


Govt sitting on SC norms for saving non-forest trees

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Nagpur: Even as the Supreme Court has recommended the need for a national model act for the conservation and protection of public-owned trees on non-forest land (PTNFL), agencies have been determinedly creating the doctrine of fait accompli situations causing huge ecological damage.

The SC has also recommended stopping the abuse of trees by preventing hammering nails, metal wires, rods, electric cables, pasting advertisements, etc., and creating a tree conservation fund (TCF), where fines collected from violators will be deposited to be used for tree plantation.

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The latest example is of the Railways Land Development Authority (RLDA), which clandestinely felled over 100 trees, including several heritage ones, without the mandatory permission of the tree authority.

In January 2022, the SC's 7-member expert committee, headed by Dr MK Ranjitsinh, submitted a report titled 'Compensatory conservation in India: An analysis of the science, policy and practice' that deals with scientific and policy guidelines for valuing PTNFL on railway lands, highways, roads, canals, parks, and institutional areas.

The report was submitted to the apex court by the committee pursuant to the directions on March 25, 2021, in SLP of 2018. The mandate of this committee was to develop a set of policy guidelines that shall govern decision-making with respect to cutting trees for developmental projects.

“The report has been appreciated by the SC and forwarded to the central government for acceptance or comments. The deadline for the same expires in mid-May,” Dr Ranjitsinh said.

These guidelines may specify the species of trees in categories, based upon their environmental values considering the age and girth of the trees etc, and prescribe a mechanism for assessment of both intrinsic and instrumental value of the trees and its special relevance to the habitat of other living organisms, soil, and underground water.

The SC panel said, “In the absence of a national policy, the doctrine of *fait accompli* usually comes into play for PTNFL. Tree-felling approvals are rendered as a mere formality when projects have already been sanctioned and awarded.”

In Maharashtra, by an amendment in 2021, heritage status was accorded to all trees that are 50 years old or more. A tree census is to be carried out every five years, in which heritage trees will be counted. A State Tree Authority (STA) has been constituted, besides the tree authority at the urban local body level.

Permission from the STA is required if more than 200 trees are to be felled for a project and below this threshold, permission is needed from the tree authority at the local level. The number of trees planted must be equal to the age (counted in years) of the tree being cut.

So, to compensate for the felling of a 30-year-old tree, 30 saplings must be planted. However, RLDA and its contractor have failed to follow the rules.

“We found that while PTNFL is protected under various national and state laws, the main function provided to local authorities under these laws is to protect them from individuals and not from public projects that are emerging as the biggest drivers of their destruction,” the report says.

When forests are diverted for development, the Forest Conservation Act (FCA), 1980, lays down a procedure of compensatory conservation. But when it comes to protecting PTNFL, there is a policy void.

Hence, the SC committee has recommended being able to value trees using the benefit-based approach in the Indian context.