



Asha Mishra AIPSN General Secretary <gsaipsn@gmail.com>

AIPSN Comments/Suggestions to the JPC regarding the proposed amendment to the Forest (Conservation) Act (1980)

Asha Mishra AIPSN General Secretary <gsaipsn@gmail.com>

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To: jfcab-lss@sansad.nic.in

Cc: asham_200 <asham_200@yahoo.com>, "D.Raghuandan" <raghuandan.d@gmail.com>, "Krishnaswamy, S." <mkukrishna@gmail.com>

ALL INDIA PEOPLE'S SCIENCE NETWORK (AIPSN)

Regd. No. PKD/CA/62/2020

AIPSN Central Secretariat,

E-mail: gsaipsn@gmail.com

E – 8/46, Akashganga colony
Arera Colony, Bhopal - 462039
Madhya Pradesh

Ph: 9425302012
Twitter: @gsaipsn
website: <https://aipsn.net>

President: Dr. Satyajit Rath General Secretary: Asha Mishra Treasurer: S. R. Azad

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To

Joint secretary,

Lok Sabha secretariat, room number 440,

Parliament House annexe, Delhi 110001

email: jfcab-lss@sansad.nic.in

Sub: Comments/Suggestions to the JPC regarding the proposed amendment to the Forest (Conservation) Act (1980)

With reference to notice inviting comments on the Forest (Conservation) Act (1980) amendments please find attached below the 3 pages of response from All India People's Science Network (AIPSN).

Kindly acknowledge receipt of this communication by email to gsaipsn@gmail.com.

Do contact us for any clarification required.

Asha Mishra
General Secretary, AIPSN
Mobile: 9425302012

D. Raghuandan
Convenor, Environment Desk, AIPSN
Mobile: 9810098621

All-India Peoples Science Network

Submission of AIPSN on Forest (Conservation) Amendment Bill, 2023

Due to large-scale degradation of forests in India due to mining and other development activities, the Forest (Conservation) Act, 1980 was enacted by Parliament. This Act regulated many unlawful activities within forests and legislated several compensatory measures to redress any loss of forest due to activities by public or private entities. The Union government introduced the Forest (Conservation) Amendment Bill, 2023 in the Lok Sabha on March 29th this year in order to bring about certain changes in the original FCA 1980, specifically in order to taken into account certain domestic and international developments since then, to clarify certain ambiguities in the original enactment, and to exempt certain types of forest land from restrictions imposed by the original Act.

The All-India Peoples Science Network submits the following suggestions to the various provisions of the proposed Forest (Conservation) Amendment Bill, 2023.

1. The introductory sections of the Bill draw attention to the Government's announced goal of net-zero emissions by 2070, the overall aim of bringing one-third of the country's land area under forest or tree cover, and the Nationally Determined Contribution (NDC) target of creating an additional carbon sink of 2.5 to 3 billion tonnes of CO₂ equivalent through additional forest and tree cover by 2030."

i. There is a serious problem of viewing forests and green cover exclusively through the prism of carbon sequestration, ignoring all other ecological services of forests.

ii. It is also problematic to conflate forests with tree cover. The former is a complex mix of species providing, besides carbon sequestration, a variety of ecological services including rainwater harvesting and storage in aquifers, preventing top soil run-off and loss, and also providing fuel, fodder, medicinal plants, fruits, oilseeds and a variety of other means to sustain human lives and livelihoods in surrounding areas, besides sustaining considerable bio-diversity including wildlife. However, plantations for commercial or "social" forestry may only provide limited tree cover, carbon sequestration services and commercial value, and the two cannot be equated in any manner. Efforts to conflate these two, in this Bill and in other government policy, will mean only that commercial plantations are being prioritized over natural forests with multiple benefits, and that grounds are being created for converting forests to plantations, couched in the language of "sustainable development" and carbon sequestration.

2. The Amendment proposes to exempt certain tracts of forest land from restrictions on non-forest activities.

a) land within 100 kilometres along international borders, LoC or LAC to be used for land within 100 kilometres along international borders, LoC or LAC to be used for "strategic linear projects of national importance and concerning national security"

b) up to 10ha in any forest land to be used for security related infrastructure

c) up to 5ha for developing infrastructure of defence-related or paramilitary forces in areas affected by Left-Wing Extremism

i) 100 km of forest land in border areas in the North, North-East or along the LOC or LAC encompasses almost the entire length of the Western and Eastern Himalayas,

North-east India, while the international border along the North-East States and West Bengal covers huge swathes of eco-sensitive areas. These areas also include two important Biodiversity Hotspots of the world out of the total 4 hotspots in India. These Biodiversity hotspots are not only biologically rich but also deeply threatened. The two Biodiversity hotspots along the Eastern Himalayas and the North East border or LAC areas are also ecologically sensitive and home to several rare wildlife species. Similarly, almost the entire Sunderbans, a globally unparalleled unique delta and forest region which is currently severely threatened by sea-level rise caused by climate change, lies within 100 km of the Indo-Bangladesh border. Any diversion of forest land for non-forest developmental activities will be disastrous for this highly eco-sensitive, vulnerable and threatened ecosystem which also sustains a large, mostly poor population. It is also difficult to comprehend the exemption sought for “linear projects,” since most projects along the LAC or border areas are likely to be non-linear roads, settlements etc. Perhaps shelter is being wrongly taken behind the concept of “linear projects” such as electricity transmission lines, pipelines etc. which are already exempt.

ii) Similarly, acquiring up to 10ha or even 5ha of forest land in any part of the country in the name of security and Left-Wing extremism will entail destruction of important and dense central Indian forests. It is well known that creation of even infrastructure of 5-10 ha in dense forest areas will also entail access roads, perhaps electricity lines, water supply and other infrastructure involving additional destruction of the forest system. Again, forests in these regions also support substantial mostly poor tribal populations, including Particularly Vulnerable Tribal Groups (PVTG) who are as vulnerable as the eco-system they derive their sustenance from.

iii) It is strongly urged that exemption for all such projects be sought on a strictly case-by-case basis.

3. The definition of Forest in the Bill is unacceptable. One of the major provisions of the Bill is to cover only land that has been declared or notified as a Forest under the Indian Forest Act, 1927 or under any other law. It also seeks to recognize lands that were recorded as forests on or after October 25, 1980. Many lands in government records are in fact recorded as forests many years or even decades before 1980. As per the latest Forest Survey of India’s State of Forest Report (2021), out of the total forest area of 7,75,288 sq.km, 1,20,753sq.km is categorized as “unclassified.” These account for approximately 15% of India’s total forest cover, and in some states and Union Territories, unclassified forests are a massive portion of the total forest cover.

i) The Bill attempts to retrospectively “de-recognize” certain classes of forests under the guise of these lands being private lands, plantations etc.

ii) The Bill is therefore a ploy to overturn the 1996 Supreme Court judgment in the famous *Godavarman Thirumulpad vs. Union of India and others* which ruled that the term “Forest” will not only include forest as understood in the dictionary sense, but also any area recorded as forest in Government records irrespective of the ownership.

4. The Bill under Section 5(2) empowers the Union Government to unilaterally “specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.” This is highly objectionable, and allows for invasive activities such as prospecting with potential for serious ecological damage. This clause should be withdrawn.

5. Forests come under the Concurrent List in the division of power between the Union Government and the State Governments. However, the Bill under Section 6 empowers the Central Government to issue any directions as it deems necessary to State Governments in pursuit of implementation of provisions of the Bill. This too is highly objectionable, violative of the Constitutionally-granted powers of the State Governments and should therefore be withdrawn.

6. In view of the above, AIPSN is of the view that the proposed Forest (Conservation) Amendment Bill, 2023, placed by the Union Government in the Lok Sabha be withdrawn in its present form. The

need of the hour is restoration, protection and improvement of devastated forest ecosystems, rather than diversion or alteration in the use of forest lands in large parts of the country in one guise or another.

For Contact:

Asha Mishra

D. Raghunandan

General Secretary, AIPSN

Convenor, Environment Desk, AIPSN

Mobile: 9425302012

Mobile: 9810098621

Email: gsaipsn@gmail.com

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