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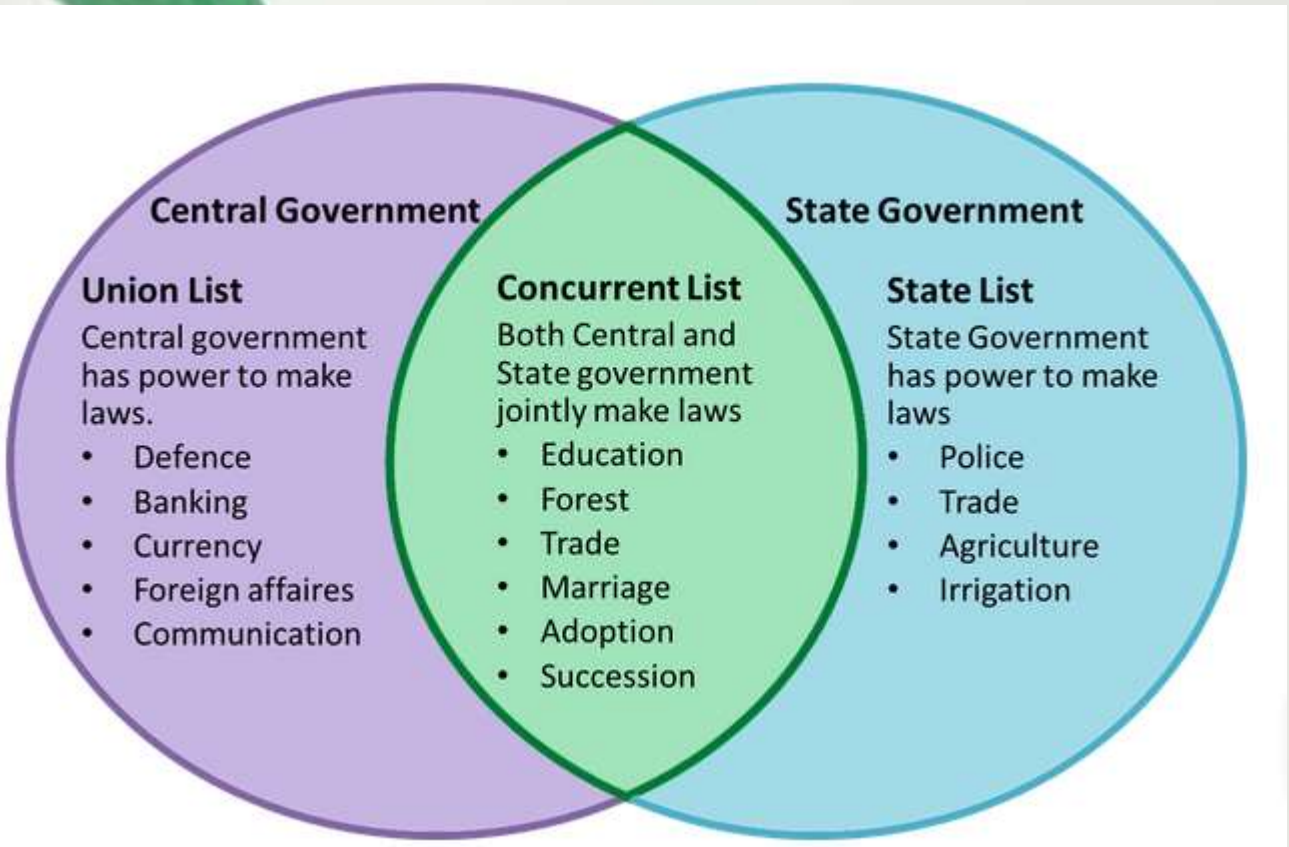
FOREST CONSERVATION (AMENDMENT) BILL, 2023

Why in the news?

Both the houses passed the Forest Conservation (Amendment) (FCA) Bill 2023.

About Forest Conservation (Amendment) Bill, 2023



- **Forests is a subject under the Concurrent List in the Seventh Schedule of the Constitution of India, empowering**

- **the Parliament of India to enact a law on it.**

- **The bill will amend Forest (Conservation) Act 1980.**

Forest (Conservation) Act, 1980:

Puts several restrictions on the de-reservation of forests or use of forest land for non-forest purposes and specifies penalties for contravention of any of its provisions.

Need For The Latest Amendments:

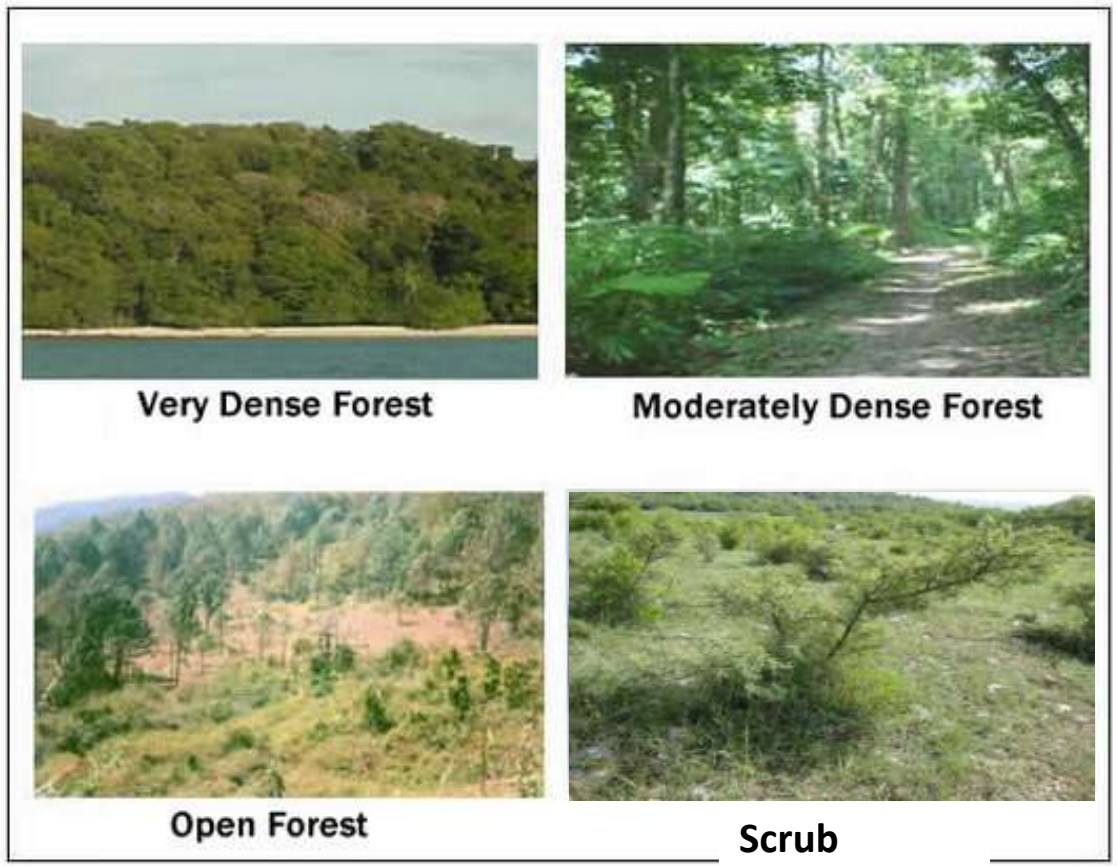
- This forest-clearance approval is one of the most difficult permits to obtain in India, requiring a wait of as long as 365 days and lakhs of rupees in bribes.

- According to FSI, Forest cover is defined as an area more than 1 ha in extent and having tree canopy density of 10 percent and above

- India's land records are in terrible shape, parcels marked as forests in one official record can be given a different classification in another.

Classification of forests

Very dense Forest	All Lands with tree cover (Including mangrove cover) of canopy density of 70% and above
Mod Dense forest	All lands with tree cover (Including mangrove cover) of canopy density between 40% and 70% above
Open forest	All lands with tree cover (Including mangrove cover) of canopy density between 10% and 40%
Scurb	All forest lands with poor tree growth mainly of small or stunted trees having canopy density less than 10 percent
Non Forest	Any area not included in the above classes



- According to the Centre, forest act amendments are necessary to remove ambiguities and bring clarity about the applicability of the Act on various lands.

- Bill will enable India to increase its forest/tree cover; achieve national and international targets; Fast track Strategic & security-related projects; etc.

The amendments will –

- Support the country's objective to increase forest and tree cover up to a third of its land area.
- Help create a carbon sink amounting to 2.5-3 billion tonnes of CO2-equivalent by 2030 under the INDC-Nationally Determined Contribution targets.
- Help the country achieve Net Zero emissions by 2070

Some of the proposed amendments:

1. The Act has been given a new name through the amendment–

‘Van (Sanrakshan Evam Samvardhan) Adhiniyam’ (Forest (Conservation and Augmentation) Act), 1980.

2. Cultivating plantations on non-forest land that could (over time) increase tree cover.

3. Removing the restrictions on creating infrastructure that would aid national security.

T.N. Godavarman Thirumulpad vs Union of India Case (1996)

- Till 1996 concerned authorities used to apply the provisions of the Act only to the forests notified under the Indian Forest Act of 1927.
- The Supreme Court judgment, in this case, expanded the definition of "forest" covered under the Act to include:
  - All areas **recorded as "forest" in any government** (Union and State) record, irrespective of ownership, recognition and classification.
  - All areas that conformed to the **"dictionary" meaning of forest.**
  - Areas are **identified as "forests"** by an expert committee constituted by the Supreme Court following the 1996 order.

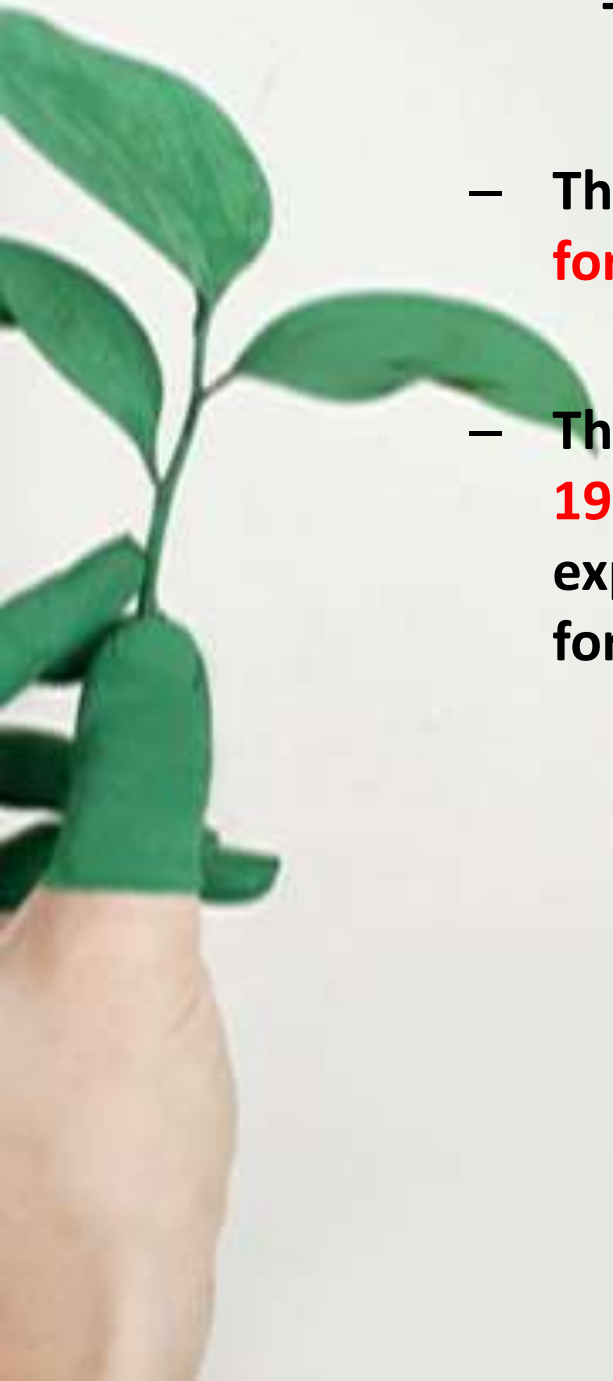
- **No forest clearance is required to establish zoos, safari parks and ecotourism activities.**

- **No central protection for vast tracts of so-called 'deemed forests' and permitting activities such as tourism.**

- **'Deemed forests' refer to areas that are not formally classified as forests by central or state authorities in official records.**

- **In India, deemed forests account for about 1% of total forest land.**

CONCERNS REGARDING BILL



The reclassification of forest areas adds confusion:

- The Bill states that the FCA will only apply to areas recorded as forests in government records, as on or after 25 October 1980.

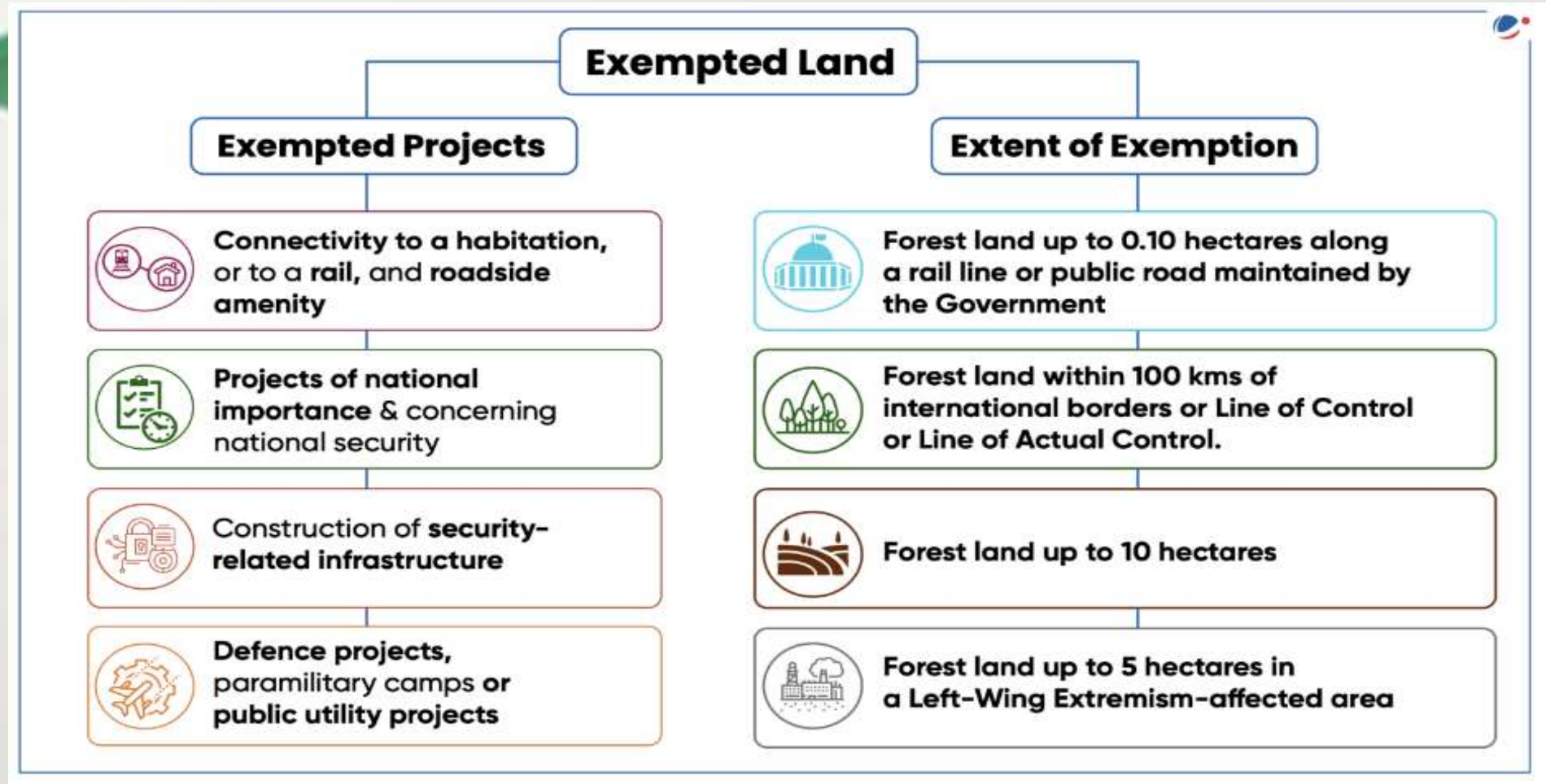
- This has raised fears that the amendment will invalidate the SC's 1996 judgment in T.N. Godavarman vs Union of India, which expanded the purview of the FCA by interpreting the meaning of forest as its dictionary definition.

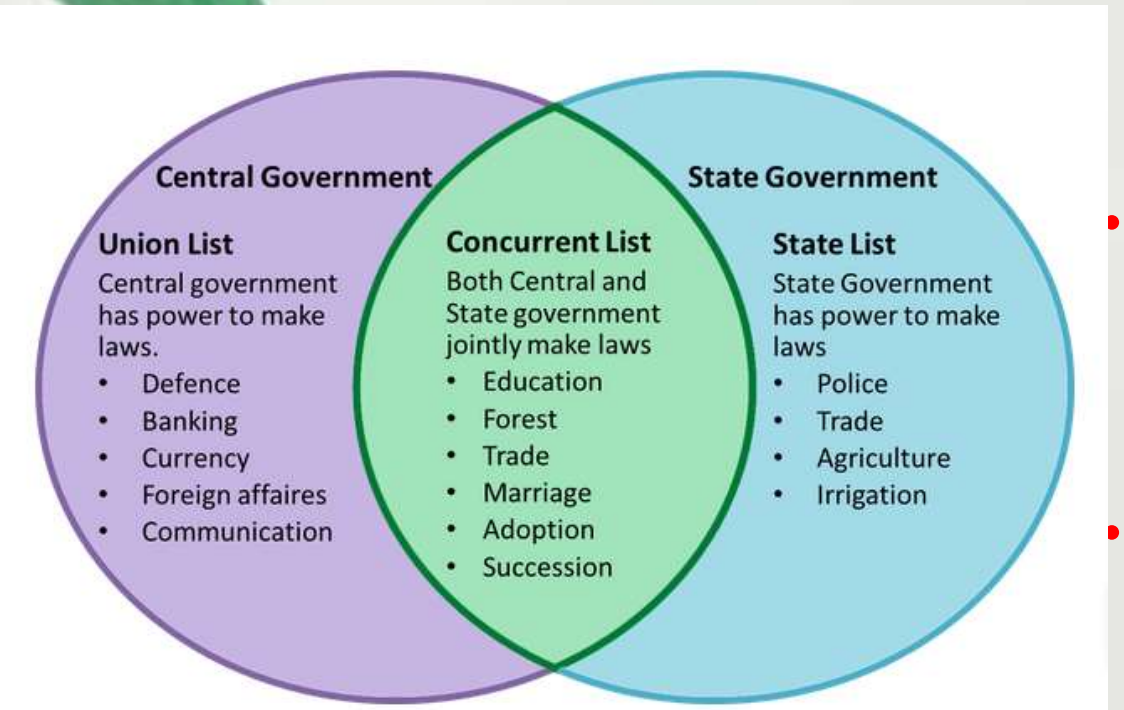
- the FCA will only apply to areas recorded as forests in government records, as on or after 25 October 1980.

- If these areas are declassified, forests that lie outside Recorded Forest Areas will lose all protection.

- For example, the sacred forest Mangar Bani in Haryana is unrecognised.

- **Exemptions will remove the necessity of forest clearances:** In **border areas,** which are **home to the most ecologically important ecosystems** in the country.

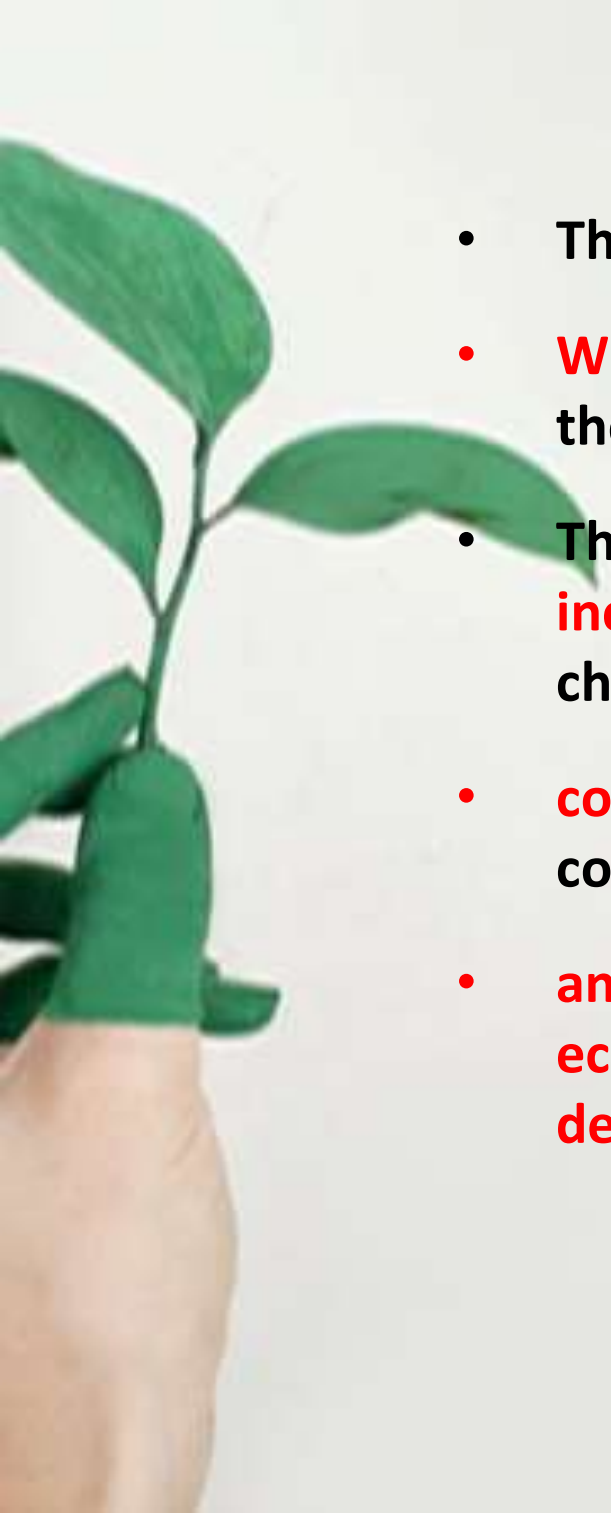




- **Dilutes Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act), 2006:**

- **Exemptions to forest lands are provided without consent or clearance by any authorities such as the Gram Sabha.**

- **Compromises Federalism: The state government needs to take prior approval from the Central government for assigning forest land on lease to government authorities.**



Way Ahead:

- There should be additional consultations with domain experts.
- While ensuring the military security of the country is a priority, the Bill should not come at the cost of losing ecological security.
- These natural ecosystems play a crucial role in buffering against increasingly unpredictable weather patterns caused by climate change.
- comprehensive survey of the extent of all forest land in the country can be conducted to address the concerns. Further,
- any diversion of forest land should be done to protect the ecological integrity of the region and ensure sustainable development

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