

Central Empowered Committee (CEC) of India: Composition, Functioning, Controversies, and Recent Changes

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The government's controversial overhaul of the Central Empowered Committee (CEC) raises concerns about its autonomy.



[Ref: TOI]

What is the Central Empowered Committee (CEC)?

- The CEC was established on **May 9, 2002**, by the **Supreme Court of India (SC)** to advise the apex court on **technical issues related to the protection of forests and biodiversity**.
- It was set up to critically examine decisions made by the **Ministry of Environment & Forest (MoEF)** and its agencies and report independently to the **SC**.
- The CEC's creation aimed to address environmental concerns and ensure proper protection of **forests and biodiversity**.

How did changes in CEC composition and reporting affect its function?

- In **September 2023**, the **MoEFCC** issued a revised notification that reconstituted the CEC.
- The key changes included the composition of the committee, which shifted to consist solely of **bureaucrats, both retired and serving**, and a change in its reporting structure from the **Supreme Court** to the **MoEFCC**.
- The CEC will comprise a **chairperson, a member secretary and three expert members**, all selected by the Union government
- This change raised concerns as it essentially made the CEC answerable to the **MoEFCC**, which was seen as a **conflict of interest** since the **MoEFCC** was often at the centre of the issues the CEC was meant to address, undermining the CEC's **original purpose**.

What were some significant issues and cases that the CEC had dealt with?

The CEC had dealt with several significant environmental issues and cases. Some of these included:

- The **Kudremukh iron ore mines issue**.
- Rampant and **illegal iron ore mining at Bellary**.
- Protection of the **Aravalli hills**.

- The issue of **compensatory afforestation**.
- Determining the value of **ecological services** provided to forests, leading to the creation of **CAMPA funds**.
- Illegal sawmills in **Tansa WLS**, resulting in the imprisonment of a serving Minister and a high-ranking bureaucrat in the **Maharashtra government**.
- **Valmik Thapar**, the only wildlife expert on the originally constituted CEC, was summarily removed.
- The CEC made recommendations that led to the **reduction of Eco-Sensitive Zones (ESZs)** in some cases down to zero, and in many cases, the 10 km distance was reduced to 100 meters, mainly **benefiting builders and developers**.

What were some criticisms and controversies surrounding the functioning of the CEC?

- Apprehensions about how the CEC operated within the **conservation circuit**.
- The **pick-and-choose approach** of the CEC in selecting which cases to take up.
- Controversies related to the management of **Compensatory Afforestation Fund Management and Planning Authority (CAMPA) funds**.
- The implementation of the **10-km buffer zone** around **Protected Areas (PAs)** and the reduction of **Eco-Sensitive Zones (ESZs)** in some cases, often benefiting builders and developers.
- The CEC's approach in the **Private Forests Case**, questioning the applicability of the **Maharashtra Private Forests Acquisition Act**.
- Picking up issues that did not fall within its domain, **bypassing statutory processes**, and endorsing projects without proper approvals.
- Approach in the **Private Forests Case**, allowing builders to use land that was notified as Reserve Forests for construction activities.

How did recent changes impact autonomy, function, and raised concerns?

- The recent changes shifted its composition to solely consist of **serving government officials** and made its report to the **MoEFCC** instead of the **SC**, raising concerns about its **autonomy** and **function**.
- The CEC might lose its **independence** and become influenced by the government, leading to decisions that might not be in the best interest of the **environment and nature**.
- The removal of **non-governmental organizations** and **independent experts** from the CEC's composition added to these concerns.
- Additionally, it remained uncertain whether the notification could be challenged in a **High Court** or before a **five-judge Bench** since it had been approved by a **three-judge Bench**.
- Amendments to the **Forest Conservation Act** were mentioned, which were said to undermine the SC's landmark judgment in the **T.N. Godavarman case**, reducing the role and influence of the SC.

Key Terminologies:

- **CAMPA**: Compensatory Afforestation Fund Management and Planning Authority is a body created on the **Supreme Court's orders in 2002** which is chaired by the environment minister. It is meant to promote **afforestation** and **regeneration activities** as a way of compensating for forest land diverted to non-forest uses.

- **Eco-Sensitive Zones (ESZs):** ESZs are areas in India notified by the Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India around **Protected Areas, National Parks** and **Wildlife Sanctuaries**.
- **Net Present Value (NPV):** NPV is the difference between the present value of cash inflows and the present value of cash outflows over a period of time
- **Reserve Forests:** These are the protected forests with a natural habitat that has a high degree of protection from any kind of hunting and poaching