

## New rules make way for private plantations to compensate for forest loss

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Project developers can purchase land with plantations from private individuals to present them as compensatory afforestation against forest diversion for non-forest activities, according to the Forest (Conservation) Rules 2022 notified earlier this week.

This land, however, must be of 10 ha and comprise trees that are at least five years old and have a density of 0.4 or more.

Compensatory afforestation refers to planting activities done in lieu of diversion of forest for non-forest purposes such as mining, setting up of an industry or an infrastructure project.

Earlier, a project developer had to provide land which is not notified as forest against forest diversion and had to bear the cost of raising compensatory afforestation over the same piece of land.

The new rules, however, make way for private individuals who develop such plantation sites on their own land and sell them to project developers.

"We wanted to create a people-centric policy so that they can benefit from creating plantations. This policy will act as an incentive to develop plantations. It will also help the government achieve its goal of 33% forest and tree cover. It's a land for land scheme where the developer also pays for compensatory afforestation," a senior official in the ministry said, seeking anonymity.

"Now, anyone can raise a plantation on his land and get benefitted by it. The circle rates of such lands will definitely increase. This is a way to encourage people to take up agroforestry," the official added.

Accredited compensatory afforestation may be earned by a person if he has established afforestation over land on which the Forest Conservation Act is not applicable and is free from all encumbrances, the notified rules said.

"An afforestation shall be counted towards Accredited Compensatory Afforestation if such land has vegetation composed predominantly of trees, having canopy density of 0.4 or more (tree canopy density of 40% or more) and the trees are at least five years old."

"In such cases, compensatory afforestation on 10% less land as compared to forest land to be diverted for non-forest purpose will also be accepted," it added.

Additionally, the ministry has introduced another provision which states that the total amount of land that needs to be compensated can be reduced if the plantations or accredited compensatory afforestation are made available in a wildlife corridor or contiguous to a forest, the official cited above said.

“This is to encourage plantations near wildlife habitats or carbon sinks,” the official added.

The new rules also make provisions for state governments to create land banks which can serve as plots for compensatory afforestation.

“A state government or Union territory administration, as the case may be, may for the purpose of compensatory afforestation create a land bank under the administrative control of the department of forest; the minimum size of the land bank shall be a single block of twenty five hectares: Provided that in case a land bank is in continuity of a land declared or notified as forest, protected area, tiger reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land; the lands covered under accredited compensatory afforestation may be included in the Land bank,” the rules said.

The Centre will formulate an accredited compensatory afforestation mechanism for people interested in using their land for the scheme, it added.

Those applying for diversion of forest land in a hilly or mountainous state with green cover over two-thirds its geographical area or in a state with forest cover of over one-third the geographical area will be allowed to take up compensatory afforestation in other states where the cover is less than 20%, the rules said.

“There are three things to understand here. First that compensatory afforestation is yet again acknowledged to be a critical area of concern which instead of building on the failures and challenges of compensatory afforestation which have been in the conversation since the mid 90’s, we are once again trying to find new solutions to create land and make it available for facilitating forest diversion. Second issue which is very important is it’s almost like there is an understanding that forest department is losing land and needs to be compensated for it. So its designed as a land for land scheme. The scheme devoid of all other economic values of the area that is being lost, leave alone concerns of ecology, culture, livelihoods and biodiversity. The third issue is that such a policy is likely to create new forms, new kinds of justice and legal concerns when non-forestland which could be agricultural, wetlands, other commons which will be converted to comply with the requirements of compensatory afforestation. So, you may have the twin purpose of meeting targets of increasing tree cover under the national forest policy and climate targets for creating carbon sinks may be achieved but it is likely to be devoid of context and different ways in which forests are understood,” said Kanchi Kohli, legal researcher at Centre for Policy Research.

Source: <https://www.hindustantimes.com/india-news/new-rules-make-way-for-private-plantations-to-compensate-for-forest-loss-101656699215185.html>