

CCG OPEN LETTER TO MEMBERS OF PARLIAMENT ON
THE FOREST CONSERVATION (AMENDMENT) BILL 2023

12 July 2023

Honourable MPs of the Lok Sabha,

Honourable MPs of the Rajya Sabha,

We are a group of former civil servants of the All India and Central Services who have worked with the Central and State Governments in the course of our careers. As a group, we have no affiliation with any political party but believe in impartiality, neutrality and commitment to the Constitution of India.

We are deeply perturbed by the Forest Conservation (Amendment) Bill, 2023, which was introduced in Parliament in March 2023 and is slated to be passed in the coming monsoon session. Our concerns are both about the content of the Bill as well as the procedure by which the Bill is being examined and passed.

Procedurally, the Bill should have been referred to the Parliamentary Committee on science, technology, environment and forests, instead of being referred to a Select Committee, all the members of which, except one, belong to the ruling party, making the examination partisan and unsatisfactory.

The historical reason for the passing of the Forest Conservation Act (FCA) in 1980, viz. to prevent deforestation, needs to be appreciated, before we discuss the present Bill. In the thirty years prior to 1980, about 4.2 million hectares of forest land were lost, being diverted for non-forestry purposes. In over forty years since the enactment of the FCA, 1980, only about 1.5 million hectares have been diverted. Even though the adverse impacts of climate change were not obvious in 1980, it is a testament to the sagacity of our lawmakers that they considered it critical to regulate the diversion of forest lands through the enactment of the FCA, 1980.

Unfortunately, in the last few years, despite the adverse impacts of climate change becoming increasingly obvious – the floods now sweeping north India are a glaring example - the diversion of forest lands has gathered pace. Between 2018-19 and 2022-23, almost 90,000 hectares of forest land have been diverted for non-forest use. The institutions of the Forest Advisory Committee and the Regional Empowered Committees, which are meant to regulate and minimise this diversion, have been ineffective. Hardly any proposal for diversion of forest

land seems to be rejected! In 2020, alone, of the 367 proposals received for diversion of 14,855 hectares of forest land, only 3 proposals amounting to about 11 hectares were rejected!

This tendency of liberally giving away forest land for non-forest purposes, is now sought to be further strengthened through the FCA Amendment Bill. This Bill allows forest land, other than in protected areas, to be used for several non-forest purposes, viz. (i) defence related purposes within 100 kms. of the border of India; (ii) stretches of land alongside railway lines and highways; (iii) zoos and safaris owned by the government or any authority; (iv) eco-tourism facilities; (v) silvicultural operations (to enhance forest growth); and, most worryingly, (vi) any other purpose specified by the central government. The Bill also specifies that reconnaissance and prospecting surveys, among other surveying activities, may be undertaken, under conditions to be specified by the central government. One wonders what is the purpose of prospecting surveys? Does it mean that if any important minerals are found in dense forests, mining will be allowed? A recent print article mentions that diamond mining is proposed to be undertaken in the dense natural forests of Buxwaha, in Madhya Pradesh, even though this will endanger water availability in the region, and contribute to local as well as global warming. Permission for this mining project has been given even under the existing, stricter, Act. What will happen once the Act is amended, and permissions are granted freely?

The preamble of the Bill mentions that as a result of this Bill, forest and tree cover will be increased to create a carbon sink of an additional 2.5 to 3.0 billion tonnes of CO₂ equivalent, by 2030. It puts its faith, apparently, in compensatory afforestation. Such an expectation is unrealistic given the fact that large tracts of existing natural forests will be diverted for non-forest use. There are ample studies which suggest that natural forests are forty times more efficient as carbon sinks than newly planted forests. Moreover, the results of compensatory afforestation, as of today, have not been rosy. Between 2008 and 2019, an area equal to only 72% of the diverted forest area was brought under compensatory afforestation; moreover, 24% of this was on existing, but degraded, forest land.

It is important to remember that natural forests are important not only as carbon sinks but also because they harbour immensely precious flora and fauna. India is one of only 17 megadiverse countries in the world with more than 5000 endemic species of plants and animals. This myopic Bill threatens all of this biodiversity.

Besides the fact that the Bill seeks to overturn the praiseworthy Supreme Court judgment of 1996 in the Godavarman case (which, inter alia, defined forests as any piece of

land that resembles the dictionary meaning of forest), one of its most damaging provisions is to allow forest lands within 100 kms. of the country's borders to be used for 'strategic linear projects of national importance and concerning national security'. This 100 km. stretch would cover all the north-eastern States and would include Sikkim and Uttarakhand – states which have the highest forest cover in the country and are also biodiversity hotspots.

The preamble of the Bill also mentions that it will “*enhance forest based economic, social and environmental benefits, including improvement of livelihoods of forest dependent communities*”. One of the main Acts which supports forest dependent communities is the Forest Rights Act (FRA) 2006. The current Bill does not contain any provision to protect the rights granted under the FRA; nor does it mention whether the provisions of the Bill are in conflict or conformity with the provisions of the FRA. For example, what happens if the lands, on which one or more forest communities depend, are leased out for eco-tourism or safari parks or used for defence installations? This conflict was observed by Mr Harsh Chauhan, until recently the Chairman of the National Commission on Scheduled Tribes; he resigned, reportedly, because his request that the Bill be deferred was not accepted by the government. It is apparent that far from protecting forest dependent communities, the Bill may actually threaten their livelihoods and their lives.

Article 48A of the Constitution says that “*the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country*”. It is apparent that the FCA Amendment Bill will do just the opposite.

The Amendment Bill is replete with flaws and is totally misleading. We urge you not to pass it in its present form as it will nullify the very Act it seeks to amend, and will prove to be the last nail in the coffin for the existing forest resources of the country.

SATYAMEVA JAYATE

Constitutional Conduct Group (105 signatories, as at pages 4-7 below)

1.	Anita Agnihotri	IAS (Retd.)	Former Secretary, Department of Social Justice Empowerment, GoI
2.	Salahuddin Ahmad	IAS (Retd.)	Former Chief Secretary, Govt. of Rajasthan
3.	Anand Arni	RAS (Retd.)	Former Special Secretary, Cabinet Secretariat, GoI
4.	Mohinderpal Aulakh	IPS (Retd.)	Former Director General of Police (Jails), Govt. of Punjab
5.	J.L. Bajaj	IAS (Retd.)	Former Chairman, Administrative Reforms and Decentralisation Commission, Govt. of Uttar Pradesh
6.	Vappala Balachandran	IPS (Retd.)	Former Special Secretary, Cabinet Secretariat, GoI
7.	Gopalan Balagopal	IAS (Retd.)	Former Special Secretary, Govt. of West Bengal
8.	Chandrashekar Balakrishnan	IAS (Retd.)	Former Secretary, Coal, GoI
9.	Sushant Baliga	Engineering Services (Retd.)	Former Additional Director General, Central PWD, GoI
10.	Rana Banerji	RAS (Retd.)	Former Special Secretary, Cabinet Secretariat, GoI
11.	Sharad Behar	IAS (Retd.)	Former Chief Secretary, Govt. of Madhya Pradesh
12.	Aurobindo Behera	IAS (Retd.)	Former Member, Board of Revenue, Govt. of Odisha
13.	Madhu Bhaduri	IFS (Retd.)	Former Ambassador to Portugal
14.	K.V. Bhagirath	IFS (Retd.)	Former Secretary General, Indian Ocean Rim Association, Mauritius
15.	Pradip Bhattacharya	IAS (Retd.)	Former Additional Chief Secretary, Development & Planning and Administrative Training Institute, Govt. of West Bengal
16.	Ravi Budhiraja	IAS (Retd.)	Former Chairman, Jawaharlal Nehru Port Trust, GoI
17.	Sundar Burra	IAS (Retd.)	Former Secretary, Govt. of Maharashtra
18.	R. Chandramohan	IAS (Retd.)	Former Principal Secretary, Transport and Urban Development, Govt. of NCT of Delhi
19.	Rachel Chatterjee	IAS (Retd.)	Former Special Chief Secretary, Agriculture, Govt. of Andhra Pradesh
20.	Kalyani Chaudhuri	IAS (Retd.)	Former Additional Chief Secretary, Govt. of West Bengal
21.	Gurjit Singh Cheema	IAS (Retd.)	Former Financial Commissioner (Revenue), Govt. of Punjab
22.	F.T.R. Colaso	IPS (Retd.)	Former Director General of Police, Govt. of Karnataka & former Director General of Police, Govt. of Jammu & Kashmir
23.	Anna Dani	IAS (Retd.)	Former Additional Chief Secretary, Govt. of Maharashtra
24.	Surjit K. Das	IAS (Retd.)	Former Chief Secretary, Govt. of Uttarakhand

25.	Vibha Puri Das	IAS (Retd.)	Former Secretary, Ministry of Tribal Affairs, GoI
26.	P.R. Dasgupta	IAS (Retd.)	Former Chairman, Food Corporation of India, GoI
27.	Pradeep K. Deb	IAS (Retd.)	Former Secretary, Deptt. Of Sports, GoI
28.	Nitin Desai		Former Chief Economic Adviser, Ministry of Finance, GoI
29.	M.G. Devasahayam	IAS (Retd.)	Former Secretary, Govt. of Haryana
30.	Sushil Dubey	IFS (Retd.)	Former Ambassador to Sweden
31.	A.S. Dulat	IPS (Retd.)	Former OSD on Kashmir, Prime Minister's Office, GoI
32.	K.P. Fabian	IFS (Retd.)	Former Ambassador to Italy
33.	Suresh K. Goel	IFS (Retd.)	Former Director General, Indian Council of Cultural Relations, GoI
34.	H.S. Gujral	IFoS (Retd.)	Former Principal Chief Conservator of Forests, Govt. of Punjab
35.	Meena Gupta	IAS (Retd.)	Former Secretary, Ministry of Environment & Forests, GoI
36.	Ravi Vira Gupta	IAS (Retd.)	Former Deputy Governor, Reserve Bank of India
37.	Wajahat Habibullah	IAS (Retd.)	Former Secretary, GoI and former Chief Information Commissioner
38.	Deepa Hari	IRS (Resigned)	
39.	Siraj Hussain	IAS (Retd.)	Former Secretary, Department of Agriculture, GoI
40.	Kamal Jaswal	IAS (Retd.)	Former Secretary, Department of Information Technology, GoI
41.	Sanjay Kaul	IAS (Retd.)	Former Principal Secretary, Govt. of Karnataka
42.	Ajai Kumar	IFoS (Retd.)	Former Director, Ministry of Agriculture, GoI
43.	Brijesh Kumar	IAS (Retd.)	Former Secretary, Department of Information Technology, GoI
44.	Ish Kumar	IPS (Retd.)	Former DGP (Vigilance & Enforcement), Govt. of Telangana and former Special Rapporteur, National Human Rights Commission
45.	Subodh Lal	IPoS (Resigned)	Former Deputy Director General, Ministry of Communications, GoI
46.	Harsh Mander	IAS (Retd.)	Govt. of Madhya Pradesh
47.	C.K. Mathew	IAS (Retd.)	Former Chief Secretary, Govt. of Rajasthan
48.	Amitabh Mathur	IPS (Retd.)	Former Special Secretary, Cabinet Secretariat, GoI
49.	Aditi Mehta	IAS (Retd.)	Former Additional Chief Secretary, Govt. of Rajasthan
50.	Shivshankar Menon	IFS (Retd.)	Former Foreign Secretary and Former National Security Adviser
51.	Malay Mishra	IFS (Retd.)	Former Ambassador to Hungary
52.	Sunil Mitra	IAS (Retd.)	Former Secretary, Ministry of Finance, GoI
53.	Noor Mohammad	IAS (Retd.)	Former Secretary, National Disaster Management Authority, Govt. of India

54.	Avinash Mohananey	IPS (Retd.)	Former Director General of Police, Govt. of Sikkim
55.	Satya Narayan Mohanty	IAS (Retd.)	Former Secretary General, National Human Rights Commission
56.	Jugal Mohapatra	IAS (Retd.)	Former Secretary, Department of Rural Development, GoI
57.	Deb Mukharji	IFS (Retd.)	Former High Commissioner to Bangladesh and former Ambassador to Nepal
58.	Shiv Shankar Mukherjee	IFS (Retd.)	Former High Commissioner to the United Kingdom
59.	Gautam Mukhopadhaya	IFS (Retd.)	Former Ambassador to Myanmar
60.	Nagalsamy	IA&AS (Retd.)	Former Principal Accountant General, Tamil Nadu & Kerala
61.	T.K.A. Nair	IAS (Retd.)	Former Adviser to Prime Minister of India
62.	Sobha Nambisan	IAS (Retd.)	Former Principal Secretary (Planning), Govt. of Karnataka
63.	Surendra Nath	IAS (Retd.)	Former Member, Finance Commission, Govt. of Madhya Pradesh
64.	P. Joy Oommen	IAS (Retd.)	Former Chief Secretary, Govt. of Chhattisgarh
65.	S.K. Pachauri	IAS (Retd.)	Former Director General, National Productivity Council, GoI
66.	Amitabha Pande	IAS (Retd.)	Former Secretary, Inter-State Council, GoI
67.	Maxwell Pereira	IPS (Retd.)	Former Joint Commissioner of Police, Delhi
68.	Alok Perti	IAS (Retd.)	Former Secretary, Ministry of Coal, GoI
69.	G.K. Pillai	IAS (Retd.)	Former Home Secretary, GoI
70.	R. Poornalingam	IAS (Retd.)	Former Secretary, Ministry of Textiles, GoI
71.	Rajesh Prasad	IFS (Retd.)	Former Ambassador to the Netherlands
72.	R.M. Premkumar	IAS (Retd.)	Former Chief Secretary, Govt. of Maharashtra
73.	Rajdeep Puri	IRS (Resigned)	Former Joint Commissioner of Income Tax, GoI
74.	T.R. Raghunandan	IAS (Retd.)	Former Joint Secretary, Ministry of Panchayati Raj, GoI
75.	N.K. Raghupathy	IAS (Retd.)	Former Chairman, Staff Selection Commission, GoI
76.	V.P. Raja	IAS (Retd.)	Former Chairman, Maharashtra Electricity Regulatory Commission
77.	K. Sujatha Rao	IAS (Retd.)	Former Health Secretary, GoI
78.	M.Y. Rao	IAS (Retd.)	
79.	Satwant Reddy	IAS (Retd.)	Former Secretary, Chemicals and Petrochemicals, GoI
80.	Vijaya Latha Reddy	IFS (Retd.)	Former Deputy National Security Adviser, GoI
81.	Julio Ribeiro	IPS (Retd.)	Former Adviser to Governor of Punjab & former Ambassador to Romania
82.	Aruna Roy	IAS (Resigned)	

83.	Manabendra N. Roy	IAS (Retd.)	Former Additional Chief Secretary, Govt. of West Bengal
84.	A.K. Samanta	IPS (Retd.)	Former Director General of Police (Intelligence), Govt. of West Bengal
85.	Deepak Sanan	IAS (Retd.)	Former Principal Adviser (AR) to Chief Minister, Govt. of Himachal Pradesh
86.	G.V. Venugopala Sarma	IAS (Retd.)	Former Member, Board of Revenue, Govt. of Odisha
87.	N.C. Saxena	IAS (Retd.)	Former Secretary, Planning Commission, GoI
88.	A. Selvaraj	IRS (Retd.)	Former Chief Commissioner, Income Tax, Chennai, GoI
89.	Abhijit Sengupta	IAS (Retd.)	Former Secretary, Ministry of Culture, GoI
90.	Aftab Seth	IFS (Retd.)	Former Ambassador to Japan
91.	Ashok Kumar Sharma	IFoS (Retd.)	Former MD, State Forest Development Corporation, Govt. of Gujarat
92.	Ashok Kumar Sharma	IFS (Retd.)	Former Ambassador to Finland and Estonia
93.	Navrekha Sharma	IFS (Retd.)	Former Ambassador to Indonesia
94.	Raju Sharma	IAS (Retd.)	Former Member, Board of Revenue, Govt. of Uttar Pradesh
95.	Avay Shukla	IAS (Retd.)	Former Additional Chief Secretary (Forests & Technical Education), Govt. of Himachal Pradesh
96.	Sujatha Singh	IFS (Retd.)	Former Foreign Secretary, GoI
97.	Tara Ajai Singh	IAS (Retd.)	Former Additional Chief Secretary, Govt. of Karnataka
98.	Tirlochan Singh	IAS (Retd.)	Former Secretary, National Commission for Minorities, GoI
99.	Parveen Talha	IRS (Retd.)	Former Member, Union Public Service Commission
100.	Anup Thakur	IAS (Retd.)	Former Member, National Consumer Disputes Redressal Commission
101.	P.S.S. Thomas	IAS (Retd.)	Former Secretary General, National Human Rights Commission
102.	Geetha Thoopal	IRAS (Retd.)	Former General Manager, Metro Railway, Kolkata
103.	Ashok Vajpeyi	IAS (Retd.)	Former Chairman, Lalit Kala Akademi
104.	Ramani Venkatesan	IAS (Retd.)	Former Director General, YASHADA, Govt. of Maharashtra
105.	Rudi Warjri	IFS (Retd.)	Former Ambassador to Colombia, Ecuador and Costa Rica