

# More than Hundred Ex Civil Servants Question New Forest Conservation (Amendment) Bill

The Constitutional Conduct Group has also criticised the Union government for sending the Bill to a 'partisan' select committee rather than the parliamentary standing committee.

More than 100 former civil servants, members of the Constitutional Conduct Group (CCG), have written to all members of parliament in India expressing their concern with the Forest Conservation (Amendment) Bill, 2023. Excerpts from their letter is as follows:

**Honourable MPs of the Lok Sabha,**

**Honourable MPs of the Rajya Sabha,**

We are a group of former civil servants of the All India and Central Services who have worked with the Central and State Governments in the course of our careers. As a group, we have no affiliation with any political party.

We are deeply perturbed by the Forest Conservation (Amendment) Bill, 2023, which was introduced in Parliament in March 2023 and is slated to be passed in the coming monsoon session. Our concerns are both about the content of the Bill as well as the procedure by which the Bill is being examined and passed. The Bill should have been making the examination partisan and unsatisfactory.

In the thirty years prior to 1980, about 4.2 million hectares of forest land were lost, being diverted for non-forestry purposes. In over forty years since the enactment of the FCA, 1980, only about 1.5 million hectares have been diverted.

Unfortunately, in the last few years, despite the adverse impacts of climate change becoming increasingly obvious – the floods now sweeping north India are a glaring example – the diversion of forest lands has gathered pace. Between 2018-19 and 2022-23, almost 90,000 hectares of forest land have been diverted for non-forest use. The institutions of the Forest Advisory Committee and the Regional Empowered Committees, which are meant to regulate and minimise this diversion, have been ineffective. Hardly any proposal for diversion of forest land seems to be rejected!

This tendency of liberally giving away forest land for non-forest purposes, is now sought to be further strengthened through the FCA Amendment Bill. This Bill allows forest land, other than in protected areas, to be used for several non-forest purposes, viz. (i) defence related purposes within 100 kms. of the border of India; (ii) stretches of land alongside railway lines and highways; (iii) zoos and safaris owned by the government or any authority; (iv) eco-

tourism facilities; (v) silvicultural operations (to enhance forest growth); and, most worryingly, (vi) any other purpose specified by the central government.

The Bill also specifies that reconnaissance and prospecting surveys, among other surveying activities, may be undertaken, under conditions to be specified by the central government. One wonders what is the purpose of prospecting surveys? Does it mean that if any important minerals are found in dense forests, mining will be allowed? What will happen once the Act is amended, and permissions are granted freely?

The preamble of the Bill mentions that as a result of this Bill, forest and tree cover will be increased to create a carbon sink of an additional 2.5 to 3.0 billion tonnes of CO<sub>2</sub> equivalent, by 2030. Such an expectation is unrealistic given the fact that large tracts of existing natural forests will be diverted for non-forest use. There are ample studies which suggest that natural forests are forty times more efficient as carbon sinks than newly planted forests. Moreover, the results of compensatory afforestation, as of today, have not been rosy. Between 2008 and 2019, an area equal to only 72% of the diverted forest area was brought under compensatory afforestation; moreover, 24% of this was on existing, but degraded, forest land.

It is important to remember that natural forests are important not only as carbon sinks but also because they harbour immensely precious flora and fauna. India is one of only 17 megadiverse countries in the world with more than 5000 endemic species of plants and animals. This myopic Bill threatens all of this biodiversity.

One of its most damaging provisions is to allow forest lands within 100 kms. of the country's borders to be used for 'strategic linear projects of national importance and concerning national security'. This 100 km. stretch would cover all the north-eastern States and would include Sikkim and Uttarakhand – states which have the highest forest cover in the country and are also biodiversity hotspots.

The preamble of the Bill also mentions that it will *"enhance forest based economic, social and environmental benefits, including improvement of livelihoods of forest dependent communities"*. One of the main Acts which supports forest dependent communities is the Forest Rights Act (FRA) 2006. The current Bill does not contain any provision to protect the rights granted under the FRA. This conflict was observed by Mr Harsh Chauhan, until recently the Chairman of the National Commission on Scheduled Tribes; he resigned, reportedly, because his request that the Bill be deferred was not accepted by the government. It is apparent that far from protecting forest dependent communities, the Bill may actually threaten their livelihoods and their lives.

Article 48A of the Constitution says that *"the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country"*. It is apparent that the FCA Bill will do just the opposite.

The Amendment Bill is replete with flaws and is totally misleading. We urge you not to pass it in its present form as it will nullify the very Act it seeks to amend, and will prove to be the last nail in the coffin for the existing forest resources of the country.

**Constitutional Conduct Group** (105 Ex civil servants signatories)