

**FOURTH SIX MONTHLY REPORT OF THE
MONITORING COMMITTEE CONSTITUTED BY
HON'BLE SUPREME COURT
VOLUME-I MAIN REPORT**



**RELATING TO INTERLOCUTORY
APPLICATION NO 3840 OF 2014
IN WRIT PETITION (CIVIL) NO. 202 OF 1995
(UNDER ARTICLE 32 OF
THE CONSTITUTION OF INDIA)**

15 FEBRUARY 2020

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ACRONYMS

ACF	Assistant Conservator of Forests
A.N.	Afternoon
APCCF	Additional Principal Chief Conservator of Forests
CEC	Central Empowered Committee
CF	Conservator of Forests
C&I	Criteria and Indicators for Sustainable Forest Management
cm	Centimeter
c.u.m.	Cubic metre
Comptt.	Forest Compartment
dbh	Diameter at breast height
DG	Director General of Forests, GOI, MOEF&CC, New Delhi.
DFO	Divisional Forest Officer
DRDO	Defence Research & Development Organisation
FAO	Food and Agriculture Organization of the United Nations, Rome.
FCA	The Forest (Conservation) Act, 1980
F.N.	Forenoon
FRA	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
FSI	Forest Survey of India

ha	Hectare
GHNP	Great Himalayan National Park
GPS	Geographical Positioning System
GIS	Geographical Information System
GEOMATICS	Remote Sensing, GIS and GPS
HPFD	Himachal Pradesh Forest Department
HPFS	Himachal Pradesh Forest Service
HPSFDC	Himachal Pradesh State Forest Development Corporation
HoFF	Head of Forest Force
ICFRE	Indian Council for Forest Research and Education, Dehra Dun
IGNFA	Indira Gandhi National Forest Academy, Dehra Dun
Kokath	Miscellaneous broad leaved species
m	Metre
MDF	Moderately dense forest-crop density > 40%
MIS	Management Information System
MOEF&CC	Ministry of Environment, Forests and Climate Change, Government of India
MSL	Mean Sea Level
NGT	National Green Tribunal.
OB	Over bark
OF	Open forest-crop density 10 to 40%
PB	Periodic Block

PCCF	Principal Chief Conservator of Forests
PWPR	Preliminary Working Plan Report
RCC	Reinforced cement concrete
SC	Supreme Court
SOI	Survey of India
SSO	Subsidiary Silvicultural Operations
TERI	The Energy and Resources Institute , New Delhi.
TOR	Terms of Reference
VDF	Very dense forest-crop density of 70 % and above
WC	Working Circle in a Working Plan
WP	Working Plan

ACKNOWLEDGEMENTS

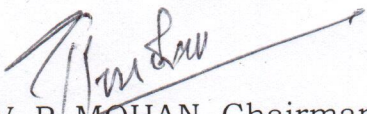
The Monitoring Committee has finalized its Fourth Six Monthly Report in collaboration with Himachal Pradesh Forest Department (HPFD) laying more stress for timely execution of all approved interventions for **Ensuring Enabling Conditions for Regeneration** after Silvicultural fellings.

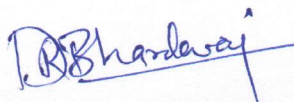
We wish to place on record our sincere gratitude for tremendous support from Thakur Gobind Singh, Hon'ble Forest Minister HP Government. Apart from his inspiration in Consultative Meetings at Shimla, he found time even to visit forests being worked under the supervision and guidance of the Monitoring Committee. His keen interest in the on-going work of Experimental Silviculture Felling in HP has sent a very positive message across all levels of hierarchy both at Government level and in particular it is an inspiration for implementing agencies. We are confident that our efforts to develop a Methodology to carry out Silvicultural fellings will lay a foundation for the revival of much needed Scientific Forest Management in Himachal Pradesh.

The Committee would like to thank functionaries of HPFD at all levels lead by Shri Ajay Sharma IFS, PCCF, Head of Forest Force, (HoFF), for complete support to us all through.

We owe our deep appreciation and gratitude to our vibrant team for their wholehearted support all through our fieldwork and for the finalization of the Fourth Six Monthly Report.

- Shri Om Prakash Chandel, HPFS,
- Shri Rakesh Kumar Shurta, Senior System Analyst, Information Technology,
- Shri Prashant Gautam, Senior Scientific Professional, GIS Lab
- Shri Naveen Chander, Technical Assistant, GIS Lab
- Shri Vishnu Sharma, Videographer


V. P. MOHAN, Chairman.


Dr. D.R. BHARDWAJ, Member.

15th February 2020

EXECUTIVE SUMMARY AND RECOMMENDATIONS FOR APPROVAL

PART ONE – BACKGROUND

1

TERMS OF REFERENCE In our Fourth Six Monthly Report, we have reemphasized on the implementing agencies that execution of all approved interventions particularly “Ensuring Enabling Conditions for Regeneration” on time is *sine qua non* to ensure compliance of all directions in initial orders of Hon’ble Supreme Court dated 16th February 2018 and relevant extracts of 7 subsequent orders of Hon’ble Supreme Court as given in **Annexure 1.1**. **1.1**

In a broader context, we have steered the whole exercise to address the most significant objective of paramount importance ***“to see whether Silviculture felling actually helps in the regeneration of forests or not”***

KEY TAKEAWAYS AND OUTPUTS FROM OUR THIRD SIX MONTHLY REPORT: **1.2**

1. In order to secure 35 Undemarcated Protected Forests in Nurpur Forest Range forests from further illegal occupations, boundary positions as per reference points already given by GIS team would be put on ground by RCC pole embedded in ground at least 2 feet and spaced suitably in a way that outer boundary /perimeter of the forest can be verified and checked on the ground with reference to area figures of each forest

PART ONE – BACKGROUND

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2. Immediate action has to be taken to carry out Mid-term revision of two Working Plans of Nulpur Forest Division and Bilaspur Forest Division.

3. The Monitoring Committee, while supervising this programme through repeated field inspections and consultations across all levels of hierarchy for providing guidance and supervision, had laid special emphasis on strict compliance of all Binding Regulatory Prerequisites for Experimental Silvicultural Felling and more importantly all interventions have been put in place for creating Enabling Conditions for Regeneration. In the above context, the Monitoring Committee will be able to summarize the overall status of compliance of all Recommendations in the Fourth Six Monthly Report after incorporating the final orders of Hon'ble Supreme Court on 13 Recommendations of the Second Six Monthly Report, which are still pending for approval."

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SNAPSHOT OF PROGRESS OF MAJOR FIELD OPERATIONS UNDER EXPERIMENTAL SILVICULTURAL FELLING PROGRAMME: 2.1 FIVE MAJOR FIELD OPERATIONS (65 FORESTS - 2054 HA)

A 100% ENUMERATIONS: The total area of **65** approved forests for two years under this programme is 2054 ha. However, because of restriction of partial treatment limited to 20 ha. at a time in a compartment, it was possible to complete 100% Enumerations in 21

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forests partially in 2018-19 (432 ha.) During 2019-20 , fieldwork of completing 100% Enumerations in left out forests of 2018-19 and new forests of 2019-20 has been completed in 53 forests.(1554 ha.). Consequently, this first and foremost basic requirement to carry out Silvicultural markings stands complied with.

B SILVICULTURAL MARKINGS: During 2018-19 and 2019-20, Silvicultural Markings have also been completed in 54 approved forests over an area of 1570 ha.

C FELLING AND EXTRACTION WORKS BY HP STATE FOREST DEVELOPMENT CORPORATION (HPSFDC): The total standing volume of Silvicultural markings is **30,936 cum.**, of which only **10,191 c.u.m. (33 %)** of total standing volume has been felled and converted in 2018-19, in **16** forests. During 2019-20, standing volume of **20,745 c.u.m. (67%)** has been handed over to HPSFDC. Felling and extraction operations of this huge standing volume in **38** forests are likely to be completed by 31st March 2020 in **33** forests and in **5** forests by end of September 2020 which were handed over late and standing volume in each forest is more than 2832 **c.u.m.** in three forests. **(Table 2.4).** During 2019-20, out of a total standing volume of **20,745 c.u.m.** already handed over to HPSFDC; about **57 %** of the total standing volume has been handed over after the prescribed date of 15th September 2019.

D STATUS OF CLOSURE AND FENCING OPERATIONS: The total

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area of **65** approved forests for two years under this programme is 2054 ha. After taking into account 38 forests where fellings have been approved and 12 low volume degraded forests categorised as **Recuperation** areas requiring enrichment planting, it has been decided that closure and fencing will be definitely required over an area of **1639** ha. in **61** forests for ensuring regeneration. During 2019-20, it will be possible to complete fencing only in **16** forests comprising an area of 322 ha. **(20%)**. Therefore, during 2020-21 fencing will have to be completed in April-May 2020 in remaining **45** forests comprising an area of 1317 ha. **(80%)**.

E REGENERATION ASSESSMENT SURVEYS: In order to rely only on credible assessment of success of regeneration, instead of just relying on ocular data, we had laid down Guidelines and Methodology of Assessment of Regeneration in our Third Six Monthly Report submitted on 30th August 2019. Thereafter we have assessed that out of a total area of **65** approved forests comprising an area 2054 ha, it will be necessary to carry out Regeneration Survey in **57** forests. During 2019-20, a beginning has been made in carrying out Regeneration Survey in October 2019 in **13** forests comprising an area of 252 ha. **(14%)**. During 2020-21, we have approved that Regeneration Survey will be carried out in 57 forests comprising an area of 1544 ha. **(86%)**.

KEY FINDINGS OF SITE INSPECTIONS BY MONITORING COMMITTEE IN NOVEMBER, DECEMBER 2019 AND JANUARY 2020 **2.4**

Bearing in mind a considerably heavier workload in 2019-20, the second year of field operations coupled with rather slow pace of completing Silvicultural markings due to frequent shifting of Marking Officers in Nurgur Forest Range and **delayed execution of RCC barbed wire fencing operations after the planting season** in all approved forests where fellings were completed in 2018-19, the Monitoring Committee, much against its wishes had to defer field inspections and videography of approved forests initially planned in September 2019 to commence from November 2019 to be completed in January 2020. Our field inspections have been video graphed; **58** videos are being submitted along with this Report in a Pen drive as per details given in **Annexure 1.4**. Forest wise videos have been given to the concerned DFO to ensure compliance of follow up action on our spot inspections.

As would be seen from **Annexure 1.4.**, forests were being inspected matching the actual growing stock status including floristic composition with Forest Survey of India's nation-wide forest cover map of the country on 1:50,000 scale in three canopy density classes as follows:

1. **VDF**-Very dense forest-canopy density of 70 % and above
2. **MDF**-Moderately dense forest- canopy density > 40%

3. **OF- Open forest-** canopy density 10 to 40%

A gist of our observations and instructions forms a part of this Report as

Annexure 2.5.

AUTHENTICATION OF LEGAL STATUS OF APPROVED FORESTS IN REVENUE RECORDS 2.4.1

During our spot inspections from November 2019 to January 2020, we have noticed that in all 65 approved forests no concrete verifiable action has been taken to ensure authentication of the legal status of every approved forest in Revenue Records by insertion of the exact name, as it appears in WP and Compartment History files. At the earliest, to secure legal status of forests, action has to be taken as follows:

- **20 RESERVE FORESTS** have to be authenticated in Revenue Records as RESERVE JUNGLE/ AARAKSHIT VAN;
- **10 DEMARCATED PROTECTED FORESTS** have to be authenticated in Revenue Records as JUNGLE MEHFUJA MEHDUDA ;
- **33 UNDEMARCATED PROTECTED FORESTS** have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA;

2 COOPERATIVE SOCIETY FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA.

RESULTS OF REGENERATION SURVEYS CARRIED OUT IN OCTOBER 2019 AND NEXT STEPS 2.7

The success of forest regeneration is an essential component in sustainable forest management. Its accurate and timely assessment, usually done by field surveys, constitutes an integral part of Scientific Forest Management. Accordingly, Guidelines of the approved Methodology adopting **Line-Plot System of Cruising** under Systematic Sampling for carrying out Regeneration Surveys were approved in **Annexure 2.9** of Third Six Monthly Report submitted on 30th August 2019. Clearly, in forests which have been felled and fenced, Regeneration Survey has to be carried out. Key requirements of the Methodology were as follows:

- Regeneration Survey data will be evaluated on an objective scale to determine the regeneration status in a compartment in three categories viz: Regeneration percentage figures being for three categories:
 - **Good (71-100)**
 - **Adequate (41-70)**
 - **Deficient (0-40)**
- For coppice regeneration, survey will be based on complete enumeration (100 % counting of trees felled and stumps having coppice);
- Similarly in artificial regenerated forests , 100% checking of the tall

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plants planted will be undertaken and survival percentage will be calculated;

- Regeneration Survey has to be carried out in the month of April every year and has to be repeated again in October to assess survival rate of nursery raised tall plants, coppiced shoots and recruits.

It is a matter of satisfaction that during October 2019, a successful beginning has been made to carry out Regeneration Surveys in 13 approved forests which were felled in 2018-19 and results are tabulated in **Annexure 2.7**.

At this initial stage of this fieldwork, key findings and take aways are:

- At present natural regeneration from seed origin seems to be Deficient but the real picture would emerge once newly emerged recruits will grow and develop into sapling and contribute significantly towards scoring index.
- Natural regeneration(Coppice origin) has been found to be **Adequate** in few forests and **Good** in many forests
- Artificial regeneration (Planting) has been found to be **Good** in most of the forests; in some forests, survival rate was even 100%.
- Results of Regeneration Survey (i.e. Regeneration percentage) should be given against Column of regeneration in CHF instead of ocular assessment.

FENCING COMPLETED IN 2019 AND FORESTS APPROVED FOR FENCING IN 2020 **2.8**

APPROVED COST NORMS FOR RCC FENCING **2.8.1**

The Monitoring Committee is ensuring that in all forests where fellings have been completed, as well as under stocked/ degraded forests approved for recuperation, fencing with 5 strands of barbed wire with RCC poles must be undertaken for strict compliance of the stipulation laid down by Hon'ble Supreme Court as follows:

PAGE 10 PARA 9 Stipulation no. "6. It should also be ensured that these forest areas are kept free from grazing and are protected;"

In order to comply with the specifications of barbed wire fencing of the desired standards as proposed by the Monitoring Committee, revised new cost norms for fencing of Experimental Silviculture Forests with five-strand barbed wire-V design with RCC fence poles have been approved by Government of HP on 16th September 2019, with the following specifications for erection:

- Number of RCC poles per Hectare is now 80 (as compared to 50 earlier).
- The per hectare cost norm is now Rs. 78,100 (as compared to Rs. 30,000 odd earlier)
- Carriage from Range to fencing site has also been accounted for.

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- Numbering of RCC poles by paint has been made mandatory in all fenced forests, to minimize any attempt for misappropriation in number of poles.

COMPLETION OF FENCING IN 2019-20

2.8.2

In **Annexure 2.7 of** our Third Six Monthly Report submitted on 30th August 2019, we had approved **28** forests comprising an area of 626 ha. for fencing to be completed before rainy season of 2019. However, mainly because of delayed budget allocations and very much delayed approval of revised cost norms on 16th September 2019 and subsequent procurement formalities of RCC poles etc., the actual completion of RCC barbed wire fencing of only **16** approved forests comprising an area of 323 ha. , had been possible, meaning that only around 50 % of work of fencing work will get completed in 2019-20 in approved forests. (Kindly see **Annexure 2.6 A)**

Fencing always precedes planting operations. Unfortunately except Bharari Forest Range, (2 forests), in the remaining 14 forests fencing works have been done after the planting season. In Nurpur Forest Range fencing works have commenced very late from December 2019 and work is in progress right now as has been seen by us during inspections in January 2020 in 9 forests where planting was completed in July 2019.

Fencing always precedes planting operations. Unfortunately except

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Bharari Forest Range, (2 forests), in the remaining 14 forests fencing works have been done after the planting season. In Nurpur Forest Range fencing works have commenced very late from December 2019 and work is in progress right now as has been seen by us during inspections in January 2020 in 9 forests where planting was completed in July 2019.

FORESTS APPROVED FOR FENCING IN 2020-21

2.8.3

In **Annexure 2.6 B**, we have given details of **45** forests approved for closure and fencing in 2020-21 into three categories as shown in different shades:

4 Left over forests already felled in 2018-19 approved for fencing

29 forests approved for felling and extraction in 2019-20

12 Degraded low volume Recuperation forests approved for fencing and enrichment planting.

In all three Forest Ranges, these 45 approved forests must be fenced from April to June end 2020.

Keeping in view the urgency and the need to ensure timely completion of closure and fencing of 45 forests in 2020-21, under the Experimental Silviculture Felling Programme, it would be expedient that Senior Forest Officers should carry out the physical inspection of forests in the first fortnight of April 2020. In order to ensure that status of compliance of various approved interventions is reported properly, a new checklist is

being prescribed.

In the first fortnight of May 2020, the Monitoring Committee will inspect these forests on spot to verify actual compliance of fencing and preparedness for planting operations in July 2020.

TIME TABLE FOR IMPLEMENTATION OF SILVICULTURE FELLINGS AND RELATED INTERVENTIONS 2.9

All forestry operations demand timely execution of sequential field operations, particularly Enumerations, Silvicultural markings, fellings/ extraction operations followed by post felling interventions like closure and fencing in a time bound manner, **regardless of budget and other administrative bottlenecks/constraints as experienced in 2019.**

During the course of our monitoring and repeated field inspections for two years, (Kindly see **Annexure 2.9**) we have come to the conclusion that unless a time table for field interventions is in place for **rigid compliance**, it will be totally a futile exercise to carry out Silvicultural Fellings. Undoubtedly, interventions of closure and fencing have to commence immediately after fellings are completed for ensuring Regeneration.

Therefore in the above context and our first-hand knowledge of field realities, we have worked out a stage wise Implementation Time Table, which can be seen as **Annexure 2.8**. The proposed Time Table is having clearly defined interventions to be carried out according to a month wise

implementation time frame in three distinct periods for the guidance of all implementing agencies:

1. PRE FELLING OPERATIONS IN PRECEDING YEAR

2. OPERATIONS IN THE YEAR OF FELLING

3. POST FELLING OPERATIONS IN SUCCEEDING YEAR

Absolutely essential that hereafter all Silvicultural Felling operations including thinning and other cultural operations in forests prescribed for felling under approved Working Plan must be carried out in accordance with the proposed Time Table spread over three years subject to the compliance of following prescribed basic prerequisites on ground:

1. Boundary Pillars should be in position and area as given in Compartment History File is crosschecked with GPS Lat. /Long. readings
2. Forest should be free from any encroachment /illegal occupation
3. The legal status of forests is authenticated in Revenue Records- Reserve, DPF or UPF mentioning name and total area of the forest.
4. Funding has to be ensured particularly for post felling operations in succeeding year within the month of April so that there is enough time to plan and execute works, particularly closure and fencing works.
5. As an example, for a forest prescribed for felling in 2021-22, all pre-felling operations will have to be completed in 2020-21 and

likewise all post felling operations will be completed in 2022-23.

WORKING RESULTS OF HIMACHAL PRADESH STATE FOREST CORPORATION (HPSFDC) 2.10

Details of standing volume of 38 forests handed over to HPSFDC during 2019-20 are given in Annexure 2.10. The total standing volume of Silvicultural markings in two years is 30,936 c.u.m.

2018-19: During the first year, only 10,191 **c.u.m. (20 % of total workload)** has been already felled and converted spread over 16 forests.

2019-20: During the second year of working, the quantum of workload has almost doubled and a standing volume of **20,745 c.u.m. (67 %of total workload)** spread over 38 forests has been handed over for felling and extraction to HPSFDC (**Annexure 2.10**). Forests were required to be handed over to HPSFDC by 15th September 2019. However, due to frequent shifting of Marking Officers in Nurpur Forest Range and very heavy workload in Paonta Forest Range, the actual status of handing of forests to HPSFDC is as follows:

Forests handed over before 15th September 2019: **28**

Forests handed over after 15th September 2019 upto October 2019 end:
7

Forests handed over during November: **3**

MD HPSFDC has assured that in 33 forests, felling and extraction works

PART TWO - PROGRESS OF ACTION TAKEN FOR COMPLIANCE OF DIRECTIONS OF HON'BLE SUPREME COURT

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will be completed by 31 March 2020. However, in case of the following 5 forests handed over late and having huge standing volume, operations of felling and extraction are likely to be completed earliest **by September 2020.**

Table 2.4 Forests Handed Over beyond Prescribed Date of 15th September 2019.

FOREST RANGE)	FOREST CODE	DATE OF HANDING OVER TO HPSFDC	TOTAL STANDING VOLUME FOR FELLING (c.u.m.)
NURPUR	N/25	28.11.2019	3381
	N/26	8.11.209	345
	N/29	28.11.2019	371
PAONTA	P/6	19.9.2019	2764
	P/7	5.10.2019	5060
TOTAL	5 FORESTS		11,921

It is quite evident from the above Table that during 2019-20, out of a total standing volume of **20,745 c.u.m.** already handed over to HPSFDC; about **57%** of the total standing volume has been handed over after the prescribed date of 15th September 2019.

2.10.4. Impact of Experimental Silviculture Felling Programme on the Working of HPSFDC

2018-19: The royalty amount payable in 2018-19 was Rs One Crore Sixty Nine Lakhs and gross sale amount of converted produce was Rs Twenty Two Crores and Twenty Eight Lakhs. The amount of taxes payable on sale of produce was Rs Four Crores and Three Lakhs

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(Annexure 2.11.A)

2019-20: Because of a much heavier workload during the second year, royalty amount payable is estimated to go up to Rs Six Crores and Twenty Two Lakhs and likewise gross sale amount of converted produce is estimated to go up to Rs. Seventy Six Crores and Fifty Six Lakhs. The amount of taxes payable on sale of produce would be Rs Thirteen Crores and Fifty Four Lakhs **(Annexure 2.11.B)**. Projections of sale of converted produce are estimated and actual figures are subject to variation depending on market trends.

PART THREE - RECOMMENDATIONS FOR APPROVAL BY HON'BLE SUPREME COURT

1 FIRST RECOMMENDATION:

3.2.1

It is recommended that the matter relating to payment of honorarium to Dr. D.R. Bhardwaj, as deemed appropriate for his additional duties, in addition to his own duties from 26th February 2018 onwards may also be approved by Hon'ble Supreme Court.

2 SECOND RECOMMENDATION:

3.2.2

It is recommended that 13 Recommendations of Second Six Monthly Report which are yet to be approved may kindly be approved for addressing proposed interventions in tandem with on-going implementation phase of Interlocutory Application NO 3840 of 2014 in Writ Petition (CIVIL) NO 202 OF 1995.

3 THIRD RECOMMENDATION:

3.2.3

On perusal of the present status of compliance, it is deemed necessary to point out that under mentioned five prioritized core activities although approved on 15th April 2019, the present pace and extent of compliance need time bound action on a fast track mode as per our following Recommendations:

1. Boundary Pillars in Nurpur Forest Range:

During our field inspection on 12th January 2020, we noticed that in N/41 and N/42 approved forests, even now loose stones Boundary Pillars were in position. Instructions were given at site that immediate action has to be taken to repair existing structure and filling/ plugging spaces between loose stones with cement mortar and plastering.

**2. Strengthening Working Plans Wing to Complete Backlog of
Revising 15 Expired Working Plans:**

The present slow pace of addressing all issues relating to Working Plans needs highest priority through revamping of the existing set up at the soonest and fixing time bound completion targets to complete expired Working Plans.

3. Authentication of Legal Status of Forests:

The legal status of 65 approved forests has not been authenticated even now though orders were issued on 15th April 2019. At the earliest, to secure legal status of forests, action has to be taken as follows:

- 20 RESERVE FORESTS have to be authenticated in Revenue

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Records as RESERVE JUNGLE/ AARAKSHIT VAN;

- 10 DEMARCATED PROTECTED FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA MEHDUDA ;
- 33 UNDEMARCATED PROTECTED FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA.
- 2 COOPERATIVE SOCIETY FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA;

4. Creation of Smaller Forest Beats:

The pending proposal needs finalization to ensure that from beginning of 2020-21, smaller beats are in position definitely for effective patrolling and preventing encroachments in forest rich Territorial Circles of Chamba, Shimla, Kulu and Mandi including Great Himalayan National Park core areas.

5. Posting of IFS officers in Cadre Posts:

Recommendations have been partially complied. Out of 23 Cadre Territorial Divisions, even now in 8 Cadre Territorial Forest Divisions, IFS Officers need to be posted at the soonest for ensuring the required level of technical control at the cutting edge level and to enable them to carry out their professional duties.

Hereafter, as a rule, if IFS officer is not available, only in that case a Non

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Cadre officer should be posted in a Cadre Post.

4 FOURTH RECOMMENDATION:

3.3.1

In view of the aforementioned major pending field works, yet to be completed in 2020-21, it is now evident that the Monitoring Committee can present conclusive result of Experimental Silviculture Felling Programme only after the completion of pending field works. Therefore, submission of two Six Monthly Reports may be approved; Fifth Six Monthly Report on 15 August 2020 and the Final Six Monthly Report to be submitted by 15 February 2021.

5 FIFTH RECOMMENDATION:

3.3.2

It is recommended that hereafter all Silvicultural Felling operations in forests prescribed for felling including thinning and other cultural operations under approved Working plan must be carried out in accordance with the proposed Time Table spread over three years subject to the compliance of following prescribed basic prerequisites on ground:

1. Boundary Pillars should be in position and area as given in Compartment History File is crosschecked with GPS Latitude /Longitude readings.
2. Forest should be free from any encroachment /illegal occupation.
3. The legal status of forests is authenticated in Revenue Records-

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Reserve, DPF or UPF mentioning name and total area of the forest.

4. Funding has to be ensured particularly for post felling operations in succeeding year within the month of April so that there is enough time to plan and execute works, particularly closure and fencing works.
5. As an example, for a forest prescribed for felling in 2021-22, all pre-felling operations will have to be completed in 2020-21 and likewise all post felling operations will be completed in 2022-23.

6 SIXTH RECOMMENDATION:

3.3.3

It is recommended that in all forests under IA 3840 where fencing has to be done after Silvicultural Fellings or for undertaking enrichment plantings in case of degraded forests and maintenance has to be carried out for seven years till regeneration is fully established, Range Officers should be empowered to compound above referred petty offences where the amount of forest produce is less than rupees ONE LAKH.

PART ONE – BACKGROUND

1.1 TERMS OF REFERENCE

In our Fourth Six Monthly Report, we have reemphasized on the implementing agencies that execution of all approved interventions particularly **“Ensuring Enabling Conditions for Regeneration”** on time is ***sine qua non*** to ensure compliance of all directions in initial orders of Hon’ble Supreme Court dated 16th February 2018 and relevant extracts of 7 subsequent orders of Hon’ble Supreme Court as given in **Annexure**

1.1. In a broader context, we have steered the whole exercise to address the most significant objective of paramount importance ***“to see whether Silviculture felling actually helps in the regeneration of forests or not”***

1.2 KEY TAKEAWAYS AND OUTPUTS FROM THREE SIX MONTHLY REPORTS

The Monitoring Committee appointed by Hon’ble Supreme Court, has articulated its findings primarily based on ground realities through repeated field inspections of 65 forests; supplemented with in depth consultations across all levels of hierarchy to assess practicalities of implementation. (Kindly see details of our field visits in **Annexure 2.9**). Accordingly, we have submitted three Six Monthly Reports; first on 15th August 2018, second on 15th February 2019 and third on 30th August 2019, by synthesizing our observations on the pace of implementation and our directions to ensure timely compliance of approved

interventions.

Hon'ble Supreme Court has approved our following recommendations comprising essentially on site verifiable benchmarks, prerequisites for revival of basic conservancy routine prescribed forestry activities of vital significance to put in place **Scientific Forest Management** in a holistic manner.

OUTPUTS FROM FIRST SIX MONTHLY REPORT:

1. A forest compartment as a whole to be taken at a time as a unit of management; restriction of partial treatment limited to 20 ha. at a time in a compartment has been waived off.
2. Revival of Subsidiary Silvicultural Operations (SSOS) across Himachal Pradesh has been approved now after a ban was imposed on felling of trees on 12th December 1996 by permitting interventions like cleaning, thinning, control burning for disposal of slash, creation and maintenance of fire lines, requiring felling of green trees.
3. Procedure of carrying out 100% enumerations of all species has been put in place for assessing exact standing volume of growing stock of all species and analyzing floristic composition for ensuring Silvicultural markings in a scientific manner.
4. Apart from three selected Forest Ranges approved initially for working of Khair, Chirpine and Sal, approval for working of Eucalyptus was obtained in Bhagani and Jamta Forest Ranges.

5. Guidelines for carrying out Silvicultural Markings developed on the basis of floristic composition and site-specific requirements of each forest instead of mechanically following the Working Plan prescriptions.
6. Training of frontline staff in practicalities of Experimental Silviculture Felling Programme conducted in Forest Training Institute, Sundernagar in January 2019 and again in January 2020.
7. Posting of IFS officers in three Forest Divisions.
8. Postings of directly recruited Rangers to the Forest Ranges of Nurpur, Bharari and Paonta, though approved by Hon'ble Supreme Court on 30th October 2018 have been issued in August 2019.

OUTPUTS FROM SECOND SIX MONTHLY REPORT:

1. 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**.
2. Legal status authentications of all forests in Revenue Records through mutation.
3. Updating/ Revision of 15 expired Working Plans
4. Mid-term revision of existing Working Plans for mid-course corrections in order to avoid mismatch of allotment to Working Circles with actual floristic composition and Periodic Block allotments.

5. System of approval of Silvicultural Markings by the Senior Forest Officers of HPFD prior to inspections and approval by the Monitoring Committee and revising the same wherever required.
6. To intensify effective patrolling and prevent encroachments, creation of smaller forest beats in Chamba, Shimla, Kullu and Mandi Forest Circles including GHNP core areas.
7. Improvement of database of diversion of forests under FCA, 1980 and FRA, 2006 by deleting the forest areas diverted and showing exact extent of forest area as per legal classification and allotment of each forest to a Working Circle of a Working Plan.

OUTPUTS FROM THIRD SIX MONTHLY REPORT:

1. In order to secure 35 Undemarcated Protected Forests in Nurpur Forest Range forests from further illegal occupations, boundary positions as per reference points already given by GIS team would be put on ground by RCC pole embedded in ground at least 2 feet and spaced suitably in a way that outer boundary /perimeter of the forest can be verified and checked on the ground with reference to area figures of each forest
2. Immediate action has to be taken to carry out Mid-term revision of two Working Plans of Nurpur Forest Division and Bilaspur Forest Division.
3. The Monitoring Committee, while supervising this programme through repeated field inspections and consultations across all levels of hierarchy for providing guidance and supervision, had laid special emphasis on

strict compliance of all Binding Regulatory Prerequisites for Experimental Silvicultural Felling and more importantly all interventions have been put in place for creating Enabling Conditions for Regeneration. In the above context, the Monitoring Committee will be able to summarize the overall status of compliance of all Recommendations in the Fourth Six Monthly Report after incorporating the final orders of Hon'ble Supreme Court on 13 Recommendations of the Second Six Monthly Report, which are still pending for approval.”

1.3 PROCESS AND METHODOLOGY

The chronology of completing the task comprised a thorough examination of all relevant documents, preparatory meetings at Shimla, followed by field inspection and validation meetings as summarized in **Annexure 1.2**. An effort has been made all through to carry forward this professional work through a consultative mode to ensure eventual ownership of this work by HPFD. A time bound work plan has been gone through as given in **Annexure 1.3**.

1.4 APPROACH ADOPTED FOR REPORTING

Building on our experience by having submitted three Six Monthly Reports already, the Monitoring Committee has now summarized in this Fourth Six Monthly Report all technical issues in the context of substantially higher workload of fellings by HPSFDC and more importantly technicalities of assessing status of regeneration.

1.5 STRUCTURE OF THE REPORT

The Report includes an in-depth professional analysis of various inter-related issues in a systematic manner, and accordingly extensive cross-referencing has been attempted to provide easy linkages. Inclusion of figures and tables in the main Report was deemed necessary to highlight key professional issues picked up for special attention. In order to facilitate easy perusal of all issues at a glance, the Report includes an ***Executive Summary and Recommendations for Approval*** for expeditious approvals as next steps in the field have to be undertaken in a timely manner.

The Report is structured as follows:

Volume 1 comprises the main text of the report and contains mainly synthesis of findings, ***Executive Summary and Recommendations for Approval***. The text is arranged in three parts:

- **Part One** contains background information and a gist of orders of Hon'ble Supreme Court.
- **Part Two** contains the status of action taken for compliance of approved interventions
- **Part Three** contains our **Recommendations** for approval.

Volume II contains all Annexure(s) and tabular formats forming the basis of our conclusions.

In addition to **eight hard copies** in two Volumes being sent through an

official to Hon'ble Supreme Court, a soft copy of the Report is being emailed to Registrar, Hon'ble Supreme Court. Our official will assist the Registry to open data and video recordings on the Pen drive. Video recordings of all site inspections of forests including felling operations by HP State Forest Development Corporation (**Annexure 1.4**) are being submitted along with the Report (**58 Videos**).

It is advisable that hard copies of our Report should be circulated to the State Government and concerned HPFD offices (HoFF, concerned Conservators, DFOs and Forest Range Officers) immediately for prompt follow up action to ensure prompt compliance of execution of approved interventions.

PART TWO - PROGRESS OF ACTION TAKEN FOR COMPLIANCE OF DIRECTIONS OF HON'BLE SUPREME COURT

2.1 SNAPSHOT OF PROGRESS OF MAJOR FIELD OPERATIONS UNDER EXPERIMENTAL SILVICULTURAL FELLING PROGRAMME

A snapshot of workload relating to the following five major field operations under the on-going Experimental Silvicultural Fellings Programme indicating the latest progress of operations already completed and the quantum of remaining workload for completion is given in **Annexure 2.1**. However, for a quick reference, a gist of key issues is as follows:

2.1.1 FIVE MAJOR FIELD OPERATIONS (65 FORESTS - 2054 HA)

A 100% ENUMERATIONS: The total area of **65** approved forests for two years under this programme is 2054 ha. However, because of restriction of partial treatment limited to 20 ha. at a time in a compartment, it was possible to complete 100% Enumerations in 21 forests partially in 2018-19 (432 ha.) During 2019-20, fieldwork of completing 100% Enumerations in left out forests of 2018-19 and new forests of 2019-20 has been completed in 53 forests.(1554 ha.). Consequently, this first and foremost basic requirement to carry out Silvicultural markings stands complied with.

B SILVICULTURAL MARKINGS: During 2018-19 and 2019-20, Silvicultural Markings have also been completed in 54 approved forests over an area of 1570 ha.

C FELLING AND EXTRACTION WORKS BY HP STATE FOREST DEVELOPMENT CORPORATION (HPSFDC): The total standing volume of

Silvicultural markings is **30,936 cum.**, of which only **10,191 c.u.m. (33%)** of total standing volume has been felled and converted in 2018-19, in **16** forests. During 2019-20, standing volume of **20,745 c.u.m. (67%)** has been handed over to HPSFDC. Felling and extraction operations of this huge standing volume in **38** forests are likely to be completed by 31st March 2020 in **33** forests and in **5** forests by end of September 2020 which were handed over late and standing volume in each forest is more than 2832 **c.u.m.** in three forests. **(Table 2.4)**. During 2019-20, out of a total standing volume of **20,745 c.u.m.** already handed over to HPSFDC; about **57 %** of the total standing volume has been handed over after the prescribed date of 15th September 2019.

D STATUS OF CLOSURE AND FENCING OPERATIONS: The total area of **65** approved forests for two years under this programme is 2054 ha. After taking into account 38 forests where fellings have been approved and 12 low volume degraded forests categorised as **Recuperation** areas requiring enrichment planting, it has been decided that closure and fencing will be definitely required over an area of **1639** ha. in **61** forests for ensuring regeneration. During 2019-20, it will be possible to complete fencing only in **16** forests comprising an area of 322 ha. **(20%)**. Therefore, during 2020-21 fencing will have to be completed in April-May 2020 in remaining **45** forests comprising an area of 1317 ha. **(80%)**.

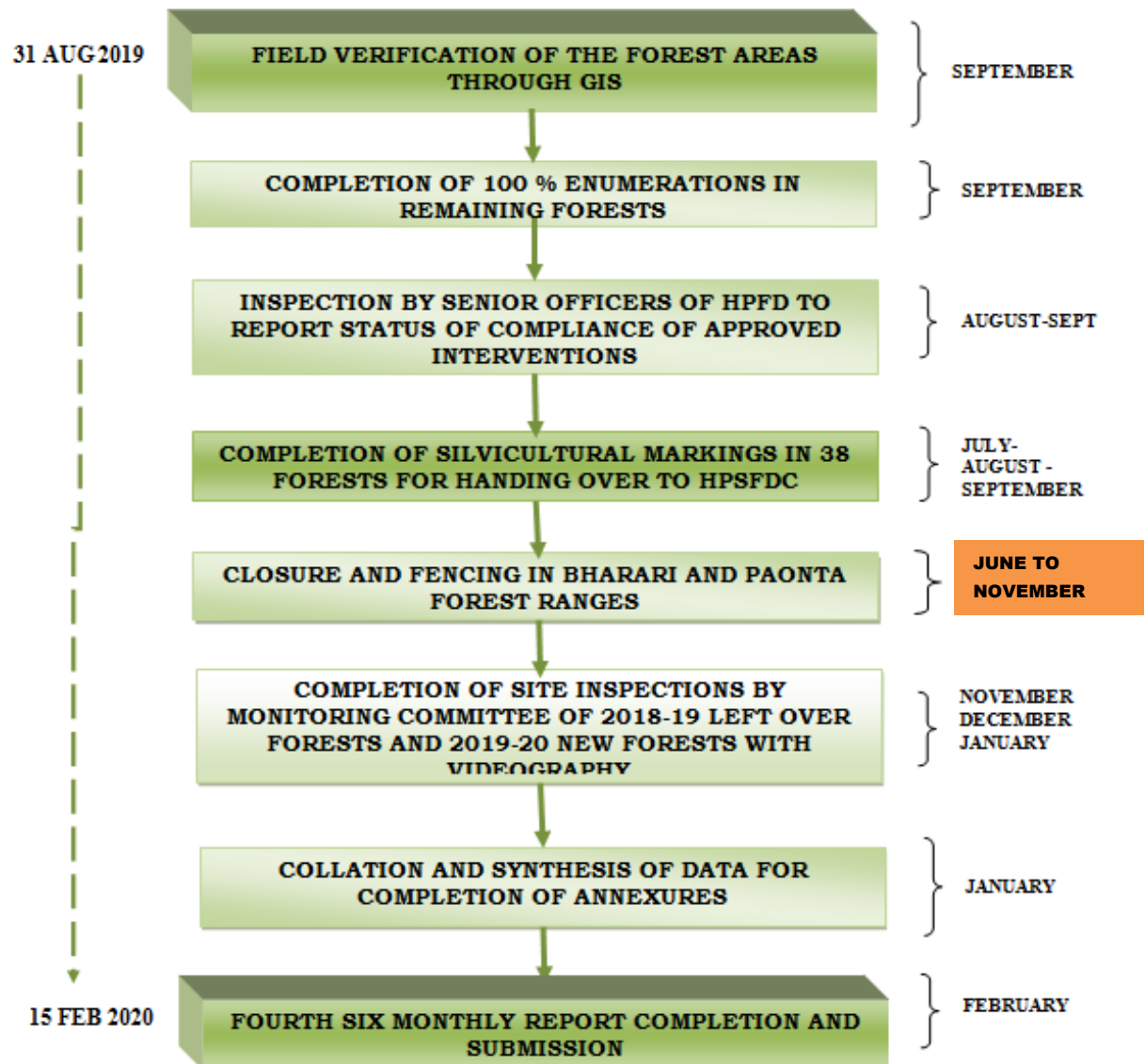
E REGENERATION ASSESSMENT SURVEYS: In order to rely only on credible assessment of success of regeneration, instead of just relying on

ocular data, we had laid down Guidelines and Methodology of Assessment of Regeneration in our Third Six Monthly Report submitted on 30th August 2019. Thereafter we have assessed that out of a total area of **65** approved forests comprising an area 2054 ha, it will be necessary to carry out Regeneration Survey in **57** forests. During 2019-20, a beginning has been made in carrying out Regeneration Survey in October 2019 in **13** forests comprising an area of 252 ha. **(14%)**. During 2020-21, we have approved that Regeneration Survey will be carried out in 57 forests comprising an area of 1544 ha. **(86%)**.

2.2. KEY INTERVENTIONS COMPLETED FROM 31ST AUGUST 2019 TO 15TH FEBRUARY 2020

The work plan from 31st August 2019 to 15th February 2020 is given in **Annexure 1.3**. Figure 2.1 given below gives at a glance the pace of completion of key interventions.

Fig 2.1: Flowchart of Key Interventions completed under Experimental Silvicultural Felling Programme from 31st August 2019 to 15th February 2020.



2.3 FEEDBACK FROM PHYSICAL INSPECTIONS OF FORESTS BY SENIOR FOREST OFFICERS IN THE FIRST FORTNIGHT OF AUGUST 2019

Keeping in view the spatial spread of 65 approved forests under the Experimental Silviculture Felling Programme to be monitored by us in five

Forest Ranges, four Forest Divisions and Three Territorial Forest Circles, it was decided that Senior Forest Officers will carry out the physical inspection of forests in the first fortnight of August 2019 to report compliance of various approved interventions as per a prescribed checklist. Inspections have been carried out and feedback from these inspections was very helpful for the Monitoring Committee to complete final inspections subsequently from November 2019 to January 2020.

2.4 KEY FINDINGS OF SITE INSPECTIONS BY MONITORING COMMITTEE IN NOVEMBER, DECEMBER 2019 AND JANUARY 2020

Bearing in mind a considerably heavier workload in 2019-20, the second year of field operations coupled with rather slow pace of completing Silvicultural markings due to frequent shifting of Marking Officers in Nurpur Forest Range and **delayed execution of RCC barbed wire fencing operations after the planting season** in all approved forests where fellings were completed in 2018-19, the Monitoring Committee, much against its wishes had to defer field inspections and videography of approved forests initially planned in September 2019 to commence from November 2019 to be completed in January 2020. Our field inspections have been video graphed; **58** videos are being submitted along with this Report in a Pen drive as per details given in **Annexure 1.4**. Forest wise videos have been given to the concerned DFO to ensure compliance of follow up action on our spot inspections.

As would be seen from **Annexure 1.4.**, forests were being inspected matching the actual growing stock status including floristic composition with Forest

Survey of India's nation-wide forest cover map of the country on 1:50,000 scale in three canopy density classes as follows:

1. **VDF**-Very dense forest-canopy density of 70 % and above
2. **MDF**-Moderately dense forest- canopy density > 40%
3. **OF**- Open forest- canopy density 10 to 40%

A gist of our observations and instructions forms a part of this Report as **Annexure 2.5.**

Key issues needing special mention are as follows:

2.4.1. AUTHENTICATION OF LEGAL STATUS OF APPROVED FORESTS IN REVENUE RECORDS

During our spot inspections from November 2019 to January 2020, we have noticed that in all 65 approved forests no concrete verifiable action has been taken to ensure authentication of the legal status of every approved forest in Revenue Records by insertion of the exact name, as it appears in WP and Compartment History files. At the earliest, to secure legal status of forests, action has to be taken as follows:

- **20 RESERVE FORESTS** have to be authenticated in Revenue Records as RESERVE JUNGLE/ AARAKSHIT VAN;
- **10 DEMARCATED PROTECTED FORESTS** have to be authenticated in Revenue Records as JUNGLE MEHFUJA MEHDUDA;
- **33 UNDEMARCATED PROTECTED FORESTS** have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA;

- **2 COOPERATIVE SOCIETY FORESTS** have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA.

2.4.2. BHARARI FOREST RANGE

- White bands for retained mother trees must be visible from a distance and as directed white bands should be redone properly wherever required.
- Fire precaution interventions as required in each forest must be undertaken under Subsidiary Silvicultural Operations budget head.
- Efforts to regenerate B/2 C-10 Nihari **PB1** forest after Silvicultural Fellings were very much below our expectations, where **69%** standing volume has been felled and **31%** standing volume has been retained, particularly when all through it was made clear that to supplement natural regeneration, artificial planting of principal species has to be undertaken under all circumstances.

2.4.3. PAONTA FOREST RANGE

- Barbed wire fencing has been done very well in all forests after fellings to protect natural regeneration.
- Unauthorized occupations/ encroachments in approved forests must be evicted from P/1-2018-19 and P/5 2019-20
- Fire lines must be kept cleared of bushes and leaf litter to save natural regeneration /plantations from fire.

- White bands on retained mother trees must be visible from a distance and as directed white bands should be redone properly wherever required.
- Ground floor must be kept free from weeds, particularly during rainy season to ensure proper growth of regeneration properly.

2.4.4. NURPUR FOREST RANGE

- Work is in progress for fixation of RCC poles embedded 60 cm. in ground in cement concrete foundation, suitably spaced and marked in green and yellow paint band in all 35 Undemarcated Protected Forests, comprising **59%** of total approved forest area of 1609 ha. in Nurpur Forest Range. All these forests are included in approved Working Plan and each forest is having a Compartment History File.
- Based on GPS Latitude /Longitude readings of all boundary pillars, immediate action has to be taken to repair existing **loose stones boundary pillars especially** in N/41 and N/42 by retaining existing structure and filling/ plugging spaces between loose stones with cement mortar and plastering.
- Display boards have to be fixed properly with concrete material.
- Lopping of Khair trees has been noticed in retained mother trees in many forests, which must be checked very effectively.
- Planting should always be completed in the 1st fortnight of the month of July to ensure maximum growth during planting season, which will ultimately have an impact on the survival of the seedlings. Timely

planting will definitely help in regenerating forests in a satisfactory manner.

- After taking into account floristic composition analysis based on results of 100% Enumerations, the choice of suitable native species for planting should be carefully decided and wherever site conditions permit, preference should be given to Khair.
- In Lantana infested forests, plantation intensity should be very high to check its reemergence and efforts should be made to cover the entire area with usable tree species.
- In Nurpur Forest Range, out of 50 forests approved under Experimental Silviculture Felling Programme, there are 35 Undemarcated Protected Forests where we had found encroachments/ illegal activities in 10 forests during our inspections and videography in March 2019. However, the latest status of encroachments is given in the following table:

Table 2.1 Status of Encroachments/ Illegal Habitations in 12 Undemarcated Protected Forests (UPF) of Nurpur Forest Range

SN	FOREST CODE/ LEGAL STATUS/ AREA OF COMPTT (IN HA)	ENCROACHMENT (IN HA)/ NATURE (T: TEMPORARY P: PERMANENT)	AREA EVICTED (IN HA)	ALLOTMENT BEFORE SETTLEMENT/ REMARKS
1	N/6 2018-19 / UPF / 23.88 HA	2.00.00 (T) 0.58.00 (P)	2.00.00	Except allotment before Settlement of 0.76.00 ha. temporary encroachments stand evicted and forest taken back into the possession. Area under encroachment of permanent nature have been challaned under HP Public Premises and Land (Eviction& Recovery) Act , 1971 for trial.
2	N/7 2018-19 / UPF/ 50.58 HA	3.00.00(T) 0.51.37(P)	3.00.00	Except allotment before Settlement of 1.40.60 ha. temporary encroachments stand evicted and forest taken back into

				the possession. Area under encroachment of permanent nature have been challaned under HP Public Premises and Land (Eviction& Recovery) Act , 1971 for trial .
3	N/21 2019-20/ UPF/ 10.92 HA (NEW CASE)	3.00.00 (T) 0.01.20 (P)	3.00.00	The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
4	N/30 2019-20/ CFS/ 4.86 HA	0.02.00 (P)	0	The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
5	N/31 2019-20/ CFS/ 9.71 HA	0.01.50 (P)	0	The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
6	N/32 2019-20/ UPF/ 42.89 HA (NEW CASE)	0.77.52 (P)	-	The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
7	N/34 2019-20/ UPF/ 12.14 HA	10.51.00 (T) 0.50.00 (P)	10.51.00	Except allotment before Settlement of 1.12.90 ha. temporary encroachments stand evicted and forest taken back into the possession. Areas under encroachment of permanent nature have been challaned under HP Public Premises and Land (Eviction& Recovery) Act, 1971 for trial.
8	N/37 2019-20/ UPF/ 17.81 HA	3.00.00 (T)	3.00.00	Evicted & forest taken into possession
9	N/38 2019-20/ UPF/ 6.07 HA (NEW CASE)	3.50.00 (T) 0.13.42 (P)	3.50.00	The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
10	N/43 2019-20/ UPF/ 20.64 HA	2.00.00 (T)	2.00.00	Evicted & forest taken into possession
11	N/46 2019-20/ UPF/ 11.85 HA	1.50.00 (T)	1.50.00	Evicted & forest taken into possession
12	N/49 2019-20/ UPF / 10.92 HA	2.00.00 (T)	2.00.00	Evicted & forest taken into possession
TOTAL AREA OF 12 FORESTS: 222.27 HA		33.06.01	Area yet to be evicted in 8 forests N/6, N/7, N/21, N/30, N/31, N/32, N/34 and N/38, =02.55.01	

Pursuant to the approval of our Recommendations of Third Six Monthly Report by Hon'ble Supreme Court on 29th November 2019, work on fixation of RCC poles embedded 60 cm. in ground in cement concrete foundation,

suitably spaced and marked in green and yellow paint band has been taken up in hand in all **35 Undemarcated Protected Forests** included in approved Working Plan and each forest having a Compartment History File. **Certainly, this intervention will go a long way to prevent further encroachments in these hitherto neglected forests which never got same attention as was given to Reserve and Demarcated Protected Forests. Eventually it will be possible to ensure regeneration and better stocking of these 35 forests.**

2.5 ANALYSIS OF RESULTS OF 100% ENUMERATIONS IN STANDARD DIAMETER CLASSES AND FLORISTIC COMPOSITION FOREST WISE

At the very outset it was decided by the Monitoring Committee, that in view of the ban imposed on fellings of trees from 12th December 1996 onwards as per Orders of Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995, it will be absolutely essential to plan Silvicultural Markings only after an exact assessment of growing stock in standard diameter classes but more importantly floristic composition of each approved forest to evaluate how growing stock and floristic composition have changed over time after a moratorium on green fellings and virtually a dormant phase of forestry operations over two decades.

Therefore, it was decided that 100% Enumerations in all approved forests will have to be completed though it was a very laborious and arduous fieldwork.

During 2019-20, work of carrying out 100 % Enumerations in 53 approved forests having an area of 1553 ha has been approved. Results of 100%.

Enumerations completed in 40 forests have already been included in **Annexure 2.3** of Third Six Monthly Report submitted on 30th August 2019. Therefore, results of 100% Enumerations for only 13 forests have been now included in **Annexure 2.2** of Fourth Six Monthly Report.

In order to have an overall actual assessment of growing stock of different species in standard diameter classes based on 100% Enumerations, **floristic composition** of 13 forests has been analyzed in **Annexure 2.3**.

2.6 ANALYSIS OF RESULTS OF SILVICULTURAL MARKINGS DURING 2019-20

During 2019-20, Silvicultural Markings were to be completed in 38 forests comprising an area of 1295 ha.

Being a huge workload, it was not possible to complete Silvicultural Markings before 15th September 2019, particularly a much heavier workload of 34 approved forests in Nurpur Forest Range.

Results of Silvicultural Markings of 36 forests have been tabulated in **Annexure 2.4**.

2.7 RESULTS OF REGENERATION SURVEYS CARRIED OUT IN OCTOBER 2019 AND NEXT STEPS

The success of forest regeneration is an essential component in sustainable forest management. Its accurate and timely assessment, usually done by field surveys, constitutes an integral part of Scientific Forest Management. Accordingly, Guidelines of the approved Methodology adopting **Line-Plot System of Cruising** under Systematic Sampling for carrying out Regeneration Surveys were approved in **Annexure 2.9** of Third Six Monthly

Report submitted on 30th August 2019. Clearly, in forests which have been felled and fenced, Regeneration Survey has to be carried out. Key requirements of the Methodology were as follows:

- Regeneration Survey data will be evaluated on an objective scale to determine the regeneration status in a compartment in three categories viz: Regeneration percentage figures being for three categories:
 - **Good (71-100)**
 - **Adequate (41-70)**
 - **Deficient (0-40)**
- For coppice regeneration, survey will be based on complete enumeration (100 % counting of trees felled and stumps having coppice);
- Similarly in artificial regenerated forests , 100% checking of the tall plants planted will be undertaken and survival percentage will be calculated;
- Regeneration Survey has to be carried out in the month of April every year and has to be repeated again in October to assess survival rate of nursery raised tall plants, coppiced shoots and recruits.

It is a matter of satisfaction that during October 2019, a successful beginning has been made to carry out Regeneration Surveys in 13 approved forests which were felled in 2018-19 and results are tabulated in **Annexure 2.7**.

At this initial stage of this fieldwork, key findings and take aways are:

- At present natural regeneration from seed origin seems to be Deficient but the real picture would emerge once newly emerged recruits will

grow and develop into sapling and contribute significantly towards scoring index.

- Natural regeneration (Coppice origin) has been found to be **Adequate** in few forests and **Good** in many forests
- Artificial regeneration (Planting) has been found to be **Good** in most of the forests; in some forests, survival rate was even 100%.
- Results of Regeneration Survey (i.e. Regeneration percentage) should be given against Column of regeneration in CHF instead of ocular assessment.

2.8 FENCING COMPLETED IN 2019 AND FORESTS APPROVED FOR FENCING IN 2020

2.8.1. Approved Cost Norms for RCC Fencing

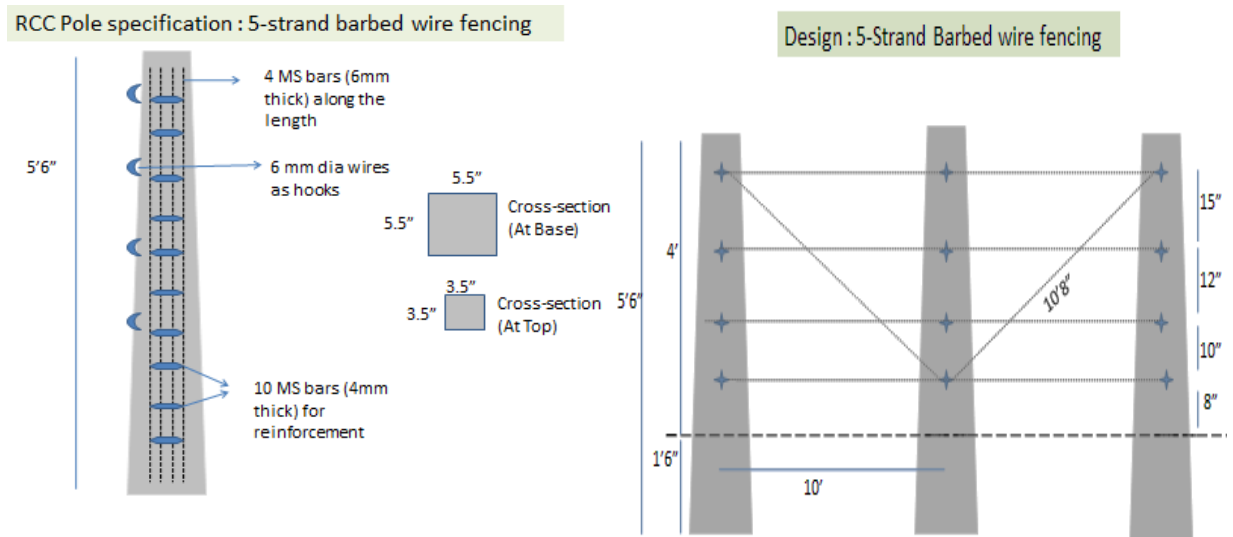
The Monitoring Committee is ensuring that in all forests where fellings have been completed, as well as under stocked/ degraded forests approved for recuperation, fencing with 5 strands of barbed wire with RCC poles must be undertaken for strict compliance of the stipulation laid down by Hon'ble Supreme Court as follows:

PAGE 10 PARA 9 Stipulation no. "6. It should also be ensured that these forest areas are kept free from grazing and are protected;"

In order to comply with the specifications of barbed wire fencing of the desired standards as proposed by the Monitoring Committee, revised new cost norms for fencing of Experimental Silviculture Forests with five-strand barbed

wire- V design with RCC fence poles have been approved by Government of HP on 16th September 2019, with the following specifications for erection:

Fig 2.2: Approved Design of Five Strand Barbed Wire Fencing with RCC Fence Poles



- Number of RCC poles per hectare is now 80 (as compared to 50 earlier).
- The per hectare cost norm is now Rs. 78,100 (as compared to Rs. 30,000 odd earlier)
- Carriage from Range to fencing site has also been accounted for.
- Numbering of RCC poles by paint has been made mandatory in all fenced forests, to minimize any attempt for misappropriation in number of poles.

2.8.2. Completion of Fencing in 2019-20

In **Annexure 2.7** of our Third Six Monthly Report submitted on 30th August 2019, we had approved **28** forests comprising an area of 626 ha. for fencing to be completed before rainy season of 2019. However, mainly because of

delayed budget allocations and very much delayed approval of revised cost norms on 16th September 2019 and subsequent procurement formalities of RCC poles etc., the actual completion of RCC barbed wire fencing of only **16** approved forests comprising an area of 323 ha. , had been possible, meaning that only around 50% of work of fencing work will get completed in 2019-20 in approved forests. (Kindly see **Annexure 2.6 A**)

Fencing always precedes planting operations. Unfortunately except Bharari Forest Range, (2 forests), in the remaining 14 forests fencing works have been done after the planting season. In Nurpur Forest Range fencing works have commenced very late from December 2019 and work is in progress right now as has been seen by us during inspections in January 2020 in 9 forests where planting was completed in July 2019.

2.8.3. Forests Approved for Fencing in 2020-21

In **Annexure 2.6 B**, we have given details of **45** forests approved for closure and fencing in 2020-21 into three categories as shown in different shades:

4 Left over forests already felled in 2018-19 approved for fencing

29 forests approved for felling and extraction in 2019-20

12 Degraded low volume Recuperation forests approved for fencing and enrichment planting.

In all three Forest Ranges, these 45 approved forests must be fenced from April to June end 2020.

Keeping in view the urgency and the need to ensure timely completion of closure and fencing of 45 forests in 2020-21, under the Experimental

Silviculture Felling Programme, it would be expedient that Senior Forest Officers should carry out the physical inspection of forests in the first fortnight of April 2020. In order to ensure that status of compliance of various approved interventions is reported properly, a new checklist is being prescribed.

In the first fortnight of May 2020, the Monitoring Committee will inspect these forests on spot to verify actual compliance of fencing and preparedness for planting operations in July 2020.

2.9 TIME TABLE FOR IMPLEMENTATION OF SILVICULTURE FELLINGS AND RELATED INTERVENTIONS

All forestry operations demand timely execution of sequential field operations, particularly Enumerations, Silvicultural markings, fellings/ extraction operations followed by post felling interventions like closure and fencing in a time bound manner, **regardless of budget and other administrative bottlenecks/constraints as experienced in 2019.**

During the course of our monitoring and repeated field inspections for two years, (Kindly see **Annexure 2.9**) we have come to the conclusion that unless a time table for field interventions is in place for **rigid compliance**, it will be totally a futile exercise to carry out Silvicultural Fellings. Undoubtedly, interventions of closure and fencing have to commence immediately after fellings are completed for ensuring Regeneration.

Therefore in the above context and our first-hand knowledge of field realities, we have worked out a stage wise Implementation Time Table, which can be

seen as **Annexure 2.8**. The proposed Time Table is having clearly defined interventions to be carried out according to a month wise implementation time frame in three distinct periods for the guidance of all implementing agencies:

1. PRE FELLING OPERATIONS IN PRECEDING YEAR

2. OPERATIONS IN THE YEAR OF FELLING

3. POST FELLING OPERATIONS IN SUCCEEDING YEAR

It is absolutely essential that hereafter all Silvicultural Felling operations including thinning and other cultural operations in forests prescribed for felling under approved Working Plan must be carried out in accordance with the proposed Time Table spread over three years subject to the compliance of following prescribed basic prerequisites on ground:

1. Boundary Pillars should be in position and area as given in Compartment History File is crosschecked with GPS Latitude /Longitude readings.
2. Forest should be free from any encroachment /illegal occupation.
3. The legal status of forests is authenticated in Revenue Records-Reserve, DPF or UPF mentioning name and total area of the forest.
4. Funding has to be ensured particularly for post felling operations in succeeding year within the month of April so that there is enough time to plan and execute works, particularly closure and fencing works.
5. As an example, for a forest prescribed for felling in 2021-22, all pre-felling operations will have to be completed in 2020-21 and likewise all post felling operations will be completed in 2022-23.

2.10 WORKING RESULTS OF HIMACHAL PRADESH STATE FOREST CORPORATION (HPSFDC)

2.10.1. Compliance of Stipulation

Hon'ble Supreme Court in its initial order of 16th February 2018, while permitting monitored silviculture felling of trees, had clearly stipulated as follows:

Para 9 Condition 1. "The felling should be done directly by the Forest Department or by the Himachal Pradesh State Forest Corporation and the work of felling should not be handed over or given on contract to any private agency;"

Accordingly, felling and extraction operations in all approved forests under Experimental Silvicultural Felling programme have been successfully executed by HPSFDC in close collaboration with the Monitoring Committee and at the working level with field staff of HPFD.

2.10.2. Working Practicalities: In accordance with the existing instructions, the working period allowed for working of a lot in relation to the quantum of the standing volume is as follows:-

Table 2.2 Working Period of a Lot

Standing Volume of a Lot in Cubic Metres(c.u.m)	Working Period Allowed
Lot having standing volume up to and including 2832 c.u.m.	1 Year
Lot having standing volume of 2833 to 8496 c.u.m.	2 Years
Lot having standing volume of 8497 to 16992 c.u.m.	3 Years

2.10.3. Estimated Total Workload of Felling and Extraction in Two Years:

Details of standing volume Of 38 forests handed over to HPSFDC during 2019-20 are given in **Annexure 2.10**. The total standing volume of Silvicultural markings in two years is **30,936 c.u.m.**, as would be seen from the table given below:

Table 2.3 Abstract of Standing Volume for Felling and Extraction in Two Years

FOREST RANGE	STANDING VOLUME FELLED (c.u.m.) 2018-19	STANDING VOLUME TO BE FELLED (c.u.m.) 2019-20	TOTAL STANDING VOLUME FOR TWO YEARS
NURPUR	359	6,063	6,422
BHARARI	3,281	1104	4,385
PAONTA AND BHAGANI	6,551	13,578	20,129
TOTAL	10,191	20,745	30,936

- **2018-19:** During the first year, only 10,191 **c.u.m. (33% of total workload)** has been already felled and converted spread over 16 forests.
- **2019-20:** During the second year of working, the quantum of workload has almost doubled and a standing volume of 20,745 **c.u.m. (67%of total workload)** spread over **38** forests has been handed over for felling and extraction to HPSFDC (**Annexure 2.10**). Forests were required to be handed over to HPSFDC by **15th September 2019**. However, due to frequent shifting of Marking Officers in Nurpur Forest Range and very heavy workload in Paonta Forest Range, the actual status of handing of **38** forests to HPSFDC is as follows:

- Forests handed over before 15th September 2019: **28**
- Forests handed over after 15th September 2019 upto October 2019 end: **7**
- Forests handed over during November: **3**

MD HPSFDC has assured that in 33 forests, felling and extraction works will be completed by 31st March 2020. However, in case of the following 5 forests handed over late and having huge standing volume, operations of felling and extraction are likely to be completed earliest **by September 2020.**

Table 2.4 Forests Handed Over beyond Prescribed Date of 15th September 2019.

FOREST RANGE)	FOREST CODE	DATE OF HANDING OVER TO HPSFDC	TOTAL STANDING VOLUME FOR FELLING (c.u.m.)
NURPUR	N/25	28.11.2019	3381
	N/26	8.11.209	345
	N/29	28.11.2019	371
PAONTA	P/6	19.9.2019	2764
	P/7	5.10.2019	5060
TOTAL	5 FORESTS		11,921

It is quite evident from the above Table that during 2019-20, out of a total standing volume of **20,745 c.u.m.** already handed over to HPSFDC; about **57** % of the total standing volume has been handed over after the prescribed date of 15th September 2019.

2.10.4. Impact of Experimental Silviculture Felling Programme on the Working of HPSFDC

In Himachal Pradesh a ban was imposed on green fellings from 12th December 1996 onwards as per Orders of Hon'ble Supreme Court in Writ Petition(Civil) No. 202 of 1995. However, because of ongoing monitored fellings under Experimental Silvicultural Felling Programme, there is a marked increase in capacity utilization of Himachal Pradesh State Forest Development Corporation, with a distinct shift from salvage removals to green fellings. An effort has been made in. to illustrate the financial implications of workload in terms of royalty payable of standing trees to HPFD, taxes (GST 18%, TDS 2.5 % and Market Fee 1%) payable and gross turnover of converted produce from these lots. Noticeable upswings are as follows:

2018-19: The royalty amount payable in 2018-19 was Rs One Crore Sixty Nine Lakhs and gross sale amount of converted produce was Rs Twenty Two Crores and Twenty Eight Lakhs. The amount of taxes payable on sale of produce was Rs Four Crores and Three Lakhs (**Annexure 2.11.A**)

2019-20: Because of a much heavier workload during the second year. royalty amount payable is estimated to go up to Rs Six Crores and Twenty Two Lakhs and likewise gross sale amount of converted produce is estimated to go up to Rs. Seventy Six Crores and Fifty Six Lakhs. The amount of taxes payable on sale of produce would be Rs Thirteen Crores and Fifty Four Lakhs (**Annexure 2.11.B**). Projections of sale of converted produce are estimated and actual figures are subject to variation depending on market trends.

PART THREE - RECOMMENDATIONS FOR APPROVAL BY HON'BLE SUPREME COURT

CONTEXT

It has been made amply clear already in Part One of this Report that Hon'ble Supreme Court has accepted a slew of our inter-related technical Recommendations, made in earlier three Six Monthly Reports, and accordingly field operations are being regulated. Consequently the present stage of implementation of Experimental Silviculture Felling Programme, presents an optimistic scenario to carry forward this task in the overall context of our efforts for putting in place enabling field interventions to revive Scientific Forest Management. However, even at this stage, a lot of fieldwork has yet to be done to complete all remaining approved interventions in a time bound manner for successful completion of this challenging field exercise and much less a task to be completed in offices. Moving on, we have synthesized pending matters and Recommendations bunched as under in three sections for approval by Hon'ble Supreme Court:

3.1 ANALYSIS OF ALREADY APPROVED 31 RECOMMENDATIONS

3.2 APPROVAL OF PENDING MATTERS

3.3 NEW RECOMMENDATIONS OF FOURTH SIX MONTHLY REPORT

3.1 ANALYSIS OF ALREADY APPROVED 31 RECOMMENDATIONS

Hon'ble Supreme Court has already approved our 31 Recommendations so far comprising essentially on site verifiable benchmarks and

prerequisites for revival of prescribed forestry activities of vital significance to reinitiate Scientific Forest Management. In the Analysis of Recommendations **(Annexure 3.1)**, it will be seen that out of 31 approved Recommendations, 13 pertain to Experimental Silviculture Felling matters and 18 pertain to Revival of Scientific Forest Management at macro level. **Clearly, through the implementation of Experimental Silviculture Felling Programme, a foundation has been laid for operationalizing a package of time bound interventions in field to revive Silvicultural Fellings in Himachal Pradesh after a moratorium on green fellings and virtually a dormant phase of forestry operations over two decades.**

3.2 APPROVAL OF PENDING MATTERS

3.2.1 FIRST RECOMMENDATION: APPROVAL OF HONORARIUM FOR SECOND MEMBER OF MONITORING COMMITTEE

Order of Hon'ble Supreme Court dated 16th February 2018 in IA 3840, particularly paragraphs 8 and 11 read as follows:

Paragraph 8. "This entire programme of experimental silviculture felling shall be done under the supervision and guidance of a two-Member Committee headed by Shri V.P. Mohan, IFS (Retd.), former Principal Chief Conservator of Forests, Himachal Pradesh. The second member of this Committee shall be nominated by the Vice Chancellor, Dr. Y.S. Parmar University of Horticulture and Forestry, Nauni, Solan, Himachal Pradesh. The second Member shall be a Professor of Silviculture."

Paragraph 11. “The Committee should submit its report to this Court every 6 months. The State of Himachal Pradesh shall provide all facilities to the Committee including transport and boarding facilities. The remuneration to be paid to the **members** of the committee shall be determined when the committee submits its report.”

On 7th September 2018, pursuant to the submission of First Six Monthly Report, Hon’ble Supreme Court has only approved the payment of honorarium to Chairperson as follows:

“With regard to the remuneration to be paid to the Chairperson of the Committee, he may be paid an honorarium equal to his last drawn pay minus the pension. In addition, thereto, he may be paid 15% extra. The amount be paid by the State Government. “

It needs to be pointed out that Dr. D.R. Bhardwaj, Principal Scientist (Silviculture), Department of Silviculture & Agroforestry; Dr. Y.S. Parmar University of Horticulture and Forestry, Nauni, Solan, Himachal Pradesh is working as a Second Member of this Monitoring Committee right from 26th February 2018, in addition to his own duties.

1 FIRST RECOMMENDATION

It is recommended that the matter relating to payment of honorarium to Dr. D. R. Bhardwaj, as deemed appropriate for his additional duties, in addition to his own duties from 26th February 2018 onwards may also be approved by Hon’ble Supreme Court.

3.2.2 SECOND RECOMMENDATION: APPROVAL OF 13 PENDING RECOMMENDATIONS OF SECOND SIX MONTHLY REPORT

With regard to **13** pending Recommendations (mainly relating to STRATEGIC ACTION PLAN FOR MITIGATION OF PERMANENT LOSS OF FOREST COVER IN HIMACHAL PRADESH) of Second Six Monthly Report submitted on 15th February 2019, a note has already been submitted by learned Amicus Curie to Hon'ble Supreme Court on **22 August 2019** as follows:

“The Recommendations which are yet to be approved by this Hon'ble Court are:

1. The Monitoring Committee recommends that all incumbents who have worked as Territorial Conservators in Nahan Forest Circle from 2013-14 onwards should be held accountable for not preparing the Preliminary Working Plan Report on time.

(Page 62 of the Monitoring Committee Report)

2. The Monitoring Committee, after extensive consultations with field officers has finalized a priority wise time table for the execution of Subsidiary Silvicultural Operations (SSO), so that financial investments are usefully made to carry forward these interventions in a planned manner.

(Page 63 of the Monitoring Committee Report)

3. In future affidavit as proposed has to be filed in Hon'ble Supreme Court only after personal inspection by HOFF”

(Pages 78 and 79 of the Monitoring Committee Report)

4. Within one year, i.e. 2019-20, all forests must have boundary pillars in position. Non-existence of boundary pillars leads to a very anomalous situation and a great hindrance in protection of forest wealth from encroachments and illicit fellings.

At the soonest the process of authentication of legal status of forests in revenue records by mutation should be got done by the State Government.

(Pages-82-83 of the Monitoring Committee Report)

5. Pillar 2-Undoubtedly, the State Government has to ensure completion of the present backlog of 15 working plans in the shortest possible time in 2019-20 by strengthening working plans wing.”

(Page 84 of the Monitoring Committee Report)

6. As regards the cadre of 801 Deputy Rangers, presently being manned by through 100% promotion quota, there is a need to reintroduce direct recruitment pattern to infuse young talent.

(Page 85 of the Monitoring Committee Report)

7. Box 3.7 Enquiry in Nachan Forest Division to investigate how and under what compulsions, approvals have been given under FRA 2006 by violating all professional stipulations.

(Page 98 of the Monitoring Committee Report)

8. Hon’ble Supreme Court may approve our proposal of getting technical issues examined relating to adverse impact of diversions and fragmentation of forest habitats, by the following three experts:-

1. Dr. Devendra Pandey, Ex D G (Forest Survey Of India)
2. Dr. Ruchi Badola, Scientist G and Head, Department of Eco Development and Participatory Management, Wildlife Institute of India, Chandrabani, Dehradun
3. Dr. J. V. Sharma, Director, Forest and Biodiversity, the Energy and Resource Institute, New Delhi.”

(Pages 105-107 of the Monitoring Committee Report)

Note: Experts proposed in Recommendation No 8 will also address technical issues proposed in Recommendations No 9, 10 and 13.

9. The Monitoring Committee would like to point out that, it is a matter of interpretation whether the Rural Population in HP, where the rights of the people inclusive of all categories have already been settled, can be included in the definition of “forest dwelling scheduled tribes (as defined under definition (c) and other traditional forest dwellers (as defined under definition (o), who have been residing in such forests for generations but whose rights could not be recorded”,

Furthermore, the Act may probably require an interpretation or reading down by the Hon’ble Supreme Court whether the said provisions would apply to valuable slow growing coniferous forests like Fir, Spruce, Deodar, Kail and Chir pine as against the majority of tribal areas of India, where the forests involved are fast growing and hence replaceable

(Page 110 of the Monitoring Committee Report)

10. In view of the minimum time period required to complete all field activities, we recommend that the Monitoring Committee may be allowed to conclude this challenging professional work by 15th February 2021 by completion of final Six Monthly Report.

(Page 114 of the Monitoring Committee Report)”

2 SECOND RECOMMENDATION

It is recommended that aforementioned 13 Recommendations of Second Six Monthly Report may kindly be approved for addressing proposed interventions in tandem with on-going implementation phase of Interlocutory Application NO 3840 of 2014 in Writ Petition (CIVIL) NO 202 OF 1995.

3.2.3 URGENCY TO ENSURE COMPLIANCE OF PENDING MATTERS OF HON'BLE SUPREME COURT ORDERS OF 15TH APRIL 2019.

Hon'ble Supreme Court has approved 24 Recommendations of our Second Six Monthly Report on 15th April 2019.

Compliance has been ensured by HPFD/Govt in all matters, except 12 Recommendations where the present status of Action Taken Report of 30th January 2020 from HPFD has been given in **Annexure 3.2**.

3 THIRD RECOMMENDATION

On perusal of the present status of compliance, it is deemed necessary to point out that under mentioned five **prioritized core activities** although approved on **15th April 2019**, the present pace and extent of compliance need time bound action on a fast track mode as per our following Recommendations:

1. Boundary Pillars in Nurpur Forest Range: During our field inspection on 12th January 2020, we noticed that in N/41 and N/42 approved forests, even now loose stones Boundary Pillars were in position. Instructions were given at site that immediate action has to be taken to repair existing structure and filling/ plugging spaces between loose stones with cement mortar and plastering.

2. Strengthening Working Plans Wing to Complete Backlog of Revising 15 Expired Working Plans: The present slow pace of addressing all issues relating to Working Plans needs highest priority through revamping of the existing set up at the soonest and fixing time bound completion targets to complete expired Working Plans.

3. Authentication of Legal Status of Forests: The legal status of 65 approved forests has not been authenticated even now though orders were issued on 15th April 2019. At the earliest, to secure legal status of forests, action has to be taken as follows:

- 20 RESERVE FORESTS have to be authenticated in Revenue Records as RESERVE JUNGLE/ AARAKSHIT VAN;
- 10 DEMARCATED PROTECTED FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA MEHDUDA ;
- 33 UNDEMARCATED PROTECTED FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA;
- 2 COOPERATIVE SOCIETY FORESTS have to be authenticated in Revenue Records as JUNGLE MEHFUJA GAIR MEHDUDA.

4. Creation of Smaller Forest Beats: The pending proposal needs finalization to ensure that from beginning of 2020-21, smaller beats are in position definitely for effective patrolling and preventing encroachments in forest rich Territorial Circles of Chamba, Shimla, Kulu and Mandi including Great Himalayan National Park core areas.

5. Posting of IFS officers in Cadre Posts: Recommendations have been partially complied. Out of 23 Cadre Territorial Divisions, even now in 8 Cadre Territorial Forest Divisions, IFS Officers need to be posted at the soonest for ensuring the required level of technical control at the cutting edge level and to enable them to carry out their professional duties .

Hereafter, as a rule, if IFS officer is not available, only in that case a Non Cadre officer should be posted in a Cadre Post.

3.3 APPROVAL OF NEW RECOMMENDATIONS OF FOURTH SIX MONTHLY REPORT

3.3.1 APPROVAL OF PROPOSED NEXT STEPS TO CONCLUDE EXPERIMENTAL SILVICULTURE FELLING PROGRAMME in 2020-21

At the time of submitting our Fourth Six Monthly Report, the status of **work in progress** of major field operations is as follows:

- **FELLING AND EXTRACTION WORKS BY HP STATE FOREST DEVELOPMENT CORPORATION (HPSFDC):**

Only **33%** of total standing volume under Experimental Silviculture Felling has been extracted in 2018-19 from **16** forests and remaining **67%** standing volume in **38** forests has been handed over to HPSFDC for felling and extraction operations, likely to be completed by 31st March 2020 in **33** forests and in September 2020 in case of **5** forests, **handed over late and having huge standing volume**

- **CLOSURE AND FENCING OPERATIONS:**

During 2019-20, only **20%** of the total workload of fencing and closure in **16** forests has been done. Therefore, during 2020-21, a much heavier remaining workload of **80%** fencing and closure has to be completed in **45** forests, definitely before rainy season of 2020.

- **REGENERATION ASSESSMENT SURVEYS:**

During 2019-20, a beginning has already been made in carrying out Regeneration Survey in October 2019 in **13** forests comprising an area of 252 ha. We have assessed after our recent field inspections that out of a

total area of 65 approved forests comprising an area 2054 ha, it will be necessary to carry out Regeneration Surveys in **57** forests comprising an area of 1544 ha, after fellings and fencing during 2020-21, first once in April to be repeated second time again in October 2020.

4 FOURTH RECOMMENDATION

In view of the aforementioned major pending field works, yet to be completed in 2020-21, it is now evident that the Monitoring Committee can present conclusive result of Experimental Silviculture Felling Programme only after the completion of pending field works. Therefore, submission of two Six Monthly Reports may be approved; Fifth Six Monthly Report on 15 August 2020 and the Final Six Monthly Report to be submitted by 15 February 2021.

3.3.2 APPROVAL OF TIME TABLE FOR IMPLEMENTATION OF SILVICULTURAL FELLINGS AND RELATED INTERVENTIONS

Hon'ble Supreme Court, while approving and accepting **24** Recommendations of our Second Six Monthly Report has issued orders on 15th April 2019, in respect of Recommendation (Para 3.1, Page 75-76) as follows:

“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.”

All forestry operations demand timely execution of sequential field operations, particularly Enumerations, Silvicultural markings, fellings/

extraction operations followed by post felling interventions like closure and fencing in a time bound manner, **regardless of budget and other administrative bottlenecks/constraints as experienced in 2019.**

During the course of our monitoring and repeated field inspections for two years, (Kindly see **Annexure 2.9**) we have come to the conclusion that unless a time table for field interventions is in place for **rigid compliance**, it will be totally a futile exercise to carry out Silvicultural Fellings. Undoubtedly, interventions of closure and fencing have to commence immediately after fellings are completed for ensuring Regeneration.

Therefore in the above context and our first-hand knowledge of field realities, we have worked out a stage wise **Implementation Time Table**, which can be seen as **Annexure 2.8**. The proposed Time Table is having clearly defined interventions to be carried out according to a month wise implementation time frame in three distinct periods for the guidance of all implementing agencies:

1. PRE FELLING OPERATIONS IN PRECEDING YEAR

2. OPERATIONS IN THE YEAR OF FELLING

3. POST FELLING OPERATIONS IN SUCCEEDING YEAR

It is absolutely essential that hereafter all Silvicultural Felling operations in forests prescribed for felling operations including thinning and other cultural operations in forests prescribed for felling under approved Working Plan must be carried out in accordance with the proposed Time

Table spread over three years subject to the compliance of following prescribed basic prerequisites on ground:

1. Boundary Pillars should be in position and area as given in Compartment History File is crosschecked with GPS Latitude /Longitude readings.
2. Forest should be free from any encroachment /illegal occupation.
3. The legal status of forests is authenticated in Revenue Records- Reserve, DPF or UPF mentioning name and total area of the forest.
4. Funding has to be ensured particularly for post felling operations in succeeding year within the month of April so that there is enough time to plan and execute works, particularly closure and fencing works.
5. As an example, for a forest prescribed for felling in 2021-22, all pre-felling operations will have to be completed in 2020-21 and likewise all post felling operations will be completed in 2022-23.

5 FIFTH RECOMMENDATION

It is recommended that hereafter all Silvicultural Felling operations in forests prescribed for felling including thinning and other cultural operations under approved Working plan must be carried out in accordance with the proposed Time Table spread over three years subject to the compliance of aforementioned prescribed five basic prerequisites on ground.

3.3.3 APPROVAL OF EMPOWERING RANGE OFFICERS FOR COMPOUNDING OF FOREST OFFENCES IN APPROVED FORESTS UNDER IA 3840-EXPERIMENTAL SILVICULTURE PROGRAMME

Section 68 of the Indian Forest Act states that “*the State Government may, by notification in the Official Gazette, empower a Forest officer-*

- a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence (other than an offence specified in section 62 or section 63), a sum of money by way of compensation for the offence which such person is suspected to have committed, and*
- b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer”.*

In this context, Government of Himachal Pradesh, in notification dated **05.05.2010 (No. FFE-B-A (3)-3/2010)** had empowered all the Range Officers to compound forest offences and to accept compensation and/or release the seized property. The cases where compounding is not to be done have also been spelled out clearly in the same notification. The provision of compounding has been restricted only to petty offenses (lopping, grazing, bonafide use etc.).

However in **CWPIL No. 8 of 2015 (A/W CWP No. 4888 of 2015)**, the Hon’ble High Court of HP had restrained the forest officers from compounding the forest offence(s).

Since the compounding has been restrained, even a petty case of felling of a class V pole or excessive lopping, where the offender is willing to pay compounding fee for the damages, needs to be challaned in Court (either directly or through police). Due to lack of evidence in most of the forest cases as well as lack of competence of the staff in court challaning, conviction rates are abysmally low. At the end of it, neither does a petty offender pays compounding fee, nor is he convicted.

It has been brought to our notice during our inspections that the interpretation of restraining Range Officers for compounding petty offences has become counterproductive and needs to be reviewed. Therefore, it is necessary that Range Officers should be empowered to compound forest offences, accept compensation and / or release the seized property, only in the following cases of **petty offences**:

- Where illicit felling of trees has been done to meet the bonafide domestic requirements.
- Offence where the amount of forest produce is less than rupees **ONE LAKH**.
- Illicit lopping/illicit grazing
- Weak cases lacking in evidence and subsequently rendered un-fit for challan shall be compounded after examination by Divisional Forest Officer on advice of concerned District Attorney.

- In certain situations, compounding may be allowed to be done at double rates (offenses after sunset/ before sunrise/ in Reserve forest/ resisting action etc.).

6 SIXTH RECOMMENDATION

It is recommended that in all forests under IA 3840 where fencing has to be done after Silvicultural Fellings or for undertaking enrichment plantings in case of degraded forests and maintenance has to be carried out for seven years till regeneration is fully established, Range Officers should be empowered to compound above referred petty offences where the amount of forest produce is less than rupees ONE LAKH.