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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 29th March, 2023:—

BILL NO. 80 OF 2023

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Forest (Conservation) Amendment Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of Preamble.

69 of 1980.

2. In the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after the long title and before the enacting formula, the following preamble shall be inserted, namely:—

"WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationality Determined Contribution targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO_2 equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one-third of its land area, which is to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and, therefore, enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS, it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality.".

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words and brackets "Forest (Conservation) Act", the words and brackets "*Van* (*Sanrakshan Evam Samvardhan*) *Adhiniyam*" shall be substituted.

Insertion of new section 1A.

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

Act to cover certain land.

'1A. (*1*) The following land shall be covered under the provisions of this Act, namely:—

(*a*) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force; 16 of 1927.

(*b*) the land that is not covered under clause (*a*), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(*2*) The following categories of land shall not be covered under the provisions of this Act, namely:—

(*a*) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(*b*) such tree, tree plantation or reafforestation raised on lands that are not specified in clause (*a*) or clause (*b*) of sub-section (*1*); and

(*c*) such forest land,—

(*i*) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(*ii*) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(*iii*) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(*3*) The exemption provided under sub-section (*2*) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.'.

Amendment of section 2.

5. In the principal Act, section *2* shall be renumbered as sub-section (*1*) thereof and—

(*a*) in sub-section (*1*) as so renumbered,—

(*I*) in clause (*iii*), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify" shall be substituted;

(*II*) in the *Explanation,* for the long line occurring after clause (*b*), the following shall be substituted, namely:—

"but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(*i*) silvicultural operations including regeneration operations;

(*ii*) establishment of check-posts and infrastructure for the front line forest staff;

(*iii*) establishment and maintenance of fire lines;

(*iv*) wireless communications;

(*v*) construction of fencing, boundary marks or pillars, bridges and culverts, checkdams, waterholes, trenches and pipelines;

(*vi*) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

53 of 1972.

(*vii*) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

(*viii*) any other like purposes, which the Central Government may, by order, specify.";

(*b*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.".

Insertion of new section 3C.

6. In the principal Act, after section 3B, the following section shall be inserted, namely:—

Power of Central Government to issue directions.

"3C. The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory Administration, or to any organisation, entity or body recognised by the Central Government, State Government or Union territory Administration, as may be necessary for the implementation of this Act.".

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 (the Act) was enacted to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto. It provides that prior permission of the Central Government is required for de-reservation of forest land, use of forest land for non-forest purposes, assigning of forest land by way of lease to private entities and for clearing of naturally grown trees for the purpose of reafforestation.

2. After its enactment, new challenges relating to ecological, social and environmental developments, such as, mitigating the impact of climate change, achieving the national targets of Net Zero Emission by 2070 and maintaining or enhancing the forest carbon stock have emerged at national and international levels. Further, keeping in view the aims and objective of the country to increase the forest or tree cover for creation of carbon sink of additional 2.5 to 3.0 billion tons of CO_2 equivalent by 2030, and to carry forward the rich tradition of preserving forests and their bio-diversity symbiotically by enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities, it is necessary to broaden the horizons of the Act.

3. Further, prior to the Judgment of the Hon'ble Supreme Court, dated the 12th December, 1996 (in the matter of *T.N. Godavarman Thirumulpad vs. Union of India and others*), the provisions of the Act were applied to notified forest lands and not to revenue forest areas, and non-forestry use in the revenue forest areas was allowed through permissions granted by the Government and various authorities. Subsequent to the said Judgment, the provisions of the Act were applied in the recorded forest areas including such recorded forests which had already been put to various type of non-forestry use, thereby restraining the authorities from undertaking any change in the land use and allowing any development or utility related work. Besides this, apprehensions prevailed regarding applicability of the Act in the plantations raised in private and Government non-forest lands. This situation resulted in misinterpretation of the provisions of the Act with respect to their applicability especially in recorded forest lands, private forest lands, plantations, etc. Therefore, it is considered necessary to prescribe the extent of applicability and non-applicability of the Act in various types of lands.

4. There is also a need to fast track the strategic and security related projects of national importance so as to ensure development of vital security infrastructures, especially along the international border areas such as Line of Actual Control, Line of Control and Left Wing Extremism affected areas. Similarly, small establishments, habitations on the side of public roads and railways also need to be facilitated by providing them access and connectivity to main arterial roads and other public utilities.

5. Since, there is change in the ecological, social and environmental regimes and policies relating to conservation and development of forests during the last four decades since the enactment of the Act, to keep its provisions in tandem with the dynamic changes in the ecological, strategic and economic aspirations of country, it is proposed to introduce the Forest (Conservation) Amendment Bill, 2023 in Parliament. The salient features of the said Bill, *inter alia*, are to—

(*i*) insert a preamble to the Act to encompass the country's rich tradition of preserving forests, their bio-diversity and tackling climate change challenges within its ambit;

(*ii*) amend the short title of the Act to be called the *Van* (*Sanrakshan Evam Samvardhan*) *Adhiniyam*, 1980, so as to ensure that the potential of its provisions is reflected in its short title;

(*iii*) clarify the scope of applicability of the Act upon various lands so as to remove ambiguities and bring clarity;

(*iv*) exempt certain categories of lands from the purview of the Act—

(*a*) to fast track strategic and security related projects of national importance;

(*b*) to provide access to small establishments, habitations on the side of public roads and railways; and

(*c*) to encourage plantation on non-forest land;

(*v*) provide for terms and conditions including the condition of planting trees to compensate felling of trees undertaken on the lands while considering the proposed relaxations under the Act;

(*vi*) include more activities, which are taken up for the cause of conservation of forest and wild life in to the array of forestry activities;

(*vii*) bring uniformity in the applicability of the provisions of the Act in respect of both Government and private entities;

(*viii*) empower the Central Government to specify, by order, the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose;

(*ix*) empower the Central Government to issue directions.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 27*th March*, 2023.

BHUPENDER YADAV.

———

UTPAL KUMAR SINGH,
Secretary General.

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