

# POLICY PAPERS

Clearance Trends Series/ February 2018

## ANALYSIS OF FOREST DIVERSION IN INDIA, 2017



Goa Foundation

Iron Ore Mining in Goa

### Key Findings

- India's Environment Ministry approved for diversion 11,596.18 hectares of forest land for non forestry purposes such as irrigation, mining, infrastructure etc. in 2017
- This loss of 11596.18 hectares of forest land is equivalent to the size of 60 football fields every day
- Irrigation proposals accounted for 45% of forest land approved for diversion
- Mining proposals accounted for 27% of forest land approved for diversion
- Even after diversion is approved, the legal status of forest land remains the same. This implies that there is no decrease in the notified forest land area despite the loss due to diversion.

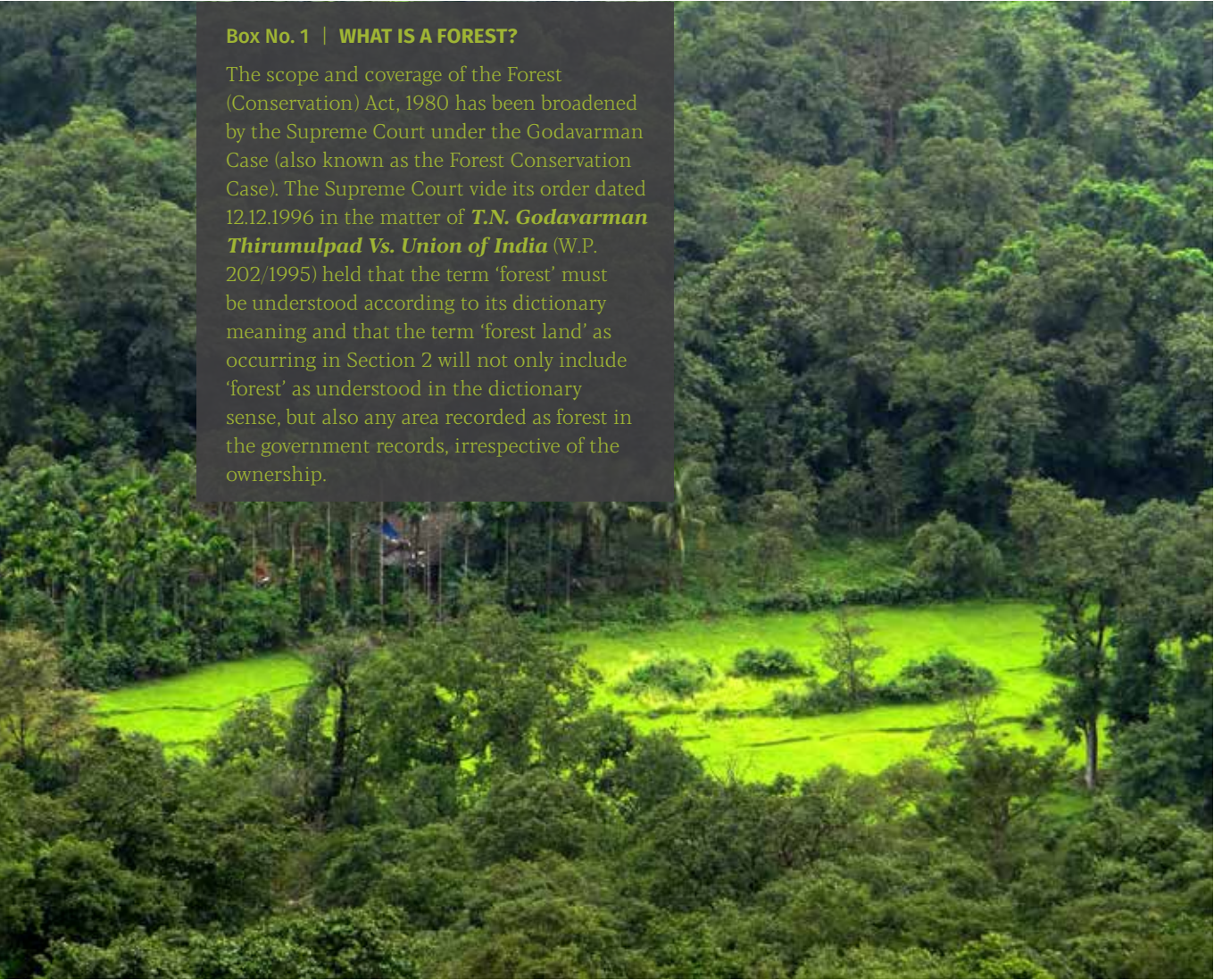
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# LEGAL PROVISIONS GOVERNING FOREST CLEARANCE IN INDIA

The process of diversion of forest for non-forestry purposes in India is governed by the Forest (Conservation) Act, 1980. The Act was promulgated by the Government of India in order to check deforestation and to provide for conservation of forests and maintain overall ecological balance<sup>a</sup>. The Forest (Conservation) Act, 1980 mandates that a prior approval needs to be sought from the Central Government through Ministry of Environment, Forests and Climate Change (MOEF&CC) to use any forest land for non-forest use, to de-reserve it from its reserved forest status or to lease it out to any private player<sup>b</sup>. This prior approval is known as forest clearance. The law defines non-forest purpose broadly as the breaking up or clearing of any forest land for the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants and for any purpose other than re-forestation<sup>c</sup>. Therefore, projects such as irrigation, mining, industry, infrastructure etc. will need a prior forest clearance if they are proposed on forest lands.

## Box No. 1 | WHAT IS A FOREST?

The scope and coverage of the Forest (Conservation) Act, 1980 has been broadened by the Supreme Court under the Godavarman Case (also known as the Forest Conservation Case). The Supreme Court vide its order dated 12.12.1996 in the matter of **T.N. Godavarman Thirumulpad Vs. Union of India** (W.P. 202/1995) held that the term 'forest' must be understood according to its dictionary meaning and that the term 'forest land' as occurring in Section 2 will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the government records, irrespective of the ownership.



Given the legal provisions governing the forest clearance, this policy brief analyses the clearance granted by MOEF&CC to forest diversion proposals in the calendar year 2017. The data for analysis has been taken from MOEF&CC's portal E Green watch (MOEF&CC, n.d.).

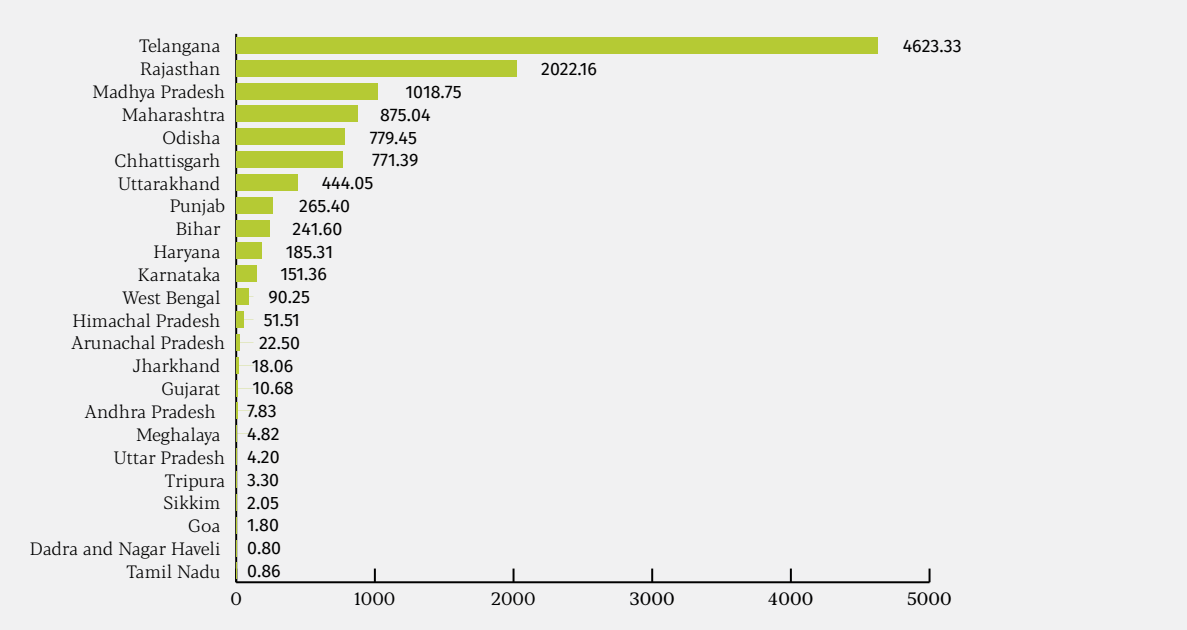
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- a Statement of Reasons and Objectives of Forest Conservation Act, 1980
  - b Section 2 of Forest (Conservation) Act, 1980
  - c See the Explanation for Section 2 of Forest Conservation Act, 1980

# ANALYSING FOREST CLEARANCE IN INDIA IN 2017

## OVERALL ANALYSIS

In the year 2017, the MOEF&CC granted clearance to 686 projects and thereby approved 11596.18 hectares of forest land to be diverted for non-forestry use. State-wise statistics of forest land diverted (see figure 1) reveal that 5 states viz: Telangana, Rajasthan, Madhya Pradesh, Maharashtra and Odisha account for 80.30% of the total forest land diverted for non-forestry purposes in 2017.

**Figure 1: Forest land (in hectares) diverted in 2017, by States**



With Telangana being the highest contributor in terms of total land forest diverted in 2017, it is important to note the upcoming development projects in the states which demand forest land. See Box 2 below.



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**Box No 2 | UPCOMING IRRIGATION PRESSURES ON TELANGANA'S FORESTS**

The state of Telangana has already lost 11014.14 hectares of forest land to non-forestry purposes such as irrigation and mining from 2014 to 2017 (MOEF&CC, n.d.). In addition to the forest land already diverted, the environment ministry has given Stage I forest clearance to 6 new irrigation projects viz: JCR DLIS- Phase III, Package-V (4.92 hectares), Neelwai Irrigation Project (18.08 hectares), Palamuru Rangareddy Lift Irrigation Scheme (205.48 hectares), Sitarama Lift Irrigation Project

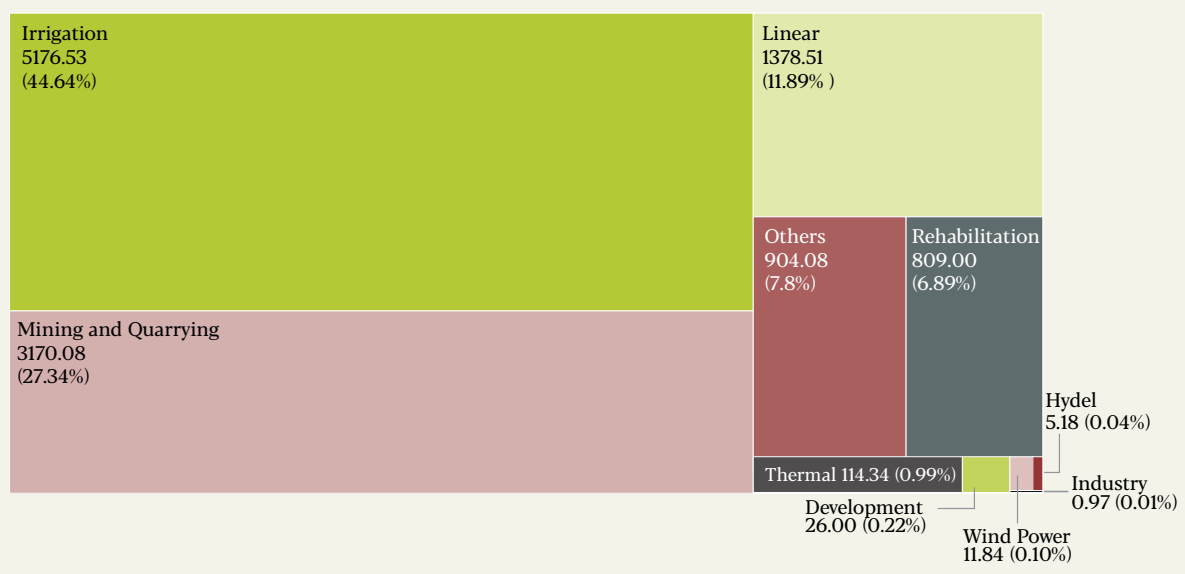
(1531.05 hectares), Dr. BR Ambedkar Paranhita Irrigation Canal (1136.01 hectares) and Pipeline for Lift Irrigation Scheme at Chintalapalem (0.82 hectares). Together these projects imply that an additional 2896.80 hectares may be diverted in the near future (MOEF&CC 2018)<sup>a</sup>.

Out of the above mentioned projects, Sitarama Lift Irrigation Project and Pranahitha Irrigation Canal Project both have major ecological Impacts. The Sitarama Lift Irrigation project entails diversion of 1,531.05 hectares of 0.6 density of forest and involves felling of 2,48,624 trees (REC Chennai, 2018). Out of 1,531.05 hectares of forest land proposed for diversion, 275.44 hectares falls in the notified eco-sensitive zone of the Kinnersani Wildlife Sanctuary (MOEF&CC Regional Office Chennai, 2018). As per the field inspection report of the project, proposed alignment of the canal is passing through the rich forests having good regeneration and major chunk of forest will be disturbed due to fragmentation of forest (MOEF&CC Regional Office Chennai, 2018). On the other hand the Pranahitha Irrigation Canal proposed in the Adilabad district involves felling of 4, 31, 265 trees. Out of 1136.01 hectares of forest land proposed for diversion, 662.0128 hectares of falls in the tiger corridor linking Kawal Tiger Reserve in Telangana with Tadoba Andheri Tiger Reserve in Maharashtra and Indravati Tiger Reserve in Chhattisgarh (Regional Office Chennai, 2017) (SC NBWL 2017).

Other projects too have concerns associated with them. For Example the Neelwai Irrigation Project is located 6.04 km from Pranahitha Black Buck Wildlife Sanctuary (Deputy Conservator of Forest Bellampally Forest Division, 2018) and the Palamuru Rangareddy Lift Irrigation Project is located 2.75 kms from the Amrabad Tiger Reserve which is rich in wildlife such as Tiger, Leopard, Sloth Bear, Sambar, Deer and Peacock. The Project authorities had started work on the Palamuru Rangareddy Lift Irrigation Project without obtaining forest clearance. A petition was filed in the National Green Tribunal, Southern Bench praying for an injunction restraining the Palamuru-Rangareddy Lift Irrigation project authorities from carrying out any activity related to the project without mandatory clearances or permissions. The National Green Tribunal in its order dated 13.12.2016 noted that part of the project area falls in the Reserved Forest of Amrabad Tiger Reserve and that construction had started without taking the approval under Forest (Conservation) Act, 1980. The Tribunal had accordingly directed the project authorities to stop any construction activity within the forest area (B Harsha Vardhan Vs. Union of India and Others 2016).

Out of the total forest land recommended for diversion in 2017, the share of different non-forestry uses is shown in figure 2. Out of 11,596.18 hectares of forest land diverted for diversion in 2017, 5,176.53 hectares was for irrigation projects. Irrigation accounted for 44.64% of total forest land diverted in 2017. After irrigation, the next major category was mining and quarrying. In 2017, 3,170.08 hectares was diverted for mining and quarrying and accounted for 27.34% of total forest land diverted in 2017. This was followed by linear proposals (such as roads, railways, transmission lines and pipelines) for which 1,378.51 hectares of forest land was diverted. Linear proposals accounted for 11.89% of total forest land diverted in 2017. Put together, projects under irrigation, mining and linear proposals account for 83.86% of total forest land diverted in 2017.

**Figure 2: Forest Land (in hectares) diverted in 2017; By Project Category**



a Stage 1 Forest Clearance Granted to JCR DLIS- Phase III, Package-V, Neelwai Irrigation Project, Palamuru Rangareddy Lift Irrigation Scheme, Sitarama Lift Irrigation Project, Dr. BR Ambedkar Paranhita Irrigation Canal, Pipeline for Lift Irrigation Scheme at Chintalapalem as retrieved from PARIVESH Website

## PROJECT CATEGORY WISE ANALYSIS

### Proposals under Irrigation

Within the irrigation sector, a total of 5,176.53 hectares of forest land was diverted for irrigation projects. These projects accounted for 44.64% of total forest land diverted for non-forestry use in 2017. Further within irrigation, Kaleshwaram Lift Irrigation Project in Telangana (3168.13 hectares) and Parwan Multipurpose Irrigation Project in Rajasthan (1,835.14 hectares) together account for 96% of the total forest land diverted within the irrigation sector in 2017. Given their respective sizes, these projects need further explanation. The same is highlighted in box 3.

#### Box No. 3 | 2 IRRIGATION PROJECTS ALONE DIVERT MORE THAN 5000 HECTARES OF FOREST LAND IN 2017

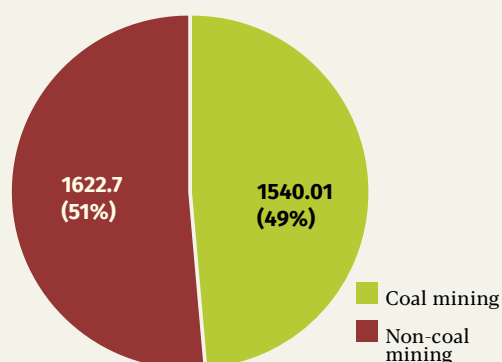
The Rs. 80,000 crore Kaleshwaram Lift Irrigation project proposed across River Godavari aims to irrigate 7,38,851 hectares in 13 out of 15 districts of the state of Telangana. The water will also be used for allied purposes like drinking water, domestic consumption and industries. To meet these benefits, the project envisages diversion of 3163.18 hectares of forest and felling of 13.15 lakh trees (MOEF&CC Forest Conservation Division, 2017). This estimate has been shifted upwards to 22 lakh trees by the State Forest Department (Vadlamudi, 2018). As per the project EIA document, the construction of canals for the irrigation scheme will fragment the forest area and restrict the movement of wildlife. Further, it may also affect wildlife migratory corridors wherever the construction takes places in the existing migratory corridors (Environment Protection Training and Research Institute Hyderabad, 2018).

On the other hand, the Parwan Major Irrigation Project will provide irrigation benefits to an area of 131400 hectares in the Jhalwar, Baran and Kota districts in the State of Rajasthan. As per the Site Inspection Report, the project is located 0.15 km from Shergarh Wildlife Sanctuary and will involve felling of 1,86,443 trees in the tree deficit state of Rajasthan (MOEF&CC Regional Office (Central Region), 2012). The project was recommended by the Standing Committee of National Board for Wildlife in April 2011 without there being any mention of the impact of the proposed project on the wildlife habitat. The project was recommended on the condition that 25 cusecs (cubic feet per second) of water will be continuously released from the Chambal through the dam. However, there have been concerns raised by the members of SC Standing Committee of National Board for Wildlife that the project will submerge 81.67 sq. (8167 hectares) km of the Shergarh Wildlife Sanctuary and will result in a major diversion from River Chambal. Wildlife India Institute Report titled "Assessment of minimum water flow requirements of Chambal River in the context of Gharial (*Gavialis gangeticus*) and Gangetic Dolphin (*Platanista gangetica*) conservation" (prepared at the insistence of MOEF & CC) identified the river as deficient in water flow to support the last viable populations of the Gharial and the Dolphin. The report specifically recommended that no further diversion of water from the Chambal should take place if the future survival of the endangered aquatic species mentioned above, is to be secured. However, there is no assessment of the impact of the project on the aquatic life and ecology of the downstream Jawahar Sagar Sanctuary, Rana Pratap Sagar Sanctuary and the National Chambal Sanctuary (SC NBWL, 2011).

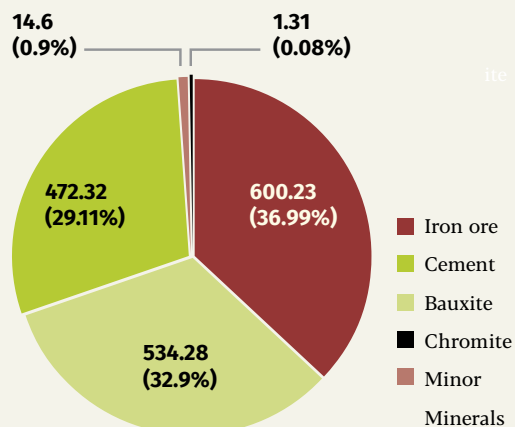
### Proposals under Mining

Followed by irrigation, the next big non-forestry use for which forest land was diverted was mining. In 2017, the MOEF&CC granted clearance for diversion of 3,162.71 hectares of forest land for mining. As visible in figure 3 (a), both coal and non-coal mining contributed almost equally in terms of forest land diverted

**Figure 3 (a): Forest Land (in hectares) diverted for Mining, By Coal and Non Coal based Minerals**



**Figure 3 (b): Forest Land (in hectares) diverted for Non-Coal Mining**



for mining in 2017. Out of 1,540.01 hectares of forest land diverted for coal mining in 2017, 1,438.46 hectares was from Telangana. This explains more than 93% of the total diversion for coal mining. This was followed by 89.65 hectares from West Bengal and 11.9 hectares from Maharashtra. The distribution of 1,622.7 hectares of forest land was diverted for non-coal mining is shown in figure 3(b). Iron Ore, Bauxite and Cement in total account for diversion of 1,306.83 hectares of forest land in 2017 and explains more than 80% of diversion for non-coal mining.



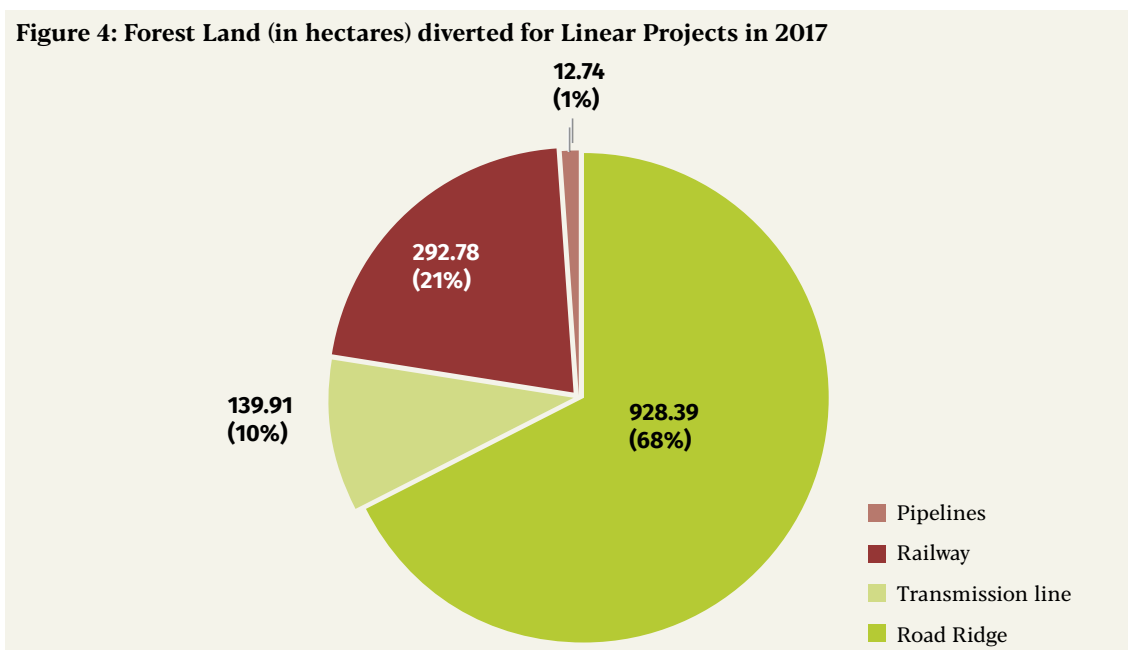
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**IRON ORE MINING IN SARANDA FOREST, WEST SINGHBHUM, JHARKHAND**

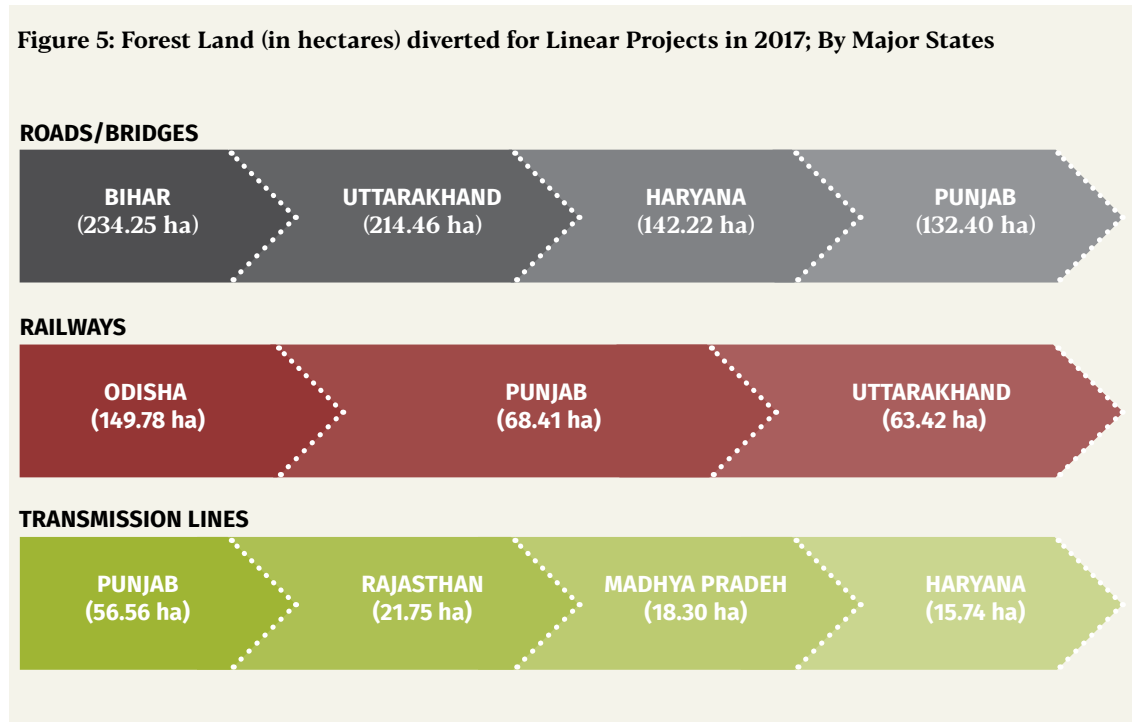
### Proposals under Linear projects

After Mining, the next major category in terms of forest land diverted was Linear i.e. projects which involve linear diversion of forest land such as Roads, Railways, Pipelines and Transmission Lines. In 2017, 1378.51 hectares of forest land was diverted for linear projects and accounted for 12% of the total forest land diverted in 2017 for non-forestry uses. The break-up of forest land diverted in 2017 within linear category is shown in figure 4.

**Figure 4: Forest Land (in hectares) diverted for Linear Projects in 2017**

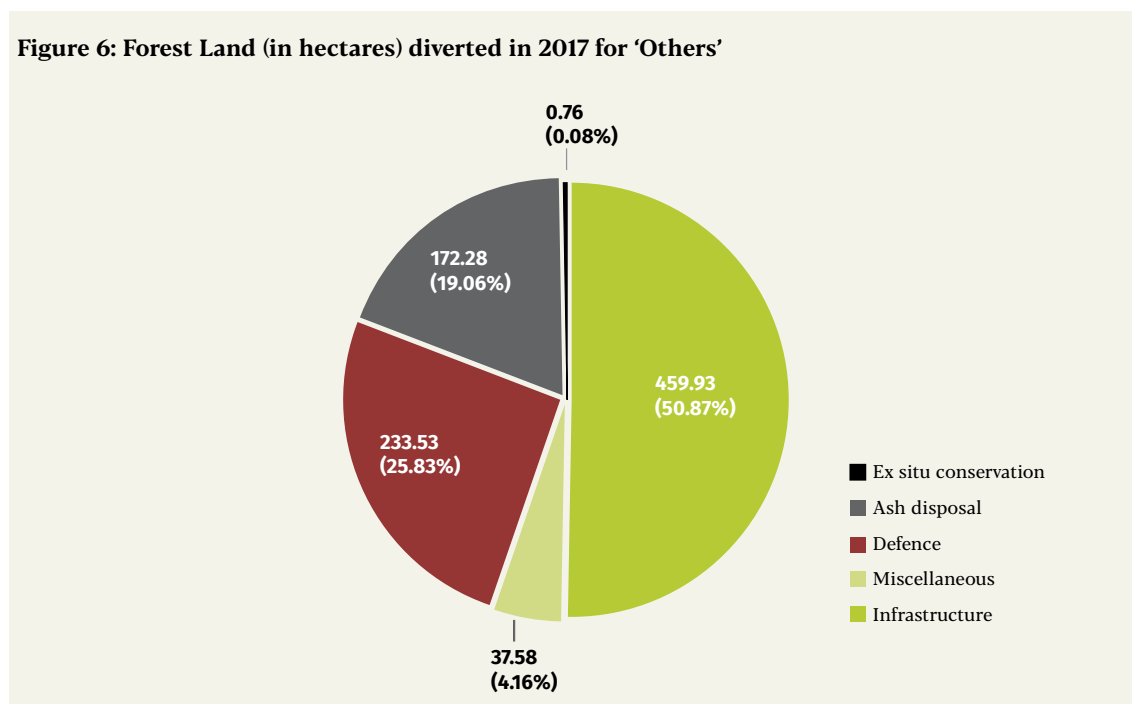


The share of major states in terms of forest land diverted for major linear projects: Roads, Railways and Transmission Lines are show in figure 5.



#### Proposals under Others

After Linear, the next major non-forestry use for which forest land was diverted in 2017 was 'Others'. This category includes proposals for infrastructure facilities, defence, ash disposal units, construction of zoo/rescue centres for ex-situ conservation and other miscellaneous purposes such as construction of retail outlets, approach access for petrol pumps and facilities for waste and sewage management. The total forest land diverted for 'Others' was 904.08 hectares. The share of different project types within 'others' is shown in figure 6.



As shown in the figure above, infrastructure was the major category for which forest land was diverted under 'Others'. Infrastructure projects accounted for 50.87% of total forest land diverted within 'Others'. Out of 459.93 hectares diverted for infrastructure facilities, 250.06 hectares was for the construction of Navi Mumbai International Airport. The airport is proposed in the vicinity of Karnala Bird Sanctuary. The concerns associated with the project are highlighted in Box No. 4.



**Box No. 4 | AIRPORT IN A RICH BIRD HABITAT APPROVED FOR DIVERSION**

The Navi Mumbai International Airport entails diversion of 250.0635 hectares of forest out of which 108.50 is Mangrove Forest land and 142 hectare is reserved forest land. The major consideration in this project was that the project site is located 9.5 km from Karnala Bird Wildlife Sanctuary (Deputy Conservator of Forest Alibag Forest Division 2012) (FAC 2013). As per the site survey conducted by BNHS, the project is located in a high bird diversity area because of a mixture of habitats such as creeks, seashore, paddy fields, forest, inland wetlands and mangroves. As per the survey there are 266 bird species within 10 km radius of the Airport (Singh, 2016). The proposal was recommended by the Standing Committee of National Board for Wildlife (SC NBWL) in June 2013. The SC NBWL noted that mangrove ecosystem has a unique aquatic fauna which carries great importance. There is dense mangrove cover towards north side of the proposed NMIA site and parts of it also occur inside the NMIA site. To compensate for the loss of important mangrove forest portion inside the NMIA site, the standing committee suggested the mangrove forest bordering NMIA site (including the mangrove park) should be declared as a mangrove sanctuary. It was also proposed to have an alternate site for migratory birds visiting wetland within proposed NMIA site, Sewri coast wetland should be considered to be developed. The Sewri coast wetland of 1,037.3 ha is a marshland protected from Arabian Sea near the mouth of Thane creek. Thousands of flamingoes along with many other migratory water birds and about 150 species (11 are globally threatened) inhabit this marsh partly covered by mangrove (SC NBWL 2013)The proposal was given forest clearance in April 2017 with one of the conditions that in future user agency shall not submit any proposal for extension of project or any other project ancillary/related to this project in forest land falling in the vicinity of Karnala Bird Sanctuary (MOEF&CC Forest Conservation Division 2017)

Followed by infrastructure, defence accounted for 25.83% of total forest land diverted for 'Others'. Further, 172.18 hectares of forest land was diverted for construction of ash disposal units. It is important to note that as per Guidelines issued by the MOEF&CC under the Forest (Conservation) Act, 1980, proposals for diversion of forest land for non-forestry uses have to be site specific as far and that possible normally there is no justification for locating non site specific projects on forest lands. Therefore, proposals such as irrigation, mining, hydel, borehole prospecting are site specific; while projects such as industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons etc. are counted as non-site specific (MOEF 2004: 31). Given the data from figure 6, it is clear that 172.28 hectares of forest land was cleared for setting ash disposal facilities in 2017 which clearly implies diversion of forests for non-site specific uses.



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## CONCLUDING REMARKS

Given the above analysis regarding the forest diversion proposals, a few concerns emerge, both specific as well as policy related. We find that the new state of Telangana has accounted for the largest share in the total forest land diverted in 2017 owing to irrigation projects. It is a matter of concern that more irrigation projects are in the pipeline waiting for grant of forest clearance. The irrigation push needs to be weighed against the forest to be lost. Another disturbing finding is the forest land diverted for coal mining. It has been well accepted in both science and policy circles that India is power surplus and that no further coal based power capacity is required. India has also witnessed great achievements in the renewable energy sector owing to the aggressive push for the 1.75 GW RE target by 2022 (Niti Ayog 2015). However, amidst these developments, the need to open more forest land for coal mining doesn't make sense. Further, the large number of linear projects in the dry and arid states of Haryana and Punjab is a matter of concern given the low forest cover in these states. Lastly, it is important to curb pressures on forest land for projects which can be set up in non-forest lands.

In addition to the specific issues, the overall policy related concerns are highlighted below:

### I. MISSING COMPLIANCES AND IMPACT STUDIES

From the above analysis of forest diversion proposals we find that following are never undertaken while granting approval to the project:

- a. **No consent from the Gram Sabha:** As per Ministry of Environment and Forests, and Climate Change all proposals which entail diversion of forest land for non-forestry purposes need to be placed before each concerned Gram Sabha of forest dwellers for their consent to the proposed diversion. The project so placed must be complete in terms of the full details of the project and its implications and must be in local and vernacular languages (MOEF&CC Forest Conservation Division 2009) However, this requirement of mandatory Gram Sabha consent is not complied with by the forest diversion proposals.
- b. **No Cost Benefit Analysis:** Whenever a forest land is diverted for a project, it promises economic benefits however before giving a go-ahead to the project, it is important to weigh the proposed economic benefit against the ecosystem services which will be lost due to diversion of proposals. However, the ecological cost of the project is never taken into consideration while considering granting approvals.
- c. **Impact studies on wildlife:** There is no assessment made of the impact of the proposed project on wildlife stating that it does not form a part of a Wildlife Sanctuary or a National Park. The existence of wildlife outside protected areas is not acknowledged in any proposal sent for diversion of forest land.

### II. MISLEADING PICTURE OF FORESTS IN INDIA

In all instances where forest land is diverted under section 2 of the Forest (Conservation) Act, 1980, it is stated that legal status of the forest diverted will continue to remain the same as Reserved Forest or Protected Forest. As a result, there is no decrease in the legally notified forest land despite diversion for non-forest purposes. This has led to a situation where though the forest continues to be diverted for mining, hydropower projects and road building, the legal status even after diversion continues to be forest. This gives a misleading picture of forest land in India.

### III. LIMITED APPLICATION OF FOREST (CONSERVATION) ACT, 1980

Despite the Supreme Court Judgement dated 12.12.1996 in the Forest Conservation Case (TN Godavarman Vs. Union of India and Ors.) and its judgement dated 06.07.2011 in Lafarge Case (Lafarge Umiam Mining Pvt Ltd. Vs Union of India and Others), the process of identification of forest in terms of dictionary meaning is yet to be completed in most States of India. The parameters for identification have not been arrived at even in the states of Uttarakhand and Haryana. As a result, the Forest Conservation Act has been applied to areas recorded as forests in government records and not those which satisfy the ecological definition of forests.

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