



### **HC pulls up Goa over tree census**

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PANAJI: Pointing out that “in a small state like Goa, the felling of trees is a serious concern,” the division bench of the high court of Bombay at Goa castigated the tree authority for failing to comply with various mandates under the Preservation of Trees Act, remarking that the government instead was laying the groundwork to avoid compliance.

The court also pulled up the tree authorities for directing the forest department to place only proposals involving felling of more than 500 trees before the tree authorities for critical analysis and give its recommendations, before the proposals are taken up for consideration.

The high court questioned this “self-imposed limit” and stated that the “tree authorities wish to avoid compliance unless there is a proposal involving the felling of more than 500 trees”.

“In a small state like Goa, the felling of trees is a serious concern, and therefore the mandate in Section 7(i). This mandate, now reinforced by our directions, cannot be diluted in this manner,” the bench said.

“Therefore, we think that for the effective implementation of Section 7(i), whenever there is any proposal by the government department or private bodies for the construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic, and other transmission lines and such proposals involve the felling of trees then, such proposal will have to be placed before the tree authorities. Thereafter, the tree authorities must undertake a critical study of the proposals and make their recommendations,” the court held.

Such recommendations will have to be considered by the authorities granting approvals for such proposals, the high court stated.

The high court pulled up the government for not carrying out a tree census mandated to be carried out under the Trees Act, and instead stating in their compliance report that they will carry out a census in Panaji and Margao.

“Our directions were also quite clear that such census work should be carried out in the entire state of Goa except the government forest under the control of the forest department... Despite both the statutory and judicial mandate, the tree authorities cannot, at this belated stage, express the view that the process will first be carried out only in the two towns of Panaji and Margao,” the division bench stated, adding that no such census has been carried out even in Panaji and Margao to date.

“Thus, it is quite clear that there is no compliance with direction... and instead, some groundwork is being laid to avoid compliance,” the court said.

The high court in July 2021 had directed that the tree census be completed within one year, and found that no census has been carried out, with only some files “moved from one table to the other”.

The bench expressed its displeasure with the non-compliance by the state government while hearing a public interest litigation by the NGO Living Heritage Foundation, seeking revival of the tree authorities of North and South Goa.

The bench directed the two member secretaries of the tree authorities to remain present in court with all records if for any reason the compliance report is not filed by April 25.

The high court also found that the state government hasn't complied with section 7(e) of the Trees Act, requiring that appropriate measures be taken for planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads, or replacement of trees that have failed to come up along roads or safeguarding danger to the life and property.

Source:<https://timesofindia.indiatimes.com/city/goa/hc-pulls-up-state-over-tree-census/articleshow/90650686.cms>