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Amendment to Trees Act challenged in HC

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▶ Challenging the Goa government's recent decision to amend an act which re-classified the coconut as palm, activists of the state have challenged the decision by filing a writ petition in the Goa bench of Bombay High court.

The activists had filed the petition on April 26 last month against the amendment to the Trees Preservation Act 1984, which was done by the government on March 14, 2016. Heritage activist Prajal Sakhardande, who has filed the petition along with NGOs -- Goa For Giving and Mumbai-based NGO Vanashakti -- said, "Despite all the agitations, the government went ahead and passed the amendment. Hence, we thought that only solution would be judicial activism. The hearing was held yesterday and the matter has been posted to July 13, and we are hopeful that we will get some redressal to our grievances we have regarding the destruction of the coconut tree, which is the identity and heritage of Goa."

The petition has sought to restrain the respondents from proceeding on the basis that coconut trees are not 'trees' under the Goa Preservation of Trees Act, 1984 (the Tree Act). The petitioners have contended that the amendment expressly removes the extended protection given to the 'coconut tree' under the Act. "The consequence is that coconut trees that do not conform to the width/height requirements under Section 2(j) can now be felled indiscriminately without applying for permission from the tree authority. It modifies the definition of 'tree' protected under the act to exclude trees that have a trunk/body less than 10 centimeters in diameter at a height of one metre from ground level. It may be noted that earlier, the qualification was that the trunk was required to have a diameter of five centimeters at a height of 30 centimetres from ground level (10 cm criteria). As a result any tree that does not meet the 10 centimetre criteria can be felled indiscriminately without applying for permission from the tree authority," the petition said. "The Goa Preservation of Trees Act, 1984 (the Tree Act) was enacted for the purpose of preserving trees in the territories of Goa, Daman and Diu. To that end the Act created a mechanism to prevent indiscriminate felling of trees, and encourage planting of trees. The Act created a Tree Authority, to whom an application had to be made and permission obtained before felling trees," the petitioners have submitted. UNI AKM SS SW BL1809

-- (UNI) -- C-1-DL0169-713291.Xml