

8X NEW LINK TO MEDIA

WPC PIL 14046/2022 FILED IN HON'BLE HIGH COURT OF ORISSA IN THE MATTER OF DAMAGE TO THE ENVIRONMENT AND CLIMATE CHANGE BY CUTTING AGE OLD TREES FOR MLA COLONY IN BHUBANESWAR

SC SEEKS RESPONSE TO NEW METHOD TO ASSESS VALUE OF TREES TO BE CUT FOR PROJECTS

SC seeks response to new method to assess value of trees to be cut for projects

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Jan 19, 2023 12:37 PM IST

An expert panel has recommended for the first time a method for assessing the value of trees taking into account their intrinsic and instrumental value

The Supreme Court has accepted an expert panel's report recommending for the first time a method for assessing the value of trees to be cut for development projects taking into account their intrinsic and instrumental value based not on their timber worth but their age, girth, and environmental contribution.

A bench of justices BR Gavai and MM Sundresh last week asked additional solicitor general Aishwarya Bhati to get the Union environment, forest and climate change ministry's response to the report and file an affidavit in three weeks on the steps to be taken to implement it. It posted the matter for hearing next on February 8

The court, which appointed the seven-member committee in March 2021, appreciated the panel for "the herculean efforts" in preparing a "commendable report" after taking it on record. Advocate K Parameshwar, assisting the court as amicus curiae, submitted the report.

Former Wildlife Trust of India chairman MK Ranjitsinh Jhala led the panel, which also recommended the setting up of a tree conservation authority at the state and local levels for overseeing compensatory afforestation and to act as custodians of the public-owned trees on nonforest land.

In the 184-page report, the committee said that though it favours a cost-based approach, it agrees a benefit-based approach on the basis of net present value criteria is a better way of assessing the value and making developers pay as is proposed for land-use change. "However, a paucity of studies providing information and data impedes its application in the Indian context."

The committee recommended a national research project for species-specific tree ecosystem service valuation to arrive at their value, considering the functions of age, etc. "This may well be a long-term project given the number of species and the biogeographic diversity of the country." said the report submitted last year.

The panel proposed that the criteria for assessing the value of trees by transplantation and substitution cost methods. "While valuing public trees using the transplantation-cost method, a user

agency [project proponent] would bear the cost of transplanting trees including pre-conditioning, hardening, rootstock consolidation, refuge site preparation, transportation, transplanting at a refuge site, and aftercare," the report said.

The panel said the appraisal method using the trunk formula can be used to assess the value of trees to be felled based on the four parameters of girth, species rating, condition rating, and location rating. It proposed having a state tree conservation authority in every state to assess the nursery gate price and the planting cost once in three years and fix a uniform unit price to be made applicable across the state. "In no case shall this unit price be less than ₹200 per square cm. As the tree is standing on public land, it is the property of the state and hence standard practices prevalent in the state regarding the felling of trees, their disposal and crediting the proceeds to government revenue shall apply in this case as well."

The committee proposed a National Model Act to codify the functions, powers, and composition of the tree conservation authority at various levels, mainstream tree conservation aspects in developmental planning, etc.

The court in March 2021 ordered the constitution of the committee on an Association for Protection of Democratic Rights' plea against the felling of primitive trees for the construction of five bridges in West Bengal.