

Proposal to Redefine Forests

Why in news?

The Ministry for Environment, Forests and Climate Change (MoEFCC) has proposed amendments to the **Forest Conservation Act, 1980** for easing the diversion of forests.

Why is the Act being amended now?

- The current definition of forests has created a situation where even private owners cannot utilise their own property for non-forestry purposes.
- The Act mandates prior approval of the Centre for diversion of any forest land for any purpose, including assignment of leases.
- In ***T N Godavarman Thirumulpad v Union of India, 1996***, the Supreme Court expanded the definition of forest land to include all areas recorded as forest in any government record, irrespective of ownership, recognition and classification.
- It also expanded the definition of forests to include dictionary meaning of forests thereby meaning a forested patch as a “**deemed forest**” even if it is not notified by government or in historical records.
- The Act is also applicable over plantations in non-forest land.
- Requirement of forest clearance delays the infrastructure projects causing resentment in the Ministry of Railways, Ministry of Road, Transport & Highways.
- The proposed amendment aims to streamline the provisions of the Act which has been amended only once before, in 1988.

What are the proposed amendments?

- All land acquired by the Railways and Roads Ministries prior to 1980 will be exempted from the Act.
- Defence projects near international borders will be exempted from forest clearance.
- Strip plantations alongside roads that would fall under the Act will be exempted.
- Oil and natural gas extraction from forested lands will be permitted **only**

if technologies such as Extended Reach Drilling are used.

- Construction of structures for bona fide purposes (residential units up to 250 sq m) as a one-time relaxation has been allowed for individuals whose lands fall within Private Forests Act or within the dictionary meaning of forest as specified by Supreme Court.
- Levies for non-forestry purposes during the renewal of a lease will be eliminated.
- Prior approval of Government of India is necessary for de-reservation of reserved forests and for the use of forest land for non-forest purposes.
- It also proposes removing zoos, safaris, forest training infrastructures from the definition of “non-forestry” activities.

What are the positives in the proposal?

- Recognising the concerns of Ministries such as Rail and Roads and allowing public debate on the proposals are welcomed by environmental groups.
- Forest laws for notified forests have been made more stringent making offences non-bailable with increased penalties including imprisonment of up to one year.
- The amendment has attempted to define and identify forests once and for all thus removing the existing ambiguity.
- In certain forests, the amendment has disallowed any kind of diversion.

What are the concerns?

- Relaxation of forest rules will facilitate corporate ownership and disappearance of large tracts of forests.
- The exemption of forests on private land will lead to disappearance of forests in states like Uttarakhand where 4% land falls under private forests.
- The amendments do not address the concerns of tribals and forest dwelling communities by ignoring the existence of the [Forest Rights Act, 2006](#).
- Exemption for Roads and Railways on forest land acquired prior to 1980 will be detrimental to forests and wildlife especially elephants, tigers and leopards.
- One time exemption for private residences on private forest will lead to fragmentation of forests and open up areas like Aravalli Mountains to real estate.

Source: The Indian Express, Down to Earth

