

Environment ministry says states can define what land constitutes a forest

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With well-established forest departments, states are better equipped "to understand their own forests and needs", the Union ministry said.



New Delhi: The Forest Advisory Committee (FAC) of the environment ministry has clarified that states do not need permission from the Centre to define what constitutes unclassified land as forest, according to a report in the *Hindu*.

While the liberty to define land that has not already been classified as a forest by the Centre has been the prerogative of states since 1996, recent reports over the ministry of environment, forest and climate change's drafts to evolve a legal definition of forests had cast doubts about the ministry's efforts. However, the FAC's clarification has put an end to such speculation.

The FAC, which comprises of independent experts and officials in the Centre's forestry division, said that with well-established forest departments, states were better equipped than the Union ministry "to understand their own forests and needs, and should frame criteria for their forests... criteria so finalised by a state need not be subject to approval by MoEF&CC".

The ministry's meeting records noted that the issue had come up for discussion because the Uttarakhand government had put forth a set of criteria defining forest land and asked the ministry for its opinion.

A Supreme Court judgement in 1996 re-defined the meaning of forests to include all areas with natural forests irrespective of their ownership as well as those that came under the 'dictionary' meaning of forest. Under the Godavarman judgement, states were also directed to form expert committees to identify forests as defined and file reports.

Speaking to the Hindu, Director General of Forests and Special Secretary in the ministry Siddhanta Das said that not all states had submitted the necessary criteria. According to him, forests defined under this criteria constituted about 1% of the country's forests and once so defined would be known as 'deemed forests.'

Das also noted that given that almost 16 different types of forests existed across the country, an all-encompassing definition of forests wasn't viable.

Additionally, given that states tend to claim helplessness in preventing encroachment on a patch of land on the grounds that it hadn't been classified as a forest – as in the case of the felling of trees in Mumbai's Aarey Colony – the decision to lay the onus of defining forests with the states is significant

Sushant Agarwal has previously noted that the Union environment ministry had attempted to distance itself from the 2016 draft of the National Forest Policy that had floated the concept of a National Community Forest Management (CFM) Mission.

The 2018 draft then, in reference to community conserved areas, mentioned the northeast and had stated that, "the State Forest Departments will also play proactive role in preparation of working plan and working schemes and management plans of protected areas in the North-East in totality."

A close examination of the State of Forests Report 2017 showed that by counting plantations, which are no substitute for natural forests, as "forest cover" and calling it a net gain in India's forest cover, the government was attempting to mask the extensive deforestation that had taken place.

Under these parameters, states like Andhra Pradesh, Karnataka, Kerala, Odisha and Telangana recorded a net increase in forest cover. The report further signalled that the increase in forest cover could be attributed to the conservation measures taken up by the government and technological advancement in satellite imaging technology. An improvement in technological advancement in mapping technology, however, does not entail an increase in forest cover, but merely that the government is able to more accurately map the existing forest cover.

SOURCE:- <https://thewire.in/environment/environment-ministry-fca-states-land-definition-forest>