

Beyond Fait accompli...

and the need for reforms in the implementation of
Forest (Conservation) Act, 1980



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The Indian Forest Act (1927)

State Forest Acts

- The main objective of IFA was to secure exclusive state control over forests; timber
- IFA facilitates three categories of forests –
RFs / VFs / PFs – Section 4 – 20 (Settlement Process)
- Prohibition on encroachment, felling, fire, hunting
- Penalties and Procedures

The FCA will apply largely to such notified forest lands

National Forest Policy 1988

- Focus on sustainable use conservation of forests
- Prioritizes the maintenance of ecological balance through the conservation of biological diversity, soil and water management
- Prevention of encroachment, fire and grazing
- Emphasis on increasing tree cover, efficient use of forest produce, substitution of wood, ensuring peoples' involvement in meeting these objectives
- Draft NFP 2018 needs to be recast.

The Forest Conservation Act (1980)

- Prior approval of GOI necessary for diversion/ de-reservation of forests, logging and for use of forestland for non- forest purposes
- Prescribes a regime of levies for Compensatory Afforestation...
- Statutory Committee – FAC /REC for clearances
- Graded clearance regime : 0 – 5 – 40 ha
- Detailed Guidelines for effectuation of the Act

This National Forest Policy will fail the nation

Praveen Bhargav



The draft National Forest Policy 2018 (NFP) disappoints on several counts. Despite the advancement of science and overwhelming data on the massive threats that forests face, the NFP is bereft of knowledge-driven solutions that have the potential to balance the competing needs of conservation and development. It is replete with unsuccessful ideas like Compensatory Afforestation, ignoring compelling evidence on failures documented by the CAG and parliamentary committees. There is also a dangerous proposal called "Enrichment of dense forests", which will lead to hitherto untouched forests being tampered with. Where is the need to "enrich" already "dense forests"?

Fundamentally, the NFP should have moved from the Compensatory Afforestation approach to a scientific landscape/

ecosystem regime. This would be crucial to address the serious threat of forest fragmentation – the breaking up of large forest blocks into smaller patches due to the ill-planned intrusion of development projects. Research has clearly established that fragmentation has devastating impacts: it disrupts landscape connectivity, creates new edges, eliminates rare species and leads to steady degradation of habitat and increased human-wildlife conflict.

This demands specific policy prescriptions that encourage consolidation of large forest blocks by eliminating/minimising fragmentation through strategies that include: strategic acquisition of thickly forested leased lands, privately-owned forests and voluntary relocation of settlements deep within wildlife habitats. The policy ought to have highlighted the application of a large part of the (Compensatory Afforestation and Management Planning Authority (CAMPAA) fund for such forest consolidation projects, but this has been completely overlooked.

Next, the NFP should have squarely

addressed the unbridled grant of forests for development projects. However, to ensure a pragmatic balance between conservation and development, a more enabling fast-track forest clearance regime in scattered/small pockets of forests that do not form part of a large forested landscape or wildlife corridor or niche etc., should have been the preferred approach. As regards proposals seeking forest land in a contiguous forested landscape – irrespective of the area sought – the policy should have discouraged this by applying the principle of avoidance, only making exceptions for site specific projects of national importance.

As stated in the policy, improvement of forest cover is indeed an important goal. However, the current approach of Compensatory Afforestation, which relies primarily on raising plantations and "enrichment of dense forests" is not the right approach. What is essential is a new strategy that clearly makes a distinction between areas where forests stand degraded but contain root stock and those

legally notified forests which have been completely mined/ploughed, etc. In the former, policy prescriptions of natural recovery based on strict protection only ought to apply.

Such a nuanced policy is vital to ensure that we recover degraded natural forests, instead of creating monoculture plantations. This will also ensure that the large Rs 90,000-crore CAMPAA fund is not squandered away on ecologically damaging pit and plant projects in such degraded forests, scrub forests or grasslands. It would be hugely beneficial if the policy restricts artificial plantations to mined/ploughed or completely damaged areas only where natural recovery is not possible and in areas already under Forest Development Corporations.

Yet another worrisome idea is the proposed PPP model, which may encourage corporate stranglehold over vast areas of forests. This is baffling since the government has land, money and infrastructure to improve forest cover. The thrust of the policy must be on raising commercial tree

crops and fuelwood on farm lands, which may also help mitigate farm distress.

Even though data has established that commercial extraction of non-timber forest products (NTFP) has resulted in dangerous over-extraction, the draft policy regrettably advocates promotion of "market-oriented approach embedded in sustainability as part of business plans". The NFP must promote conservation of forests above all else. It must therefore be modified to stop promotion of NTFP under the veil of "sustainability" that only benefits certain large business houses aggressively marketing natural *desi* remedies.

To ensure conservation of wildlife habitats, voluntary relocation of people would logically be important. This assumes importance since wide-ranging rights have been granted over a whopping 50 lakh hectares of forest land since 2008, causing massive habitat loss and fragmentation. The NFP ignores this crucial aspect even though there is strong demand for resettlement.

Lastly, the policy prescription of "restoring habitats" must be qualified to restrict it to natural restoration only. Huge ecological damage is being perpetrated due to year-on-year funding to state forest departments through approval of poorly drafted management plans without due scientific scrutiny. These are packed with unnecessary but lucrative earth-moving and civil works for water retention trenches, excavation of feeder drains, check dams, enrichment planting, etc.

The NFP must be recast to stop the destruction of natural forests by such unscientific policy prescriptions which are also sowing the seeds for more corruption-ridden projects to be included in Working Plans. This is not in line with the government's commitment to good governance. Overall, the draft NFP is poorly crafted and deserves to be scrapped. A competent panel of scientists and experts must be constituted to re-draft the policy.

(The writer is a trustee of Wildlife First and has served on the National Board for Wildlife)

The National Forest Policy should have...

- moved from Compensatory Afforestation to a landscape/ecosystem paradigm
- squarely addressed the unbridled grant of forests for development projects
- prescribed a brand new monitoring mechanism to plug loopholes
- prescribed natural recovery of degraded forests
- provided impetus for Voluntary Resettlements and regulate NTFP use

Handbook of

Forest (Conservation) Act, 1980

and

Forest Conservation Rules, 2003

(Guidelines & Clarifications)



Ministry of Environment, Forest and Climate Change

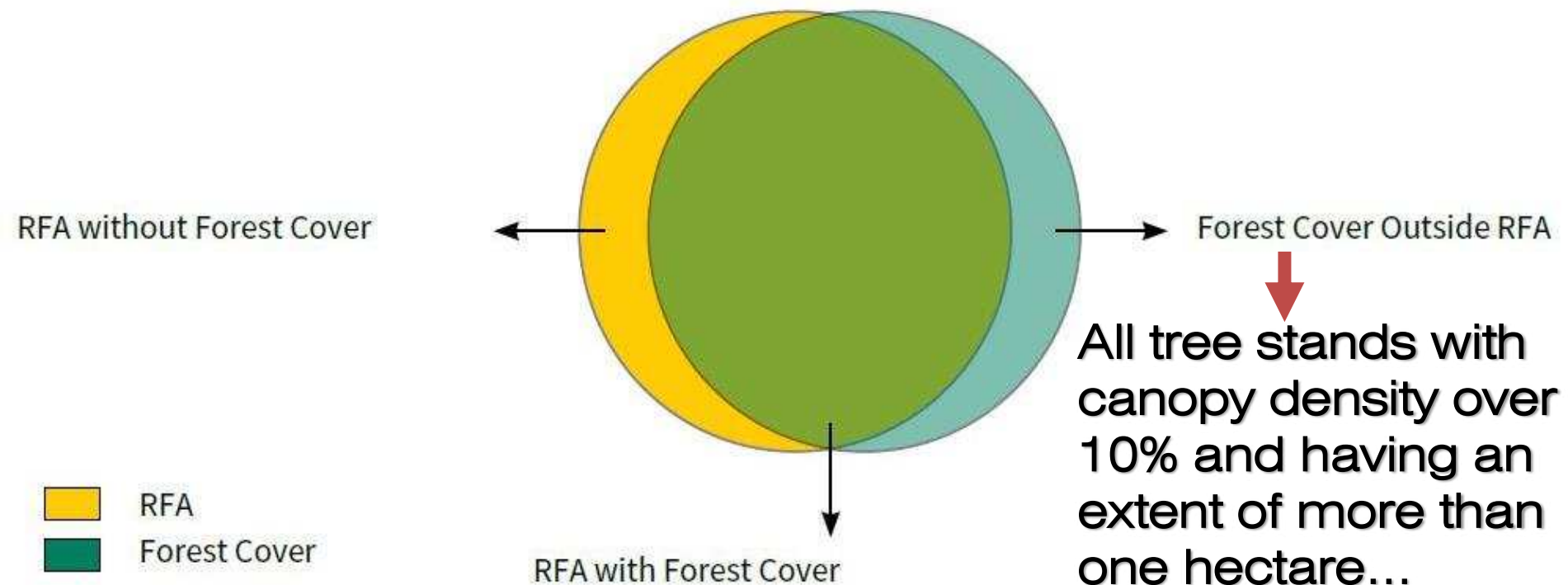
Government of India

2019

Important Guidelines

- Approval in two stages
- Monitoring of compliance of conditions
- Projects involving both forest and non-forest lands
- Diversion of forests for site-specific projects
- Conducting cost-benefit analysis for projects

Forest Cover and Recorded Forest Area



Official Data on loss of Forests

- Diversion (1950 – 1980) 43 lakh ha FCA handbook Annex IV p 50
- Devpt. Projects (1980 – 2016) 6.33 lakh ha LS question 334 dt 9.8.2016
- Granted under FRA (2008-18) 72.23 lakh ha MoTA statement of Sep 2018
- Individual Rights under FRA 18.87 lakh ha MoTA statement of Sep 2018
- Total Forest area Encroached 18.99 lakh ha LS question 339 dt. 22.12.2015
- Recorded Forest Area 2001 768.43 lakh ha. ISFR 2001 Pg 06/07
- Recorded Forest Area - 2017 767.41 lakh ha ISFR 2017 Pg 06

Satellite data of 2001 & 2017 similar - 23.5 m res & digital interpretation. ISFR 2017



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*A Single Window Integrated System for Environment,
Forest, Wildlife and CRZ Clearances*

2015

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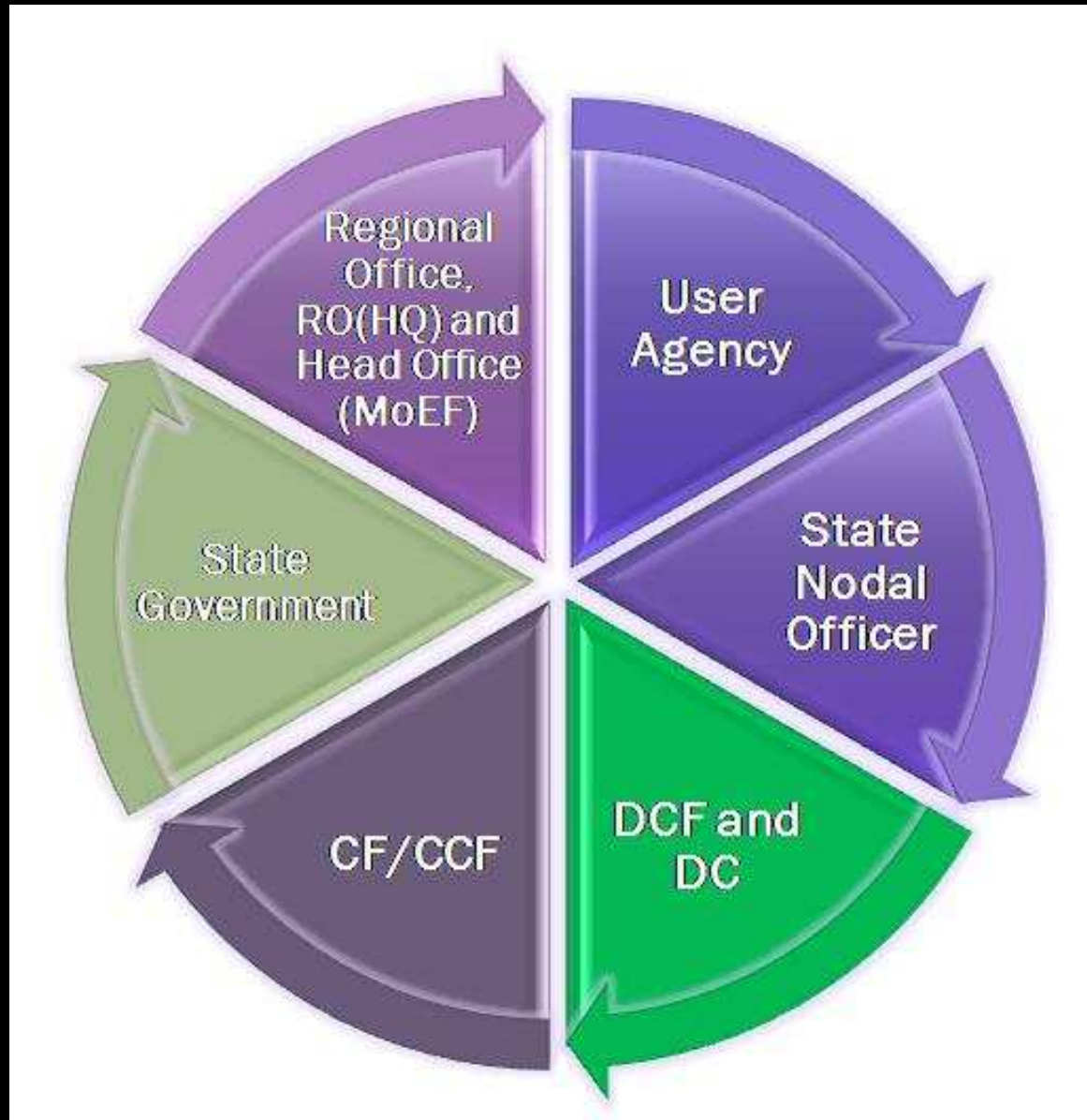
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Online Submission & Monitoring of Environmental, Forests and Wild Life Clearance -A Single Window Clearance System (OSMEFWC)

USER MANUAL (VERSION 1.0)
(FOR USER AGENCIES)

Flow Chart FC Clearance



Clearance Rates by FAC / RECs > 80%

- In 2019, out of the 240 proposals for diversion of forest land for non-forestry purposes, 193 proposals were recommended, 40 proposals were deferred for later consideration and seven were rejected.

Centre releases Rs. 47,436 crores for afforestation to various states.

Union Environment Minister calls upon states to utilize fund towards forestry activities to achieve the objectives of the NDCs

Posted On: 29 AUG 2019 3:23PM by PIB Delhi

In a major boost towards promoting afforestation and achieving green objectives of the country, Union Minister for Environment, Forest and Climate Change, Shri Prakash Javadekar, today handed over Rs.47,436 crores of CAMPA funds to various states, in presence of Minister of State, MoEF&CC, Shri Babul Supriyo. In a meeting of State Forest Ministers and Authorities held at New Delhi, the Environment Minister stated “The State budget for forests shall remain unaffected and the fund being transferred would be in addition to State Budget and it is expected that all States will utilize this fund towards forestry activities to achieve the objectives of the Nationally-Determined Contributions (NDCs) of increasing its forest & tree cover, which will create an additional carbon sink equivalent to 2.5 to 3 billion tonnes of carbon dioxide by the year 2030”. The Environment Minister further emphasized that the CAMPA funds cannot be used for payment of salary, travelling allowances, medical expenses, etc.

The myth of Compensatory Afforestation



Everyone loves tree planting !



Time series Analysis of Dense and Moderately Dense Forest Cover –ISFR

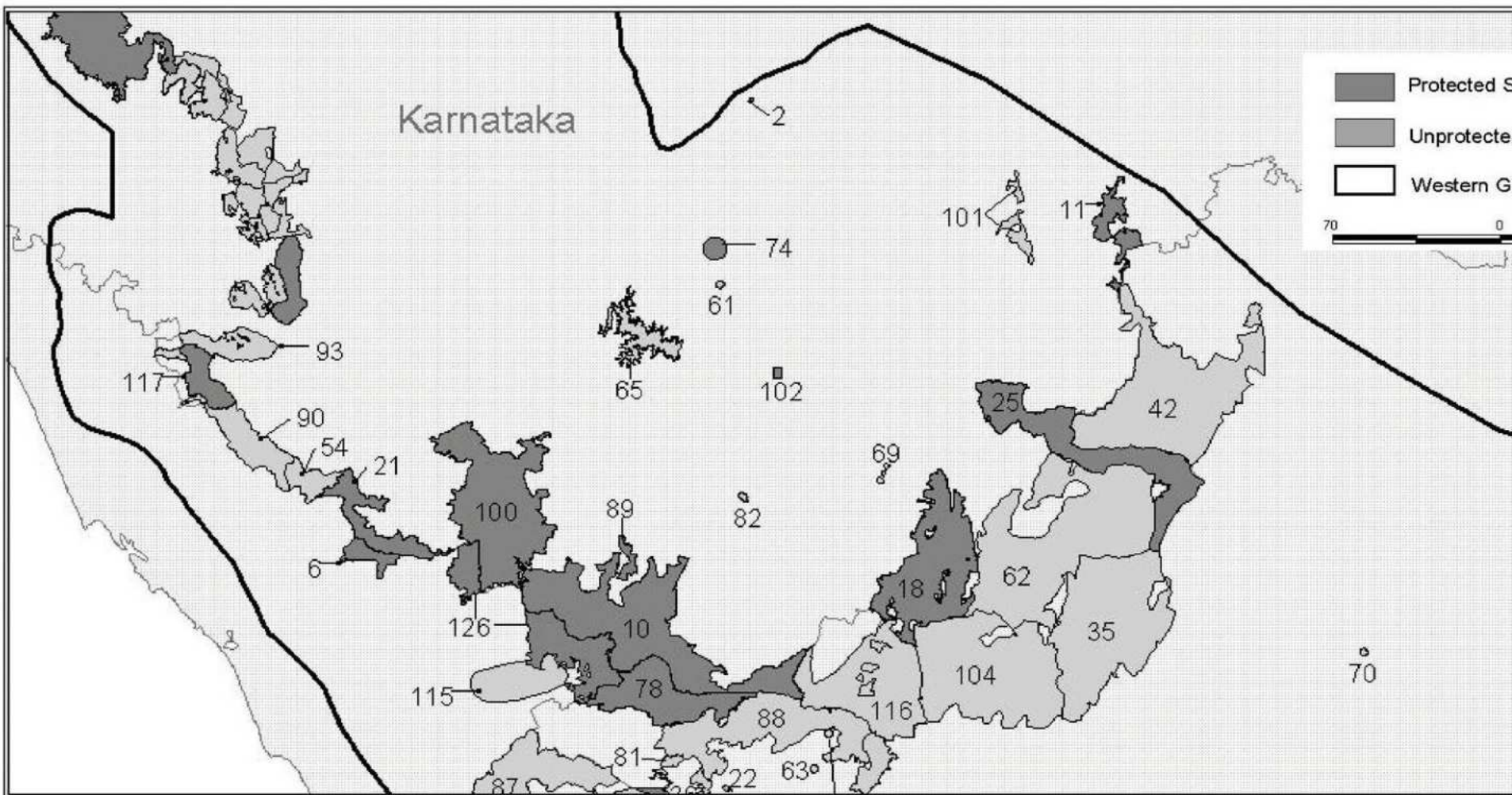
	2001	2017	2019	Diff
• VDF		98,158	99,278	+1120
• MDF		308,318	308,472	
• VDF+MDF	416,809	406,476	407,750	- 9059

Source: ISFR 2019 Page 26/27 Table 2.5 and ISFR 2001 pg 14;

Naturally ~~Assisted~~ Recovery



Key Policy Reform - 1



Paradigm shift to scientific
Landscape / Ecosystem regime

Key Reform - 2

Disaggregate Infra Projects

Site Specific component	Non-site specific components
- Ore body - Strategic Installations - Linear Infra - Certain Dam locations	- Mining Townships - Military Stations - Toll/Pit Stops, substations - Townships for Dams
- Place of Worship	 - Pilgrim facility centres

With scientific mitigation measures as well

Goal: Minimize fragmentation impacts –
Not Realization of more NPV

Key Reform-3



Revamp
0- 5 - 40 +ha
slab system



Key Reforms - 4

- Make Scientific Mitigation measures mandatory
- Linear Infra: Overpass / underpass, bridge/culvert design, canopy bridges, Tunnels, HV DC power cables, soil nailing/geo-meshing...
- Mining: Storage of top soil; phased extraction;
- Focus on consolidation of large forest blocks/buffers by enforcing GC on transfer of non-forest land



Greening India but losing Forests