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Missing the woods for the greenback

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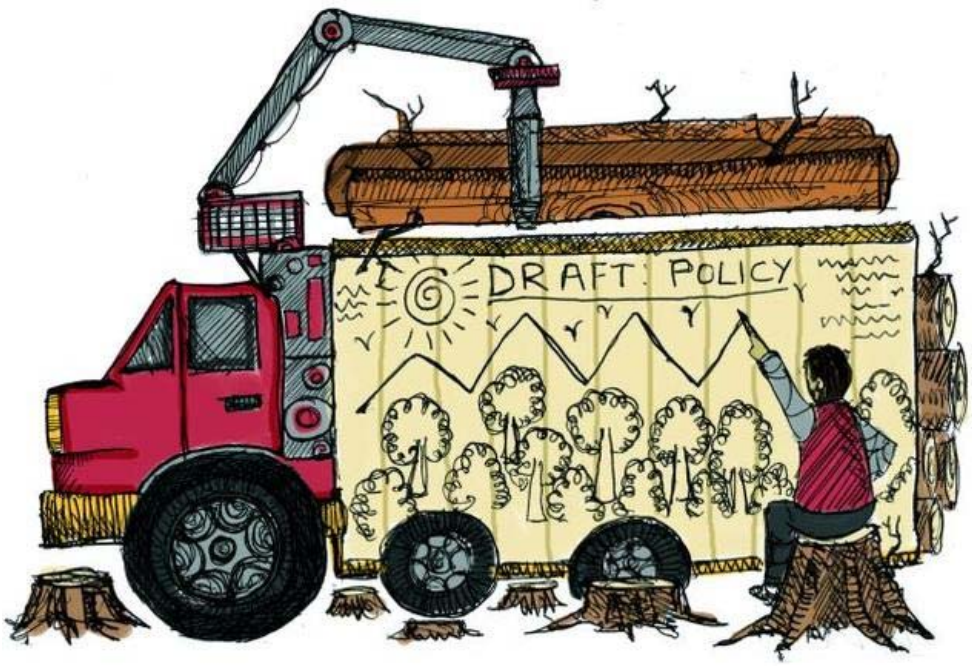

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The draft policy on the use of forest land is at odds with sound conservation principles and fails to plug holes in current guidelines that work to the advantage of project promoters

The Supreme Court in July 2011 while delivering the Lafarge Judgment laid down guidelines on forest clearance procedures. These were to operate till a new regulatory mechanism was put in place. Two years after the judgment, the Ministry of Environment and Forests (MoEF) put up a "Draft Policy on Inspection, Verification, Monitoring and the Overall Procedure relating to grant of Forest Clearances and Identification of Forests" for public comments.

The judgment presented an important opportunity to the MoEF to revamp procedures and plug loopholes, being exploited by development project promoters from both government and the corporate sectors. However, the draft policy fails to infuse new conservation ideas based on sound science and misses out on tightening forest clearance/monitoring procedures.

Impact of fragmentation

Breaking up large blocks of forests into smaller patches due to ill planned intrusions by development projects is one of the most serious threats to long-term forest/biodiversity conservation. Scientific research has established that such fragmentation has several devastating consequences. It disrupts landscape connectivity, creates new edges, depletes biological integrity and affects the stability of entire ecosystems. However, the draft policy misses out on ushering in a fundamental change towards a knowledge driven landscape/ecosystem approach that is anchored in minimising the fragmentation of large forest blocks. Instead, it proposes to continue with the focus on compensatory afforestation which is nothing but a fig leaf to cover up for more clearances.

Even the only clause in the current policy that could have had some positive impact in reducing forest fragmentation is being cleverly bypassed. Most State governments are routinely relaxing an important condition — the identification and transfer of an equivalent area of non-forest land contiguous with existing forests in favour of the forest department before grant of Stage II forest clearance. Proposals are being cleared by imposing the simpler condition of compensatory afforestation over twice the area diverted.

Thus, an excellent opportunity to plug this procedural loophole, which would enable the creation of viable buffers around protected areas and eliminate/minimise forest fragmentation by enforcing this condition, would be lost unless the draft policy is appropriately amended. In its current form, the draft policy will continue to encourage "leakage" prone compensatory afforestation projects that everyone loves to handle. However, in terms of ecological value, they are nothing but a fig leaf to cover up for more diversion of forest land for non-forestry use.

Procedural issues

Many development projects require both forest and non-forest land. Current guidelines insist that work must not

commence on non-forest land until prior permission for the forest land is granted. This is to ensure that investments are not rendered infructuous. Due to poor enforcement of this condition, many project promoters cleverly start work on the non-forest land portions. The Forest Advisory Committee (FAC) is then presented with a fait accompli. Citing the huge investments made, they then seek, and usually receive, ex-post facto clearances. This is particularly true in cases of linear intrusions like highways, power lines, etc. Even though the Supreme Court had clearly flagged this aspect and directed that remedial measures be put in place, the draft policy fails to address this.

The Court had directed that the MoEF constitute regional empowered committees with three non-official experts in every regional office of the MoEF to facilitate in-depth scrutiny of proposals involving forest land diversions of between five and 40 hectares and all mining and encroachment cases. The draft policy while attempting to operationalise several other directions, strangely sidesteps this direction which is crucial, as many projects in the five-40 hectares category are slipping through with minimal scrutiny at the Regional Office level. Many project promoters are also splitting up projects to keep it under 40 hectares to avoid rigorous scrutiny.

Monitoring is weak

It has been admitted in the draft policy that monitoring is the weakest link in the forest clearance process. However, the amendments appear grossly inadequate. These will be exploited by unscrupulous project promoters particularly as there is scarcely any major case where punitive action like cancellation of forest clearance has been initiated. Hardly any official has ever been prosecuted for abetting the violation of the Forest Conservation Act even though there are glaring examples of forest officers glossing over facts and furnishing false data on the basis of which projects have been cleared.

After securing permissions based on such dubious data, most project promoters commit violations which are clearly intentional knowing full well that if work — excavations/foundations/buildings/tree cutting — starts at the wrong place or along a wrong alignment or location of a tower or bridge, it is bound to get regularised. It is common knowledge that without tight preventive measures or timely detection, as is the situation now, there is little scope for rectification later. Unfortunately, the draft policy fails to plug these glaring lacunae.

What is urgently required is a brand new four-stage monitoring process that kicks in — at the time of project commencement when breaking/clearing/marking/foundation work begins to ensure conformity with the approved master plan; during all key identified milestones of the project to be mandatorily disclosed in the proposal; regular annual and bi-annual monitoring by authorities with non-official experts on the regional empowered committees; and, finally, random or surprise inspections in at least 10 per cent of cases including those where complaints of violations have been received.

Geographical information

As regards the direction to create a geographic information system (GIS) database, the revised procedure should have specifically provided for projection and review of high resolution, and time series satellite imagery of the area proposed to be diverted at all meetings of the various committees tasked to deliberate on proposals. This would not only help in detection of violations/non-compliance but also to evaluate other crucial aspects like cumulative impacts, fragmentation of habitat, the site-specific nature of the project or otherwise, wildlife corridor values, etc.

Yet another important direction of the Supreme Court was to ensure that the forest clearance process was completed before the environment clearance process in cases where it was mandatory for projects to obtain both. The draft policy could have creatively addressed this aspect by including a detailed procedure of a formal integrated public consultation, similar to the one prescribed for environment clearance. Appropriate additions to cover forest impacts such as loss of forest land, habitat fragmentation, threats to biodiversity/endangered species, habitat niches and related issues could have also been included.

Considering all these aspects, it clearly emerges that the draft policy appears to be weak and not based on sound scientific principles. It is fervently hoped that the MoEF takes up a thorough review and carries out appropriate modifications to ensure that conservation takes precedence over clearance of forest land for non-forestry purposes.

(Praveen Bhargav, a trustee of Wildlife First, has served on the National Board for Wildlife.)

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