Controversy over Forest (Conservation) Amendment Bill 2023

Why in news?

A Joint Parliamentary Committee (JPC) has approved the version of Forest (Conservation) Amendment Bill, sent by the government with almost no comment, revisions or suggestions.

What is the Forest (Conservation) Act of 1980 about?

- The Act was enacted to protect India's forests from being exploited for industrial uses and to aid reforestation.
- It also empowers the Central government to regulate the extraction of forest resources from timber and bamboo to coal and minerals by industries as well as forest-dwelling communities.
- However, such protection was only available for areas already marked out as 'forest' in Central or State government records.
- **Expanding Forests -** The Supreme Court judgment in ***TN.Godavarman Thirumulpad v Union of India (1996)*** case expanded the scope of such protection.
- Under it, areas conforming to the 'dictionary' meaning of forests were protected even if it is not notified by government or in historical records.

What is the need for amendment?

- **Improve tree cover -** India's forest policy of 1988 prescribes a third of the country's geographical area to be under forests.
- In real, only 21% is under such cover and it is about 24% including tree cover outside areas under recorded forest, plantations and orchards.
- **Improve carbon sink -** Under the Act, a private plantation or a reforested piece of land could be retrospectively marked as forest which forces the private planters to lose their right over the land.
- The amendment would encourage private parties who wanted to develop plantations in degraded forests or restore tree patches.
- **Regulate States' action -** States also apportioning forest tracts meant for plantations to companies for mining operations.

The Forest Rights Act protects the rights of tribals and forest-dwellers dependent on forests for their livelihood.

What is the Forest (Conservation) Amendment Bill, 2023 about?

- The Forest (Conservation) Amendment Bill, 2023 seeks to amend the Forest Conservation Act, 1980.
- The key changes to the Act include inserting a 'preamble' and amending the name of the act.
- **Preamble -** It underlines India's commitment to preserving forests, their biodiversity and tackling challenges from climate change.
- **Name change -** The name of the Act from the existing Forest (Conservation) Act is changed to ***Van (Sanrakshan Evam Samvardhan) Adhiniyam*** (Forest Conservation and Augmentation).
- **Scope -** The Act would only apply to lands notified in, any government record, as 'forest' on or after 1980.
- Does not apply to legally diverted forest land for non-forest use between 1980 and 1996.
- **Exempts -** Forest land situated 100 km away from international borders and to be used for 'strategic projects of national importance' or land ranging from 5-10 hectares for security and defence projects.

What are the objections to the changes?

- **Composition of JPC -** The Joint Parliamentary Committee (JPC) which was looking at amendments to the Bill consists of 31 members.
- The majority of the members (18 out of 31) are from the ruling party.
- **Independent views -** The committee has made no collective, independent assessment in the draft version of the report.
- There are dissent notes filed by 6 members who are all incidentally from Opposition parties.
- **Environmental threat -** Exemptions without an appropriate 'assessment and mitigation plan' will threaten the biodiversity.
- Clearing such forests might trigger extreme weather events in already vulnerable and sensitive areas.
- **Cut-off date -** It restricts the act's ambit only to areas recorded as forests on or after October 25, 1980.
- This would potentially divert significant sections of forest land and many biodiversity hot spots to be exploited for non-forestry purposes.
- **Sanskritisation -** There is also dissent against the move to rename the bill in Sanskrit.
- **Concurrent subject -** The forest conservation comes under the domain of both the Centre and States and the amendments tilted the balance towards the Centre.

Forests comes under the List III (Concurrent List) of the Seventh Schedule of the Constitution.

How has the Ministry responded?

- The Environment Ministry has submitted detailed explanations to the Joint Parliamentary Committee addressing the concerns raised.
- It emphasises that the new amendments do not dilute the Godavarman judgment.
- It says that there are provisions in place to ensure that land will not be 'misused.'
- The exemptions along the international borders would be restricted to 'specific linear projects of strategic importance' identified by the Central government.
- Such exemptions wouldn't be available to private entities.

Quick Facts

- **Forest Policy of 1988 -** It aims to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant.

Reference

1. The Hindu - Why is there a controversy on the forest Bill?

SHANKAR IAS PARLIAMENT
Information is Empowering