

## Controversy over Forest (Conservation) Amendment Bill 2023

### Why in news?

A Joint Parliamentary Committee (JPC) has approved the version of Forest (Conservation) Amendment Bill, sent by the government with almost no comment, revisions or suggestions.

### What is the Forest (Conservation) Act of 1980 about?

- The Act was enacted to protect India's forests from being exploited for industrial uses and to aid reforestation.
- It also empowers the Central government to regulate the extraction of forest resources from timber and bamboo to coal and minerals by industries as well as forest-dwelling communities.
- However, such protection was only available for areas already marked out as 'forest' in Central or State government records.
- **Expanding Forests** - The Supreme Court judgment in ***TN.Godavarman Thirumulpad v Union of India (1996)*** case expanded the scope of such protection.
- Under it, areas conforming to the 'dictionary' meaning of forests were protected even if it is not notified by government or in historical records.

### What is the need for amendment?

- **Improve tree cover** - India's forest policy of 1988 prescribes a third of the country's geographical area to be under forests.
- In real, only 21% is under such cover and it is about 24% including tree cover outside areas under recorded forest, plantations and orchards.
- **Improve carbon sink** - Under the Act, a private plantation or a reforested piece of land could be retrospectively marked as forest which forces the private planters to lose their right over the land.
- The amendment would encourage private parties who wanted to develop plantations in degraded forests or restore tree patches.
- **Regulate States' action** - States also apportioning forest tracts meant for plantations to companies for mining operations.

*The Forest Rights Act protects the rights of tribals and forest-dwellers dependent on forests for their livelihood.*

## What is the Forest (Conservation) Amendment Bill, 2023 about?

- The [Forest \(Conservation\) Amendment Bill, 2023](#) seeks to amend the Forest Conservation Act, 1980.
- The key changes to the Act include inserting a 'preamble' and amending the name of the act.
- **Preamble** - It underlines India's commitment to preserving forests, their biodiversity and tackling challenges from climate change.
- **Name change** - The name of the Act from the existing Forest (Conservation) Act is changed to **Van (Sanrakshan Evam Samvardhan) Adhiniyam** (Forest Conservation and Augmentation).
- **Scope** - The Act would only apply to lands notified in, any government record, as 'forest' on or after 1980.
- Does not apply to legally diverted forest land for non-forest use between 1980 and 1996.
- **Exempts** - Forest land situated 100 km away from international borders and to be used for 'strategic projects of national importance' or land ranging from 5-10 hectares for security and defence projects.

## What are the objections to the changes?

- **Composition of JPC** - The Joint Parliamentary Committee (JPC) which was looking at amendments to the Bill consists of 31 members.
- The majority of the members (18 out of 31) are from the ruling party.
- **Independent views** - The committee has made no collective, independent assessment in the draft version of the report.
- There are dissent notes filed by 6 members who are all incidentally from Opposition parties.
- **Environmental threat** - Exemptions without an appropriate 'assessment and mitigation plan' will threaten the biodiversity.
- Clearing such forests might trigger extreme weather events in already vulnerable and sensitive areas.
- **Cut-off date** - It restricts the act's ambit only to areas recorded as forests on or after October 25, 1980.
- This would potentially divert significant sections of forest land and many biodiversity hot spots to be exploited for non-forestry purposes.
- **Sanskritisation** - There is also dissent against the move to rename the bill in Sanskrit.
- **Concurrent subject** - The forest conservation comes under the domain of both the Centre and States and the amendments tilted the balance towards the Centre.

*Forests comes under the List III (Concurrent List) of the Seventh Schedule of the Constitution.*

## How has the Ministry responded?

- The Environment Ministry has submitted detailed explanations to the Joint Parliamentary Committee addressing the concerns raised.
- It emphasises that the new amendments do not dilute the Godavarman judgment.
- It says that there are provisions in place to ensure that land will not be 'misused.'
- The exemptions along the international borders would be restricted to 'specific linear projects of strategic importance' identified by the Central government.
- Such exemptions wouldn't be available to private entities.

## Quick Facts

- **Forest Policy of 1988** - It aims to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant.

## Reference

1. [The Hindu - Why is there a controversy on the forest Bill?](#)

