To Date: 28.06.2025

The Prime Minister

Prime Minister's Office, New Delhi

Subject: Consistent Subversion of the Forest Rights Act of 2006 by the Ministry of Environment Forest and Climate Change through its executive interventions: Call for priority intervention to safeguard the constitutional and statutory rights of millions of forest dwellers and Adivasis.

Sir,

We draw your attention to a matter demanding priority intervention. Mr Bhupender Yadav, Union Minister for Environment, Forest and Climate Change Ministry (MoEFCC), in a statement published in Hindustan times (Access here) on June 5, 2025 cited titles given under forest rights act as a reason for forest degradation. This statement is totally false and misleading; it is legally untenable and is an attempt to subvert the legitimacy of Forest Rights Act (FRA), 2006 enacted by the Parliament. This statement is part of a consistent series of subversions by the MoEFCC. As a result, FRA implementation has been dragging on stiffly resisted and disrupted by the forest bureaucracy as well as the environment ministry, for the last 16 years. Amongst the numerous critical anti-FRA interventions, five critical interventions of the MoEFCC that attempts to subvert FRA illegally are highlighted below:

1. Statement of the Union Environment Minister Bhupendra Yadav dated June 5.2025

The Union Environment Minister Bhupendra Yadav answering a question on loss of forest and its degradation in a recent media interview reportedly stated, "Although there is a net increase in dense forests in the country, there are areas where the dense prime forests have been affected with degradation. This may be due to encroachment, illicit felling and in northeast region, due to shifting cultivation. And to a lesser degree, due to unregulated grazing, natural causes like storms and landslides, and also titles given under Forest Rights Act (FRA) 2006. This may be addressed by taking up stringent protection measures added with effective community involvement, and also by regulating shifting cultivation in case of northeastern region." (Access here)

The Minster's response attributing the loss of forest to FRA titles given to Adivasi and forest dwellers has no legal basis and evidence, and is highly irresponsible and misleading. The statement is contrary to the fact that the MoEFCC in 2009 itself, in its own country report to the FAO stated that FRA 'assigned rights to protect around 40 million hectares of community forest resources to village level democratic institutions. The fine tuning of other forest-related legislations is needed with respect to the said Act.' While blaming FRA, the Adivasi and other forest rights holders, the Minister conveniently overlooks the fact that the MoEFCC itself allowed the illegal diversion of more than 3 lakh hectares of forest since 2008 for non-forest activities denuding forests, without complying with FRA. (Access here).

This speaks of the contradiction in the minister's statement and the MoEFCC's approach.

2. MOEFCC continues to submit legally untenable data on encroachment in Parliamentary forums and the NGT

On March 28, 2025, the environment ministry submitted on <u>affidavit</u> to National Green Tribunal (NGT) that 1.3 million hectares (13,05,688.387 ha or 13,056 sq km) of forest land is 'under encroachment' as of March 2024. This affidavit was filed in compliance to the NGT order of April 19, 2024, in OA No.129/2024, and covers data from 20 states and 5 Union Territories (UTs); data from remaining states and UTs was awaited. Of this, at least 50,977.99 ha of "encroachments" have been allegedly removed. The aforementioned case registered *suo motu* by NGT in reference to a Deccan Herald news item of 05.01.2024, titled <u>Forest land five times Delhi's geographical area under encroachment govt data shows</u> referred to 0.75 million hectares (7,50,633 ha) forest area under 'encroachment'.

The MoEFCC has been repeatedly reporting such false data on 'encroachment' in both the houses of the Parliament too. In May 2002, the figure stood at 1.4 million hectares (14,95,746.732 ha). A decade later in 2021, the figure was 1.3 million (13,29,450.2 ha).

The Ministry makes no reference to the Forest rights Act or its statutory body the Gram Sabhas. On 03.02.2025, responding to a question on the forest encroachment, the Minister of State of MoEFCC said that, "The Protection and management of forests is primarily the responsibility of the concerned State Government/UT Administration and this Ministry issues advisories to State Governments/UT Administrations to remove encroachments on forest lands as per the provisions of the law." Again, on 1.08.2022, the Environment Minister responding to the Lok Sabha Question No. 218 on forest encroachment stated that "the Ministry has written to State Governments/UT Administrations to remove encroachment as per the existing Acts/Rules and to ensure that no further encroachment takes place. In order to prevent and control encroachments, the States and UTs also take various measures such as demarcation and digitization of forest boundaries, strengthening infrastructure for forest protection, involving fringe area forest communities through Joint Forest Management Committees, Eco Development Committees etc." Besides placing legally untenable statistics on encroachments, the Ministry also ordered for the removal of these 'alleged encroachments' without any reference to the drastic changes in applicable laws.

As per extant law, the rights of forest dwellers that are recognised and vested by FRA are to be determined, demarcated, recognized and recorded, and only after this can the area and extent of area under actual encroachment can even be determined. Only thereafter can the process of eviction be initiated under the State laws. FRA prohibits eviction under Sec.4(5) without the satisfactory completion of FRA process. Further, the Supreme Court order of 28 Feb 2019, in Wildlife First and Ors. vs. Union of India and Ors_, WP(C) 109/2008, etc. has kept **on hold** the eviction and requires a review of all rejected claims. Thus, any eviction of "encroachers" after 28 February 2019 is a violation of the Supreme Court order and amounts to contempt of court. This reveals the duplicity of the ruling government, who in 2019 informs the Supreme Court that the process of recognizing and determining rights in forests is incomplete and plagued by illegalities, and then later states to NGT legally untenable figures for "encroachment" and undertakes eviction of forest dwellers.

The MOEFCC should have apprised the Parliamentary forums and courts on all these legalities. Instead of doing so, it is deliberately misleading the NGT, the Court and deceiving the forest dwellers and Adivasis of the country.

3. NTCA order dated June 19, 2024 directing eviction of 64,801 families from tiger reserves of India.

National Tiger Conservation Authority, a wing of the Environment Ministry, chaired by the Union Environment Minister, on June 19, 2024, (*Annexure 2*) ordered the expeditious relocation of 64,801 families from tiger reserves, in complete violation of the Forest Rights Act 2006 and Wildlife Protection Act 1972 and other existing legal frameworks. Several submissions have been made to the NTCA asking for the withdrawal of this legally untenable order. The Ministry of Tribal Affairs and the National Commission of Scheduled Tribes have both apprised the NTCA about the concerns pertaining to non-recognition of forest rights in the tiger reserves, forced evictions, non-compliance of the statutory framework - yet the NTCA has not withdrawn its June 19 2024 order till date. This has aggravated the risk of displacement, forced evictions, curtailment of rights, criminalization of forest dwellers and forced them into a state of economic and social insecurity in different parts of the country. The details of the same can be referred in the rejoinder submitted to NTCA. (*Access here*)

4. India State of Forest Report 2023 blames FRA for forest loss with no evidence.

The India State of Forest Report (ISFR) published by the Forest Survey of India (FSI), a scientific institute under the MOEFCC is a biennial assessment of the state and status of India's forests. The ISFR 2023 has already been called out by civil servants, conservationists and scientists for its flawed scientific methodology, inconsistent data, fluctuation in statistical reporting, promotion of ecologically damaging schemes such as the Green Credits Programme, and interventions such as replacing of natural ecosystems with plantations. (*Access here*) The ISFR 2023 report while citing the reasons for negative changes in forest and tree cover attributes 'titles given to beneficiaries under the Forest Rights Act 2006' as one of the reasons (*Annexure 3*).

FSI, a scientific institution, cannot make such claims without substantiating their allegations with evidence or data. The statements in the FSI report are even more concerning since in 2019 it has been impleaded as a party respondent in the *Wildlife First vs. Union of India* case (supra) before the Supreme Court, raising apprehensions that it will raise these unscientific and absurd submissions before the court using inapplicable scientific tools as satellite imagery. The MoEFCC, its Ministers and affiliated institutions, are promoting false, malicious, legally untenable and politically sabotaging claims against FRA.

5. Amendments in Forest Conservation Act, 1980 and subverting the legitimacy of institutional authorities opposing forest diversion.

The environment ministry in 2023 amended the Forest Conservation Act of 1980 (now Van Sanrakshan Evam Samvardhan Adhiniyam, 1980) despite vehement opposition and concerns raised by constitutional bodies such as National Commission for Scheduled Tribes and from conservationists and scientists, forest rights groups and forest dwellers' communities. This amendment aims to facilitate 'ease of doing business' that adversely impacts the forest and ecological security of the country. Among other things, the amendments:

- A. Nullify the definition and extent of forest that the Supreme Court established in 1996.
- B. Provide exemptions to different categories of projects even within this restricted definition of forest.
- C. Does away with Central government's role, through the Forest Advisory Committee and MoEFCC, to ensure FRA compliance as a pre-requisite for forest diversion, regarding both prior forest rights recognition and prior Gram Sabha consent. Instead, this responsibility has been shifted to the State governments after Stage-II clearance.

D. The Van Sanrakshan Evam Samvardhan Rules, 2023 and a series of Guidelines issued by the MoEFCC in purported furtherance of these amendments have further diluted the integral role of the FRA and of forest dwelling communities in the conservation and preservation of forests in India.

All these and more make it evidently clear that the environment ministry is least concerned with forest conservation but more inclined towards facilitating faster and easier forest diversion with scant regard for the Forest Conservation Act, the Wildlife Protection Act, in addition to the Forest Rights Act, all of which require the recognition of forest rights under FRA. FRA was enacted to undo the historical injustice committed upon the forest dwelling communities due to non-recognition of their tenure over their ancestral lands and their habitat in the consolidation of State forests during the colonial period as well as in independent India.

The environment ministry is duty bound to uphold the laws enacted by the Parliament, but its continued hostility towards the laws and forest dwellers in their untrammelled quest to serve commercial private interests is widely perceived as open encouragement and support to the explosion in forest degradation by the Government of India itself. The Environment Ministry's aforementioned actions on behalf of the Government of India are in blatant disregard for all laws (IFA, FCA, WLPA, CAMPA, LARR and FRA) relegating MoTA to not exercising its institutional powers and role with regard to forest rights. This portends increased unrest that threatens forests and all its forest dwellers if not urgently contained.

We need your office to take a firm action in this matter and demand to direct:

- **1.** Immediate halting of the MoEFCC's attempts to subvert the Forest Rights Act.
- **2.** Union Environment Minster must issue a public clarification of his media statement, and immediately withdraw his legally untenable claim that Forest Rights Act results in forest degradation.
- **3.** MoEFCC to stop spewing false, malicious, legally untenable claims against Forest Rights Act; to issue clarification on the same and to stop undue interference and overreach in the functions of MoTA and Forest Rights Act.
- **4.** MoEFCC to immediately appraise the Supreme Court of India and NGT about the legalities pertaining to forests, forest "encroachment" and Forest Rights Act, unambiguously clarifying that encroachment and any subsequent action on it cannot be taken up till the process of implementation of FRA is completed. Necessary orders to the state Forest Departments be issued to suspend evictions until after the Gram Sabhas declare the completion of FRA implementation and after obtaining their consent.
- **5.** MoEFCC and FSI to stop misleading government institutions, Parliament, the Judiciary by filing affidavits with legally untenable data and figures on encroachment. No such data can be deduced till FRA has been implemented completely and lawfully.
- **6.** Immediate withdrawal of the NTCA letter dated June 19, 2024 without any further delay and order complete halt on relocations from tiger reserves till NTCA has provided data on rights recognized under FRA in tiger reserves and to provide all records of due compliance with all the statutory provisions under Section 38 V of Wildlife Protection Act, 1972.

Signatories

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- 5 Adivasi Sangarsh Morcha, CPI (L)
- 6 Gondwana Ganatantra Party, (Tuleswar Markaam- National President)
- 7 National Adivasi Alliance India
- 8 Bharat Jan Andolan, India
- 9 People's Union for Civil Liberties, India
- 10 National Alliance for Climate and Ecological Justice (NACEJ NAPM), India
- 11 Mahila Kisaan Adhikaar Manch (MAKAAM), India
- 12 National Alliance of People's Movements (NAPM), India
- 13 All India Secular Forum, India
- 14 Campaign to Defend Nature and People (CDNP) India
- 15 Community Network Against Protected Areas (CNAPA), India
- 16 India Greens Party, India
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- 43 Forest Rights Coalition Jammu & Kashmir
- 44 Global Naga Forum
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- 60 Joint Land Struggle Action Committee, Assam
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- 62 Kisaan Sangarsh Samiti, Madhya Pradesh
- 63 Lok Shakti Abhiyan, Bhubaneswar, Orissa
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- 146 Tanushree Gangopadhyay, Journalist, Gujarat
- 147 Tara Murali
- 148 Terence Fernandes
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- 2. Shri Jual Oram, Union Minister of the Ministry of Tribal Affairs (MOTA),
- 3. Principal Secretary, Joint Secretary and Director- FRA Division of the Ministry of Tribal Affairs (MoTA)
- 4. Shri Antar Singh Arya, Chairman- National Commission for Scheduled Tribes (NCST)
- 5. Shri Bhupendra Yadav, Union Minister of the Ministry of Environment, Forest and Climate Change (MoEFCC)
- 6. Dr. Virendra Kumar, Union Minister of Social Justice and Empowerment



राष्ट्रीय व्याघ संरक्षण प्राधिकरण NATIONAL TIGER CONSERVATION AUTHORITY

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के अन्तंगत साविधिक निकाय) (Statutory Body under Ministry of Environment, Forest and Climate Change, Govt. of India)

डॉ. जी. एस. भारद्वाज Dr. G. S. Bhardwaj

sello en ধানিবিক্ত (আন্ন বহিথালণা) সহনৰ সাধিব (গ্লেমার্কারা) Addl. DGF (Project Tiger) & Member Secretary (NTCA) 8-1 Wing, 7" Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi - 110003 Tel: 011-2436-7835

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D.O. No. 15-3/2008-NTCA
Respected Malkade Sir

New Delhi, June 19, 2024

With reference to the above subject, it is to mention that, Wildlife (Protection) Act, 1972 and further amendment in 2006, section 38V (4)(i) stipulates that "the core or critical tiger habitat and the process of its notification have been explained as 'core or critical tiger habitat areas of National Park and Sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation,

- Under the WPA, 1972, as amended in 2006, requirements have been laid down for voluntary relocation of people on 'mutually agreed terms and conditions', for the purpose of creating inviolate areas for tiger conservation.
- Further, Protocol/Guidelines have been issued vide F. No. 15-4/2010-NTCA (Part-III) and enhancement in the village relocation package issued vide F. No. 15-3/2018-NTCA (Voi-III) Part dated 8th April,2021. The status of Village relocation of all Tiger Reserves has been compiled and enclosed at Annexure I. If there is any correction / update please communicate.
- 4. It has been observed that, around 591 no. of Villages comprising 64801 families are still residing in the core area. The progress of village relocation is very slow and it poses grave concern in light of Tiger conservation.
- It will be highly appreciated, if the issue of village relocation may be taken up on priority basis and also time line may be framed for smooth relocation of the villages from the Core/Critical Tiger Habitat Areas of the Tiger Reserves under your jurisdiction.
- I would also request you to kindly intimate this authority about your action plan and thereafter the progress may be reviewed regularly.

With regards,

Encl: As above.

Yours sincerely,

(Dr. G. S. Bhardwaj)

Shri Subhash K. Malkede, Chief Wildlife Warden, Govt. of Karnataka.

Change in Forest and Tree Cover 2.11

The Forest Cover changes observed during the two-year interval reflect actual changes on the ground. These changes encompass conversions between forest and non-forest areas and shifts among different canopy density classes. Here are the probable factors contributing to positive and negative changes in Forest Cover:

Positive Changes can be due to the following reasons:

- Natural growth of vegetation, often due to conservation efforts
- Establishment of new vegetation through afforestation initiatives
- Improved protection measures in plantation and traditional forest areas
- Increase in trees growing outside designated forest areas
- Regeneration of areas under shifting cultivation

Positive changes not discernible during previous cycle might also show up in the subsequent cycle due to growth in the intervening period.

Negative Changes can be due to the following reasons:

- Harvesting of short rotation plantations or other forms of logging
- Shifting cultivation practices
- Human activities, such as encroachment, etc.
- Natural Calamities like storms, floods, and landslides
- Titles given to beneficiaries under the Forest Rights Act (2006)

In summary, Forest Cover changes encompass various factors, including both natural processes and human activities. Collateral data and ground truthing efforts play a crucial role in refining and validating these changes.