

28th September, 2011

Ms. Jayanthi Natarajan
Minister of State – Environment & Forests (Independent Charge)
Paryavaran Bhavan, Lodhi Road
New Delhi – 110 003

Hon'ble Minister:

Sub: Urgent Need for tightening the forest clearance process

Ref: Report in the Times of India (September 19, 2011).

The letter by three non-official members of the Forest Advisory Committee has raised very valid issues that are threatening forests in the country. While we welcome your assurance that you will address this issue seriously and make the required course correction, we also wish to present some key policy suggestions for your consideration. The signatories to this letter are all active conservationists and some, having served on various Government Statutory Committees, are aware of the issues and hence make the following specific suggestions to rationalize the clearance processes under the Forest (Conservation) Act, 1980 [FCA] and the Wildlife (Protection), Act, 1972 [WLPA].

Policy Suggestions:

1. Forest fragmentation: the breaking up of large blocks of forest into smaller fragments due to ill planned intrusion of developmental projects into natural habitats is one of the most serious threats to long-term conservation. Peer reviewed scientific research has clearly established that fragmentation has several devastating impacts; it disrupts landscape connectivity, creates new edges, facilitates the intrusion of weeds, increases the threat of fire and leads to steady degradation and human-wildlife conflict. Therefore, it is critical to arrest and reduce forest fragmentation right now. However, the evaluation parameters presently prescribed under the FCA do not include this vital aspect.

We therefore suggest a fundamental change in policy towards a scientific landscape/ ecosystem approach that is anchored on minimizing fragmentation of large blocks of contiguous forests instead of the present emphasis on only measuring area lost, forest density and tree cover. The use of high resolution satellite imagery, amongst other methods, would be an effective tool for analysis and decision making.

2. The current procedures on Compensatory Afforestation are primarily focused on identification and transfer of equivalent non-forest land for raising plantations. Invariably, destructive projects are allowed in pristine blocks of forests while isolated parcels of land are identified for compensatory afforestation. This serves no purpose as the planting of trees or the creation of artificial plantations neither mitigates the

damage caused to such pristine forests, nor compensates for the loss of irreplaceable biodiversity. Monitoring, nurturing and protecting such scattered parcels is also impractical in many cases, and the compensatory afforestation becomes nothing more than an “eyewash”.

We therefore suggest a more integrated approach wherein old leased forestlands or private plantations that are in the midst of a good PA or wildlife corridor are identified and taken over as part of the prescribed compensatory measures. This will significantly help in de-fragmenting large blocks of forests and establish/ improve wildlife corridors.

3. Where portions of forest and non-forestland are involved in a project, many user agencies including Government authorities / PSUs deviously commence work on the non-forest land portions first, and present the FAC / NBWL with a fait accompli. Citing the investments made, they then seek – and usually receive - ex-post facto clearances. Many agencies are even using this as a clever strategy by strategically splitting up projects to secure clearances that otherwise would not have been possible. This is particularly true in cases of linear intrusions like highways, power lines etc.

We therefore suggest that para 4.3 and 4.4 of the FCA Guidelines in respect of anticipatory action and projects involving forest as well as non-forest land, which states that work should not commence even on non-forest land until clearance for forest land is approved, be strictly enforced and made mandatory.

4. The Supreme Court Guidelines issued in the Lafarge matter mandates the constitution of a **National Regulator** for enforcing conditions and imposing penalties on violators. This is an important mechanism that is urgently needed as compliance of conditions by user agencies / projects is extremely poor.

We therefore urge that this mechanism is urgently put in place as directed by the Supreme Court.

5. While disposing the Lafarge matter, the Supreme Court has directed that the Ministry of Environment and Forests constitute Regional Empowered Committees headed by the CCF (Central) and three non-official experts in every Regional Office of the MoEF to facilitate in-depth scrutiny of proposals involving forest land diversions of 5 – 40 hectares and all mining and encroachment cases.

We suggest that this mechanism is urgently put in place with appropriate safeguards to ensure that the said Regional Empowered Committees are not packed with retired officials and/or “environmentalists” who have been or are EIA consultants. Non-official activists with knowledge, a good track record and zero conflict of interest must be carefully chosen (including the non-official member on the Standing Site Inspection Committee at the Regional Office) to ensure that these well meaning processes directed by the Supreme Court are also not compromised.

6. The experienced non-official members of the FAC have raised pertinent issues with regard to officials fudging data and routinely approving obviously damaging projects. This is a matter of serious concern and requires immediate remedial measures.

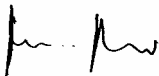
We therefore suggest that –

a. for all important positions in the FC Division, honest officers with an un-blemished service record are appointed and those with pending vigilance / disciplinary proceedings either in their home State or in the Central Government are not given charge of any decision making position in the Forest / Wildlife Clearance structure; and

*b. guidelines are issued to States/user agencies to submit the entire proforma (Form 'B' – Rule 6) for seeking prior approval including maps, documents, inspection reports etc in **digital form also** and that the entire proposal is put up on the Ministry website for greater transparency and to ensure compliance with the suo motto disclosure stipulated in sub-sections (1) and (2) of Section 4 of the RTI Act.*

We request you to kindly consider these constructive suggestions and ensure that the clearance processes under the FCA and the WLPA under your leadership are strengthened with appropriate due-diligence and exploring all alternatives to weed out damaging projects.

Thanking you
Sincerely



Praveen Bhargav, Wildlife First, Bangalore

Signed on behalf of and in consultation with:

Shekar Dattatri, Chennai; Wildlife Protection Society of India, New Delhi – Belinda Wright; Wildlife Society of Orissa, Bhubaneshwar - Biswajit Mohanty; Bhadra Wildlife Conservation Trust, Chikmagalur – D.V. Girish; Kudremukh Wildlife Foundation, Mangalore – Niren Jain;

Copy to: 1. Secretary, Ministry of Environment & Forests
2. The Director General of Forests and Chairperson - FAC
3. Director of Wildlife Preservation and Member Secretary – NBWL
4. Non-Official members of the FAC
5. The Media

Address for Correspondence:

Wildlife First, 1235, 1st floor, 26 A Main, 4th T Block, Jayanagar, Bangalore – 560041. Tel: 080-26535811