



Forest Conservation and Tribal Rights in Northeast India

For Prelims: [Forest \(Conservation\) Amendment Act \(FCA\), 2023](#), Recorded Forest Areas, [Forest Rights Act \(FRA\) 2006](#).

For Mains: Forest Conservation and Tribal Rights in Northeast India.

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Why in News?

Recently, The Mizoram Assembly has passed a resolution opposing the [Forest \(Conservation\) Amendment Act \(FCA\), 2023](#), highlighting the ongoing challenges in forest conservation and tribal rights in Northeast India.

What are the Concerns Raised by the North Eastern States Against FCA?

- **Amendment's Impact on Northeast India:**
 - The Forest (Conservation) Amendment Act of 2023 allows for forest land diversion for projects located within 100 km of India's international borders **without requiring forest clearance under the Forest (Conservation) Act of 1980**.
 - Most of Northeast India falls within the 100 km range, raising concerns about the environmental impact and infringement on tribal rights.
- **Forests Not Officially Classified are not Protected:**
 - **Until 1996, the provisions of the FCA were only applied** to forests that had been **declared or notified as a forest, and to forests recorded in government records on or after 25th October 1980**.
 - The **areas not officially classified as forests** in a government record, even if they are standing forests, will **not be protected from commercial exploitation** or any other kind of diversion.
 - This overturns a **1996 Supreme Court order in the Godavarman case** which ruled that any area resembling a forest's dictionary meaning would be **protected under conservation laws**.
- **State Opposition:**
 - Mizoram and Tripura have passed resolutions opposing the amendment, expressing their **commitment to protecting the rights and interests of their people**.
 - Nagaland faces demands to follow suit, and Sikkim has also opposed the 100 km exemption clause.
- **Significant Area is Unclassed Forest:**
 - A huge portion of forests in the North East are privately owned: either by individuals, or **clans or village councils, or communities**, enabled by special privileges that the Constitution guarantees **to tribal communities**.
 - More than 50% of the Recorded Forest Areas (RFA) in the North East falls **under "unclassified forests"**—forests which are not notified under any law.
 - For example, 97.3% of RFA in Nagaland, 88.2% in Meghalaya, 76% in Manipur, 53%

in Arunachal Pradesh, 43% in Tripura, 33% in Assam, and 15.5% of Mizoram fall **under unclassified forests category.**

- This means that these large areas of unclassified forests **would be excluded from this Act** unless they are included in government records.

How are Forests Protected in North East India?

- **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA) 2006:**
 - Forest Land includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries, and National Parks.
 - This complied with the **1996 Supreme Court redefinition.**
- **Article 371A and 371G:**
 - Special Constitutional protections in [Article 371A \(Nagaland\)](#) and [371G \(Mizoram\)](#) prohibit the **application of laws that impinge on tribal customary law**, land ownership, and transfer without the **State Legislative Assemblies' resolutions.**
 - Mizoram, unlike Nagaland, falls under the purview of FCA due to its status as a State. The amendment **affects 84.53% of its forest areas.**
 - Mizoram from the [Union Territory](#) became a State with the Constitution (**Fifty-Third Amendment) Act 1986**, adding **Article 371G** to the Constitution, stipulating that **all Central Acts in force before 1986 are extended to the State, including the FCA.**
- **Forest Rights Act (FRA) 2006:**
 - FRA recognizes traditional forest rights in various forest types, including unclassified forests, providing an additional layer of protection for tribal communities.
 - The potential benefits, most Northeastern states, **except Assam and Tripura, have not implemented FRA**, citing reasons such as land ownership patterns and lack of forest-dependent communities.

What are the Constitutional Articles that Provide Exemptions to the Northeastern States?

Article (Amendment)	State	Provision
Article 371A (13th Amendment Act, 1962)	Nagaland	Parliament cannot legislate in matters of Naga religion or social practices, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, and ownership and transfer of land without the concurrence of the state Assembly.
Article 371G (53rd Amendment Act, 1986)	Mizoram	Parliament cannot make laws on "religious or social practices of the Mizos, Mizo customary law and procedure, administration of civil and criminal justice involving decisions according to Mizo customary law, ownership and transfer of land unless the Assembly decides.

