Deemed Forests

Why in news?

Karnataka government may declassify 67% of the 9.94 lakh hectares of deemed forests in the state and hand it over to Revenue authorities.

What are deemed forests?

- The concept of deemed forests has not been clearly defined in any law including the Forest Conservation Act (FCA) of 1980.
- But, the Supreme Court (SC) in T N Godavarman Thirumalpad case (1996) accepted a wide definition of forests under the Act.
- The SC said that the term 'forest land' occurring in Section 2 of the FCA will include,
    1. 'Forest' as understood in the dictionary sense,
    2. Any areas recorded as forest in the government record, whether designated as reserved, protected or otherwise, irrespective of the ownership.
- The SC said that the provisions of the FCA 1980 for the conservation of forest and the matters connected therewith must apply to all forest irrespective of the ownership or classification.

What did the expert committee define?

- Karnataka constituted an expert committee to identify 'deemed forests' as land having the characteristic of forests irrespective of the ownership.
- In 2002, the committee said in a report that the following could be 'deemed forests',
    1. Thickly wooded areas of the Revenue Department not handed over to the Forest Department;
    2. Thickly wooded areas recommended to be handed over to the Forest Department;
    3. Thickly wooded land distributed to grantees but not cultivated; and
    4. Thickly wooded plantations of the Forest Department.

Why does Karnataka want to release 67% of its deemed forests?

- In 2014, the then government said that some of the 'statutory forests' had been wrongly classified as 'deemed forest' by the expert committee.

- The government also said that where the dictionary definition of forests was applied to identify deemed forests, scientific criteria was not used.
- This resulted in a subjective classification of areas as deemed forests.
- This classification in turn resulted in conflicts between the Forest Department and other departments like Revenue, Irrigation, etc.
- There is also a commercial demand for mining in some regions designated as deemed forests.
- Committees constituted during this regime identified 5.18 lakh hectares of deemed forest that could be released from the total deemed forest.
- An affidavit was filed in the SC in 2019 following a Cabinet decision.

What could be done?

- Preservation of forest areas in India under the FCA, 1980 has been continuously monitored by the SC since the Godavarman case judgment.
- The state government must obtain clearances from the SC for affecting changes to land classified as deemed forests since the verdict.

Source: Indian Express

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