

Govt directs formation of screening panel to review diversion of forest lands

30 June 2022

The environment ministry has directed the constitution of a project screening committee in each state/UT for an initial review proposals involving diversion of forest land, according to the Forest (Conservation) Rules, 2022, notified on Tuesday.

The five-member committee will meet at least twice every month and will advise the state governments on projects in a time bound manner, the rules state.

According to the notification, the committee will examine every proposal received from state governments or administrations of Union Territories (UTs) without going into the merit of the proposal.

Some of the things that the committee will review are whether the proposal is complete in all respects and its location with respect to restricted areas or categories. The notification added that the committee may call the user agency for any clarification or additional documents, if any.

The new rules also prescribe the time frame of review for different kinds of projects. All non-mining projects between 5-40 hectares must be reviewed within a period of 60 days and all such mining projects within 75 days.

For projects involving a larger area, the committee gets some more time — 120 days for non-mining projects involving more than 100 hectares and 150 days for mining projects.

A senior environment ministry official said the committee would help in cutting down the time taken to finish the review process.

“This is a new concept that has been introduced to reduce the time taken in appraising projects involving forest land. The project screening committee will be headed by a nodal officer but will have district collector, conservator of forests who will advise on projects and will have to do the initial screening to save time. Earlier, it would take a year, say, even to screen a project,” said the official, asking not to be named.

The other significant change introduced in the new rules is that all linear projects (roads, highways, etc), projects involving forest land up to 40 hectares and those that have projected a use of forest land having a canopy density up to 0.7 — irrespective of their extent for the purpose of survey — shall be examined in the Integrated Regional Office.

“The process has been decentralised, giving the responsibility of considering all linear and hydel projects to integrated regional offices but all mining projects will be appraised by the central office,” the official added.

The notification also shifts the onus of ensuring forest rights of forest dwellers are rehabilitated to state governments.

So far, compliance with the forest rights act was mandatory before the Centre granted stage II forest clearance to any project, however, that has also changed.

“The Central government, after having received the compliance report and ensuring its completeness may accord ‘Final’ approval under section 2 of the Act and communicate such decision to the State Government or Union territory Administration and the user agency; (ii) The State Government or Union territory Administration, as the case may be, after receiving the ‘Final’ approval of the Central Government under Section 2 of the Act, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition

of Forest Rights) Act, 2006 (No. 2 of 2007), shall issue order for diversion, assignment of lease or de-reservation, as the case may be,” the notification reads.

“We have given the responsibility of settling forest rights and then allowing diversion of forest land to states. It’s upto them now,” the official said.

Activists working on forest rights-related issues said this was a major dilution as the Centre should not shift the onus on such an important matter.

“There is an underlying assumption that small amounts of forest areas have less impact and therefore, require less scrutiny and thereby, decisions can be taken faster. The timeline provided in the new rules represents that logic. However, this logic is not ecologically valid and not socially legitimate. It’s critical to have site specificity rather than the area in question to scrutinise some of these proposals. Size of a forest area in question doesn’t give an understanding of how important or critical that area might be. Small areas can be important wildlife corridors or break access to areas which support important biodiversity,” said Kanchi Kohli, legal researcher, Centre for Policy Research, responding to the timelines for the project screening committees.

According to the new rules, those applying for diverting forest land in a hilly or mountainous state with green cover over two-thirds its geographical area or in a state/UT with forest cover of over one-third the geographical area will be able to take up compensatory afforestation in other states/UTs where the cover is less than 20%.

“This was done because there is no land for compensatory plantations in states with very high forest cover,” the official said.

Source: <https://www.hindustantimes.com/india-news/govt-directs-formation-of-screening-committee-to-review-diversion-of-forest-lands-101656524703134-amp.html>