The Forest (Conservation) Amendment Bill, 2023

What is the Forest (Conservation) Act, 1980?

- The Forest (Conservation) Act was passed on October 25, 1980.
- It 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 include 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.
    - The central government 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 criticisms of the bill?

- The amendment Bill seeks to limit the applicability of the FC Act only to land recorded as 'forest'.
- The restricted scope of the Act required fewer projects to obtain forest clearance.
- The amendment aids in the diversion of 'deemed forest' for non-forest use.
- The scope of the amendments is pushing plantations to achieve carbon neutrality by limiting the scope of the Act.
- The amendment may also affect the rights of the indigenous and forest-dwelling populations who are now protected under the Forest Rights Act.

References

1. IE - How the Forest Conservation Bill trades forests for trees
2. PRS India - The Forest (Conservation) Amendment Bill, 2023

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