

Forest (Conservation) Amendment Bill, 2023

Why in news?

Recently, Lok Sabha has passed the Forest (Conservation) Amendment Bill, 2023.

What is Forest Conservation Act 1980?

- The Forest (Conservation) Act was passed on October 25, 1980, which contain regulations concerning forest conservation and matters related to it.
- **Restriction on dereservation of forests** -No State Government or other authority shall convert forest land for non-forest purpose except with the prior approval of the Central Government.
- **Non-forest purposes**- It includes use of land for cultivating horticultural crops or for any purpose other than reafforestation.
- **Appeals** - Any person aggrieved, by an order or decision of the State Government or other authority may file an appeal to the National Green Tribunal established under NGT Act, 2010.
- **Advisory Committee** - The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise the Government.
- **Power to make rules** - The Central Government can make rules for carrying out the provisions of this Act.
- The Act has been amended only once before, in 1988.

In 1976, forests were included in List III (Concurrent List) under the Seventh Schedule of the Constitution.

What are the key features of the bill?

- **Restrictions on activities in forest** - The Bill adds more activities to the list of activities that will be excluded from non-forest purposes such as
 - Zoos and safaris under the Wild Life (Protection) Act, 1972 in forest areas other than protected areas
 - Eco-tourism facilities
 - Silvicultural operations
 - Any other purpose specified by the central government, it may specify exclusion of any survey.
- **Land under the purview of the Act** - The bill provides for 2 types of land to be under the purview of the Act.
 - Land declared/notified as a forest under the Indian Forest Act, 1927 or any law
 - Land not covered in the first category but notified as a forest on or after October 25, 1980 in a government record

- **Exempted land** - The Bill exempts
 - Forest land along a rail line or a public road maintained by the government up to a maximum size of 0.10 hectare
 - Land situated within 100 km along the international borders, Line of Control, or Line of Actual Control
 - Land proposed to be used for constructing security infrastructure and defence related projects (not exceeding 5 hectares in a left wing extremism affected area)
- **Assigning Forest land** - Requires prior approval of the central government to direct the assigning of forest land to any organisation not owned by the government.
- **Delegation of power** - The Central government may issue directions for the implementation of the Act to any other authority/ organisation.

What are the issues associated with the bill?

- **Restricts Godavarman judgement 1996**- It restricts the Act to *only legally notified forests and forests recorded in government records* on or after October 25, 1980.
- It is against the landmark verdict which extended the scope of the act to the dictionary meaning of forest (Areas with trees rather than just areas legally notified as forest).
 - Aravallis hills in Delhi which is ecologically significant will be affected by the amendment.
- **Excludes fragile ecosystem**- As it removes the need for forest clearances for security-related infrastructure up to 100 km of the international borders.
 - It includes globally recognised biodiversity hotspots such as northeast India forests and high-altitude Himalayan forests.
- **Exemption for construction projects**- Zoos, safari parks, and eco-tourism facilities which are artificially created green areas and animal enclosures are very different from natural ecosystems.
- **Unrestricted powers**- It gives powers to the Union government to specify 'any desired use' beyond those specified in the original or amended Act.
- It will lead to potential exploitation of forest without adequate environmental scrutiny.
- **Disenfranchise forest people**- There is no reference to other relevant forest laws like [*Scheduled Tribes and Other Traditional Forest-dwellers \(Recognition of Forest Rights\) Act, 2006*](#).

What lies ahead?

- Forests and other natural ecosystems cannot be considered a luxury. They are an absolute necessity.
- The Government should ensure the balance between forest conservation and economic activities.
- Recent event in [*Joshimath -Uttarakhand*](#) has shown the need for proper geological and environmental assessments for all development projects.

References

1. [The Hindu| Problems with the forest conservation bill](#)

2. [PRS| Key features and highlights of the bill](#)

