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Proposal to Amend the Forest (Conservation) Act, 1980

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Why in News

Recently, the **Union Ministry of Environment, Forests and Climate Change (MoEFCC)** has proposed an amendment to the **Forest (Conservation) Act, 1980** to bring significant changes to forest governance in India.

Key Points

- **About:**

- **Aim:**

- To liberalise forest laws through facilitating private plantations for harvesting and exploration or extraction of oil and natural gas deep beneath forest land by drilling holes from outside the forest areas.

- **Definition of Forest:**

- The Supreme Court in ***TN Godavarman Thirumulpad versus Union of India and Others*** (1996), have defined forest as, all areas which are recorded as 'forest' in any government record, irrespective of ownership, recognition and classification.

- **Need of Amendment:**

- **Forests on Private Land:** Identification of forests on private land is **subjective and arbitrary** to some extent.

- This results in a lot of resentment and resistance particularly from private individuals and organisations.

- Considering any private area as forest, would restrict the right of an individual to use his/her own land for any non-forestry activity.

- This has led to the tendency to keep most of the private lands devoid of vegetation even if there's scope for planting activities.

- **Changes in the Ecological and Economic Needs:** There has been considerable change in the ecological, social and environmental regimes in the country in the last few years.

- Present circumstances, particularly for accelerated integration of conservation and development, have become necessary to amend the Act.

- **Achieving India's Climate Target:** To achieve the **Nationally Determined Contribution (NDC)** extensive plantations in all possible available lands outside the government forests was necessary.

- **Highlights of the Proposal:**

- **Defining 'Forests': Deemed forests** listed by state governments up to 1996 will **continue to be considered forest land.**
Land that was **acquired by the Railways and the road ministries** before 1980, but on which forests came up, **will no longer be considered forests.**
- **Strategic Projects:** The forest land for strategic and security projects of national importance should be exempted from the need to obtain prior approval from the Central government.
Doing this will allow states to permit diversion of forest land for strategic and security projects that are to be completed in a given time frame.
- **Oil and Natural Gas Extraction:** Facilitate new technologies such as **Extended Reach Drilling (ERD)** for extraction of oil and natural gas found deep beneath the forest land by drilling holes from outside the forest areas.
The use of such technology is quite environment-friendly and as such should be kept outside the purview of Act.
- **Building in Forests:** To ease the grievances of the individuals whose land fall in state specific private forests act or within the purview of dictionary meaning of forest.
The proposal allows them the **right to construct structures for bonafide purposes** including forest protection measures and residential units up to an area of 250 sq mtr as one time relaxation.

Forest in India

- According to **India State of Forest Report, 2019**, the **Total Forest and Tree cover is 24.56%** of the geographical area of the country.
 - **Forest Cover (Area-wise):** Madhya Pradesh> Arunachal Pradesh> Chhattisgarh> Odisha> Maharashtra.
 - **National Forest Policy of India, 1988** envisages a goal of achieving 33% of the geographical area of the country under forest and tree cover.
- **Constitutional Provisions:**
 - Through the **42nd Amendment Act, 1976** Forests and Protection of Wild Animals and Birds were **transferred from State to Concurrent List** along with Education, Weights & Measures and Administration of Justice.
 - **Article 51 A (g)** of the Constitution states that it shall be the **Fundamental Duty** of every citizen to protect and improve the natural environment including forests and Wildlife.
 - **Article 48 A** in the **Directive Principles of State policy**, mandates that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.

Source: IE