

Calm assessment: On the extent of ‘deemed forest’

Clarity on the nature and extent of ‘deemed forest’ is essential

February 21, 2024 12:20 am | Updated 10:20 am IST

COMMENTS

SHARE

The **Supreme Court of India has put on pause** an ambitious **effort by the Centre to amend India’s Forest (Conservation) Act, 1980**, that was brought in to check the wanton razing of forests for ‘non-forestry uses’. According to the Centre, an estimated four million hectares of forest land had been diverted from 1951-75. Under the provisions of the Act, forests could no longer be diverted without adhering to a regulatory mechanism by the Centre. As a measure of its success, the Centre calculates that from 1981-2022, the average annual diversion of forest had reduced to about 22,000 hectares, or about a tenth of what it was from 1951-75. However, the provisions of this piece of legislation largely applied to forest tracts recognised as such by the India Forest Act, or any other State legislation. Illegal timber-felling in Gudalur, Tamil Nadu, triggered the landmark T.N. Godavarman Thirumulpad judgment that saw the Court take an expanded view of forest tracts worthy of protection. It also said that forests had to be protected irrespective of how they were classified and who owned them. This brought in the concept of ‘deemed forests,’ or tracts that were not officially classified as such in government or revenue records. States were asked to constitute expert committees to identify such ‘deemed forests.’ In the 28 years that have passed since the judgment, only a handful of States have constituted such committees or made public the extent of such ‘deemed forests’ within their territories.

The Centre’s attempt to amend the Forest (Conservation) Act was ostensibly to bring “clarity” as there were large tracts of recorded forest land that had already been put to

non-forestry uses, with the permission of State governments. There is apparently, the Centre says, a reluctance among private citizens to cultivate private plantations and orchards, despite their significant ecological benefits, for fear that they would be classified as 'forest' (and thus render their ownership void). India's ambitions to create a carbon sink of 2.5 billion-3 billion tonnes, to meet its net zero goals have required forest laws to be "dynamic" and, therefore, the rules have sought to remove 'deemed forest,' not already recorded as such, from the ambit of protection. This has triggered a slew of public interest petitions as, on the face of it, the amendments appear as an assault on the Act's ambition of forest protection. While a final judgment is pending, the Court's order to the Centre to compile and make public, by April, States' efforts at recording the extent of deemed forests is welcome. At this point it is mere conjecture on the part of the Centre that India's carbon sink is being impeded due to insufficient private initiative. Only a dispassionate assessment of ground realities can drive forward this very important debate.

COMMENTS

SHARE

Related Topics

[judiciary \(system of justice\)](#) / [habitat \(conservation\)](#) / [conservation](#) / [forests](#) / [laws](#) / [history](#) / [government](#) / [Tamil Nadu](#)

