

4. Centre Objects to Uttarakhand's Definition of Forest

Prelims Level: National Conservation & Mitigation

Mains Level: GS-III Conservation, Environmental Pollution and Degradation, Environmental Impact Assessment.

Why in News?

- The Union Ministry for Environment and Forests Climate Change (MoEFCC) has objected to an Uttarakhand government's notification defining the term 'forest'.

Definition of Forests:

- 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 judgment**.
- The Supreme Court judgment 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.
- An all-encompassing definition of forest is difficult for India because the country has 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 criteria, it couldn't be reversed.
- The onus on the States to define forests is also significant 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.

What are Deemed Forests?

- The SC, in a Dec 12, 1996 judgement, had broadened the definition of forest to include not just land classified as forest under forest or revenue departments, but also those that are forests according to the definition of a forest.
- It had then also asked states to form committees to identify forests, irrespective of the nature of land ownership or whether they are notified, recognised or classified in a time-bound manner.
- There are forests that are notified either with the forest department or revenue department.

- Then there are those areas that are like forests but are neither recorded, nor notified. The Supreme Court had ordered that the states identify and classify these as deemed forests.
- Deemed forests are already a legal category of forests in some states and they are not defined according to the Dictionary Definition.

Classification of Forests:

- The forest cover is broadly classified in 4 classes, namely very dense forest, moderately dense forest, open forest and mangrove.
- The classification of the cover into dense and open forests is based on internationally adopted norms of classification. It has not been possible to further segregate the dense forest into more classes owing to enormity of work of ground validation and limitations of methodology. Mangroves have been separately classified because of their characteristic tone and texture and unique ecological functions.
- **The other Classes Include Scrub and non-forest. These classes are defined is below.**
 - ✓ **Very Dense Forest** - All Lands with tree cover (Including mangrove cover) of canopy density of 70% and above
 - ✓ **Mod Dense forest** - All lands with tree cover (Including mangrove cover) of canopy density between 40% and 70% above
 - ✓ **Open Forest** - All lands with tree cover (Including mangrove cover) of canopy density between 10% and 40%
 - ✓ **Scrub** - All forest lands with poor tree growth mainly of small or stunted trees having canopy density less than 10 percent
 - ✓ **Non Forest** - Any area not included in the above classes.

What is the Issue?

- In a notification on November 21, the Uttarakhand government said that in areas recorded as “deemed forest”, only tracts 10 hectares and more, and having a canopy density of greater than 60%, would be considered as forests.
- Land already registered as ‘reserved’ and ‘protected’ forests would be out of the remit of this definition.
- However, land recorded in government records as ‘revenue’ land could potentially be influenced by this definition of Deemed Forest.

- The Uttarakhand order was in “contravention” of the Supreme Court's orders. The Forest (Conservation) Act, 1980 would be applicable to all areas recorded as forest in any government records....the State should not issue any communication that is violative of any order passed by the Supreme Court.
- Deemed forests, which comprise about 1% of India’s forest land, are a controversial subject as they refer to land tracts that appear to be a “forest”, but have not been notified so by the government or in historical records.
- Uttarakhand’s criteria may pave the way for large parts of forestland to be captured by builders and industrialists.
- It is to be noted that before 1972, Forest and Wildlife came under State list. In 1976, 42nd Constitutional Amendment Act Forests were brought under Concurrent List, this means that both the state and Centre can make Laws on the subject but in case of a difference, the law of centre would prevail.

