

3. Van Adhiniyam 1980 – Environment

Centre's panel recommends uniform penalty for violations of Van Adhiniyam, 1980. The Forest Advisory Committee (FAC) has recommended standardising penalties under the Van Adhiniyam, 1980, for illegal forest land diversion. This new rule would uniformly apply penal compensatory afforestation (on an area equal to the violated land) in addition to the penal Net Present Value (NPV), ending the inconsistent enforcement by different states.

FAC Recommends Standardising Penalties for Forest Violations

The Forest Advisory Committee (FAC), operating under the Union Environment Ministry, has put forward recommendations to standardise the penal provisions (penalties) associated with the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Specific Focus – The recommendation particularly concerns violations that involve the diversion of forest land for non-forest purposes without obtaining prior approval from the central government.

Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980

Original Name – This legislation was originally enacted as the Forest Conservation Act, 1980.

Renaming – It was recently renamed the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, as part of legislative updates.

Core Purpose – The Act governs and restricts the diversion of forest land for non-forest purposes.

Examples of Non-Forest Use – This includes activities such as building infrastructure, mining operations, or converting land for agriculture.

Key Mandate – The law makes it mandatory to get central government approval before any such diversion can take place.

Primary Goal – The Act's objective is to prevent deforestation and protect the nation's ecological balance.

Latest Recommendations of the Forest Advisory Committee (FAC)

The FAC has proposed a more uniform and rationalised system for penalising violations.

Standardised Penal Compensatory Afforestation (CA) – The committee proposed that penal compensatory afforestation (CA) be uniformly levied in all cases of violation.

Scale of Penalty – This penal afforestation must be carried out on an area equal to the forest land that was violated.

Cumulative Penalty – This is in addition to any existing penalties that are already mandated under the 2023 Rules.

Rationalisation with Penal NPV – The FAC noted that penal CA (which is restoration *beyond* the mandatory afforestation for a legal project) was previously applied inconsistently. The committee now urges that this new, uniform penal CA be "rationalised"—meaning it should be applied consistently alongside the penal Net Present Value (NPV).

Understanding Net Present Value (NPV)

Definition – The NPV is a financial measure or a monetary value.

What it Represents – It quantifies the value of the ecological and environmental services (like clean air, water, carbon storage) that are permanently lost when a piece of forest land is diverted.

Understanding Penal NPV

Origin – This concept was introduced following Supreme Court directions in 2017 and was formally included in the 2023 guidelines.

Function – It acts as an additional monetary disincentive for breaking the law.

Purpose – It ensures that violators must compensate for the environmental loss above and beyond the mandatory (regular) NPV that is charged even for *lawful* diversions.

Penal Compensatory Afforestation – This term refers to restoration efforts (i.e., planting trees). It is ordered specifically as a penalty for illegal land use. It is in addition to the legally mandated compensatory afforestation that is required for all approved non-forestry projects (like industries or infrastructure).

Why Was This Standardization Needed?

The previous system of penalties was inconsistent and ineffective.

Inconsistent Penalties – Different states and various government agencies were imposing varying penalties for similar violations.

Confusion and Unfairness – This lack of uniformity led to widespread confusion and a perceived unfairness in the enforcement of the law.

Weakened Deterrence – The absence of a uniform framework made enforcement uneven and significantly diluted the deterrent effect of the law.

Goal of the Change – To ensure that all violators contribute meaningfully to restoration through a clear, predictable, and fair system of both afforestation (Penal CA) and financial penalties (Penal NPV).

Implications of the New Recommendations

These changes are expected to have several positive outcomes.

Global Credibility – A uniform and strict penal system enhances India's credibility in global climate and biodiversity forums.

Legal Safeguards – It supports community-based forest management by reinforcing the legal protections for forest lands.

Corporate Accountability – It encourages corporate accountability, pushing companies to improve their land-use planning and environmental impact mitigation strategies to avoid these steep, standardized penalties.

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