

**FIFTH AND FINAL REPORT OF THE MONITORING
COMMITTEE CONSTITUTED BY HON'BLE
SUPREME COURT**

MAIN REPORT AND ANNEXURES



**RELATING TO INTERLOCUTORY
APPLICATION NO 3840 OF 2014
IN WRIT PETITION (CIVIL) NO. 202 OF 1995**

30 APRIL 2021

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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
cu.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 would like to express its gratitude to Hon'ble Supreme Court for having entrusted us a challenging professional work of supervising and monitoring the planning and providing guidance for the implementation of the entire programme of Experimental Silvicultural Felling operations confined mainly to four species, namely Sal, Chirpine, Khair and Eucalyptus in 65 approved forests comprising an area of 2054 ha. spread out in four selected Forest Divisions and five Forest Ranges in Himachal Pradesh from February 2018 to April 2021.

Pursuant to completion of practically all major interventions in the field, we have now finalized our Fifth and Final Report.

We are confident that our efforts to develop a Methodology based on actual results of pilot scale field interventions carried out after 25 years of ban on green felling with maximum thrust for ensuring **regeneration** has laid a foundation for moving forward towards future action plans for scaling up Silviculture felling operations through operationalization of much needed Scientific Forest Management in Himachal Pradesh.

While taking into account the latest Order of Hon'ble Supreme Court dated 15th February 2021, we have also examined the contents of Interlocutory Application No. 87648 filed on 7th September 2020 seeking approval of Hon'ble Supreme Court to carry out silviculture felling of Khair (*Acacia catechu*) trees in the forests of the State in accordance with the approved Working Plans.

The Committee would like to thank functionaries of HPFD at all levels led by Dr. Savita Sharma IFS, PCCF, Head of Forest Force, and (HoFF), for complete support and close collaboration with 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 our Fifth and Final 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.

30th April 2021

SUMMARY OF RECOMMENDATIONS FOR APPROVAL

RECOMMENDATIONS RELATING TO IA NO.3840 OF 2014 EXPERIMENTAL SILVICULTURE FELLING PROGRAMME

1

1 FIRST RECOMMENDATION: APPROVAL OF HONORARIUM FOR 3.1.1 SECOND MEMBER OF MONITORING COMMITTEE

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: APPROVAL OF 13 PENDING 3.1.2 RECOMMENDATIONS OF SECOND SIX MONTHLY REPORT

It is recommended that out of aforementioned 13 pending Recommendations of Second Six Monthly Report, Recommendation No. 9 regarding applicability of "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)" is a matter of interpretation and may kindly be examined relating to Interlocutory Application NO 3840 of 2014 in Writ Petition (CIVIL) NO 202 OF 1995.

The Monitoring Committee, in its Second Six Monthly Report submitted on 15th February 2019 has already recommended at page 111(Para3.4.6 Volume 1) as follows:

"4. Hereafter all cases of diversion of forest for non-forestry purpose should be processed only under FCA regulations."

In Chapter 4 of Hand Book on Guidelines and clarifications issued by MoEF&CC for smooth application of provisions of FCA 1980, the Central Government has agreed to accord general approval under the Forest Conservation Act, 1980 for not more than one hectare of forest land, in each case, for creation of critical development and security related infrastructure comprising of 15 categories.

3 THIRD RECOMMENDATION: COMPLIANCE OF PENDING 3.1.3 MATTERS OF HON'BLE SUPREME COURT ORDERS OF 15TH APRIL 2019

On perusal of the present status of compliance, it is deemed necessary to point out that under mentioned three 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. Strengthening Working Plans Wing to Complete Backlog of Revising 15 Expired Working Plans: (S.No. vii and xv)

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.

2. Authentication of Legal Status of Forests: (S.No. xiv)

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.

3. Creation of Smaller Forest Beats: (S.No. xvi)

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

4 FOURTH RECOMMENDATION: APPROVAL OF PROPOSED 3.1.4 REGENERATION STRATEGY AND METHODOLOGY TO CARRY OUT REGENERATION ASSESSMENT SURVEYS

It is recommended that the proposed Regeneration Strategy may be approved. Regeneration Surveys should be carried out in 57 forests comprising an area of 1544 ha, after fencing is completed during 2021-22 except N/25, first once in April-May to be repeated second time again in October 2021, as per Guidelines and Methodology of Assessment of Regeneration in our Third Six Monthly Report. (Para 2.11, pages 60-62 and ANNEXURE 2.9) submitted on 30th August 2019.

5 FIFTH RECOMMENDATION: APPROVAL OF TIME TABLE FOR 3.1.5 IMPLEMENTATION OF SILVICULTURAL FELLINGS AND RELATED INTERVENTIONS

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 the following prescribed five basic prerequisites on ground:

- Boundary Pillars should be in position and area as given in Compartment History File is crosschecked with GPS Latitude /Longitude readings.*
- Forest should be free from any encroachment /illegal occupation.*
- The legal status of forests is authenticated in Revenue Records- Reserve, DPF or UPF mentioning name and total area of the forest.*
- 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.*
- As an example, for a forest prescribed for felling in 2022-23, all pre-felling operations will have to be completed in 2021-22 and likewise all post felling operations will be completed in 2023-24*

**6 SIXTH RECOMMENDATION: APPROVAL FOR ENFORCING 3.1.6
REVAMPED SYSTEM OF MANDATORY MONITORING THROUGH
FIELD VERIFICATIONS**

In order to ensure the continuity and the desired intensity of regular field inspections of 65 approved forests under Experimental Silviculture Fellings Programme, it is recommended that a Revamped System of Mandatory Inspections as an institutional mechanism should be put in place by the Govt/Principal Chief Conservator of Forests to ensure regular monitoring of the interventions already completed.

**7 SEVENTH RECOMMENDATION: APPROVAL OF EMPOWERING 3.1.7
RANGE OFFICERS FOR COMPOUNDING OF FOREST OFFENCES IN
APPROVED FORESTS UNDER IA 3840-EXPERIMENTAL
SILVICULTURE PROGRAMME**

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

**RECOMMENDATIONS RELATING TO IA NO.87648 OF 2020
APPROVAL FOR SILVICULTURE FELLING OF KHAIR TREES IN HP**

2

**8 EIGHTH RECOMMENDATION: APPROVAL FOR SILVICULTURAL 3.2.2
FELLINGS INCLUDING THINNINGS UNDER KHAIR OVERLAPPING
WORKING CIRCLE FOR 3 FOREST DIVISIONS NAMELY; BILASPUR,
UNA AND NALAGARH,**

It is recommended that the approval may be given for Silvicultural fellings including thinnings under Khair Overlapping Working Circle permissible for the following 3 Forest Divisions namely; Bilaspur, Una and Nalagarh having approved Working Plans. It is also recommended that the sequence of field operations should broadly follow Implementation Time Table given as ANNEXURE 3.2 (Recommendation No 5).

PART ONE – BACKGROUND

1.1 TERMS OF REFERENCE- OUR MANDATE

In our Fifth and Final Report being submitted on 30th April 2021, we have taken into account the latest Order of Hon’ble Supreme Court dated 15th February 2021 reproduced as follows:

“I.A. No. 87648 of 2020: The aforesaid I.A. is to be adjourned for 12 weeks. The Committee appointed vide order dated 16th February 2018 may examine the contents of this I.A while filing its further report regarding result of Silviculture operations already undertaken.”

1.1.1 FIFTH AND FINAL REPORT RELATING TO I.A. No. 3840 of 2014

In our Fifth and Final Report relating to I.A. No 3840(Experimental Silvicultural Fellings Programme), we have made an effort to summarize our findings and Recommendations relating to execution of all approved interventions particularly **“Ensuring Enabling Conditions for Regeneration”** to ensure compliance of all directions in initial orders of Hon’ble Supreme Court dated 16th February 2018 as given in **Annexure 1.1.**

More specifically, Hon’ble Supreme Court vide its order dated 16th February 2018, while permitting monitored Experimental Silviculture felling to a limited extent, has laid special emphasis at **PAGE 8 PARA 9** on the following stipulations:

“Felling of trees in India has been banned for more than two decades. We are of the view that on an experimental basis we may permit silviculture felling of trees to a very limited extent and such felling should be monitored very carefully to see whether such silviculture felling actually helps in the regeneration of forests or not.”. Accordingly, we have steered the whole exercise to address the aforementioned mandate. It can be reported conclusively now that after carrying out silviculture felling and for ensuring adequate regeneration /restocking of a felled forest to its full potential, complete reliance on rather slow and uncertain pace of natural regeneration is rather risky. Therefore, natural regeneration has to be supplemented with nursery grown tall plants of principle species.

1.1.2 EXAMINATION OF CONTENTS RELATING TO I.A. No. 87648 of 2020

In addition, we have also examined the contents of Interlocutory Application No. 87648 filed on 7th September 2020 seeking approval of Hon’ble Supreme Court as follows:

“Allow the State of Himachal Pradesh to carry out silviculture felling of Khair (*Acacia catechu*) trees in the forests areas of the State in accordance with the approved Working Plans”

We have examined the contents of I.A. No. 87648 and our Recommendations are given in PART THREE of the Report under paragraph 3.2.

1.2 KEY TAKEAWAYS AND OUTPUTS FROM FOUR 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. Accordingly, we have submitted four Six Monthly Reports; first on 15th August 2018, second on 15th February 2019, third on 30th August 2019, and Fourth on 15th February 2020 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.

OUTPUTS FROM FOURTH SIX MONTHLY REPORT:

The Fourth Six Monthly Report was submitted on 15th February 2020. However, due to delay in its approval so far, we have incorporated its key findings and Recommendations for approval in our Fifth and Final Report.

1.3 STRUCTURE OF THE REPORT

This being our Final Report, we have incorporated conclusive results of implementation efforts so far and a future road map to address next

steps in our final Recommendations.

The Report is structured as follows:

First Part comprises the main text of the report and contains mainly synthesis of findings, ***Summary of 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 completion of approved interventions
- **Part Three** contains our **Final Recommendations**; firstly pertaining to IA No 3840(Experimental Silviculture Felling Programme) and secondly in respect of IA No. 87648 of 2020. (Silviculture Fellings in Khair Forests.)

Second Part comprises Annexure(s) and tabular formats forming the basis of our conclusions.

In addition to **eight hard copies** being sent through speed post to Hon'ble Supreme Court, a soft copy of the Report (PDF) is being emailed to Branch Officer, (PIL (Writ) of Hon'ble Supreme Court.

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 LATEST PROGRESS OF COMPLETION OF MAJOR FIELD OPERATIONS UNDER EXPERIMENTAL SILVICULTURAL FELLING PROGRAMME

The latest progress of completion of the following five major field operations under the Experimental Silvicultural Fellings Programme 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 cu.m.** of which only **10,191 cu.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 **cu.m. (67%)** has been handed over to HPSFDC. Initially it was estimated that felling and extraction operations of this huge standing volume in **38** forests will get 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 **cu.m.** in three forests. However, due to COVID 19 pandemic, there was disruption of normal operations and consequent delays. Resultantly HPSFDC has reported that in 8 forests namely N/13, N/16, N/25, N/26, N/29, N/32, N/43 and N/46 of Nurpur Forest Range, felling and extraction operations could not be completed before planting season of 2020. Details of these 8 forests can be seen in table **2.4** under paragraph 2.2.3

D STATUS OF FENCING AND PLANTING 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 was 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 was possible to complete fencing and planting only in **16** forests comprising an area of 322 ha. **(20%)**. During 2020-21, the progress of fencing and planting operations has been given under subsequent paragraph 2.2.3.

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%)**. However, for 2021-22, it is recommended that that Regeneration Survey should be carried out in 57 forests comprising an area of 1544 ha. **(86%)**.

2.2. KEY APPROVED INTERVENTIONS REQUIRING FOLLOW UP ACTION FOR COMPLIANCE

2.2.1. Authentication of Legal Status of Approved Forests in Revenue Records

We would like to report that the total area of 65 approved forests under Experimental Silviculture Programme is 2054 ha. and the breakup of area of forests under legal classification is as follows:

Table 2.1 Abstract of area of 65 Approved Forests as per Legal Classification

FOREST RANGE	FOREST AREA (HA.)	NO. OF FORESTS	RF	DPF	UPF
BILASPUR FOREST DIVISION					
1. BHARARI FOREST RANGE	73	5	-	5	-
NURPUR FOREST DIVISION					
2. NURPUR FOREST RANGE	1609	50	10	5	35
PAONTA FOREST DIVISION					
3. PAONTA, FOREST RANGE	285	8	8		
4. BHAGANI FOREST RANGE	25	1	1		
NAHAN FOREST DIVISION					
5. JAMTA FOREST RANGE	62	1	1		
TOTAL WORKLOAD	2054	65	20	10	35

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

2.2.2. Vacation of Encroachments/ Illegal Habitations

In Nurpur Forest Range, out of 50 forests approved under Experimental Silviculture Felling Programme, there are 12 Undemarcated Protected Forests where we had found encroachments/ illegal habitations. The latest status of encroachment cases is as follows:

Table 2.2 Status of Encroachments/ Illegal Habitations in 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)	LATEST STATUS OF ACTION TAKEN
1	N/6 2018-19 / UPF / 23.88HA	2.00 (T) 0.58 (P)	2.00	Temporary encroachments stand evicted and forest taken back into the possession. Area under encroachment of permanent nature has been challaned under HP Public Premises and Land (Eviction& Recovery) Act, 1971 for trial. One other allotment done before Settlement of 0.76.00 ha cannot be evicted..
2	N/7 2018-19 / UPF/ 50.58 HA	3.00(T) 0.51.37(P)	3.00	Temporary encroachments stand evicted and forest taken back into the possession. Area under encroachment of permanent nature has been challaned under HP Public Premises and Land (Eviction& Recovery) Act, 1971 for trial. One other allotment done before Settlement of 1.40.60 ha cannot be evicted
3	N/21 2019-20/ UPF/ 10.92 HA	3.00 (T) 0.01.20 (P)	3.00	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 (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	Evicted & forest taken into possession
6	N/32 2019-20/ UPF/ 42.89 HA	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 (T) 0.50 (P)	10.51	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 (T)	3.00	Evicted & forest taken into possession
9	N/38 2019-20/ UPF/ 6.07 HA	3.50 (T) 0.13.42 (P)	3.50	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 (T)	2.00	Evicted & forest taken into possession
11	N/46 2019-20/ UPF/ 11.85 HA	1.50 (T)	1.50	Evicted & forest taken into possession
12	N/49 2019-20/ UPF / 10.92 HA	2.00 (T)	2.00	Evicted & forest taken into possession
13	N/38 2019- 20/UPF/6.07HA (NEW CASE)	0.02.12 (P)		The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
14	N/21 2019- 20/UPF/20.64 HA (NEW CASE)	0.01.20 (P)		The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
15	N7/2019- 20/UPF/30.58 HA (NEW CASE)	0.00.84 (P)		The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
16	N7/2019- 20/UPF/30.58 HA (NEW CASE)	0.00.80 (P)		The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
17	N7/2019- 20/UPF/30.58 HA (NEW CASE)	0.34 (P)		The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
18	N7/2020- 21/UPF/30.58 HA (NEW CASE)	0.15.23 (P)		The case is under trial in the Court of Collector-Cum DFO Nurpur under HP Public Premises and Land (Eviction& Recovery) Act , 1971
TOTAL AREA OF 13 FORESTS: 273.49 HA		33.58.70	Area yet to be evicted in 9 forests N/6, N/7, N/21, N/30, N/31, N/32, N/34 and N/38, N/07 =03.07.96	

At the earliest it has to be ensured that encroachers are evicted from the forests given in the above table.

Likewise, unauthorized occupations/ encroachments in approved forests must be evicted from P/1-2018-19 and P/5 2019 in Paonta Forest Division.

Forest wise videos have been given to the concerned DFO to ensure compliance of follow up action on our spot inspections. In addition, our

observations and instructions for compliance are given in Annexure **2.5** of Fourth Six Monthly Report submitted on 15th February 2020.

2.2.3 Fencing and Planting Operations

The Monitoring Committee has ensured that in all forests where fellings have been completed (approved PB-I forests of Sal and Chirpine and Khair forests approved for fellings), as well as under stocked/ degraded forests approved for recuperation and enrichment planting, fencing with 5 strands of barbed wire with RCC poles has been undertaken for strict compliance of the stipulation laid down by Hon'ble Supreme Court in order dated 16th February 2018 in IA 3840 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;"

PAGE 10 PARA 9 Stipulation no. "7. The State should also ensure that sufficient numbers of healthy saplings are planted so that there is proper regeneration of the forest".

1. Approved Cost Norms for RCC Fencing

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.
- 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. Completion of Fencing and Planting Operations

An abstract of fencing and planting operations is as follows:

Table 2.3 Abstract of Forests Approved for Fencing and Planting under Experimental Silvicultural Felling Programme

YEAR	PARTICULARS	NURPUR	PAONTA	BHARARI	BHAGANI	JAMTA	TOTAL
		KHAIR	SAL	CHIL	EUCALYPTUS		
FENCING AND PLANTING OPERATIONS							
2019-20	NO. OF FORESTS	9	3	2	1	1	16
	AREA IN HA.	142	60	33	25	62	322 (20%)
2020-21	NO. OF FORESTS	41	3	1	0	0	45
	AREA IN HA.	1197	118	2	0	0	1317 (80%)
TOTAL AREA		1339	178	35	25	62	1639

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 delays in 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. **(20%)** of total workload had been possible. **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 commenced very late from December 2019 and work was in progress even during inspections in January 2020 in 9 forests where planting was completed in July 2019.

2020-21:

45 forests comprising an area of **1317 ha. (80%)** of total workload were approved for fencing and planting of three categories as follows:

- **4** Left over forests already felled in 2018-19 approved for fencing and planting
- **29** forests approved for felling and extraction in 2019-20- Nurpur Forest Range
- **12** Degraded low volume Recuperation forests approved for fencing and enrichment planting- Nurpur Forest Range.

In Bharari Forest Range (1 forest) and Paonta Forest Range, (3 forests), fencing operations were completed on time. In Nurpur Forest Range there was a very heavy workload of fencing and planting of **41**(29+12) approved forests. Unfortunately, due to COVID 19 pandemic, there was disruption of normal operations from March end 2020 onwards and resultant delays in field works. Consequently, due to delay in completing felling operations prior to plantation season of 2020, a revised time frame has been laid down for fencing and planting of the following 8 forests as follows:

Table 2.4 Revised Time Frame for Fencing and Planting of 8 Approved Forests under Experimental Silvicultural Felling Programme

SR. NO.	FOREST CODE NO.	DATE OF COMPLETION OF FELLING AND EXTRACTION OPERATIONS	REVISED TIME FRAME OF FENCING AND PLANTING
1	N-13	31.10.2020	2021-22
2	N-16	15.02.2021	2021-22
3	N-25	Likely to be completed by 30.9.2021	2022-23
4	N-26	15.06.2020	2021-22
5	N-29	15.03.2021	2021-22
6	N-32	28.10.2020	2021-22
7	N-43	24.02.2021	2021-22
8	N-46	15.03.2021	2021-22

It will be seen from the above figures that in 7 forests namely N/13, N/16, N/26, N/29, N/32, N/43 and N/46 fencing and planting operations will have to be done in 2021-22 and in N/25 in 2022-23.

Although planting operations in the approved forests were completed in rainy season of 2020, but because of delays in procurement formalities of RCC poles/ barbed wire, fencing operations have been carried out **after planting operations** from September 2020 to 15th April 2021.

2.2.4 Next Steps for Regeneration Surveys

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. 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.** of Fourth Six Monthly Report submitted on 15th February 2020.

However, for 2021-22, it is recommended that that Regeneration Survey should be carried out in 57 forests comprising an area of 1544 ha. (86%).

At this initial stage of this fieldwork, key findings and takeaways 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 up to 100%.
- Results of Regeneration Survey (i.e. Regeneration percentage) should be given against Column of regeneration in CHF instead of ocular assessment.

2.2.5 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/ fencing and planting in a time bound manner, **regardless of budget and other administrative bottlenecks/constraints and resultant delays as**

experienced in 2019-20 and 2020-21.

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, soon after felling and extraction operations get completed by March end, fencing operations have to commence immediately thereafter to be completed before rainy season for ensuring Regeneration.** Therefore, in order to internalize experience gained during the implementation of Experimental Silviculture Fellings and for future action plans for scaling up Silviculture Fellings in other forests , we have worked out a stage wise **Implementation Time Table**, which can be seen as **Annexure 3.2.**

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

2.3.1. 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.

2.3.2. Estimated Total Workload of Felling and Extraction in Three Years:

The total standing volume of Silvicultural markings in two years is **30,936 cu.m.** (Extraction operations spread over three years) as would be seen from the table given below:

Table 2.5 Abstract of Standing Volume for Felling and Extraction in Three Years

FOREST RANGE	STANDING VOLUME FELLED (cu.m.) 2018-19	STANDING VOLUME FELLED (cu.m.) 2019-20 AND 2020-21	TOTAL STANDING VOLUME FOR THREE YEARS (cu.m.)
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

During 2019-20, standing volume of 20,745 **cu.m. (67%)** has been handed over to HPSFDC. Initially it was estimated that felling and extraction operations of this huge standing volume in **38** forests will get 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 **cu.m.** in three forests. However, due to COVID 19 pandemic, there was disruption of normal operations and consequent delays. Resultantly HPSFDC has reported that in 8 forests namely N/13, N/16, N/25, N/26, N/29, N/32,

N/43 and N/46 of Nurpur Forest Range, felling and extraction operations could not be completed before planting season of 2020. Details of these 8 forests can be seen in table **2.4** under paragraph 2.2.3

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

CONTEXT OF FINAL RECOMMENDATIONS

Hon'ble Supreme Court vide its order dated 15th April 2019, while approving 24 Recommendations of the Second Six Monthly Report submitted on 15th February 2019 has approved Recommendation number xiii)Para 3.2,(p.79-81) as follows:

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

Four Pillars are as follows:

1. Delineation of forests with Boundary Pillars and duly authenticated in Revenue Records;
2. Technically sound Working Plans based on field inspections and not in offices;
3. Qualified and trained first line staff, Forest Guards and Deputy Rangers and trained Forest Rangers;
4. Senior supervisory and managerial cadre of HPFS and IFS for revival of field forestry in forests and not just with computers and digitization alone.

Recognizing the importance of carrying forward this task for ensuring continuity, in order to sustainably manage, conserve and utilize our valuable forest resources, we have synthesized in our Fifth and Final Report, key pending matters and Recommendations in two sections for approval by Hon'ble Supreme Court:

3.1 APPROVAL OF PENDING MATTERS AND RECOMMENDATIONS RELATING TO IA 3840 EXPERIMENTAL SILVICULTURE FELLING PROGRAMME

3.2 RECOMMENDATIONS RELATING TO IA No 87648 OF 2020 – APPROVAL FOR SILVICULTURE FELLING OF KHAIR TREES IN HP.

3.1.1 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 & Agro forestry; 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.

3.1.2 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 **22nd 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)”

NOTE: Hon’ble Supreme Court in its Order of 15th April 2019 had observed:

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

At this final stage of completion of practically all major interventions in the field relating to Experimental Silviculture Felling Programme, it is necessary to stress that out of 13 pending Recommendations, only Recommendation No. 9 regarding applicability of **“The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)”** is a matter of interpretation to be considered by Hon’ble Supreme Court.

The Monitoring Committee, in its Second Six Monthly Report submitted on 15th February 2019 has already recommended at page 111(Para3.4.6 Volume 1) as follows:

“ 4. Hereafter all cases of diversion of forest for non-forestry purpose should be processed **only** under FCA regulations.”

It is recommended that out of aforementioned 13 pending Recommendations of Second Six Monthly Report, Recommendation No. 9 regarding applicability of “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)” is a matter of interpretation and may kindly be examined relating to Interlocutory Application NO 3840 of 2014 in Writ Petition (CIVIL) NO 202 OF 1995.

The Monitoring Committee, in its Second Six Monthly Report submitted on 15th February 2019 has already recommended at page 111(Para3.4.6 Volume 1) as follows:

“4. Hereafter all cases of diversion of forest for non-forestry purpose should be processed only under FCA regulations.”

In Chapter 4 of Hand Book on Guidelines and clarifications issued by MoEF&CC for smooth application of provisions of FCA 1980, the Central Government has agreed to accord general approval under the Forest Conservation Act, 1980 for not more than one hectare of forest land, in each case, for creation of critical development and security related infrastructure comprising of 15 categories.

3.1.3 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 and 3 Recommendations of our Third Six Monthly Report submitted on 30th August 2019.

Compliance has been ensured by HPFD/Govt. in most of the 27 approved Recommendations as per latest Action Taken Report of 23rd March 2021 from HPFD given in **Annexure 3.1**. However, on perusal of the present status of compliance, it is deemed necessary to point out that under mentioned three **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 relating to the following 3 Recommendations, shown in **bold** fonts in **Annexure 3.1**.

3 THIRD RECOMMENDATION

1. Strengthening Working Plans Wing to Complete Backlog of Revising 15 Expired Working Plans: (S.No. vi1 and xv)

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.

2. Authentication of Legal Status of Forests: (S.No. xiv)

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

3 THIRD RECOMMENDATION

- 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.

3. Creation of Smaller Forest Beats: (S.No. xvi)

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

3.1.4 APPROVAL OF PROPOSED REGENERATION STRATEGY AND METHODOLOGY TO CARRY OUT REGENERATION ASSESSMENT SURVEYS

Hon'ble Supreme Court vide its order dated 16th February 2018, while permitting monitored Experimental Silviculture felling to a limited extent, has laid special emphasis on the following stipulations:

PAGE 8 PARA 9 *"Felling of trees in India has been banned for more than two decades. We are of the view that on an experimental basis we may permit silviculture felling of trees to a very limited extent and **such felling should be monitored very carefully to see whether such silviculture felling actually helps in the regeneration of forests or not.***

PAGE 10 Stipulation 6. *“It should also be ensured that these forest areas are kept free from grazing and are protected;”*

PAGE 10 PARA 9 Stipulation 7. *“The State should also ensure that sufficient numbers of healthy saplings are planted so that there is proper regeneration of the forest”.*

3.1.4.1 Our Mandate: Clearly, our mandate was **“to see whether Silviculture felling actually helps in the regeneration of forests or not”**. In this context, it is essential to highlight that **Silviculture**, in technical parlance means practice of controlling the growth, composition, health, and quality of forests. Therefore, after careful assessment of the activities necessary to meet the aforementioned objectives, the Monitoring Committee, in collaboration with field staff has taken out a package of best suited Silvicultural practices from theoretical concepts from text books, Working Plans and old codes for regulating all field operations confined mainly to four species, namely, Sal, Chirpine, Khair and Eucalyptus in 65 approved forests comprising an area of 2054 ha. spread out in four selected Forest Divisions and five Forest Ranges in Himachal Pradesh from February 2018 to April 2021, laying special emphasis for ensuring **REGENERATION** under Experimental Silvicultural Fellings Programme in order to sustainably manage, conserve and utilize our valuable forest resources.

3.1.4.2 Regeneration Strategy:

Based on our field observations while supervising and monitoring Experimental Silvicultural Fellings Programme from February 2018 to April 2021, we have adopted a three pronged Regeneration Strategy as follows:

1. The first intervention of felling of only mature trees after retention of adequate number of mother trees as seed bearers under a prescribed Silvicultural System creates canopy opening and thereby creating favorable conditions for natural regeneration.
2. However, the biggest problem with **natural regeneration** is that it is rather slow growing with a high mortality rate and uncertain growth pattern under rather hostile site conditions. Seed production from retained mother trees is primarily a specific character. That is, all species do not seed annually and in equal abundance as good seed years occur at intervals. Therefore, complete reliance on rather slow and uncertain pace of natural regeneration is considered risky, in case we have to ensure adequate regeneration and restocking of a felled forest to its full potential.
3. Therefore, on completion of felling operations and after closure and fencing, it has been ensured that natural regeneration is supplemented with nursery grown tall plants of principle species mostly of forest under treatment along with other native species. **In short, natural regeneration has to be encouraged but must be**

supplemented by artificial regeneration to ensure complete regeneration.

Keeping in view the aforementioned three pronged Regeneration Strategy, we have put in place species-specific Enabling Conditions for ensuring Regeneration as follows:

Sal Forests: Natural regeneration has been relied upon primarily. Sal being very sensitive to fire and grazing damage, effective closure is a must for the successful regeneration of the species.

Chir Pine Forests: Selective artificial regeneration operations with Chir Pine were carried out in those areas where natural regeneration was found to be deficient.

Khair Forests: Natural regeneration from coppice was successful. However, natural regeneration from seed origin was deficient. Therefore, artificial regeneration operations had to be undertaken. The number of plants to be planted per hectare was decided on the site requirement basis, ranging from 200 to 800 plants per hectare. However, the principal species of these forests (Khair) should constitute the major proportion in case of enrichment planting.

Artificial regeneration operations i.e. planting of tall nursery grown plants has been done on priority in the felled areas which have been fenced. The natural regeneration was encouraged by providing enabling conditions.

Eucalyptus Forests: In Paonta Forest Division, removal of all Eucalyptus trees having 20 cm and above dbh, leaving 15 to 18 standards per hectare as per WP Prescriptions was done. No broad-leaved tree was marked at all for felling. Post fellings, after completion of fencing of the entire forest, enrichment planting was done with tall plants of Shisham, Khair and two more locally suitable species of economic value.

In Nurpur Forest Division, we noticed that Reserve Forest C-1A Tattal, code number N/25, having an area of 87 ha., although allotted to Khair Overlapping Working Circle, the standing volume of Eucalyptus was 46 %, other broad-leaved species 44%, Khair 6% and Chirpine 4%. Accordingly Silviculture markings were planned for gradual removal of Eucalyptus in a phased manner to facilitate planting of indigenous multilayered species to replace monoculture of Eucalyptus based on the following guidelines:

- In case of uneven crop of all age classes of Eucalyptus, the removal of all mature trees having 30 cm and above dbh has been planned by retaining younger age classes crop.
- In case of pure mature even aged crop of Eucalyptus, it was decided to retain 30 trees per hectare to avoid erosion due to exposure of soil.

3.1.4.2 Methodology of Assessment of Regeneration: 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 by adopting **Line-Plot System of Cruising** under Systematic Sampling for carrying out Regeneration Surveys in our Third Six Monthly Report. (**Para 2.11, pages 60-62 and ANNEXURE 2.9**) submitted on 30th August 2019. Regeneration Survey data will be evaluated separately for each approved forest for three types of regeneration:

first; natural regeneration through seed origin by Systematic Sampling, **second;** coppice regeneration (100 % counting of trees felled and stumps having coppice) and

third; tall nursery grown plants planted to supplement natural regeneration(100% checking of the tall plants planted will be undertaken and survival percentage will be calculated),on an objective scale to determine the regeneration status of aforementioned three types of regeneration in a compartment in the following three categories:

- **Good (71-100 %)**
 - **Adequate (41-70 %)**
 - **Deficient (0-40 %)**
- 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%**) by following the approved Methodology. During our inspections, we have assessed that out of 65 approved forests comprising an area of 2054 ha, it will be necessary to carry out Regeneration Survey in **57** forests. During 2020-21, we had approved

that Regeneration Survey will be carried out in 57 forests comprising an area of 1544 ha. **(86%)**. However, due to COVID-19 pandemic and resultant disruption of normal working conditions, field operations like fencing etc got very much delayed. Therefore, it will be advisable to carry out Regeneration Surveys in **57** forests after completion of fencing during 2021-22, first once in April-May to be repeated second time again in October 2021 to assess survival rate of nursery raised tall plants, coppiced shoots and recruits from seed origin.

4 FOURTH RECOMMENDATION

It is recommended that the proposed Regeneration Strategy may be approved. Regeneration Surveys should be carried out in 57 forests comprising an area of 1544 ha, after fencing is completed during 2021-22 except N/25, first once in April-May to be repeated second time again in October 2021, as per Guidelines and Methodology of Assessment of Regeneration in our Third Six Monthly Report. (Para 2.11, pages 60-62 and ANNEXURE 2.9) submitted on 30th August 2019.

3.1.5 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.”

In the above context it is necessary to stress again that 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. In this context, Hon'ble Supreme Court **vide** its order **dated** 16th February 2018 has laid special emphasis as follows:

“PAGE 10 Para 9 Stipulation no. 5. In addition to the conditions laid down in the Working Plan and those laid down by the CEC, the State of Himachal Pradesh shall ensure that **adequate funds** are made available and re-afforestation is done either simultaneously or if it is not possible, immediately after felling is complete in each block of 20 hectares.

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

During the course of our monitoring and repeated field inspections, 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, soon after felling and extraction operations get completed by March end, fencing operations have to commence immediately thereafter to be completed before rainy season for ensuring Regeneration.** Therefore,

in order to internalize experience gained during the implementation of Experimental Silviculture Fellings and for future action plans for scaling up Silviculture Fellings in other forests , we have worked out a stage wise **Implementation Time Table**, which can be seen as **Annexure 3.2**. The proposed Time Table is having clearly defined interventions and operations 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

Key Prerequisites

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:

- Boundary Pillars should be in position and area as given in Compartment History File is crosschecked with GPS Latitude /Longitude readings.
- Forest should be free from any encroachment /illegal occupation.

- The legal status of forests is authenticated in Revenue Records- Reserve, DPF or UPF mentioning name and total area of the forest.
- 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.
- As an example, for a forest prescribed for felling in 2022-23, all pre-felling operations will have to be completed in 2021-22 and likewise all post felling operations will be completed in 2023-24.

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.

3.1.6 APPROVAL FOR ENFORCING REVAMPED SYSTEM OF MANDATORY MONITORING THROUGH FIELD VERIFICATIONS

Needless to point out that the existing “INSTRUCTIONS MANUAL FOR MONITORING AND EVALUATION OF PLANTATIONS AND OTHER FIELD WORKS” applicable from 2017-18 was made when there was a ban on green fellings and it is not tailored for Silviculture Felling operations under Scientific Forest Management as it could not provide feedback

relating to the following glaring deficiencies at the ground level for most basic indicators for much needed Scientific Forest Management:

- Reserve Forests and Demarcated Forests were being managed without Boundary Pillars
- Legal status of these valuable forests is not authenticated by a Mutation in Revenue Records
- 16 Working Plans have remained expired so far

The Monitoring Committee during its tenure of three years from February 2018 to April 2021 has already established and put in place a thorough institutional mechanism for carrying out Experimental Silviculture Fellings based on repeated physical inspections and on-site guidance to implement approved field interventions.

In order to ensure the continuity and the desired intensity of regular field inspections of 65 approved forests under Experimental Silviculture Fellings Programme, it is recommended that a Revamped System of Mandatory Inspections may be put in place by the Govt/Principal Chief Conservator of Forests to ensure regular monitoring of the following interventions having been executed with huge investments:

- Up keep and maintenance of Boundary Pillars in case of Reserve and Demarcated Protected Forests and in case of Undemarcated Protected Forests, boundary marks with RCC poles embedded 60 cm in ground.

- Authentication of legal status of Reserve, Demarcated and Undemarcated Forests in Revenue Records.
- Upkeep and maintenance of barbed wire fencing of approved forests for closure.
- Regeneration Surveys in all fenced forests till Regeneration is fully established.
- Fire protection precautions are in place.

6 SIXTH RECOMMENDATION

In order to ensure the continuity and the desired intensity of regular field inspections of 65 approved forests under Experimental Silviculture Fellings Programme, it is recommended that a Revamped System of Mandatory Inspections as an institutional mechanism should be put in place by the Govt/Principal Chief Conservator of Forests to ensure regular monitoring of the interventions already completed.

3.1.7 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 (offences after sunset/ before sunrise/ in Reserve forest/ resisting action etc.).

7 SEVENTH 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 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.

3.2 RECOMMENDATIONS RELATING TO IA No 87648 OF 2020– APPROVAL FOR SILVICULTURE FELLING OF KHAIR TREES IN HP.

3.2.1. CONTEXT OF IA No 87648 OF 2020

1. Prayer made in IA No 87648 OF 2020

The Government of Himachal Pradesh has filed an Interlocutory Application No. **87648 OF 2020** on 5th September 2020, (Application for directions) containing the following prayer:

PRAYER

“In view of the submissions made herein above, the Applicant most respectfully prays that this Hon’ble Court may kindly be pleased to:

- a) Allow the State of Himachal Pradesh to carry out silviculture felling of Khair (*Acacia catechu*) trees in the forests areas of the State in accordance with the approved Working Plans;
- b) Pass further relief and orders, which this Hon’ble Court deem fit and proper in the facts and circumstances of the case in the interest of justice. Dated: 05.09.2020.”

2. Order of Hon’ble Supreme Court

The latest Order of Hon’ble Supreme Court dated 15th February 2021 relating to **IA NO.87648 of 2020** is as follows:

“The aforesaid I.A. is to be adjourned for 12 weeks. The Committee appointed vide order dated 16th February 2018 may examine the contents of this I.A while filing its further report regarding result of Silviculture operations already undertaken”

3.2.1. Permission Sought for 9 Working Plans

In paragraph 12 of IA NO.87648 of 2020, permission has been sought for fellings under 9 approved Working Plans as follows:

“**12.** That it is humbly submitted that the Khair Working Circle in the State of Himachal Pradesh is very small. In 9 approved Working Plans of Dharamshala, Nurpur, Una, Bilaspur, Hamirpur, Nalagarh, Nahan & Paonta Sahib, Dehra and Una (Kutlehar) Forest Divisions covered under Khair overlapping Working Circle in the State of Himachal Pradesh, approximately on an average 6758.33 M3 volume of Khair (*Acacia catechu*) trees has been prescribed for felling per year. As already submitted in the foregoing paras, the felling of green Khair trees has not been undertaken in the forest areas of the State of Himachal Pradesh since last about three decades due to ban on felling of green trees. As a result of ban on felling of green trees, majority of Khair trees in the forest areas of the State have crossed their age of maturity and got deteriorated resulting in reduction in quality and quantity of its produce as also coppice ability.”

3.2.2. RECOMMENDATIONS BY MONITORING COMMITTEE RELATING TO IA No 87648 OF 2020

3.2.2.1. Analysis of Validity of 9 Working Plans Relating to IA NO. 87648

An analysis of latest status of 9 Working Plans referred to in paragraph 12 of IA NO.87648 of 2020 is presented in a tabular form for easy perusal of key technical implications as follows:

TABLE 3.1 Status of Working Plans Relating to IA No 87648

FOREST DIVISION/WP	PERIOD OF WP	RECOMMENDATIONS
1.BILASPUR	2012-13 TO 2027-28	MAY BE APPROVED
2.DHARAMSHALA	2012-13 TO 2021-22	WORKING NOT FEASIBLE IN 2021-22
3.NURPUR	2012-13 TO 2021-22	WORKING NOT FEASIBLE IN 2021-22
4.DEHRA	2012-13 TO 2021-22	WORKING NOT FEASIBLE IN 2021-22
5.HAMIRPUR	2016-17 TO 2028-29	WORKING NOT PERMISSIBLE
6.UNA	2012-13 TO 2026-27	MAY BE APPROVED
7.UNA(KUTLEHAR)	1999-2000 TO 2013-14	WORKING NOT PERMISSIBLE
8.NALAGARH	2012-13 TO 2026-27	MAY BE APPROVED
9.NAHAN AND PAONTA SAHIB	1886-99 TO 2012-13	WORKING NOT PERMISSIBLE

- Working Plans for Nahan/Paonta and Una (Kutlehar) Forest Divisions have already expired and till revision, no working is permissible.
- Working Plans for Dharamshala, Nurpur and Dehra Forest Divisions will be operative only till the end of 2021-22. Field operations like 100 % Enumerations and thereafter Silviculture markings cannot be completed before 15th September 2021, the stipulated time limit for forests to be handed over to HPSFDC for felling. Therefore, Silviculture fellings in these 3 Forest Divisions in the very last year does not appear to be feasible.

- Working Plan for Hamirpur Forest Division, though operative till 2028-29, does **not have a Khair Overlapping Working Circle and thus no working is permissible.**
- In view of the above facts, the approval for Silvicultural fellings including thinnings under Khair Overlapping Working Circle is permissible only for the following **3** Forest Divisions namely; **Bilaspur, Una and Nalagarh** having approved Working Plans.

3.2.2.2. Recommendations

Context

Building on our field observations during implementation of all operations under IA No. 3840 from February 2018 to April 2021 under guidelines and directions contained in Hon'ble Supreme Court Order dated 16th February 2018 and final results of Experimental Silvicultural Felling operations in 65 approved forests for four species namely Sal, Chir Pine, Eucalyptus and Khair (**50** forests under Khair Overlapping Working Circle in Nurpur Forest Division}, we would like to make the following Recommendations:

1. Subject to the approval of Hon'ble Supreme Court for carrying out Silvicultural fellings including thinnings under Khair Overlapping Working Circle, it is recommended that the sequence of field operations should broadly follow **Implementation Time Table given as ANNEXURE 3.2 (Recommendation No 5)** as follows:

- **In 2021-22,** being the Preceding Year of Felling, all preparatory activities will be completed namely; Lantana eradication, validation of areas of approved forests
- **In 2022-23,** being the Year of Felling for forests prescribed for fellings in 2022-23, all operations will be completed namely; 100% Enumerations, Silvicultural Markings, Fellings and extraction works.
- **In 2023-24,** being the Succeeding Year of Felling, all post felling operations will be completed namely; fencing and closure of felled forests, planting of tall nursery grown plants of Khair followed by repeated Regeneration Surveys thereafter.

8

EIGHTH RECOMMENDATION

It is recommended that the approval may be given for Silvicultural fellings including thinnings under Khair Overlapping Working Circle permissible for the following 3 Forest Divisions namely; Bilaspur, Una and Nalagarh having approved Working Plans. It is also recommended that the sequence of field operations should broadly follow Implementation Time Table given as ANNEXURE 3.2 (Recommendation No 5).

INTERLOCUTORY APPLICATION NO 3840 OF 2014

IN WRIT PETITION (CIVIL) NO. 202 OF 1995

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

TERMS OF REFERENCE

HON'BLE SUPREME COURT ORDER OF DATED 16TH FEBRUARY 2018

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

INTERLOCUTORY APPLICATION NO. 3840 OF 2014

IN

WRIT PETITION (CIVIL) NO. 202 OF 1995

IN RE:

T.N. GODAVARMAN THIRUMULKPAD

.... PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.

... RESPONDENT(S)

IN RE:

STATE OF HIMACHAL PRADESH

.... APPLICANT (S)

VERSUS

SECRETARY, MINISTRY OF
ENVIRONMENT & FORESTS

... RESPONDENT(S)

ORDER

Deepak Gupta J.

1. By means of this application the State of Himachal Pradesh has prayed that it may be permitted to carry out silviculture felling including thinning and other cultural operations in

accordance with the Working Plan approved by the Government of India up to an elevation of 1500 metres above Mean Sea Level (MSL) in Chil Pine, Khair and broad-leaved forests only.

2. On 12.12.1996, this Court issued directions to a large number of States. The relevant directions with regard to the State of Himachal Pradesh read as follows:

“1. There will be no felling of trees permitted in any forest, public or private. This ban will not affect felling in any private plantation comprising of trees planted in any area which is not a forest; and which has not been converted from an earlier "forest". This ban will not apply to permits granted to the right holders for their bonafide personal use in Himachal Pradesh.

2. In a 'forest', the State Government may either departmentally or through the State Forest Corporation remove fallen trees or fell and remove diseased or dry standing timber from areas other than those notified under Section 18 or 35 of the Wild Life Protection Act, 1972 or any other Act banning such felling or removal of trees.

3. For this purpose, the State Government is to constitute an expert committee comprising a representative from MOEF, a representative of the State Government, two private experts of eminence and the MD of the State Forest Corporation (as Member Secretary), who will fix the qualitative and quantitative norms for the felling of fallen trees and diseased and standing timber. The State shall ensure that the trees so felled and removed are in accordance with these norms.

4. Felling of trees in any forest or any clearance of forest land in execution of projects shall be in strict conformity with the Forest Conservation Act, 1980 and

any other laws applying thereto. Moreover, any trees so felled, and the disposal of such trees shall be done exclusively by the State Forest Corporation and no private agency is to be involved in any aspect thereof.”

3. Despite such order having been passed, the amicus curiae on 14.02.2000 submitted before this Court that there were reports in the press that the State of Himachal Pradesh had passed some orders lifting the ban on felling of trees. This Court, thereafter, issued notice to the State of Himachal Pradesh and also made it clear that if any such orders have been passed, the operation of the same were stayed and no felling of trees be done. In the affidavit filed by the State of Himachal Pradesh, in response to the order dated 14.02.2000, it was pointed out that the intention of the State was to resume silviculture operations consisting of regeneration, felling and thinning of the trees as per the Working Plan duly approved. The State of Himachal Pradesh also informed this Court that though the State had intended to do silvicultural felling but in actual fact this decision has not been given effect to. It was clearly mentioned that no felling of trees has taken place except of those allowed by this Court specifically. It is also pertinent to mention that the Government of India vide G.O. dated 11.10.2002 suspended the

Working Plan for various States including the State of Himachal Pradesh. The State then approached the Central Empowered Committee (for short ‘the CEC’), which advised the State to approach this Court for modification or vacation of the earlier stay order. This led to the filing of the present application.

4. After this application was filed, this Court directed the CEC to file its report. The CEC, in its report dated 06.07.2017 has made the following recommendations:

“i) the permission for silvicultural fellings including thinning in the State of Himachal Pradesh be limited to only three working circles of Chil, Sal and Khair occurring below 1500 MSL to encourage regeneration of the forests aimed at achieving mixed species forests with multi layered canopy having more efficient carbon sequestration capability;

ii) no felling of broad leaved species be permitted in the compartments to be taken up for regeneration fellings of the above three working circles or in the miscellaneous/broad leaved working circle irrespective of the recommendations in the Working Plan;

iii) 764 ha. of Eucalyptus trees proposed for felling as per Working Plan prescriptions be permitted to be felled and the same area regenerated with native broad leaved species;

iv) rotation of Sal and Chil to be 120 years and are worked under irregular shelterwood system;

v) rotation age of Khair be kept at 30 years with minimum dia of 25 cms. at breast height;

vi) there will be total ban on burning of debris including after seeding or over wood felling in order to encourage natural regeneration of broad leaved species and reduce soil erosion;

- vii) no felling to be undertaken in Ban oak forests and other broad leaved forests other than Sal and Khair;
- viii) planting component in Assisted Natural Regeneration shall include more than 50% seedlings of native broad leaved and multipurpose use species other than that of the principal species;
- ix) the removal of Lantana weed to be an integral component of regeneration felling and the removal of Lantana has to be completed before the felling operations commence, so that the regeneration of the felled area is taken up forthwith;
- x) in Khair working circle a minimum of 50 healthy trees per ha. are identified in advance, at least two years prior to the proposed felling in the compartment and labelled as mother trees or standards and these trees are not permitted to be lopped thereafter;
- xi) the size of the compartment to be taken up for regeneration felling in a given year shall not exceed 20 ha.. If any compartment is more than 20 ha. in area, it can be sub-divided into two or more units so as to avoid creation of large gaps in canopy of forests in a given location;
- xii) the felling operations in the adjoining forest area/compartment of the already felled area/compartment be taken up only after five years of regeneration felling in the given compartment and after ensuring that the regeneration is established in the already cleared forest area;
- xiii) adequate soil and moisture conservation measures are to be undertaken in regeneration area;
- xiv) no green fellings are to be carried out in steep slopes and along streams and nallas as per the standard prescription in the Working Plan code and in the forest areas falling under Protection cum Rehabilitation Working Circle;
- xv) State Government shall prepare three separate comprehensive management plans one each for Chil, Sal and Khair respectively covering the entire forest area falling below 1500 MSL incorporating revised set of prescriptions as detailed in this report as one time exercise and after obtaining approval of MoEF&CC, integrate the same with the Working Plans of

respective forest divisions for operational purposes;
and

xvi) State Government shall submit an undertaking in the form of an Affidavit before the Hon'ble Supreme Court ensuring sufficient budgetary provisions for undertaking regeneration of the felled area in the financial year following the felling year."

5. The report filed by the CEC was considered by this Court on 12.09.2017 when learned counsel appearing for the State of Himachal Pradesh submitted that he would file an affidavit identifying three working circles in different areas of the State. After this affidavit was filed, we realised that circles covered a large area and the State was directed to file an affidavit giving the areas covered by each circle and also the area of each range/beat in the circle. On perusal of the affidavit it was found that each forest circle comprises of a very large area covering more than one district in the State, which would entail felling of large number of trees. Thereafter, on 04.12.2017, the State was directed to identify two or three ranges where the process of silviculture felling may be carried out, the area of each of those ranges, the number of beats in each range and the area of each beat.

6. Affidavit has been filed and in this affidavit it has been pointed out that for felling of Khair (*Acacia Catechu*) trees, Nurpur Forest Range of Nurpur Forest Division (Dharamshala Forest Circle) of District Kangra, Himachal Pradesh has been identified. Khair wood is used commercially in making *katha* and, therefore, the wood of this tree is in great demand. It has been proposed that 80% of trees of 25 cms. diameter and above would be felled and remaining 20% of trees of 25 cms. diameter and above would be retained to act as mother trees. It is also stated that no other broad-leaved tree shall be felled. Details have been given and it is proposed to carry out felling in the year 2018-2019 in an area of 903.14 ha. and an area of 706.30 ha. has been earmarked for silviculture felling for the year 2019-2020.

7. As far as Chil Pine (*Pinus Roxburghii*) trees are concerned, the State of Himachal Pradesh has proposed an area of 49.05 ha. for the year 2018-2019 and an area of 23.95 ha. for the year 2019-2020 for silviculture felling in the Bharari Forest Range of Bilaspur Forest Division (Bilaspur Forest Circle) of Bilaspur District of Himachal Pradesh. As far as Chil is concerned, it is

proposed that at least 20-25 mother trees per hectare shall be retained.

8. As far as Sal (*Shorea Robusta*) trees are concerned, the range identified is Paonta Forest Range of Paonta Sahib Forest Division (Nahan Forest Circle) of District Sirmour of Himachal Pradesh and an area of 176.01 ha. for the year 2018-2019 and an area of 120.12 ha. for the year 2019-2020 have been earmarked for silviculture felling.

9. This Court, with a view to protect the forests, had totally banned felling of trees. As per the affidavits filed by the State of Himachal Pradesh, some amount of silviculture felling is necessary, because if no felling is done then regeneration of trees is not as fast as it should be and once the mature trees die after reaching their maximum life span, there will be very few young trees to replace the old trees. Felling of trees in India has been banned for more than two decades. We are of the view that on an experimental basis we may permit silviculture felling of trees to a very limited extent and such felling should be monitored very carefully to see whether such silviculture felling actually helps in the regeneration of forests or not. We may also note that the

CEC, in its report, has also permitted felling of trees subject to certain conditions. We may further note that the CEC has recommended that the size of the compartment taken up for regeneration in a given area shall not exceed 20 hectares and we reiterate that the State shall be bound by all the conditions laid down by the CEC including the condition that no compartment of more than 20 hectares shall be felled at one go. In addition to the conditions laid down by the CEC, the following conditions shall be strictly complied with by the State of Himachal Pradesh:

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;
2. The Forest Department should ensure that videography of each beat where felling is to be done, is done separately at regular intervals to clearly indicate the condition and state of the forest before felling, during felling and after felling;

3. As far as Khair trees are concerned, the State shall ensure that at least 25% of mature Khair trees are retained as mother trees and these should be marked and numbered as trees not to be felled, which should be clearly reflected in the videography. The trees to be felled can be marked by a separate colour. The number, size and girth of the trees should be clearly spelt out;
4. As far as Chil Pine and Sal trees are concerned, the State shall ensure that at least 40 mature trees are retained per hectare and the other conditions will be the same as applicable to Khair trees;
5. In addition to the conditions laid down in the Working Plan and those laid down by the CEC, the State of Himachal Pradesh shall ensure that adequate funds are made available and re-afforestation is done either simultaneously or if it is not possible, immediately after felling is complete in each block of 20 hectares.
6. It should also be ensured that these forest areas are kept free from grazing and are protected;

7. The State should also ensure that sufficient number of healthy saplings are planted so that there is proper regeneration of the forest.
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.
10. The Principal Chief Conservator shall be liable to ensure that felling is done strictly in accordance with the orders of this Court. To this limited extent, the orders dated 12.12.1996 and 14.02.2000 are modified as far as the State of Himachal Pradesh is concerned.
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.

12. Registrar Judicial to send the copy of this order to Shri V.P. Mohan, IFS (Retd.), former Principal Chief Conservator of Forests, Himachal Pradesh, Sunny Villa, Nigam Vihar, Shimla-171002 and Dr. Y.S. Parmar, University of Horticulture and Forestry, Nauni, Solan, Himachal Pradesh-173203.

13. Accordingly, I.A. is disposed of.

.....J.
(Madan B. Lokur)

.....J.
(Deepak Gupta)

New Delhi
February 16, 2018

**SNAPSHOT OF MAJOR FIELD OPERATIONS UNDER EXPERIMENTAL
SILVICULTURAL FELLING PROGRAMME - 65 FORESTS - 2054 HA**

YEAR	PARTICULARS	NURPU R	PAONT A	BHARA RI	BHAGA NI	JAMT A	TOTA L
		KHAIR	SAL	CHIL	EUCALYPTUS		
1) 100% ENUMERATIONS (COMPLETED)							
2018-19	NO. OF FORESTS	12	4	3	1	1	21
	AREA IN HA.	217	79	49	25	62	432
2019-20	NO. OF FORESTS	45	6	2	0	0	53
	AREA IN HA.	1324	205	24	0	0	1553
TOTAL AREA		1541	284	73	25	62	1985
2) SILVICULTURAL MARKINGS (COMPLETED)							
2018-19	NO. OF FORESTS	8	4	3	1	0	16
	AREA IN HA.	137	79	49	9	0	274
2019-20	NO. OF FORESTS	30	6	2	0	0	38
	AREA IN HA.	1066	205	24	0	0	1295
TOTAL AREA		1203	284	73	9	0	1569
3) FELLING AND EXTRACTION OPERATIONS BY HP STATE FOREST DEVELOPMENT CORPORATION (HPSFDC)							
2018-19	NO. OF FORESTS	8	4	3	1	0	16
	AREA IN HA.	137	79	49	9	0	274
	VOLUME IN CUM	359	6551	3281	0	0	10191 (33%)
2019-20	NO. OF FORESTS	30	6	2	0	0	38
	AREA IN HA.	1311	205	24	0	0	1540
	VOLUME IN CUM	6093	13578	1104	0	0	20775 (67%)
TOTAL AREA		1448	284	73	9	0	1814
TOTAL VOLUME		6452	20129	4385	0	0	30966
4) FENCING AND PLANTING OPERATIONS							
2019-20	NO. OF FORESTS	9	3	2	1	1	16
	AREA IN HA.	142	60	33	25	62	322 (20%)
2020-21	NO. OF FORESTS	33	3	1	0	0	45
	AREA IN HA.	781	118	2	0	0	1317 (80%)

YEAR	PARTICULARS	NURPU R	PAONT A	BHARA RI	BHAGA NI	JAMT A	TOTA L
		KHAIR	SAL	CHIL	EUCALYPTUS		
2021-22	NO. OF FORESTS	7	0	0	0	0	7
	AREA IN HA.	329	0	0	0	0	329
2022-23	NO. OF FORESTS	1	0	0	0	0	1
	AREA IN HA.	87	0	0	0	0	87
TOTAL AREA		1339	178	35	25	62	1639
5) REGENERATION ASSESSMENT SURVEY							
2019-20	NO. OF FORESTS	8	2	2	1	0	13
	AREA IN HA.	140	54	33	25	0	252
2021-22	NO. OF FORESTS	49	4	3	1	0	57
	AREA IN HA.	1337	147	35	25	0	1544
TOTAL		1477	201	68	50	0	1796

NOTE:

1. AREA OF N/11(B)-42HA. AND N/12(B)- 27HA., TALLING 69 HA. NOT INCLUDED UNDER 100% ENUMERATIONS.
2. N/25 IS EXPECTED TO BE HANDED BACK TO HPFD BY HPSFDC IN SEPTEMBER 2021. THEREFORE FENCING AND PLANTING OPERATIONS ARE SCHEDULED IN 2022-23 AND REGENERATION SURVEY WILL BE DONE THEREAFTER.

**Status of Implementation of Recommendations made by the Monitoring Committee in Experimental Silviculture
Felling Programme allowed by the Hon'ble Supreme Court in IA No. 3840/2014 in WP (Civil) 202/1995**

1. 2nd Six Monthly Report of Monitoring Committee - Implementation Status of 24 Recommendations Accepted by the Department (Order dated 15.04.2019 passed by Hon'ble Supreme Court in IA No. 3840/2014 in WP (Civil) 202/1995)

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
(i)	<u>Para 2.1.1 (p.14, p.45)</u>	A. Chirpine - Approval of silviculture markings with retention of only 25 mother trees per hectare instead of 40 mother trees as laid down in Hon'ble Supreme Court order of 16 th February, 2018.	This recommendation was complied during silvicultural marking of trees in Bharari Forest Range of Bilaspur Forest Division.
(ii)	<u>Para 2.1.1 (p.14, p.46)</u>	Sal 40-55 seed bearers - no restriction of area.	This recommendation was complied during silvicultural marking of trees in Paonta Forest Range of Paonta Sahib Forest Division.
(iii)	<u>Para 2.1.1 (p.15, p.47)</u>	Khair - Marking in Khair forests to include Chirpine markings as well.	This recommendation was complied including Chirpine markings during silvicultural marking of Khair forests in Nurpur Forest Range of Nurpur Forest Division.
(iv)	<u>Para 2.1.3 (p.16, p.49)</u>	a) Boundary pillars must be erected at all forests planned for treatment in 2018-19 & 2019-20.	a) The boundary pillars in all the forests approved under Experimental Silviculture Felling Programme in Nurpur, Bharari and Paonta Forest Ranges of Nurpur, Bilaspur and Paonta Forest Divisions respectively have been repaired/ constructed.
		b) Furnishing of certificate by DFO & CF concerned in prescribed format.	b) The certificates in respect of boundary pillars have been furnished by the DFOs duly signed by the concerned Territorial CCFs/ CFs.
(v)	<u>Para 2.1.4- (p.17, p.50)</u>	Immediate action required for approval of three management plans.	The Management Plans for Nurpur, Bharari and Paonta Forest Divisions were approved by MoEF & CC,

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
			Govt. of India.
(vi)	<u>Para 2.1.10, (p.54)</u>	The monitoring committee has estimated that about Rs. 1.25 lac per ha. is likely to be spent on all forests under experimental silvicultural felling programme meaning an investment of about Rs. 26 crores on 68 forests spread over 2054 ha of area for 100% enumerations, silviculture markings, fencing and other required interventions for ensuring regeneration. Unless such forests have secure legal tenure and boundary pillars in position for demarcation and fencing, all investments will go waste.	During 2018-19, an expenditure of Rs. 2.45 crore was incurred on implementation of Experimental Silvicultural Felling Programme in the State. During 2019-20, an amount of Rs. 5.49 crore was spent on enumerations, markings, removal of lantana, fencing, planting and construction/ repair of boundary pillars etc. in the forests approved for this purpose. Similarly, During 2020-21, against an outlay of Rs. 8.40 crore, an expenditure of Rs. 4.27 crore has been incurred till 20.03.2021 on the activities related to experimental silviculture felling. In addition, Rs. 5.90 crore has been proposed for the year 2021-22.
(vii)	<u>Para 2.1.13 A I, (p.59)</u>	Expired working plans for 15 Forest Division need revision	Out of total 37 Working Plans in the State, 19 are currently in operation and remaining 18 need revision against which Final Draft Working Plans of 5 Forest Divisions have been prepared and submitted to the Govt. of India for approval. Out of balance 13 Working Plans to be revised, the revision of 7 working plans as per National Working Plan Code 2004 is in progress and at different stages, out of which 5 working plans are likely to be completed by next six months and 2 within a year. Further, against remaining 6 Working Plans to be revised as per National Working Plan Code 2014, the PWPRs for these have been approved. For preparing working plans of these 6 divisions, the matter of posting of one CF exclusively for this

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
			work is under active consideration of the State Govt.
(viii)	Para 2.1.13 A I (6), (p.17, p.62)	Seeking extensions after expiry of working Plan operative for 10-15 years be discontinued & Revised Working Plans to be prepared well in time.	Extensions are not being sought for expired Working Plans by the State Govt. All efforts are being made to revise the expired Working Plans as early as possible.
(ix)	Para 2.1.13(7), (p.18, p.62)	Mid-term revision of Working Plans to be done.	Necessary directions have been issued to the concerned CCFs/CFs for undertaking Mid-term review of Working Plans in operation.
(x)	Para 2.1.13, p.18, (p.63)	Subsidiary silviculture operations to be allowed only in forest divisions having approved Working Plan.	As recommended, subsidiary silviculture operations are being allowed only in Forest Divisions having approved Working Plans.
(xi)	Para 2.2.2, Table 2.9, (p.19, p.68)	a) Inspection of all areas planned for 2019-20 in Bhagani & Jamta Forest Ranges (Eucalyptus) by senior forest officers in 1 st fortnight of March 19.	a) Inspections by Senior Forest Officers were carried out and their reports were submitted to the Monitoring Committee.
		b) Final Time Table for inspection and approval of forests for experimental silviculture fellings (inspections, completion of extraction by HPSFDC, videography, enumeration, marking etc.) by senior forest officers and monitoring committee. This includes the recommendation regarding senior forest officers to inspect forests in the first fortnight of March, 2019.	b) As was planned by the Committee, inspections of forest areas approved for Experimental Silviculture Felling during 2019-20 were carried out by Senior Forest Officers and their reports were submitted to the Monitoring Committee.
(xii)	Para 3.1,	Subject to execution of prioritized core	The prioritized core activities were executed during

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
	<u>(p.21, p.75-76)</u>	activities during preparatory period of 2019-20 for achieving scientific Forest Management, Ban on Green Fellings should be relaxed from 2020-21 onwards.	preparatory period of 2019-20 as reported against other 23 recommendations of the Monitoring Committee. Therefore, the Ban on Green Felling should be relaxed as recommended by the Committee.
(xiii)	<u>Para 3.2, (p.79-81)</u>	The Monitoring Committee has concluded that the only practical way to revive much talked scientific forest management at the ground level is possible only by the compliance of four inter related pillars/indicators. It needs to be stressed that action on all four prioritized core activities has to be taken in tandem.	As reported in compliance to other 23 recommendations, the State Govt. is taking all necessary actions in tandem on four inter-related prioritized core activities/ indicators.
(xiv)	<u>Para 3.2.2, (p.22, p.83)</u>	Authentication of Legal status of Forests by Mutation in Revenue Records at the soonest.	The matter regarding authentication of Legal status of forests approved under Experimental Silviculture Felling programme in Nurpur, Bharari and Paonta Forest Ranges has been taken up with the Revenue authorities by the Divisional Forest Officers, Nurpur, Bilaspur and Paonta respectively and is under process at the level of Revenue Authorities.
(xv)	Para 3.2.3.A (p.22, p.84)	1. Staffing of O/o APCCF Working Plan Mandi with adequate technical staff.	1. The office of APCCF (Working Plan), Mandi has been staffed with DFOs (2), Superintendent Grade-II(2), Sr. Assistant(1), Jr. Office Assistant(2), Head Draftsman(1), Draftsman(1), Jr. Draftsman(1) and Forest Guard(1).
		2. Mid-term Review of existing Working Plans to be done by Territorial Conservators.	2. Necessary directions have been issued to the concerned CCFs/CFs for undertaking Mid-term review of Working Plans.
		3. Working Plan preparation should be	3. The guidelines prescribed in National Working Plan

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
		undertaken only after inspection of each forest & location of BPs be shown on the map with GPS location.	Code - 2014 include inspection of forest and digital map of forests. These guidelines are being followed and will continue to be followed in future also while preparing working plans.
(xvi)	<u>Para 3.2.4, (p.22, p.85)</u>	1. Training of freshly recruited Forest Guards.	1. 200-220 newly recruited Forest Guards are being imparted training every year in both the Forest Training Institutes at Chail and Sundernagar.
		2. Revision of the syllabus for training of front line staff to include practical processes of experimental silviculture fellings.	2. The "Silviculture Felling" chapter stands included in the subject of Silviculture in Six Month Induction Course for Forest Guards. The trainees are also exposed to the practical processes of experimental silviculture felling. For this purpose, field visits to the areas of experimental silviculture felling in Nurpur, Bilaspur and Paonta Sahib Forest Divisions have been made compulsory during the course of training of forest guards.
		3. Immediate action to expedite all formalities for the recruitment of Forest Rangers.	3. Out of total 296 (DR-133 + PR-163) sanctioned posts of Range Forest Officers, 214 (DR-76 + PR-138) are in position and 82 (DR-57 + PR-25) are vacant. Against 57 vacant posts of Direct Recruitment quota, the matter for filling up 51 posts has already been taken up with the State Government. In addition, the process for filling up of vacant posts of Promotion Quota, including the posts likely to fall vacant during 2021, has also been initiated.
		4. Creation of smaller forest beats for effective patrolling.	4. The proposals for creation of smaller beats have been received from the field offices and a

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
			comprehensive proposal is being formulated for submission to the State Government for approval.
(xvii)	<u>Para 3.2.5</u> <u>(p.23, p.86)</u>	Posting of 9 IFS officers working in non-cadre posts in cadre post.	Since acceptance of this recommendation, 8 IFS Officers, who were working in Non-cadre Divisions, have been posted in Cadre Divisions. Efforts are now being made to get IFS Officers posted in Cadre Divisions in accordance with the availability of officers.
(xviii)	<u>Para 3.3</u> <u>(p.24, p.92)</u>	It needs to be recognized that in a hilly state having fragile geological formations, the agenda of “Development” has to be planned green cover of Himachal Pradesh. We need to save our natural resources, at all costs for our next generations.	The State of Himachal Pradesh is store house of bio-diversity in the country. The State Government has taken various initiatives to increase its green cover and ensure environmental conservation. The efforts of State Government have helped in steady rise in the green cover of the State. According to the India State of Forest Survey Report (FSR) 2019 issued by Forest Survey of India, out of total geographical area of 55673 Sq. KM of the State, 15434 Sq. KM area is forest cover which constitutes 27.72% of total area. An increase of 334 Sq. KM has been recorded in forest cover in the State in FSR 2019 as compared to FSR 2017. In FSR 2017, the total forest cover of the State was recorded as 15100 Sq. KM which as per FSR 2019 has expanded to 15434 Sq. KM after an increase of 334 Sq. KM (2.21%) during a period of two years after 2017. Himachal Pradesh with 334 Sq. KM increase figures among top 5 States showing significant increase in forest cover. In comparison to 14360 Sq. KM forest cover in 2001, the forest cover of the State has

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
			expanded to 15434 Sq. KM in 2019 recording an increase of 1074 Sq. KM (7.48%). The State Govt. is taking all measures to attain the goal of 33% forest cover of total geographical area of the State.
(xix)	<u>Para 3.4.2-A, (p.25, p.95)</u>	HPFD to improve existing database showing exact extent of area as per legal classification & allotment of each forest to a Working Circle.	Necessary directions have been issued to all concerned and the data base is now being maintained accordingly.
(xx)	<u>Para 3.7, (p.42, p.63)</u>	It was noticed by the monitoring committee that out of 37 forest divisions, approved working plans are available for 20 forest divisions and for remaining forest divisions, 16 Working Plans are not approved. It was decided in principle that SSO will be allowed only in 20 forest divisions having approved working plans.	As recommended by the Monitoring Committee, the subsidiary silviculture operations are being allowed only in Forest Divisions having approved Working Plans.
(xxi)	<u>Annex.2.8-Vol.II, (p.97)</u>	Posting of qualified range officers in selected forest ranges of Nurpur, Bharari and Paonta as directed by the Hon'ble Court vide orders dated 30.10.2018 is being done shortly.	The qualified Range Officers were posted in selected Forest Ranges of Nurpur, Bharari and Paonta.
(xxii)	<u>Para 3.7 Vol.-I, (P.116)</u>	SEVENTH RECOMMENDATION: Approval for uploading Hon'ble Supreme Court monitored experimental silviculture programme on a dedicated website.	The Forest Department has started the process of creating a website for silviculture felling. The work has been assigned to an agency after finalizing the tenders. The work is in progress.
(xxiii)	<u>Para 3.2.4 Vol.-I (P.85)</u>	A very unusual cadre management system has resulted in the present availability of only 24 trained Forest Rangers in cadre strength of 296 Forest Rangers, which	The sanctioned strength of 296 Forest Rangers in Forest Department comprises 133 posts of direct recruitment and 163 by promotion. Out of 133 DR posts, 76 RFOs are in position and 57 posts are

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
		obviously had diluted the much-required professional ability to manage a Forest Range competently. Immediate action is called for to expedite all formalities for selection and trg. of directly recruited Forest Rangers.	<p>vacant. against which the matter for filling up of 51 posts has already been taken up with the State Government.</p> <p>Similarly, against 163 promotion quota posts, 138 are in position and 25 are vacant. The process for filling up these vacant posts, including the posts likely to fall vacant during 2021, has also been initiated.</p>
(xxiv)	Para 3.3 Vol.-I (p. 92)	<p>THIRD RECOMMENDATION: <u>Importance of maintaining green cover in Himachal Pradesh</u></p> <p>It needs to be recognized that in a hilly State having fragile geological formations, the agenda of “Development” has to be planned without recklessly destroying green cover of Himachal Pradesh. <u>We need to save our natural resources, at all costs for our next generations.”</u></p>	<p>The State of Himachal Pradesh is store house of bio-diversity in the country. The State Government has taken various initiatives to increase its green cover and ensure environmental conservation. The efforts of State Government have helped in steady rise in the green cover of the State. According to the India State of Forest Survey Report (FSR) 2019 issued by Forest Survey of India, out of total geographical area of 55673 Sq. KM of the State, 15434 Sq. KM area is forest cover which constitutes 27.72% of total area. An increase of 334 Sq. KM has been recorded in forest cover in the State in FSR 2019 as compared to FSR 2017. In FSR 2017, the total forest cover of the State was recorded as 15100 Sq. KM which as per FSR 2019 has expanded to 15434 Sq. KM after an increase of 334 Sq. KM (2.21%) during a period of two years after 2017. Himachal Pradesh with 334 Sq. KM increase figures among top 5 States showing significant increase in forest cover. In comparison to 14360 Sq. KM forest cover in 2001, the forest cover of the State has expanded to 15434 Sq. KM in 2019 recording an</p>

Sr. No.	Para/ Page of Report	Particulars of Recommendations as appeared in Supreme Court Order dated 15.04.2019	Updated Status of Implementation ending March 2021
			increase of 1074 Sq. KM (7.48%). The State Govt. is taking all measures to attain the goal of 33% forest cover of total geographical area of the State.

2. 3rd Six Monthly Report of Monitoring Committee - Implementation Status of 3 Recommendations Accepted by the Hon'ble Supreme Court of India vide Order dated 29.11.2019 passed in IA No. 3840/2014 in WP (Civil) 202/1995):

Sr. No.	Para/ Page of Report	Particulars of Recommendation as appeared in Supreme Court Order dated 29.11.2019	Updated Status of Implementation
(i)	<u>Para 3.3.1 (P.76-77)</u>	Management of Undemarcated Protected Forests: Out of 65 forests approved under Experimental Silviculture Felling Programme, there are 35 Undemarcated Protected Forests in Nurpur Forest Range, where we had found encroachments/ illegal activities in 10 forests during our inspections and videography in March 2019. Certainly all Undemarcated Protected Forests in Nurpur Forest Range, covered under an approved WP and having forest wise Compartment History File need same attention as RF and DPF. Therefore, in order to secure these forests from further illegal occupations, boundary positions as per reference points already given by GIS team should be put on ground by RCC pole embedded in ground atleast 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.	As recommended by the Monitoring Committee, the boundary positions of all the Undemarcated Protected Forests have been put on ground as per reference points given by the GIS Team.
(ii)	<u>Para 3.3.2 (P.77)</u>	Mid Term Revision of Working Plans: The Monitoring Committee has experienced during the approval of Silviculture Markings in Bharari Forest Range and Nurpur Forest Range that the prescriptions of the approved Working Plans were not matching with the field conditions particularly with actual floristic composition and Periodic Block allotments. Therefore, it is recommended that immediate action may be	The period of Working Plan of Bilaspur Forest Division is 2012-13 to 2027-28. Therefore, CCF Bilaspur has been directed to undertake midterm revision of this Working Plan. However, the Working Plan of Nurpur Division, having period from 2012-13 to 2021-22, is going to expire during 2021-22. Therefore, CCF Dharamshala was asked to

Sr. No.	Para/ Page of Report	Particulars of Recommendation as appeared in Supreme Court Order dated 29.11.2019	Updated Status of Implementation
		taken to carry out Mid-term revision of these two Working Plans.	prepare and submit PWPR of this division. The same has been prepared and submitted to CCF (Working Plans & Settlement), Mandi.
(iii)	<u>Para 3.3.3 (P.78)</u>	<p>Urgency to Ensure Time Bound Compliance of Orders and Directions of Hon'ble Supreme Court: 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.</p> <p>Therefore, it is imperative to highlight once again that in order to operationalize the intent of the Hon'ble Supreme Court Order of 16th February 2018, implementing agencies at various levels have to ensure speedy and effective implementation of all orders pivotal for the success of Experimental Silviculture Felling Programme and overall efforts being made for the revival of Scientific Forest Management at macro level.</p> <p>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</p>	<p>All the important prerequisites for creating enabling conditions for regeneration in experimental silviculture felling areas have been complied with. These include:</p> <ul style="list-style-type: none"> (i) Securing the boundaries, (ii) Fencing of areas, (iii) Preventing fire, (iv) Undertaking Subsidiary Silviculture Operations and monitoring by a team of Senior Officers. <p>The Fourth Six Monthly Report has been submitted by the Monitoring Committee in the Hon'ble Supreme Court during February 2020. However, no orders have been passed so far by the Hon'ble Apex Court on 13 recommendations of Second Six Monthly Report.</p>

Sr. No.	Para/ Page of Report	Particulars of Recommendation as appeared in Supreme Court Order dated 29.11.2019	Updated Status of Implementation
		Second Six Monthly Report, which are still pending for approval.	
		Two Months time is granted to the State Government to fence the area where the plantation has been done and for construction/repair work of the boundary pillars of reserve forests and DPFs, time is extended by four months from today. (Order dated 29.11.2019) The application for extension of time is, accordingly, disposed of.	The work of fencing of plantation areas taken up during 2019-20 has been completed. Fencing of areas taken up during 2020-21 has also been completed for most of the areas.

**TIME TABLE FOR IMPLEMENTATION OF SILVICULTURE FELLINGS AND
RELATIVE INTERVENTIONS**

ACTIVITY/INTERVENTION	IMPLEMENTATION TIME
PRE FELLING PLANNING OF PREPARATORY OPERATIONS IN PRECEDING YEAR OF FELLING	
PREPARATION AND SUBMISSION OF COST ESTIMATES FOR PRE FELLING, FELLING AND POST FELLING OPERATIONS OF FENCING AND PLANTING	APRIL
ERADICATION OF WEEDS IN FORESTS INFESTED WITH LANTANA AND OTHER OBNOXIOUS WEEDS	SEPTEMBER TO FEBRUARY
COMPARTMENT WISE BASIC TECHNICAL DATA IN RELATION TO APPROVED WORKING PLAN AND COMPARTMENT HISTORY FILE TO BE CHECKED BY DFO AS PER APPROVED FORMAT IN ANNEXURE 2.2, PAGES 82-84 OF THIRD SIX MONTHLY REPORT OF 30 AUGUST 2019.) AND TO BE APPROVED BY CF	NOVEMBER
VALIDATION AND APPROVAL IN PRINCIPLE TO TAKE UP THE FOREST FOR SILVICULTURE FELLINGS BY CCF/APCCF- APPROVAL FOR DEVIATIONS, IF ANY, FROM WORKING PLAN PRESCRIPTION TO BE SOUGHT FROM PCCF (WP)	DECEMBER
VALIDATION OF AREAS AND BOUNDARIES BY GIS CELL	JANUARY

ACTIVITY/INTERVENTION	IMPLEMENTATION TIME
OPERATIONS IN THE YEAR OF FELLING	
100% ENUMERATIONS FOR ANALYSING FLORISTIC COMPOSITION OF EACH FOREST AS PER APPROVED GUIDELINES IN ANNEXURE 2.3 , PAGES 57-62 OF FIRST SIX MONTHLY REPORT OF 15 AUGUST 2019.)	APRIL-MAY
SILVICULTURAL MARKINGS WHICH MUST INCLUDE MARKINGS/REMOVALS FOR FIRE LINES AS PER APPROVED GUIDELINES IN ANNEXURE 2.4, PAGES 63-69 OF FIRST SIX MONTHLY REPORT OF 15 AUGUST 2019.)	JUNE-JULY
APPROVALS OF SILVICULTURAL MARKINGS BY CONSERVATORS AFTER FIELD INSPECTIONS	1 - 15 SEPTEMBER
MUST HAND OVER LOTS TO HPSFDC LTD	BY 15 SEPTEMBER
COMPLETION OF FELLING AND EXTRACTION OPERATIONS	31 MARCH
PROCUREMENT OF BARBED WIRE AND RCC FENCE POSTS	MARCH

ACTIVITY/INTERVENTION	IMPLEMENTATION TIME
POST FELLING OPERATIONS IN THE SUCCEEDING YEAR FOR ENSURING REGENERATION	
ERECTION OF RCC POLE 5 STRAND BARBED WIRE FENCING AS PER THE LATEST APPROVED COST NORMS FOR THE APPROVED FORESTS TO BE CERTIFIED BY CONSERVATOR	MAY-JUNE
PLANTING OF ONLY TALL PLANTS TO AUGMENT/SUPPLEMENT NATURAL/COPPICE REGENERATION	FIRST FORTNIGHT OF JULY
REGENERATION ASSESSMENT SURVEYS TO ASSESS ACTUAL STATUS OF REGENERATION – NATURAL/ COPPICE/ ARTIFICIAL REGENERATIONS TO BE CARRIED OUT IN FENCED FORESTS TWICE A YEAR IN APRIL AND OCTOBER AS PER APPROVED GUIDELINES AND METHODOLOGY OF ASSESSMENT OF REGENERATION IN ANNEXURE 2.9 PAGES 118-127 OF THIRD SIX MONTHLY REPORT OF 30 AUGUST 2019.)	OCTOBER-NOVEMBER
CHECKING ONSITE COMPLIANCE OF APPROVED INTERVENTIONS FOR ENSURING REGENERATION BY CCF/APCCF AS PER APPROVED FORMAT IN ANNEXURE 2.2 A, PAGE 84 OF THIRD SIX MONTHLY REPORT OF 30 AUGUST 2019.) . MAINTENANCE TO BE CARRIED OUT ANNUALLY TILL REGENERATION IS FULLY ESTABLISHED.	15TH NOVEMBER TO 15TH DECEMBER