

12/05/2023

To,

The Joint Secretary,
Lok Sabha Secretariat,
Room no. 440, Parliament House Annexe,
New Delhi 110001

Subject: Representation on the Forest (Conservation) Amendment Bill, 2023

We would like to draw the kind attention of the esteemed Joint Parliamentary Committee to our representation regarding the Forest (Conservation) Amendment Bill, 2023 introduced in the Lok Sabha on 29th March, 2023.

You will note that the representation is jointly authored by a serving Indian Forest Service officer (Ms Prakriti Srivastava IFS, PCCF Kerala 1990 batch with 33 years of field experience and has implemented various forest, wildlife and conservation laws, and a NGL, (Ms Purna Singh Bindra, wildlife conservationist and academic) who has been a strong and credible voice for protection of India's wildlife and wild spaces for nearly 20 years, a combination which may seem unusual.

We have deep concern for our forests, wildlife and the environment and the goal of conservation unites us. We have worked, in our diverse capacities with integrity and commitment for conservation of India's natural environment, a duty enshrined in our constitution to both the state and the individual. As you will agree, we, indeed all citizens, are stakeholders of the natural wealth of our forests.

We had the opportunity to work together when I served as the DIG (Wildlife) in the MoEFCC from 2010 to 2013, and Ms Bindra was a member of the Standing Committee of the National Board for Wildlife during the same period. We share the same philosophy for conservation - one that is rooted in the country's constitution, law and culture.

We have been deeply concerned by the far-reaching and deleterious consequences of the changes proposed in the Forest (Conservation) Act, through the Amendment Bill 2023. Hence, for this representation we took a deliberate decision to combine our strengths as a forest officer implementing the law in the course of duty, and as a conservationist who has served on national and state boards to safeguard forests and wildlife.

We have done a thorough, critical reading of the proposed bill to fully appreciate its potential impact. While our representation provides a detailed, point-by-point analysis of the potential consequences of the bill if it were to be passed in Parliament; here we will simply, and emphatically state that in its present form the bill will be a death knell for India's forests. Primarily, in limiting the scope and ambit of the original forest (Conservation) Act, the proposed bill removes crucial safeguards from a vast majority of India's biodiverse rich forests.

We need not emphasise the catastrophic and irreversible impacts of forest loss for our country and its people. Besides severely endangering our already threatened wildlife-including endangered our National Animal, the tiger; the bill will weaken the country's ecological and water security. It will threaten India's most effective carbon sequestration tool-existing natural, old growth forests. Importantly, more than half of the population is directly dependent on forests for survival and sustenance. These are mostly marginalised

people who will likely be further impoverished by the potential loss of forests.

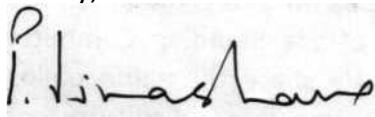
We strongly urge you to consider the implications of the proposed changes particularly in context of the looming Climate Crisis, the Sixth Extinction and loss of biodiversity and the catastrophic consequences for our people and future generations. India is already suffering the tragic loss of lives and huge economic losses due to extreme climatic events such as cyclones, storms, droughts, besides forest fires, flash floods linked to Climate Change and forest loss, which will negatively impact our remarkable growth story.

Our great nation's rich culture is rooted in nature, from the revered Lord Ram who spent his *vanvas* in far flung forests of India, to our deep sanctity for most wild animals—from the elephant to snakes, are all worshipped. Sadly, this proposed bill renders not just these animals and their forests vulnerable, but our rich cultural heritage as well.

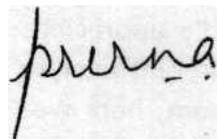
We humbly urge you to give due consideration to our representation which gives a reasoned, analytical view and explains the import of the proposed changes. Hon'ble members, the loss of forests is irrevocable, forests cannot be replaced nor compensated, and this can only lead to extreme suffering of our wildlife, people and future generations. It will not be an overstatement to say that the proposed bill threatens the country's ecological, water and economic security, and thus, it's very foundations.

Thanks for your time. We look forward to a positive response and due consideration.

Yours sincerely,



Ms Prakriti Srivastava, Indian Forest Service (1990 batch),
Principal Chief Conservator of Forests, Kerala.



Ms Prerna Singh Bindra
Former member, Standing Committee, National Board for Wildlife,
Former member, State Board for Wildlife, Uttarakhand,
PhD Scholar, University of Cambridge.

DETAILED COMMENTS ON THE FOREST (CONSERVATION) AMENDMENT BILL, 2023

The FCA amendment Bill was introduced on 29th March, 2023 in the Lok Sabha as the Forest (Conservation) Amendment Bill 2023. A close examination of the same reveals that the substance of the proposed changes emasculate the original Forest Conservation Act, (*henceforth, FC Act*) so much so that it subverts the FC Act's primary objective "to provide for the conservation of forests", and to "to check further deforestation," as emphasised by a 202/1996 judgement of the Honourable Supreme Court.

In a nutshell, the amendments appears to have four basic aims: a) to undo the provisions of the existing Forest Conservation Act; b) to overturn the gains obtained for conservation through the 202/96 Supreme Court judgement; c) to reduce and restrict the ambit and purview of the Forest Conservation Act and convert large forest tracts to other land uses and (d) to privatise large portions of forests ostensibly in the name of creating plantations couched in the language of 'sustainable development' and carbon neutrality.

If adopted by the Parliament, **this Act will likely be the death-knell for forests and conservation in the near future**

In the FC Act, deforestation is checked through Section 2 which mandates prior approval from the union government for de-reserving a forest or undertaking any non-forestry activity (commonly referred to as 'Forest Clearance') on notified forests and lands recorded as 'forest' by the government. Despite the *laissez faire* manner of giving forest clearances, the FC Act has decelerated forest loss. Between 1950-80, 4.3 million hectares of forest area was diverted for non-forestry purposes which reduced to about 40,000 ha annually after the FC Act regulations came into force in 1980. There are also many examples where the FC Act has helped in conserving a forest from destruction (*see Appendix*).

The present Forest Conservation Act is meant to *regulate* activities in forest areas to safeguard them. **It is a strong piece of legislation and requires no amendment but better and effective implementation.**

Clause-wise comments: (Original text of the proposed Bill in blue)

(1) This Act may be called the Forest (Conservation) Amendment Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of Preamble

2. In the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after the long title and before the enacting formula, the following preamble shall be inserted, namely:—

"WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationality Determined Contribution targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one-third of its land area, which is to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and, therefore, enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS, it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality."

- A preamble is a clause at the beginning, explanatory of the reasons for its enactment and its objectives. The present Forest Conservation Act does not have a preamble as the title is succinct and self-explanatory. Equally, its clauses are simple and clear, requiring no interpretation. The motive of inserting such a long, wordy and confusing preamble in the amendment bill appears to be to introduce clauses for easy diversion of forests, and interpret the proposed Act to suit this requirement.
- The proposed Act shifts emphasis to increasing tree cover while the intent of the principal act is conservation of existing forest biodiversity and assets.
- Introducing carbon neutrality and its sequestration in an Act meant for forest conservation is unnecessary and inappropriate and the underlying purpose appears to be of converting natural forests to plantations. The proposed bill will enable tree plantations by private agencies in lieu of diversions granted under the FC Act especially in the light of newly introduced Section 1A (b), 1A (2) and 1A(3) of the Bill. Large tracts of land currently considered to be forests will cease to be so if this amendment is effected. These lands can then be offered by project proponents as compensatory afforestation in lieu of diversions of notified forest lands obtained for their project .
- Issues of Carbon neutrality and carbon sequestration and raising plantations should find place in Forest Working Plans/Site specific plans/ Compensatory Afforestation plans (CA) and not in an act proposed for forest conservation. Conserving old growth forests, upcoming natural forests along with their biodiversity including wildlife is the most impactful, cost-effective way for addressing issues of carbon sequestration and achieving carbon neutrality.
- The scope of the amendments boil down to pushing plantations to “achieve carbon neutrality by limiting the scope of the Act. The bill’s focus on raising tradeable vertical repositories of carbon can jeopardise the very purpose of the Act, which is to protect and conserve India’s existing, natural forests.
- The amendment speaks of enabling achievement of national targets of Net Zero Emission by 2070 and maintaining or enhancing the forest carbon stocks and Nationality Determined Contribution (NDC) targets of the country envisage creating a carbon sink of an additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030. To achieve this, it lays emphasis on enhancing tree and forest cover. Creating carbon sinks via plantations

and increasing tree cover is counter intuitive, and multiple studies, including in India show that these are poor in sequestering carbon, as well as in other ecosystem services such as containing soil erosion, biodiversity conservation, water retention etc.

- Further, considerable damage has been done to diverse ecosystems such as deserts, grasslands, marshes etc, by taking up unscientific afforestation schemes in every blank space found. This has adversely impacted species such as the Great Indian Bustard, wolves, caracles, hyenas to name a few. It has also negatively impacted the water table, aquifers and caused eutrophication. In fact, wetlands and marshes are highly effective carbon sinks absorbing and storing large quantities of carbon. The amended Bill sends the wrong message that the only way conservation can be done is afforestation, which is far from the truth. The emphasis should be on conserving, and allowing natural regeneration through protecting all types of biomes and ecosystems along with their biodiversity rather than a blanket prescription of plantation creation.
- Natural forests are far more effective. To quote just one study published in *Nature*, the carbon sequestration potential of natural forests is 40 times greater as compared to plantations¹. Conversion of natural forests and grasslands to man-made plantations will be counter-productive to wildlife and forest conservation.
- It is important to note that the destruction and degradation of forests contributes to Climate Change through the release of carbon dioxide (CO₂).
- The preamble states “enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged”. However, there are no clauses in the main act to provide for this. It seems to be a means of enabling diversions of forest lands in the name of forest based economic and social benefits.
- The bill, in its preamble, includes the words “economic needs”, and we quote saying : “it is necessary to provide for provisions relating to conservation management and restoration of forests, and facilitating economic needs and carbon neutrality”: The question that needs to be asked is whose economic needs, as forest dependent communities will be

¹ Lewis, S.L., Wheeler, C.E., Mitchard, E.T. and Koch, A., 2019. Restoring natural forests is the best way to remove atmospheric carbon. *Nature*, 568(7750), pp.25-28.

further rendered vulnerable. In its current form, the proposed Act will exempt large tracts of forests on which communities depend, from any regulatory safeguard. Further, the bill is silent as to how it will achieve these newly introduced goals.

- We strongly recommend that the proposed preamble be entirely deleted as it is counter-productive and reflects a dangerous intent. The present FC Act without a preamble should continue as it already exists.

3. In section 1 of the principal Act, in sub-section (1), for the words and brackets "Forest (Conservation) Act", the words and brackets "Van (Sanrakshan Evam Samvardhan) Adhiniyam" shall be substituted.

- Is non-inclusive, leaving out vast tracts of populations in non-Hindi speaking regions, including the south and the North-East. The FC Act has great import to our people-about 60 percent depend on forests and other ecosystems directly for their sustenance and livelihood. It needs to be inclusive.
- The present name of the FC Act should be retained.

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

‘1A. (1) The following land shall be covered under the provisions of this Act, namely:—

(a) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force;

- This clause is redundant as the present FC Act already covers it and therefore does not require reiteration.

(b) the land that is not covered under clause (a), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

- The introduction of this clause will overturn the Hon'ble Supreme Court's 202/96 judgement and allow large areas of forest lands to be diverted legally for non-forestry purposes and without any scrutiny.
- With this, the proposed amendment drastically reduces the ambit and scope of the original FC Act. It overturns the conservation gains availed by the Hon. Supreme Court's 1996 landmark Godavarman judgement which widened the scope of the FC Act to apply to any land recorded as forest by the government irrespective of its ownership. The bill proposes to limit the proposed Act's ambit to include only those lands which are recorded as forests on or after 25 October 1980. This will have the effect of removing legal protection under FC Act from millions of hectares of land that have the characteristics of forests but are not notified as such. Its ramifications are ominous: It will exempt significant forests across the country. The bulk of the Aravallis, tiger habitats of the Terai and Central India, the Western and Eastern Ghats, the biodiversity hotspots of the north-east and many mangroves along the coasts will no longer be considered 'forest' and can potentially be sold, diverted, cleared, felled, utilised, exploited without any regulatory oversight, if the bill is passed.

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf:

- The above mentioned proviso further dilutes the FC Act by legalising all diversions of forest lands from 1980 to 1996 which have been converted to non-forestry activities such as tea, coffee, cardamom, oil palms etc. These areas can now continue as plantations of a non-forestry nature. The implications are ominous as it will enable forests to be converted to any form of land use – for cash crops such as palm oil or even destructive diversion activities. It need not be reiterated that palm oil and other such cash crops and plantations are amongst the biggest drivers of deforestation and biodiversity loss globally.
- This will also legalize all leases (during this period) of forest lands to other agencies and their diversions to non-forestry activities such as cultivation of cashew, tea, coffee, palm oil etc. With the amended Act the lessee

agencies can potentially change the nature of such plantations into diversions for tourism infrastructure, mining, et al.

- Such lands will potentially be allowed to be leased for non-forest crop cultivation as well as for raising plantations or any other purpose to any agency, including the private sector, having ownership over the land without any scrutiny.
- There is a need to calculate and assess the magnitude of natural forest loss were this clause to come into force, which we strongly recommend against. No such exercise seems to have been done before inserting clauses of such grave import.
- The lease conditions for forest areas leased for non-forestry purposes may become obsolete as the FC Act will no longer apply.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

- (a) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;
- This clause is extremely confusing and lacks clarity. It is not clear whether it includes whole stretches of forests lying alongside rails and roads or only that portion which provides access to a habitation or a rail or roadside amenity. For what purpose will this diversion be required? To build a feeder road or what would be the purpose of this diversion? Will the infrastructure so built be of the size of 0.10 hectares. Or does it imply that all forests of a width of 0.10 ha alongside rails and roads are exempt from the proposed Act? But in that case why is the word "maximum size" used instead of "maximum width" or "maximum length"?

- “Alongside” is not defined vis-a-vis the width and is therefore open to interpretation based on project requirements. The purpose of such diversion is also not specified.
- This will mean that there will be no impact assessment or any kind of regulatory oversight on the loss of habitats and species alongside rails and roads. Neither will there be any remedies available for interventions to raise concerns.
- There has been no mention of how much alongside a railway line or distance between such infrastructure, which could potentially mean along the entire railway and road network—which is vast and cuts across some of our most pristine wildlife areas, forests, mountains and other ecosystems. Roads, railway lines and such linear intrusions have a disproportionately vast impact on wild habitats and wildlife as it fragments, erodes natural forests besides the direct impact of wildlife being crushed to death on roads and railways. Removing safeguards in such a blanket manner will further jeopardise, degrade and destroy forests.
- The term “rail/roadside amenity” is not defined and can cover any number of infrastructure facilities. Further, the agency to implement this is also not mentioned, which can therefore include private agencies obtaining ownership/ lease over such land.
- What is meant by habitation is also not defined. Even a single hut is a habitation. With such a sweeping clause there is potential to build access or infrastructure through forests even for one house.
- There is also no mention on what these lands are to be used for and so these lands could be used for any industry, infrastructure, construction etc.
- What could have been done is to leave these lands under the ambit of the proposed Act, and use the opportunity to restore the degraded forests and other ecosystems along railways and roads. In fact, this would have been aligned to the goal of increasing tree cover if it had been included that any agency having ownership of land alongside rail lines and roads outside natural forests will raise plantation green belts of indigenous species. This would be win-win as it will not only conserve existing forest, but also increase the tree cover which seems to be one objective of the amendment.

(b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (1); and

- It implies that only plantations within Reserved forests and plantations on lands recorded as forests after the cut-off date in 1980 will be covered as per provisions of this Act and all other plantations will no longer be forests and can be diverted for any other purpose and are free to be diverted for non-forestry activities/ or offered as compensatory afforestation by any agency having ownership over the land. If read with the comparative statement of existing provisions of the FA Act and provisions proposed in the amendment bill and justification for the proposed amendment, large tracts of land currently considered to be forests will cease to be so. These lands can then potentially be offered by project proponents as compensatory afforestation areas in lieu of diversions of notified forest lands obtained for their project.
- With the removal of this land from the purview of forests, large tracts can then be proposed for compensatory afforestation.
- This is a very dangerous clause as it facilitates a double destruction to our natural forests—losing unrecorded forests to plantations as compensatory afforestation, which will subsequently help to divert recorded forests for non-forestry projects. This clause will facilitate easy terms for diversions to business houses and industries.

(c) such forest land,—

(i) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

- Again, this means there will be no regulatory oversight, no safeguards, no impact assessment on the environment, loss of wild habitats and species if forest lands are diverted within 100 kms of LAC/LoC.
- This clause is deeply problematic. India's 15,100km international terrestrial border houses rich ecosystems and some of the most

biodiversity rich forests and protected areas in northeast India, the Himalayas, Western Ghats, besides deserts, mangroves, grasslands, wetlands, lowland forests, evergreen rainforests. Many of these areas are mostly untouched due to their remoteness.

- These borderlands are fragile, important ecosystems harbouring a spectrum of India's endangered, critically endangered and endemic species such as the Great Indian Bustards, elephants, tigers, red pandas, Snow Leopards, Hoolock Gibbons, Wild Ass, wolves, Black-necked Cranes, pangolins, bears to name only a few.
- Crucially, Himalayan glaciers form the headwaters of rivers such as the Ganga, Brahmaputra, Indus and others which provide sustenance to millions downstream. Unchecked construction on such seismically and geologically sensitive landscapes not just threatens rare wildlife and the country's water security but also renders these regions vulnerable to earthquakes and landslides. The land subsidence in Joshimath should be wake-up call for stringent environment oversight and safeguards on developmental activities in the Himalayan belt rather than irresponsibly squandering our ecological responsibility ostensibly for military concerns.
- Naturally, the justification on strategic grounds is appreciable. Even so a case-by-case safeguard is absolutely critical from the ecological, geological, social and economic perspective. To illustrate, we would like to quote a 2019 OECD study, which estimated that "the world lost an estimated USD 4-20 trillion per year in ecosystem services from 1997 to 2011, due to biodiversity loss, land use diversion and degradation."
- What may be done instead is to fast-track defence projects along 100 kms of the country's boundaries, so they are cleared in a time bound manner. We hasten to add that this is being done anyways (for both approvals under FC Act and the Wildlife (Protection) Act). Defence projects are cleared on priority, and rare is the case that a defence project—or for that matter any proposal—is rejected. From 2014 to 2020, less than one percent proposals for forest diversion were rejected, leading to a loss of over 14,800 sq km of forest, or about 10 times the size of Delhi.

(ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or

- This is an independent clause and not covered under 100 Kms from LoC /LAC or LWE. Therefore ,it will potentially apply to any forests within the country.
- The word “security related” is not defined, and at face-value appears that it is only related to defence security. However, it can be interpreted for any form of security. Food, fuel, financial, raw materials and many more such terms can be interpreted under the generic term “security related”. It can include anything that the concerned Government may desire based on its convenience to the detriment and destruction of forests and biodiversity.
- The implication of this clause is that up to 10 hectares in any forest in the country, any infrastructure can be built for ‘security concerns’ without scrutiny for conservation or, at the very least, effective mitigation concerns. The implications are that high biodiverse areas, breeding sites of wildlife, endangered species can be destroyed and fragmented to any infrastructure project if deemed to be for security concerns without any scrutiny or safeguards.
- There is no mention of the number of such infrastructure installations, nor is the distance between them specified. Hence, it implies that an entire forest area can be built up with 10 ha buildings/ installations if they are separate structures. We are compelled to point out that this is yet another instance of poor drafting of a law, and one of national importance, long reaching impacts and consequences. We can only conclude that this is not an accident, but a deliberate exercise to potentially enable provision of legal loopholes for diversion of large tracts of forests if the governance/administration so desires.
- The authority to give such permissions or implement such projects is also not specified.
- This signifies a departure from conserving forests to the complete removal of scrutiny for infrastructure from forest protection perspective, and abandons the Precautionary Principle which is integral to environmental laws and has been upheld in various judgements in the Hon’ble Supreme Court and various high courts.

(iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which

does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

- The distinction of areas covered between 2 (c)(ii) and 2 (c)(iii) lacks clarity. Clause (ii) refers to “ security related” and Clause (iii) refers to “ defence related”. The drafting authorities probably envisaged a difference between the two, which is not explained and therefore open to interpretation.
- The area that can be diverted for a defence related project or public utility project is not defined. It is also ambiguous as to which forests this clause can be applied to and appears to be anywhere within the country. The area for such diversion is specified only in LWE as a maximum of 5ha.
- The Left-Wing Extremism affected areas lie largely in Central and central-east India, and are rich tiger and elephant habitats. They are also home to some of India’s rarest species such as wild buffaloes, Indian pangolin, Bastar Hill Mynah etc. These areas are also coal bearing areas and removing environmental safeguards will potentially open up these forests for mining—a double whammy for the Climate Crisis with deforestation and fossil fuels. Ironic, in a bill that professes as its raison d’etre the achievement of “national targets of Net Zero Emission by 2070”
- Inclusion of the term “public utility projects” without defining such projects can easily be interpreted for any purpose whatsoever—coal mining, natural gas, electricity generation, small hydel projects, resorts, etc. The possibilities are limitless.

(3) The exemption provided under sub-section (2) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.’

This is another dangerous clause as it facilitates double destruction to our natural forests—losing unrecorded forests to plantations, which will subsequently help to divert recorded forests for non-forestry projects. This clause will facilitate easy terms for diversions to business houses and industries.

5. In the principal Act, section 2 shall be renumbered as sub-section (1) thereof and—

(a) in sub-section (1) as so renumbered,—

(I) in clause (iii), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify "shall be substituted;

This grants sweeping powers to the Central Government to decide which and on what terms and to whom a forest area can be diverted. Conservation concerns of the state (which owns the land), and of officers at the field level, who are the implementing authority, will have no bearing and can be overridden by business expediency of the central Government.

(II) in the Explanation, for the long line occurring after clause (b), the following shall be substituted, namely:—

"but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(i) silvicultural operations including regeneration operations;

(ii) establishment of check-posts and infrastructure for the front line forest staff;

(iii) establishment and maintenance of fire lines;

(iv) wireless communications;

(v) construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;

It is bewildering to find activities like silviculture, establishment and maintenance of fire lines; wireless communications, check-posts which already exist in the present FC Act to be again included in the FCA amendment bill. These are routine activities of the forest department done as prescribed in their working plan approved by the Central Govt as per the FCA, and do not require

FCA approval on a case-by-case basis. This has possibly been introduced to introduce Clause v and vi below.

(vi) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

- We recommend that safari parks and zoos should continue as a non-forestry activity. Allowing this to become a forestry activity will open flood gates to diversions of forest lands detrimental to biodiversity conservation. Huge infrastructure, roads, buildings, etc will be built up all over our forests. It is well-known that politicians of all hue are clamouring for such projects in their constituencies, and most often lead to destruction of natural ecosystems. Just one example is the safari parks proposed in the Aravallis are massive construction projects that will destroy the native vegetation and wildlife habitat.
- The slant of the proposed amendment suggests an intent to encourage wildlife in captivity and as objects of amusement, rather than their conservation in the wild. World over, the movement is to move away from zoos, while with this bill India seems to be sliding into the dark ages where menageries flourished as means of entertainment and not the way forward for the future for forest conservation.
- State Forest departments and field officials have been able to resist the clamour—usually by local politicians—to open deer parks, penguin parks and all other such display of indigenous and exotic wildlife in zoos and safaris in their constituencies, only by invoking the present FC Act. Removal of this clause will potentially find every constituency having such safaris and parks in every nook and cranny of forests all over the country. It will be a sad day when this happens by this enabling piece of legislation if adopted. Safaris, it needs to be said, are just another, if larger version of zoos.
- Providing secure natural habitats for our wildlife is a part of India's National Wildlife Action Plan and opening up our natural habitats for an unrestricted number of safaris, zoos etc after diverting forest lands for this purpose is against the ethos and ethics of our national conservation goals, and indeed, the Constitution.

(vii) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

Even with the present statutes, commercial tourism in the name of 'ecotourism' has overrun natural habitats. Most scenic natural forests have restaurants, souvenir shops, shanties selling tetra pack drinks, chips in poly-packs, etc. Wildlife is attracted to the food in rubbish dumps where they scavenge, becoming used to people further exacerbating human-wildlife conflict. Macaques, and increasingly, even elephants in human spaces is a typical example of such anthropogenic activities. Allowing such a clause will destroy our natural habitats, and poignantly, remove the very essence of wildness from our wildlife.

Tourism can be a force for good if it is low impact, benefits local communities and does not disturb wildlife. Unfortunately, most eco-fragile areas like mountains and forests are being destroyed by huge tourism infrastructure frequently leading to huge economic loss and even loss of human life, a case in point being the 2013 flash flood in Kedarnath, Uttarakhand. Massive tourism infrastructure has obliterated and fragmented wild habitats and corridors—the Corbett landscape and Nilgiri Biosphere Reserve being just two examples. Destruction of forests, generating trash and plastic, loud music, are some of the negative outcomes of such tourism facilities. As witnessed time and again, accelerated human-wildlife conflict is another tragic consequence in most places overrun with tourism resorts.

In short, massive tourism kills the wilderness of wild areas and degrades the natural habitat.

Further this clause is redundant because if it is included and approved in Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area it does not need to be specified in this amendment as this course of action is already being followed. Including it in the working plan implies obtaining approval from the central government under the FC Act.

(viii) any other like purposes, which the Central Government may, by order, specify.";

Even more ominous is the move to allow forests to be used for "any other like purposes specified by the central government. This vaguely defined term gives sweeping powers to the central government and can potentially open the

proverbial floodgates, easing the way for forests to be diverted from a mine to a mall and any purpose in between as per the whims of the concerned government..

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose."

- The implication of this clause is that Survey activities, such as reconnaissance, prospecting, investigation or exploration including seismic survey which requires approval under the FCA clearance, will be exempted.
- This is another dangerous insertion, which would open vast tracts of wildlife rich forests—tiger areas, elephant habitats, biodiversity hotspots across the country for scoping, prospecting and surveys for coal, iron ore, diamond, lithium and other mining, as well as for oil. Also at risk is our 7,517 km long coastline and 1,382 islands from deep sea mining for deposits of minerals which will pave the way for commercial exploitation.
- With no environment safeguards, all these natural habitats and forests will be vulnerable. Once scoping is done, analysis indicates that clearances for projects is usually a fait accompli.
- Presently, permission for even scoping studies has been included so that scientists, ecological and conservation experts can give their considered opinion whether 'developmental projects' are worth exploring or otherwise due to their potential destruction to ecology and conservation. By removing this safeguard, the amendment FC Bill informs that all our forests are available for development activities without environmental safeguards. This is a dangerous intent to convey through forest conservation legislation.

In the principal Act, after section 3B, the following section shall be inserted, namely:—

"3C. The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory Administration, or to any organisation, entity or body recognised by the Central Government, State Government or Union territory Administration, as may be necessary for the implementation.

Being a Central Act such rules and guidelines etc are routinely being issued and therefore the clause appears to be redundant.

GENERAL COMMENTS ON THE PROPOSED AMENDMENTS

- There is no section for definitions. With such an elaborate Bill many terminologies used need to be clearly defined. It is not stated as to what is implied by “strategic projects”, “security projects”, “public amenities”, etc. For example, “security” and “strategic” can imply anything- defence, financial, food, raw materials. Therefore, any diversion can be covered under the proposed Section 2 (b) (i), (ii) and (iii). The term “amenity” “public utility projects” are not defined which can have sweeping connotations. Unfortunately, it can be presumed that it has been deliberately left vague to allow all sorts of diversions to be included.
- There is no mention of who is/ are the “authorised officer/s”/“ authorised agency/ies” to implement this proposed Act if it gets passed by Parliament.
- The jurisdiction of this proposed Act over Eco-Sensitive zones is not specified.
- Raising of plantations and including jargon on creation of carbon sinks and net zero emissions amounts to tokenism as there is no clause specifying ecologically competent and successful plantations. There is no clarity how these objectives will be achieved when various clauses in the Bill facilitate removal of major tracts of land from the purview of being defined as forests and open to diversion for most non-forestry activities. In its current form, the proposed Act will potentially increase carbon emissions (due to deforestation etc) and will have the opposite outcome to what is defined as the goal of the proposed amendment bill.
- The huge emphasis on plantations does not take into account that plantations and afforestation raised by Government agencies are mostly failures and have not come up well due to poor quality of seedlings and poor tending of seedlings and saplings due to varied reasons such as browsing, lack of protection, water etc. Huge funds are wasted by many

agencies for raising failed plantations and afforestation schemes. Given the large-scale plantations it encourages, the proposed bill may address this issue and provide measures for successful raising of these plantations, the agency to monitor it as well as take penal action for negligence and deliberate failures. Just including a provision for planting without ensuring its success is a waste of precious financial, and other, resources. There needs to be a penal provisions for raising failure plantations by any agency.

- Further a country wide assessment should be made regarding the extent of failed plantations and afforestation efforts and funds wasted in such enterprises rather than proposing more of such potentially doomed activities.
- If the Act wishes to introduce afforestation and planting as a major goal, this requires no legal provisions as planting by anyone is free and legal.
- It is a well-known fact that private agencies, especially in lieu of forest diversions, raise fast growing species which are monocultures and add little ecological value. The proposed Bill does not address this issue.
- The amendment changes the very purpose and character of the Forest Conservation Act, which is the conservation of India's existing natural forests and Forest lands/areas.
- Impacts of proposed amendments on wildlife will be wide-ranging, disastrous and could lead to local extinction of already vulnerable species. It is a misconception that wildlife is confined to Protected Areas. It is worthwhile to note that a large proportion of wild species live outside of our PAs, which are small and increasingly fragmented. For example, over a third of India's tigers, 70 percent of elephants and a good part of wolf, bustard, leopard populations reside in landscapes outside of PAs. Other endangered wildlife found outside include fishing cats, snow leopards, sloth bears, hyenas, sarus cranes, lesser floricans, king cobras-and a host of others, indeed too numerous to name. Such silent local extinctions have been recorded in places where habitat has been destroyed and the proposed Act will potentially accelerate this.
- Natural forests and grasslands are rich biodiversity habitats and converting these to man-made plantations will destroy native ecology, be counter-productive to wildlife conservation.
- The proposed Act fails to make any reference to constitutional guarantees and laws that provide for the a) protection of wildlife, and b)

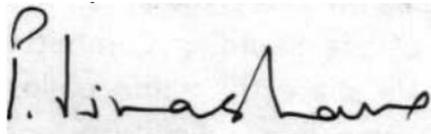
protecting the established rights of tribal communities and other traditional forest dwellers.

- The proposed Act fails to appreciate that human-wildlife conflict (HWC) may exacerbate as a consequence of this Act is adopted. Blocking the paths of long ranging animals such as elephants, tigers, bears by mines, highways and other infrastructure increases human-wildlife conflict, which is already very severe, mainly due to shrinking, fragmentation and degradation of wildlife habitats. HWC is a burning issue in many parts of the country and has led to loss of human life, livelihoods, and tremendous loss of crops across the country.
- The authors of this amendment have failed to realise the impacts of loss of ecosystem services, which can cause incalculable harm to our people. It appears that SARS-CoV-2 pandemic, whose origin has been linked to deforestation has failed to teach us lessons. Multiple studies support a link between global deforestation and outbreaks of zoonotic and vector-borne diseases. About 60% of emerging infectious diseases in humans are zoonotic. Globally, forests are considered crucial for biodiversity, livelihoods and human health. The importance and value of forests cannot be reiterated and overstated, neither can the implications of its loss.
- The proposed bill exempts a large proportion of India's forests from under its purview. This means there will be no need for procedural regulation process and any project—regardless of size, type, nature or potential impacts will be granted automatic clearance without reference to Environmental Impact Assessment. It is also silent on compliance with provisions in the Forest Rights Act, the Wildlife (Protection) Act, the latter particularly in the context of Eco Sensitive Zones.
- India's ancient civilisation and culture is closely linked to nature. Millions of marginalized and indigenous people continue to depend on forests for their sustenance and livelihood and will be rendered even more vulnerable were the proposed amendments come to pass. The Forest (Conservation) Amendment Bill doesn't just endanger forests and wildlife – it strikes at the very heart of India, threatening to obliterate its rich cultural and natural heritage.

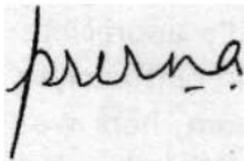
To conclude we would like to emphatically state that the adoption of this act is a certain path to destruction of our natural world. We appeal to you to consider

our deep cultural and spiritual connect with nature, and the millions depending on forests for sustenance and survival. We may adopt the proposed bill in the knowledge that we imperil future generations, as it will mean the loss of ecosystem services such as provision of clean water, air, pollination, food security, aesthetic well-being etc. We may remember the former UN General Secretary, Kofi Adnan's quote "The earth is not ours, it is a treasure we hold in trust for future generations." before taking any decision on this proposed Bill.

We again, humble, strongly and emphatically urge you to reject the proposed amendment in its entirety.

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read "P. Divastava".

Ms Prakriti Srivastava,
Indian Forest Service (1990 batch), Principal Chief Conservator of Forests, Kerala.

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read "Prerna".

Ms Prerna Singh Bindra
Former member, Standing Committee, National Board for Wildlife, Former member,
State Board for Wildlife, Uttarakhand,
PhD Scholar, University of Cambridge.

Annexure 1

SOME ILLUSTRATIONS OF THE WORKING OF THE FC ACT FOR CONSERVATION OF OUR FORESTS AND BIODIVERSITY

The Forest Conservation Act 1980 (FCA) is a very strong legislation and has helped many forest officers and Forest departments across the country to protect forests from diversions including from government agencies. Dilution of this Act will leave forest officers helpless to protect forests against relentless destruction. Importantly, there will be no mechanism in place to assess or review forest diversions and understand the implications of the proposed activity which will likely get implemented based on the whims and fancies of the current governance.

While the examples below are from Kerala where I have worked, they serve as case studies and are illustrative of other parts of the country, where the FCA has ensured protection of our forests from needless and thoughtless diversions.. Some instances are narrated below

1. Saving the Mannavan Shola forests in Munnar

The photos in attachment **A (i), A(ii)& A(iii)** are of Mannavan shola, now a National Park. It has the most extraordinary, diverse and unique tree ferns. In 2001, the road in the attached photo was going to be widened by the road authorities who chopped down all vegetation including tree ferns on both sides of the road to widen it to 5 meters and make it a *pucca* road (under the state road authorities). This unnecessary activity could be stopped only due to the Forest Conservation Act and the 202/96 Supreme Court judgment. Subsequently, Mannavan shola was notified as a National Park in 2003 as per notification No.12876/F2/F&WLD dated 14/12/2003 and protected for posterity. The tree ferns have flourished and is a must visit for nature lovers. If the FCA did not exist or existed in the amended form we would have had heavy vehicular traffic on it destroying the beautiful forest and stronghold for biodiversity. Please also see an article on the issue of destruction of Mannavan shola in 2002 in **Annexure A(iv)**.

The priceless shola forest could be saved by invoking Section 2 of the FC Act 1980 along with the SC judgment in WP 202/96, as the road authorities had to abide by the laws. If the amended Act had been adopted then invoking any of

the clauses of proposed amendment *Sec 1A 1(b), 1A(2)(a), 1A(2)(c)(iii)*, the Road authorities would easily have overridden the stance of the Forest department and constructed the road destroying the shola forest.

2. Mathikettan National Park

Mathikettan is a high biodiversity and ecologically rich forest in Munnar, Kerala which was notified as a National Park vide G. O. (Ms.) No.50/2Q03/F&WLD, dated 10th October, 2003. This is part of a World Biodiversity Hotspot and supports endangered wildlife such as tigers, elephants, gaur, and diverse species of amphibians, reptiles, birds, etc. However, the forest was under attack by a large number of encroachments which included humungous permanent constructions and recent ones. The Revenue department had intended to allot the land to landless tribals claiming that the old laws gave dual ownership with the land belonging to the Revenue Department and the tree growth to the Forest Department. A strong stand was taken by the Forest Department that the Forest Conservation Act gave full legal status to the area as Forests and that the dual control order was obsolete once the FC Act came into force. Due to the legal protection under FC Act, the state and the Revenue Department accepted that stance of the Forest Department, and the whole area of 12.82 sq Kms of pristine evergreen forest was regained after eviction of all encroachers from the forest.

If the amended Act was in force, the Forest Department could not have taken a stand that the area was legally a forest as the land was recorded as revenue land prior to 1980. It is only due to the FC Act and 202/96 SC judgment that the Revenue Department was compelled to agree to the area being a forest. *Section 1A (1) (b)* would have brought this area out of the purview of the FC Act, and the forest/area could not have been defended and protected.

Please see the article in the link below which gives a glimpse into the issue in 2002-03.

<https://www.thehindu.com/news/national/kerala/dual-ownership-spawned-encroachments-on-chr/article18420421.ece>

The positive impact of conservation of the Mathikettan shola in providing water to human settlements in the catchment area even in the driest spells is a testimony to how protecting our natural world is essential for survival of humankind. Please see the article in the link below.

<https://www.onmanorama.com/news/kerala/mathikettan-forest-offers-shade-water-to-many-families-summer.html>

Our Convention on Biodiversity held in Hyderabad in 2012 logo said “Nature protects if she is protected”

3. Kannan Devan hills 1700 acres notification as Reserved Forest

A large tract of land (approx. 1.30 lakh acres) was reclaimed by the State Government in 1977 from the Tata Tea company, Munnar as part of land reforms. The Government apportioned this land to different departments , of which about 47,000 acres was notified as the Eravikulam National Park. An area of 17,000 acres was to be handed over to the Forest Department for protection, though this happened many years later in 2010 when it got notified as the KDH Reserved Forest. The land was in the possession of the Revenue Department till 2010 and they were in the process of issuing *pattas* (land ownership records) for the land that should have been transferred to the Forest Department. A Central Committee was constituted by the MoEF under the FC Act in 2010 to look into the large-scale encroachments in this area. The Committee gave its report on the FC Act violations and finally the land was notified as an RF in 2011. This was a landmark ecological victory as the land in the high ranges of Munnar supports rich, endemic biodiversity and is ecologically very fragile.

The area was not recorded as a Forest till 1998 and therefore would have been converted to other land uses by the Revenue Department as *Sec 1A(1)(b), 1A(2)(a), 1A(2)(c)(iii)* If the amended Act was in force.

Please see the Central Committee’s inspection report on the KDH area violations of the FC Act and its recommendations in Annexure B. To quote the recommendation

“1. The lands proposed by the Forest Department for notifying as Reserved Forest in KDH lands in Munnar are ‘forests’, physically, legally and as per records and accordingly come under the purview of the Forest Conservation Act 1980 as per the directions of the Supreme Court in WP 202/95. The lands are clearly identifiable in field, demarcated and having well defined boundaries. To ensure that these lands are protected as forests, these lands may be immediately notified as Reserved Forests.”

4. **Penguin park at Vagamon by Kerala Forest Development Corporation (KFDC)**

The following is an example of how a proposed Penguin (an exotic species unsuitable for Indian conditions) Park was stopped in Vagamon forests of Kerala using the FC Act

Kerala Forest Development Corporation is a Government run corporation. It has leased forest lands from Kerala Forest Department of which Vagamon, is a shola forest of around 15ha. A former Chairman of the KFDC Board suggested opening a Penguin Park, for which a detailed project proposal was prepared involving an expense of Rs.20 crore.

The project had no feasibility study or any scientific basis and was only on the wish of the Chairman who probably did not understand its legal and ecological implications.

It was then placed before the Board that the project would require clearance from the Central Government based on the FC Act following which the project was shelved. Please see the Board Minutes of KFDC in **Annexure-C**

If the amended Act was in force this foolhardy project would have gone through under Section **1 A (vi)** without any scrutiny at huge financial expenses and being doomed for failure.

5. **Gavi Cardamom lease**

Gavi, a leased Reserved Forest to KFDC, is a part of the core of the Periyar Tiger Reserve (PTR), as illustrated in **Annexure D**. The area has been cultivated with cardamom. As this cultivation started before 1980, it could not be stopped. However, the cultivation will cease with the lease ending on 1st January 2026 as fresh clearance under the FC Act for cultivation for cardamom will have to be obtained from the central government . However, if the amended Act comes into force, the

cultivation of cardamom can continue legally without obtaining any permission under *Section 1A(b)* proviso:

“Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorized by a State Government or an Union territory Administration in that behalf:”

Please see the ***Annexure-D(i)***, a letter from the Managing Director KFDC to this effect. This letter will become redundant if the proposed amended Bill is promulgated. It will also be a huge loss to the core tiger habitat which is being worked and degraded by cardamom plantations, with a large human or habitation. Significantly, the Wildlife (Protection) Act, 1972 also calls for core critical tiger habitat to be inviolate. Continued cultivation will also be detrimental to the workers who are Srilankan repatriates settled in Gavi and are living in subhuman conditions. Stopping the cardamom cultivation would allow the government to find better livelihood options for the people in Gavi, who survive on paltry wages and have to send their children 28 kms through dense jungles for education. The people endure severe hardship as there are no medical facilities or other basic amenities.

Adding leased area of Gavi to PTR is an ecological necessity for a healthy population of tigers in PTR, and meets the policy imperative for an inviolate core critical tiger habitat. .

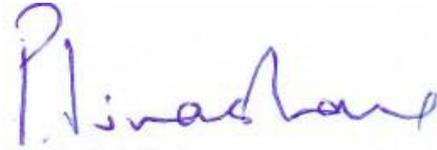
6. Scavenging by wildlife

Please see the video in the link below showing wildlife scavenging in human dumps. The human waste has accumulated due to a concentration of big and small tourism resorts and home-stays mushrooming in Chinnakanal, Munnar, Kerala which is an important elephant corridor.

<https://www.youtube.com/watch?v=4Ke-qpbpXLU>

If there is no check or scrutiny as envisaged in Sub section 1 (vii) of the proposed amendment of the FC Act, tourism resorts and homestays will come up all over and around natural habitats leading to construction of huge infrastructure, poor waste management, dense human habitations, resulting in degradation of wild places and wildlife losing their “wildness”.

It will, in all probability, intensify human-wildlife conflict in these areas, as is evidenced in the ongoing tragedy of elephant conflict in Chinnakanal, Munnar.



PRAKRITI SRIVASTAVA IFS
PRINCIPAL CHIEF CONSERVATOR OF FORESTS
KERALA

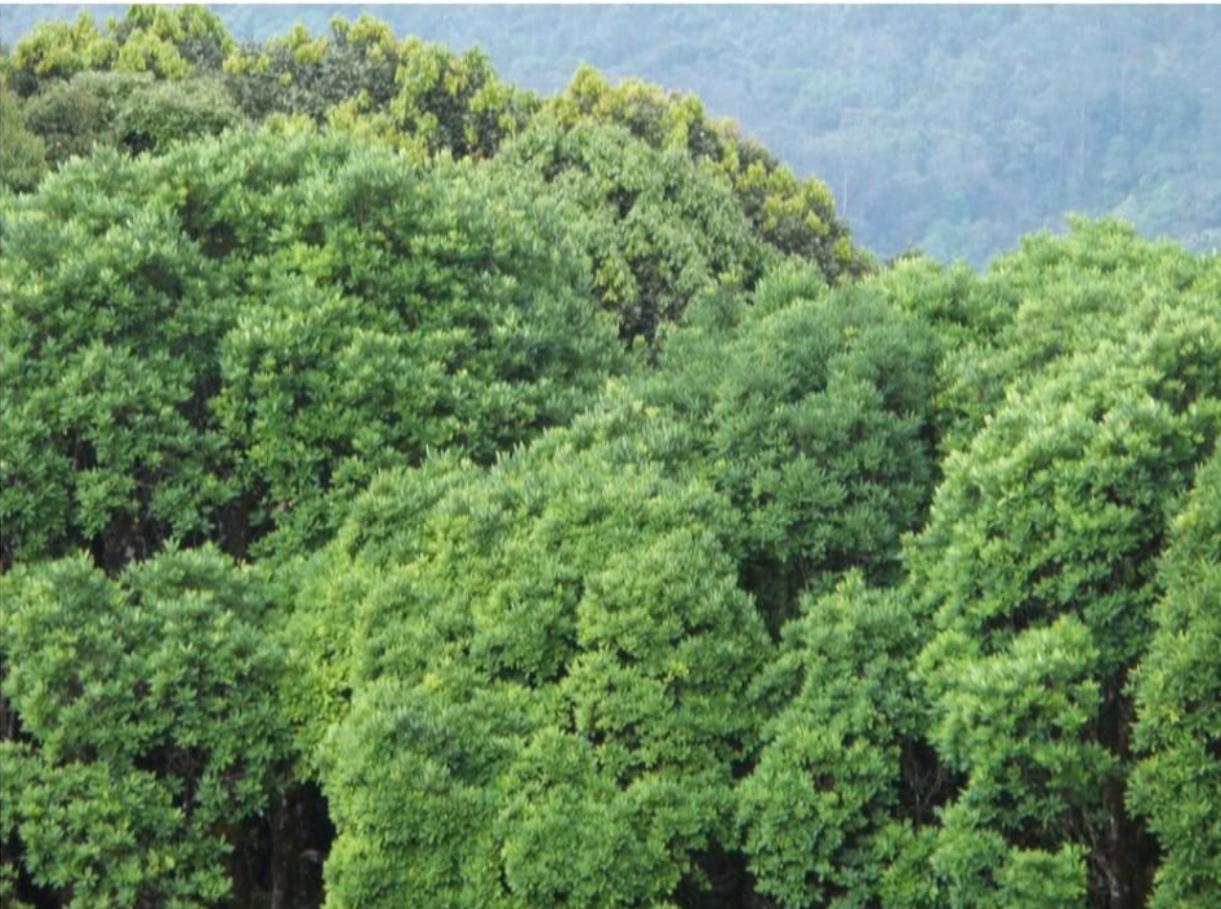
Annexure A(i)

Mannavan shola



Annexure A(ii)

Mannavan shola



Annexure A(iii)

Mannavan shola National Park



Annexure A(iv)

A report on potential destruction of Mannavan Shola

Manavan Shola Under the Threat of the Axe

By G. Hari Sunder,

The largest forest patch in South India, Manavan Shola, is being denuded of its forest cover by land grabbers who have even succeeded in letting a road laid through it with the assistance of National Bank for Agriculture and Rural Development (NABARD).

A study conducted at this shola recently by a team of the city-based association of bird Watchers and nature lovers, 'Warblers and Waders', has revealed that the widening of the road inside the forest would lead to degradation of the existing ecosystem and destruction of the flora and fauna. It has also stated that the road widening was being done without the approval of the Central Environmental Department.

Situated in the Marayur forest range of the Munnar division, the Mannavan Shola in the State occupies about 518 sq km with the vegetation stunted with 'moss and lichen-covered trunks of trees. Several rare varieties of orchids can also be seen. The undergrowth in this shola is mostly wet.

This area gains more importance because of the presence of several Giant tree ferns (Cyathea species), most of which have been cut down for road construction and widening right across the shola. Rhododendrons (Snow rose), an endemic small tree of the Nilgiris, can also be seen here. As per the study conducted here by the Kerala Forest Research Institute, as many as 35 rare plant species were also recorded.

Moreover, large-scale human inhabitation and road widening would lead to the extinction of as many as 95 species of butterflies here. A study conducted by the 'Warblers and Waders during 2000-2002 had identified several endemic butterflies such as the 'Nilgiri Clouded Yellow', 'Nilgiri Tiger', 'Red Admiral', 'Cabbage White', 'Nilgiri Four Ring', etc.

The Red Admiral butterflies which had come to peninsular India from the Himalayas, had become extinct as the climate became warmer and also due to the disappearance of moist forests as per the details provided in the book, 'Peninsular Butterflies of India'. These butterflies can be seen only in the Anamalais, Palani, Meghamalai and Manavanshola.

Annexure B

**INSPECTION REPORT OF THE CENTRAL
TEAM CONSTITUTED TO EXAMINE
VIOLATIONS OF THE FOREST
CONSERVATION ACT 1980, IN MUNNAR**

APRIL 2010

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**INSPECTION REPORT OF THE CENTRAL TEAM CONSTITUTED
TO EXAMINE VIOLATIONS OF THE FOREST CONSERVATION
ACT 1980, IN MUNNAR**

1. Context and Constitution of the Central Team

During the visit of the Hon'ble Minister for Environment and Forests to Kerala on 19th Feb 2010, issues relating to encroachments of forest lands in Munnar of Idukki Dist, Kerala were brought to the notice of the Hon'ble MEF and it was decided that a Central team would visit Munnar to examine whether the Forest Conservation Act 1980 has been violated in Munnar. Accordingly, a Central Team was constituted by the Ministry of Environment and Forest, Government of India, vide letter F.No.1974/ADG (FC)/2010 dated 5/3/2010 and 15/3/2010 for the purpose with the following members:

1. Sri.K.S. Reddy Regional CCF, MoEF, Bangalore (Team Leader)
2. Sri.K.B. Thampi IG of Forests (NAEB), MoEF, New Delhi
3. Dr. Ullas Karanth Wildlife Expert and Member FAC, MoEF
4. Ms. Prakriti Srivastava Joint Director (Wildlife), MoEF, New Delhi

2. Objectives and Scope

2.1 The Terms of Reference of the Central Team were to examine whether the Forest Conservation Act 1980 has been violated by encroachments in Munnar and whether there is any need for the Central Government to get involved to ensure that the forests are protected. The Central Team after discussions with Forest and Revenue officials defined the scope of the present mission. It also took into consideration a specific petition filed by One Earth-

One Life Thrissur, Kerala (a voluntary organization) before the Central Team regarding violation of Forest Conservation Act in Munnar area.

2.2 It was decided that considering the time constraints and priority of issues involved, the Team would restrict its scope in its present visit primarily to examine if Forest Conservation Act has been violated in respect of 17922 acres of land set apart for afforestation to the Forest Department vide GO No (MS) No 379/80/RD dated 18/4/1980 pertaining to Munnar Forest Division.

3. Brief Overview of Kannan Devan Hills Lands

3.1 Brief History:

The extensive forests and plantation areas around Munnar in Devikulam Taluk are known as Kannan Devan Hills. The hills were named after Kannan Thevar, a local headman of the 19th century. The tract was largely unexplored, completely undeveloped and covered with forests and grasslands. In 1877, this wild tract of 227 sq. miles was given under lease to J.D.Munroe (who was then the Superintendent of Cardamom Hills) from the Raja of Poonjar. In 1878, the Maharaja of Travancore ratified the deed. For developing the area, Munroe formed the North Travancore Land Planting and Agricultural Society and its members developed their own estates in various parts of the KDH. Though many crops were tried, tea was finally considered as most suitable to the area. By 1895 most of the estates were purchased by James Finlay and Company. Though the pace of development subsequently quickened, most of the areas still remained wild. By 1960s all the estates in KDH except four, namely Thalayar, Lockhart, Devikulam and Vayalkadavu were owned by the Kannan Devan Hills Produce Company belonging to James Finlay group. In 1976, the Tata

Company came into the picture by associating with James Finlay and in 1983 was in full control of their estates as Tata Tea Limited. In 2005, the Tata Tea Limited handed over the estates to a new company re-named as Kannan Devan Hills Plantation Company Private Limited (KDHPC)

3.2 KDH ACT, 1971 (*Annexure-1*):

In January 1971, the Kerala Government promulgated the Kannan Devan Hills (Resumption of Lands) Act as part of land reforms of the State and the entire extent of KDH lands was taken over by the Government. Accordingly, all lands situated in the Kannan Devan Hills village in Devicolam taluk stood transferred to and vested in Government with effect from the appointed day (21.01.1971) free from all encumbrances except such lands which were exempted under the said Act. The District Collector was also mandated to cause survey, demarcation and notification of the land vested under the provisions of the Act.

3.3 Land Board Award (*Annexure-2*):

Subsequently, the Land Board of Kerala considered the petitions filed by the Kannan Devan Hills Produce Company and after careful consideration of the various issues involved, passed award in Proceedings No.LBA-2-5227/71 dated 29-3-1974. As per this order, 70522 acres of land would continue to vest with the Government free from all encumbrances of which 43452 acres of land was to be 'left as it is'. The KDHP Company was allowed to retain 57359 acres of KDH Lands. Out of the above 70522 acres, the Land Board observed that 'about 5000 acres of land available in the Melacheri river valley for distribution to landless poor'. The rest of the area containing forest growth and being very steep was considered 'not fit for occupation'.

3.4 Expert Committee report (*Annexure-3*):

In 1975, as per G.O. (MS) No. 993/ 75/RD Rev (N) dated 02-09-75, the Government constituted an Expert Committee to *inter alia* advise Government as to how the 70522 acres area that was vested with the Government, was to be utilized. The Expert Committee consisting of the Chief Conservator of Forests, Director, Survey and Land Records, Dy. Director Soil Conservation and the District Collector Idukki (Member Convener) submitted a detailed report on the utilization pattern of the different blocks of lands that were vested with the Government.

3.5 Government Orders on Utilization of Resumed Lands:

Based on the recommendations of the Expert Committee the Government vide G.O. (MS) 379/80/ RD dated 18-4-1980 (*Annexure-4*) approved the pattern of utilization of the land vested with Government under the KDH (Resumption of Lands) Act 1971. Out of the 70450 acres vested with the Government, an area of 43452.8 acres was 'to be left as it is' and an area of 17922 acres was earmarked for afforestation. Sanction was also accorded for the said 17922 acres of land to be transferred to the Forest Department immediately and the District Collector Idduki directed to take immediate action. In 1988, as per G O (MS) No787/88/RD dated 02.11.1988 (*Annexure-5*) a slight modification was made in the above-mentioned GO of 1980. The area 'to be left as it is' was reduced to 43244.5 acres. But there was no change in the area 'set apart for afforestation' i.e. 17922 acres.

3.6 Actions based on Land Board Award and Government Orders:

Based on the Land Board award and Government orders, the area which was ordered to be 'left as it is' was handed over to the Forest Dept. Part of this land

in Eravikulam - Rajamallay area was declared as a sanctuary in 1975 and elevated to the status of a National Park in 1978.

An area of 22253 acres, was also handed over in Mankulam to the Forest Department as per the order No.C4-37166/77 of the District Collector dated 28-6-1980. Subsequently, as per GO (RT) No. 754/ 07/Rev. dated 17-2-2007, it was decided to notify Mankulam area as Reserved Forest and the notification was issued as per GO (P) No 25/2007/F&WLD dated 16.05.2007. It is reported that the Forest settlement is in progress as per the Kerala Forest Act.

Regarding the area set apart for afforestation in Munnar Division even after 30 years, it is yet to be declared as Reserve Forest. The Forest Department had already taken possession of the said lands 'set apart for afforestation' and raised plantations in all the suitable areas and also protected the intervening shola patches and grass lands.

3.7 Proposal of the Forest Department for notification under Kerala Forest Act

The Forest Department has submitted a proposal to notify 17349 acres in the possession of the Forest Department and having the nature of forests in KDH lands as Reserved Forest in Munnar Forest Division to the State Government in 2008. The proposal includes the 16 blocks with 37 bits with their boundary descriptions (*Annexure-6*).

4. Verification of records and discussions

The Central Team visited Munnar from 10th to 12th April, 2010 perused the records pertaining to Kannan Devan Hills lands (KDH lands) in Munnar Forest Division, and looked into the issue if these lands are forest lands and attract the

provisions of the Forest Conservation Act, 1980. The Team conducted site inspections as well as held discussions with officials of Revenue and Forest Departments. The Team also had discussions with the MLA Munnar, District Collector, the representatives of the KDHPC and interested NGOs.

The Team then went to Trivandrum and had discussions with the PCCF Kerala and other senior officials of the Forest Department as well as had discussions with some NGOs on 13th April. The team also had discussions with the Additional Chief Secretary, Home Sri. K. Jayakumar and the Revenue Secretary Ms. Nivedita Haran.

4.1 Discussion with Shri. S.Rajendran, MLA Munnar:

The MLA, Munnar presented his views before the Central team on 11/4/2010 wherein he stated that the KDHPC was the biggest encroacher of Government lands in Munnar. He also mentioned a specific instance where the company had cleared shola Forest in Gudarale Estate to plant tea and that the Central Team may confirm this in its visit.

4.2 Discussion with the District Collector, Idduki:

The main points raised by the Collector during the discussion are as under:

- a) There are encroachments by the KDHPC and large areas are left out of the proposed notification of the Forest Department purposefully to benefit the KDHPC.
- b) One of the blocks identified as forests, Ka Block, is not properly demarcated and there is discrepancy in the extent of the area being notified and the actual area.

- c) Forest areas in Chanduvarai are not being proposed for notification by the Forest Department.
- d) The resurvey conducted by the Survey Department reporting to him, was not correct and the notification submitted by Forest Department was based on these resurvey records which have not been approved and published.
- e) An area of about 1000 acres in Viripara in Mankulam was conceded to the KDHP Company even though it should have been with the Forest Department.
- f) The area intended for Dairy Development has been included in the proposed notification, which was not the intention of the Government.
- g) The land in Kuttiyar valley where pattas have been given by the Government is for meeting the needs of the people in Munnar. This area was not meant for afforestation but for housing purposes and the Forest Department had agreed at the highest level that the area could be distributed to the landless poor but now the Forest Department has included the area in its notification proposal.
- h) Munnar needs to be developed with a focus on tourism for which land is required.

The Collector promised to put his viewpoints in writing before the Central Team with documentary proof. But no inputs were received by the Team in writing. He also promised that he would provide accurate maps to the Forest Department the next day. However it is reported that the maps have still not been received by the Forest Department. The Team notes this with some concern.

4.3 Discussion with Kannan Devan Hills Plantation Company Private Limited:

On 11.4.2010 the MD and other officials of KDHPC stated their position with respect to the lands held by them.

- a) Till 2005 the estates were owned by Tata Tea. Since 2005, a new company was formed with 74% of the shares under the control of the employees, 7% with a trust and the Tata Company retaining 19% of the shares.
- b) The lands in their possession are based on the Land Board Award and are open to any verification and they are not in possession of any extra land.

During the discussion it emerged that the company is managing their lands without an approved Management Plan as per the Forest Conservation Act. The MD, Kannan Devan Hills Plantation Company Private Limited, assured that they would prepare a Management Plan and submit for approval.

4.4 Discussion with NGOs/ Civil Society:

The Central Team also received representations from people and NGOs. The High Range Merchants Association also expressed that the township is facing hardships as most of the lands are with KDHPC. They also expressed that small encroachments are highlighted while the big encroachers are spared.

4.5 Views of the Forest Officials present during the visit at Munnar:

During discussions with the Forest officials on 11/4/2010 it was informed that the KDH lands in Munnar Forest Division for which proposal was submitted to the State Government to notify as Reserved Forest, were mostly well demarcated with permanent cairns and clearly defined boundaries and

free from encroachment. The forest area proposed for notification is in 16 blocks and forming 37 bits. The area in the proposed notification is mentioned as 17,349 acres, though the exact area could be computed only once the area was properly surveyed. Further, the officials produced records of joint verification conducted by Forest and Revenue officials in 13 out of the 16 blocks. They have certified that 13 of these blocks have been jointly verified by the officials of the two Departments and that the boundaries of these 13 blocks are clearly demarcated and free from any encroachment (*Annexure-7*). Later one more block has been verified and there also it was found to have clearly demarcated boundaries and free from encroachments.

4.6 Discussion with PCCF in Thiruvanthapuram:

The Central Team held a discussion with the PCCF Sri. T. M. Manoharan in the forenoon of 13/4/2010. During the discussion the PCCF reiterated his views given in his note dated 25/2/2010 on the "Implementation of Kannan Devan Hills (Resumption of Lands) Act 1971" (*Annexure 8*)

5. Field visits

Field locations were chosen for inspection based on the discussions with the local officials and also considering specific locations where violations were pointed out or suspected.

5.1 Inspection of Block 16 (Seven Malai) on 11/4/2010:

5.1.1 To ascertain the claims made by the Forest Department in the field, inspection was conducted by the Team. The area in Block 16 (seven malai) was verified. The boundaries were perambulated and were found to be

consolidated by permanent cairns, with clear boundaries and free from encroachment. Each permanent cairn constructed by the Forest Department was found to be beside the survey stones laid by the Survey Department in 1977 as informed by the local Revenue officials. The survey points were checked with GPS and as per the readings it was found that the co-ordinates broadly tallied with those with the Forest officials. The description of the boundaries as given in the proposal for notification was also verified and found to be correct. The area supports Eucalyptus plantation raised by the Forest Department.

5.1.2 The next site visited was another bit in the same Block 16 (Seven malai / part) where encroachments were alleged. This is an area not included in the proposed notification. However it is a part of the 17922 acres of land set apart for afforestation and to be transferred to the Forest Department. On inspection of the site, encroachments were found. The area had been cleared up for cultivation and some sheds had been made. The officials informed that the site had been subjected to repeated attempts of encroachment in an area of approximately 45 hectares and three previous evictions had already been done. They further informed that the area involved was not included in the proposal for notification of the area as Reserved Forest based on a decision taken in a Cabinet sub-committee in 2008. This area is a steep hill with all the physical attributes of the land referred in para5.1.1. It was informed that Eucalyptus was raised in this area from 2004 onwards after evicting the encroachment. But it has once again been encroached after clearing the Eucalyptus. The part of this land that is not encroached still supports a good plantation of Eucalyptus.

5.2 Inspection of Kuttiyar Valley Area:

The Team visited the area on 12.04.2010. It was found that the Eucalyptus plantations were cleared and burnt, a few temporary sheds constructed and land development works in progress. It was informed that recently the Revenue Department has distributed pattas in this land. Eucalyptus plantations were being raised in this area (283 acres approximately) from 1965 onwards by the Forest Department and subsequently by Hindustan Newspaper Limited (HNL). This area also has a steep gradient and has all the physical attributes of a forest like the areas surrounding it. It is adjacent to an important stream.

5.3 Inspection of Ka Block:

The next area visited was KA Block where the District Collector has alleged that there is no proper demarcation and there is discrepancy in the extent being notified and the actual area. The portions inspected by the team were found to be well demarcated and consolidated by permanent cairns. Survey stones were found along each cairn and the boundary was also seen demarcated by an old stone-wall (Kayyala). The FSI survey officials accompanying the team took the coordinates at the points of the survey stones, which were found to approximately tally with the readings with the Forest staff. The Forest and Revenue officials agreed that the complete boundary of the Ka block is demarcated by survey stones. The area supports a good Eucalyptus plantation raised by the Forest Department.

5.4 Inspection of Gudarale Estate:

The Central Team then visited the Gudarale Estate of the KDHPC where allegedly shola was converted into tea. However, on inspection it was found that the shola forest has not been felled. Only the Eucalyptus plantation owned by KDHPC around the shola patches had been cleared [after 3rd rotation as informed by the KDHPC] and was being replanted. In some parts, tea plantation has been raised in the felled Eucalyptus area. However the plantations were found right up to the banks of the stream. This is ecologically undesirable. The natural vegetation should be retained on stream banks. The ecological considerations could have been taken care if there was a proper and approved Management plan.

5.5 Inspection of Mankulam Division

The Team visited Viripara area in Mankulam Forest Division but due to want of proper maps and records, could not conduct verification by matching GPS readings with reliable maps at the right spatial scale. The State Government/ Forest Department needs to look into the matter of alleged encroachments by the KDHPC in this area and take appropriate action as per existing laws and rules.

6. Findings

6.1 Legal status of KDH lands proposed for notification as Reserved Forest in Munnar Forest Division

KDH lands proposed for notification support forest plantations and natural shola-grassland ecosystems. The lands are forests in terms of their physical status and as per one or more of the following records:

- a) The agreement between the Poonjar Raja and John Munroe dated 11/07/1877 (*Annexure-9*).
- b) The Land Board Award dated 29/3/1974 (*Annexure-2*)
- c) Report of The Expert Committee (*Annexure-3*).
- d) Working Plan of Munnar (1994-95 to 2003-04) in which list of plantations are mentioned (*Annexure 10*)
- e) The report of the Committee constituted as per the directions of the Hon'ble Supreme Court in their judgment-dated 12.12.1996 in Writ Petition No. 202/95 and chaired by Shri.V. Gopinathan, IFS, Conservator of Forests *inter-alia* to identify the areas which are forests irrespective of whether they are so notified or classified under any law and irrespective of the ownership. (*Annexure-11*).

From all these records it is clear that the lands are forests legally and as per records, besides physically having the nature of forest of high ecological and conservation values. The land involved therefore attracts the provisions of the Forest Conservation Act and cannot be diverted for non-forestry purposes without clearance of the Central Government, irrespective of ownership.

At present these lands are governed by the KDH Act, 1971 which does not have provision for booking cases for tree felling. There is only provision for summary eviction in case of encroachments. To ensure adequate protection and conservation, these lands need to be brought under effective legal framework.

6.2. Ecological importance of lands proposed for notification

The lands proposed for notification are lying as large forested patches in the Kannan Devan Hills and are ecologically important. This mountainous landscape is surrounded by four National Parks namely Eravikulam, Anaimudi, Pampadumshola and Mathikettan and two Wildlife Sanctuaries namely, Kurunjimala and Chinnar. In all the sites visited by the Team, signs were noticed that indicate that the area is a habitat for a variety of wild animals. The forest offers connectivity and acts as corridor for movement of several endangered species such as Nilgiri Tahr, Gaur, Elephants, tigers etc. A study by the French Institute, Pondicherry has classified these forests as High Value Biodiversity areas. These lands are also important catchments of major rivers. They also ensure perennial water supply to the people downstream including estate labourers and tribals. A report ‘The high degree of endemism in the shola grasslands of Munnar and its environs’ by Prof. E. Kunhikrishnan, Dept. of Zoology, University College, Thiruvananthapuram indicating the ecological importance of the area is enclosed as *Annexure-12*.

6.3 Encroachments/Violations of Forest Conservation Act

Although records indicate that there were attempts of large-scale encroachments in the past in this area, at present no such encroachments are reported. However, violation of the Forest Conservation Act, 1980/encroachments were observed in the areas of Kuttiyar valley and Seven Malay (part) referred to in para 5.2 and para 5.1.2 respectively.

Kuttiyar valley

The land ordered to be distributed by the Revenue Department comes well within the meaning of the term "Forests" defined by the Hon'ble Supreme Court in the judgment dated 12/12/1996 in WP(C) 202/95. Hence any action to convert the "Forest" land for non-forestry purpose without obtaining clearance from Government of India under the Forest Conservation Act amounts to contempt of the Hon'ble Supreme Court.

However, the need for providing housing for the landless poor is also a practical necessity in Munnar area and the State Government could get approval as per rules under Forest Conservation Act. The State Forest Department may take a view whether to defer inclusion of this area from the proposed notification. The State Government may also ensure that a Master Plan for development of this housing area is made and that development of this area is as per the management plan so that the ecology of Munnar is least disturbed. Committee observed that the proposed housing site is adjacent to a stream and the whole area is ecologically very important.

Seven Malai area

The Team observed that a portion of land in Sevenmalai is under encroachment. The area has been left out of the notification apparently to allot it for horticulture/ vegetable cultivation. The Central Team observed that the land comes under the purview of the Forest Conservation Act, as per records and in terms of physical and legal status under the Hon. Supreme Courts orders of 12/12/1996 in the WP 202. If this area is considered by the State Government as absolutely needed for the people

for vegetable cultivation, the State Government should follow the due process of law and obtain clearance under Forest Conservation Act.

6.4 Apprehension of encroachments/violations in future.

There is wide spread fear/apprehension that lands set apart for afforestation in Munnar Division may also be distributed for non-forestry purposes by the District Administration/State Government in future particularly in view of the District Administration distributing pattas in Kuttiyar valley without complying with the provisions/spirit of the Forest Conservation Act 1980 and orders of the Supreme Court dated 12.12.1996 in WP 202/95.

6.5 KDHPC Lands

The area of tea plantations with the Company as per the Land Board Award is 23549 acres while the balance area includes large extents of sholas, swamps, water-bodies, grasslands, fuel wood, etc. which are ecologically very important for a high altitude region like Munnar. It is pertinent to note here that these ecological considerations were reflected in the KDH -Deed of Notification dated 11th July 1877 .The exact clause reads as follows

"The grantee shall be bound to preserve the Forest trees growing on the banks of principal streams running through the tract to the extent of 50 yards of breadth on each side of the stream, the under wood only being permitted to be cleared and the land planted. Similarly he shall also be bound to preserve the trees about the crest of hills to the extent of a quarter mile on each side"

The spirit of the clause is much more relevant today with more pressure on the land due to increased pace of development. Therefore a Management Plan which takes care of the ecological needs of the area is essential which is also mandatory as per the Forest Conservation Act 1980.

6.6 Issuing of the Notification as Reserve Forest

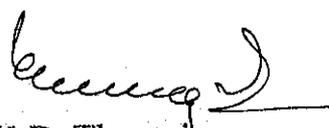
The Forest Department has submitted a proposal to notify 17349 acres in the possession of the Forest Department and having the nature of forests in KDH lands as Reserved Forest in Munnar Forest Division to the State Government in 2008. The proposal includes the 16 blocks with 37 bits with their boundary descriptions. For notifying these lands as Reserve Forests it is not necessary to wait for detailed surveys, maps and computation of exact areas. This was the procedure adopted by Government of Kerala while issuing notifications under the Kerala Private Forests (Vesting and Assignment) Act, 1971 and The Kerala Forests (Vesting and Management of Ecologically Fragile Lands) Act, 2003. A proper survey and mapping of the area could be conducted after issuing notification.

7. RECOMMENDATIONS

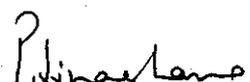
1. The lands proposed by the Forest Department for notifying as Reserved Forest in KDH lands in Munnar are ‘forests’, physically, legally and as per records and accordingly come under the purview of the Forest Conservation Act 1980 as per the directions of the Supreme Court in WP 202/95. The lands are clearly identifiable in field, demarcated and having well defined boundaries. To ensure that these lands are protected as

- forests, these lands may be immediately notified as Reserved Forest in the first phase, and, detailed survey and mapping can follow.
2. All other KDH lands having the nature of forests coming under the preview of the judgment in WP 202/95 may be notified as Reserved Forests in second phase.
 3. The Kerala Forest Department should make available accurate lat-long readings in respect of all bits of forests/deemed forests in KDH lands in Munnar Forest Division using advanced equipment/survey techniques and put this information out in the public domain.
 4. If any forest area is absolutely necessary for non-forestry purpose, then the State Government should follow the due procedure and process as per the Forest Conservation Act to seek all prior clearances. In respect of any area so far diverted without following due procedures, the State Government should immediately submit proposal in this regard to the Central Government.
 5. As per the Forest Conservation Act 1980 the KDHPC should manage the lands under their control as per Working Plan/ Management Plan approved by Government of India. The Company should be directed to submit a detailed Management Plan including maps clearly specifying the extent and areas under different land use.


K.S. Reddy
(Team Leader)


K.B. Thampi


K. Ullas Karanth


Prakriti Srivastava

**LIST OF PERSONS WHO ACCOMPANIED THE CENTRAL TEAM
IN MUNNAR**

- | | | |
|-----|----------------------------|--|
| 1. | Shri C.S.Yalakki | -CCF (Protection) |
| 2. | Shri Teggi IFS | - CCF (Regional South) |
| 3. | Shri Bennichan Thomas IFS | - CF (High Range Circle) |
| 4. | Shri Mahesh Kumar | - DFO Munnar |
| 5. | Shri Sunil Babu, | - WLW Munnar |
| 6. | Shri K.S. Justin Stanley | - ACF Munnar |
| 7. | Shri Joshy Sebastin, | - Range Officer, Munnar |
| 8. | Shri M.A. Sasidharan Nair, | - Forester Munnar |
| 9. | Shri N.S. Sree Kumar | - Deputy Tehsildar, Devikulam |
| 10. | Shri K.D.Vijayan | - Deputy Tehsildar, Devikulam |
| 11. | Shri Bijn Augustia | - LDC, RDO office |
| 12. | Shri Ratan Sharma, | - Forest Survey of India,
Bangalore |
| 13. | Shri S. Sampath, S.T.A. | - Forest Survey of India,
Bangalore |

ANNEXURES

- Annexure 1 :** Kannan Devan Hills (Resumption of Lands) Act 1971.
- Annexure 2 :** Land Board Award 1974.
- Annexure 3 :** Expert Committee Report 1977.
- Annexure 4 :** GO MS. No. 379/80/RD dated 19.4.1980 regarding distribution of 70522 acres in KDH Lands.
- Annexure 5 :** GO MS. No.787/88/RD dated 2/11/1988
- Annexure 6 :** Proposal of Forest Department for notification under Kerala Forest Act.
- Annexure 7 :** Joint verification report of Forest and Revenue Departments
- Annexure 8 :** Note of PCCF dated 25.2.2010 on 'Implementation of Kannan Devan Hills (Resumption of lands) Act 1971, proposal for reserving 17922 acres of Kannan Devan Hills Lands under the provision of the Kerala Forests Act.
- Annexure 9 :** Agreement between the Poonjar Raja and John Munroe dated 11.07.1877
- Annexure 10 :** Areas listed as plantations in Working Plan of Munnar
- Annexure 11 :** Gopinathan Committee Report
- Annexure 12 :** The high degree of endemicity in the Shola grasslands of Munnar and its environs by Prof. E. Kunji Krishnan, Department of Zoology, University College, Thiruvananthapuram

Annexure C

Board decision shelving Penguin Park in Vagamon based on FC Act 1980

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MINUTES OF THE 209th MEETING OF THE BOARD OF DIRECTORS OF KERALA FOREST DEVELOPMENT CORPORATION LTD.HELD ON 16-03-2020 AT 2.30.P.M. AT KFDC HEAD OFFICE KOTTAYAM.

Present:

1. Sri.Sabu George - Chairman.
2. Sri. K.P. Singh IFS - Additional Director General (Central), MoEF, Bangalore.
(attended through Video Conferencing)
3. Sri. Rajesh Kumar Sinha IAS - Principal Secretary, Forest & Wildlife Dept.
(attended through Video Conferencing)
4. Smt. Prakriti Srivastava IFS - PCCF & Managing Director.
5. Sri.Georgi.P.Mathachen IFS - CCF, HRC, Kottayam.
5. Sri. Shajimudheen H. - Deputy Secretary, Finance Dept.

In attendance: Smt. Alma.M.S, Company Secretary.

Quorum: There was sufficient quorum from beginning to end of the Meeting.

The Meeting commenced at 2.30 P.M.

Chairman and Managing Director welcomed all Directors and Managing Director presented the agenda.

Item No1: Approval of the Minutes of the 208th Board Meeting

Board approved the Minutes of the 208th Board Meeting after discussion.

Item No.2: Follow up actions on the decisions of the 207th Board Meeting

While discussing the Action taken Report on the 208th Board meeting, regarding Additional ItemNo.4.Aquarium and Penguin pool at wagamon, Sri.Shajimudeen H opined that the project involving an Outlay of around Rs.20 crores is not at all financially viable.

Sri.Georgi P Mathachen pointed out that as it involves wildlife protection, approvals from the beginning will have to be taken.

Managing Director informed that as permanent construction is included in the project, MoEF permission is required. Further it is

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not known that whether Penguins can survive at the said location and so it is better to abandon the project.

After discussions, Board approved the Action Taken Report of the 208th Board Meeting.

Annexure D

Map of Gavi within core of Periyar Tiger Reserve



Map.2. Continuity of Gavi Division with Periyar Tiger Reserve

Annexure D(i)



KERALA FOREST DEVELOPMENT CORPORATION

(A Government of Kerala undertaking)

Regd. Office: "AARANYAKOM, KARAPPUZHA, KOTTAYAM-686003, KERALA, INDIA

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E-mail: md_kfdcktm@yahoo.co.in, Web:www.keralafdc.org CIN:UO2001KL1975SGC002660

C3/GL/II/43/ Vol 9.

2nd May, 2022

To,

**The Divisional Manager,
TVPM/PNLR/GVI/MNR/TSR/MNTDY.**

Sir,

Sub: 100 ha. Area Cardamom plantation survey reg:-

Attention is invited to the subject above cited. As you are aware 100 hecters of cardamom plantations are being maintained in Gavi division. These areas need to be surveyed by compass survey and demarcated immediately.

The legal position regarding Gavi and cardamom plantation is that the 100 hecters of cardamom plantation was started prior to 1980 and therefore can be maintained as such still the lease period ends in 2024-25. If this area has to be continued as cardamom plantation after the lease period ie, beyond 2024-25 fresh approval from MoEF under Forest Conservation Act 1980 will need to be obtained. Therefore, the area of Cardamom needs to be clearly demarcated.

In the balance 800 ha cardamom has not been maintained for at least the past 20 years and has gone back to natural forest. Therefore, no planting or maintenance of cardamom can be done in this area as it is violation of Forest Conservation Act. This area needs to be maintained as a forest and no cultural activities or fresh planting can be taken up in this area. If any such activity is done it will be violative of Forest Conservation Act 1980. **PLEASE NOTE.**

This opinion has been obtained from MoEF Bangalore Regional Office and needs to be followed scrupulously. This is circulated to all staff of KFDC

so that everyone is aware of this rule and abide by it. Kindly acknowledge this letter.

Encl: Copy of the Agreement.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'P. Prakash', written in a cursive style.

PRAKRITI SRIVASTAVA, IFS,
PRINCIPAL CHIEF CONSERVATOR OF FORESTS &
MANAGING DIRECTOR.

Divisional Managers are requested to circulate among the sub unit level officers (Managers, Asst. Managers & Field Officers) and office staff and get signed and report compliance.