

Blanket declassification of deemed forests in Karnataka is a bad idea

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Last week, Karnataka Chief Minister Basavaraj Bommai announced that he had signed a cabinet decision to release 6.5 lakh hectares from the deemed forest classification and will submit an affidavit to the Supreme Court accordingly. This measure will essentially declassify close to 67 per cent of the land in Karnataka that was otherwise classified as deemed forests under the Supreme Court's orders in 1996. The issue of declassification of deemed forests in the state is not new, but a longstanding and contentious one with far-reaching implications on the state's forest cover.

There is no comprehensive definition for "forests" in India. The ambiguity around this term was clarified by the Supreme Court in *T N Godavarman Thirumulpad v. Union of India and Others* (Godavarman case) where it defined "forest" to include any piece of land that resembles the dictionary meaning of forest for the purpose of the Forest (Conservation) Act, 1980. This case also conceptualised "deemed forests". Deemed forests were conceived as areas that have not been notified under the legislation, but are recorded as forests in government records. These are lands that have characteristics of forests, irrespective of ownership. Once forests are "deemed", they cannot be de-reserved or utilised for non-forest purposes without prior approval of the Centre.

The Godavarman case was significant also because the Court ordered the setting up of expert committees in each state to identify deemed forests to remove ambiguities with respect to the scope of lands that may receive protection under the Forest (Conservation) Act. This decision paved the way for the preservation of forest areas in India to be continuously monitored by the Supreme Court, mandating the state governments to obtain clearances for affecting or implementing changes to lands classified as deemed forests.

In Karnataka, the state government constituted two expert committees. In 2002, the reconstituted expert committee in Karnataka identified 9.9 lakh hectares as deemed forests. However, the area identified as deemed forests in the state is shrinking due to subsequent governments incessantly filing affidavits in the Supreme Court alleging that the initial survey and identification by the expert committees was unscientific and covered areas that do not fall within the definition of forests envisaged under the Godavarman decision.

The current government has stated that such declassification is necessary to give property rights to farmers who have been wronged by the alleged unscientific classification of private, non-forests lands as forests that deserve protection under the Forest Conservation Act. However, sweeping declassification of large swathes of possibly forest lands is also likely to legalise existing encroachments for non-agricultural purposes. For instance, a private resort in Sakleshpura cut a road through a deemed forest area for commercial purposes.

It is quite possible that declassification of some areas of deemed forests will provide security to farmers. In such cases, the government's declassification approach must show that it is meant to address this concern. The basic measures requiring identification of only agricultural land owned specifically by farmers must be undertaken prior to declassification to ensure that other illegal activities are not inadvertently legalised. The blanket declassification currently sought by the state government not only violates the object of the Forest (Conservation) Act but vitiates the identification process undertaken by the expert committees under the Supreme Court order.

The result of previous affidavits filed by the state government to the Supreme Court seeking declassification of different amounts of land, similar to the one filed by the current government, is unclear. Permitting blanket declassification in Karnataka sets a dangerous precedent, allowing other states to poke holes into their respective expert committee classifications.

It has never been clearer that accurate forest management is crucial for environmental and ecological sustainability. However, the current actions of the state government are likely to have adverse consequences not only on the future forest cover of the state but also on the climate and

rain patterns of Karnataka. With temperatures rising across the country, and states experiencing unprecedented heatwaves, it becomes all the more important that the government exercises utmost precaution in doing away with any existing protections for forests in the state.

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