



# Proposal to Amend the Forest (Conservation) Act, 1980

## 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 [42<sup>nd</sup> 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](#)

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