Deemed Forests

November 19, 2020

The state government of Karnataka announces to declassify deemed forest in the state

A brief not on the issue

Karnataka Forest Minister announced in the Assembly that the state government would soon declassify 6.64 lakh hectares of the 9.94 lakh hectares of deemed forests in the state (nearly 67%) and hand it over to Revenue authorities

What are deemed forests?

- The concept of deemed forests has not been clearly defined in any law including the Forest Conservation Act of 1980, but the Supreme Court in the case of T N Godavarman Thirumalpad (1996) accepted a wide definition of forests under the Act.
- The Supreme Court said in its December 12, 1996 order that "this description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (1) of the Forest Conservation Act,"
- The court had said that "The term 'forest land' occurring in Section 2 will not only include 'forest' as understood in the dictionary sense, but also any areas recorded as forest in the government record irrespective of the ownership. The provisions enacted in the Forest Conservation Act 1980 for the conservation of forest and the matters connected therewith must apply clearly to all forest so understood irrespective of the ownership or classification thereof,"

An expert committee to identify deemed forests

- An expert committee constituted by the Karnataka government after the Supreme Court order identified 'deemed forests' as "land having the characteristic of forests irrespective of the ownership'"
- The committee in its report included the following as deemed forest.
  - Thickly wooded areas of the Revenue Department not handed over to the Forest Department
  - Thickly wooded areas recommended to be handed over to the Forest Department; thickly wooded land distributed to grantees but not cultivated; and
  - Thickly wooded plantations of the Forest Department
- Therefore, a deemed forest fits "dictionary meaning" of a forest, "irrespective of ownership'