



Forest Conservation Amendment Bill 2023

For Prelims: [Forest Conservation Amendment Bill 2023](#), [Supreme Court](#), [Forest Conservation Rules](#), [Forest \(Conservation\) Act, 1980](#), [Van \(Sanrakshan Evam Samvardhan\) Adhiniyam, 1980](#).

For Mains: Forest Conservation Amendment Bill 2023.

Source: [PIB](#)

Why in News?

Recently, the [Forest \(Conservation\) Amendment Bill 2023](#) has been passed by the Lok Sabha, and it aims to bring significant changes to **the Forest (Conservation) Act, 1980**, which is a **crucial central statute** for the conservation of forests in India.

What is the Background?

- After Independence, vast areas of forest land **were designated as reserved and protected forests**.
 - However, many forested areas were left out, and areas without any standing forests were included in 'forest' lands.
- In **Godavarman case**, 1996, the [Supreme Court](#) **suspended the felling of trees** across the country, and ruled that the FC Act would apply to **all land parcels** that were either recorded as 'forest' or resembled the dictionary meaning of forest.
- In **June 2022**, the government amended the [Forest Conservation Rules](#) to propose a mechanism to allow developers to raise plantations "over land on which the (FC) Act is not applicable" and to swap such plots against subsequent requirements of compensatory afforestation.

What are the Key Provisions of the Forest (Conservation) Amendment Bill 2023?

- **Scope of the Act:**
 - The Bill broadens the scope of the Act by **inserting a Preamble**.
 - The Act's name was changed to **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980** to reflect the potential of its provisions.
- **Applicability on Various Lands:**
 - The Act, which was initially **applied to notified forest land**, was later extended to revenue forest land and lands recorded as forest in government records.
 - The amendments seek to **streamline the application of the Act to recorded forest lands**, private forest lands, plantations, etc.
- **Exemptions:**
 - The Bill proposes certain **exemptions to encourage afforestation** and plantation outside forests.

- 0.10 ha of forest land has been proposed to provide connectivity for habitation and establishments located on the side of roads and railways, up to 10 ha of land proposed for security related infrastructure and up to 5 ha of forest land in Left Wing Extremism Affected Districts for public utility projects.
- These exemptions include **strategic projects** related to national security within 100 km of the International Borders, [Line of Actual Control \(LAC\)](#), [Line of Control \(LoC\)](#) etc.
- **Provisions for Development:**
 - The Bill extends existing provisions of the **Principal Act** relating to assignment of forest land, on lease to private entities, to Government companies as well.
 - This will facilitate development projects and ensure uniformity in the implementation of the Act.
- **New Forestry Activities:**
 - The amendments add new activities such as infrastructure for frontline forest staff, ecotourism, zoo, and safari into the array of forestry activities for the conservation of forests. **Surveys and investigations in forest areas will not be considered non-forestry activities.**
- **Climate Change Mitigation and Conservation:**
 - It aims to ensure that such areas **contribute to India's efforts in combating** climate change by being recognized as part of its forest conservation efforts and contribute to India's international commitments like [Net Zero Emission by 2070](#)
- **Empowering Local Communities:**
 - The Bill encourages activities like **establishment of zoos, safaris, and ecotourism**, which will be owned by the government and set up in approved plans outside Protected Areas.
 - These activities not only raise awareness about forest conservation and wildlife protection but also **create livelihood opportunities for local communities**, integrating them with overall development.

What are the Concerns Related to the Bill?

- **Objection on Hindi Name:**
 - There were objections to the **Act's new name (which is now in hindi)** on the grounds that it was "**non-inclusive**" and left out many among the "(non-Hindi speaking) population both in South India and also in the North-East.
- **Impact on Ecologically Sensitive Areas:**
 - The proposed exemptions in the Bill, particularly those related to strategic projects near international borders, have raised concerns about the **potential clearance of forests in ecologically sensitive areas**, such as the Himalayan, trans-Himalayan, and northeastern regions.
 - Bill, 2023 (FCA) will **erase the rights of indigenous communities** living on India's borders.
 - Without appropriate "assessment and mitigation plans," such clearances could threaten biodiversity and trigger extreme weather events.
- **Limited Applicability:**
 - The Bill restricts the legislation's ambit only to areas recorded as forests on or after October 1980. This exclusion may result in leaving out significant sections of forest land and biodiversity hot spots from the Act's purview, allowing them to be potentially sold, diverted, cleared, and exploited for non-forestry purposes.
- **Concurrent List and Center-State Balance:**
 - Some State governments have **argued that forest conservation falls** under the Concurrent List, which means **both the Center and States have** a role in the matter.
 - They believe that the **proposed amendments could tilt the balance towards the Center** and may impact the rights and authority of the State governments in forest conservation matters.

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.

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