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Forest (Conservation) Amendment Bill 2023

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Why is in news?

The controversial Forest (Conservation) Amendment Bill 2023, passed by the Lok Sabha with limited debate, awaits discussion in the Rajya Sabha. The bill aims to restrict conservation scope, exempt border lands for strategic projects, and allow some non-forest activities. The Bill was introduced in the Lok Sabha in March. Thereafter, it was referred to a Joint Parliamentary Committee (JPC) comprising 32 members from both Houses of Parliament and across party lines.

About Forest (Conservation) Amendment Bill, 2023:

The Bill seeks to **amend the Forest Conservation Act, 1980**.

This is the legislation enacted to **protect India's forests and 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.

The Act **empowers the Centre** to require that **any forest land diverted for non-forestry purposes** be duly compensated. It **also extends its remit to land** which is **not officially classified as "forest"** in State or Union government records.

The **Forest Rights Act 2006, protects the rights of tribals and forest-dwellers** dependent on forests for their livelihood.

India's **forest policy of 1988 prescribes a third of the country's geographical area to be under forests**.

Realistically, only 21% is under such cover and it is about 24% if one also accounts for tree cover outside areas under recorded forest, plantations, orchards.

India's forest cover has seen **only marginal increases**, as **biennial reports of the Forest Survey of India** illustrate. Growth in forest cover inside officially recorded forests is stagnant, or at best incremental.

India has committed to increasing this number to 33% and adding a carbon sink of 2.5 billion to 3 billion tons of CO2 this way, by 2030, as part of its international climate commitments.

Issues in the Forest Conservation Act 1980:

Such protection was **only available for areas already marked out as 'forest'** in Central or State government records.

A Supreme Court judgment **in 1996, in the Godavarman Thirumulpad case**, expanded the scope of such protection.

Under it, even areas not formally notified as 'forests' but **conforming to the 'dictionary' meaning of forests were protected**.

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There is no all-encompassing definition of a ‘forest’ and the **Thirumalpad judgment directed States to define and demarcate forests using their own criteria.**

According to the Environment Ministry, to address these issues the Forest (Conservation) Amendment Bill seeks to amend the Forest Conservation Act 1980.

What do these amendments say?

Inserting a ‘preamble’: That underlines - India’s commitment to preserving forests, their biodiversity and tackling challenges from climate change and

By **amending the name of the Act** to Van (Sanrakshan Evam Samvardhan) Adhiniyam (translated as Forest Conservation and Augmentation) from the existing Forest (Conservation) Act.

The Act **would only apply to** lands notified in any government record as **‘forest’ on or after 1980.**

Exemptions: The Act would not apply -

a) If notified, forest land was **legally diverted between 1980 and 1996, for non-forest use.**

b) To forest land **situated 100 km away from international borders** and to be used for “strategic projects of national importance” or to land **ranging from 5-10 hectares** for security and defence projects.

The amendments would also **remove the 1980 Act’s restrictions on creating** infrastructure that would aid national security and create livelihood opportunities for those living on the periphery of forests.

In the Environment Ministry’s view, these amendments were necessary, because private parties who wanted to develop plantations in degraded forests or restore tree patches were disincentivised to do so.

A **private plantation or a reforested piece of land** that wasn’t officially marked out as forest could be **retrospectively earmarked** — under the provisions of the Act — as such, forcing the developer of such a plantation to lose rights associated with that patch.

On the other hand, States were also **apportioning forest tracts meant for plantations to companies for mining** operations — a contravention of the Act’s intent.

The amendments thus were necessary, in the Centre’s view, to craft new solutions beyond the Act’s original intent of only keeping forests from being exploited for industrial uses and, to aid reforestation.

Objections to the amendment:

The JPC consists of 31 members, 18 of whom are from the Bharatiya Janata Party.

Usually bills that are sent to the Standing Committee or Select Committees of Parliament are thoroughly investigated by members who in their report present their own independent assessment of views put forth by multiple stakeholders. While a final report is yet to be tabled, a draft version suggests that the committee has **made no collective, independent assessment.**

The **primary criticism** is that these amendments **do not really contribute to regenerating natural forest**, but **rather incentivise afforestation for commercial ends.**

The key objections are that the exemptions could be detrimental to significant forests in the **Himalayan, trans-Himalayan and northeastern regions.**

Clearing such forests **without an appropriate “assessment and mitigation plan”** will threaten the biodiversity of “vulnerable ecological and geologically sensitive areas” and trigger extreme weather events.

Other objections are that **restricting the legislation’s ambit** only to areas recorded as forests **on or after October 25, 1980** would mean leaving out significant sections of forest land and many biodiversity hot spots to be potentially sold, diverted, cleared, and exploited for non-forestry purposes.

There is also **dissent against the move to rename the bill** as Van (Sanrakshan Evam Samvardhan) Adhiniyam, on the grounds that it was “sanskritik (sic) terminology...and untenable.”

Some objections have come in from experts invited to depose before the committee who have said that **the Act waters down the Godavarman judgment.**

A few State governments have said that **forest conservation comes under the domain of both the Centre and States**, which means it is in the Concurrent List, and the **amendments tilted the balance towards the Centre.**

Way Forward:

There is a **need to conduct a thorough and comprehensive assessment** of the proposed amendments and their potential impacts on forests, biodiversity, and local communities.

This **assessment should consider ecological, social, and environmental factors** and **involve input from diverse stakeholders**, including experts, NGOs, tribal communities, and State governments.

Continue **engaging in meaningful consultation and dialogue with all stakeholders** to understand their perspectives and address their concerns. This will promote transparency, inclusivity, and better decision-making.