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 Godarvarman 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

