

SUBASI RESEVE FOREST

୧୨ ଏକର ଜାଗାରୁ କଟାଯିବ ଗଛ

କଟକ, ୨୨/୧୧(ବୁଧବେ): ଆଠଗଡ଼ର ସୁବସୀ ସଂରକ୍ଷିତ ଜଙ୍ଗଲରେ ପ୍ରକୃତିର ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା ନେଇ ୧୨ ଏକର ଜମିରୁ ଗଛ କଟାଯିବାର ଯୋଜନା ହୋଇଛି । ଯେଉଁଠି ସିନେକ ଗଛ ଖରାପରେ ଏକ ମନାଲ ରୁକୁ ହୋଇଛି । ସମାଜସେବା ବିଭାଗ ଦ୍ଵାରା ଏହି ମନାଲ ରୁକୁ କଟିବା ସହ ସିନେକ ଫାଣ୍ଡି ଏବଂ ସହ କଟା କରା ଲାଗି ଅଫିସର ପିଏସ୍‌ଏ ଯୋଗ୍ୟ ପ୍ରାର୍ଥନା କରିଛନ୍ତି । ଅଧିକାରୀଙ୍କୁ ଜଣାଇ ଦିଆଯାଇ ପିଏସ୍‌ଏରେ କର୍ମଚାରୀଙ୍କୁ କମିଶନ ଯେ, ଆଠଗଡ଼ ଜଙ୍ଗଲ ଅଧିକାରୀଙ୍କୁ ଏହି ସୁବସୀ ସଂରକ୍ଷିତ ଜଙ୍ଗଲ ଆସୁଛି । ଯେଉଁଠିରେ ଲାଲ ସରକାର ଏକ ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା କରି ଅଫିସର ପ୍ରଦାନ କରିଛନ୍ତି । ଏହାଦ୍ଵାରା ୧୨ ଏକର ଜମିରେ ବହୁ ପ୍ରକାର ଗଛ କଟାଯିବା ଯୋଜନା ରହିଛି । ଯଦି ଶେଷରେ ସଂରକ୍ଷିତ ଜଙ୍ଗଲରୁ ଗଛ କଟାଯିବାରୁ ଯୋଜନା କରାଯାଏ ତେବେ ଏହା

ପୂର୍ବରୁ ପ୍ରଥମେ କେଉଁ ଜଙ୍ଗଲ ମହାଶୟନ ନିବନ୍ଧକୁ ଅନୁମତି ଦେବାକୁ ପଡ଼ିଥାଏ । ଅନୁମତି ନାହିଁ ପ୍ରକୃତିର ସିନେକ ଫାଣ୍ଡି

ସୁବସୀ ସଂରକ୍ଷିତ ଜଙ୍ଗଲରେ ସିନେକ କାରଖାନା ହାଇକୋର୍ଟରେ ରୁକୁ ହେଲା ମାମଲା

ଠାକୁରାଣୀ ଏକ୍ସପ୍ରେସ୍‌ରୁ ଦୂର ସିଦ୍ଧିଚାଲୁ ଆସୁ ନ ଯୋଗ୍ୟ ଅଫିସର କର୍ମଚାରୀ କରୁଛି । ପ୍ରକୃତିର ସିନେକ ଫାଣ୍ଡି ପାଇଁ ଏହି ସଂରକ୍ଷିତ ଜଙ୍ଗଲ ବିଭାଗରେ କର୍ମଚାରୀ ଅଧିକାରୀ ଲୋକମାନଙ୍କ ଜାଗରଣାଦିନ ପ୍ରତି ନିବନ୍ଧକୁ ହେବାକୁ ଆଶଙ୍କା ରହିଛି । ଏହି ଫାଣ୍ଡି ଯେଉଁ ପ୍ରକାର ଅଫିସର କର ଏବଂ ନାହିଁ

ମଧ୍ୟ ପ୍ରକୃତିର ହେବ । ଏହାଦ୍ଵାରା ପ୍ରକାର ଅଧିକାରୀଙ୍କୁ ଉପସ୍ଥାପନା କରୁଛି ହେବ । ଫାଣ୍ଡି ପ୍ରତିଷ୍ଠା ପରେ କେଉଁ ଅଫିସର ଯେଉଁ ସଂଖ୍ୟାରେ ଗଛ, ମନାଲ ପ୍ରକାର କଟିବ ତାହାଦ୍ଵାରା ସଂରକ୍ଷିତ ଜଙ୍ଗଲରେ କରାଯାଏ କରୁଥିବା ପଶୁ,ପକ୍ଷୀଙ୍କ ସୁରକ୍ଷାରେ ଏହାକୁ ସୁଖି ହେବ । ଫାଣ୍ଡିରୁ କଟାଯିବା ଜମିରୁ ପ୍ରତି ନିବନ୍ଧକୁ ସୁଖି ହେବ । ଏହି ଜମିରୁ ପ୍ରତିଷ୍ଠା ହେବା ପୂର୍ବରୁ ଏହାକୁ ବିଭିନ୍ନ ବିଭାଗକୁ ଅନୁମତି କରୁଥିବା ଏହାକୁ ନିରାକାର କରି ଦିଆ ମଧ୍ୟ କରାଯାଉନାହିଁ । ଅଧିକାରୀଙ୍କୁ ଜଣାଇ ଏହି ଏକ୍ସପ୍ରେସ୍‌ରୁ ପାଇଁ ବିଭେଦରେ କେଉଁଠିକେ ମଧ୍ୟ ଗଛ ଯୋଗ୍ୟ ବିଭାଗ ନାହିଁ । ତେଣୁ ଏହି ପ୍ରକାରକୁ କଟା କରାଯିବା ସହ ଗଛ କଟାଯିବ ବି କେ କଟିବା ଲାଗି ଅଧିକାର ନିର୍ଦ୍ଦେଶ ଦେବାକୁ ଅଧିକାରୀଙ୍କୁ ଜଣାଇ ପ୍ରାର୍ଥନା କରିଛନ୍ତି । ଅଧିକାରୀଙ୍କୁ ବିଭାଗ କୁମାର କଟକ ଏହି ମନାଲ ରୁକୁ କରିଛନ୍ତି ।

EXTRACT OF PRAMEYA NEWSPAPER PUBLICATION DATED 29 11 2020 REGARDING DEFORESTATION IN SUBASI RESERVE FOREST

ବନ ବିଭାଗର ଜଙ୍ଗଲାରାଜ୍ || କମ୍ପାନି ପାଇଁ ସଫା ହେବ ଶାଳଗଛ !

କଟକ, ୨୯/୧୧(ବୁଧବେ): ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା ନେଇ ୧୨ ଏକର ଜମିରୁ ଗଛ କଟାଯିବାର ଯୋଜନା ହୋଇଛି । ଯେଉଁଠି ସିନେକ ଗଛ ଖରାପରେ ଏକ ମନାଲ ରୁକୁ ହୋଇଛି । ସମାଜସେବା ବିଭାଗ ଦ୍ଵାରା ଏହି ମନାଲ ରୁକୁ କଟିବା ସହ ସିନେକ ଫାଣ୍ଡି ଏବଂ ସହ କଟା କରା ଲାଗି ଅଫିସର ପିଏସ୍‌ଏ ଯୋଗ୍ୟ ପ୍ରାର୍ଥନା କରିଛନ୍ତି । ଅଧିକାରୀଙ୍କୁ ଜଣାଇ ଦିଆଯାଇ ପିଏସ୍‌ଏରେ କର୍ମଚାରୀଙ୍କୁ କମିଶନ ଯେ, ଆଠଗଡ଼ ଜଙ୍ଗଲ ଅଧିକାରୀଙ୍କୁ ଏହି ସୁବସୀ ସଂରକ୍ଷିତ ଜଙ୍ଗଲ ଆସୁଛି । ଯେଉଁଠିରେ ଲାଲ ସରକାର ଏକ ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା କରି ଅଫିସର ପ୍ରଦାନ କରିଛନ୍ତି । ଏହାଦ୍ଵାରା ୧୨ ଏକର ଜମିରେ ବହୁ ପ୍ରକାର ଗଛ କଟାଯିବା ଯୋଜନା ରହିଛି । ଯଦି ଶେଷରେ ସଂରକ୍ଷିତ ଜଙ୍ଗଲରୁ ଗଛ କଟାଯିବାରୁ ଯୋଜନା କରାଯାଏ ତେବେ ଏହା



ପ୍ରକାର, କରୁଥିବା, କରୁ, କିମ୍, ଅଧିକାରୀଙ୍କୁ ସମାଜସେବା ବିଭାଗ ଦ୍ଵାରା ଏକ ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା ନେଇ ୧୨ ଏକର ଜମିରୁ ଗଛ କଟାଯିବାର ଯୋଜନା ହୋଇଛି । ଯେଉଁଠି ସିନେକ ଗଛ ଖରାପରେ ଏକ ମନାଲ ରୁକୁ ହୋଇଛି । ସମାଜସେବା ବିଭାଗ ଦ୍ଵାରା ଏହି ମନାଲ ରୁକୁ କଟିବା ସହ ସିନେକ ଫାଣ୍ଡି ଏବଂ ସହ କଟା କରା ଲାଗି ଅଫିସର ପିଏସ୍‌ଏ ଯୋଗ୍ୟ ପ୍ରାର୍ଥନା କରିଛନ୍ତି । ଅଧିକାରୀଙ୍କୁ ଜଣାଇ ଦିଆଯାଇ ପିଏସ୍‌ଏରେ କର୍ମଚାରୀଙ୍କୁ କମିଶନ ଯେ, ଆଠଗଡ଼ ଜଙ୍ଗଲ ଅଧିକାରୀଙ୍କୁ ଏହି ସୁବସୀ ସଂରକ୍ଷିତ ଜଙ୍ଗଲ ଆସୁଛି । ଯେଉଁଠିରେ ଲାଲ ସରକାର ଏକ ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା କରି ଅଫିସର ପ୍ରଦାନ କରିଛନ୍ତି । ଏହାଦ୍ଵାରା ୧୨ ଏକର ଜମିରେ ବହୁ ପ୍ରକାର ଗଛ କଟାଯିବା ଯୋଜନା ରହିଛି । ଯଦି ଶେଷରେ ସଂରକ୍ଷିତ ଜଙ୍ଗଲରୁ ଗଛ କଟାଯିବାରୁ ଯୋଜନା କରାଯାଏ ତେବେ ଏହା

କମ୍ପାନି ପାଇଁ ସଫା ହେବ ଶାଳଗଛ !

ସୁବସୀ ଶାଳଗଛ କଟାଯିବା ପରେ ପ୍ରକାର କରୁଥିବା କର୍ମଚାରୀଙ୍କୁ କମିଶନ ଯେ, ଆଠଗଡ଼ ଜଙ୍ଗଲ ଅଧିକାରୀଙ୍କୁ ଏହି ସୁବସୀ ସଂରକ୍ଷିତ ଜଙ୍ଗଲ ଆସୁଛି । ଯେଉଁଠିରେ ଲାଲ ସରକାର ଏକ ସିନେକ ଭରଣାକୁ ପ୍ରତିଷ୍ଠା କରି ଅଫିସର ପ୍ରଦାନ କରିଛନ୍ତି । ଏହାଦ୍ଵାରା ୧୨ ଏକର ଜମିରେ ବହୁ ପ୍ରକାର ଗଛ କଟାଯିବା ଯୋଜନା ରହିଛି । ଯଦି ଶେଷରେ ସଂରକ୍ଷିତ ଜଙ୍ଗଲରୁ ଗଛ କଟାଯିବାରୁ ଯୋଜନା କରାଯାଏ ତେବେ ଏହା

EXTRACT OF EMAIL DATED 07 02 2021 REGARDING PLANNED DEFORESTATION OF RESERVE FOREST LAND FOR CEMENT FACTORY

Cutting of age old trees in Subasi Reserve Forest, Athgarh Forest Division

**jayanti das <jayantidasorissa2012@gmail.com>
to ohrc, csori, revsec.od, fsec.or, energy, rdcctc, dm-cuttack, subcoll-athgarh, dfoathgarh, customercare**

Sun, Feb 7, 2021 11:19 PM

To

Hon'ble Chairman OHRC

Chief Secretary Odisha

Secretary Revenue and Disaster Management Odisha

Secretary Forest and Environment Odisha

Principal Secretary Department of Energy Odisha

GM TPCODL Bhubaneswar

RDC Central Cuttack

Collector Cuttack

Athgarh Sub Collector

Athgarh DFO

Subject- Cutting of age old trees in Subasi Reserve Forest, Athgarh Forest Division

Sir

It is pertinent to mention that the government has planned to initiate a cement factory inside the Subasi Reserve Forest, Athgarh Forest Division for which thousands of age old trees in around 12 acres have to be cut for electrification of private cement factory.

It is also necessary to say that any deforestation inside Reserve Forest needs necessary environmental clearance from central government and according to the Forest Right Act 2006 any deforestation inside Reserve Forest should be for and in favor of the tribals residing there generationwise and dependent on that forest for their livelihood.

The proposed cement factory is not directly going to affect the standard of living of the local tribals rather it will effect adversely in creating ecological imbalance, environment degradation, air and ground water pollution by waste material of cement factory, sound pollution affecting the wildlife in their movement in their natural habitat, serious threat to the elephants as it is a natural corridor for their movement in herds etc.

Different types of valuable age old trees including medicinal plants along with different types of wild herbivorous animals who depend on the Subasi Reserve Forest for their food and shelter is going to be seriously damaged if a cement factory comes up inside the Subasi Reserve Forest.

It is necessary to say that as the local tribal people are protecting such a natural habitat like the Subasi Reserve Forest and giving protection to the flora and fauna; it is a crime against humanity and nature both because the effort for years together generation wise of the locals will go waste for a cement factory which can be located in some deserted barren land because construction of factory does not require intrusion into reserve forest.

Cutting of thousands of age old trees for electrification of private cement factory is not PERMISSIBLE UNDER FRA 2006 AND PESA.

THE MAIN MOTIVE OF CUTTING OF THOUSANDS OF AGE OLD TREES FOR ELECTRIFICATION OF PRIVATE CEMENT FACTORY IS MAKING PROFIT BY REDUCING THE TRANSPORTATION COST TO THE CORPORATE SECTOR AND THE CORPORATES ARE INTRUDING INTO RESERVE FORESTS ONLY BECAUSE OF IT IS VERY FAR FROM THE URBAN CULTURE AND JUDICIAL INTERVENTION IS VERY DIFFICULT AS COLLECTING EVIDENCES AGAINST ANY HUMAN RIGHT OR FOREST RIGHT VIOLATION MAY CAUSE LIFE THREAT.

As the technology is so developed; the government should always try to create any commercial project only in unutilized barren land far from the human and wildlife habitat and it should not always consider the gains in monetary form but think about the betterment of environment.

Under the circumstances the government is requested to provide the NOCs received from the Union Government, the necessary clearances required under FRA and PESA, the details of the proposed cement factory along with the TENDERS called for the mining of limestone for the cement factory (details and list of bidders for the site, name of the players, notification date and order along with advertisements made in newspapers, notification by the electricity dept to cut thousands of age old trees in Subasi Reserve Forest where the numbering have been made for transmission line to the cement factory, clearances from local forest department to the Electricity Department, clearances from local forest department for construction of foundation for transmission line and the guidelines available with the local Athgarh DFO to facilitate such a commercial project inside Subasi Reserve Forest).

As it seems it is a sheer violation of Forest and Environment Act where a private cement factory along with mine is allowed inside a Reserve Forest which is not an ESSENTIAL PREREQUISITE FOR DEVELOPMENT AND IN PUBLIC INTEREST as it is at the cost of natural resources and environmental degradation.

You are requested to keep the satellite pictures of the proposed private cement factory project in the Subasi Reserve Forest since inception of the project and the movements of the electricity department about numbering of trees to be cut, civil construction of foundation for transmission lines and other day to day project related activity inside the Subasi Reserve Forest for producing in the Hon'ble High Court for proper adjudication of the case as nothing is more reliable than technology as evidence.

It is pertinent to mention that the government officials have developed a habit of initiating commercial projects by damaging the environment without getting ANY NOC AND CLEARANCES REQUIRED as it happened in case of illegal sand filling of RIVER MAHANADI IN THE HEART OF CUTTACK CITY and they dared to misguide the Hon'ble High Court on false affidavit and they give different

versions in different forums like Odisha Human Rights Commission and Hon'ble Orissa High Court in the same matter.

It is pertinent to mention that I have already brought the issue of false affidavit by government officials in Hon'ble Orissa High court to the kind notice of Hon'ble CJI Supreme court and Hon'ble CJO Orissa High court by letter petition along with related documents for their kind intervention in the matter by speed post and are already received by the respective Registries.

Kindly treat this email as a compliance to the PIL guidelines.

Yours faithfully

Jayanti Das

jayanti das
to secy-moef

10 02 2021 9:53 AM

EXTRACT OF ET PUBLICATION DATED 08 02 2021 REGARDING SUGGESTIONS OF HON'BLE CJI TO INCLUDE RATIONALISED TREE VALUE IN ALL PROJECT COSTS

"Rationalised" tree value must be included in all project costs to deter tree cutting, says CJI

By Samanwaya Rautray ET Bureau Last Updated: Feb 08, 2021, 02:25 PM IST

Synopsis

A top court bench led by Chief Justice of India S.A. Bobde had earlier suggested that road alignments ought to be made in such a way as to reduce the number of trees that may be cut. He had also sought a report on how to assess the value of trees so that it could be monetised and factored into the project costs while making a cost benefit analysis to deter tree cutting.

New Delhi: In a move that will impact all development project costs, the Supreme Court has suggested that the government frame a protocol that makes it mandatory for all civic authorities, government and private industries to include "rationalised" tree value in the cost-benefit analysis of all such projects. This "rationalised" tree value would reflect the opportunity costs of trees that would be felled to make way for projects.

EXTRACT OF EXPRESS NEWS PUBLICATION DATED 18 12 2019 REGARDING ODISHA VILLAGERS PROTEST CEMENT PLANT

The pasture land which acts as a natural corridor for communication of elephants from Sankhapoi Reserve Forest to Subasi Reserve Forest will be affected, they stated.

**Published: 18th December 2019 08:46 AM | Last Updated: 18th December 2019 08:46 AM
By Express News Service**

CUTTACK: Villagers of Khamar Nuagan and Kolathapangi under Athagarh block have threatened to stage an indefinite dharna in front of Cuttack Collector office from January 2 protesting against the administration for handing over 90 acres of pasture land to Aditya Birla Group of Companies for setting up Ultratech Cement Plant.

The villagers have alleged that though they have been resorting to protests against the proposed cement plant and a thermal power unit near their villages for the last seven years, the administration turned a deaf ear to their demand and handed over the pasture land. The pasture land which acts as a natural corridor for communication of elephants from Sankhapoi Reserve Forest to Subasi Reserve Forest will be affected, they stated.

The administration has also demarcated land on December 11 and 12 by imposing Section 144 to suppress the public, they stated and added that there are a wide variety of medicinal plants on the land which have been handed over to the company. This apart, the severe water crisis which the locals face during summer will only increase further, they added. If timely action is not taken to revoke the prohibition order and cancel the agreement for setting up cement plant, they would be compelled to stage dharna, the villagers threatened.

EXTRACT OF FRA 2006

Scheduled Tribes And Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006

The Forest Rights Act (FRA), 2006 recognizes the rights of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs. The forest management policies, including the Acts, Rules and Forest Policies of Participatory Forest Management policies in both colonial and post-colonial India, did not, till the enactment of this Act, recognize the symbiotic relationship of the STs with the forests, reflected in their dependence on the forest as well as in their traditional wisdom regarding conservation of the forests.

The Act encompasses Rights of Self-cultivation and Habitation which are usually regarded as Individual rights; and Community Rights as Grazing, Fishing and access to Water bodies in forests, Habitat Rights for PVTGs, Traditional Seasonal Resource access of Nomadic and Pastoral community, access to biodiversity, community right to intellectual property and traditional knowledge, recognition of traditional customary rights and right to protect, regenerate or conserve or manage any community forest resource for sustainable use. It also provides rights to allocation of forest land for developmental purposes to fulfil basic infrastructural needs of the community. In conjunction with

the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 FRA protects the tribal population from eviction without rehabilitation and settlement.

The Act further enjoins upon the Gram Sabha and rights holders the responsibility of conservation and protection of bio-diversity, wildlife, forests, adjoining catchment areas, water sources and other ecologically sensitive areas as well as to stop any destructive practices affecting these resources or cultural and natural heritage of the tribals. The Gram Sabha is also a highly empowered body under the Act, enabling the tribal population to have a decisive say in the determination of local policies and schemes impacting them.

Thus, the Act empowers the forest dwellers to access and use the forest resources in the manner that they were traditionally accustomed, to protect, conserve and manage forests, protect forest dwellers from unlawful evictions and also provides for basic development facilities for the community of forest dwellers to access facilities of education, health, nutrition, infrastructure etc.

Objective:

- **To undo the historical injustice occurred to the forest dwelling communities**
- **To ensure land tenure, livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers**
- **To strengthen the conservation regime of the forests by including the responsibilities and authority on Forest Rights holders for sustainable use, conservation of biodiversity and maintenance of ecological balance.**

Website

<http://forestrights.nic.in/>

EXTRACT OF PESA 1996

- **The Provisions of the Panchayats (Extension to the Schedule Areas) Act 1996 (PESA)**
 - **It safeguards and preserves the traditions and customs of the people, and their cultural identity, community resources, customary mode of dispute resolution.**
 - **PESA empowers Gram Sabha/Panchayat at appropriate level with right to mandatory consultation in land acquisition, resettlement and rehabilitation of displaced persons.**
 - **PESA seeks to reduce alienation in tribal areas as they will have better control over the utilisation of public resources.**
 - **It will help minimise exploitation of tribal population as they will be able to control and manage money lending, consumption and sale of liquor and also village markets.**
 - **PESA looks to promote cultural heritage through preservation of traditions, customs and cultural identity of tribal population.**

Features of the Act

- The act recognize and vest the forest rights and occupation in Forest land in forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) who have been residing in such forests for generations.
- The act also establishes the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance of FDST and OTFD.
- It strengthens the conservation regime of the forests while ensuring livelihood and food security of the FDST and OTFD.
- It seeks to rectify colonial injustice to the FDST and OTFD who are integral to the very survival and sustainability of the forest ecosystem.
- The act identify four types of rights:
 - Title rights
 - It gives FDST and OTFD the right to ownership to land farmed by tribals or forest dwellers subject to a maximum of 4 hectares.
 - Ownership is only for land that is actually being cultivated by the concerned family and no new lands will be granted.
 - Use rights
 - The rights of the dwellers extend to extracting Minor Forest Produce, grazing areas, to pastoralist routes, etc.
 - Relief and development rights
 - To rehabilitation in case of illegal eviction or forced displacement and to basic amenities, subject to restrictions for forest protection
 - Forest management rights
 - It includes the right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

Who can claim these Rights?

- Members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs.
- It can also be claimed by any member or community who has for at least three generations (75 years) prior to the 13th day of December, 2005 primarily resided in forests land for bona fide livelihood needs.
- The Gram Sabha is the authority to initiate the process for determining the nature and extent of Individual Forest Rights (IFR) or Community Forest Rights (CFR) or both that may be given to FDST and OTFD.
- Procedure
 - First, the gram sabha (full village assembly, NOT the gram panchayat) makes a recommendation – i.e who has been cultivating land for how long, which minor forest produce is collected, etc. The gram sabha plays this role because it is a public body where all people participate, and hence is fully democratic and transparent.
 - The gram sabha's recommendation goes through two stages of screening committees at the taluka and district levels.

- The district level committee makes the final decision (see section 6(6)). The Committees have six members – three government officers and three elected persons.
- At both the taluka and the district levels, any person who believes a claim is false can appeal to the Committees, and if they prove their case the right is denied (sections 6(2) and 6(4)).
- Finally, land recognised under this Act cannot be sold or transferred.

EXTRACT OF PUBLICATION DATED 04 02 2021 REGARDING SUGGESTIONS OF COMMITTEE SET UP BY HON'BLE SUPREME COURT ON COST OF AGE OLD TREES

SUPREME COURT VALUE OF A TREE

What's the value of a tree? Age multiplied by ₹74.5k: SC panel

The five-member committee of experts added that a heritage tree with a lifespan of well over 100 years could be valued at more than ₹1 crore.

By Utkarsh Anand, New Delhi

UPDATED ON FEB 04, 2021 02:00 AM IST

A tree's monetary worth is its age multiplied by ₹74,500, a Supreme Court-appointed committee has submitted in a report, setting a guideline, for the first time in India, on the valuation of trees.

The five-member committee of experts added that a heritage tree with a lifespan of well over 100 years could be valued at more than ₹1 crore -- and that the monetary value of a project, for which hundreds of trees are cut, is sometimes far less than the economic and environmental worth of the felled trees.

The report was submitted before a Supreme Court bench, headed by Chief Justice of India (CJI) SA Bobde, that had asked the committee members in January 2020 to determine the economic value of trees, based on cost of oxygen they release, and other benefits to the environment.

The bench, which also included justices AS Bopanna and V Ramasubramanian, stressed on the necessity to do away with the evaluation of trees only on the basis of their timber value and rather focus on the positive impact of trees on the environment.

For this purpose, the court, while hearing a case relating to cutting down of 356 trees for construction of five railway over-bridges (ROBs) in West Bengal, appointed a committee of five experts -- Nishikant Mukerji (managing director, Tiger Environment Centre), Soham Pandya, (secretary and executive director at the Centre of Science for Villages), Sunita Narain (director, Centre for Science and Environment), Bikash Kumar Maji (assistant chief engineer, ROB unit, West Bengal government) and Niranjita Mitra (division forest officer, North 24 Parganas).

According to the report filed in February last year but made public on Wednesday, a tree is worth ₹74,500 a year. Out of this, the cost of oxygen alone is ₹45,000, followed by cost of biofertilisers, which are worth ₹20,000. Upon adding costs of micronutrients and compost, the report stated, living trees will more often than not outweigh the benefit of most of the projects they are felled for.

Commenting on the West Bengal government's plea to cut 356 trees, some of which were heritage trees, the committee evaluated their worth at ₹220 crore.

The Supreme Court has not accepted the report yet, and sought the responses from the central government, West Bengal government and an NGO involved in the case. "The committee's recommendation will make every government go bankrupt. So, we need to fine tune a few suggestions," the court observed on Wednesday.

The committee also suggested that instead of cutting trees for highway projects, the governments should first explore alternatives such as using existing waterways and railway lines to facilitate traffic and transport infrastructure.

In case trees must be removed, the committee said, the first endeavour should be to relocate them, making use of modern technology, and if they must be felled; it also added that planting five saplings in lieu of one tree was not good enough since a 100-year-old tree cannot be equated with a few fresh saplings. It recommended that for a tree with small crown size, 10 saplings should be planted; 25 saplings for a tree with medium crown size; and 50 saplings for a tree with large crown size. Crown is part of the tree from which branches grow above the trunk.

The bench, during the hearing on Wednesday, commended the committee's efforts, adding that it was inclined to lay down certain new guidelines for all future projects which required felling trees in view of the report. It found favour with the recommendation that a developer must look to use existing waterways and railway lines before insisting on a road project that required cutting trees.

The top court further expressed its displeasure at a central government notification that did away with the need for an environment impact assessment (EIA) for a road project of less than 100km.

"Your notification is untenable. It is based on an assumption that no damage is done to the environment if a project is less than 100km in length. We will examine validity of your notification," the bench told additional solicitor general Aishwarya Bhati, who appeared for the Union government in the matter.

Apart from Bhati, the court also asked the West Bengal government and advocate Prashant Bhushan, who represented the NGO Association for Protection of Democratic Rights, which challenged the decision to cut the trees for the ROB project, to submit responses to the committee's report. The bench will hear the matter next after two weeks.

Speaking to HT, Sunita Narain, a committee member, said: "It is very important to identify and assess the historical and ecological significance of the heritage trees. They cannot be equated with fresh saplings, given the exceptional historical, cultural aesthetic values such trees they have because of their age or their association with an event or a person. All efforts must be made to accord them special protection."

EXTRACT OF PUBLICATION DATED 28 11 2020 IN FINANCIAL EXPRESS REGARDING MCKINSEY REPORT
PAINTS A DIRE CLIMATE PICTURE FOR INDIA

McKinsey Report: Chilling news for India on global warming

By: The Financial Express |
November 28, 2020 6:30 AM

McKinsey report paints a dire climate picture for India which it can't escape without coordinated global action

India is doing admirably on climate action—a recent BofA report estimates the country to not just achieve its commitments under the Paris agreement but also to go past these, echoing the prime minister's claim at the G-20 meeting.

A new report from the McKinsey Global Institute (MGI), on the likely consequences of global warming for Asia, has some very dire projections for India—bear in mind, the report projects Asia to suffer the brunt of the climate change impact. MGI's may not be the first such projection for India, but at a time when the debate has erupted over whether there is still time for meaningful climate action, or the world has woken up too late, this serves as a reminder of the worst that the country must prepare for. In the absence of adaptation and mitigation measures, leading to a representative concentration pathway of 8.5 (the highest GHG concentration pathway by 2100, as worked out by the Intergovernmental Panel on Climate Change), by 2050, the country is projected to lose, in terms of doing outdoor work, nearly a third of the daylight hours in a day; indeed, four of the five most populous cities will see the average share of outdoor working hours lost in a year increasing by more than 5 percentage points compared with today. Nearly 500 million people will be living in areas that would witness lethal heatwaves. The likelihood of a more-than 10% decline in yields of four top crops, including rice and wheat, will grow from 12% today to 39% by then. The scale of damage to infrastructure, etc from annual floods increases five-fold from today's levels, while cities like Kochi, Kozhikode, Mumbai, Pune will see a significant increase in the extreme precipitation events—something that has become clear with the devastating floods in certain reaches of Kerala over the recent years. Oceanic warming will threaten millions of livelihoods in the coastal areas even as water stress in certain areas of the country makes these practicably unlivable.

While a section of scientific opinion believes the world is past redemption—a recently published study (in a Nature group publication) by Norwegian study claimed this—the overwhelming majority says that there is still time, though, the window for action is closing fast. India is doing admirably on climate action—a recent BofA report estimates the country to not just achieve its commitments under the Paris agreement but also to go past these, echoing the prime minister's claim at the G-20 meeting.

As this newspaper has pointed out earlier, this will mean little if other countries don't get ambitious about climate action. With Donald Trump being ousted as the US president in the recent elections, there is some hope of climate action by the US, under Joe Biden, even if he is unable to give fruition to his entire green plan. At the same time, the UK, which has also been a frontrunner in climate action, is targeting net-zero status by 2050, but experts doubt if the country is willing to put its money where its mouth is on this. Similarly, while the EU is also working on a net-zero target, as this newspaper has pointed out earlier, the steps it intends to take on agricultural emissions will likely mean the shifting of the carbon burden to other economies—quite worryingly, this could have a devastating impact on some of the world's most critical, and irreplaceable, carbon-sinks. And then, there is Australia, where climate denialism has become the mainstream thought—even in Trumpian America, the party that has historically been climate sceptic is now seeing some leaders soften their stances. Experts have called for the international community to force Australia to correct its course by imposing climate-related trade tariffs—whether this will be possible with the fraying of multilateral governance of global trade and the rising focus on bilateral and regional trade deals remains to be seen. Meanwhile, developed countries have not even given a fraction of the money they had agreed to contribute towards green development in developing and least-developed countries.