

Procedure for tree/crop compensation

In exercise of the powers vested with Power Grid Corporation of India Limited (POWERGRID) under Indian telegraph Act'1885, part 3, section 10 to 19 conferred under section 164 of the Electricity Act 2003 through Gazette by India, extra ordinary dated 24th Dec. 2003, has the authority to place and maintain transmission lines under over along or across and posts in or upon, any immovable property. As per the provisions of Indian Telegraph Act'1885 Part III Section 10 (b) which prohibits acquisition of any rights other than that of use only, land for tower and right of way is not acquired and agricultural activities are allowed to continue. However, as per clause 10 (d) of same act stipulates that the user agency shall pay full compensation to all interested for any damages sustained during the execution of said work. Accordingly, POWERGRID pays compensation to land owners towards damages if any to trees or crop during implementation of transmission project as well as during Operation and maintenance phase. The procedure followed for such compensation is as follows:

POWERGRID follows the principle of avoidance, minimization and mitigation in the construction of line in agricultural field having crop due to inherent flexibility in phasing the construction activity and tries to defer construction in cropped area to facilitate crop harvesting. However, if it is unavoidable and is likely to affect project schedule, compensation is given at market rate for standing crops. All efforts are also taken to minimize the crop damage to the extent possible in such cases. As regards trees coming in the Right Of Way (ROW) following procedure is adopted for enumeration:

1. All the trees which are coming within the clearance belt of ROW on either side of the center line are identified and marked/numbered from one AP to the other and documented.
2. Type, Girth (Measured 1 m. above ground level), approximate height of the tree is also noted for each tree
3. Trees belonging to Govt., Forest, Highways and other local bodies may be separately noted down or timely follow up with the concerned authorities for inspection and removal.
4. Cashew, Guava, Lemon and other hybrid trees which are not of tall growing nature are not marked for cutting since these trees can be crossed using standard tower extensions if required.

A notice under Indian Telegraph Act is served to the land owners informing that the proposed transmission line is being routed through the property of the individual concerned.

The notice shall contain the particulars of the land, ownership details and the details of the trees/crops inevitably likely to be damaged during the course of the construction of the proposed transmission line and acknowledgement received from land owner. A copy of said notice is further issued to the Revenue Officer, who has been authorized by the State Govt. for the purpose of assessment/valuation and disbursement of compensation to the affected parties.

The revenue officer shall further issue a notice of intimation to the concerned land owner and inspect the site to verify the documents related to the proof of ownership and a detailed Mahazar is prepared for the identified trees and crops inevitably damaged during the course of the construction. For assessing the true value of timber yielding trees help of forest officials is taken and for fruit bearing trees help of Horticulture department is taken.

The Mahazar shall contain the land owner details type of tree/crop, its present age, variety, yielding pattern etc. and the same is prepared at site in the presence of the land owner. These Mahazars are further compiled and a random verification is conducted by the concerned District Collector OR his authorized representative in order to ascertain the assessment carried out by the revenue office is genuine and correct. After this process the District collector issues a tree cutting permit to Power Grid Corporation to enable removal / damage to the standing tree/crop identified in the line corridor.

Once the tree/crop is removed / damaged, POWERGRID shall issue a tree cutting/crop damaged notice to the land owner with a copy to the Revenue Officer to process the compensation payment. Based on the above the compensation payment is generated by means of a computerized programme developed by the National Informatics Center exclusively for this purpose. The detailed Valuation statement thus generated using this programme is verified at various levels and approval of payment of compensation is accorded by the concerned District Collectors.

On approval of compensation, the revenue officer shall further intimate the amount payable to the different land owners and POWERGRID arranges the payment by way of Demand Draft to the affected parties. The payment is further disbursed at the local village office after due verification of the documents in presence of other witnesses.

Procedure exclusively followed in Kerala State:

Due to typical demography of Kerala state and presence of several orchards of Coconut and Rubber, State government in consultation with Kerala State Electricity Board (KSEB) have devised a formula for arriving the compensation which is as follows:

Compensation = yield X constant factor X average market value X future age.

The constant factor is to arrive the net return component for the particular variety of tree in line with the annuity ratio slab prescribed for the balance life of the tree. A sample calculation sheet using the said formula to arrive at compensation towards trees / crop is enclosed for ready reference.

Another measure adopted in Kerala to expedite assessment and disbursement by POWERGRID is to appoint an Special Revenue Officer and associated staff on deputation from State Government exclusively for the project under execution. This has helped in timely assessment and distribution of compensation amount to affected farmer. Moreover, it has further contributed in simplifying the process as affected farmer need not to visit revenue official again and again and his case is processed at site quickly.

TREE / CROP COMPENSATION PROCESS

