



## Unclassed Forests in India

**For Prelims:** [Unclassed Forests](#), [Supreme Court of India](#), [Forest \(Conservation\) Act Amendment \(FCAA\) 2023](#), [Forest Rights Act of 2006](#)

**For Mains:** Implications of the FCCA (2023), Enforcement Mechanisms in Safeguarding Unclassed Forests

[Source: TH](#)

### Why in News?

Recently, in compliance with the [Supreme Court](#) order, the Ministry of Environment, Forests and Climate Change (MoEFCC) uploaded the various **State Expert Committee (SEC) reports on its website**.

- This interim order was in response to a public interest litigation challenging the **constitutionality of the [Forest \(Conservation\) Act Amendment \(FCAA\) 2023](#)**.
- A key concern in the petition was that the **status of [unclassified forests](#)**, which were to be identified by the state SEC reports, wasn't known or if they had been identified at all.

### What Did the SEC Reports Reveal?

- **Highlights:**
  - No state provided verifiable data on the identification, status, and location of unclassified forests.
    - Seven states and Union Territories (Goa, Haryana, Jammu & Kashmir, Ladakh, Lakshadweep, Tamil Nadu, and West Bengal) **did not even constitute the SEC**.
  - Only 17 out of 23 states submitted reports in line with the Supreme Court's directives.
  - **Most states relied on existing data** from forest and revenue departments, without undertaking ground-truthing or physical surveys and demarcation of unclassified forest lands have not been conducted in most states.
    - There is a lack of clarity on the geographic location and classification of these forests.
  - Many states' reports showed significant discrepancies with the data from the [Forest Survey of India \(FSI\)](#).
    - For example, **Gujarat's SEC report** stated unclassified forests of 192.24 sq. km, while the FSI reported 4,577 sq. km.
    - Similarly, Assam, where the SEC report states the extent of unclassified forest area to be 5,893.99 sq. km whereas the FSI has reported 8,532 sq. km.
  - **Only nine states provided the extent of unclassified forests**, while others shared data on different types of forest areas without clarity.
    - Some states detailed the extent of degraded, cleared, or encroached forests, but this information varies across reports.
  - There is a lack of clarity regarding the extraction of data from available records and the geographical location of forests, with no available **topo sheet identification maps (a map showing a region's natural and manmade features)**.

### ▪ Consequences:

- The hasty and incomplete nature of the SEC reports is likely to have resulted in the **large-scale destruction of unclassed forests**.
  - For example, **Kerala's SEC did not include the Pallivasal unreserve**, an ecologically fragile area in Munnar, which was also devastated during the **2018 floods**.
  - The report also failed to mention the **Chinnakanal unreserve**, an important [elephant corridor in Munnar](#) that is now overrun by intensive commercial tourism, leading to many instances of [human-elephant conflicts](#).
- The failure to comprehensively identify and protect these forests undermines the **1996 Godavarman judgement** and the **Indian Forest Policy's goal of achieving 33.3% forest cover in the plains and 66.6% in the hills**.
  - The **Forest Survey of India's 2021 report** shows an overall 21% forest cover (which experts have disputed) in the country and 40% in hills. Approximately 900 sq. km has been lost in the last cycle of the Survey's review.

## What are Unclassed Forests?

### ▪ Legal Protection:

- Unclassed forests, also known as **deemed forests**, enjoy legal protection under the landmark case **T.N. Godavarman Thirumulkpad vs Union Of India & Ors(1996)**.

### ▪ Definition:

- They encompass various types of land, including those belonging to forests, revenue, railways, government entities, community forests, or private ownership.
- Despite their diverse ownership, these **forests are not officially notified under the Indian Forest Act**, though the area has forest type vegetation.

### ▪ Identification Process:

- State Expert Committees (SECs) were tasked with identifying unclassified forests across the country.
  - Identification involved examining available records such as Forest Working Plans and Revenue land records, as well as physically identifying land patches with forest characteristics.

### ▪ Implications of FCAA:

- The **Forest (Conservation) Amendment Act, 2023**, which came into force in December 2023, introduced significant changes to the Forest (Conservation) Act, 1980 (FCA).
  - The amendment **narrowed the coverage of the FCA to two types of lands**:
    - Areas officially declared or notified as forests under the Indian Forest Act, 1927, or other relevant legislation.
    - Lands recorded as forests in government records since 25th October 1980.
- **FCAA, 2023** raised concerns about the loss of legal protection for unclassified forests, potentially leading to their diversion for non-forest use.
- Under the FCAA, **unclassified forests would require Central government approval for any diversion**, even if not officially notified.

### ▪ Challenges:

#### ◦ Legal Protection:

- With the enactment of the Forest (Conservation) Amendment Act, unclassified forests risk losing their legal protection, leading to their diversion for **non-forest use**.

#### ◦ Impact on Forest-Dwelling Communities:

- The Amendment Act's failure to recognise '**deemed forests**' as subject to the provisions of the **Forest (Conservation) Act, 1980** undermines the [rights of forest-dwelling communities](#).
  - Forest land classified as 'deemed forests' can be diverted without the consent of Gram Sabhas, violating their rights recognised under the [Forest Rights Act of 2006](#).

#### ◦ Environmental and Ecological Concerns:

- The Act's narrow definition of forests based on legal status overlooks ecological considerations, leading to potential degradation and loss of biodiversity in unclassified forest areas.

## T.N. Godavarman Thirumulkpad vs Union Of India & Ors Case, 1996

- In 1995, T.N. Godavarman Thirumulkpad filed a [writ petition](#) with the **Supreme Court of India** to protect the [Nilgiris forest land](#) from illegal deforestation.
- The Court issued detailed directions for the **sustainable use of forests** and the Court emphasised that **any area defined as a forest, regardless of ownership, would be subject to the Forest Conservation Act, of 1980.**
  - This new interpretation prevented **states from de-reserving protected forests for non-forestry use without permission.**
- One of the key directions was that all forest activities throughout the country must cease without specific approval from the Central Government.

### Way Forward

- Ensure strict compliance with the **T.N. Godavarman Thirumulkpad vs Union Of India Case, 1996**, ruling to protect all forest types, including unclassified forests.
- Mandate physical surveys and ground-truthing to accurately identify and map unclassified forests.
  - Address discrepancies between SEC reports and FSI data through cross-verification and updating records.
- Implement **penalties for states and Union Territories that fail to constitute SECs** or provide accurate data on unclassified forests.
- Establish a robust monitoring system to track progress towards these targets and adjust strategies as needed.

#### Drishti Mains Question:

Q. Critically analyse the implications of the Forest (Conservation) Amendment Act, 2023, on the protection and management of unclassified forests in India.

**Read more:** [SC's Interim Order on the Forest Conservation Act 2023](#), [Forest Conservation Amendment Bill 2023](#), [Global Forest Watch \(GFW\)](#)

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims

**Q. Consider the following statements: (2019)**

1. As per recent amendment to the Indian Forest Act, 1927, forest dwellers have the right to fell the bamboos grown on forest areas.
2. As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, bamboo is a minor forest produce.
3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 allows ownership of minor forest produce to forest dwellers.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

**Ans: (b)**

**Q. At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006? (2021)**

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

**Ans: (d)**

**Q. A particular State in India has the following characteristics: (2012)**

1. It is located on the same latitude which passes through northern Rajasthan.
2. It has over 80% of its area under forest cover.
3. Over 12% of forest cover constitutes the Protected Area Network in this State.

**Which one among the following States has all the above characteristics?**

- (a) Arunachal Pradesh
- (b) Assam
- (c) Himachal Pradesh
- (d) Uttarakhand

**Ans: (a)**

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**Mains:**

**Q. The most significant achievement of modern law in India is the constitutionalisation of environmental problems by the Supreme Court.” Discuss this statement with the help of relevant case laws. (2022)**

PDF Reference URL: <https://www.drishtiias.com/printpdf/unclassified-forests-in-india>