

Chhattisgarh's forest by Mistake

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In news– Chhattisgarh has sought to take back land that it says was given to its Forest Department 'by mistake'.

Key updates-

- **The Union Ministry of Environment, Forest and Climate Change has objected to the transfer** of thousands of hectares of land without following due process by Chhattisgarh from its Forest to the Revenue Department for setting up industries and for building road, rail, and other infrastructure.
- While the **Chhattisgarh government has described these areas as non-forest land that were earlier given "by mistake"** to the Forest Department, **the Environment Ministry has warned that the land in question is "undemarcated protected forests", which cannot be used for non-forest purposes without clearance under the Forest Conservation (FC) Act, 1980.**
- The recorded forest area in Chhattisgarh covers 44.21% of its geography. The state government says it is constrained by the limited availability of land, particularly in the tribal regions, for development works.
- Therefore, in May 2021, the state Revenue Department sought a field survey to identify non-forest land parcels smaller than 10 hectares with less than 200 trees per hectare – "that had been included by mistake" in "Orange Areas" under the Forest Department

Jurisdiction of state governments with respect to Forests-

- **Broadly, state Forest Departments have jurisdiction over two types of forests notified under the Indian Forest**

(IF) Act, 1927: Reserve Forests (RF), where no rights are allowed unless specified; and Protected Forests (PF), where no rights are barred unless specified.

- **Certain forests, such as village or nagarpalika forests, are managed by state Revenue Departments.**
- **In 1976, forests were included in List III (Concurrent List)** under the Seventh Schedule of the Constitution.
- **The FC Act, 1980, applies to all kinds of forests,** whether under the control of the Forest or the Revenue Department, and it requires statutory clearance before forests can be used for any non-forest purpose such as industry, mining, or construction.
- **The FC Act required central clearance for non-forest use of forest land.**
- **Clearance for non-forest use of forestland under the FC Act requires giving back twice the area for compensatory afforestation (CA) from Revenue to Forest.** That would defeat the very purpose of the state government's action.
- However, **conversion of Forest to Revenue land has been exempted from CA** under exceptional circumstances in the past.
- For example, when enclaves were moved out of forests, the SC allowed those to be resettled at the edge of the forests, in the absence of suitable Revenue land, as revenue villages.