effectively monitor the movement of timber and to check illegal transit of forest produce.

Under CAMPA APO 2019-20, an amount of Rs.14.35 lakhs for 471 km and under CAMPA APO 2020-21 an amount of rs.27.15 lakhs for 421 km have been proposed for establishing inspection/patrolling paths so that remotest parts of the forests could be patrolled effectively so as to curb the illegalities.

Under CAMPA APO 2019-20, an amount of Rs.24.31 lakhs and under CAMPA APO 2020-21, an amount of rs.54.8 lakhs has been proposed for establishing 3 Nos. and 9 Nos. Protection Camps respectively so as to facilitate better deployment of personnel for protection purposes.

Under CAMPA APO 2019-20, an amount of Rs.81 lakhs and under CAMPA APO 2020-21, an amount of Rs.51 lakhs has been proposed for Monitoring & Evaluation of protection and conservation efforts undertaken.

Under CAMPA APO 2019-20, an amount of Rs.10 lakhs has been proposed for procuring Arms & Ammunition for the frontline staff involved in combating illegalities.

Also, a Wildlife Crime Control Unit has been notified by the State government to combat the illegalities in wildlife sector.

GAP ANALYSIS

There is no institutional mechanism either at district level or state level to ensure interdepartmental cooperation. Inter-departmental co-ordinations have so far remained at the individual behest of the concerned officers. The Department of Environment and Forests faces acute shortage of frontline staff to deal with the illegalities. Further, there is deficit of intelligence network to pre-empt illegalities and sharing of available intelligence regarding illegalities in forest produce.

To counter the challenge of shortage of staff 260 Nos. of personnel for Forest Protection Squads/ Division level Forest Protection Teams have been proposed under CAMPA APO 2019-20 and under CAMPA APO 2020-21.

Under CAMPA APO 2019-20, it has been proposed to spend Rs.258 lakhs for procuring 24 Nos. of LMVs. Rs.44.4 lakhs for 3 Nos. of MMVs and Rs.21.09 lakhs for 26 Nos. of Motorcycles to be allotted for empowering the frontline staff in their protection and conservation roles. This will help fast and easy movement of staff involved in protection of forests.

To reduce the biotic pressure on the forests, under CAMPA APO 2019-20 an amount of Rs.743.44 lakhs for 11808 households and under CAMPA APO 2020-21 an amount of Rs.742.55 lakhs for 14004 households have been proposed for provision of wood saving devices in forest fringe villages, which will ease out pressure on forests for wood for cooking etc.

Villagers are being involved in forest protection through Village Forest Protection Teams (VFPT). For this effect, an amount of Rs.50 lakhs for 150 Nos. of VEPT personnel under CAMPA APO 2020-21 has been proposed.

The Department is coordinating with the Planning and Finance department to ensure the availability of adequate funds for protection of forest resources. The Department had also communicated the need to fill the vacant posts in frontline by recruitment through Staff Selection Board. Further, proposal to create 200 new posts in frontline staff is being followed up by the department.”

13. As regards enhancement of strength of forest personnel through recruitment as directed by the Tribunal in paragraph 7 (iii), the learned Counsel has referred to Annexure-R/5 of the affidavit, letter dated 18.01.2021, wherein it is stated that 42 protection staff have been engaged vide order dated 12.02.2021 on contractual basis as an interim measure to curb illegal logging in the State and those staff are engaged in patrolling duty as per patrol roster prepared by the concerned Divisional Forest Officers and Range Officers.

14. Learned Counsel has referred to the letter of the Department of Environment & Forests, Government of Arunachal Pradesh dated 07.12.2021, wherein it is stated that 33 newly recruited Range Forest Officers have been given offer of appointment. Further, for 159 posts of Foresters and 10 posts of Forest Guards requisition has already been sent to the Staff Selection Board for conducting recruitment and a further request for creation of 200 new posts of

Forest Guards in the Department has already been sent to the Department of Administrative Reforms for approval.

15. Learned Counsel further submitted that recruitment of staff was duly considered and forwarded to the Arunachal Pradesh Staff Selection Board which held the selection and thereafter, the result has been published on 07.06.2022 wherein the post of Forester at Pay Matrix Level-4, a total 151 candidates have been selected and for the post of Forest Guard at Pay Matrix Level-2, a total 07 candidates have been selected. The relevant chart reads as under: -

Post Code	Name of Post	Level in Pay matrix	Name of Department/ Office	Vacancies			
				APST	UR	PwD	Total
58/20	Forester	Level-4	Environment and Forest	136	15	0	151
68/20	Forest Guard	Level-2	Environment and Forest	0	7	0	7

16. So far as directions contained in paragraph 7 (iv) passed by the Tribunal vide order dated 30.08.2019 are concerned, it is stated that a High-Level Committee headed by the Chief Secretary, State of Arunachal Pradesh, has been constituted comprising of the following members: -

- 1) The Chief Secretary, Arunachal Pradesh - Chairman
- 2) The PCCF & Principal Secretary (E&F) - Member
- 3) The Principal Secretary
(Finance, Planning & Investment) - Member
- 4) The Director General of Police - Member

5) The Secretary (Personnel) - Member

6) The Secretary (Administrative Reforms) - Member

It is stated that the first meeting of the Committee was held on 21.09.2019 and thereafter, meetings are being held regularly.

17. As regards directions of the Tribunal to make use of forest cover map prepared with the help of satellite imageries by Forest Survey of India, Dehradun, as contained in its order dated 09.11.2020 is concerned, the learned Counsel has also referred to the letter dated 07.12.2021 issued from the Department of Environment & Forests mentioning therein that satellite-based maps for the past 10 years were procured from the Forest Survey of India (FSI), Dehradun and sent to the State Remote Sensing Application Centre (SRSAC), Itanagar for analysis of change of forest cover in 10 divisions of hotspots as previously reported. The complete Analysis Report as submitted by the SRSAC, Itanagar reads as under: -

“The complete analysis report as submitted by SRSAC, Itanagar is enclosed herewith for perusal. Apart from these, few observations by Department of Environment and Forests are-

- A total of 221.11 sq. km of area has been diverted for non-forestry activities after clearance under Forest (Conservation) Act, 1980 during the period under consideration from these 10 divisions which is one of the causes for decrease in forest area.*
- Any change in class of forest density may not be attributed to only one reason but may have other causes like diversion, shifting cultivation, forest fire, etc. No*

particular reason for decrease in forest cover may be strongly affirmed from the information received from the satellite data.

- *Any illegalities activities happening in these divisions are strictly dealt by the forest department. Regular inspections, patrolling and visits inside the forest areas is being carried out in all the divisions.”*

18. The Forest Cover Report of Arunachal Pradesh, 2009-2019 filed from page no.386 to 402, has noted that the change in land area for Very Dense Forest, Moderately Dense Forest, Open Forest, Scrub Forest and Non-forest area and waterbody area. The result and conclusion of the Report is extracted herein below: -

“RESULT AND CONCLUSION

The total area amassing the whole forest cover of Arunachal Pradesh is divided into five classes which are Water, Non-forest, Scrub, Open Forest, Moderately dense forest and Very dense forest.

The classification for 2009 showed the majority of the study area was under Moderately Dense Forest of 31404.88 sq. km, Open Forest accounting to 14865.75 sq.km, Very Dense Forest accounting to 20835.67 sq. km, Scrub Forest 105.50 sq.km, Non-Forest amounting to 14203.36 sq.km and Waterbody 728.82 sq. km.

And the classification for 2019 also showed the majority of the study area was under Moderately Dense Forest of 30469.92 sq. km, Open Forest amounting to 14895.35 sq. km, Scrub Forest 221.31 sq.km, Non-forest amounting to 15047.45 sq. km, Very Dense Forest amounting to 21079.76 sq. km and Waterbody amounting to 440.59 sq. km.

CLASS NAME	2009	2011	2013	2015	2017	2019
WATER	728.82	721.95	366.32	371.03	386.93	440.59
NON-FOREST	14203.36	14142.12	14703.17	14568.06	14789.66	15047.45
SCRUB (Tree Canopy density)	105.50	118.45	114.63	269.81	240.51	221.31

<10%)						
OPEN FOREST (Tree Canopy density 10% & above but < 40%)	14865.75	14990.35	15051.95	15129.31	15245.03	14895.35
MODERATELY DENSE FOREST (Tree Canopy density 40% & above but < 70%)	31404.88	31438.98	31232.29	31071.93	30851.28	30469.92
VERY DENSE FOREST (Tree Canopy density 70% & above)	20835.67	20717.50	20732.75	20695.66	20617.90	21079.76
	82143.97 82	82129.3525	82201.1077	82105.8004	82131.3021	82154.3853

Table 1 showing total forests cover area in Arunachal Pradesh (in sq. km)

The table represents the total forest cover area changed in last 10 years in Arunachal Pradesh, where, from 2009 to 2019, there is a decrease of 288.83 sq.km in water body is observed, an increase of 844.09 sq.km is observed in non-forest area, an increase of 115.81 sq. km is observed in Scrub forest, a slight increase of 29.61 sq. km is observed in Open forest, a decrease of 934.97 sq. km is observed in moderately dense forest and an increase of 244.09 sq. km is observed in very dense forest.”

19. From Table 1, it is noticed that in the 10 years preceding 2019:

- (a) There is an increase of 29.61 sq. kms in Open Forest;
- (b) Decrease of 934.97 sq. kms in Moderately Dense Forest;
- (c) Increase of 244.09 sq. kms in Very Dense Forest
- (d) Increase of 115.81 sq. kms in Scrub Forest;
- (e) Increase of 844.09 sq. kms in Non-forest area;
- (f) Decrease of 288.83 sq. kms in Waterbody;

20. When we talk of forest cover, it primarily indicates forest in three classes namely Open Forest, Moderately Dense Forest and Very Dense Forest. A comparison between 2009 and 2019 in the State of Arunachal Pradesh shows an overall decrease of 934.97 sq.

km in Moderately Dense Forest an overall increase of 273.7 sq. km in Open Forest and Very Dense Forest. This indicates a net change of 661.27 sq. km in the negative.

21. Mr. Saurabh Sharma, learned Counsel for the Applicant submitted that increase in Non-forest area and decrease in Moderately Dense Forest does not present a very encouraging picture for the State of Arunachal Pradesh and there has also been a considerable decrease of 288.83 sq. kms in waterbody.

22. Decrease in the Moderately Dense Forest may be balanced by the considerable increase of 244.09 sq. km in Very Dense Forest and 29.61 sq. km in Open Forest which is certainly very encouraging but the State Respondents are still required to take immediate and urgent steps for preventing decrease of Moderately Dense Forest. Decrease in Moderately Dense Forest indicates conversion of such forest into either Open Forest or Non-forest which is reflected in the increase of 844.09 sq. km Non-forest area and 29.61 sq. km Open Forest area. Such change from Moderately Dense Forest to Open Forest and Non-forest needs to be arrested for which the State has to be more vigilant towards protection of the forest area under their jurisdiction.

23. Certain steps have been taken to augment the strength of the frontline forest personnel. If need be, the protection measures can be further strengthened by induction of retired personnel of the Forest Department as well as personnel of the State Armed Police

on contractual basis. The State can also consider hiring of retired Army personnel for patrolling the hotspots in forest areas.

24. 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 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 it 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.

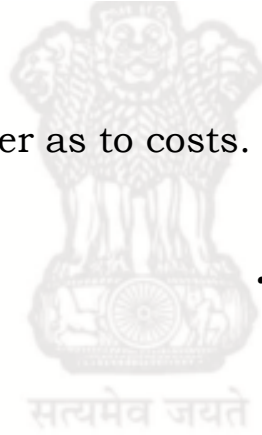
25. We, therefore, dispose of this Original Application with a direction to the High-Level Committee constituted by the Chief Secretary, Arunachal Pradesh to regularly monitor the green coverage in the State of Arunachal Pradesh including restoration of the waterbodies which have shown a drastic decrease between 2009 and 2019. The Committee if required may also deliberate common issues with its neighbouring States, like State of Assam.

26. The Committee shall prepare an Action Plan for complying the directions given herein above in paragraphs 22 to 25 and hold its meeting necessarily every three months to monitor the progress.

27. With the aforesaid directions, the Original Application No.18/2019/EZ is disposed of.

28. In view of above, the I.A. No.16/2019/EZ also stands disposed of.

29. There shall be no order as to costs.



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B. AMIT STHALEKAR, JM

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SAIBAL DASGUPTA, EM

Kolkata
July 27, 2022
Original Application No.18/2019/EZ
(I.A. No.16/2019/EZ)
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