



THE STUDY
By Manikant Singh



Forest Conservation (Amendment) Bill

Why in the News?

- ❖ In the recent Monsoon Budget Session, the Lok Sabha (the lower house of India's Parliament) passed the controversial Forest Conservation (Amnd.) Bill. The bill aims to amend the Forest Conservation Act of 1980.

Forest conservation, 1980

- ❖ The Forest Conservation Act (FCA), 1980, was enacted by the Parliament of India to regulate the felling of trees in the country's forests.
- ❖ The Forest Conservation Act is the primary legislation in India for controlling deforestation and forest degradation.

Constitutional Provision

The 42nd Amendment Act of 1976 brought a significant change by moving the subjects of education, weights and measures, administration of justice, forests, and protection of wildlife from the exclusive jurisdiction of states to the concurrent jurisdiction. As per Article 51A (g) of the Indian Constitution, it becomes a fundamental duty of every citizen to protect and improve the natural environment, including forests and wildlife. According to the Directive principles of state policy under Article 48A, "the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."



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Major Objectives

- ❖ Protecting the integrity and area of forests, including their vegetation, wildlife, and other diverse environmental components.
- ❖ Facilitating the growth of forest biodiversity.
- ❖ Preventing the conversion of forest land for agriculture, pastureland, or any other commercial purposes and intentions.

Main features

- ❖ The Forest Conservation Act (FCA) vests the central government with the primary authority to achieve its objectives.
- ❖ The Forest Conservation Act, 1980 (FCA), imposes penalties for the contravention of its provisions.
- ❖ It establishes an Advisory Committee for Forest Conservation (FAC) to assist the Central Government in matters relating to forest conservation.
- ❖ As per the provisions of this act, prior approval from the central government is necessary for non-forest purposes and use of forest land.
- ❖ The Forest Conservation Act, 1980, pertains to four categories of forests - reserved forests, village forests, protected forests, and private forests.
- ❖ The Forest Conservation Act, 1980 (FCA) has empowered the central government to ensure that appropriate compensation is given for any transferred forest land for non-forest purposes.

New Bill

- ❖ The newly passed Forest (Conservation) Amendment Bill, 2023 includes amendments that specify types of land not covered by the original legislation, the Forest Conservation Act, 1980.



- ❖ The amendments encourage afforestation on non-forest land, which can help increase green cover over time, work as carbon sinks, and aid India's ambitions of achieving 'net-zero' carbon emissions by 2070.
- ❖ This legislation will lay the foundation for a fundamental framework that will support national security and create livelihood opportunities for residents living on the fringes of forests.

Joint Parliamentary Committee(JPC)

- ❖ When the bill was first presented, objections were raised on various aspects, leading to the need for a detailed examination by the Joint Parliamentary Committee (JPC).
- ❖ Around 1,300 representations were sent to the JPC from various groups, including tribal rights organizations and independent think-tanks, expressing their objections at the different sections of the bill.
- ❖ The Forest (Conservation) Amendment Bill, 2023, has been criticized by some environmental groups for weakening the Supreme Court's 1996 judgment in the Godavarman case. The Godavarman case established that the term "forest" should be interpreted in a broad sense, including areas that are not officially designated as forests.
- ❖ The new law's name has been changed from the Forest (Conservation) Act, 1980 to the Forest (Conservation and Development) Act, 2023.

