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No more 'deemed forests', says Odisha government

Experts say the State government's interpretation of the Forest Act would end up accelerating razing of forests

August 15, 2023 08:24 pm | Updated 10:46 pm IST - NEW DELHI

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Protection under the Forest Act means that land cannot be diverted without the consent of the Centre as well as gram panchayats in the regions concerned. It also puts the onus on those diverting land to grow trees on an equivalent plot of land twice the razed area, along with a significant monetary penalty, thus acting as a deterrent to deforestation.

The Forest Act, 1980, now renamed as the Van (Sanrakshan Evam Samvardhan) Adhiniyam — translated as Forest Conservation and Augmentation — only accorded protection to forest that is notified so in government and revenue records on or after 1980. In 1996, the Supreme Court expanded the remit of the Act to areas that weren't notified as forest but conformed to the “dictionary” definition of forests.

Expert committees

States were expected to form expert committees and identify plots of land that were encapsulated under this definition. However not all States submitted these reports, leaving considerable leeway to States to define, or leave out large parcels of land from the definition of forest.

The Ministry of Environment, which brought in the amendments to the Bill, said amendments to the 1980 Act were necessary to remove ambiguities and bring clarity to where forest laws could be applied.

If notified forest land was legally diverted between 1980 and 1996, for non-forest use, the Forest Conservation Act would not apply, the amended Act says. In effect, this means that unless forest land was specifically notified as such it would cease to be protected under provisions of the Act.

However the Environment Ministry clarified to a Joint Parliamentary Committee, constituted to examine provisions of the Bill, that the amendments didn't fall afoul of the 1996 Supreme Court judgment. Tracts of forest land or “.. deemed forest lands, identified by the Expert Committee of the State, have been taken on record and hence the provision of the Act will be applicable in such lands also,” according to the Ministry.

Future unclear

The Odisha government, since 1996, had with the help of expert committees at the district level identified nearly 66 lakh acres as ‘deemed forest’ but many of them weren't officially notified as such in government records, said Tushar Dash, who researches forest rights and diversion issues in Odisha. “This would be at least 40-50% of the State's total

forest land. There are also several community forests managed by tribal and forest dependent groups. Several [under the provisions of the separate Forest Rights Act] also have land title rights. So their future is unclear,” he told *The Hindu*.

“What the new amendments mean is that there will be no check on forest diversion. It will be easier to divert forest land. The reality on the ground is that most of the forest officer bureaucracy isn’t too keen on protecting forest rights,” Aurobindo Behera, a former Principal Secretary in Odisha’s Forest department, told *The Hindu*.

The latest Forest Survey of India records Odisha as having 52,156 square km (approx. 130 lakh acres) of forest coverage, which is 33.50% of the State’s geographical area, as compared to 21.71% of forest cover at the national level.

However of the nearly 19,200 hectares of forest land diverted nationally for mining between 2017-2022, about 8,000 hectares was from Odisha, according to data from the Coal and Mining Ministry.

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