

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 4334
TO BE ANSWERED ON 28.03.2017

Afforestation in Degraded Forest

4334.SHRIMATI RITA TARAI:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to State:

- (a) whether the Government has allowed compensatory afforestation to be taken up in twice the area of degraded forests for forest diversion proposal of Central Government PSUs, but has not allowed similar facility for the forest diversion proposals for the projects of State PSUs;
- (b) if so, the reasons for not allowing such dispensation for the projects of State Government Undertakings;
- (c) whether various States including Odisha have requested for similar dispensation for State PSUs; and
- (d) if so, the details thereof and the decision taken on these requests, State-wise?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ANIL MADHAV DAVE)

- (a) Yes, Sir.
- (b) Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It not only compensate loss in the forest cover and forest land but also acts as a major disincentive for project projects to seek diversion of forest land for non-site specific activities, and thus ensure that diversion of forest land is sought only for unavoidable site specific activities. The Land being a State subject, Central Government Departments and Central Government Undertakings generally do not own land which may be made available for compensatory afforestation. To expedite grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for Central Government/Central Government Undertaking projects, which normally are implemented for larger public good, as a special provision for such projects, guidelines issued by the Ministry provides that compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted,
- (c) Yes, Sir.
- (d) The request of Odisha Government had been denied as per the reason at annexe 'A'.

- (i) Compensatory afforestation is **one of the most important conditions** stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It not only compensate loss in the forest cover and forest land but also acts as a major disincentive for project projects to seek diversion of forest land for non-site specific activities, and thus ensure that diversion of forest land is sought only for unavoidable site specific activities.
- (ii) The relevant provision of the guidelines regarding compensatory afforestation are as below:
- (a) Compensatory afforestation shall be done over equivalent area of non-forest land.
- (b) However as a matter of pragmatism, the revenue lands/*zudpi jungle/ chhote/ bade jhar ka jungle / jungle-jhari land/ civil-soyam* lands and all other such categories of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as **Reserved Forest** under the Indian Forest Act, 1927.
- (c) The Land being a State subject, Central Government Departments and Central Government Undertakings generally do not own land which may be made available for compensatory afforestation. To expedite grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for Central Government/Central Government Undertaking projects, which normally are implemented for larger public good, as a special provision for such projects, guidelines issued by the Ministry provides that compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted.
- (iii) Hon'ble Supreme Court in their Judgment dated 6th July 2011 in the Lafarge matter directed as below:
- Time has come for this Court to declare and we hereby declare that the National Forest Policy, 1988 which lays down far-reaching principles must necessarily govern the grant of permissions under Section 2 of the Forest (Conservation) Act, 1980 as the same provides the road map to ecological protection and improvement under the Environment (Protection) Act, 1986. The principles/ guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.*
- (iv) The National Forest Policy, 1988 provides that the national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. It also provides that in the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

- (v) Any relaxation in the existing norms for compensatory afforestation will result in net decrease in forest area and forest cover in the country. It will thus adversely affect long term ecological security of the country. It will also be contrary to provisions of the National Forest Policy, 1988 and the afore-mentioned judgment of the Hon'ble Supreme Court.
- (vi) It will therefore, be not desirable to exempt the forest land diverted in favour of State Government /State PSUs from the requirement of providing non-forest / revenue forest land for compensatory afforestation
- (vii) Forests constitute about 37 % of the total geographical area of the State. However, less than half of such forest areas are only under administrative control and management of the State Forest Department. The remaining forest areas to which provisions of the Forest (Conservation) Act, 1980 extend are under administrative control of the Revenue Department. These areas, which presently are not under the regular forest management regime, as per the existing guidelines, may be utilised for compensatory afforestation provided such areas are transferred and mutated in favour of the State Forest Department and brought under the regular forest management regime by notifying as Reserved Forest.
- (viii) This Ministry has already requested all States/UTs, including the State of Odisha to identify such areas which may be utilised for compensatory afforestation and create a land bank. Government of Odisha may expedite creation of the land bank. Once such land bank is created, land available therein may be used for creation of compensatory afforestation in lieu of forest land diverted for developmental projects, including those implemented by the State Government and State PSUs.