

CENTRE CLARIFIES ON DEFINITION OF FOREST

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States claim they are helpless in preventing encroachment because a patch of land hadn't been classified as a forest.

The States need not take the Centre's approval to define what constitutes unclassified land as forest, the Forest Advisory Committee (FAC) of the environment ministry, comprising independent experts and officials in the Centre's forestry division, has clarified

Since 2014, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has been considering evolving a legal definition of forest and reportedly prepared drafts as late as 2016. These, however, have never been made public and the FAC's clarification officially signifies an end to such efforts.

The freedom to define land, not already classified as forests by the Centre or state records, as forest has been the prerogative of the States since 1996 and stems from a Supreme Court order called the Godavarman judgement.

The FAC, the apex body that deliberates on granting permission to industry to fell forests, at a meeting on September 26, said "... States, having well established forest departments, are in a better position, rather than MoEF&CC, to understand their own forests and needs, and should frame criteria for their forests... criteria so finalised by a state need not be subject to approval by MoEF&CC".

The subject came up for discussion at the meeting because the Uttarakhand government had put forth a set of criteria defining forest land and asked the ministry for its opinion, the minutes of the meeting noted.

The conundrum of defining forests has been around since the 1980s. The 1996 Supreme Court judgement expanded the definition of forest to include lands that were already notified by the Centre as forests, that appear in government records as forests as well as those that fell in the "dictionary definition" of forest.

The latter clause allows the States to evolve their own criteria and define tracts of land as forest, and these would then be bound by forest conservation laws.

'Deemed forests'

However, not all States have submitted such criteria, according to Siddhanta Das, Director General of Forests and Special Secretary in the ministry. Forests defined under this criteria, according to him, constituted about 1% of the country's forests and once so defined would be known as 'deemed forests.'

An all-encompassing definition of 'forest' wasn't possible for India, according to Mr. Das, because the country had 16 different kinds of forest. A tract of grassland in one State might qualify in one region as forest, but not in another. However, once a State applied a criteria, it couldn't be reversed. The onus on the States to define forests is also significant, environmentalists have pointed out, because the States often claim that they are helpless in preventing encroachment because a patch of land in question hadn't been notified as forest. A recent instance was the felling of trees in Mumbai's Aarey Colony, which officially isn't classified

as 'forest.'

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