



## **Necessity of preservation of trees act**

12 May 2023

On 1st November, 2022, while on my usual morning walk route in an upscale HUDA Sector of Gurgaon, I realised that there was something which was missing. It was difficult to believe but a fully grown Banyan Tree, aged probably between 50-75 years was brutally uprooted and instead the place was left with a heap of soil, with hardly any trace of the grand Banyan Tree. After making frantic phone calls to all the authorities it was divulged that permission of its uprooting was given in a routine manner by the Forest Officer, Gurgaon since it was standing on a residential plot which was sold by HUDA. At the first place such an allotment ought not to have been made by a Government Department keeping in mind the presence of a full grown tree at the site.

The allottee could have been easily allotted a different plot but such application of mind was consciously missing or if I may say such an alternative was not even dwelled upon by the concerned officers of HUDA. A plush 4 storey bungalow now stands tall at its place, reminding us that most of the people shall always be disgraceful to the environment and our own self-interest will prevail over the necessity of the society at large. The reason for giving such permission by the authorities was remorseless and compassionless. I was informed that in the State of Haryana there was no Preservation of Trees Act, unlike Delhi and therefore permission to uproot old trees is a subjective satisfaction of the concerned Officer who might not have even bothered to visit the site and to have an inspection of the tree which was to be cut down under his orders.

The result of such subjectiveness is that State of Haryana has the lowest green cover in India with only 3.6% of its total land as forest cover. The percentage is astonishing as State of Haryana (which means "Abode of God") has with its disposal around 44,212 Sq Km of its land in comparison with Delhi which has only 1482 Sq Km of land and its forest cover has increased from 1.48 % in 1993 to 23.06% in 2021.

The Preservation of Tree Act is a crucial piece of legislation that has been enacted by several states in India to protect and restore the country's forests. The act aims to ensure that trees are not unnecessarily cut down, and the felling of trees is only allowed under specific circumstances. According to the act, permission to cut trees can only be granted by the relevant authorities, such as the Forest Department or local administration, after a thorough evaluation of the situation. The act also mandates that individuals and companies must plant an equivalent number of trees that are being felled, ensuring that the country's green cover is not impacted.

There had been numerous reports which time and again remind us the necessity of the trees in as much as that the urban trees affect air quality area in four ways: (i) Temperature reduction and other microclimatic effects; (ii) Removal of air pollutants; (ii) Emission of volative organic compounds and tree maintenance emissions; and (iv) energy effects on buildings. Tree transpiration and tree canopies affect air temperature, radiation absorption and heat storage, wind speed, relative humidity, turbulence, surface albedo, surface roughness and consequently the evolution of the mixing- layer height. These changes in local meteorology can alter pollution concentrations in urban heights. No doubt it's true that for this reason the temperature in the forest reserves is always 4-5 degrees cooler than the urban.

Government of Haryana finally seems to be up from its slumber, as it was reported couple of days back that the government is considering a statute on the Preservation of Trees on the lines of the one available in Delhi. I believe the same should have been in place some two decades back but for reasons best known to the Executives, the same was not under consideration till recently. Probably the Executives were more interested in development of concrete jungle than preserving the trees. I am not suggesting that development is not necessary or that we should start living life of Dryopithecus. The suggestion is to have a balanced development with vision to be changed from concrete development to

green development. Gurugram is already under the realm of Delhi and taking much of the load of proliferation of migration. The momentous traffic has already increased the distance between Gurgaon and Capital and incessant construction to regulate the same has resulted into uprooting of trees and bringing with it the atomic reaction of evils of pollution.

The Delhi model which the Haryana Government wants to introduce certainly is a remarkable statute which provides various check and balances before giving permission to transplant/ remove the tree. However, needless to submit that the said powers are being exercised by Executives who sometimes take impressionistic decisions. Therefore mere framing of Statute may not act as a wizard for solving all. The same needs to be implemented with a determination and commitment as done by Hon'ble Justice Najmi Waziri in Delhi. The orders passed by the Hon'ble Judge were panacea to the Government which made its Executives to work relentlessly for the environment. His innovative style of issuing directions to the parties to plant various saplings/ trees in Central and Southern Ridge in lieu of the quashing of their criminal cases conceived "Insaf Bagh" and "Mafi Bagh" respectively.

This converted into a vision and in last since 2019 till date more than 65,000 trees have been planted in these ridge alone. The government has given its undertaking to the Court that it will plant almost 12 lacs trees in coming 5 years and out of which around 4 lacs trees will be planted in Central Ridge alone. To ensure that the Government does not lay a lame excuse of funds for plantation of trees, the Hon'ble Judge imposed cost of Rs 80 lacs in one of the matter and Rs 50 Lacs in another along with directions to plant 1,40,000 trees and 25,000 trees respectively in the said matters by utilising the said funds. The ridge is now lush green with fully grown trees and getting rid of *Vilayati Keekar*.

The efforts did not stop here. The condition of the Forest Department of Delhi was not very encouraging. The Tree Officers earlier were permitting to remove the trees mechanically and there was hardly any system/ mechanism in place to address the complaints of tree felling despite the DPT Act in vogue. On Hon'ble Judge endeavour Govt of Delhi in 2021 took initiative to increase the reckonable team of forest officers at various levels to protect the forest and non-notified green cover. Vacancies were created for appointment of 211 Forest Guards, 4 Forest Rangers along with procurement of 400 number of CUG Sim Cards, 331 number of Hand held Radio and 20 number of base radio stations. advanced/ modern/ wire communication technologies. The said steps were quiet sizeable in comparison to the land area which the Capital possess. The Government has also submitted its affidavit undertaking a robust mechanism to address all the complaints relating to Tree Offences by December 2023 in form of launching of a website with features like details of helpline, Trigger mechanism for SMS based on jurisdiction, reporting of action taken by the department, monitoring of status of complaint by the complainant on their mobile number etc.

The Preservation of Tree Act along with Delhi is applicable in various other States across India. States such as Maharashtra, Gujarat, Karnataka, Madhya Pradesh, and Uttar Pradesh have enacted the Act to ensure the protection and preservation of trees in their respective regions. The Act in these States is achieving its purposes and the indiscriminate tree felling of trees is in check and the States are being encouraged the plantation of new trees.

It is imperative that we preserve our trees and forests to ensure the health and well-being of our ecosystem. Every individual must contribute to the cause of preserving trees and reducing deforestation by adhering to the regulations established by the Act. The Preservation of Tree Act is an essential tool in ensuring the sustainable future of the environment around us. State of Haryana must hurry in legislating it and along with to ensure that it is applied all over in its letters and spirits. Certainly the orders passed by J Waziri can be a guiding factor on how the Act is to be implemented and utilised for giving a sustainable and pollution free environment.

Preservation of Trees Act is thus a critical piece of legislation which if implemented in full vigour aims to protect trees and promote environmental sustainability. This act is crucial in mitigating against the negative impact of deforestation on the environment, including soil erosion, climate change, and an

imbalance in the ecosystem and can be a shot in the arm for State of Haryana. If executed thoroughly, the hope can certainly convert into belief and the forest cover of Haryana can soon match with the other States. Ultimately, the Preservation of Trees Act's success will depend on the collective efforts of all stakeholders, including businesses, government agencies, and individuals in protecting and preserving trees. By taking a proactive approach, we can all ensure a greener and healthier environment for future generations.

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