

## GREEN WATCH

## Our compromised ecological security



PRAVEEN BHARGAV

'Good governance' was the cornerstone of the National Democratic Alliance government's poll promises. While there is an effort to deliver this in many sectors, the functioning of the Ministry of Environment, Forest and Climate Change (MoEF) is at odds with its mandate. While it has been periodically expressing its commitment to forest conservation, the reality is, the Ministry has been bending over backwards to meet the demands of 'development', compromising India's ecological security. Since 2011, it has consistently ignored the Supreme Court's direction on the appointment of a national regulator for enforcing environmental conditions and to impose penalties.

An objective analysis reveals that the MoEF has turned into a virtual project-clearing house. In March 2015 it operationalised the online single-window clearance system. A computer scan of the online clearance document reveals that the words 'reject' and 'rejection' are nowhere to be found. What this implies is obvious and ominous.

## NBWL cedes ground

The National Board for Wildlife (NBWL) is a crucial statutory committee consisting of 47 members chaired by the Prime Minister. Its mandate is to promote conservation of wildlife and Protected Areas (PAs). The Wildlife (Protection) Act specifies that the NBWL (not the government) may, at its discretion, constitute a 10-member standing committee chaired by the Environment Minister. The travesty is that the standing committee has already met eight times even before a meeting of the NBWL. It has assumed all powers of the NBWL and is operating independently. This has serious consequences for wildlife.

A recent published analysis by Centre for Science and Environment shows that the standing committee has cleared 301 projects, deferred 105 and rejected only four projects seeking forest land inside PAs and in eco-sensitive zones around PAs which are important to buffer impacts and ensure landscape connectivity. The poor rejection rate of 1.29 per cent shows that the NBWL has been converted into a project-clearing house ignoring the fact that PAs constitute just five per cent of India's land area.

The Wildlife (Protection) Act unambiguously mandates that there shall be no destruction or diversion of habitat unless it is for the improvement and better management of wildlife. Yet, not a single decision to divert wildlife habitat has been backed by credible reasons as to how it benefits wildlife or substantial mitigation measures.

## Dilution of laws

Another worrisome indicator on unbridled clearances is the strategy of diluting regulations through a slew of circulars/guidelines. On July 4, 2014, based on representations from the Ministries of Mines and Coal to relax existing guidelines for prospecting of minerals, the MoEF exempted the requirement of compensatory afforestation and payment of Net Present Value based on the logic that prospecting involves use of forest land for a very short period and is likely to only induce a temporary change. This ignores the fact that such prospecting is an obvious precursor to mining in forests. Even the insistence on site inspection for construction of new roads/paths involving 40 hectares was diluted and made applicable only if the area exceeded 100 hectares.

Next, on July 11, 2014, the existing exemption to acquire equivalent non-forest land for compensatory afforestation, applicable only for 220 KV power lines, was expanded to cover all high-voltage power transmission lines including substations.

The guidelines on diversion of forest land for all linear projects such as new roads, widening of highways, railway lines, etc. was further simplified on August 8, 2014, with an amendment that Stage I clearance will also be a deemed working permission for commencement of work and felling of trees.

More recently, the Ministry of Mines "drew the attention" of the MoEF to the Mines and Minerals (Development & Regulation) Amendment Ordinance, 2015, promulgated on January 12, 2015, by which all mining leases would be for a period of 50 years. Based on this, the MoEF on April 1, 2015 diluted the guidelines allowing extension of even existing mining leases on forest land from 30 to 50 years. This has been done in spite of the fact that Section 2 of the Forest (Conservation) Act applies for diversion of forest land notwithstanding anything contained in any other law.

These dilutions have greatly contributed to fast-track clearances of nearly 50,000 hectares of forest land between June 2014 and April 2016 — of which mining alone accounts for almost 30 per cent — that will now go on for 50 years without any further clearances. Tenets of good governance demand that the MoEF stop the haemorrhaging flow of circulars diluting various regulations.

The most crucial governance challenge for the Ministry is how to balance development imperatives without compromising on ecological security. However, ensuring ease of doing business appears to have become its main business, which is tantamount to abdication of its constitutional and legal duty. The Ministry needs to abandon archaic ideas like compensatory afforestation which will at best raise ecologically worthless tree plantations that are nothing more than a fig leaf for diverting more natural forests. What is required is knowledge-driven plans to resolve competing demands.

At the 3rd Asia Ministerial Conference on Tiger Conservation in April, Prime Minister Narendra Modi had said: "I strongly believe that tiger conservation, or conservation of nature, is not a drag on development... we need to define conservation as a means to achieve development, rather than considering it to be anti-growth." It would immensely help if his statement actually translates into credible action in the clearance process. Only then will the stated intention of the government with regard to good governance truly result in conservation of forests and wildlife.

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