

Rationalising Penal Provisions under Van Adhiniyam 1980

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- The Union Environment Ministry's **Forest Advisory Committee (FAC)**—the body responsible for evaluating proposals for diversion of forest land—has given certain recommendations.
- The FAC has recommended **uniformity and rationalisation in the penal provisions** applied under the Van (Sanrakshan Evam Samvardhan) **Adhiniyam, 1980** (formerly Forest Conservation Act, 1980).
- This step aims to **ensure consistency, fairness, and proportionality** in penal actions related to forest land violations.

Understanding the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980

- The Act mandates **prior approval** of the Central Government before using forest land for non-forest purposes, including –

- De-reservation of forests
- Non-forest use or leasing of forest land
- Clear felling of trees
- **Violation occurs** when these activities are undertaken without prior approval.

Penal Compensatory Afforestation (CA) - Concept and Evolution

- **Definition:**
 - **Penal CA involves restoration or afforestation** activities ordered in addition to the legally mandated CA for non-forestry uses such as infrastructure or industrial projects.
 - It acts as **a punitive restoration measure** to offset ecological loss due to unauthorized forest land use.
- **Earlier practice:**
 - Penal CA was earlier imposed **equivalent to twice the violated forest area**, especially when no other monetary penalties existed.
 - However, after the introduction of monetary penalties and penal Net Present Value (NPV) guidelines, the practice became inconsistent and **case-specific**.

Introduction of Penal Net Present Value (NPV)

- **Concept:**
 - **NPV quantifies the economic worth** of environmental services provided by forest ecosystems.
 - Under the **Van Adhiniyam Rules 2023**, penal NPV (up to five times the standard NPV) can be levied for violations.
 - This system emerged from **Supreme Court directions** (2017) that aimed to strengthen environmental accountability.
- **Need for rationalisation:**
 - **The FAC noted** overlapping provisions of penal CA and penal NPV, leading to inconsistent enforcement.
 - It therefore recommended **rationalising** both measures to ensure uniformity and proportionality across cases.

FAC Recommendations

- **Uniform penal structure:**
 - Charge penal compensatory afforestation equivalent to the violated forest land area (**1:1 ratio**).
 - **Ensure alignment** between penal CA and penal NPV mechanisms.
- **Detailed violation reporting:** States must submit detailed reports to the regional offices or ministry headquarters, including the nature of violation, officials responsible for approval or negligence, and action taken under the Act.
- **Committee formation:** A dedicated committee of regional officers and FAC members was constituted to –
 - **Examine past violations**
 - **Recommend uniform penalty structures**

- **Submit a consolidated report**
- **Integration with 2023 Amendments:** The recommendations are in sync with the **Forest (Conservation) Amendment Act, 2023**, which introduced streamlined and consolidated guidelines for forest diversion and penal actions.

Way Forward

- **Codify uniform penalty guidelines** to eliminate ambiguity and ensure proportional punishment.
- **Integrate digital monitoring** and reporting systems to track forest land violations in real time.
- **Enhance inter-agency coordination** between the FAC, regional offices, and state forest departments.
- **Capacity building** of enforcement officials to ensure accurate assessment of violations and penalty computation.

Conclusion

- The FAC's recommendations signify **a shift towards transparent, consistent, and scientifically grounded enforcement** under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- By rationalising penal compensatory afforestation and NPV provisions, India seeks to **balance developmental needs with ecological integrity**, ensuring that forest conservation remains central to environmental governance.

Source: IE

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