

# Deemed Forest

written by iasexam.com | 17/08/2023



**Context-** According to the amended Forest (Conservation) Act of 1980, Odisha has no forest cover.

## Key Highlights

- Since 1996, the Odisha government, with the help of district-level expert committees, has designated nearly 66 lakh acres as “deemed forest”, but many have not been officially declared as such in government records.
- This would be approximately 40-50% of the total forest land in Odisha and adding that the government’s interpretation of the Forest Act will accelerate deforestation.
- The Odisha government’s order is believed to go against the environment ministry’s assurance to a parliamentary committee that the “deemed forests” will continue to be protected.
- Protection under the Forest Act means that land cannot be transferred elsewhere without the consent of the Center as well as the gram panchayats.
- The amendments of the Ministry of Environment and Forests declared that the amendments to the law (1980) were necessary to eliminate ambiguities and bring clarity to the application of forest laws.
- According to the amendments, the Forest Protection Act of 1980 would not apply if the declared forest land was legally reserved for non-forest use between 1980 and 1996.

## Formation of expert committees:

- The countries had to form expert committees and determine the land areas that would

be encapsulated under the new forest definition.

- But not all states submitted those reports, leaving considerable leeway for states to define large tracts of land or exclude forest.

## **What are deemed forests?**

- The concept of forest is not clearly defined in any law, including the Forest Protection Act, 1980.
- The Supreme Court in T N Godavarman's Thirumalpad case (1996) accepted a broad definition of forest under the Act.
- The word "forest" is to be understood according to the meaning of the dictionary, which includes all legally recognized forests, whether designated under section 2(1)(1) of the Forest Conservation Act or otherwise designated as protected or reserved.
- The term "forest land" appearing in point 2 refers to all areas registered as forest in the national register, regardless of ownership.
- The provisions of the Forest Protection Act, 1980 regarding forest protection and related matters shall clearly apply to every forest so understood, irrespective of its ownership or classification.

## **About the amendment of the Forest Act of 1980**

- The Forest Conservation Act, 1980 was amended to apply to certain types of land containing land declared as forest under the Indian Forest Act, 1927 or in the state records after the enactment of the 1980 Act.
- The Act does not apply to land converted to non-forest use before December 12, 1996.
- It also exempts certain types of land from the Act.
- These include lands within 100 km of the Indian border required for national security projects, minor roadside services and public roads leading to settlements.
- It is now called Van (Sanrakshan Evam Samvardhan) Adhiniyam – translated as forest conservation and augmentation.
- It protects only forest declared under the Forest Act, 1927 and also land expressly declared as forest on or after October 25, 1980.
- The Supreme Court's 1996 Godavarman judgment made it mandatory for states to bring such unregistered land as meets the "dictionary" meaning of forest.
  - Forest land that has not been declared as such by the Center or the states is considered deemed forest.
- In India, since the judgment in the Godavarman case (1996), the Supreme Court has continuously monitored the protection of forest areas under the Forest Protection Act, 1980.
- To make changes to the land area classified as forest, the state government must obtain the permission of the Supreme Court. judicial decision.