

LOK SABHA

REPORT

OF

THE JOINT COMMITTEE ON

THE FOREST (CONSERVATION)

AMENDMENT BILL, 2023

SEVENTEENTH LOK SABHA



LOK SABHA SECRETARIAT

NEW DELHI

JULY, 2023 /ASHADHA, 1945 (SAKA)

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THE FOREST (CONSERVATION)
AMENDMENT BILL, 2023**

SEVENTEENTH LOK SABHA

Presented to Lok Sabha on 20.07.2023

Laid in Rajya Sabha on 20.07.2023



LOK SABHA SECRETARIAT

NEW DELHI

JULY, 2023 /ASHADHA, 1945 (SAKA)

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**COMPOSITION OF THE JOINT COMMITTEE ON
THE FOREST (CONSERVATION) AMENDMENT BILL, 2023**

Shri Rajendra Agrawal

Chairperson

LOK SABHA

2. Dr. Dhal Singh Bisen
3. Shri Raju Bista
4. Shri Jamyang Tsering Namgyal
5. Shri Tapir Gao
6. Shri Ajay Tamta
7. Shri Suresh Kumar Kashyap
8. Smt. Gomati Sai
9. Shri Sudarshan Bhagat
10. Shri Pallab Lochan Das
11. Km. Diya Kumari
12. Shri T.R. Baalu
13. Smt. Agatha K. Sangma
14. Smt. Sajda Ahmed
15. Shri Kotagiri Sridhar
16. Shri Rajendra Dhedyia Gavit
17. Dr. Alok Kumar Suman
18. Shri Mahesh Sahoo
19. Shri Girish Chandra
20. Shri Pradyut Bordoloi*
21. Ms. Geeta Kora*

RAJYA SABHA

22. Dr. Ashok Bajpai
23. Shri Anil Baluni
24. Shri Samir Oraon
25. Dr. C. M. Ramesh
26. Shri Jawhar Sircar
27. Dr. Prashanta Nanda
28. Shri Hishey Lachungpa
29. Shri Birendra Prasad Baishya
30. Shri R. Girirajan +
31. Smt. Phulo Devi Netam +

* Nominated by the Hon'ble Speaker, Lok Sabha w.e.f. 14.04.23.

+ Nominated by the Hon'ble Chairman, Rajya Sabha w.e.f. 19.04.23.

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Shri Kalyanasundaram - Director
3. Ms. Maya Menon - Under Secretary
4. Shri Rajeev Kumar - Executive Officer
5. Smt. Sonia Gupta - Executive Officer

INTRODUCTION

I, the Chairperson of the Joint Committee on the Forest (Conservation) Amendment Bill, 2023 to which 'The Forest (Conservation) Amendment Bill, 2023' was referred, having been authorized to submit the Report on their behalf, present this Report with the Bill, as reported by the Joint Committee annexed thereto.

2. The Forest (Conservation) Amendment Bill, 2023 was introduced in Lok Sabha on 29th March, 2023. The Motion for reference of the Bill to a Joint Committee of both the Houses of Parliament was moved in Lok Sabha on 29th March, 2023 by Shri Bhupender Yadav, the Minister of Labour and Employment and Environment, Forest and Climate Change, (*vide Appendix-I*) and concurred by the Rajya Sabha on the same day (*vide Appendix-II*).

3. As per the motion moved in the House, the Joint Committee was to make a report to the House till last day of the first week of the Monsoon Session, 2023 .

4. Keeping in view the importance of the Bill and its wide ranging implications, the Committee decided to call memoranda to obtain the views from public in general and experts/stakeholders/NGOs and other organisations in particular on the provisions of the aforesaid Bill. Accordingly, a press communiqué inviting memoranda from them was issued on 03rd May, 2023 in national and regional newspapers through the Central Bureau of Communication. The Committee has received 1309 memoranda (*vide Appendix III*). All the memoranda were circulated to the Members of the Committee. They were also sent to the Ministry of Environment, Forest and Climate Change and their comments were obtained on each of them. The Committee also heard the views/suggestions of twelve experts/stakeholder organisations who made personal appearance before the Committee. The points raised by the experts/stakeholders and public along with the comments of the nodal Ministry were suitably incorporated in the Report .

5. In addition, the Committee invited suggestions from concerned Ministries and heard the views/suggestions of Ministries/Departments *viz.* Ministries of Home Affairs, Defence, Tribal Affairs, Railways(Railway Board), Road Transport and Highways, Rural Development, Jal Shakti (Department of Drinking Water & Sanitation), Mines, Department of North Eastern Region (DoNER) including the nodal Ministry *i.e.* Ministry of Environment, Forest and Climate Change in their sittings. The Committee also invited three State Governments from left wing extremism affected States *i.e.* Chhattisgarh, Maharashtra and Telangana to the sittings to take note of their comments on the Bill. The Committee also undertook a study tour of Srinagar, Guwahati and Bhubaneswar from 02.06.2023 to 07.06.2023 where they held discussions with fourteen other States/UTs including all North Eastern States and remaining left wing extremism affected States *i.e.* Odisha and Andhra Pradesh. During the said study-visit, the Committee also held discussions with various other stakeholder organizations and PSUs such as Army Northern Command (XV Corps), Border Road Organization (BRO), Border Security Force (BSF), Defence Research and Development Organization (DRDO), Directorate General of Hydrocarbons (DGH) and Oil and Natural Gas Company (ONGC) on various provisions of the Bill. (*vide Appendix-IV*).

6. The Joint Committee held eight sittings wherein, they heard the views of the representatives of various Ministries/ Departments, State Governments/UTs and experts//stakeholder organisations. (*vide Appendix-V*). Sitting wise list of witnesses who appeared before the Joint Committee for oral evidence is enclosed (*vide Appendix-VI*).

7. Thereafter the Joint Committee completed Clause by Clause consideration of all Clauses of the Bill at their sitting held on 26th June, 2023. The Bill as reported by the Joint Committee is appended after the Report.

8. 04 Notes/minutes of dissent have been received from the 05 Members of the Joint Committee (*vide Appendix-VIII*).

9. The Joint Committee, in their 09th sitting held on 11th July, 2023 considered and adopted draft report and authorized the Chairperson to present the report on their behalf. The Committee also decided that one copy of the proceedings of the sittings of the Committee and two copies each of the memoranda received by the Committee on the Bill from various quarters may be placed in the Parliament Library after the Report has been presented to Parliament, for reference of the Members of Parliament.

10. The Joint Committee wish to express their thanks to the representatives of the Ministry of Environment, Forest and Climate Change and Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) who appeared before the Joint Committee and placed their considered views to the points raised by the Joint Committee during the sittings held in connection with the examination of the Bill. The Joint Committee would also like to express their sincere thanks to the representatives of other Union Ministries, representatives of State Governments/UTs and other experts/stakeholder organizations who appeared before the Joint Committee and candidly presented and submitted their views about the impact of various provisions of Bill. The Joint Committee would also like to acknowledge the sincere and devoted efforts made by the Officers of Lok Sabha Secretariat in facilitating conduct of all the sittings of the Joint Committee smoothly and for preparing the draft Report of the Joint Committee.

SHRI RAJENDRA AGRAWAL
CHAIRPERSON,
JOINT COMMITTEE ON THE
FOREST (CONSERVATION) AMENDMENT BILL, 2023.

NEW DELHI;
11 July, 2023
20 Ashadha, 1945 (SAKA)

REPORT

CHAPTER-I

Genesis and features of the Joint Committee on Forest (Conservation) Amendment Bill, 2023

1.1 Forests are the green lungs of the nation and provide various ecological services like clean air, water, maintenance of soil-moisture regime by checking soil erosion etc. Forests maintain environment stability and ecological balance. Natural forests with the vast variety of flora and fauna are hub of biodiversity. Forests directly sequester Carbon dioxide from atmosphere and play a critical role in checking global warming and climate change. Forests check extension of sand-dunes preventing desertification. Healthy forest eco-systems are necessary for reversal of land degradation in the country.

Definition of Forest

1.2 As per decision 19 of Conference of Parties 9-Kyoto Protocol, the forest can be defined by any country depending upon the capacities and capabilities of the country as follows:-

- cover percentage: Tree crown cover- 10 to 30%;
- Minimum area of stand: area between 0.05 and 1 hectare ; and
- Minimum height of trees: Potential to reach a minimum height at maturity in situ of 2 to 5 m.

1.3 India's definition of forest has been taken on the basis of above three criteria only and very well accepted by United Nations Framework Convention on Climate Change (UNFCCC) and Food and Agriculture Organization (FAO) for their reporting/communications. The forest cover is defined as 'all land, more than one hectare in area, with a tree canopy density of more than 10 percent irrespective of ownership and legal status. Such land may not necessarily be a recorded forest area. It also includes orchards, bamboo and palm'. The definition of forest cover has clearly been defined in all the India State of Forest Report (ISFR) and in all the International communications of India.

1.4 In ISFR 2021 recently published by the Ministry on 13th January, 2022, the forest cover figures are divided as 'Inside Recorded Forest Area' and 'Outside Recorded Forest Area'. Those 'Inside Recorded Forest Area' are basically natural forests and plantations of Forest Department. The Forest cover 'Outside Recorded Forest Area' are mango orchards, coconut plantations, block plantations of agroforestry. Thus data of mango plantations etc. is automatically getting separated out as Forest Survey of India is reporting the figures of 'Outside Recorded Forest Area' separately.

Indian Forest Act, 1927

1.5 The **Indian Forest Act, 1927** consolidates the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce. During pre-independence era, besides the local Acts, majority of forests were being managed and protected under the provisions of the Indian Forest Act, 1927.

The Forest (Conservation) Act, 1980

1.6 According to the Ministry of Environment, Forest and Climate Change, before the enactment of the Forest (Conservation) Act, 1980 and during the period of 1951 to 1975-76 of post independence era, approximately 4.135 million hectares of forest land was diverted for various non-forest purposes without any regard to environmental considerations. Taking cognizance of fast depleting forest resources of the country, the forests were added to the Concurrent List by the Constitution (Forty- second Amendment) Act, 1976. It was felt necessary that to put a check on uncontrolled and unregulated use of forest land for various non-forestry uses, a regulatory mechanism should be in place. Accordingly, regulation on de-reservations and non-forestry use of forest land was introduced by enacting the Forest (Conservation) Act, 1980 by the Parliament on 25.10.1980.

1.7 The Forest (Conservation) Act, 1980, is an important Central statute for the conservation of forests in the country. It provides that the de-reservation of reserved forests, use of forest land for non-forest purpose, assigning forest land by way of lease or otherwise to private entity and clearing of naturally grown trees for the purpose of reforestation requires prior permission of the Central Government. During last four decades, after the enactment of Act average annual rate of diversion of forest land has

been reduced to approximately 22,000 ha. During last 43 years, approximately 9.83 lakh ha of forest land was diverted for non-forest purposes with adequate mitigating measures.

1.8 As per the written submission made by the Ministry of Environment, Forest and Climate Change, till 12.12.1996, the general practice was that State Governments, Union territory Administrations and Central Government used to apply the Act only to the forests notified under the Indian Forest Act, 1927 or under any other local law, and to forests which were under the management control of the Forest Department. The Act was only sporadically applied to lands that were under the control of Revenue or other Departments.

Hon'ble Supreme Court's judgment

1.9 Hon'ble Supreme Court in its Judgment dated 12.12.1996, passed in the Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad versus Union of India and Others, clarified the scope of applicability of provisions of the Forest (Conservation) Act, 1980. From the judgement it became clear that the provisions of the Act are applicable to the following types of forests/ forest lands:-

- (a) all areas which are recorded as 'forest' in any government records irrespective of ownership, recognition and classification. This included areas notified as forest under any law;
- (b) all areas, other than those covered under sub-para (a) above and conform to the 'dictionary meaning of forest; and
- (c) all areas which are identified as 'forest' by the expert committee constituted in pursuance of the 12.12.1996 order of the Supreme Court and affidavit has been filed in the Supreme Court in 1997 accordingly.

Necessity to bring in amendments

1.10 In this regard, the Ministry of Environment, Forest and Climate Change have stated that pursuant to Judgment dated 12.12.1996, the State Governments also started applying the Act to any other area identified by the Expert Committee in each State as 'forest' and to lands that were covered under the dictionary meaning of forest. Therefore, the applicability of the Act in various types of lands has been dynamic *i.e.* initially provisions of the Act were being applied to the notified forest land only and subsequently, the Act was made applicable to revenue forest land or in lands which were recorded as forest in government records. Many of such lands were already put to non-forestry use

such as habitations, institutions, roads, etc. with the required approval of the competent authority. This situation resulted in misinterpretation of the provisions of the Act with respect to their applicability specially in recorded forest lands, private forest lands, plantations, etc. Therefore the Government of India felt it is necessary to remove ambiguities and bring clarity about the applicability of the Act in various lands.

1.11 According to the Ministry of Environment, Forest and Climate Change, a declining tendency of undertaking plantations in non-forest lands has been observed owing to the apprehension among individuals, organisations and authorities regarding such plantations being considered forests due to the various interpretations regarding applicability of the Act, and this misapprehension is becoming a hindrance in enhancing green cover to fulfil the Nationally Determined Contribution targets of creating additional carbon sink of 2.5 to 3.0 billion tons of CO₂ equivalent. Besides this, the strategic and security related projects of national importance need to be fast-tracked to ensure development of vital security infrastructures, especially along the international border areas such as Line of Actual Control (LAC), Line of Control (LoC), as also in the notified LWE areas. Similarly, small establishments, habitations on the side of roads/railways also need to be facilitated by providing them access and connectivity to main arterial roads and other public utilities.

1.12 Further the Ministry of Environment, Forest and Climate Change have stated that in 1988, the clause (iii) of section 2 was inserted to regulate the assignment of forest land on lease to private entities for raising commercial plantations. However, in recent times, the provisions of this section are being invoked by the States and user agencies for assignment of forest land on lease for mining and other purposes. In their existing expression, the provisions of sub-section cannot be applied to entities, owned and managed by Government including for mining resulting in lack of uniformity, and therefore to bring uniformity in the provisions, amendment has been proposed in the subsection. Moreover, such leases may be assigned as per the terms and conditions laid down by the Central Government.

1.13 The Ministry of Environment, Forest and Climate Change have also submitted that to carry out various forestry management activities and respond to quick natural hazards in the forests, basic infrastructural facilities are required to be maintained in the forest

land. For want of enabling provisions in the Act, it is difficult to create such basic infrastructure in the forest area thereby impacting the forestry operations, regeneration activities, monitoring and supervision, prevention of forest fires, etc. Moreover, the proper protection and conservation of forests by local communities requires availability of livelihood opportunities which can be effectively enabled through promotion of eco-tourism, zoos and safaris. Therefore, activities ancillary to forestry management have been explained under this sub-section. The term 'Explanation' has been made elaborate to include activities which are taken up for the cause of conservation of forest and wild life. Therefore, the 'Explanation' to the proposed sub-section (1) has been amended to include activities which are taken up for the cause of conservation of forest and wild life.

1.14 Temporary survey activities in forest area such as investigation, reconnaissance etc. causes no permanent change in the forest land use i.e. there is no perceptible change in the forest vegetation or in breaking of land. These investigations, reconnaissance of exploratory surveys, etc. are an effective tool to determine the availability of minerals without impacting the forest land. It is therefore, proposed not to treat surveys, etc. as a non-forest activity subject to certain terms and conditions which the Central Government will specify.

1.15 There has been change in the ecological, social and environmental regimes and policies relating to conservation and development of forests during the last more than four decades since the enactment of the Act. To keep the provisions of the Act in tandem with the dynamic changes in the ecological, strategic and economic aspirations of country, an enabling provision for issuance of directions as a new section 3C has been inserted in the Bill.

1.16 The Act was promulgated mainly to regulate the use of forest lands for various non-forest purposes. During the intervening period, after the promulgation of the Act, new challenges relating to ecological, social and environmental developments have emerged at national as well as international levels. For example mitigating the impact of climate change, achieving the national targets of Net Zero Emission by 2070, maintaining or enhancing the forest carbon stock, etc. Therefore, to carry forward the country's rich

tradition of preserving forests and their bio-diversity and to tackle the climate change challenges, it is necessary to encompass such issues in the ambit of the Act.

The Forest (Conservation) Amendment Bill, 2023

1.17 In view of the foregoing, the Forest (Conservation) Amendment Bill, 2023 has been proposed. The salient features of the Bill include:-

- (i) Insert a preamble to the Act to encompass country's rich tradition of preserving forests, their biodiversity and tackling climate change challenges
- (ii) Amend the short title of the Act to be called Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 so as to ensure that potential of its provisions is reflected in its short title
- (iii) Clarifying 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 the 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 of the non-forest land;
- (v) Provide for terms and conditions including the conditions of planting trees to compensate felling of trees undertaken on the lands while considering the proposed relaxation under the Act;
- (vi) Include more activities, which are taken up for the cause of conservation of forests and wildlife in 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 surveys, shall not be treated as non-forest purpose;
- (ix) Empower the Central Government to issue directions.

Joint Committee on Forest (Conservation) Amendment Bill, 2023

1.18 The Forest (Conservation) Amendment Bill, 2023 has been referred by the Parliament to this Joint Committee on Forest (Conservation) Amendment Bill, 2023 for examination and report. A motion to refer the Bill to amend further the Forest (Conservation) Act, 1980 to the Joint Committee on Forest (Conservation) Amendment

Bill, 2023 was adopted by Lok Sabha on March 29, 2023 and the same day Rajya Sabha concurred with the recommendation of the Lok Sabha regarding constitution of the Joint Committee on the Bill. According to the motion, the Committee shall present their report by the last day of the first week of the next session. Joint Committee is comprised of 31 Members with 21 Members from Lok Sabha and 10 Members from Rajya Sabha. Shri Rajendra Agrawal, MP (Lok Sabha) is the Chairperson of the Committee. At the first sitting, the Committee were briefed by the representatives of the Ministry of Environment, Forest and Climate Change which is the nodal Ministry responsible for the Bill. In the second to fifth sittings, the Committee heard the views of the representatives of ten Central Ministries viz. Ministries of Home Affairs, Defence, Tribal Affairs, Railways (Railway Board), Road Transport and Highways, Rural Development, Jal Shakti (Department of Drinking Water & Sanitation), Mines, DoNER who are mainly concerned with the Bill including the nodal Ministry i.e. Ministry of Environment, Forest and Climate Change and also the views of the representatives of three State Governments viz. Chhattisgarh, Maharashtra and Telangana. At the sixth and seventh sitting, the Committee heard the views of some of the experts on the subject matter and also some individuals who had submitted their suggestions to the Committee. The Committee also decided to issue a Press Communique inviting suggestions from the public on the provisions contained in the Bill. Subsequently, a press communiqué was issued in print and electronic media inviting suggestions from the public. In response, a total of 1309 memoranda/suggestions were received by the Committee. The Committee also undertook a study tour to Srinagar, Guwahati and Bhubaneswar from 2 June to 7 June, 2023 to hear the views of representatives of fifteen other States/UTs including all North Eastern States and remaining left wing extremism affected States i.e. Odisha and Andhra Pradesh. The Committee also held discussions with various other stakeholder organizations and PSUs such as Army Northern Command (XV Corps), BRO, BSF, DRDO, DGH and ONGC on various provisions of the Bill during the Study-visit. At the eighth sitting, the Committee took up the clause by clause consideration of the Bill. The Committee considered and adopted the draft report in their ninth sitting held on 11th July, 2023.

1.19 The following chapter deals with the clause by clause examination of the Bill by the Committee.

CHAPTER-II

Clause by Clause examination of the Forest (Conservation) Amendment Bill, 2023

Clause 1

2.1.1 (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.

Clause 2

Relevant provisions of Principal Act

Preamble :

2.2.1 Provisions do not exist in the Principal Act.

Provisions proposed in Amendment Bill

2.2.2 It is proposed to insert preamble to the Act after the long title and before the enacting formula as under:

"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, Nationally Determined Contribution targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030;

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

AND WHEREAS, India has a rich tradition of preserving forests and their biodiversity, 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, carbon neutrality ."

Reasons/Justification given by the Ministry of Environment, Forest and Climate Change

2.2.3 To keep the provisions of the Act in tandem with the dynamic changes in the ecological, strategic and economic aspirations of country and to have the scope of this act relevant with the emerging ecological challenges for forest conservation, restoration, compensatory mechanism, mitigation measures, etc, it has been proposed to change the name of the Act and to insert the preamble in the Act.

Examination by the Committee

2.2.4 During briefing on the Bill, it was observed that targets fixed in the Preamble if not fulfilled by the year mentioned, the Act has to be amended again. Even if the target is achieved before the target year, the Act would have to be amended again. So, the target year need not be fixed in the preamble. In regard to the above observation, the Ministry of Environment, Forest and Climate Change in their written clarification stated as under:-

“The preamble mentions the national targets of Net Zero Emission by 2070, creation to carbon sink, increasing the green cover, preserving the bio-diversity and improving the livelihood of forest dependent communities, besides the Nationally Determined Contributions. Operations of all proposed provisions will act as a driving force for the forest management augmentation. The included preamble, reflects the intents of the Central Government to broaden the scope of Act to combat global issues.”

2.2.5 During clause by clause examination of the Bill on 26 June, 2023, when the matter was again raised, the Director General of Forest and Special Secretary in the Ministry of Environment, Forest and Climate Change has clarified that the targets mentioned in the proposed preamble are in accordance with the international commitments made by the Government of India. While elaborating the same, he made the following submission during clause by clause examination of the Bill:-

“Sir, the Preamble can be read in four parts. The first part is basically the international commitments that we have agreed upon in different international Conferences regarding the net-zero and also additional carbon sink. So, that is basically to provide the guidelines to the policy-makers and not only the policy-makers, but also to the State Governments and also the officers who are in the field to devise their policies and action plans in accordance with the international commitments. Ultimately, because these commitments had to be met by the country as a whole--all the officers, all these policy-makers and all the

Governments should combine their hands together for this commitment. Part number two is regarding the forest policy that is presently in vogue where we have to bring 1/3rd of the entire country's geographical area under forest. So, that is also a reminder to all the policy-makers and various stakeholders that this is the commitment of the Government made in the policy that we should bring 1/3rd of the forest area under green cover. If you go with the third part, it echoes the sentiments of most of the hon. Members also. It talks about the rich tradition of the forest and also the dependent communities. As hon. Members have raised concerns about what will happen to the dependent communities, we have already mentioned about it in the Preamble that we are going to take all the measures that enables the Government to protect the interests of the dependent communities wherever the dependent communities are there. I have already mentioned in various meetings that FRA will be applicable. As such we are not going to dilute any of the Acts after this Amendment. All the Acts as are applicable on date will be applicable after this Amendment also. Then in the last part we talk about diversity of the forest. So, this is not only for the Government or the Forest Department, but this is also for the user agencies that are coming up for different purposes like for taking clearance under the Forest Act. They have also been reminded about all these things that there are dependent communities & whenever they are planning any activities, they have to consider that there are forest dependent communities. The forests are diverse. So, they should plan their activities in such a way that all these things are not disturbed. This is basically the idea of having the Preamble and highlighting all these issues in the Preamble."

2.2.6 It was also observed during briefing that the Preamble talks about economic needs but it is not clarified as to whose economic needs are proposed. With regard to enabling achievements of national targets as stated in preamble and carbon stock neutrality, it was highlighted that the carbon sequestration potential of natural forests is 40 times green as compared to plantation. In this regard, the Ministry of Environment, Forest and Climate Change has clarified in writing as under:-

"the economic aspirations included in the Bill symbolizes the economic aspirations of the local communities which eventually lead to the aspiration of the nation."

Important suggestions by other Ministries/State Governments/organizations
Ministry of Tribal Affairs

2.2.7 The Ministry of Tribal Affairs have made the following submission to the Committee:-

"(i)The term 'forest dependent communities' is wide and not specific. It is suggested that we may qualify this term by adding Forest Dwelling Scheduled Tribe (FDST)/Other Traditional Forest Dwellers (OTFD).

(ii) In order to specifically protect the FDST/OTFD, after 'values of forest' the following can be inserted: 'including the forest and customary rights as well as protection of community forest resources in respect of the FDSTs/OTFDs.'

2.2.8 State Governments

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p><u>Government of Sikkim</u></p> <p>The Preamble needs rationalization. Changes in the 'Preamble' and the addition of noble aims/vision of the Government in an explicit form is welcome but how aims would be achieved with the provisions needs clarity.</p> <p><u>Government of Mizoram:-</u> The contents of the preamble shall be in consonance with the contents of the Act. As the amendment of the Act implies exclusion of a substantial extent of forest area out of the purview of the Forest (Conservation) Act, the preamble may be required to be suitably worded to avoid implied contradiction between the preamble and the provisions of the Act.</p>	<p>There is no preamble in the existing Principal Act and accordingly, a Preamble has been inserted to the Principal Act.</p> <p>The proposed preamble does not suppress the long title of the Principal Act. The preamble of the Bill is in addition to the existing long title of the Act which provides for conservation of forest and activities ancillary or incidental thereto.</p> <p>Preamble has been inserted to the Act to strengthen the forest management by improving its health, productivity and flow of services besides promoting community participation. Moreover, enabling provisions provided under section 6 of the Bill will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place.</p> <p>Provisions of the Bill supports the aims and objectives given in the Preamble.</p> <p>The provisions of clause (b) of subsection (2) of section 4 of the proposed Bill encourages to raise afforestation in private lands, thereby facilitating the peoples participation in increasing the green cover of the country and to combat the global issues such as carbon neutrality, enhancing the carbon sink, better forest management, etc.</p> <p>Promotion of afforestation in the non-</p>

	<p>forest land will create additional carbon sink besides reducing pressure on forests.</p> <p>Management of forest for improved productivity and flow of ecosystem goods and services will also add to mitigate the impact of climate change and conservation of forests.</p> <p>Explanation provided under section 5 of the Bill provides enabling provisions for quick response to natural hazards in the forests, and to facilitate the effective forest management by way of enabling provisions for basic infrastructure for forest front line staff.</p> <p>Provisions also promotes people participation in the process of forest conservation besides providing them livelihood opportunities by way of eco-tourism and setting of zoos and safaris.</p>
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Important suggestions by various experts/ public

2.2.9 In written memoranda submitted to the Committee, stakeholders suggesting for deletion of Preamble stated as under:-

- "A preamble is a clause at the beginning explanatory of the reasons for enactment. The present Act does not have preamble as the title is succinct and self explanatory.
- Proposed preamble should be entirely deleted. Proposed amendment subverts the FC Act's primary objectives "to provide for conservation of forests" and to "check further deforestation". Amendments undo the provisions of existing Act, gains of conservation through W.P. No. 202 of 1995, reduce the ambit of FC Act and privatize the large portion of forests in the name of creating plantations.
- Current Act is a strong piece of legislation and requires no amendment but better and effective implementation. "

2.2.10 In response to the above observation brought to the notice of the Ministry of Environment, Forest and Climate Change, they furnished clarification which is given below:-

"The proposed Bill primarily intends to clarify the applicability of the Act in various lands. Horizons of the Act have been proposed to be broadened to encompass and combating of global issues pertaining to forest conservation and management. With a view to encourage plantation on the non-forest lands, a clarity has been provided in the Bill to keep such lands outside the purview of the Act. Current provisions of the Bill do not allow the private sector to take control of forests but provide for augmentation to increase the productivity and strengthening of forestry practices."

2.2.11 Other experts and individuals in their written memorandum expressed concerns regarding difference between the objectives envisaged in the Preamble and the content of the Act. In this regard, the following observations have been made by stakeholders:-

- "means to support and achieve the aims as net zero emission, increasing forest tree cover, carbon neutrality etc. mentioned in the Preamble have not been provided in the Bill.
- Preamble mention to reach the aim of having one-third area of the country under the forest cover. However, there is no such provisions in the amendment Bill. Therefore, adequate power may be provided to the State to notify the lands which are adjacent to the forests. Amendment do not provide any mechanism to achieve the targets mentioned in the preamble."

2.2.12 The Ministry of Environment, Forest and Climate Change in their written response to the above observation have stated as follows:-

"The provisions of clause (b) of subsection (2) of section 4 of the proposed Bill encourages to raise afforestation in private lands, thereby facilitating the peoples participation in increasing the green cover of the country and to combat the global issues such as carbon neutrality, enhancing the carbon sink, better forest management, etc.

Explanation provided under section 5 of the Bill provides enabling provisions for quick response to natural hazards in the forests, and to facilitate the effective forest management by way of enabling provisions for basic infrastructure for forest front line staff.

Provisions also promotes people participation in the process of forest conservation besides providing them livelihood opportunities by way of eco-tourism and setting of zoos and safaris.

Exempting non-forest land from the purview of the Act will encourage plantation in the non forest land which will eventually enhance the productivity of natural forests due to reduced pressure on natural forests."

2.2.13 On similar grounds the other written memoranda observed about preamble as follows:-

- "The current preamble totally fails to regulate and control the diversion of forest land as it lays emphasis on 'increasing forest and tree cover by creation of carbon sinks'; 'improvement of lives and livelihoods of forest communities' and 'conservation and management and restoration of forests'. These are already covered under other acts like the Indian Forest Act, 1927, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act, The Wildlife Protection) Act and the Biological Diversity Act, 2002 .
- It has been suggested by one NGO that the Preamble fails to mention this primary objective of the Statute which is to regulate and control diversion of forests.
- In the Preamble, it is stated that this Bill is introduced to make the carbon emission to zero and carbon reduction, which should be avoided. And it cannot be accepted to make forests into gardens/estates for the above mentioned two reasons. The abovementioned targets can be achieved only through forestry plantation activities and increasing the area of under green cover.
- The preamble speaks about the noble aim of achieving environmental sustainability in terms of net zero emission, creation of carbon sink, increasing the forest and tree cover, maintaining ecological security, carbon neutrality etc. The bill facilitates more towards the diversion of forest lands for non-forestry purposes rather than ensuring the environmental sustainability.
- A separate Act is required for commitments because in future we are going to have more international commitments. The Act is inconsistent with preamble."

2.2.14 In a written reply to the above observations, the Ministry of Environment, Forest and Climate Change stated as follows:-

"The intent of the existing provisions of the Principal Act *i.e.* long title of the Act has not been amended and is retained in its existing form. Therefore, regulatory provisions of the Act have been kept intact. Preamble proposed in the Bill is in addition to the existing provision of the Act. Preamble has been inserted to the Act to strengthen the forest management by improving its health, productivity and flow of services besides promoting community participation. Moreover, enabling provisions provided under section 6 of the Bill will be invoked, whenever needed, to

clarify the applicability of the Act and to ensure that no misuse of forest land take place.

Provisions of the Bill supports the aims and objectives given in the Preamble. The provisions of clause (b) of subsection (2) of section 4 of the proposed Bill encourages to raise afforestation in private lands, thereby facilitating the peoples participation in increasing the green cover of the country and to combat the global issues such as carbon neutrality, enhancing the carbon sink, better forest management, etc. Promotion of afforestation in the non-forest land will create additional carbon sink besides reducing pressure on forests. Management of forest for improved productivity and flow of ecosystem goods and services will also add to mitigate the impact of climate change and conservation of forests. Explanation provided under section 5 of the Bill provides enabling provisions for quick response to natural hazards in the forests, and to facilitate the effective forest management by way of enabling provisions for basic infrastructure for forest front line staff. Provisions also promotes people participation in the process of forest conservation besides providing them livelihood opportunities by way of eco-tourism and setting of zoos and safaris."

2.2.15 Further the following observations have been made in the written memoranda:-

- (i) It has been observed that in para 2 of preamble delete the words 'tree cover' as tree cover can imply promoting monoculture plantations. Instead, it should just say one-third land area under forest cover.
- (ii) The emphasis in the preamble on achievement of Net Zero emission by 2070 through increase in tree cover goes against the purpose of Original Act.
- (iii) To achieve the Net Zero Emission by 2070 is appreciable, however, use of words like tree, forests and carbon stock threatens the ecological integrity of the country. The carbon stock of various ecosystem such as Alpine meadows, grass lands, flood affected forest areas, despite having lesser tree density maintain the high carbon stock and such important ecosystems have been isolated by the proposed provisions of the Bill

2.2.16 In this regard, the Ministry of Environment, Forest and Climate Change in their written reply stated as follows:-

- (i) "Clarification in this regard, if any needed in future, will be issued by the Central Government by invoking the provisions provided under section 6 of the Bill.
- (ii) Achievement of Net Zero Emission by 2070 is in consonance with the provisions of the Principal Act. Increase in tree cover, envisaged in the Bill, by promoting afforestation on non-forest land and improving the health and productivity of the forest will help to achieve the said target besides reducing biotic pressure on the forests and thereby achieving the purpose of forest conservation, as envisaged in the Principal Act.

- (iii) Achievement of Net Zero Emission by 2070 envisages forest ecosystem as well as other ecosystems, such grass lands, desserts, alpine meadows, etc. Net Zero emission by 2070 envisages cumulative enhancement of carbon stock by the various ecosystem of our country to achieve the carbon neutrality. Increase in tree cover, envisaged in the Bill, by promoting afforestation on non-forest land and improving the health and productivity of the forest will help to achieve the said target besides reducing biotic pressure on the forests and thereby achieving the purpose of forest conservation, as envisaged in the Principal Act."

Observation/Recommendation of the Committee

2.2.17 The Committee deliberated upon the proposal made in the Clause to add a preamble to the Principal Act including the suggestions made by stakeholders and the rationale/replies/ clarifications given by the Ministry of Environment, Forest and Climate Change and decided to accept the amendment proposed under the Clause.

Clause 3

Relevant provisions of Principal Act

2.3.1 Name of the Act: The Forest (Conservation) Act, 1980

Provisions proposed in Amendment Bill

2.3.2 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Reasons/Justification given by the Ministry of Environment, Forest and Climate Change

2.3.3 To keep the provisions of the Act in tandem with the dynamic changes in the ecological, strategic and economic aspirations of country and to have the scope of this act relevant with the emerging ecological challenges for forest conservation, restoration, compensatory mechanism, mitigation measures, etc, it has been proposed to change the name of the Act and to insert the preamble in the Act.

Examination by the Committee

2.3.4 During the briefing on the provisions contained in the Bill by the representatives of the Ministry of Environment, Forest and Climate Change, it was pointed out that the amendment proposed for change in the name does neither add any value to the statute nor serve any purpose to the scope and objectives of the present Act. It would be more appropriate to call it as the Forest (Conservation) Amendment Act. Further it was also

pointed out during the course of briefing that the title of the Bill or Act is non-inclusive because it leaves out vast tracks of population both in South India and also in the North-East.. So, it needs to be inclusive. The title should be changed so that it is properly understood and really reflects the ethos of forest protection or forest conservation. In this regard, the Ministry of Environment, Forest and Climate Change stated in their written reply stated as under:-

“Dynamic changes in the policies and programme call for more efficient management of our forest resources to increase their productivity. Besides this, to cater the global challenges viz. carbon neutrality, Nationally Determined Contributions (NDC), it is necessary to increase the green cover, striking a balance between ecological stability and economic aspirations, etc. Therefore, considering the aforementioned facts, it has been proposed to assign a self-contained name to the Act”.

2.3.5 During Clause by Clause examination of the Bill, when it was enquired about the salient features that are going to derive out of changing the name from Forest (Conservation) Act to Van (Sanrakshan Evam Samvardhan) Adhiniyam, the Director General of Forest and the Special Secretary in the Ministry of Environment, Forest and Climate Change has replied as under:-

“As of now, the name is Forest Conservation Act. I am sorry to say that in general parlance, it is known as Forest Clearance Act. Whatever user agencies coming to the Government of India, even the senior officers, do not know that it is a diversion. They simply think that this is sort of an NOC or clearance. That is a misnomer that we want to remove. By using the word 'augmentation' along with conservation, we want to stress on all the user agencies and the State Governments that this Act is not basically meant only for giving the permissions for developmental works. Along with the developmental works, this also gives the impetus on the fact that while the developmental activities are necessary, the conservation and augmentation of the forest are also necessary. Otherwise, whatever the effects of the climate change that we are seeing today will become more severe and we are already seeing the cyclones etc., their intensity will increase. Whatever we are going to do for the development, that is necessary.”

Important suggestions by various experts/ stake holders

2.3.6 While appearing before the Committee, an expert made the following submission regarding change in name of the Act-

"The next point is about name in Hindi. I think, we need a bilingual approach with the name of the Act in Hindi and English. This, actually, provides a legal clarity and uniformity. So, inserting 'samvardhan' and there is nothing contained in the Bill which, actually, is for development, it is clearly focussed on conservation and we should not dilute it to create any ambiguity. Therefore, I think, it can be deleted. It was also pointed out that a common person will not find it easy to speak the words Sanrakshan and Samvardhan. There is also language diversity. To have one language in the title of the Bill itself it is doubtful whether that is suitable at this stage."

2.3.7 An expert appearing before the Committee stated that there are no corresponding provisions which would suggest that the Legislature wants to have any expansion of the forest land by this amendment. There is no doubt about the reasons of the projects which may be for genuine purpose, but the ultimate reality would be that the forest land cover would be decreased.

2.3.8 The Ministry of Environment, Forest and Climate Change have stated that 'Samvardhan' implies augmentation of health, productivity and services besides increasing area under tree cover by adopting better management practices, strengthening capabilities of front line staff, encouraging people participation by providing them forest based livelihood opportunities.

2.3.9 At the sitting held on 16 May, 2023, on the question of change of the name of the Act to Hindi Secretary, Ministry of Environment, Forest and Climate Change clarified as follows:-

"Sir, if you will kindly look at Section 4, it has clarified forest and it has actually encouraged afforestation. It is encouraging tree outside forest, agroforestry and through these means having greater tree cover in the country, which will add to more carbon sequestration. This is also one of the things that is required for the country to be able to meet its carbon neutrality goal."

2.3.10 At the sitting held on 16 May, 2023, on the question of addition of word 'samvardhan' in the name of the Bill, the Director General of Forest and Special Secretary in the Ministry of Environment, Forest and Climate Change clarified as follows:-

"It is a misconception that if trees are planted on the banks of roads or canals, then later the Forest Department will consider it as a deemed forest and whenever a proposal for land transfer or diversion comes, the provisions of the FC Act will apply. The blank areas which were lying, like NTPC, Universities, PSUs etc used to do plantation. But after the order of 1996, everyone stopped the plantation because they felt that if they do future expansion of the plant, permission will have to be taken under this act. While this was not the case in the rule. To remove this misconception, we have brought the section, as stated by Chhattisgarh Section 1 (a) such trees, plantations and reforestation raised on lands that are not specified in Clause (a) and (b) of Section 1. Apart from this, the FC Act will not apply to whatever plantations are done, whether in the institutional area or on the roads. This will send the right message to the general public, so we have added the word promotion in it."

2.3.11 At the sitting held on 17 May, 2023, on the question of addition of word 'samvardhan' in the name of the Bill, the Director General of Forest and Special Secretary in the Ministry of Environment, Forest and Climate Change further clarified as follows:-

"Earlier there was monoculture, but now it is mixed culture. Talked to you yesterday. We are also planting kardai etc., closing the areas, planting potatoes, so we are also supporting natural regeneration. You have said why we have done augmentation. Clarification has come in the definition, now people will move towards agroforestry. As far as carbon credit is concerned, different agencies have already started working for it. We are already working on how carbon credits are being produced in the three divisions of western Uttar Pradesh, how to incentivize them, how to monetize them. Apart from this, we have started a scheme called Green Credit. Along with carbon credit, if someone is controlling pollution, then how much will be in green credit, we are now deciding this. The scheme of green credit will also start very soon, how will we incentivize it, how will farmers get benefits, we will definitely do it in the coming years."

2.3.12 The following are some of the observations received from the public:-

- Changing the name of the Act in Hindi only, without providing an English translation, could be argued to be against the constitutional intent of inclusiveness and the promotion of linguistic diversity.
- A bilingual approach, with the name of the Act provided in Hindi and English in their respective versions, promotes legal clarity and uniformity. The Hindi version is always published in the Gazette.
- Inserting 'Samvardhan' (Enrichment) in the name of the act appears to be inconsistent with the provisions of the principal act and the proposed amendment.
- There is no provision in the proposed Bill to implement the objective of enrichment of forest

- Existing name of the Act should continue. As change in the name would weaken the social fabrics of the country.
- Change in the name of the Act ignores that there are vast stretches of the community that speak different language especially the South and North East India. Hence this must be done away with and the original title retained.
- This is against the linguistic federalistic principle of the Constitution.

2.3.13 Important suggestions by States/UTs

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
The State Government of Sikkim stated that Samvardhan has not been explicitly defined. A clear definition should be included as it would help in achieving the goals enshrined in the Amendment	In response, the Ministry stated that there is no definition clause in the Bill and clarification if any needed in future would be issued by the Central Government under Section 6 of the Bill.
Meghalaya suggested that the short title/name of the Act should be both in English and Hindi. Mizoram stated that FCA must be retained as it is well understood throughout the country and all the stakeholders are conversant with the term.	Dynamic changes in the policies and programmes call for more efficient management of our forest resources to increase their productivity. Besides this, to cater the global challenges viz. carbon neutrality, Nationally Determined Contributions (NDC), it is necessary to increase the green cover, striking a balance between ecological stability and economic aspirations; etc. Therefore, considering the aforementioned facts, it has been proposed to assign a self-contained name to the Act.

Observation/Recommendation of the Committee

2.3.14 The Committee deliberated upon the proposal made in the Clause to change the name of the Act including the suggestions made by stakeholders and the rationale/replies/clarifications given by the Ministry of Environment, Forest and Climate Change thereto and decided to accept the amendment proposed under the Clause.

Clause 4

Relevant provisions of Principal Act

2.4.1 Not applicable (provisions do not exist in the Act).

Provisions proposed in Amendment Bill

2.4.2 In the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after section 1, the following section shall be inserted, namely:—

1A : Act to cover certain land

(1) The following land shall be covered under the provisions of this Act, namely:-

- (a) that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act 1927 or under state or local law;
- (b) that is not covered under clause (a), but has been recorded as forest in any Government record, as **on or after 25.10.1980**, except such land whose land-use was changed from forest to non-forest purpose on or before 12.12.1996 in compliance with an order in that behalf issued by such authority authorised by a State Government or Union territory Administration in this behalf;

Explanation.- (i) 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) to such forest land situated alongside a rail line or a road, which is proposed to provide access to a habitation, or to a rail, and roadside amenity upto a maximum size of **0.10** hectare in each case;
- (b) Such tree, tree plantation or reforestation 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 **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 a strategic linear projects 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 hectare** acres 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 term and conditions, including the conditions of planting trees to compensate for felling of trees undertaken on the lands, as the Central Government may, by general or specific guidelines, specify.

2.4.3 Reasons/Justification given by the Ministry of Environment, Forest and Climate Change

- Absence of clarity on scope of the Act necessitated introducing the "Applicability" section. This is also in line with clarification given by Hon'ble Supreme Court in 1996.
- Government record for the purpose of Act needed clarity and accordingly defined as an explanation.
- Exemption has been proposed to provide the connectivity to the roadside amenities, habitation and access to rail.
- Clarity is being provided to promote plantation on non-forest land as envisaged in the National Forest Policy.
- Strategic and security related projects of national importance need to be fast-tracked to ensure development of vital security infrastructure, especially along the international border areas such as Line of Actual Control (LAC), Line of Control (LoC), as also in the notified LWE areas.

Examination by the Committee

2.4.4 During briefing on the Bill, there was an observation that 100 kilometers from border may not be possible as in eastern Himalayas and in North Eastern States it may cover large chunks of land and the State Governments may not agree to the proposal. In regard to the above, the Ministry of Environment, Forest and Climate Change stated in its written reply as follows:-

"The proposed provisions providing exemption along the international borders are not generic exemptions i.e. proposed exemption are only for specific projects of strategic importance concerning to national security to be identified by the Central Government. Moreover, said dispensation will be subject to such terms and conditions, including payment of compensatory levies and compensation of trees, which will be a binding on the States to ensure their compliance while considering such projects within 100 km. Analysis of approvals accorded in the past for defence projects revealed that out of total area of 80,408 ha diverted in the last 8 years, only 2480 ha of forest land has been diverted to defence projects including roads which account for 3% of the total area diverted. It is also important to note that

during last 8 years out of the total forest area of 19305 ha diverted for road in the bordering States of the country, only 3.5% is diverted for defence road projects.”

2.4.5 Further during the course of briefing, another observation was made that the people living in forest areas face difficulties as there are no schools and water facilities. There is also communication gap as they lack telecommunication facilities. In this regard, the Ministry of Environment, Forest and Climate Change stated in a written submission as under:-

“To promote development of LWE affected areas, forest land up to 5 ha has been exempted from the purview of the Forest (Conservation) Act, 1980 for construction of public utility projects as may be specified by the Central Government.”

2.4.6 At the sitting held on 17 May, 2023, when it was further enquired whether the proposed exemption of 0.10 hectare alongside a rail line or road will be permitted left side or right side, the Director General of Forest and Special Secretary in the Ministry of Environment, Forest and Climate Change clarified as follows:-

“Sir, after that you said, there is a concept of 0.1 hectares, it is a little vague. So the concept of 0.1 hectare, we have called it maximum that we will not apply the provisions of the FCA Act in such cases up to 0.1 hectare. As far as left side and right side is concerned, whether it is in left or right, if the connectivity in the road is from right side then exemption will be given in right side, if connectivity is in left side then exemption will be from left side. There is no cumulative of both. Both are different. In particular, in one instance, if that episode is upto 10.1 hectares, then it will be free from the provisions of our FAC Act after this amendment.”

2.4.7 The Ministry of Environment, Forest and Climate Change in their written reply have explained the said amendment as under:

“Exemption (of 0.10 ha of forest land), proposed in the Bill, has been decided by the Central Government, as appropriate, after carrying out the consultation process with the Ministries, States and public.

Exemption of 0.10 ha of forest land, considered under section 1A(2)(a), will provide connectivity to road side habitations and establishment to ensure their connectivity with the mainstream of development.

The terms and conditions, including defining amenities, strategic roads, public utilities, etc. will be undertaken subsequently, by the Central Government in accordance with the provisions of section 1A(3) of the Bill.

Clarification in this regard, if any needed in future, will be issued by the Central Government by invoking the provisions provided under section 6 of the Bill.”

2.4.8 The reference to Godavarman case was drawn by hon'ble members during the sitting of the Committee held on 17.05.2023, where it was observed that the Hon'ble Supreme Court has said in the T.N. Godavarman case that any land recorded in the name of forest in government documents would require forest clearance. But in the proposed amendment bill, only that land has been considered as forest, which was recorded on or after October 25, 1980. There should also be a provision in this bill.

2.4.9 In regard to the above observation, the Ministry of Environment, Forest and Climate Change have submitted in their written reply to the Committee:

"The phrase of the Bill '*...recorded as forest as on 25.10.1980....*' implies that all lands which have been recorded as forest even before 25.10.1980 will also be covered under the provisions of the Act.

Section 1A clarifies that the provisions of the Act will be applicable on the notified lands under the Indian Forest Act, local Acts or laws and lands recorded as forest in the revenue records. Moreover, the government records have also been defined to capture all types of forest lands available in a particular area.

Government records, defined under section 1A of the Bill, implies that the scope of the applicability of the Act is in line with the Supreme Court order dated 12.12.1996.

There is no dilution of Hon'ble Supreme Court order. Explanation provided under proposed section 1A(1) of the Bill clarifies that all forests, including unclassified forests, recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place."

2.4.10 Further, the representative of the Ministry of Environment, Forest and Climate Change made the following submission to the Committee in this regard:

"The Deemed Forest case of TN Goda Varman in the year 1996 will be violated somewhere. So, there is no mention of violation in the TN Goda Varman case. The misconceptions that have arisen at present from that case that they had said that all the states should sit and make a definition and declare their respective deemed forest areas. But some people did it and some people did not, so the misconception remained that if there is a green patch somewhere and if a private person plants a forest, then the FC Act will be applicable. Due to this reason many people have given up agro forestry. Now since these misconceptions will be cleared, the concept of Agro Forestry will be more stable and people will be attracted towards it and our area which is Tree Outside Forest, will grow."

2.4.11 It was also observed during the sitting held on 16 May, 2023 that as several unclassified land get classified as deemed forest especially in the state of Arunachal Pradesh stalling development projects under Forest Rights Act.

2.4.12 In this regard, the Ministry of Environment, Forest and Climate Change in their written reply submitted as under:

“Applicability of the Act as proposed in the bill is in line with the Hon'ble Supreme Court order dated 12.12.1996. Government records, defined under section 1A of the Bill, implies that the scope of the applicability of the Act is in line with the Supreme Court order dated 12.12.1996. Further, deemed forest lands, identified by the Expert Committee of the State, have been taken on record and hence the provision of the Act will be applicable in such lands also.”

2.4.13 During the course of examination by the Committee, observations were made that the administration of forest is a federal subject. It is not a central subject. Therefore wherever, it is said in the bill as such that, the Central Government may specify or my decide, may be modified.

2.4.14 It was further observed in this regard that all the sections in the Bill falls under the jurisdiction of Central Government. In view of security requirements of state police forces, making provisions for availability of land should fall within the purview of state government as they are engaged with local and tribal people in land negotiations and arrangement of alternate lands when original plans does not materialize.

2.4.15 The Ministry of Environment, Forest and Climate Change in their written reply have submitted as under:

“Enabling provisions have been provided under section 1A (3) of the Bill to prescribe terms and condition while considering exemption. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government. Views of the States/UTs are generally obtained by the Ministry before issuing any guidelines. In the extant case also terms and conditions will be finalized in consultation with the States/UTs.”

2.4.16 Further, during clause by clause examination of the Bill, the Director General of Forest in the Ministry of Environment, Forest and Climate Change while summarizing the questions raised by members regarding Hon'ble Supreme Court judgement and the provisions made in the Bill stated as follows:-

"Sir, basically, this clause deals with the scope of the forest wherever the Act is applicable, and that emanates from the judgement of the hon. Supreme Court of 12.12.1996. I would like to read the content of the judgement. The judgement says 'the Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance and therefore provisions made therein for the conservation of forest and for matters connected therewith apply to all the forest irrespective of the nature of ownership or classification thereof. The word 'forest' must be understood according to its dictionary meaning.' This was the judgement. It further says 'that each State Government should constitute within one an expert committee to (i) identify areas which are "forests", irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the ownership of the land of such forest; (ii) identify areas which were earlier forests but stand degraded, denuded or cleared; (iii) identify areas covered by plantation trees belonging to the Government and those belonging to private persons.' So, this was the judgement. Prior to that, the Act does not speak about the scope of the forest. There may be a confusion as to where this Act should be applicable after this 12.12.1996 judgement. So, there was a general statement not only by the general public but also by the forest officers that it is applicable on the areas which look forest, which is not there in the judgement of the hon. Supreme Court. So, to clarify this and to make it clearer as to where this Act will be applicable and going by the spirit of the judgment, we have mentioned that this will be applicable on the land that has been declared or notified as forest in accordance with the provisions of the Indian Forest Act or any other law for the time being in force. For example, Punjab Land Preservation Act (PLPA) which is relevant for the Punjab and Haryana, the land is not covered under Clause A but has been recorded in Government record as forest as on or after 25th October, 1980. For the Government, we have said that for the purpose of this subsection, the expression 'Government record' means the records held by the Revenue Department or Forest Department. In many States, the forest record is not included in the revenue record. That is why, we have said here that the records either held by the Forest Department or Revenue Department of the State Government, Union Territory Administration or any authority, local body, community or council recognized by the State Government. As madam Sangma has expressed her concern about the forest of Meghalaya, I would like to say that 90 per cent of the forest in Meghalaya is owned by the community and all these records are there. It will be the Act as such after amendment will be applicable on those lands also. It will be applicable in the entire North-Eastern region. To clarify this part where the hon High Court has said 'deemed forest', there is still a misnomer that this is a dynamic thing. This is not a dynamic thing. The hon. Supreme Court has only given the timeline for one month only. I agree that this was not covered within one month and it took almost a year and almost all the States have filed their affidavits with regard to which are the areas that have been

identified as forest, 'look like forest area' and degraded forest, which were once a forest and now they are degraded etc. All these things have been taken care of by the Expert Committee that was constituted after this judgement. These are also on record. They have been filed before the hon. Supreme Court also. These things will also be taken care of. To further clarify, we have the provisions for the first time. We are coming up with the provisions of the guidelines. By going with the sentiments of the hon. Committee, to err is human. We must have made some error. I do not think that everything has been sacrosanct. In case we are missing something, then I assure you that we will take care in the guidelines."

2.4.17 The following statement shows the written observations/suggestions made by Members and the reply given by the Ministry of Environment, Forest and Climate Change:-

Suggestions/Comments of the Member	Reply of the MoEF&CC
<p>The major concern of this Bill is that the 2023 amendment will likely dilute the Supreme Court's 1996 landmark Godavarman judgment which had widened the scope of the FCA to apply to any land recorded as forest by the Government irrespective of its ownership; though the ministry have issued a clarification, saying that the proposed changes will not negate the SC Order.</p>	<p>There is no dilution of Hon'ble Supreme Court order. Explanation provided under proposed section 1A(1) of the Bill clarifies that all forests, including unclassified forests, recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place.</p>
<p>Bulk of the Aravallis, tiger habitats of the Terai and Central India, the Western Ghats and the biodiversity hot spots of the north-east, may no longer be considered 'forest' and can potentially be sold diverted cleared, felled, utilized, exploited without any regulatory oversight , if the Bill is passed.</p>	<p>Explanation provided under the section 1A(1) of the Bill defines and broadens the scope of Government records not only restricted to the records of revenue Department and Forest Department but also to any other authority or even local body recognized by the State Government. Moreover, the forest like areas identified by the Expert Committee and informed to Hon'ble Supreme Court in pursuance to order dated 12.12.1996, has also been taken on record.</p>

<p>The new Bill will create ambiguity for the land which was earlier handed over to the Forest Department by the Revenue Department but is yet to be cleared in the records since both Revenue Department and Forest Department may have the forest land in the records. The proposed Bill fails to clarify how the ambiguity will be dealt with in such cases and therefore, it is recommended that clarity is brought to fix the management and control rights over the lands which had been declared forest without any formal paperwork before the year 1996.</p>	<p>Explanation provided under Section 1A(1) provides that land recorded as forests in the records held by the Revenue Department or Forest Department will attract the provisions of the Forest (Conservation) Act, 1980.</p>
<p>Revenue department should update the status of forest lands in their records clearly identifying them as forest lands. This will prevent the issuance of pattas or any other rights within these areas and the inclusion of forest land in the Prohibitory Order Book of the Revenue Department will further reinforce their protected status.</p>	<p>Enabling provisions provided under section 6 of the Bill empowering the Central Government to issue directions, will be invoked whenever needed to issue such clarifications in future.</p>
<p>Bill should also provide that the pending notification of forest blocks should be prioritized and resolved promptly within a given period of time since many forest lands remain under the ambiguous categories of lands, leading to chances for encroachment.</p>	<p>Provisions of section 1A(1)(a) provides that land notified under Indian Forest Act or local Act will fall within the purview of the Forest (Conservation) Act, 1980. Therefore, land which have been intended to be notified such as section 4 lands under the IFA or similar land under any local Act will also attract the provisions of the Act.</p>
<p>It is also suggested that the Bill also provides for demarcating the land assigned under RoFR (Recognition of Forest Rights) Act, 2008 to prevent encroachment by tribals, who frequently move from their original patta site to other areas by felling trees, resulting in forest destruction and further encroachment.</p>	<p>Enabling provisions provided under section 6 of the Bill empowering the Central Government to issue directions will be invoked whenever needed to issue such clarifications in future.</p>

<p>Bill should also introduce a robust mechanism for the mandatory demarcation of the forest land. Constructing boundary pillars or digging trenches can provide clear physical demarcations, reducing confusion and encroachment attempts by local villagers. To enhance the protection of forest lands, the jurisdictional area assigned to a single forest guard may also be provisioned to be reduced.</p>	<p>Guidelines/instructions in this regard are already in place. Enabling provisions provided under section 6 of the Bill empowering the Central Government to issue directions, will be invoked whenever needed to issue such clarifications in future.</p>
<p>'Government land record' may be inserted in place of 'Government record' in 4IA(1)(b).</p>	<p>Government record has been defined in line with various orders of Hon'ble Supreme Courts. Government record defined in the Act pertains to the Government as well as non-government lands for the purpose of clarifying the applicability of the Act.</p>
<p>An additional provision in Section 1A, after sub-clauses (1)(a) and (b), to exclude areas with habitations which officially existed in Government records prior to notification of the Reserved Forest(s) and Protected Areas, irrespective of the date of notification of such Reserved Forest(s) and Protected Areas".</p>	<p>Such areas are generally notified under the Indian Forest Act, 1927 or local forest Act after following the due statutory process including settlement of rights by the Settlement Officer.</p> <p>Proviso added to clause (b) of section 1A provides for exemption to such revenue forestlands, which have been put to non-forestry use by an order of the competent authority of the State following due process before 12.12.1996 including cases of pre 25.10.1980 period. It is not applicable in respect of lands notified under the IFA or local Acts/laws.</p> <p>Provisions of the Bill primarily clarifies the applicability of the Act in various lands and it does not provide for changing the legal status or de-reserving any forest land notified under the IFA of local Act. Moreover, Hon'ble Supreme Court in its order dated 13.11.2000 has restrained de-reservation of forests and national Parks/Wildlife Sanctuaries.</p>

<p>"1 hectare" may be inserted in place of "0.1 hectare" [Para 4IA(2)(a)].</p>	<p>Exemption of 0.10 ha will provide connectivity to road/rail side habitations and establishment to ensure their connectivity with the mainstream of development. Proposed dispensation, as decided, after thorough consultation, has been considered as optimum.</p>
<p>Exemption of the category of private forests from the purview of the FCA may benefit landowners and farmers and incentivize them to plant more trees, however will it prevent their lands from being taken over for development processes or will actually be facilitative of that. The letter would have a huge negative impact for the climate change mitigation related national commitments and obligations.</p>	<p>Provisions of section 4(2)(b) of the proposed Bill encourages to raise afforestation in private lands, thereby facilitating the peoples participation in increasing the green cover of the country and to combat the global issues such as carbon neutrality, enhancing the carbon sink, better forest management, etc. Promotion of afforestation in the non-forest land will create additional carbon sink besides reducing pressure on forests.</p>
<p>"One Hundred fifty kilometres" may be inserted in place of "One hundred kilometres" [Para 4IA(2)(c)(i)].</p>	<p>The exemption of linear projects located within 100 km of distance from the international borders, including LAC and LoC is not a blanket exemption. It has been proposed in consultation with the M/o Defence with a view to fast track the development of security related infrastructure in the border areas.</p>
<p>Heavy construction in geographically sensitive areas can endanger our wildlife. Forests within 100 KM of international borders or Line of Control will no longer require any forest clearance to construct highways, hydel power projects etc. This is deeply problematic.</p>	<p>The proposed exemption along the international borders is not generic exemptions i.e. proposed exemption are only for specific linear projects of strategic importance concerning to national security to be identified by the Central Government. Said exemptions will not be available for private entities. The 100 km distance is maximum allowable distance. The use of exemption will be need based i.e. may be used within 5 km or 10 km.</p>

<p>India's 15,100 KM international terrestrial border, comprises rich ecosystems - grasslands, deserts, wetlands, lowland forests, evergreen rainforests – that are mostly untouched due to their remoteness. This is a natural defence cover to our country. Needs to be protected any cost. Animals and birds do not have international borders. Its free movement across the borders should not be restricted. Impacts on wildlife could be catastrophic. It is a misconception that wildlife is confined to protected areas (PAs). Over a third of India's tigers, 70 % of elephants and a good part of wolf, bustard, leopard populations reside in landscapes outside of PAs. Unchecked construction on such seismically and geologically sensitive landscapes not just threatens rare wildlife and the country's water security but also renders these regions vulnerable to earthquakes and landslides.</p>	<p>Power conferred under section 1A(3) of the Bill is to prescribe terms and condition while considering exemptions. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government. Moreover, said dispensation will be subject to such terms and conditions, including payment of compensatory levies and compensation of trees, preparation of Wildlife management Plans, Soil and Moisture Conservation Plan, as per requirement, which will be a binding on the States to ensure their compliance while considering such projects under exemption. Provisions of the Bill will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.</p>
<p>Areas declared as already protected under the Wildlife (Protection) Act, 1972 including Tiger Reserves, National Parks, Wildlife Sanctuaries, Community Reserves and Conservation Reserves as well as other areas such as Wildlife Corridors and those self declared a Community Conserved Areas by local people are strictly protected from any diversion for large scale development projects, without impacting the rights of the scheduled tribes and other traditional forest dwellers. There is a genuine fear of these areas being indiscriminately used and deforested for any developmental activity without any safeguard for the local people or for the environment. Linear projects have already proven to be most</p>	<p>Provisions of the Bill do not infringe or abrogate the provisions of the Forest Rights Act, 2006, PESA or LARR Act, 2006. The processes envisaged in these laws, including the consent of the ST and OTFD under the Forest Rights Act, 2006 is not impeded in any way by the proposed amendment.</p> <p>Moreover, provisions given under rule 9(6) (b) (ii) mandates that compliance of FRA, 2006 is completed by the State before handing over the land to the user agency.</p>

<p>detrimental for biodiversity and wildlife movements.</p>	
<p>Such exemptions could lead to unchecked exploitation of forest resources and ecological damage. Considering this, I would like to propose that a clause be inserted into the proposed Bill to check the ecological damage caused by such projects.</p>	<p>The proposed exemption along the international borders is not generic exemptions i.e. proposed exemption are only for specific linear projects of strategic importance concerning to national security to be identified by the Central Government. Said exemptions will not be available for private entities. The 100 km distance is maximum allowable distance. The use of exemption will be need based i.e. may be used within 5 km or 10 km.</p>
<p>This clause could require that any linear infrastructure project that seeks exemption from prior approval must undergo an environmental impact assessment (EIA) to assess the potential ecological impact of the project. This EIA should consider factors such as the extent of forest land that would be affected, the impact on wildlife habitats, and the potential for soil erosion and water pollution.</p>	<p>Power conferred under section 1A(3) of the Bill is to prescribe terms and condition while considering exemptions. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government. Moreover, said dispensation will be subject to such terms and conditions, including payment of compensatory levies and compensation of trees, preparation of Wildlife management Plans, Soil and Moisture Conservation Plan, as per requirement, which will be a binding on the States to ensure their compliance while considering such projects under exemption. Provisions of the Bill will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.</p>

The proposed Bill could lead to the eviction of forest-dwelling communities and threaten their traditional livelihoods, particularly with the fast tracking of strategic and security-related projects of national importance located in forest areas. A provision be included in the proposed Bill to protect the rights of forest dwelling communities and their traditional livelihoods.

Rehabilitation and resettlement or eviction of people, if any involved, will be undertaken as per the provisions of the relevant R&R policy of the State and abiding by the provisions as given under the Forest Rights Act, 2006, PESA Act, 1996 and LARR Act, 2013 or any other relevant Act or rules.

No provisions of the Bill impedes with any provisions of the FRA, PESA or LARR Acts.

Moreover, provisions given under rule 9(6) (b) (ii) mandates that compliance of FRA, 2006 is completed by the State before handing over the land to the user agency.

This provision could require that any strategic or security-related project of national importance located in a forest area undergo a comprehensive social impact assessment (SIA) that considers the potential impact of the project on forest-dwelling communities. Furthermore, the provision could require that any project that is found to have a significant impact on forest-dwelling communities and their traditional livelihoods should be subject to a resettlement and rehabilitation plan that ensures that the affected communities are adequately compensated for any loss of livelihoods, and provided with alternative means of livelihoods. The resettlement and rehabilitation plan should be developed in consultation with the affected communities and be implemented before any project activities commence.

Provisions of obtaining environmental clearance, wherever applicable, will be abided by the agency. The power conferred under section 1A(3) of the Bill is to prescribe terms and condition while considering exemptions. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government.

Important suggestions by various stakeholders
Ministry of Tribal Affairs

2.4.18 The Ministry of Tribal Affairs in their submission to the Committee in regard to this proposed amendment stated as under:-

“Section 2 (d) of FRA defines ‘forest land’ as “ land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks. To ensure that rights guaranteed to Forest Dwelling Scheduled Tribes (FDSTs) and Other Traditional Forest Dwellers (OTFDs) under FRA are protected, MoEFCC may please consider inserting a saving clause mentioning that “the said definition of ‘forest land’ will not be in derogation of FRA, 2006”.”

2.4.19 The Ministry of Tribal Affairs have also further suggested that MoEFCC may insert a saving clause that “the land on which the forest rights have been recognised or are in the process of recognition under FRA, will continue to be treated as forest land.

2.4.20 During the sitting held on 17 May, 2023, the Director General of Forest and Special Secretary in the Ministry of Environment, Forest and Climate Change clarified as follows:-

“Sir, you were talking about FRA Now we are taking FRA in all areas. In 100 KM (exemption along international border) we will keep FRA. We are not exempting that in this Act. FRA Act will be applicable in that. FRA is applicable in any projects other-wise as well. It is also applicable in out development projects also.”

Ministry of Rural Development

2.4.21 The Ministry of Rural Development have suggested that the proposed Sub Section (2) of Section 1 (A) may be modified appropriately to include the following:

“a. New connectivity to habitations/ upgradation of rural infrastructure (roads and bridges) under PMGS.

b. Construction/ upgradation of rural roads and bridges for movement of security forces and providing connectivity in LWE affected or other areas considered important from security or strategic point of view.”

2.4.22 In regard to the above suggestion, Director General of Forests and Special Secretary in the Ministry of Environment, Forest and Climate Change made the following clarification before the Committee in the sitting of the Committee held on 17 May, 2023:-

"As far as connectivity is concerned, those roads of PMGSY, our amendment of 0.1 hectare of land that we have made provisions for road side amenities and public utilities. Many roads of PMGSY are laid in interior areas and our prohibited areas are near those roads. So their connectivity is stopped. Now the relaxation of 0.1 hectare which is given by us now will solve 70-80 percentage of those cases. The matter will be resolved, because wherever there is a facility, we will give it through the guidelines. We have also given relaxation for LWE areas. If there is any necessity, we will look into it separately."

Ministry of Jal Shakti, Department of Drinking Water and Sanitation

2.4.23 The Ministry of Jal Shakti, has suggested that the proposed Para 4 Section (2) sub-section (c) (i) may be modified appropriately to include the following:

"In pursuance of the relaxation for strategic projects being proposed up to 100 km from LoC, LAC- works relating to water supply provisions to such projects (in view of the Vibrant Villages Programme) should also be allowed without forest clearance."

2.4.24 In regard to the above suggestion, Director General of Forests and Special Secretary in the Ministry of Environment, Forest and Climate Change made the following clarification before the Committee in the sitting of the Committee held on 17 May, 2023:-

"Regarding the issue of the drinking water pipelines, it has been asked as to what will happen to drinking water if there is a strategic road. On all the ROWs which will be coming up with the highways, the drinking water pipelines can be laid. There is no restriction even in the existing guidelines also. If there is a road already passing through the forest, if the Ministry wants to use the ROW for laying a pipeline, initially it was one metre by one metre and now we have raised it to two metres by two metres because the size of the pipe increases with the amount of water that has to be taken through it."

2.4.25 Ministry of Petroleum and Natural Gas

- i) **In 1A (2)** :Addition of Sub clause (d) may please be considered as under:
(d) to undertake further drilling activities from an already diverted forest land for which Forest Clearance has been obtained earlier for drilling activity.
- ii) Need for inclusion of Clause in FC Bill, 2023 regarding Nonapplicability of FC Act on Extended Reach Drilling (ERD) Technology in oil and gas sector projects outside the forest area.

State Governments

Government of Chhatisgarh

2.4.26 Government of Chattisgarh has observed in its submission made to the Committee that the type of security related infrastructure and the use agencies shall be mentioned explicitly. In this regard, it has suggested that the works shall be carried by the Central Government agencies only to prevent the escape routes for the use of forest land by the private individuals and other entities. Therefore the following amendment is proposed:-

1A(2)(c)(iii)

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

Explanation:- For the purpose of this Sub-Section, “public utility projects” shall include the following but not limited to the following:-

- (a) Mobile tower
- (b) OFC Cable
- (c) Road connecting to camps of paramilitary forces & state police and helipads for forces
- (d) Tribal hostels and Ashrams in scheduled area
- (e) Establishment of Ekalavya Vidyalaya(Scheme of Ministry of Tribal Affairs)
- (f) Upto 5 Km solar plants in an area where forest land has less than 50 trees per Acre or which are natural blanks in the form of Hills and Rocks.

Government of Maharashtra

2.4.27 Government of Maharashtra has suggested to insert the following proviso:-

“Provided that the land classified in this clause will not attract provision of Forest (Conservation) Act 1980 in the cases where (a) Lands have been put to nonforestry use prior to 25th October, 1980 irrespective of issuance of de-reservation notification under section 27 of Indian Forest Act 1927 or otherwise. (b) The privately owned lands which are deemed to be reserved forest under section 3 (3) of Maharashtra Private Forest (acquisition) act 1975 and have been restored back to land owners for livelihood purposes under section 22-A of the same act as amended in 1978.”

2.4.28 In this regard, the Ministry of Environment, Forest and Climate Change in their written reply submitted as under:

“Applicability of the Act as proposed in the bill is in line with the Hon’ble Supreme Court order dated 12.12.1996. Government records, defined under section 1A clarifies that the provisions of the Act will be applicable on the notified lands under the Indian Forest Act, local Acts or laws and lands recorded as forest in the revenue records. Moreover, the government records has also been defined to capture all types of forest lands available in a particular area.

Further, deemed forest lands, identified by the Expert Committee of the State, have been taken on record and hence the provision of the Act will be applicable in such lands also.”

2.4.29 Government of Assam

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>1. Such exemption not to be extended though out the length of forest through which the linear infrastructure passes. Such diversions of 0.1 Ha maximum should be restricted to areas close to townships, tourist hubs but should not stretch all along the forest. Rest of the forest should not be disturbed. The amenities should include public utilities like public health centre etc.</p>	<p>Exemption of 0.10 ha of forest land, considered under section 1A(2)(a), will provide connectivity to road/rail side habitations and establishment to ensure their connectivity with the mainstream of development.</p> <p>The exemption allowed is upto 0.1 ha i.e. based on the actual requirement the access may be considered for construction of 2, 3, 4, or 5.. meters wide road involving area not exceeding 0.1 ha.</p>
<p>2. The exemption be considered only for strategic linear project of national importance concerning national security i.e. Defense purposes only. The word ‘and’ between ‘importance’ & ‘concerning’ should be deleted. The modified line to read “...proposed to be used for construction of strategic linear project of national importance concerning national security; or</p>	<p>The proposed exemption along the international borders is not a generic exemptions i.e. proposed exemption are only for specific projects of strategic importance concerning to national security to be identified by the Central Government. The 100 km distance is maximum allowable distance. The use of exemption will be need based i.e. may be used within 5 km or 10 km.</p>

2.4.30 Government of Jammu & Kashmir

Observations/suggestions of the UT Government	Reply/comment of the nodal Ministry
(i) In the provisions given under section 1A(1)(1),	The phrase “...as on or after the 25 th ”

reference to "as on or after the 25th October, 1980" may be dropped as appears superfluous	October, 1980..." to eliminate the scope of ambiguity on the applicability of the provisions of the Forest (Conservation) Act, 1980 in the lands which have been recorded forest before or after the 25.10.1980.
(ii) The Phrase appearing as "...proposed to be used for construction of strategic linear project of national importance and concerning national security.." in sub clause (i) of clause (c) of sub-section (2) of Section 1A may be substituted with the phrase "...proposed to be used for construction of strategic linear project of national importance or concerning national security, as may be notified by the Central Government....."	The exemption has been considered for the projects of national importance and concerning national security i.e. both preconditions national importance and national security needs to be satisfied to avail the exemption. Exemptions will be applicable to the such qualifying linear projects, as may be identified by the M/o Defence and MHA. Further, provisions given under section 1A(3) will be used to prescribe the terms and conditions for such exemptions.
(iii) The phrase "...as may be notified by the Central Government" may be suffixed to sub clause (ii) of clause (c) of sub-section (2) of section 1A.	Exemptions will be applicable to such qualifying infrastructure, as may be identified by the M/o Defence and MHA. Further, provisions given under section 1A(3) will be used to prescribe the terms and conditions for such exemptions.

2.4.31 Government of Nagaland

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
1. Most forest areas in the State are not recorded as forests and as no land records are maintained. There is no mention of how specifically the privately and community owned areas in the State will be treated. It is submitted that a specific insertion may be made keeping the private (naturally grown) forest areas out of the purview of the act to remove any ambiguity.	Explanation provided under proposed section 1A(1) of the Bill clarifies that all forests, including unclassified forests, recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place.
2. With regards to exemption of 100 km, it is to submit that entire Nagaland State will be excluded. Given the peculiar shape of NE except Assam the nearly all States becomes excluded. The uniformity of 100	The proposed exemption along the international borders is not a generic exemptions i.e. proposed exemption are only for specific projects of strategic

<p>Km needs to be removed, more so as the Indo Myanmar border is not as sensitive as Indo China or Indo Pakistan Border. Further, the entire 100 km belt falls into the Indo-Burma Biodiversity Hotspots-one of the richest areas in terms of gene pool diversity in the entire world.</p>	<p>importance concerning to national security to be identified by the Central Government. The 100 km distance is maximum allowable distance. The use of exemption will be need based i.e. may be used within 5 km or 10 km.</p>
<p>3. A new section may be inserted which while keeping the naturally grown private areas out of the purview of the Act but also keeps them at par with forest areas as far as loss of ecosystem services and biodiversity is concerned. It is once again emphasized that private forest areas in the NE are extremely rich and the loss needs to be compensated either through restoration or long-term protection provided to equivalent areas through realization of NPV, in agreement with the community.</p>	<p>Section 1A(3) of the Bill provides for terms and condition while considering exemption. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards will always be included in the terms and conditions to be prescribed by the Central Government.</p> <p>Moreover, these provisions will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.</p>

2.4.32 Government of Himachal Pradesh

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>(i) The authority competent to certify/specify such projects as of National importance and National Security needs to be defined in the Act;</p>	<p>Exemptions will be applicable to the such qualifying linear projects, as may be identified by the M/o Defence and MHA of the Central Government.</p>
<p>(ii) It is understood that the distance of 100 km is aerial distance.</p>	<p>Distance of 100 km is aerial distance.</p>
<p>1. Under Section 1A(2)(c)(ii), it has been proposed that the land upto 10 hectare, proposed to be used for construction of 'Security related infrastructure' shall not be covered under the provisions of the Forest (Conservation) Act, 1980. In this context, it is suggested that the 'Security related</p>	<p>Terms and conditions, including defining amenities, strategic roads, public utilities, etc. will be undertaken subsequently, by the Central Government in accordance with the provisions of section 1A(3) of the Bill.</p>

<p>infrastructure' needs to be elaborated by defining various categories of such infrastructure and also the authority competent to certify as to which type of infrastructure shall be declared as related to Security.</p>	<p>Moreover, public utilities have already been specified by the Ministry in the guidelines.</p>
<p>2. Authorization of State Government to grant approval (Forest Clearance) for project of National importance, National security and Defence related infrastructure and charge amounts of NPV & CA</p>	<p>Exemption considered under the Bill are not blanket exemptions. Such projects will be exempted from the prior approval of the Central Government under the Act while the processes are to be carried out at the State level including the payment of CA and NPV and other mitigating measures as may be specified by the Central Government while deciding the terms and conditions in accordance with the provisions of section 1A(3) of the Bill.</p>
<p>3. The distance of 100 Km along the international border, mostly covers the tribal areas of the State, which will affect the rights of the tribal people. Therefore, to protect the rights of tribal communities, provision may be made as per Section 4(3) of the amendment, to use the forest land after obtaining the recommendations of the concerned Gram Sabha under the provisions of Forest Rights Act, 2006.</p>	<p>The provisions proposed in the Forest (Conservation) Amendment Bill, 2023 do not bar or infringe with the operation of other parallel laws, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, PESA Act, 1996 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, which mandates to obtain the consent of Gram Sabha.</p>

2.4.33 Government of Sikkim

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>1. 1A (Act to cover certain land) (i) The proviso shifts the cutoff date from 25.10.1980 to 12.12.1996 will regularize recorded forest land converted for non-forest purposes where corrections in records have been made without due diligence, as well as the consent of the Forest Department;</p>	<p>Provisions of the Bill exempting the lands whose land use has been changed to non-forest use on or before 12.12.1996 will be applicable to those recorded (revenue) forest lands which have been put to non-forestry use by an order of the competent authority of the State following due process.</p>
<p>(ii) This will also encourage large-scale encroachment in the forest land, as precedence of shifting of the cutoff date has been created;</p>	<p>Cutoff date has been selected keeping in view the direction of Hon'ble Supreme Court. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to ensure that no misuse of forest land takes place.</p>
<p>(iii) It will exclude forests that are being proposed to be declared forestland under section 4 of the Indian</p>	<p>Area notified under the Indian Forest Act, 1927, including the areas notified under</p>

<p>Forest Act, 1927, or the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;</p>	<p>section 4 (proposed to be notified), will be covered under the provision of the Bill.</p>
<p>(iv) Interpretation of the sub section does not align with the order issued by the Hon'ble Supreme Court in TN Godhavarman case, in the WP (C) 202 of 1995 dated 12th December 1996.</p>	<p>Provisions of the Act are in line with the orders of Hon'ble Supreme Court. The 'Explanation' provided under proposed section 1A(1) of the Bill clarifies that all forests, including unclassified forests, recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act.</p> <p>Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place.</p>
<p>2. Sikkim being a mountainous State has roads constructed along the steep hill slopes which are prone to erosion and slides. The exception provided for large openings of 0.1 ha would be detrimental to the slope stability. The 0.1 hectares or 1000 sqm of openings for National Highways with 12 m RoW would create an opening having a length of 83 m which, for a hilly State is large access and unreasonable. The extent of exemption may be limited to a width of two-lane access or around 10 mts.</p>	<p>The exemption allowed is upto 0.1 ha i.e. based on the actual requirement the access may be considered for construction of 2, 3, 4, or 5 meters wide road involving area not exceeding 0.1 ha.</p>
<p>3. Sikkim with a total area of 7096 sqkms is bound by International Borders on three sides having an extent of 114 km from North to South and 64 km from East to West. Thus, the exemption of 100 kms distance from LAC from regulations of FCA, 1980 will subsume the entire state and open up pristine forest areas along with its biodiversity for non-forestry uses without FCA regulation. In Sikkim's geographical context, the proposed exemption may be reduced to 2 kms from 100 kms from the International Borders;</p>	<p>Exemption have been considered purely in the public and national security interests of the country. The proposed exemption along the international borders and in LWE District are not generic exemptions i.e. proposed exemption are only for specific projects of strategic importance concerning to national security to be identified by the Central Government. Said exemptions will not be available for private entities. Moreover, even after the diversion of forest land, the legal status of forestland remains unchanged, therefore, there will be no reduction in the forest area.</p>
<p>4. Up to ten hectares, proposed to be used for construction of security related infrastructure is large in extent. Maximum up to 5 hectares of land for security related well-defined and listed Infrastructure may be allowed.</p>	<p>Moreover, said dispensation will be subject</p>

5. As per the FCA related data specific to Sikkim; out of the total forest land diversion of 3015 ha for non-forest purposes to date the diversion for defence purposes is 1529 ha which is nearly half of the total diversion;	to such terms and conditions, including payment of compensatory levies and compensation of trees, which will be a binding on the States to ensure their compliance while considering such projects under exemption.
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Government of Tripura

2.4.34 The exemption of upto 100 km along the international border may not be applicable to small state like Tripura and it may be reduced to 10 KM. In regard to the above suggestion, the Ministry of Environment, Forest and Climate Change has furnished the following clarification:-

“The proposed exemption along the international borders is not a generic exemptions i.e. proposed exemption are only for specific projects of strategic importance concerning to national security to be identified by the Central Government. The 100 km distance is maximum allowable distance. The use of exemption will be need based i.e. may be used within 5 km or 10 km.”

2.4.35 Government of Arunachal Pradesh

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
1. Exemption of 0.1 ha may be enhanced to 1 ha	Exemption, proposed in the Bill, has been decided by the Central Government after carrying out the consultation process with the Ministries, States and public. Exemption of 0.10 ha of forest land, considered under section 1A(2)(a), is considered appropriate to provide connectivity to road side habitations and establishment to ensure their connectivity with the mainstream of development.
2. 100 KM distance may be enhanced to 150 km.	The exemption of linear projects located within 100 km of distance from the international borders, including LAC and LoC is not a blanket exemption. It has been proposed in consultation with the M/o Defence with a view to fast track the development of security related infrastructure in the border areas.
3. Regeneration and cultivation of medicinal plants may also be included as forestry activity.	Provisions of regeneration activities have already been included at clause (i) of the Explanation given under section 2 of the Act.

	<p>As per the provisions contained in the Principal Act the activities like cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants have been categorised as non-forestry activities. These activities are commercial and non site-specific. To ensure better protection and management of forests for enhanced flow of ecosystem goods and services such activities are not permitted in the forest lands. Moreover, such activities are not in consonance with the provisions of the National Forest Policy, 1988 which discourages use of forest land for cultivation.</p>
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2.4.36 Government of Mizoram

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>1. More clarity on the type of Government record acceptable for this purpose is required. Since taking out of forest land other than notified forests out of the purview of the Act may have adverse effect in contradiction to the preamble and those forests area may disappear/ cleared taking advantage of this.</p> <p>2. In respect of 2(a), the contents are not clear at all, what it means. Further, it is not clear that if such areas are notified forests or recorded forests, then what is required to be done, as this provision will be in contradiction to section 1A.</p>	<p>Explanation provided under proposed section 1A(1) of the Bill clarifies that all forests, including unclassified forests, recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place</p>
<p>3. (2)(b): This provision will again have disastrous effect as many plantations are being raised by the forest department on the lands, which are neither notified forests nor recorded forests. Thus, anyone will be free to clear those plantations and use such areas for any other purpose.</p>	<p>With a view to encourage plantation on the non-forest lands, a clarity has been provided in the Bill to keep such lands outside the purview of the Act.</p> <p>Moreover, provisions of the Bill supports the objectives of the National Forest Policy, 1988. It promotes afforestation on non-forest land by bringing clarity on the non-applicability of the Act on such lands.</p>
<p>4. (2)(c)(i)(ii)(iii) & (3): This provision gives free hand to any agency to take up any work in any reserve forest, Wildlife sanctuary or National Park situated within 100 kms of international borders. Any activity coming under the definition of linear project by any</p>	<p>The proposed exemption along the international borders and in LWE District are not generic exemptions i.e. proposed exemption are only for specific projects of strategic importance</p>

<p>agency can be taken up mentioning it a project of national importance or of national security as all works in one way or another are of national importance. and any work in states having international borders can be termed by the working agencies as of national security. This will also give free hand to all agencies involved in defence projects to take up any work in any area in any reserve forest, Wildlife sanctuary or National Park situated within 100 kms of international borders, which will completely destroy all these areas, which will be a disastrous act for the survival of human beings, as entire ecological balance will be destroyed. As almost entire Mizoram State falls within 100 kms of aerial distance of international border (Myanmar & Bangladesh Border) and therefore, all its forest and wildlife areas will get destroyed with such provision. This provision is strongly objected to and is not acceptable and shall be dropped.</p>	<p>concerning to national security to be identified by the Central Government. Said exemptions will not be available for private entities. Moreover, said dispensation will be subject to such terms and conditions, including payment of compensatory levies and compensation of trees, which will be a binding on the States to ensure their compliance while considering such projects under exemption. These provisions will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.</p>
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2.4.37 Government of Punjab

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>1. Power for sanctioning of approval under the FCA may be delegated to the state government in the cases where the User Agency is the land owning agency like the PWD, Railways, Irrigation department etc. and the area involved is upto 5 ha.</p>	<p>As the provisions of the General Approval are not supported by the provisions of the Principal Act, the same were not considered by the Ministry. Process of approval has been streamlined by notifying the Forest (Conservation) Rule, 2022 wherein clear delegation has been given to IRO to process and approve the proposals involving areas up to 40 ha. Process for processing of the proposal at State Government has also been streamlined by introducing the Project Screening Committee to facilitate participatory and parallel examination of the proposal replacing the existing linear way of examination of the proposal. In addition to this Ministry have taken several other initiatives viz. conduction of Fortnightly Regional Coordination Meetings at each IRO, conduction of REC meetings twice a months, etc. to facilitate the processing such proposals in a time bound manner.</p>

Other organizations

Border Road Organization

2.4.38 BRO has suggested that the exemption range of 100 km from Line of Actual Control/Line of Control/International Border to be increased to 150 km as numerous works of tunneling, bridging and road infrastructure are proposed to be constructed which will provide strategic depth to border areas.

2.4.39 In order to reduce the "infrastructure differential" with China in terms of roads, bridges, tunnels, habitats, permanent defences, air fields, etc., it is strongly recommended to notify the Forest (Conservation) Amendment Bill, 2023 so that expeditious construction of defence infrastructure projects upto 100 km from LAC/LC/IB can take place. In regard to the above suggestion of Border Roads Organization, the Ministry of Environment, Forest and Climate Change has clarified in writing as follows:-

"The exemption of linear projects located within 100 km of distance from the international borders, including LAC and LoC is not a blanket exemption. It has been proposed in consultation with the M/o Defence for security related infrastructure in the border areas."

Important suggestions by experts/stake holders

2.4.40 Stakeholders in their written submissions to the Committee made the following observations:-

- (i) the amendment Bill seeks to limit the definition of forest land as directed by Hon'ble Supreme Court in its order dated 12.12.1996 by exempting the lands which are forests in their dictionary meaning.
- (ii) Introduction of the clause (b) of sub-section (1) of section 1 A will overturn the Supreme Court Judgement dated 12.12.1996.
- (iii) Provision given in the section 1(A)(1)(b) should also include dictionary meaning of forests as per Supreme Court orders.

2.4.41 In regard to the above observations, the Ministry of Environment, Forest and Climate Change have clarified in their written reply as below:-

"The provisions proposed in the Bill are in line with the order dated 12.12.1996 of Hon'ble Supreme Court. All lands which were forests in their dictionary meaning, have been identified by the Expert Committee in each State and taken on record. The proposed provisions of the Bill further clarifies the applicability of Forest (Conservation) Act, 1980 in various lands."

2.4.42 Stakeholders have also observed as follows in their written memoranda submitted to the Committee:

"Proviso given in the section 1(A)(1)(b) dilutes the provisions of Hon'ble Supreme Court order dated 12.12.1996 as it will legalize the diversion of forest lands from 1980 to 1996."

2.4.43 In regard to the above, the Ministry of Environment, Forest and Climate Change clarified in their written reply as follows:-

"It applies only on those forest lands recorded in Government records where land use has been changed before 12.12.1996 with the approval of competent authority of the State following due processes i.e. provisions of the proviso is applicable to revenue forests lands only and not to the forest land notified under the IFA or local Acts. Proviso provides for exemption to such revenue forest lands, which have been put to non-forestry use by the State before 12.12.1996 including cases of pre 25.10.1980 period. Therefore, provisions of the proviso do not dilute the Supreme Court order."

2.4.44 Further a stakeholder observed that the Supreme Court order, in 1996 had offered legal protection to many forests which are not notified. The new amendments will not only dilute that protection but also help it destroy fast. There are multiple grey areas like "public utility specified by central government" in the Bill, which are unclear and leave us abundant space to misuse this for the destruction of forests. The Ministry of Environment, Forest and Climate Change in this regard clarified as under:-

"The provisions of the Bill do not dilute the legal protection considered by the Hon'ble Supreme Court. With a view to ensure applicability of the Act to non notified forest land, an exhaustive explanation extending the scope of government record up to local bodies level. Public utilities will be clarified by the Central Government under the enabling provisions of section 1A(3) of the Bill."

2.4.45 Further, stakeholders in the written memoranda submitted to the Committee stated that Section 1A (1) restricted the scope of the FCA and it overturns the order of Hon'ble Supreme Court dated 12.12.1996. There are lands where only intent of notification is issued, large tract of orange lands, unclassified forests in North Eastern States. It is unclear whether the provisions of the Act will cease to be applicable to such lands. In this regard, the Ministry of Environment, Forest, Climate Change has clarified that Provisions of the Bill do not overturn the Hon'ble Supreme Court's order dated 12.12.1996 and the explanation provided under proposed section 1A(1) of the Bill clarifies

that all recorded forests, including unclassified forests recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place.

2.4.46 In another written memorandum it was observed that the proposed Bill also states that this Act shall be inapplicable to forest land changed for non-forest purposes on or before 12th December 1996. We believe that this clause has direct implications for forest conservation. In the past, forest land has been converted for several non-forest uses like plantation of cash crops, infrastructure development, mining leases, etc. The FCA (1980) mandates that any such diversion of forest lands or the extension of leases over such areas requires proper prior approval. Exempting the spectrum of these activities from obtaining forest clearances will not be in compliance with the conservation objectives of the FCA (1980). In this regard, the Ministry of Environment, Forest and Climate Change clarified as under:-

"Provisions of the Bill exempting the lands whose land use has been changed to non-forest use on or before 12.12.1996 will be applicable to recorded/revenue forest land only i.e. proviso added to clause (b) of section 1A provides for exemption to such revenue forestlands, which have been put to non-forestry use by an order of the competent authority of the State following due process before 12.12.1996 including cases of pre 25.10.1980 period."

2.4.47 Further, following written observations have also been received from the public:-

1. Forests which were recorded as forests in any government record prior to 25 October 1980 will not be regulated or protected under the principal Act.
2. Critical ecosystems such as Western Ghats, Wildlife Corridors have been compromised as they are not covered under the Act. The cut off date of 25.10.1980 opens up a large extent of forest land that are with other departments on lease with just usage rights.
3. many areas of land are proposed for notification under Indian Forest Act, 1927 before this date, and have not been finalized yet. The legality in such cases need to be looked into and clarified.
4. The new section 1A sub-section 1 threatens the bulk of the biodiversity-rich forests in Aravallis, Terai, Central India, Western Ghats and the North-East, which may no longer be considered 'forest' for the purpose of the Principal Act.

5. Approximately, 27.62% percent of our forests (recorded forest), out of the total forest area will fall beyond the scope of the Act.
6. The proposed amendments are in gross violation of Articles 14, 19 and 21 of our Constitution.
7. Compensation for felling of trees, would not be a replacement. In no way a natural habitat can be rehabilitated.
8. The proposed Section 1A attempts to delineate 'land' which **shall be covered** by the FCA on the one hand, and 'land' which **shall not be covered** by the FCA. There is no rationale for such classification, nor any correlation between such classification and the objective and purpose of the FCA, which is forest conservation. On the face of it, the classification of forest lands in this proposed provision is irrational and unconstitutional.

2.4.48 In regard to the above observations, the Ministry of Environment, Forest and Climate Change clarified in their written comments furnished to the Committee respectively as under:-

1. The phrase of the Bill '*...recorded as forest as on 25.10.1980....*' implies that all lands which have been recorded as forest even before 25.10.1980 will also be covered under the provisions of the Act.
2. Section 1A clarifies that the provisions of the Act will be applicable on the notified lands under the Indian Forest Act, local Acts or laws and lands recorded as forest in the revenue records. Moreover, the government records has also been defined to capture all types of forest lands
3. Area notified under the Indian Forest Act, 1927, including the areas notified under section 4 (proposed to be notified), will be covered under the provision of the Bill."
4. There is no dilution of Hon'ble Supreme Court order. Explanation provided under proposed section 1A(1) of the Bill clarifies that all forests, including unclassified forests, recorded in the record of Government, Forest Department local bodies, or authority will also attract the provisions of the Act. Moreover, enabling provisions provided under section 6 will be invoked, whenever needed, to clarify the applicability of the Act and to ensure that no misuse of forest land take place.
5. The India's State of the Forest Report of the Forest Survey of India mention that about 5,16,630 sq km of the forests of India are within Recorded Forest Areas (notified forest areas) while 1,97,159 sq km of forests lie outside Recorded Forest Areas which includes revenue forests, private forests, agroforestry plantations, etc. Provisions of the Act are applicable on the revenue forest land, private forest land and other land recorded as forest in the records. Therefore, observations that 27.62% of the forest will fall beyond the scope of the Act is not tenable.
6. By the 42nd Amendment Act 1976 of the Constitution "Forests" was added as Entry 17A in the Concurrent List. Therefore, proposed a mendment is within the a mbit of the powers conferr ed to the Central Governm ent. Moreover, the propose d

amendment of the Bill does not infringe or violate the other Constitutional provisions of Article 14, 19 and 21 of our Constitution

7. Agreed, natural forests, lost from the diversion, cannot be replaced with the plantation. However, to compensate the loss and to recouped the services lost over a period of time, provisions of afforestation/plantation, and other similar conditions, as the Central Government may specify, have been proposed in the Bill.
 - Enabling provisions have been provided under section 1A(3) of the Bill to prescribe terms and condition while considering exemption. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards will always be included in the terms and conditions to be prescribed by the Central Government .

2.4.49 Following observations were also made in the written memoranda submitted to the Committee:-

- Proviso exempting forest land already put to non-forestry use before 12.12.1996 is ominous as gamut of activities such as mining allowed in the forest area will be exempted.
- It will legalise all the forest land put to non-forestry use before the 12.12.1996 without the prior approval of the Central Government.
- The land use can be changed without payment of NPV and following the process of forest clearance.
- Exemption of land which changed from forest use to non-forest use before December 12, 1996 may contradict a Supreme Court judgment.

2.4.50 In reply to the above observations, Ministry of Environment, Forest and Climate Change has submitted its following written comments:-

"Provisions are applicable for recorded (revenue) forest land only i.e. proviso added to clause (b) of section 1A provides for exemption to such revenue forestlands, which have been put to non-forestry use by an order of the competent authority of the State following due process before 12.12.1996 including cases of pre 25.10.1980 period.

All other cases belonging to post 12.12.1996 period will be regulated as per the existing process, including payment of NPV and CA.

As the provisions will be applicable to the cases belonging to pre 12.12.1996 period, therefore, order of Hon'ble Supreme Court will not be violated."

2.4.51 An expert in his written memorandum submitted to the Committee has stated that the exemption of 0.10 hectare may be misused for the destruction of forests Clause "Permission from the State Government/officer authorized without the stipulation of CA and NPV" should be inserted. In regard to the above observation, the Ministry of Environment, Forest, Climate Change has clarified in its written submission to the Committee as under:-

"Sub section (3) of the Section 1A provides that such dispensation will be subject to such terms and conditions, including the compensating the loss of trees, as the Central Government may be specify. Central Government will prescribe the terms and conditions, including measures for conservation and protection of biodiversity, which will be binding for the authorities in the State as well as on the user agency."

2.4.52 It was also observed in written memoranda received from public that the proposed amendment undermines the provisions of the FRA, 2006, LARR Act, 2013, PESA Act, and National Forest Policy, 1988. Exemptions considered under the Act are in violation of the provisions of the FRA, 2006. In this regard, the Ministry of Environment, Forest, Climate Change have clarified that no non-obstante clause or section has been provided in the Bill. Further the provisions proposed in the Forest (Conservation) Amendment Bill, 2023 do not bar or infringe with the operation of other parallel laws, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, PESA Act, 1996 and Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013, which mandates to obtain the consent of Gram Sabha.

2.4.53 During presentation before the Committee on the provisions contained in the Bill, a stakeholder made the following submission on 17 May, 2023:-

"Please look at the North-East, for example, and the huge forested areas in the North-East of India. If you are going to exempt 100 kilometres from each border, what is going to be left of the North-East? It is a very sensitive area. As it is, we are seeing the problems which are being created because certain communities who have had traditional rights and customary rights to forests under Schedule VI of the Constitution which itself, I believe, is inadequate. If you are going to give exemptions even for that in the name of security, I believe that it is going to be very problematic. This is a clause which the Committee has to very seriously look at.

The other exemptions also, which are being given, are going to free up large portions of India's forests for projects in various categories which are being given. So, basically as I started off by saying, this regime which is sought to be introduced of exemptions, without any kind of barrier, is an automatic exemption regime which is very dangerous and risky. I am sure, the rulers are very responsible and I am sure that they are all very concerned about conservation. But once you bring this on to the Statute Book, you are opening up a Pandora's box which is going to be very difficult for you to reverse. These are the points which I would like to make as far as exemptions are there."

Another expert/stakeholder made the following observation pertaining to exemptions and jurisdiction of state government in the matter of exemptions:

"Exemptions considered under the Bill should not be blanket exemptions and should be considered with the approval of officers to be authorized by the State in this regard."

2.4.54 The Ministry of Environment, Forest and Climate Change in their written reply have submitted as under:

"Extent of 100 km has been decided in consultation with the Ministry of Defence and is considered optimum to meet the requirement of various defence organization to meet their strategic requirements.

Exemption have been considered purely in the public and national security interests of the country. The proposed exemption along the international borders and in LWE District are not generic exemptions i.e. proposed exemption are only for specific projects of strategic importance concerning to national security to be identified by the Central Government. Said exemptions will not be available for private entities. Moreover, even after the diversion of forest land, the legal status of forestland remains unchanged, therefore, there will be no reduction in the forest area.

Moreover, said dispensation will be subject to such terms and conditions, including payment of compensatory levies and compensation of trees, which will be a binding on the States to ensure their compliance while considering such projects under exemption.

Defence projects which are to be completed in a time bound manner, often gets delayed due to length procedures and documentations involved in the process of approval."

2.4.55 Further, two stakeholders who appeared before the Committee on 30 May, 2023 made the following submissions to the Committee:-

- (i) This limits the applicability of the Act on a vast tract of forest land in a country that got protection since the Godavarman order. Such exclusions of forest land can, therefore, potentially be sold, diverted, cleared, felled,

utilized, or exploited without any forest clearance. All those forest lands which do not fall in the reserved area but are available in government records before 1980 will not come under the purview of the Act. This diverts away from the Supreme Court's 1996 verdict which had ensured every forest mentioned in government records gets legal protection against deforestation.

- (ii) In clause 1A, after B, we need to add one Sub-clause that 'the lands defined in the Godavarman Judgement of 12.12.1996' needs to be included. In the first proviso to the same clause, there are two aspects which are very important. We need to make a distinction between de-notification and diversion. Therefore, we need to make a difference and those lands which have been diverted should not be left out of the purview of the Act. This will be a major loophole, which will be exploited. Only those that have been de-notified may be considered for keeping them outside the purview of the law.

2.4.56 In regard to the above submissions, the Director General of Forests and Special Secretary in the Ministry of Environment, Forest and Climate Change replied during the sitting of the Committee held on 30 May, 2023 as under:-

"Among the new issues that were highlighted, one was related to applicability of the date i.e. 12th December 1996, and whether all legal works done prior to that date will be treated as legalized or not. I will bring to the attention of the hon. Committee the language that we have used: "Provided that the provisions of this clause shall not apply to such land which has been changed from forest use to the use for non-forest purpose on or before the 12th December 1996 in pursuance of an order issued by any authority authorized by the State Government or the Union Territory administration in that behalf." If anything has not been authorized by the State Government or the Union Territory administration, that will remain illegal and will still be considered illegal under this provision. This provision was inserted only to facilitate those activities which have taken place prior to 12th of December 1996. For example, if some school has been constructed and now, they want to add a toilet or room, that will not come under the purview of the Forest Conservation Act."

2.4.57 An invitee made the following submission before the Committee on 30 May, 2023:-

"The other aspect which I wanted to say very loudly is that we have got the law of the Forest Rights after a lot of conflicts. I was also on that committee. I remember a lot of congratulations. My point is how long we have all fought together for it. After such a fight, we have got a certain regime which at least gives three things. The first is protection for tribal communities and traditional forest dwellers. The second thing is a kind of democratic governance for our areas which come under the forest. Now, if we are going to jettison all that, All these forests may be used for our industrialization, because there is no mention. There is also no mention in the rules of Forest Rights Act and PESA that it is also a right. There is no mention of the role of tribals in conservation. If you bring the amendments and will not even

mention these communities, then I understand that this is very wrong. If you sidestep the rights of tribal communities in this way, it will be very wrong. I will say in the end that without reference and linking with the Forest Rights Act, with PESA and with other constitutional guarantees for the tribal communities and the forest dwellers, these amendments are going to be a grave injustice. So, I would request the Committee to ensure that the rights of tribal communities are embedded in our conservation Acts, including in these amendments."

2.4.58 In regard to the above submission, a representative of the Ministry of Environment, Forest and Climate Change made to the following submission to the Committee:-

"Regarding the FRA, I have already explained that the Act does not violate FRA. For the knowledge of the hon. Member, I will read it again: "The State Government or the Union Territory Administration, as the case may be. after obtaining the final approval of the Central Government under Section 2 of the Act, shall ensure the recognition of rights under the Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest rights) Act, which is the FR Act, and to determine and inspect the prosecution lease after fulfilling and complying with the provisions of all other Acts and Rules made thereunder, as applicable, shall issue an order." So, the State Government will issue the final permission only when the Gram Sabha of the concerned area has given the permission in writing."

2.4.59 Further, in written memoranda submitted to the Committee, the following observations have been made:-

- (i) Bill takes a narrow view of forest conservation by completely ignoring the forest-dwelling local communities, and in fact sidelines their existing rights to "conserve, manage and protect forests" enshrined under the Forest Rights Act, 2006. Consent provisions of local communities before forest diversion be adequately reflected in clause 2 of the Principal Act and Clause 4 of the proposed Bill.
- (ii) Exemption of Forest Land where Individual Forest Rights (IFRs) have been Recognized from the applicability of the Forest (Conservation) Act, 1980.
- (iii) The Forest (Conservation) Amendment Bill, 2023 as the proposed act will weaken both the Forest Rights Act-2006 and PESA Act-1996 formulated for welfare of Tribes and implemented in the areas notified in 5th Schedule of Indian Constitution specially and gradually diminish the welfare measures taken under above two acts. So we suggest necessary steps should be taken to withdraw the proposed bill. The rights of forest dwelling communities under the Forest Rights Act, 2006 have been undermined. Failure to specifically include any provisions to incorporate the powers granted to the Gram Sabha under the FRA. Violation of PESA Act 1996.
- (iv) The new Bill must address the fundamental problem of failure to recognize that the local communities are the actual custodians and defenders of the forests. Though the Forest Rights Act has attempted to correct the historic injustice, the FCA needs to be amended to grant the rights to protect and defend the forests

to the local communities by ensuring that no forest is diverted or used for non-forest purposes without Gram Sabha approvals.

- (v) The Bill makes no reference to any other laws relevant to forest: The Forest Rights Act, 2006; the Biological Diversity Act, 2002 finds no reference either in the text of the Bill or the statement of Objects and Reasons. The fact that forest are not empty spaces but areas where there are rights conferred under the law finds no reference in the Bill. In the last few years, nearly 2, 95,000 Biodiversity Management Committees have been set up and are functional. Individual and Community Forest Rights (CFR) have been conferred on forest dwelling communities and Gram Sabhas are mandated to protect and conserve these Community Forest Resources. Yet, the Bill gives a carte blanche to divert forest on various grounds. There is no recognition of the efforts that might have been put in by communities in protecting and regenerating these forest areas.
- (vi) The 2023 Bill, however, displays a worrying lack of knowledge about the provisions in the Constitution of India, laws and judicial precedents which give a special constitutional status to Scheduled Areas and Scheduled Tribes in India. Article 244 read with the Fifth and Sixth Schedules of the Constitution, which relate to special governance of these Areas, have been completely ignored. The 2023 Bill also ignores the *Panchayats (Extension to Scheduled Areas) Act, 1996* enacted under the mandate of Article 243M of the Constitution of India, under which Gram Sabhas in Fifth Schedule Areas are vested with authority over their natural resources in general, and over a wide array of mineral, forest, and water resources in particular. Diversion of these resources for developmental projects without due consultation with the Gram Sabhas has been proscribed by this law.

2.4.60 In this regard, the Ministry of Environment, Forest and Climate Change have clarified in writing as follows:-

"Provisions of the Bill do not infringe or abrogate the provisions of the Forest Rights Act, 2006, PESA or LARR Act, 2006. The processes envisaged in these laws, including the consent of the ST and OTFD under the Forest Rights Act, 2006 is not impeded in any way by the proposed amendment.

The provisions proposed in the Forest (Conservation) Amendment Bill, 2023 do not bar or infringe with the operation of other parallel laws, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, PESA Act, 1996 and Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013, which mandates to obtain the consent of Gram Sabha.

No non obstante clause has been provided in the Bill. Therefore, provisions of the Bill do not impede with the provisions of the Forest Rights Act, 2006 and Biological Diversity Act, 2002. The rights conferred to the Gram Sabha/Committee under the said Acts will continue to be enjoyed by the Gram Sabha/Committees or other statutory body.

By the 42nd Amendment Act 1976 of the Constitution "Forests" was added as Entry 17A in the Concurrent List. Therefore, proposed amendment is within the ambit of the powers conferred to the Central Government. Moreover, the proposed amendment of the Bill does not infringe or violate the Constitutional provisions."

2.4.61 Further observations received from the public state as under:-

- (i) the exemptions proposed in the Amendment will weaken the Act's role in checking deforestation and safeguarding forests. Excluding land "situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control" from the Act's purview severely compromises the conservation of large tracts of open natural ecosystems like deserts, semi-arid savanna grasslands, rocky outcrops, and wetlands.
- (ii) Exemptions would result in the destruction of forest cover and would have a negative impact on the environment. These regions, namely the Line of Control or Line of Actual Control, and areas affected by "Left-wing extremism" are highly eco-sensitive areas in extremely fragile ecosystems. Such destruction of forest cover would lead to an adverse impact on tribal habitats and wildlife. Such proposed exemptions cannot be offset with tree plantation and afforestation.
- (iii) Instead of giving arbitrary extent of 100 km an alternate arrangement such 'Security Sensitive Zone' may be adopted which may be notified from time to time.
- (iv) Distance of 100 km for the construction of security related projects should be reduced to 50 km as 100 km would destroy much of the higher and Central Himalayas.

2.4.62 In regard to above observations, the Ministry of Environment, Forest and Climate Change have clarified as under:-

"The proposed provisions providing exemption along the international borders and in LWE District are not generic exemptions i.e. proposed exemption are only for specific projects of strategic importance concerning to national security to be identified by the Central Government. Said exemptions will not be available for other projects of the region including private entities. Moreover, said dispensation will be subject to such terms and conditions, including payment of compensatory levies and compensation of trees, which will be a binding on the States to ensure their compliance while considering such projects under exemption.

Extent of 100 km has been decided in consultation with the Ministry of Defence. Certain category of lands have been exempted from the purview of Act purely in the public and national security interests of the country.

Enabling provisions therefore, have been provided in sub section (3) of the Section 1A of the proposed Bill which provides that such dispensation will be subject to such terms and conditions, including the compensating the loss of trees, as the

Central Government may be specify. Said provisions will also be invoked to prevent misuse of exemptions.”

2.4.63 In another written memorandum from the public it has been observed that critical ecosystems such as Shola Grasslands, Myristica swamps, grassland on laterite hills, private owned mangrove forest, will be excluded from the purview of the Forest (Conservation) Act, 1980. In its reply, the Ministry of Environment, Forest and Climate Change has clarified in this regard as below:-

“The proposed Bill primarily intends to eliminate the ambiguities in the applicability of the Act in various lands. Applicability of the Act is decided by the status of a land recorded in the records which has been explained under section 1A(1) of the Bill. Land is a State subject and in case the State Government desires, the land records may be updated to include ecologically important areas/ecosystems in the category of forests.”

2.4.64 In another memorandum submitted to the Committee, a stakeholder has suggested that as regards to exemption considered under 1A(2)(a), the provisions for construction of eco-bridges may be provided to ensure safe passages for wildlife. In this regard, the Ministry of Environment, Forest and Climate Change has stated in its written reply as below:-

“Sub section (3) of the Section 1A provides that such dispensation will be subject to such terms and conditions, including the compensating the loss of trees, as the Central Government may be specify. Central Government will prescribe the terms and conditions, including measures for conservation and protection of biodiversity, which will be binding for the authorities in the State as well as on the user agency.”

2.4.65 Regarding proposed amendment in 1A 2 (a) of the Bill, the following observations/suggestions were made by stakeholders:-

- Exemption of 0.1 should be increased to 1.0 ha for the States like Arunachal Pradesh;
- Exemption of 0.1 ha is unjustified and would create long term challenges in habitat connectivity and wild animal dispersal/migration, and, therefore, should be deleted from said Bill.
- The terms habitations, road and railways and exemptions of 0.10 is vague for want of definition.
- Exemption of 0.10 needs more clarity to exclude the forest areas which are not strip plantation.

- The Bill doesn't explain the exemption for habitation access from road/rail amenities.

2.4.66 In regard to the above observations, the Ministry of Environment, Forest and Climate Change clarified in their written comments furnished to the Committee respectively as under:-

- "Exemption, proposed in the Bill, has been decided by the Central Government, as appropriate, after carrying out the consultation process with the Ministries, States and public.
- Exemption of 0.10 ha of forest land, considered under section 1A(2)(a), will provide connectivity to road side habitations and establishment to ensure their connectivity with the mainstream of development.
- The terms and conditions, including defining amenities, strategic roads, public utilities, etc. will be undertaken subsequently, by the Central Government in accordance with the provisions of section 1A(3) of the Bill.
- Clarification in this regard, if any needed in future, will be issued by the Central Government by invoking the provisions provided under section 6 of the Bill.
- The provisions of the relevant section i.e. 1A(2)(a) clearly explain the purpose of exemption of 0.1 ha stating that '*such forest land situated alongside a rail line or a public road maintained by government, which provides access to a habitation, or to such rail, and roadside amenity up to a maximum size of 0.10 hectare in each case*'.

Moreover, the said provisions has also been explained in the Statement of the objects stating that Bill envisages to exempt certain categories of land to provide access to small establishment, habitations on the sides of the roads and railways."

2.4.67 In regard to the proposed amendment in 1A(2)(c)(i) the following observations were made in their written memoranda received from the public:-

- (i) "With regards to exemptions considered for security related projects, there is no data to substantiate the fact that forest clearance has stalled national - importance projects within the forest area. In such a scenario the proposed amendment is irrational and arbitrary.
- (ii) Exemption relating to defence projects in border areas and security related infrastructure should be deleted. Exemptions considered under the Act will destroy various wildlife areas, forests, mountains and other ecosystems creating loss of habitats and species alongside rails and roads.

- (iii) With regards to exemptions of security related projects what should be the procedure and stand in case of a previously notified Protected Area (eg. Kaziranga National Park, Valmiki Tiger Reserve, Valley of Flowers National Park, etc). Will there be no need for any permissions or procedure requiring say/opinion of the forest department? What shall be the checks and balances in such cases? Will it be a free pass? There is no cap or limit on the area of such usage of forest land in a given area."

2.4.68 In regard to above observations, the Ministry of Environment, Forest and Climate Change clarified, respectively, in its written comments as under:-

- (i) "Defence projects which are to be completed in a time bound manner, often gets delayed due to length procedures and documentations involved in the process of approval. Analysis of approvals accorded in the past for defence projects revealed that out of total area of 80,408 ha diverted in the last 8 years, only 2480 ha of forest land has been diverted to defence projects including roads which account for 3% of the total area diverted. It is also important to note that during last 8 years out of the total forest area of 19305 ha diverted for road in the bordering States of the country, only 3.5% is diverted for defence road projects. Moreover, these exemptions are subject to terms and conditions as will be specified by the Central government which will include the compensatory conservations compliances as mentioned in the Bill.
- (ii) Enabling provisions have been provided under section 1A(3) of the Bill to prescribe terms and condition while considering exemption. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government.
- (iii) Proposed exemptions will not be applicable in respect of Protected Areas notified under the Wild Life (Protection) Act, 1972. To mitigate the impact of construction activities for roads/railways, besides greening the area, it is necessary to undertake other measures as well such for the conservation, protections and stabilization of local topographical regimes besides the flora and fauna. Existing mitigation measures will be continued to be complied during the construction activities. Enabling provisions therefore, have been provided in sub section (3) of the Section 1A of the proposed Bill which provides that such dispensation will be subject to such terms and conditions, including the compensating the loss of trees, as the Central Government may specify. Said provisions will be also be invoked to prevent misuse of exemptions."

2.4.69 Further, the following observations made in the written memoranda received from the public:-

- (i) Public utility of very wide term which will virtually allow construction of any project on the forest land.
- (ii) The Bill doesn't define terms such as rail/roadside amenity, public utility, strategic projects, security-related and defence related projects.
- (iii) In general understanding, 'roadside amenities' involve numerous infrastructures like petrol pumps, restrooms etc. The National Highway Authority of India's 'Policy Guidelines for the Development of Wayside Amenities along National Highways and Expressways' provide an insight into the mandatory and permissible facilities. The guideline includes food court/ restaurants, dedicated area for promoting local artisans up to an area of 1000 sq. ft, landscaping and others as mandatory facility category. Similarly, the Uttar Pradesh Public Works Department clarification with respect to roadside amenities along the State Highways and Major District Road describes 'roadside amenities' to include dhabas, separate parking for cars, buses and trucks, open-air rest area with benches and tables, dormitories for drivers/ truckers and others, etc. These facilities virtually provide townships along highways and the lack of specifics with respect to the frequency of these facilities along such linear projects makes vast forest areas susceptible. Therefore, section 1A(2)(a) should be deleted from the Bill.

2.4.70 In regard to the above observations, the Ministry of Environment, Forest and Climate Change provided the following clarifications, respectively:-

- (i) Public utilities have already been specified by the Ministry in the guidelines. Only specified category of projects to be implemented by the Government Department will be allowed under the proposed exemptions. Moreover, these exemptions are for the diversion of forest land upto 10 or 5 hectare and not each proposal of 10 or 5 hectares as are being understood. Further the provision should be read with sub section (3) which states that such exemptions will be subject to terms and conditions as specified by the Central government.
- (ii) Terms and conditions, including defining amenities, strategic roads, public utilities, etc. will be undertaken subsequently, by the Central Government in accordance with the provisions of section 1A(3) of the Bill. Moreover, public utilities have already been specified by the Ministry in the guidelines.
- (iii) Exemption of 0.10 ha of forest land, considered under section 1A(2)(a), will provide connectivity to road/rail side habitations and establishment to ensure their connectivity with the mainstream of development. local officers, the dispensation will be provided.
The proposed dispensation will be used to provide connectivity to the habitation with the road and other facilities situated along the road and railways. The dispensation will be used as per actual requirement i.e. wherever such connectivity is required as per the assessment of the of the local officers, the dispensation will be provided.

2.4.71 Regarding amendment proposed in 1A(2)(b), the following observations were received from the public:-

- Exclusion of tree plantations is unreasonable.
- Exempting plantation on non-forest land will open up the excluded forest lands as compensatory afforestation.
- Amendment proposed is against the National Forest Policy, 1988
- In India, besides the forest areas under the control of the Government, therefore the forest areas which are under the ownership of private people and in the areas no, non –forest activities/projects can be implemented. This bill now, is trying to give exemption to raise plantation and carryout construction work. In these forest areas under the provisions of Forest (Conservation) Act. In the protected forest areas and Tiger and Elephant sanctuaries in Tamil Nadu, there are several hectares of forest land are available belonging to the private people. If those areas are exempted from the controls of the forest (protection) Act, it will lead to cultivation of cash crops in those areas and trees would be felled. When such activities are carried out in the private owned forest near or at the center of the preserved forest area, it may lead to soil erosion, and during the rainy season due to the soil erosion the forest ecosystem will be affected.

2.4.72 In reply to above observations, the Ministry of Environment, Forest and Climate Change provided the following clarifications respectively:-

- Provisions have been proposed to eliminate the ambiguities in the applicability of the Act in non-forest lands and to promote people's participation in increasing the forest cover of the country and in the process of forest conservation and management.
- Lands used for compensatory afforestation are invariably notified as forests under the Indian Forest Act or local Act. Therefore, provisions of the Act will be applicable on such lands.
- Provisions of the Bill supports the objectives of the National Forest Policy, 1988. It promotes afforestation on non-forest land by bringing clarity on the non-applicability of the Act on such lands.
- The provisions of clause (b) of subsection (2) of section 4 of proposed Bill encourages to raise afforestation in private lands, thereby facilitating the peoples participation in increasing the green cover of the country and to combat the global issues such as carbon neutrality, enhancing the carbon sink, better forest management, etc. Promotion of afforestation in the non-forest land will create additional carbon sink besides reducing pressure on forests. The Forest (Conservation) Act, 1980 as well as the Amendment Bill do not contravene any of the provisions of the Wild Life (Protection) Act, 1972.

Observation/Recommendation of the Committee

2.4.73 The Committee deliberated upon the proposals made in the Clause including the suggestions made by stakeholders and the rationale/replies/clarifications given by the Ministry of Environment, Forest and Climate Change thereto and decided to accept the amendments proposed under the Clause.

Clause 5

Relevant provisions of Principal Act

2.5.1 Existing provision of Section 2 are as under:

Restriction on the de-reservation of forests or use of forest land for non-forest purpose

2.5.2 Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

- i. that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii. that any forest land or any portion thereof may be used for any non-forest purpose;
- iii. that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- iv. that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- a. the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b. any purpose other than reafforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

Provisions proposed in Amendment Bill

2.5.3 Amendment of Section 2 of the Act

In the principal Act, in section 2,-

- (a) the said section shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered.-
- (l) 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;
- (ll) in the Explanation, for the long line occurring after clause (b), the following shall be substituted:—
"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, check dams, 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;
 - (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."

2.5.4 Reasons/Justification given by the Ministry of Environment, Forest and Climate Change

1. Existing provisions of section 2(iii) of the Act, which dealt with assignment of forest land on lease, are not applicable to Government entities. Therefore, to bring uniformity, the section 2 (iii) has been proposed for amendment.
2. The term 'non-forestry purpose' needs more clarity. The explanation has been made elaborate to include activities which are taken up for the cause of conservation of forest and wild life.

Examination by the Committee

2.5.5 The representatives of the Ministry of Environment, Forest and Climate Change were asked to specify properly the provision made in Clause (iii) of the Section 2 of the principal Act during their briefing on the Bill. In this regard, the Ministry of Environment, Forest and Climate Change submitted in a written note as below:-

“In 1988, the clause (iii) of proposed subsection (1) of section 2 was inserted to regulate the assignment of forest land on lease to private entities for raising commercial plantations. Provisions of the said sub-section are not being applied to Government entities resulting in lack of uniformity. Therefore, to bring uniformity in the provisions, amendment has been proposed in clause (iii) of the proposed subsection (1) of section 2 of the Act.”

2.5.6 During briefing on the Bill, it was further pointed out that the Proposed Bill mentions establishment of zoo and safari on forest land will increase commercial activities and the forest eco system, food chain and food cycle system will be disturbed leading to forest deterioration. In this regard, it is suggested that zoo and safari should be set up on non-forest land, so that tribals are not disturbed.

2.5.7 Further, in written memoranda received from public, the following observations have been made:-

- (a) dispensation to Zoos and Safari may lead to concrete structures and road network in the forest areas.
- (b) Zoos and Safari now being treated as forestry activity is based on absurd premises that it is ancillary to conservation of forest and wildlife.
- (c) Allowing zoos and safaris within the scope of non-forest activities may disproportionately commercialize forests and wildlife without considering the rights of forest-dependent people, wildlife habitats, and ecosystem services.
- (d) Provisions to include forestry activities such silvicultural activities, zoo, ecotourism and like purposes is vague and is ultravires
- (e) In a time where the privatization of Zoo, Eco- Tourism, and Safari are in rampant increase, this amendment will be served only in the interest of private corporations.
- (f) Establishments in the name of ecotourism facilities, zoos and safaris and infrastructure comes at a cost of native vegetation and wildlife habitat.
- (g) Inclusion of zoo and safari as forestry activities is a back door entry for amending the Wild Life (Protection) Act, 1980.
- (h) Bill must remove from its fold increasing swathes of forest under the exclusionary protected area regimes – the national parks, wildlife sanctuaries and tiger reserves – and must resist drooling over the mounting disposable income of small global leisured class through ecotourism, even if it be by importing wildlife from the African wild for their viewing pleasure

- (i) Proposed provisions of the Bill will likely create a new system of commercial ecology that caters to corporate enterprise rather than investing in conservation and a sustainable future.
- (j) In India from 2019 some private entities have started establishing zoos and subsequently in 2020 Union Environment and forest department entered into agreement with private people to manage several zoos. Thus, there is a danger that through this amendment to the act, the zoos and wild life/Eco- tourism will be handed over to the private entities through agreement which will spoil the nature of the forest.

2.5.8 In their written clarification to the above observations, the Ministry of Environment, Forest and Climate Change stated as follows:-

“Zoo and Safari is an activity which is ancillary to the forest conservation and management. Zoo and Safaris will be setup as per the Plan approved by the National Zoo Authority. Therefore, it does not promote commercialization of the forests. Similarly, ecotourism, as per approved Working Plan or Wildlife Management Plan or Tiger Conservation Plan will be taken up in the forest areas. Such facilities in the forest area, besides catering to recreational and aesthetic aspirations of local population, also sensitize and generate awareness among them about the importance of protection and conservation of forest land and wildlife. Such facilities are generally created in the proximity of habitation to ensure minimum disturbances to the forest ecosystem. Setting up Zoos and safari in the forests, besides sensitizing people, will also add to the livelihood sources of local communities and thereby providing them opportunities to connect with the mainstream of development. Enabling provisions provided under section 6 of the Bill, will be used by the Central Government to ensure the legitimate use of the dispensations proposed in the Bill and to issue directions to prevent misuse, if any reported, from these activities. To ensure quick response to natural hazards in the forests, and to facilitate the effective forest management, provisions for basic infrastructure for forest front line staff has been provided in the Bill. The Forest (Conservation) Act, 1980 as well as the Amendment Bill do not contravene any of the provisions of the Wild Life (Protection) Act, 1972. Moreover, establishment of Zoo and safari will be undertaken with the prior approval of the Central Zoo Authority of India. No provisions of the Bill promote corporate enterprises in the forests. All exemptions are considered for the Government entities. Moreover, the new forestry activities included in the Bill were already in place by way of guidelines and such activities viz. eco-tourism, zoo and safaris will be implemented through Government Department.”

2.5.9 Further during briefing meeting, it was suggested that exemptions should be given to monuments of historical importance in States like Rajasthan which have been put in

the revenue records that are also in forest land. In this regard, the Ministry of Environment, Forest and Climate Change in its written comments stated as under:-

“As per provisions proposed in the Bill, the ‘Eco-tourism’ has been proposed to be included in the array of forestry activities. Therefore, monuments located in the forest lands, intrinsic part of nature’s tourism, may also be covered under the ecotourism activities.”

2.5.10 During the briefing on the Bill, it was also pointed out that under Clause 5, Section 2 of the Act, inclusion of zoos, safaris, and ecotourism facilities can be potentially destructive and come at a cost of native vegetation and wildlife habitat because there is endemic species, which are very important and these have to be protected. In this regard, the Ministry of Environment, Forest and Climate Change in its written comments stated as below:-

“The provisions proposed in the Bill neither infringe to any other law nor impede with conservation of forests including wildlife.”

2.5.11 It was also observed during briefing that there are many primitive tribes and tribal people, they depend on forests There should also be some provision in this act so that the living conditions of those who are dependent on forests be improved.

2.5.12 During briefing on the Bill, it was further observed that the proposed terms such as eco-tourism facility land and activities can harm the ecosystem and may be misused. Forest is the means of livelihood for the tribals. There is a problem in making culverts and roads in the present situation of the Act, it should be simplified so that the people living in the village can be facilitated.

2.5.13 In reply to the above observations, the Ministry of Environment, Forest and Climate Change in their written comments stated as below:-

“Further, activities like ecotourism, establishment of Zoo and Safaris, etc. have been included in the Bill as forestry activities. Such facilities, besides sensitizing and generating awareness about the importance of protection and conservation of forest land and wildlife, will also add to the livelihood sources of local communities and thereby providing them opportunities to connect with the mainstream of development. The provisions proposed in the Forest (Conservation) Amendment Bill, 2023 do not bar or infringe with the operation of other parallel laws, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.”

2.5.14 The following statement shows the observations/suggestions received from Members in writing and the reply given by the Ministry of Environment, Forest and Climate Change:-

Observation made by Members	Reply given by the Nodal Ministry
<p>"Regeneration and cultivation of medicinal plants and herbs" may be treated as forestry purpose and inserted accordingly as in itemised sub-para in this para. [Para 5(a)(II)]</p>	<p>Provisions of regeneration activities have already been included at clause (j) of the Explanation given under section 2 of the Act.</p> <p>As per the provisions contained in the Principal Act the activities like cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants have been categorised as non-forestry activities. These activities are commercial and non site-specific. To ensure better protection and management of forests for enhanced flow of ecosystem goods and services such activities are not permitted in the forest lands. Moreover, such activities are not in consonance with the provisions of the National Forest Policy, 1988 which discourages use of forest land for cultivation.</p>
<p>All the terms used in the proposed Bill including 'forest', 'public utility', 'eco tourism facilities' and 'any other purposes' need to be defined to avoid misinterpretation.</p>	<p>The term forest for the purpose of the Forest (Conservation) Act, 1980 has been clarified in Section 1A of the Bill. Further, the terms viz. 'public utility', 'eco tourism facilities' and 'any other purposes' in the section will be clarified/defined by the Central Government, if so needed, in future invoking the provisions of the section 1A(3) and Section 6 of the Bill.</p>
<p>The move to allow forests to be used for "any other like purposes specified by the Central Government". This vaguely defined term can potentially open the proverbial floodgates, easing the way for forests to be diverted from a mine to a mall and any purpose in between.</p>	<p>The Phrase '...other like purposes' already exists in the Principal Act.</p>
<p>The proposal to keep pristine areas intact and not to subject to diversion for a</p>	<p>Provisions of the Bill do not infringe or abrogate the provisions of the Forest Rights Act, 2006, PESA or</p>

<p>specific period is also much needed. Identification and demarcation of such areas should however not impact the rights of the scheduled tribes and other traditional forest dwellers and be done in accordance with the provisions of PESA, FRA, and the Biological Diversity Act, 2002. Demarcation of such areas should not mean that the areas which have not been set aside will then be diverted with greater ease. Country's ecological security will be highly compromised if the process of diversion of forests is made lenient and the rigorous process of forest clearance, including the consent clauses, is not applied to all existing forest areas.</p>	<p>LARR Act, 2006. The processes envisaged in these laws, including the consent of the ST and OTFD under the Forest Rights Act, 2006 is not impeded in any way by the proposed amendment.</p> <p>Moreover, provisions given under rule 9(6) (b) (ii) mandates that compliance of FRA, 2006 is completed by the State before handing over the land to the user agency.</p>
<p>The exemption of exploratory drilling and survey activities on forest land is dangerous precedent. It has several proven effects on air, water and land quality and also causes severe disturbance to wildlife.</p>	<p>Survey activities such as investigation, reconnaissance, etc., in forest area are temporary in nature and result in no perceptible change in the forest vegetation or in breaking of land. Exemption considered under the Bill is limited to survey and investigation only, it will not result into diversion of forest land for which prior approval of the Central Government is mandatory. Moreover, the exploratory drilling for hydrocarbons which involves permanent change in the land use of the forest land is not covered under the exemption proposed in the Bill.</p> <p>The Central Government will prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest lands. The provisions of the Bill will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.</p>

Important suggestions by various stakeholders

Ministry of Tribal Affairs

2.5.15 The Ministry of Tribal Affairs has suggested that the Ministry of Environment, Forest and Climate Change may consider inserting a saving clause that "The rights guaranteed to FDSTs and OTFDs under FRA shall remain protected."

Government of Chattisgarh

2.5.16 Government of Chattisgarh has suggested the following in respect of Section 2 (iii) of the Principal Act:-

"that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation "subject to such terms and conditions, as the Central Government may, by order, specify after consultation with the concerned State Government for the specific lease"

2.5.17 Government of Sikkim

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>Sub-section (vi) related to the establishment of zoos and safaris owned by 'any authority' in forest areas is not clear and, in all likelihood, bound to be misused.</p> <p>In reference to the establishment of Zoos and Safaris 'owned by any other authority' needs clarity. A clear process or mechanism for the establishment of Zoos and Safaris owned by 'any other authority' may be provided in the amendment.</p>	<p>Activities like establishment of Zoo and Safaris, etc. will be owned by Government and will be set up as per the Plan approved by the Central Zoo Authority. Therefore, it does not promote commercialization of the forests</p> <p>Similarly, ecotourism, as per approved Working Plan or Wildlife Management Plan or Tiger Conservation Plan will be taken up in the forest areas.</p> <p>These facilities are generally created in the proximity of habitation to ensure minimum disturbances to the forest ecosystem. Such facilities, besides sensitizing and generating awareness about the importance of protection and conservation of forest land and wildlife, will also add to the livelihood sources of local communities and thereby providing them opportunities to connect with the mainstream of development. Guidelines, in this regard, are already in place.</p> <p>Enabling provisions provided under section 6 of the Bill, will be used by the Central Government to ensure the legitimate use of the dispensations proposed in the Bill.</p>

	The Forest (Conservation) Act, 1980 as well as the Amendment Bill do not contravene any of the provisions of the Wild Life (Protection) Act, 1972.
Detailed nature and type of eco-tourism activities that are to be allowed and the maximum extent of area for development of Zoos and Safaris need detailing.	Guidelines in this regards already in place. However, clarification, if any, needed in future will be provide by the Central Government by invoking the provisions of section 6 of Bill.

2.5.18 Government of Mizoram

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
5. 5. (a)(I) : Giving all powers to Central Govt. is not agreeable as forest is a subject in concurrent list.	<p>Power conferred under section 1A(3) of the Bill is to prescribe terms and condition while considering exemptions. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards will always be included in the terms and conditions to be prescribed by the Central Government.</p> <p>Provisions proposed under section 2 (iii) are not general powers but specific powers to prescribe terms and conditions that too for the limited purpose of assignment of forest land on lease only and not for diversion of forest land. These provisions will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.</p> <p>Provisions given under clause (viii) of the Explanation "...any other like purpose..'</p>

	<p>already exists in the Principal Act.</p> <p>Provisions provided under section 5(2) of the Bill are specific to survey and exploration in the forest areas and enables the Central Government to prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest lands.</p> <p>Provisions provided under section 6 of the Bill will be used by the Central Government to ensure the legitimate use of the dispensations proposed in the Bill.</p>
<p>6. 5.(a)(II): There seems to be no need to specify the activities. It should simply state that "any activity ancillary to forest conservation, development and management of forests and wildlife". Also, all power related to any matter shall not be vested with the Central Govt. as forest is a subject in the concurrent list and all forests in the States are under the control of the State Govts. only.</p>	<p>To carry out various forestry management activities and respond to quick natural hazards in the forests, basic infrastructural facilities are required to be maintained in the forest land. For want of enabling provisions in the Act, it is difficult to create such basic infrastructure in the forest area thereby impacting the forestry operations, regeneration activities, monitoring and supervision, prevention of forest fires, etc. Moreover, the proper protection and conservation of forests by local communities requires availability of livelihood opportunities which can be effectively enabled through promotion of eco-tourism, zoos and safaris. Therefore, activities ancillary to forestry management have been explained under this sub-section. The term 'Explanation' has been made elaborate to include activities which are taken up for the cause of conservation of forest and wild life.</p>

2.5.19 Government of Meghalaya

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>1. With regards to the clause (viii) given under explanation of Section 5 of the Bill i.e. "any other like purposes, which the Central Government may, by order, specify."; the State Government should also be consulted on matters which hinge directly or indirectly on State subjects.</p>	<p>Provisions "<i>any other like purposes, which the Central Government may, by order, specify</i>" proposed in section 5 of the Bill already exist in the Principal Act and the same have been further strengthened keeping in view the dynamic changes in the policies relating to conservation and management of forests.</p> <p>Whenever, provisions of the clause (viii) of the Explanation or other similar provisions of the Bill will be invoked by the Central Government in future, prior consultation with the States/UTs will be made as per need.</p>

2.5.20 Government of Himachal Pradesh

Suggestion of the State Government	Reply given by nodal Ministry
<p>In the Bill, it has been proposed that eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area shall not be construed as non-forestry purpose. It is suggested that the "Eco-tourism" may be defined in the Act for better clarity and transparency.</p>	<p>Guidelines in this regard are already in place. However, in case the need arises in future, further clarification will be issued by the Central Government as per the provisions provided under section 6 of the Bill.</p>

Important suggestions by experts/public

2.5.21 In a memorandum submitted to the Committee, an eminent person made the following suggestion:-

"Clause 5(II)(vi) of the Bill be substituted by the following— "establishment of zoo and safaris referred to in the Wildlife (Protection) Act, 1972, owned by the Government or any public authority, in forest areas other than protected areas."

"The following Explanation be added after clause 5(II)(vii) of the Bill— "Explanation: 'ecotourism facilities' in a forest area includes basic infrastructure for the purpose of regulated ecotourism such as non-tarred and non-concrete pathways, temporary halting and nature observation huts for the convenience of visitors and ecotourism managerial staff, but does not include residential accommodation for tourists, hotel

complexes, airstrips and concrete structures which alter the basic forest/natural ambience of the site.”

2.5.22 During his appearance before the Committee, an expert stated, “I think, zoos and safaris should not be allowed on forest lands. There should be absolutely no construction activity in the name of eco-tourism in the forests”. In this regard, a representative of the Ministry of Environment, Forest and Climate Change has replied before the Committee as below:-

“The other issue was raised about zoos and safaris and eco-tourism facilities. I will bring to the attention of the hon. Committee that if we are coming to the FC Act, they were getting the sanction of the Government twice. For establishment of any zoo or safari, prior permission of the Government of India is required because they are governed by the Central Zoo Authority. Then they are coming for the permission under FC Act. For ease of doing business, if they are getting the permission of CZA, we are not requiring them to come up again. They are also to be used only for the activity that are done by the Government or any authority. Then regarding the eco-tourism activities, if we read the language, eco-tourism facilities are included in the forest working plan or wildlife management plan or tiger conservation plan. I would like to apprise the Committee that the hon. Supreme Court vide an order has said that the areas will be managed by a working plan or wildlife management plan only after they are approved by the Government of India. So, our IROs who are stationed in 11 localities, approve the working plan and the management plan of that particular area. If eco-tourism facility is part of that working plan, then only they will be allowed and separate requirement of permission under FC Act will not be there. So, it is not correct that the Government of India is shying away from the responsibility. Government of India is very much concerned about the protection of environment and we will do all that we can.”

2.5.23 Regarding Eco-tourism, the following observations have been made :-

- (i) Ecotourism may result destruction of the forest areas and wildlife.
- (ii) Clause 5(a)(II)(vii) also provides for consideration of eco-tourism as forestry activity. The word facilities need to be elaborated to prevent cropping up of commercial establishment like hotel, roads, airstrips, and other commercial constructions”.
- (iii) the construction activities should not be permitted in forest land for creation of eco-tourism facilities.

2.5.24 The Ministry of Environment, Forest and Climate Change in a written note clarified in this regard as under:-

“Enabling provisions provided under section 6 of the Bill, will be used by the Central Government to ensure the legitimate use of the dispensations proposed in the Bill. To word ‘facilities’ will be clarified through the enabling clause.”

2.5.25 Two stake holders in a written memoranda suggested, "In clause (b) of Clause 5 relating to survey and investigation, the phrase "... which does not involve clearing of forest or cutting of trees or construction of roads or paths including blasting and drilling..." should be added. In regard to the above suggestion, the Ministry of Environment, Forest and Climate Change furnished the following written reply:-

"Provisions of levying terms and conditions mentioned in the section will be invoked by the Central Government and additional precautionary conditions, including mitigating measures, as may be needed will be stipulated."

2.5.26 It was also observed by a stakeholder that activities mentioned under the explanation to section 5 of the Bill would have adverse effects on the wildlife health, also this would influence more human intervention and infrastructure and human activities would disturb animal habitat. In a written reply to the above observation, the Ministry of Environment, Forest and Climate Change has stated as below:-

"To carry out various forestry management activities and respond to quick natural hazards in the forests, basic infrastructural facilities are required to be maintained in the forest land. For want of enabling provisions in the Act, it is difficult to create such basic infrastructure in the forest area thereby impacting the forestry operations, regeneration activities, monitoring and supervision, prevention of forest fires, etc. Moreover, the proper protection and conservation of forests by local communities requires availability of livelihood opportunities which can be effectively enabled through promotion of eco-tourism, zoos and safaris in the forest areas."

2.5.27 Further, stakeholders have stated in written memoranda as under:

- (i) Exempting any survey, reconnaissance, prospecting, investigation, exploration and seismic survey has impact on forests and wildlife habitats. In all these processes, the trees are felled and temporary roads are constructed for transporting equipments.
- (ii) Exemption considered for survey and exploration proposed in the Bill is going to open up all our forests to mining and similar commercial activities.
- (iii) Exemptions for survey and explorations are arbitrary, and should depend on the underlying project and its implications on the forest and associated wildlife. Recently, the Gauhati High Court stayed Environmental Clearance to Oil India Limited with respect to exploration and drilling through extended reach drilling for hydrocarbons at seven locations in Dibru Saikhowa National Park due to the absence of Biodiversity Impact Assessment.

2.5.28 The Ministry of Environment, Forest and Climate Change have clarified in writing as follows:-

“Survey activities such as investigation, reconnaissance, etc., in forest area are temporary in nature and result in no perceptible change in the forest vegetation or in breaking of land. Moreover, the Central Government will prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest land. Moreover, these exemptions will not be applicable in respect of Protected Areas notified under the Wild Life (Protection) Act, 1972.”

2.5.29 In a written memorandum from the public it was observed that silvicultural activities are proposed to be considered as forest related activities, however the same involves felling of trees for commercial purpose. In regard to this observation, Ministry of Environment, Forest and Climate Change has clarified in a written reply that silvicultural operations are carried out to maintain the health, productivity and flow of ecosystem goods and services from forests.

Relevant provisions of Principal Act

2.5.30 Not applicable (provisions do not exist in the Act).

Provisions proposed in Amendment Bill

2.5.31 (b) after sub-section (1) as so renumbered, the following sub-sections 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.”,

Reasons/Justification given by the Ministry of Environment, Forest and Climate Change

2.5.32 This is an activity in which no perceptible change in the forest vegetation is resulted.

Important suggestions by various stakeholders

Government of Chhattisgarh

2.5.33 Government of Chhattisgarh has suggested the following in respect of the proposed amendment above:-

“The Central Government may, by order, specify the terms and conditions after consultation with the concerned state Government subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.”

Important suggestions by experts/public

2.5.34 A stakeholder, in a written memorandum submitted to the Committee, observed that the Bill also intends to limit the definition of non-forest activities like surveys, reconnaissance, prospecting, investigation or exploration including seismic survey, which currently requires forest clearance. In a written clarification to the above observation, the Ministry of Environment, Forest and Climate Change has stated as follows:-

“Survey activities such as investigation, reconnaissance, etc., in forest area are temporary in nature and result in no perceptible change in the forest vegetation or in breaking of land. The Central Government will prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest lands.”

2.5.35 Further it was observed by stakeholders in written memoranda as under:-

- (i) Amendment of section 2(iii) gives the wide powers to the Central Government to specify terms and conditions.”
- (ii) Giving the Central Government authority to “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” without mentioning any safeguards.
- (iii) Sub-clause (1) (iii) the substitution of the words ‘not owned, managed or controlled by Government’ by ‘subject to such terms and conditions, as the Central Government may, by order, specify’ vastly enhances the powers of the Central Government to decide which lands can be diverted or given on lease. Thus, the conservation concerns of state governments or forest officials or local communities who manage such lands will be rendered irrelevant in making such a decision.
- (iv) The Bill keeps a window open for future dilution by saying that the Central Government can bring in terms and conditions subject to which surveys and investigation will not be considered non-forest purpose.

- (v) Forests should not be leased to any private person or any other agency (government, non-government or private) to maintain the sanctity of forests.
- (vi) Provisions of FRA, 2006 should not be compromised

2.5.36 In this regard, Ministry of Environment, Forest and Climate Change has clarified as below:-

- (i) Power proposed to be conferred to the Central Government under the said section are not general powers are but specific powers to prescribe terms and conditions that too for the limited purpose of assignment of forest land on lease and not in the Protected Areas of the Wild Life (Protection) Act, 1972.
- (ii) Moreover, provisions propose to bring uniformity by including the government entities within the ambit of the Act for the purpose of assignment of forest land on lease to them which hithertofore could have been done without the prior approval of the Central.
- (iii) Provisions provided under section 5(b) of the Bill are specific to survey and exploration in the forest areas and enables the Central Government to prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest lands.
- (iv) Provisions were introduced in 1988 and the same are now being extended to the Government companies as well to bring them under regulation.
- (v) As the provisions of the section does not entail diversion of forest land, the provisions of Forest Rights Act, 2006 will not be contradicted. However, the authorities in the State/UT concerned will ensure compliance of FRA, 2006 before the assignment of forest land on lease.

Observation/Recommendation of the Committee

2.5.37 The Committee deliberated upon the proposals made in the Clause including the suggestions made by stakeholders and the rationale/replies/clarifications given by the Ministry of Environment, Forest and Climate Change thereto and decided to accept the amendments proposed under the Clause.

Clause 6

Relevant provisions of Principal Act

2.6.1 Not applicable (provisions do not exist in the Act).

Provisions proposed in Amendment Bill

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

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

Reasons/Justification given by the Ministry of Environment, Forest and Climate Change

2.6.3 So far, power to issue directions were drawn from the various orders of Hon'ble Supreme Court or policy decision taken by the Central Government on case to case basis. Therefore, it has been proposed to provide the enabling provisions to issue directions keep pace with the dynamic ecological changes.

Examination by the Committee

2.6.4 In regard to the above provision, during the briefing on the provisions contained in the Bill by the representatives of the Ministry of Environment, Forest and Climate Change, it was pointed out that the forest management is done on a federal basis now. It is the States which maintain most of the forests except certain national reserved forests This appears to be a bit one-sided. This can be done in a different manner. In response to the above observation, the Ministry of Environment, Forest and Climate Change in its written reply stated as under:-

“Currently, no enabling provisions have been provided in the Act and rules made there under enabling the Central Government to issue clarifications or directions on the provisions of the Act. Bill also proposes to broaden the horizons of the Act to combat the global issues such as climate change and carbon neutrality which will require road map for augmenting the forest management practices. Therefore, it has been proposed to provide the enabling provisions in the Act empowering the Central Government to issue directions, as may be required for the implementation of the provisions of the Act.”

2.6.5 The following statement shows the written observations/suggestions made by Members and the reply given by the Ministry of Environment, Forest and Climate Change:-

Observation made by Members	Reply given by the Nodal Ministry
The entire jurisdiction under the proposed Bill has been given to the Central Government. It is suggested that equal agency is set within the purview of Union and State Governments	Power conferred under the various section of the Bill are not generic powers rather they are specific to that section only enabling the Central Government to implement the provisions of said

<p>so that a system of checks and balance is present.</p> <p>Stringent protection of ecologically sensitive areas is ensured through the amendment. Forest lands situated along international borders, particularly in the Himalayan region and the northeast belt, should receive special care and extreme protection to maintain ecological security, preserve biodiversity, and mitigate climate change threats.</p>	<p>section for the better conservation, management and development of the forests.</p> <p>Power conferred under section 1A(3) of the Bill is to prescribe terms and condition while considering exemptions. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government. Provisions proposed under section 2 (iii) are not general powers but specific powers to prescribe terms and conditions that too for the limited purpose of assignment of forest land on lease only and not for diversion of forest land. These provisions will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972. Provisions given under clause (viii) of the Explanation "...any other like purpose." already exists in the Principal Act. Provisions provided under section 5(2) of the Bill are specific to survey and exploration in the forest areas and enables the Central Government to prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest lands. Provisions provided under section 6 of the Bill will be used by the Central Government to ensure the legitimate use of the dispensations proposed in the Bill.</p>
<p>It is recommended that the Government holds a pre-legislative consultation meeting with the forest dependent communities before making any amendments to the Act which impacts them the most. The Government must attempt a pre-legislative consultation meeting with the forest dwelling communities before</p>	<p>A Press Communique has been published inviting comments from the public in Hindi and English as per standard practice followed by the Lok Sabha Secretariat. Comments have been received from the public, including from organization working for the welfare of tribals, and replies thereon provided by the MoEF&CC. Moreover, as per the provisions of the Pre-Legislative Consultation Policy of the</p>

<p>making any amendments to the Act.</p> <p>There is requirement of wide scale consultations with the forest dwelling communities on the provisions of the Bill keeping in view the likely impact of its implementation on their livelihood and socio cultural aspects. The provisions of the Bill be translated in languages which they can understand and make such translations available to them while providing sufficient time period for such consultations to take place.</p>	<p>Government of India, the public consultation was also made by the Ministry and a concept paper indicating the amendments proposed in the Act was circulated in the vernacular languages and based on the comments received from the Public, including in vernacular languages, the Forest (Conservation) Amendment Bill, 2023 has been finalized by the MoEF&CC.</p> <p>A Press Communique has been published inviting comments from the public in Hindi and English as per standard practice followed by the Lok Sabha Secretariat. Comments have been received from the public, including from organization working for the welfare of tribals; and replies thereon provided by the MoEF&CC. Moreover, as per the provisions of the Pre-Legislative Consultation Policy of the Government of India, the public consultation was also made by the Ministry and a concept paper indicating the amendments proposed in the Act was circulated in the vernacular languages and based on the comments received from the Public, including in vernacular languages, the Forest (Conservation) Amendment Bill, 2023 has been finalized by the MoEF&CC.</p>
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Important suggestions by various stakeholders

Ministry of Tribal Affairs

2.6.6 In order to ensure that Rules made under this Act or instructions issued give due regard to the protection of forest rights, a clause may be added to say that the provisions of this Act will not be in derogation of any existing act.

Government of Sikkim

2.6.7 All power related to any matter shall not be vested with the Central Govt. as forest is a subject in the concurrent list and all forests in the States are under the control of the State Governments only and therefore, all decisions are proposed to be taken in consultation with the State Govts.

Government of Meghalaya

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>The following also to be considered:</p> <ul style="list-style-type: none"> (i) The primacy of the State Government in matters falling under its jurisdiction may perhaps not be abrogated. (ii) No such authority could perhaps be conceded in favour of the Central Government considering that forest is a concurrent subject and land is further a State subject (Entry – 45) as per List II of VII Schedule of the Constitution. (iii) Similarly, authorities, organizations, entities or bodies functioning under the State Government are amenable only to the authority of the State Government who are bound solely by the directions of the State Government. (iv) VII Schedule of the Constitution prescribes the subjects which are dealt under State List, Central List & Concurrent List respectively. The autonomy conceded to the State Govt. in matters falling under List II and III may perhaps be preserved. 	<p>Provisions of the section are not abrogating the powers of the State Government. Provisions have been proposed to issue guidelines and clarification from time to time which may be needed by the various functionaries in view of the dynamic changes in the policies not only at national but at international level also.</p> <p>Currently, no enabling provisions have been provided in the Act and rules made thereunder enabling the Central Government to issue clarifications or directions on the provisions of the Act. As the Bill proposes to broaden the horizons of the Act to combat the global issues such as climate change and carbon neutrality which will require road map for augmenting the forest management practices. Therefore, it has been proposed to provide the enabling provisions in the Act empowering the Central Government to issue directions, as may be required for the implementation of the provisions of the Act.</p>

2.6.8 Government of Odisha

Observations/suggestions of the State Government	Reply/comment of the nodal Ministry
<p>The proposed new Section-3C may be deleted as the Government of India has been issuing guidelines, advisories through executive orders, the same be continued.</p>	<p>Currently, no enabling provisions have been provided in the Act and rules made thereunder enabling the Central Government to issue clarifications or directions on the provisions of the Act. As the Bill proposes to broaden the horizons of the Act to combat the global</p>

	<p>issues such as climate change and carbon neutrality which will require road map for augmenting the forest management practices. Therefore, it has been proposed to provide the enabling provisions in the Act empowering the Central Government to issue directions, as may be required for the implementation of the provisions of the Act.</p>
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Important suggestions by experts/stakeholders

2.6.9 In a written memorandum, it is observed, "Provisions of section 3C gives unfettered power to interfere with any state government or authority's decision under the FCA." In its written reply, the Ministry of Environment, Forest and Climate Change has clarified as follows:-

"Provisions of the said section will be invoked, whenever needed, to clarify the various issues related to the implementation of the provisions of the Act and to ensure that no misuse of forest land takes place."

2.6.10 In written memoranda further observations made in this regard as under:-

- i. Implementation of any Act is facilitated by framing of appropriate Rules. Insertion of this Clause-6 allows uncontrolled powers to the Central Government to enforce its 'directions' howsoever justified (unjustified) they may seem to be. This is avoidable.
- ii. Section 3 C may abrogate the primacy of the State Government. No such authority should be given to the Central Government.

2.6.11 In its written reply, the Ministry of Environment, Forest and Climate Change has clarified, respectively, as under:-

- i. Currently, no enabling provisions have been provided in the Act and rules made thereunder enabling the Central Government to issue clarifications or directions on the provisions of the Act. Bill also proposes to broaden the horizons of the Act to combat the global issues such as climate change and carbon neutrality which will require road map for augmenting the forest management practices. Therefore, it has been proposed to provide the enabling provisions in the Act empowering the Central Government to issue directions, as may be required for the implementation of the provisions of the Act."

- ii. Provisions of the section are not abrogating the powers of the State Government. Provisions have been proposed to issue guidelines and clarification from time to time which may be needed by the various functionaries in view of the dynamic changes in the policies not only at national but at international level also.

2.6.12 Further stakeholders made the following observation in the written memoranda as follows:-

- "the Amendment Bill reserves plenary powers in the Central Government to add and modify the number of permissible works that can be undertaken in forests under Section 5 and Section 6 of the Amendment Bill. Therefore the Central Government will be able to justify almost any project or activity in forest land by invoking its new plenary powers sought to be introduced under Explanation clause (viii) to Section 2 (1), Section 2 (2) Section 3(C). Such vesting of excessive and unguided powers in the Central Government will defeat the purpose of the Forest Conservation Act and should not be allowed."
- The provision made in Section 4(2) where unbridled discretion has been given to the Central government and little consolation provided in Section 4(3) is ambiguous and left to the mercy and will the Central Government which may frame guidelines violating provisions in PESA-1996, FRA-2006, RFLARR Act-2013 vis-a- vis calling upon of Article-13 of the Constitution.

2.6.13 In regard to the above, the Ministry of Environment, Forest and Climate Change have furnished the following clarification:-

"Power conferred under the various section of the Bill are not generic powers rather they are specific to that section only enabling the Central Government to implement the provisions of said section for the better conservation, management and development of the forests. Power conferred under section 1A(3) of the Bill is to prescribe terms and condition while considering exemptions. The Central Government shall ensure that relaxation considered under the Act is implemented by taking into account all environmental safeguards. Various aspects like impact assessments, mitigation measures, safe passages for wildlife, implementation of site-specific plans, wherever required, monitoring mechanism are implemented by the concerned agencies in consultation with the State Government. While considering such exemptions, such safeguards should always be included in the terms and conditions to be prescribed by the Central Government.

Provisions proposed under section 2 (iii) are not general powers but specific powers to prescribe terms and conditions that too for the limited purpose of assignment of forest land on lease only and not for diversion of forest land. These provisions will not be applicable in the Protected Areas of the Wild Life (Protection) Act, 1972.

Provisions given under clause (viii) of the Explanation "...any other like purpose.." already exists in the Principal Act.

Provisions provided under section 5(2) of the Bill are specific to survey and exploration in the forest areas and enables the Central Government to prescribe certain terms and conditions to be abided by the States and the concerned user agencies that are undertaking surveys in the forest lands.

Provisions provided under section 6 of the Bill will be used by the Central Government to ensure the legitimate use of the dispensations proposed in the Bill."

Observation/Recommendation of the Committee

2.6.14 The Committee deliberated upon the proposal made in the Clause including the suggestions made by stakeholders and the rationale/replies/clarifications given by the Ministry of Environment, Forest and Climate Change thereto and decided to accept the amendment proposed under the Clause.

**SHRI RAJENDRA AGRAWAL
CHAIRPERSON,
JOINT COMMITTEE ON THE
FOREST (CONSERVATION) AMENDMENT BILL, 2023.**

**NEW DELHI;
11 July, 2023
20 Ashadha, 1945 (SAKA)**

**MOTION IN LOK SABHA FOR REFERENCE OF THE BILL
TO THE JOINT COMMITTEE**

Wednesday, March 29, 2023/Chaitra 8, 1945 (Saka)

Shri Bhupender Yadav moved the following motion:-

“That the Bill further to amend the Forest (Conservation) Act, 1980 be referred to a Joint Committee of the consisting of the following 19 Members from the House:-

1. Shri Rajendra Agrawal
2. Dr. Dhal Singh Bisen
3. Shri Raju Bista
4. Shri Jamyang Tsering Namgyal
5. Shri Tapir Gao
6. Shri Ajay Tamta
7. Shri Suresh Kumar Kashyap
8. Smt. Gomati Sai
9. Shri Sudarshan Bhagat
10. Shri Pallab Lochan Das
11. Km. Diya Kumari
12. Shri T.R. Baalu
13. Smt. Agatha K. Sangma
14. Smt. Sajda Ahmed
15. Shri Kotagiri Sridhar
16. Shri Rajendra Dhedyia Gavit
17. Dr. Alok Kumar Suman
18. Shri Mahesh Sahoo
19. Shri Girish Chandra

and two Members to be nominated by Hon'ble Speaker,

and 10 Members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House names of the Members to be appointed by the Rajya Sabha to the Joint Committee;

The motion regarding reference was adopted.

**MOTION IN RAJYA SABHA FOR REFERENCE OF THE BILL
TO THE JOINT COMMITTEE**

Wednesday, March 29, 2023/Chaitra 8, 1945 (Saka)

Message from Rajya Sabha:

“That this House concurs in the recommendation of the Lok Sabha that this House do join in the Joint Committee of the Houses on the Forest (Conservation) Amendment Bill, 2023 and resolves that the following Members of the Rajya Sabha be nominated to serve on the said Joint committee:-

1. Dr. Ashok Bajpai
2. Shri Anil Baluni
3. Shri Samir Oraon
4. Dr. C. M. Ramesh
6. Shri Jawhar Sircar
6. Dr. Prashanta Nanda
7. Shri Hishey Lachungpa
8. Shri Birendra Prasad Baishya

and two Members to be nominated by Hon'ble Chairman, Rajya Sabha.

The above motion was passed by the Rajya Sabha at its sitting held on Wednesday, 29th March, 2023.”

APPENDICES-III**LIST OF EXPERTS/STAKEHOLDERS/ NGOs/ORGANIZATIONS AND PUBLIC IN GENERAL WHO SUBMITTED MEMORANDA**

Sl. No.	Name
1.	1. Shri Achyut Das, Social worker, Agragamee, Kashipur Odisha, 2. Dr. Aurobindo Behera, IAS, Ex- Principal Secretary, Department of Forest and Environment Government of Odisha 3. Dr. Sanjaya Kumar Panda, IAS , Ex- Chief Secretary, Government of Tripura 4. Shri G.V. Venugopala Sarma, IAS , Ex-Member, Board of Revenue, Govt. of Odisha 5. Shri Anil Pradhan, Sikshasandhan, Bhubaneswar 6. Shri Gouranga Mohapatra, BGVS Odisha 7. Shri Sandeep Patnaik, Social Worker, AtPo - Dimirisena, Via - Brahamagiri, Dt - Puri, Odisha, Pin -752011 sandeepkumar.pattnaik@gmail.com
2.	23venkatesan@gmail.com
3.	Shri A Cardoso, Vasco Mormugao Goa-403712, Vasco, info@jhatkaa.org
4.	Shri A K Varma, avanivarma413@gmail.com
5.	Shri A. Chanru, cspallavicspallavi@gmail.com
6.	Shri A. K. Johari, IFS (Retd.), Ex Principal Chief Conservator of Forests- Assam, johari60@yahoo.com
7.	Shri A. Karthikeyan, karthikthamizhan@gmail.com
8.	Shri A. Mohamed Elahi, Tamilnadu, mohdi552@gmail.com
9.	Shri A. Murugan, muruganpitchu@gmail.com
10.	Shri A. Punitharaj, punitharaj11873@gmail.com
11.	Shri A. Ram Rexahan, ramrexahan7@gmail.com
12.	Shri A. Sahul Hameed, sahu75hameed@gmail.com
13.	Shri A. Thamilselvan, tamilmeena644@gmail.com
14.	Shri A. Akbar Basha, Cheyyaru, akbarnizam.ab@gmail.com
15.	Shri A.C. Raj, Tiruchirappalli, Tamil Nadu, jasu1440@gmail.com
16.	Shri A.C. Zonunmawia, Chairman, Centre for Environment Protection (CEP), Aizawl, Mizoram., cep_earth@yahoo.com
17.	Shri A. Pandurangan, hepsiba.0506@gmail.com
18.	Shri A.R. Meghna Bhandari Saklecha meghnarbhandari@gmail.com
19.	aakashchandru2003@gmail.com
20.	Shri Aan Priya C Philip, Parappallil Pathirappally Junction, Alappuzha-688081
21.	Shri Aasic Raja aasicparveen69@gmail.com
22.	Shri Abani Kumar Kanhor, Secretary, Kui Samaj Seba Samiti, Phulbani, kuisamajss.plb@gmail.com
23.	Shri Abdul Hameed Mohamed Anvar, New St. Vellayapuram - 623315 mdanvar2013@gmail.com, info@jhatkaa.org

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27.	Shri Abdul Nayeem, 11-38, Godavari Road, Lakshettipet-504215 mohammad03081991@gmail.com , info@jhatkaa.org
28.	abdulraja6843@gmail.com
29.	Shri Abdur Rahman MA veeraezhil1432@gmail.com
30.	Shri Abhi Sabar, padmalaya103@gmail.com
31.	Shri Abhijit Prabhudesai, General Secretary, Federation of Rainbow Warriors, rainbowwarriors2014@gmail.com
32.	Shri Abhijit Thengodkar, Thengodkar, abhijit.thengodkar@googlemail.com
33.	Shri Abhimanyu Sabar, padmalaya103@gmail.com
34.	Shri Abhinand, abhinandmspld@gmail.com
35.	Shri Abhinav, Gaur, Advocate, Allahabad High Court, abhinav.cgaur@gmail.com
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37.	Shri Abul Fazal, Yari Road, Mumbai- 400095. abulf3@gmail.com, info@jhatkaa.org
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DETAILS OF THE DISCUSSIONS HELD BY THE JOINT COMMITTEE ON THE FOREST (CONSERVATION) AMENDMENT BILL, 2023 DURING THE STUDY VISIT OF THE JOINT COMMITTEE TO SRINAGAR, GUWAHATI AND BHUBANESWAR FROM 2 TO 7 JUNE, 2023.

Sitting No.	Date of Sitting	Agenda of the sitting
1	02.06.2023	Discussion with various defence organizations and institutions viz. BRO, BSF, DRDO, Army Northern Command (Chinar Corps) regarding their views on provisions made in the Forest (Conservation) Amendment Bill, 2023.
2	03.06.2023	Discussion with Chief Secretary/State Government Representatives of Union Territories of Jammu & Kashmir and Laddakh, States of Himachal Pradesh, Punjab and Uttarakhand regarding their views on provisions made in the Forest (Conservation) Amendment Bill, 2023.
3	05.06.2023	Discussion with Directorate General of Hydrocarbons (DGH) and ONGC representatives and with Chief Secretaries/State Govt. Representatives of State of Tripura, Sikkim and Nagaland regarding their views on provisions made in the Forest (Conservation) Amendment Bill, 2023.
4	06.06.2023	Discussion with Chief Secretary/State Govt. Representatives of State of Assam, Meghalaya, Mizoram and Arunachal Pradesh regarding their views on provisions made in the Forest (Conservation) Amendment Bill, 2023.
5	07.06.2023	Discussion with representatives of Indian Bureau of Mines (IBM) and with Chief Secretary/State Government Representatives of State of Odisha and Andhra Pradesh regarding their views on provisions made in the Forest (Conservation) Amendment Bill, 2023.

APPENDIX-V

DETAILS OF THE SITTINGS OF THE JOINT COMMITTEE ON THE FOREST
(CONSERVATION) AMENDMENT BILL, 2023

Sitting No.	Date of Sitting	Agenda of the sitting
1	25.04.2023	Briefing by the representatives of the Ministry of Environment, Forest and Climate Change on the Forest (Conservation) Amendment Bill, 2023. (Also Present: Ministry of Law & Justice - Legislative Department & Department of Legal Affairs)
2	16.05.2023	To elicit views of representatives of the following Ministries on the Forest Conservation (Amendment) Bill, 2023: 1. Ministry of Home Affairs 2. Ministry of Defence 3. Ministry of Tribal Affairs (Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice-Legislative Department)
3		To elicit views of Left Wing Extremism Affected States on the Forest Conservation (Amendment) Bill, 2023: 1. Government of Chhattisgarh 2. Government of Maharashtra 3. Government of Telangana (Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice-Legislative Department)
4	17.05.2023	To elicit views of representatives of the following Ministries on the Forest Conservation (Amendment) Bill, 2023: 1. Ministry of Railways 2. Ministry of Road, Transport and Highways 3. Ministry of Rural Development (Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice-Legislative Department)
5		To elicit views of representatives of following Ministries on the Forest Conservation (Amendment) Bill, 2023:

		<p>1. Ministry of Drinking Water and Sanitation</p> <p>2. Ministry of Mines</p> <p>3. Ministry of Development of North Eastern Region (DoNER)</p> <p>(Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice-Legislative Department)</p>
6	30.05.2023	<p>Oral evidence of Experts/Stakeholder/Organizations who submitted memoranda in response to Press Communique on the Forest (Conservation) Amendment Bill, 2023.</p> <p>(Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice-Legislative Department)</p>
7		<p>Oral evidence of Experts/ Stakeholders/Organizations on the Forest Conservation (Amendment) Bill, 2023.</p> <p>(Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice-Legislative Department)</p>
8	26.06.2023	<p>Clause by Clause consideration of the Forest (Conservation) Amendment Bill, 2023</p> <p>(Also Present: Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice- Legislative Department & Department of Legal Affairs)</p>
9	11.07.2023	<p>Consideration and adoption of the draft report on the Forest (Conservation) Amendment Bill, 2023.</p>

LIST OF OFFICIAL/ NON-OFFICIAL WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE COMMITTEE

A. LIST OF OFFICIAL WITNESSES

Sl. No.	Name of Ministries/State Governments/Union Territories
1	Ministry of Environment, Forest and Climate Change
2	Ministry of Law & Justice- Department of Legal Affairs
3	Ministry of Law & Justice- Legislative Department
4	Ministry of Home Affairs
5	Ministry of Defence
6	Ministry of Tribal Affairs
7	Government of Chhattisgarh
8	Government of Maharashtra
9	Government of Telangana
10	Ministry of Railways
11	Ministry of Road, Transport and Highways
12	Ministry of Rural Development
13	Ministry of Drinking Water and Sanitation
14	Ministry of Mines
15	Ministry of Development of North Eastern Region (DoNER)

B. LIST OF OFFICIAL WITNESSES WHO TENDERED ORAL EVIDENCE DURING STUDY TOUR TO SRINGAR, GUWAHATI AND BHUBANESWAR FROM 2ND TO 7TH JUNE, 2023

Sl. No.	Name of State Governments/Union Territories and other organizations
1.	Border Road Organization (BRO)
2.	Border Security Force (BSF)
3.	Defence Research and Development Organization (DRDO)
4.	Army Northern Command (XV Corps)
5.	Union Territory of Jammu & Kashmir
6.	Union Territory of Laddakh
7.	Government of Himachal Pradesh
8.	Government of Punjab
9.	Government of Uttarakhand
10.	Directorate General of Hydrocarbons (DGH)
11.	Oil and Natural Gas Company (ONGC)
12.	Government of Tripura
13.	Government of Sikkim
14.	Government of Nagaland
15.	Government of Assam
16.	Government of Meghalaya
17.	Government of Mizoram

18. Government of Arunachal Pradesh
19. Indian Bureau of Mines
20. Government of Odisha
21. Government of Andhra Pradesh

C. LIST OF NON-OFFICIAL WITNESSES

- | Sl. No. | Name of Experts/Stakeholders/Organizations |
|----------------|--|
| 1. | Smt. Brinda Karat, Ex. MP (Rajya Sabha) 2005-2011 |
| 2. | Dr. Prashant Kumar Jha, Principal Chief Conservator of Forests (PCCF) (Retd.), Telangana Forest Department |
| 3. | Shri R.D. Kamboj, Addl. Principal Chief Conservator of Forests (PCCF) (Retd.), Gujarat Forest Department |
| 4. | Shri Suresh Chopane, Member- Regional Empowered Committee (REC), Nagpur and Raipur (Ministry of Environment, Forest & Climate Change).
President - Green Planet Society |
| 5. | Shri K. Ravichandran, Director- Indian Institute of Forest Management (IIFM) |
| 6. | Dr. Ravindra Kumar Singh, Principal Chief Conservator of Forests (PCCF) (Retd.), Chhattisgarh Forest Department |
| 7. | Shri Shahbaz Ahmad, Indian Forest Service (IFS) (Retd.)
Ex-Principal Chief Conservator of Forests & Chief Wildlife Warden, MP |
| 8. | Debi Goenka, Executive Trustee, Conservation Action Trust |
| 9. | Shri Abhinav Gaur, Advocate Allahabad High Court. |
| 10. | Shri Praveen Bhargav, Trustee Wildlife First Former Member-
National Board for Wildlife |
| 11. | Shri Manoj Patil, Convener, Vibrant India Economic Council (VIEC), Mumbai |
| 12. | Shri Bijay Convener, Bharat Jan Andolan (Chhattisgarh Bachao Andolan) |

MINUTES OF THE SITTINGS

Minutes of the 1st Sitting of the Joint Committee on the Forest (Conservation) Amendment Bill, 2023

The 1st sitting of the Joint Committee was held on Tuesday, the 25th April, 2023 from 1100 hrs. to 1235 hrs. in Committee Room No.62, Parliament House, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Dr. Dhal Singh Bisen
3. Shri Suresh Kumar Kashyap
4. Smt. Gomati Sai
5. Shri Sudarshan Bhagat
6. Shri Pallab Lochan Das
7. Km. Diya Kumari
8. Shri T.R. Baalu
9. Smt. Agatha K. Sangma
10. Shri Kotagiri Sridhar
11. Dr. Alok Kumar Suman
12. Shri Girish Chandra
13. Shri Pradyut Bordoloi
14. Ms. Geeta Kora

RAJYA SABHA

15. Shri Jawhar Sircar
16. Shri Birendra Prasad Baishya
17. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Shri C. Kalyanasundaram - Director
3. Ms. Rachna Saxena - Deputy Secretary

**REPRESENTATIVES OF MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE**

- | | | | |
|----|--------------------------|---|--|
| 1. | Smt. Leena Nandan | - | Secretary |
| 2. | Shri S P Yadav | - | ADG |
| 3. | Shri Ramesh Kumar Pandey | - | Inspector General of Forests |
| 4. | Dr. Dheeraj Mittal | - | Assistant Inspector General of Forests |
| 5. | Shri Charan Jeet Singh | - | Scientist 'D' |

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|--------------------------|---|---------------------------------------|
| 6. | Shri Rajveer Singh Verma | - | Additional Secretary |
| 7. | Shri Udaya Kumara | - | Joint Secretary & Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the first sitting of the Joint Committee. Thereafter, he drew the attention of the Members on the motion to refer the Forest (Conservation) Amendment Bill, 2023 to Joint Committee which was adopted by Lok Sabha and concurred by Rajya Sabha on 29 March 2023. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Environment, Forest and Climate Change and the Ministry of Law & Justice (Department of Legal Affairs and Legislative Department) to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. He then drew the attention of the representatives from the Ministries to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Ministry of Environment, Forest and Climate Change then made a Power Point presentation to the Committee illustrating the proposed Amendments in the Bill and the rationale behind them.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill which were briefly replied by the representatives of the nodal Ministry. The Chairperson then directed the Ministry to provide written replies to all the points raised during the sitting.

The representatives of the Ministries then withdrew

6. The Committee, thereafter, briefly deliberated on future course of action by the Committee and decided to hold the next sittings of the Committee on 16th and 17th May,

2023 for taking oral evidence of the representatives of the other concerned Ministries and State Governments. The Committee also decided to invite memoranda containing views/suggestions from the public in general and NGOs/experts/stakeholders and institutions in particular by issue of a Press Communiqué.

The Committee then adjourned.

A copy of verbatim record of the proceedings is kept on record

**Minutes of the 2nd Sitting of the Joint Committee on the Forest (Conservation)
Amendment Bill, 2023.**

The 2nd sitting of the Joint Committee was held on Tuesday, the 16th May, 2023 from 1100 hrs. to 1230 hrs. in Committee Room No. 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Dr. Dhal Singh Bisen
3. Shri Raju Bista
4. Shri Tapir Gao
5. Shri Ajay Tamta
6. Smt. Gomati Sai
7. Shri Pallab Lochan Das
8. Shri T.R. Baalu
9. Smt. Agatha K. Sangma
10. Smt. Sajda Ahmed
11. Shri Kotagiri Sridhar
12. Dr. Alok Kumar Suman
13. Shri Girish Chandra
14. Ms. Geeta Kora

RAJYA SABHA

15. Shri Jawhar Sircar
16. Shri R. Girirajan
17. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Ms. Rachna Saxena - Deputy Secretary

**REPRESENTATIVES OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE**

1. Smt. Leena Nandan - Secretary

2. Shri Chandra Prakash Goyal - DGF&SS
3. Shri Ramesh Kumar Pandey - Inspector General of Forests

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT)**

4. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

REPRESENTATIVES OF MINISTRY OF HOME AFFAIRS

5. Shri Dharmendra Singh Gangwar- Secretary (BM), MHA
6. Shri Nishant Kr. Mishra - DS (LWE), MHA

REPRESENTATIVES OF MINISTRY OF DEFENCE

7. Smt. Dipti Mohil Chawla - Additional Secretary
8. Shri Manish Tripathi - Joint Secretary
9. Brig Praveen Badrinath - Brig MO (C)
10. Shri C P Meena - Sc 'E', DRDO

REPRESENTATIVES OF MINISTRY OF TRIBAL AFFAIRS

11. Shri Anil Kumar Jha - Secretary (TA)
12. Shri Naval Jit Kapoor - Joint Secretary
13. Smt. Samidha Singh - Director
14. Sh. Nadeem - Under Secretary

2. At the outset, the Chairperson welcomed the Members to the second sitting of the Joint Committee. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Home Affairs, Ministry of Defence and Ministry of Tribal Affairs to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice (Department of Legislative Department) were also present to assist the committee during deliberations. The Chairperson then drew the attention of the representatives from the Ministries to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Ministry of Home Affairs, Ministry of Defence and Ministry of Tribal Affairs explained their views on the amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill and views of Ministry of Home Affairs, Ministry of Defence and Ministry of Tribal Affairs which were briefly replied by the representatives of Ministry of Home Affairs, Ministry of Defence and Ministry of Tribal Affairs. The Chairperson then directed the Ministry viz. Ministry of Environment, Forest and Climate Change to provide written replies to all the points raised by the Members during the sitting.

6. The Committee also decided to undertake a study tour to Srinagar, Guwahati and Bhubaneswar from 2nd June, 2023 to 7th June, 2023 to hold informal discussion with Chief Secretaries/representatives of various States/UTs and organizations regarding their views on provisions made in Forest (Conservation) Amendment Bill, 2023.

The representatives of the Ministries then withdrew

The Committee was adjourned.

A copy of verbatim record of the proceedings is kept on record

**Minutes of the 3rd Sitting of the Joint Committee on the Forest (Conservation)
Amendment Bill, 2023**

The 3rd sitting of the Joint Committee was held on Tuesday, the 16th May, 2023 from 1315 hrs. to 1430 hrs. in Committee Room No.'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Dr. Dhal Singh Bisen
3. Shri Raju Bista
4. Shri Tapir Gao
5. Shri Ajay Tamta
6. Smt. Gomati Sai
7. Shri Pallab Lochan Das
8. Shri T.R. Baalu
9. Smt. Agatha K. Sangma
10. Dr. Alok Kumar Suman
11. Shri Girish Chandra
12. Ms. Geeta Kora

RAJYA SABHA

13. Shri Jawhar Sircar
14. Shri R. Girirajan
15. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Shri C. Kalyanasundaram - Director
3. Ms. Rachna Saxena - Deputy Secretary

**REPRESENTATIVES OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE**

1. Smt. Leena Nandan - Secretary
2. Shri Chandra Prakash Goyal - DGF&SS
3. Shri Ramesh Kumar Pandey - Inspector General
of Forests

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT)**

4. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

REPRESENTATIVES OF GOVERNMENT OF CHHATTISGARH

5. Shri Amitabh Jain - Chief Secretary
6. Shri V. Srinivas Rao - Principal Chief Conservator of Forest
7. Shri Sunil Mishra - Additional Principal Chief
Conservator of Forests (Land
Management) and Nodal Officer,
Forest Conservation Act, 1980

REPRESENTATIVES OF GOVERNMENT OF MAHARASHTRA

8. Shri Venu Gopal Reddy - Principal Secretary (Forests)
9. Shri Y.L.P. Rao - Principal Chief Conservator of
Forests(Head of Forest Force)

REPRESENTATIVE OF GOVERNMENT OF TELANGANA

10. Shri Mohan Chandra Pargaien, IFS - Prl. Chief Conservator of
Forests (FCA) and Nodal
Officer, Telangana

2. At the outset, the Chairperson welcomed the Members to the third sitting of the Joint Committee. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the representatives of the Government of Chhattisgarh, Government of Maharashtra and Government of Telangana to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice (Department of Legislative Department) were also present to assist the committee during deliberations. The Chairperson then drew the attention of the representatives to the Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Government of Chhattisgarh, Government of Maharashtra and Government of Telangana explained their views on the amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill and views of Government of Chhattisgarh, Government of Maharashtra and Government of Telangana, which were briefly replied by the representatives of Government of Chhattisgarh, Government of Maharashtra and Government of Telangana. The Chairperson then directed the Nodal ministry viz. Ministry of Environment, Forest and Climate Change to provide written replies to all the points raised by the Members during the sitting.

The representatives of the Ministries then withdrew

The Committee was adjourned.

A copy of verbatim record of the proceedings is kept on record

**Minutes of the 4th Sitting of the Joint Committee on the Forest (Conservation)
Amendment Bill, 2023**

The 4th sitting of the Joint Committee was held on Wednesday, the 17th May, 2023 from 1100 hrs. to 1215 hrs. in Committee Room No.'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Shri T.R. Baalu
3. Dr. Dhal Singh Bisen
4. Shri Raju Bista
5. Shri Tapir Gao
6. Shri Sudarshan Bhagat
7. Shri Pallab Lochan Das
8. Smt. Agatha K. Sangma
9. Smt. Sajda Ahmed
10. Shri Kotagiri Sridhar
11. Dr. Alok Kumar Suman
12. Shri Girish Chandra

RAJYA SABHA

13. Shri Jawhar Sircar
14. Shri R. Girirajan
15. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Shri C. Kalyanasundaram - Director
3. Ms. Rachna Saxena - Deputy Secretary

**REPRESENTATIVE OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE**

1. Shri Chandra Prakash Goyal - DGF&SS

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT)**

2. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

REPRESENTATIVES OF MINISTRY OF RAILWAYS (RAILWAY BOARD)

3. Shri Roop N. Sunkar - Member (Infrastructure)
4. Shri Anil Kumar Khandelwal-Principal Executive Director (Gati Shakti)
5. Shri Dhananjaya Singh - Executive Director/Gati Shakti (Civil)-II

REPRESENTATIVES OF MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS

6. Shri Anurag Jain - Secretary
7. Shri Amit Kumar Ghosh - Additional Secretary
8. Shri Kamlesh Chaturvedi - Joint Secretary

REPRESENTATIVES OF MINISTRY OF RURAL DEVELOPMENT

9. Shri Shailesh Kumar Singh- Secretary
10. Shri Praveen Mahto - Chief Economic Adviser
11. Shri Amit Kataria - Joint Secretary (MGNREGA)

2. At the outset, the Chairperson welcomed the Members to the fourth sitting of the Joint Committee. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Railways (Railway Board), Ministry of Road, Transport and Highways and Ministry of Rural Development to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice (Department of Legislative Department) were also present to assist the committee during deliberations. The Chairperson then drew the attention of the representatives from the Ministries to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Ministry of Railways (Railway Board), Ministry of Road Transport and Highways and Ministry of Rural Development explained their views on the amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill and views of Ministry of Railways (Railway Board), Ministry of Road Transport and Highways and Ministry of Rural Development which were briefly replied by the representatives of Ministry of Railways (Railway Board), Ministry of Road Transport and Highways and Ministry of Rural Development. The Chairperson then directed the Ministries including Nodal ministry viz. Ministry of Environment, Forest and Climate Change to provide written replies to all the points raised by the Members during the sitting.

The representatives of the Ministries then withdrew

The Committee then adjourned.

A copy of verbatim record of the proceedings is kept on record

**Minutes of the 5th Sitting of the Joint Committee on the Forest (Conservation)
Amendment Bill, 2023**

The 5th sitting of the Joint Committee was held on Wednesday, the 17th May, 2023 from 1215 hrs. to 1315 hrs. in Committee Room No.'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Shri T.R. Baalu
3. Dr. Dhal Singh Bisen
4. Shri Raju Bista
5. Shri Tapir Gao
6. Shri Sudarshan Bhagat
7. Shri Pallab Lochan Das
8. Smt. Agatha K. Sangma
9. Smt. Sajda Ahmed
10. Shri Kotagiri Sridhar
11. Dr. Alok Kumar Suman
12. Shri Girish Chandra

RAJYA SABHA

13. Shri Jawhar Sircar
14. Shri R. Girirajan
15. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Shri C. Kalyanasundaram - Director
3. Ms. Rachna Saxena - Deputy Secretary

**REPRESENTATIVES OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE**

1. Shri Chandra Prakash Goyal - DGF&SS
2. Shri S P Yadav - ADG
3. Shri Ramesh Kumar Pandey - Inspector General of Forests

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT)**

4. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

**REPRESENTATIVES OF MINISTRY OF JAL SHAKTI (DEPARTMENT OF DRINKING
WATER AND SANITATION)**

5. Ms. Vini Mahajan - Secretary
6. Shri Samir Kumar - Economic Advisor

REPRESENTATIVES OF MINISTRY OF MINES

7. Shri Sanjay Lohiya - Additional Secretary
8. Shri Mustaq Ahmad - Director
9. Shri Pradeep Singh - Director (Technical)

**REPRESENTATIVES OF MINISTRY OF DEVELOPMENT OF NORTH EASTERN
REGION (DoNER)**

10. Shri Lok Ranjan, IAS (TR:1989) - Secretary
11. Shri Angshuman Dey, IFS (TR:1997) - Joint Secretary

2. At the outset, the Chairperson welcomed the Members to the fifth sitting of the Joint Committee. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the representatives of Ministry of Jal Shakti (Department of Drinking Water and Sanitation), Ministry of Mines and Ministry of Development of North Eastern Region (DoNER) to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice (Department of Legislative Department) were also present to assist the committee during deliberations. The Chairperson then drew the attention of the representatives from the Ministries to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Ministry of Jal Shakti (Department of Drinking Water and Sanitation), Ministry of Mines and Ministry of Development of North Eastern Region (DoNER) explained their views on the amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill and views of Ministry of Jal Shakti (Department of Drinking Water and Sanitation), Ministry of Mines and Ministry of Development of North Eastern Region (DoNER) which were briefly replied to by the representatives of Ministry of Jal Shakti (Department of Drinking Water and Sanitation), Ministry of Mines and Ministry of Development of North Eastern Region (DoNER). The Chairperson then directed the Ministry viz. Ministry of Environment, Forest and Climate Change to provide written replies to all the points raised by the Members during the sitting.

The representatives of the Ministries then withdrew

The Committee was adjourned.

A copy of verbatim record of the proceedings is kept on record

Minutes of the 6th Sitting of the Joint Committee on the Forest (Conservation) Amendment Bill, 2023.

The 6th sitting of the Joint Committee was held on Tuesday, the 30th May, 2023 from 1030 hrs. to 1230 hrs. in Committee Room No. 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Shri T.R. Baalu
3. Dr. Dhal Singh Bisen
4. Shri Tapir Gao
5. Shri Ajay Tamta
6. Shri Sudarshan Bhagat
7. Smt. Agatha K. Sangma
8. Shri Rajendra Dhedy Gavit
9. Shri Girish Chandra
10. Shri Pradyut Bordoloi

RAJYA SABHA

11. Dr. Ashok Bajpai
12. Dr. Prashanta Nanda
13. Shri Birendra Prasad Baishya
14. Shri R. Girirajan
15. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Ms. Rachna Saxena - Deputy Secretary

REPRESENTATIVES OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

1. Shri Chandra Prakash Goyal - DGF&SS
2. Shri S P Yadav - ADG

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT)

3. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

EXPERTS/ STAKEHOLDERS/ORGANIZATIONS

4. Smt. Brinda Karat - Ex-Member of Parliament, Rajya Sabha
5. Dr. Prashant Kumar Jha- Principal Chief Conservator of Forests (PCCF), (Retd.), Telangana Forest Department
6. Shri R.D. Kamboj - Addl. Principal Chief Conservator of Forests (PCCF) (Retd.), Gujarat Forest Department
7. Shri Suresh Chopane -Member, Regional Empowered Committee (REC), Nagpur and Raipur (Ministry of Environment, Forest & Climate Change)
President - Green Planet Society
8. Shri K. Ravichandran -Director- Indian Institute of Forest Management (IIFM)
9. Dr. Ravindra Kumar Singh -Principal Chief Conservator of Forests (PCCF) (Retd.) Chhattisgarh Forest Department

2. At the outset, the Chairperson welcomed the Members to the sixth sitting of the Joint Committee. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the experts to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice (Department of Legislative Department) were also present to assist the committee during deliberations. The Chairperson then drew the attention of the witnesses present to the Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. Then, the experts, one by one, explained their views on the amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill and views of the experts which were briefly replied to by the experts. The Chairperson then directed the Ministry viz. Ministry of Environment, Forest and Climate Change to provide written replies to all the points raised by the Members during the sitting.

The witnesses then withdrew.

The Committee was adjourned.

A copy of verbatim record of the proceedings is kept on record

**Minutes of the 7th Sitting of the Joint Committee on the Forest (Conservation)
Amendment Bill, 2023.**

The 7th sitting of the Joint Committee was held on Tuesday, the 30th May, 2023 from 1230 hrs. to 1400 hrs. in Committee Room No.'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Shri T.R. Baalu
3. Dr. Dhal Singh Bisen
4. Shri Tapir Gao
5. Shri Ajay Tamta
6. Shri Sudarshan Bhagat
7. Smt. Agatha K. Sangma
8. Shri Rajendra Dhedy Gavit
9. Shri Girish Chandra
10. Shri Pradyut Bordoloi

RAJYA SABHA

11. Dr. Ashok Bajpai
12. Dr. Prashanta Nanda
13. Shri Birendra Prasad Baishya
14. Shri R. Girirajan
15. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Ms. Rachna Saxena - Deputy Secretary

**REPRESENTATIVES OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE**

1. Shri Chandra Prakash Goyal - DGF&SS
2. Shri S P Yadav - ADG

**REPRESENTATIVE OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT)**

3. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

EXPERTS/ STAKEHOLDERS/ORGANIZATIONS

- | | | | |
|----|----------------------|---|---|
| 4. | Shri Shahbaz Ahmad | - | Indian Forest Service (IFS) (Retd.)
Ex-Principal Chief Conservator of
Forests & Chief Wildlife Warden, MP |
| 5. | Shri Debi Goenka | - | Executive Trustee, Conservation Action Trust |
| 6. | Shri Abhinav Gaur | - | Advocate, Allahabad High Court |
| 7. | Shri Praveen Bhargav | - | Trustee Wildlife First,
Former Member – National Board for
Wildlife Author – Wildlife Law for Rangers |
| 8. | Shri Manoj Patil | - | Convener, Vibrant India Economic
Council (VIEC), Mumbai |
| 9. | Shri Bijaya K Panda | - | Convener, Bharat Jan Andolan
(Chhattisgarh Bachao Andolan) |

2. At the outset, the Chairperson welcomed the Members to the seventh sitting of the Joint Committee. He further apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson invited the experts to brief the Committee on various aspects related to the Forest (Conservation) Amendment bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change, Ministry of Law & Justice (Department of Legislative Department) were also present to assist the committee during deliberations. The Chairperson then drew the attention of the witnesses present to the Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. Then, the experts, one by one, explained their views on the amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill and views of the experts which were briefly replied to by the experts. The Chairperson then directed the Ministry viz. Ministry of Environment, Forest and Climate Change to provide written replies to all the points raised by the Members during the sitting.

The witnesses then withdrew.

The Committee was adjourned.

A copy of verbatim record of the proceedings is kept on record

**Minutes of the 8th Sitting of the Joint Committee on the Forest (Conservation)
Amendment Bill, 2023.**

The 8th sitting of the Joint Committee was held on Tuesday, the 26th June, 2023 from 1100 hrs. to 1300 hrs. in Committee Room No.'1', Extension to Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Shri T.R. Baalu
3. Dr. Dhal Singh Bisen
4. Shri Raju Bista
5. Shri Tapir Gao
6. Shri Suresh Kumar Kashyap
7. Smt. Gomati Sai
8. Shri Sudarshan Bhagat
9. Km. Diya Kumari
10. Smt. Agatha K. Sangma
11. Shri Rajendra Dhedyga Gavit
12. Dr. Alok Kumar Suman
13. Shri Pradyut Bordoloi

RAJYA SABHA

14. Dr. Ashok Bajpai
15. Shri Samir Oraon
16. Dr. Prashanta Nanda
17. Shri Birendra Prasad Baishya
18. Shri R. Girirajan

SECRETARIAT

- | | | | |
|----|-------------------------|---|------------------|
| 1. | Shri J.M. Baisakh | - | Joint Secretary |
| 2. | Shri C. Kalyanasundaram | - | Director |
| 3. | Ms. Rachna Saxena | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

1. Smt. Leena Nandan - Secretary
2. Shri Chandra Prakash Goyal - DGF&SS

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT)**

1. Shri Udaya Kumara - Joint Secretary & Legislative Counsel

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF LEGAL AFFAIRS)**

1. Dr. Padmini Singh - Joint Secretary & Legislative Adviser

2. At the outset, the Chairperson welcomed the Members to the eighth sitting of the Joint Committee and apprised the Members about the agenda of the sitting.

3. Thereafter, the Chairperson also welcomed the representatives of the Ministry of Environment, Forest and Climate Change and the Ministry of Law & Justice and initiated the deliberations on the Clause by Clause consideration of the proposed amendments in the Forest (Conservation) Amendment Bill, 2023. The representatives of Ministry of Environment, Forest and Climate Change assisted the Committee during deliberations.

4. The Members of the Committee put forth their views on the proposed amendments in Forest (Conservation) Amendment Bill, 2023 and the representatives of Ministry explained the queries raised by the Members.

5. After detailed deliberations, the Committee accepted all the proposed amendments in the Forest (Conservation) Amendment Bill, 2023.

The sitting of the Committee then adjourned.

A copy of verbatim record of the proceedings is kept on record.

Minutes of the 9th Sitting of the Joint Committee on the Forest (Conservation) Amendment Bill, 2023.

The 9th sitting of the Joint Committee was held on Tuesday, the 11th July, 2023 from 1500 hrs. to 1530 hrs. in Committee Room No. 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agrawal - Chairperson

LOK SABHA

2. Shri Tapir Gao
3. Shri Sudarshan Bhagat
4. Shri Pallab Lochan Das
5. Km. Diya Kumari
6. Smt. Agatha K. Sangma
7. Dr. Alok Kumar Suman
8. Shri Girish Chandra

RAJYA SABHA

9. Shri Samir Oraon
10. Dr. C.M. Ramesh
11. Dr. Prashanta Nanda
12. Shri Birendra Prasad Baishya
13. Shri R. Girirajan
14. Smt. Phulo Devi Netam

SECRETARIAT

1. Shri J.M. Baisakh - Joint Secretary
2. Shri C. Kalyanasundaram - Director
3. Ms. Rachna Saxena - Deputy Secretary

2. At the outset, Chairperson welcomed the Members of the Joint Committee to the sitting of the Committee convened for consideration and adoption of Draft Report of the Committee. The Committee considered the Draft Report in entirety and adopted the same. The Committee also authorised the Hon'ble Chairperson to finalize and present the Report in Lok Sabha and lay the same on the table of the Rajya Sabha.

3. The Chairperson also announced that if any member desired to give any dissent note, the same may be submitted to the Secretariat by 4:00 pm on 13 July 2023.

4. Thereafter, the Chairperson in his concluding remarks thanked all the members of the Joint Committee for their unstinted support and cooperation which enabled the Committee to examine and finalize the report on an important legislation within defined time frame of time. The Chairperson, also placed on record the appreciation for the relentless assistance rendered to the Committee by the officers and staff of the Lok Sabha Secretariat.

The Committee then adjourned.



PRADYUT BORDOLOI

MEMBER OF PARLIAMENT (LOK SABHA)

MEMBER, STANDING COMMITTEE OF PETROLEUM & NATURAL GAS

MEMBER, COMMITTEE OF RULES, LOK SABHA

MEMBER, CONSULTATIVE COMMITTEE OF MINISTRY OF POWER, NEW AND RENEWABLE ENERGY

D.O. No. MP: Nowgong: 03

Date: 26th June, 2023

Shri Rajendra Agarwal,
Chairperson,
Joint Committee on the Forest (Conservation) Amendment Bill, 2023

Dear Shri Agarwal ji,

Subject: Comments of dissent on the Forest (Conservation) Amendment Bill, 2023 (TBD) for inclusion in the JPC Report.

At the outset, I would like to appreciate efforts being undertaken to conduct vital public consultation as a part of the Committee's examination of the Forest (Conservation) Amendment Bill 2023. This is crucial for strengthening environmental protection mandate and building collective responsibility around forest conservation in India. I am thankful to you for allowing me to interact extensively during the hearings.

While the preamble of the proposed Forest (Conservation) Amendment Bill, 2023 invokes India's rich tradition of preserving forests and their importance in achieving net zero emission targets, there is reason to believe that the substance of the proposed changes will, however, emasculate the original Forest Conservation Act (FCA), thereby subverting the FCA's primary objective of providing for conservation of forests and checking further deforestation. The following are my detailed clause-wise comments, which are put forward for the Committee's consideration and if necessary, regarded as comments of dissent for the record :

1. Clause 3: Changing title of the Act from "Forest (Conservation) Act" to "Van (Sanrakshan Evam Samvardhan) Adhiniyam

Given that the FCA is of great importance to people across the country, 60% of which are dependent on forests and other ecosystems directly for their sustenance and livelihood, it is vital that is inclusive in its terminologies, not leaving out population in non-Hindi speaking regions, including the South and the North-East regions.

2. Clause 4: Insertion of Section 1A (subsection 1) regarding lands to be covered under the FCA

a. By proposing to include only those lands within the ambit of the FCA which are recorded as the forest on or after 25th October 1980, a significant

section of forest land area will be exempted, especially because large tracts of forest land in India were recorded as 'forest' during transfer of lands to the forest department while abolishing the Zamindari system in respective states after independence (in 50s-70s). A large section of such transferred land could not be notified as forest under the Indian Forest Act, 1927, or state forest legislations because of improper demarcation, ownership disputes and administrative lethargy. However, such lands continue to be protected as forests under the FCA, irrespective of their ownerships. Such forests can be easily found in ecologically rich landscapes like the Aravallis, central Indian plateaus, western ghats, etc and are important as wildlife habitats providing critical ecological services. These biodiversity hotspots will no longer be considered 'forest' and can potentially be sold, diverted, cleared, felled, utilized, exploited without any regulatory oversight, if the bill is passed in its current form.

- b. Such an amendment would dilute the Hon'ble Supreme Court's 1996 landmark Godavarman judgment which widened the scope of the FCA to apply to any land recorded as forest by the government irrespective of its ownership. The proposed amendment would in effect limit the scope of the forest clearance mandate under the FCA at a time when India is rapidly losing essential forest cover.

Clause 4: Insertion of Section 1A (subsection 2) regarding lands to not be covered under the FCA:

The proposition to exempt certain categories of land from provisions of forest clearance bears the following grave implications:

- a. Threat to bio-sensitive areas: Significant forests in Himalayan, Trans-Himalayan and North Eastern regions, which are rich with endemic biodiversity will be exempted because of their proximity to international borders. Clearing of such forests without any assessment and mitigation plan will not only threaten the biodiversity but will also increase the vulnerability of the ecologically and geologically sensitive areas, which are already threatened by unsustainable infrastructure developments and extreme weather events. Blanket exemptions for border infrastructure projects are problematic as they have significant impact on sensitive landscape and biodiversity, and may adversely impact the infrastructures themselves, due to resultant environmental hazards in case of extreme weather events.

- b. Wide scope of terminology: The usage of forest land for 'security-related infrastructure' and 'public utility' is also very wide and can be used to establish a variety of infrastructure projects on forest lands without applying for forest clearance. For example, public utility services are commonly understood as services provided by the government essential to citizens' requirements. This includes transport, postal, telephone, power, water, etc. This virtually allows the construction of any project on forest land.

- c. Further, in Amendment of Section 2, further exemptions are provided using vague terminology like 'proposed', 'ecotourism facilities', and 'any other purposes' which can be exploited or misused for activities damaging forests and

ecosystems in forest lands. Bringing all zoos, safaris and forest training infrastructures within the ambit of forestry activities, is inconsistent with the FCA and the FCA Guidelines, 2019 which clearly differentiate low footprint conservation establishments from exhibition-oriented outreach centers. Further, this may disproportionately commercialize forests and disturb forest ecosystems.

d. The exemptions provided for are bound to **promote commercialisation of forests** (including notified forests) and **cause irreversible disturbance to wildlife**. It is a common misconception that wildlife only occurs inside Protected Areas (PA). On the contrary, areas outside PA are considered to support essential habitats and biodiversity.

The proposed Bill makes no provision for any impact assessment or any kind of regulatory oversight on the loss of habitats and species, nor would there be any remedies available for interventions to raise concerns. Roads, railway lines and such linear intrusions have a disproportionately vast impact on wild habitats and wildlife as it fragments, erodes natural forests. Removing safeguards in such a blanket manner will only further jeopardise, degrade and destroy forests.

4. Clause (1) (a) (2) (c)

Blanket exemption of 100 km from international border is of particular concern in the North East region, due to proximity to international borders & small size of state - as a result, will subsume the entire state and open up pristine forest areas along with its biodiversity for non-forestry uses without FCA regulation. Further, the ecologically fragile landscape along the LAC has the majority of the Protected Areas with critically threatened endemic species of flora and fauna, whose conservation will be threatened.

5. Clause 5: Insertion of sub-section 2 of Section 2:

This section which exempts survey activities, such as, reconnaissance, seismic survey and drillings by Oil Companies, prospecting, investigation or exploration from FCA clearance, would open vast tracts of biodiversity rich forest across the country for **scoping, prospecting and surveys for coal, iron ore, diamond and other mining**, as well as for oil with no environmental safeguards. Also at risk is our 7,517 kilometers long coastline and 1,382 islands from deep sea mining for deposits of minerals which will pave the way for commercial exploitation. Once scoping is done, analysis indicates that clearances for projects is usually a fait accompli. **The proposed exemptions for all surveys and investigations are arbitrary in nature, and such exemptions should instead depend on the underlying project and its implications on the forest and associated wildlife.**

6. Critically assessing emphasis on carbon neutrality through plantations:

The Bill's focus on raising tradeable vertical repositories of carbon, i.e achieving carbon neutrality through a push for plantations, can jeopardize the very purpose of the Act to protect and conserve India's forests. While India's commitments to meeting national Net Zero Emission targets are important, experts have long argued that **creating carbon sinks via plantations and increasing tree cover is counter intuitive**, and multiple studies, including in India show that these are poor in sequestering carbon, as well as in other ecosystem services such as containing soil erosion, biodiversity conservation,

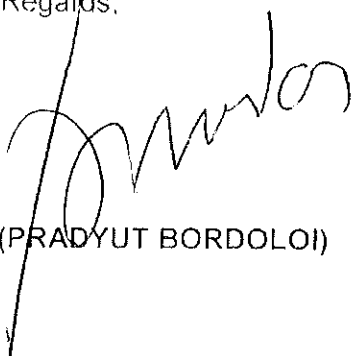
water retention etc. Research has shown that **natural forests are far more effective in this regard**, considering that the carbon sequestration potential of natural forests is 40 times greater as compared to plantations. Further, It is important to consider that the destruction and degradation of forests in itself **contributes to climate change through the release of carbon dioxide (CO₂)**.

7. Need to foreground forest rights in forest conservation legislation: What remains an obvious gap, even in the statement and objects of the amendment, is the reconciliation of the forest conservation legislation with the forest rights question, which should have been important especially when almost all proposed amendments will necessarily come to bear on prevailing, pending or recognised forest rights. There is an absence of any perspective on how existing proprietary, customary, and livelihood use rights will be dealt with for net zero compliant lands or in the case of fresh forest land diversions.

While the Ministry of Environment, Forest and Climate Change in its response (dated 19th June 2023) has attempted to clarify some of the above mentioned points, concerns persist as there is an overwhelming reliance on **implied meaning of provisions rather than categorically laying out safeguards** in the text of the amendment. Further, on the question of ensuring safeguards, one observes a tendency to leave terms & conditions to the discretion of the Executive at subsequent junctures, creating scope for misinterpretation and misuse.

India's ancient civilisation and culture is closely linked to nature. Millions of marginalized and indigenous people continue to depend on forests for their sustenance and livelihood and will be rendered even more vulnerable were the proposed amendments come to pass. I strongly believe that rather than weakening regulation, amendments to India's Forest Conservation Act must focus on ensuring more effective implementation of conservation practices, especially in view of the accelerating threat of climate change.

Regards,



(PRADYUT BORDOLOI)

Relevant Provisions of Principal Act	Provisions proposed in Amendment Bill	Comments of Shri Pradyut Bordoloi, MP Lok Sabha (Member JPC)	Suggestion for Re-drafting
<p>1(1) This Act may be called the Forest (Conservation) Act, 1980.</p>	<p>Amendment of section 1. In section 1 of the principal Act, in subsection (1), for the words and brackets "Forest (Conservation) Act", the words and brackets "VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM" shall be substituted.</p>	<p>Should be amend to make it more acceptable to all across the country.</p> <p>A separate Hindi translated version can be made available alongside the English version, for the purpose of improved accessibility.</p>	<p>English Translation of Bill:</p> <p>This Act may be called the Forest (Conservation) Act 1980</p> <p>Appropriate Hindi name can be inserted</p>
<p>Not applicable (provisions do not exist in the Principal Act).</p>	<p>Insertion of new section 1A- Act to cover certain land.</p> <p>After section 1 of the principal Act, the following section shall be inserted, namely:</p> <p>"1A. (1) The following land shall be covered under the provisions of this Act, namely:</p>	<p>1) Subsection 1A(1)(b) along with the proviso can be potentially misinterpreted to create an exception to the Supreme Court's judgment in T.N. Godavaraman case dated 12.12.1996 (which imposed applicability of Section 2 of the Act to any area recorded as forest in the Govt record irrespective of ownership and date)</p> <p>This has negative implications on the applicability of Section 2 of the Act, which mandates permission of the Central Government for any non-forest activity on lands recorded as forest in 'government record', which also includes lands that are not notified under a statute.</p> <p>2) The new changes also omit the category of lands which are neither notified nor recorded as forests in any government records but qualify the characteristics of a natural forest including those proposed to be notified as forest.</p> <p>As per the latest FSI's "India State of Forest Report" (2021), Unclassed Forests account for approximately 15% of India's total forest cover, and in some States and Union Territories Unclassed Forests are a massive portion of their total forest cover. Some of these states constitute some of India's most unique and endangered biodiversity-rich regions (biodiversity hotspots).</p> <p>For instance, in Northeast India, 97.2% of Nagaland's, 88.2% of Meghalaya's, 75.6% of Manipur's, 53% of Arunachal Pradesh's and 33.4% of Assam's total forest are categorized as unclassified forest. There is a</p>	

		<p>concern that most of such lands may be exempted from the FCA as they are recorded as forests much before 1980.</p> <p>3) The new changes also exclude those forest lands which are proposed to be declared forests but yet to be notified under Section 4 of the Indian Forest Act, 1927 or other state laws. (For e.g in Assam, nearly 730 sq.km. of lands are in the process of notification as RF from the existing category of Proposed RF under Assam Forest Regulation Act, 1891.)</p>	
<p>Not applicable (provisions do not exist in the Principal Act).</p>	<p>The following land shall be covered under the provisions of this Act, namely:</p> <p>(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.</p> <p>(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;</p>	<p>"</p>	<p>The following land shall be covered under this Act, namely:</p> <p>(b) the land that has been declared or notified or is under the process of being notified as a forest following the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force.</p> <p>(b) the land that is not covered under clause (a) but has been recorded in Government records as forest irrespective of their ownership.</p> <p>(c) the land that is not covered under clauses (a) or (b) but is recognizable as forests by local communities or in terms of its ecological and cultural significance.</p> <p>(d) the land that is not covered in clauses (a), (b), (c) but identified or used for compensatory afforestation in lieu of forest diverted under Section 2 of the Act.</p> <p>(Note to Sir: While the Ministry has clarified that several of the above aspects are 'implied', the above points can be emphasised for inclusion as helpful in making the bill text clarificatory and specific, rather than open to interpretation and misuse)</p>

	<p><i>Proviso</i></p> <p>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:</p>	<p>There have been many instances where the States have unlawfully diverted lands recorded as forests for non-forest activities in the violation of the Act. The proposed amendment attempts to legalize such diversions.</p> <p>The Supreme Court has reiterated that the primary purpose of the FCA is to prevent further deforestation, and any interpretations must sub-serve and help implement the intention of the Act.</p> <p>Many of such forest lands were diverted on lease for activities such as plantations, mining etc., by the States before 12th December 1996 or even before the enactment of the FCA in 1980. For instance, Gavi, a RF in the core area of the Periyar Tiger Reserve, was leased to Kerala Forest Development Corporation for the cultivation of cardamom before 1980. The lease is set to expire in 2026, after which new permission will be required to be obtained under Section 2 of the Act. However, if the proposed amendment is accepted, many of such leased forest areas may get permanently diverted for such non-forest activity. This may also allow the lessee to change the nature of such plantation for other non-forest purposes like tourism, infrastructure etc.</p>	<p>Recommend to be deleted from amendment</p>
<p>Not applicable (provisions do not exist in the Principal Act).</p>	<p><u>1A. (2) (a)</u></p> <p>The following categories of land shall not be covered under the provisions of this Act, namely:</p> <p>(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;</p>	<p>Exemptions for roadside amenities are regressive and ultra vires the FCA. The new changes will fragment forest areas and will be detrimental to wildlife habitats and corridors, especially with lack of specifics with respect to the frequency of these facilities along such linear projects makes vast forest areas susceptible.</p> <p>Already many railway lines such as Rail line thro the Deepor Beel (a Ramsar Site) on the outskirts of Guwahati City and roads pass through sensitive biodiversity rich areas. More road and railways infrastructure are proposed to be constructed in upcoming years, which are going to fragment forests and affect wildlife in other parts of the country.</p> <p>Granting any exemptions to areas alongside the roads will not only lead to massive deforestation but create multiple disturbance to forests and put immense pressure on wildlife. Linear infrastructure significantly affects and reverses the decades old</p>	<p>Recommend to be deleted from the amendment</p>

		<p>conservation efforts to protect endemic flora and fauna. In many cases roads and railways are one of the major reasons of fatalities of protected species. According to reports, 45 elephants died between 2019-2021 and 26 tigers died between 2010-2021 due to railway accidents.</p> <p>For development of access roads to adjoining villages or human habitations, diversion of forest lands must be allowed judiciously following due procedure of forest clearance under Section 2 of the Act and in such a manner that it causes minimum disturbance to the forest and wildlife, rather than through blanket exemption.</p>	
	<p><u>(1)(a)(2)(b)</u> such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of subsection (1); and</p>	<p>Need for clarity on definition of 'reforestation' and whether it is different from 'reforestation' - planting of trees on non-forest land or planting of trees on land which was previously forest. Act must define the term 'reforestation' to prevent ambiguity or misuse</p>	<p>Definition of 'reforestation' to be recommended for addition</p>
	<p><u>(1)(a)(2)(c)</u> 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</p>	<p>According to the Compensatory Afforestation Fund Management and Planning Authority, between 1996-2016, defence projects have taken up the second largest amount of forest land (1,549 sq.km.), second only to mining (1,947 sq.km.).</p> <p>Strategically important linear infrastructures are already given permissions expeditiously by the Central Government under 'general approval' scheme. In such circumstance, blanket exemption is unreasonable and unwanted.</p> <p>Infrastructure and linear development projects in Himalayan and North Eastern India involve activities such as blasting and excavation, creating tunnels, damming of water streams etc., which has significant and irreversible damage to the ecologically sensitive landscape of these regions. Experts have pointed out the role of such infrastructure development as a significant contributor in intensifying the impact of extreme weather events leading to landslides and severe floods.</p> <p>As per (1)(a)(2)(c) (iii) the term 'public utility' remains ambiguous, open ended and open to interpretation - such blanket exemptions are undesirable but are also inconsistent and ultra vires to the purpose of</p>	<p>Recommend to be deleted from the amendment</p>

	<p>may be notified by the Central Government.</p>	<p>FCA. Accordingly, any permission for such activities must be granted on a case-on-case basis following due procedure under Section 2 of the Act.</p> <p><u>(1)(a)(2)(c)</u> Blanket exemption of 100 km from international border is of particular concern in the North East region, due to proximity to international borders & small size of state - as a result, will subsume the entire state and open up pristine forest areas along with its biodiversity for non-forestry uses without FCA regulation. Further, the ecologically fragile landscape along the LAC has the majority of the Protected Areas with critically threatened endemic species of flora and fauna, whose conservation will be threatened.</p>	<p>Suggestion: prior to availing exemption for security related infrastructure, in forest areas, it is proposed that listed agencies would consult stakeholders mainly local communities residing nearby. As these forest areas form multiple use areas accessed by the local communities - no blanket exemption, but case-by-case forest clearance based on stakeholder consultation.</p>
	<p><u>(1)(a)(3)</u> 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.</p>	<p>While plantations may provide some benefits, they do not provide the same level of ecological services as natural forests. Plantations, however, can exacerbate soil erosion and degrade soil quality, as they often require intensive fertilization, pesticide use, and irrigation. Further, plantations do not provide habitat for the wildlife, as they do not contain the structural complexity and diversity of natural forests.</p> <p>Therefore, it is important to prioritize protection and restoration of natural forests and to manage them sustainably, <u>rather than relying on plantations as a replacement</u>. Any afforestation operation must be undertaken with the objective of ecological restoration and augmenting native biodiversity.</p>	<p>Recommend to be deleted from the amendment</p>
<p>Section 2(1) (iii)</p>	<p><u>Section 2(1) (iii)</u> (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization subject to such terms and conditions, as the Central Government may, by order, specify:</p>	<p>The purpose of such leasing of forest lands by the state must be ensured for conservation of forests and wildlife only.</p>	<p>(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency, or any other organization unless it is in the interest of in situ conservation of forest and wildlife, subject to such terms and conditions, as the Central Government may with reason prescribe:</p>

Section 2 (1)(b)	Any purpose other than reforestation, but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife.	The purpose for all such establishments must be to protect and conserve the forests and wildlife, and not for any leisure or commercial purposes. Thus, it is essential that sufficient reasoning is provided for such developments as a necessity for forests and wildlife conservation. Under the provision on exemption of works 'ancillary to conservation', the Act must also specify the Certified Authority which would decide whether the work falls under the category of ancillary or related work. It is suggested that the Certified Authority with respect to conservation of wildlife should be the Chief Wildlife Warden or Principal Chief Conservator of Forest ("PCCF") with respect to forest conservation.	Any purpose other reforestation, but does include any work relating or ancillary to conservatio development and manage of forests and wildlife, w shall be certified by concerned Chief Wil Warden or Principal Chief Conserv with reasons in writing. • Need for Act define 'reforestation'.
<u>Section 2(1)(b)</u>	i. silvicultural operations including regeneration operations;	Silvicultural operations must be undertaken with the objective of ecological restoration and augmenting native biodiversity.	i. silvicultural operat including regeneration operations w are purported to restore original flora of the area do not include plantatio species exotic to the are question or cau disturbance to the wildlif
	ii. establishment of check-posts and infrastructure for the front-line forest staff;	Specify to prevent misuse (such as illegal collection of money allowing extraction of forest materials)	Establishment of check-p and infrastructure for the front-forest staff, that do not al or disturb the movemen wild animals
	iii. establishment and maintenance of fire lines;		No change
	iv. wireless communications;	Specify to prevent misuse	iv. wireless communicat which are required for front-line forest staff;
	v. construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;	Specify to prevent misuse	v. construction of fence boundary marks or pill bridges and culverts, ch dams, waterholes, trenches, pipelines, solely required the purpose of forest ; wildlife conservation ; certified as such by

	may be notified by the Central Government.	<p>FCA. Accordingly, any permission for such activities must be granted on a case-on-case basis following due procedure under Section 2 of the Act.</p> <p><u>(1)(a)(2)(c)</u> Blanket exemption of 100 km from international border is of particular concern in the North East region, due to proximity to international borders & small size of state - as a result, will subsume the entire state and open up pristine forest areas along with its biodiversity for non-forestry uses without FCA regulation. Further, the ecologically fragile landscape along the LAC has the majority of the Protected Areas with critically threatened endemic species of flora and fauna, whose conservation will be threatened.</p>	<p>Suggestion: prior to availing exemption for security related infrastructure, in forest areas, it is proposed that listed agencies would consult stakeholders mainly local communities residing nearby. As these forest areas form multiple use areas accessed by the local communities - no blanket exemption, but case-by-case forest clearance based on stakeholder consultation.</p>
	<p><u>(1)(a)(3)</u> 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.</p>	<p>While plantations may provide some benefits, they do not provide the same level of ecological services as natural forests. Plantations, however, can exacerbate soil erosion and degrade soil quality, as they often require intensive fertilization, pesticide use, and irrigation. Further, plantations do not provide habitat for the wildlife, as they do not contain the structural complexity and diversity of natural forests.</p> <p>Therefore, it is important to prioritize protection and restoration of natural forests and to manage them sustainably, <u>rather than relying on plantations as a replacement</u>. Any afforestation operation must be undertaken with the objective of ecological restoration and augmenting native biodiversity.</p>	<p>Recommend to be deleted from the amendment</p>
Section 2(1)(iii)	<p><u>Section 2(1)(iii)</u> (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization subject to such terms and conditions, as the Central Government may, by order, specify:</p>	<p>The purpose of such leasing of forest lands by the state must be ensured for conservation of forests and wildlife only.</p>	<p>(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency, or any other organization unless it is in the interest of in situ conservation of forest and wildlife, subject to such terms and conditions, as the Central Government may with reason prescribe:</p>

Section 2 (1)(b)	Any purpose other than reforestation, but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife,	The purpose for all such establishments must be to protect and conserve the forests and wildlife, and not for any leisure or commercial purposes. Thus, it is essential that sufficient reasoning is provided for such developments as a necessity for forests and wildlife conservation. Under the provision on exemption of works 'ancillary to conservation', the Act must also specify the Certified Authority which would decide whether the work falls under the category of ancillary or related work. It is suggested that the Certified Authority with respect to conservation of wildlife should be the Chief Wildlife Warden or Principal Chief Conservator of Forest ("PCCF") with respect to forest conservation.	Any purpose other than reforestation, but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, which shall be certified by the concerned Chief Wildlife Warden or Principal Chief Conservator with reasons in writing. • Need for Act to define 'reforestation'.
<u>Section 2(1)(b)</u>	i. silvicultural operations including regeneration operations;	Silvicultural operations must be undertaken with the objective of ecological restoration and augmenting native biodiversity.	i. silvicultural operations including regeneration operations which are purported to restore the original flora of the area and do not include plantation of species exotic to the area in question or causing disturbance to the wildlife;
	ii. establishment of check-posts and infrastructure for the front-line forest staff;	Specify to prevent misuse (such as illegal collection of money allowing extraction of forest materials)	Establishment of check-posts and infrastructure for the front-line forest staff, that do not affect or disturb the movement of wild animals
	iii. establishment and maintenance of fire lines;		No change
	iv. wireless communications;	Specify to prevent misuse	iv. wireless communications which are required for the front-line forest staff;
	v. construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;	Specify to prevent misuse	v. construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines, solely required for the purpose of forest and wildlife conservation and certified as such by the

			concerned Chief Wildlife Warden or Principal Chief Conservator of Forest.
	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;	<p>Allowing zoos and safaris within the scope of non-forest activities in the FCA will disproportionately commercialise forests and wildlife.</p> <p>Such establishments not only come at the cost of fragmentation and destruction of existing forest and wildlife habitats, but have a huge cumulative impact from associated infrastructure, access routes, public amenities and other disturbances which cannot be termed as beneficial to the forests and wildlife.</p>	Recommend to be deleted from the amendment
	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	<p>In recent years, mushrooming of tourism facilities has led to overuse, disturbance and serious management problems in several PAs. The National Wildlife Action Plan defines eco-tourism as eco-friendly and regulated wildlife-based tourism and also states that in case of any conflict between tourism and conservation interests of a PA, the paradigm for the decision must be that tourism exists for the Protected Areas and not vice versa, and that demands of tourism must be subservient to and in consonance with the conservation interests of Protected Areas.</p> <p>The exemption of establishment of eco-tourism facilities be deleted, instead they may be regulated as per the existing procedure of forest clearance under Section 2 of the PCA and decided on a case-to-case basis keeping in view the local circumstances and species affected.</p>	Recommend to be deleted from the amendment
	viii. any other like purposes, which the Central Government may, by order, specify."]	Specify to prevent misuse	viii. any other like purposes necessary for conservation of forest and wildlife, which the Central Government shall by reason prescribe.
	Section 2 (2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration	Exemption of permission for conducting such surveys will open the floodgates for conducting surveys for purely commercial activities like mining. Some of these surveys or investigations might require drilling/digging of surface, clearing of vegetation, levelling of ground, creating	Recommend to be deleted from the amendment

	<p>including seismic survey, shall not be treated as non-forest purpose.</p>	<p>access roads and producing high decibel noise or use of light at night or any other activity which might be detrimental to the wildlife and the ecosystem.</p> <p>Recently, the Gauhati High Court stayed Environmental Clearance to Oil India Limited with respect to exploration and drilling through extended reach drilling for hydrocarbons at seven locations in Dibru Saikhowa National Park due to the absence of a Biodiversity Impact Assessment.</p> <p>Therefore, a blanket exemption to such surveys is not recommended. It is suggested that the exemption to survey, such as, reconnaissance, prospecting, investigation, or exploration be deleted, and the existing procedure for permission under Section 2 of the Act be continued for such activities.</p>	
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Pradyut Bordoloi
 (PRADYUT BORDOLOI)
 MP (LS)
 Member JPC
 26/06/2023

From : Pradyut Bordoloi <pradyut.bordoloi@sansad.nic.in> Fri, Jul 14, 2023 01:36 PM
Subject : Re: Sir/Madam, You have Received an Email from Joint Committee on the Forest (Conservation) Amendment Bill, 2023 (JCFCAB), Lok Sabha Secretariat
To : Joint Committee on Forest Conservation <jcfcab-lss@sansad.nic.in>

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Dear Chairman,

I as member of the JPC could not attend the last meeting held on the adoption of the report hereby confirm that I have read the report and already sent my letter of dissent to be recorded as per the Direction clause 87 by the Speaker.

Best regards,

Pradyut Bordoloi
MP Lok Sabha

-- Original Message -----

From: jcfcab-lss@sansad.nic.in
To: pradyut bordoloi <pradyut.bordoloi@sansad.nic.in>
Sent: Fri, 14 Jul 2023 13:14:34 +0530 (IST)
Subject: Sir/Madam, You have Received an Email from Joint Committee on the Forest (Conservation) Amendment Bill, 2023 (JCFCAB), Lok Sabha Secretariat

Madam/Sir,

Kindly see the attached documents on the above mentioned subject.

Regards
JCFCAB Cell

फूलोदेवी नेताम

संसद-सदस्य सभा (छत्तीसगढ़)

PHULODEVI NETAM

Member of Parliament

Rajya Sabha-Chhattisgarh

Member-Standing Committee on Railways



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दिनांक: 10.07.2023

MPRS/CG/2023-10

आदरणीय श्री अग्रवाल जी,

वन (संरक्षण) संशोधन अधिनियम, 2023 पर संयुक्त संसदीय समिति का गठन किया गया था जिसकी मैं भी सदस्य हूँ। समिति ने सदस्यों की कई बैठकों की, कई राज्यों का दौरा किया, कई मंत्रालयों के साथ चर्चा की, सामाजिक संगठनों के साथ चर्चा की और उसके बाद ड्राफ्ट रिपोर्ट तैयार की। मैंने भी अपने विचार समिति की बैठकों में रखे थे। वन (संरक्षण) संशोधन अधिनियम, 2023 में कुछ आवश्यक संशोधन किए जाने उचित हैं जिन्हें सभी बैठकों में प्रमुखता से उठाया गया है। जो निम्नलिखित हैं-

1. खंड 3 : वन (संरक्षण) अधिनियम का शीर्षक बदलकर 'वन (संरक्षण एवं संवर्धन) अधिनियम' किया जाना।

वन (संरक्षण) संशोधन विधेयक 2023 में शीर्षक संशोधन का प्रस्ताव दिया गया है कि इसका शीर्षक 'वन (संरक्षण एवं संवर्धन) अधिनियम' रखा जाए। चूंकि वन संरक्षण से संबंधित अधिनियम हमारे देश के लिए बहुत महत्वपूर्ण है जहां कि 60 प्रतिशत से ज्यादा आबादी अपने भरण-पोषण और आजीविका के लिए जंगलों और अन्य पारिस्थितिक तंत्रों पर ही निर्भर है। अधिनियम की शब्दावली में सभी का समावेश होना आवश्यक है चाहे वो नॉर्थ-ईस्ट हो या दक्षिण भारत जहां गैर हिंदी भाषी आबादी रहती है। इसलिए अधिनियम का शीर्षक नहीं बदला जाना चाहिए।

2. खंड 4 : एफसीए के तहत कवर की जाने वाली भूमि के संबंध में धारा 1ए (उपधारा 1) को सम्मिलित किया जाना।

विल प्रावधान करता है कि दो प्रकार की भूमि अधिनियम के तहत आएगी (क) भारतीय वन अधिनियम, 1927 या किसी अन्य कानून के तहत वन के रूप में घोषित/अधिसूचित भूमि या (ख) पहली श्रेणी में न आने वाली भूमि, लेकिन सरकारी

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रिकॉर्ड में 25 अक्टूबर, 1980 को या उसके बाद वन के रूप में अधिसूचित। इसके अलावा अधिनियम 12 दिसम्बर 1996 को या उससे पहले वन उपयोग में गैर-वाणिकी उपयोग में परिवर्तित भूमि पर लागू नहीं होगा, जिसका आदेश किसी राज्य/केंद्र शासित प्रदेश द्वारा अधिकृत अथॉरिटी ने दिया है।

यहां एफसीए के दायरे में केवल उसी भूमि को शामिल करने का प्रस्ताव किया गया है जो 25 अक्टूबर 1980 को या उसके बाद वन के रूप में दर्ज है, ऐसे में वन भूमि क्षेत्र के एक महत्वपूर्ण हिस्से को विशेष रूप से छूट दी जाएगी क्योंकि भारत में वन भूमि के बड़े हिस्से को हरतातरण के दौरान वन के रूप में दर्ज किया गया था।

स्वतंत्रता के बाद संबंधित राज्यों में जमींदारी प्रथा को समाप्त करते हुए वन विभाग को भूमि का आवंटन हुआ। अनुचित सीमांकन, स्वामित्व, विवादों और प्रशासनिक सुस्ती के कारण ऐसी हरतांतरित भूमि के एक बड़े हिस्से को भारतीय वन अधिनियम 1927 या राज्य वन विधानों के तहत वन के रूप में अधिसूचित नहीं किया जा सका। हालांकि, ऐसी भूमि को एफसीए के तहत वनों के रूप में संरक्षित किया जाना जारी है, भले ही उनका स्वामित्व कुछ भी हो। ऐसे वन अरावली, मध्य भारतीय पठार, पश्चिमी घाट आदि जैसे पारिस्थितिक रूप से समृद्ध परिदृश्यों में आसानी से पाए जा सकते हैं और महत्वपूर्ण पारिस्थितिक सेवाएं प्रदान करने वाले वन्यजीव आवास के रूप में महत्वपूर्ण हैं।

यदि विधेयक अपने वर्तमान स्वरूप में पारित हो जाता है, तो इन जैव विविधता वाले हॉटस्पॉट को अब वन नहीं माना जाएगा और इन्हें संभावित रूप से बिना किसी नियामक निरीक्षण के बेचा जा सकता है, काटा एवं हटाया जा सकता है।

3. खंड 4 : एफसीए के तहत कवर नहीं की जाने वाली भूमि के संबंध में धारा 1ए (उपधारा 2) को जोड़ा जाना।

इसके तहत कुछ श्रेणियों को वन मजूरी के प्रावधानों से छूट देने के प्रस्ताव के निम्नलिखित गंभीर परिणाम होंगे। जैसे :-

(a) जैव संवेदनशील क्षेत्रों पर खतरा : हिमालय में महत्वपूर्ण वन एवं पर्वतमालाएं और उत्तर पूर्वी क्षेत्र जो स्थानिक जैव विविधता से समृद्ध हैं, उन्हें अंतर्राष्ट्रीय सीमा सन्निकटता के कारण छूट दी जाएगी। बिना किसी assessment और mitigation

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plan के ऐसे जंगलों को साफ करने से न केवल जैव विविधता को खतरा होगा, बल्कि पारिस्थितिक और भूवैज्ञानिक रूप से संवेदनशील क्षेत्रों की संवेदनशीलता भी बढ़ेगी, जो पहले से ही अस्थिर बुनियादी ढांचे के तिकारा और वरम गौराम की घटनाओं से खतरा में हैं। सीमा पर बुनियादी ढांचा परियोजनाओं के लिए पूर्ण छूट समस्याग्रस्त है क्योंकि उनका संवेदनशील परिदृश्य और जैव विविधता पर महत्वपूर्ण प्रभाव पड़ता है और वरम गौराम की घटनाओं के परिणामस्वरूप पर्यावरणीय खतरों के कारण बुनियादी ढांचे पर प्रतिकूल प्रभाव पड़ सकता है।

(b) शब्दावली का व्यापक दायरा : सुरक्षा सवधी बुनियादी ढांचे और सार्वजनिक उपयोगिता के लिए वन भूमि का उपयोग भी बहुत व्यापक है। वन भूमि पर सुरक्षा सवधी बुनियादी ढांचे के और सार्वजनिक उपयोगिता परियोजनाओं को बिना Forest clearance के स्थापित किया जा सकेगा। इसमें कई तरह की परियोजनाएँ आ जाती हैं जैसे परिवहन, डाक, टेलीफोन, बिजली, पानी आदि। यह वस्तुतः वन भूमि पर किसी भी परियोजना के निर्माण की अनुमति देता है।

(c) इसके अलावा, धारा 2 के संशोधन में प्रस्तावित 'इकोटूरिज्म सुविधाओं और किसी अन्य उद्देश्य' जैसी अस्पष्ट शब्दावली का उपयोग करके छूट प्रदान की जा रही है। इसका दुरुपयोग किया जा सकता है। इससे वन भूमि में वनों और पारिस्थितिकी तंत्र को नुकसान पहुंचाने वाली गतिविधियों को संचालित किया जा सकता है। विडियाधरा, राफारी और वन प्रशिक्षण बुनियादी ढांचे को वानिकी गतिविधियों के दायरे में लाना एफरीए और एफरीए दिशानिर्देश, 2019 के साथ असंगत है जो स्पष्ट रूप से कम पदविह संरक्षण प्रतिष्ठानों को प्रदर्शनी उन्मुख आउटरीच केंद्रों से अलग करता है। इसके अलावा, यह वनों का असंगत रूप से व्यावसायीकरण कर सकता है और वन पारिस्थितिकी तंत्र को विगाड़ सकता है।

(d) विधेयक में प्रदान की गई छूट व्यावसायीकरण को बढ़ावा देगी और ये वन (अधिसूचित वनों सहित) तथा वन्यजीवों के लिए अपरिवर्तनीय अशांति का कारण होगी। एक आम धारणा है कि वन्यजीवों केवल संरक्षित क्षेत्रों के अंदर ही पाए जाते हैं। जबकि इसके विपरीत संरक्षित क्षेत्रों के बाहर के क्षेत्र भी वन्यजीवों के आवास और जैव विविधता वाले क्षेत्र होते हैं।

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प्रस्तावित विधेयक किसी प्रभाव मूल्यांकन या किसी भी प्रकार का अन्य कोई प्रावधान नहीं करता है। इससे वन्यजीवों के आवासों और प्रजातियों के नुकसान पर कोई नियामक निगरानी नहीं होगी। सड़कें, रेलवे लाइनें आदि का वन्य जीवों के आवासों और वन्य जीवन पर असमान रूप से व्यापक प्रभाव पड़ता है। ये प्राकृतिक वनों का क्षरण करते हैं। इस तरह व्यापक तरीके से सुरक्षा उपायों को हटाना केवल और केवल जंगलों को और अधिक खतरे में डालना और नाश करना साबित होगा।

4. खंड 6, धारा 3सी : निर्देश जारी करने की शक्ति : विधेयक में राणी जगह यह कहा गया है कि केन्द्र सरकार केन्द्र, राज्य या केन्द्रशासित प्रदेश द्वारा मान्यता प्राप्त किसी अन्य प्राधिकरण/संगठन को अधिनियम के कार्यान्वयन हेतु निर्देश जारी कर सकती है। चूंकि संविधान के तहत वनों की गणना राज्य सूची में की गई थी लेकिन 42वां संशोधन अधिनियम के माध्यम से इसे समवर्ती सूची के तहत लाया गया। जो वनों पर कानून बनाने के लिए राज्य और केन्द्र की संयुक्त जिम्मेदारी बना देता है। लेकिन विधेयक के माध्यम से राज्यों के पास कोई अधिकारी नहीं रह जाएंगे।
5. खंड 4 (2) (c) (iii) : इस उपधारा के लिए 'जन सुविधा परियोजनाएँ' में निम्ना-नुसार कार्य शामिल होने चाहिए, जिसकी छत्तीसगढ़ राज्य द्वारा लम्बे समय से मांग की जाती रही है। (1) गोबाईल टॉवर, (2) ओएफसी केबल (3) पैरामिलिटरी बलों और राज्य पुलिस के कैंप के लिए पहुँच मार्ग और सुरक्षा बलों के लिए हेलीपैड (4) अधिसूचित क्षेत्रों में आदिवासी हॉस्टल/आश्रम निर्माण (5) एकलव्य विद्यालयों की स्थापना (जनजातीय कार्य मंत्रालय की योजना) (6) 5 मेगावॉट तक के सौर्य ऊर्जा संयंत्र हेतु, जहाँ 50 वृक्ष प्रति हेक्टेयर से कम वाले वन भूमि वाले क्षेत्र या पहाड़/वट्टान जैसे नैसर्गिक रूप से वृक्ष विहीन क्षेत्रों में।
6. खंड (1) (a) (2) (c) : अन्तर्राष्ट्रीय सीमाओं के पास और उत्तर-पूर्व के छोटे क्षेत्रफल वाले राज्यों में अन्तर्राष्ट्रीय सीमा से 100 किमी तक की पूर्ण छूट विशेष विंता का विषय है, जिसके परिणामस्वरूप पूरे राज्य को इसमें शामिल कर लिया जाएगा और बिना एफसीए विनियमन के जैव विविधता के साथ प्राचीन वन क्षेत्रों का गैर वानिकी उपयोग के लिए खोल दिया जाएगा। इसके अलावा एलएसी के साथ पारिस्थितिक रूप से ताजुक परिदृश्य में अधिकांश संरक्षित क्षेत्र हैं जहाँ गभीर रूप से संकटग्रस्त वन्यजीवों और जीवों की स्थानिक प्रजातियाँ हैं जिनके संरक्षण को खतरा होगा।

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7. खंड 5 : धारा 2 की उपधारा 2 जोड़ना : यह अनुभाग सर्वेक्षण गतिविधियों, जैसे तेल कंपनियों द्वारा टोही, भूकंपीय सर्वेक्षण और ड्रिलिंग को एफसीए की मंजूरी, जांच या अन्वेषण से छूट देता है। इससे कोयला, लौह के लिए रकोपिंग, पूर्वक्षण और सर्वेक्षण के लिए देश भर में जैव विविधता समृद्ध जंगल में बड़े पैमाने पर किया जाएगा। इसके इराके साथ ही हमारी 7,517 किलोमीटर लंबी तटरेखा और 1,382 द्वीप भी खतरे में आ जाएंगे जहां वाणिज्यिक लाभ के लिए विना पर्यावरणीय सुरक्षा के तेल और अन्य खनिज गण्डारों का दोहन किया जाएगा। ऐसी छूट जंगल, तटरेखा, द्वीप पर रहने वाले वन्यजीवों पर होने वाले विपरीत प्रभाव पर निर्भर होनी चाहिए।

इसके साथ ही एक अन्य प्रावधान जोड़ा जाना चाहिए। किसी भी वन क्षेत्र अथवा उससे किसी भाग को किसी व्यक्ति या अधिकारी, निगम एजेंसी या किसी अन्य संगठन को लीज पर दिया जा सकता है या अन्यथा, जो कि, संबंधित राज्य सरकार से परामर्श के बाद, केन्द्र सरकार अपने आदेश द्वारा विनिर्दिष्ट करे।

8. वृक्षारोपण के माध्यम से कार्बन तटस्थता पर जोर देने का आलोचनात्मक मूल्यांकन : वृक्षारोपण के माध्यम से कार्बन तटस्थता प्राप्त किए जाने का उल्लेख बिल में किया गया है। यह भारत के जंगलों की रक्षा और संरक्षण के अधिनियम के मूल उद्देश्य को खतरे में डाल सकता है।

हालांकि राष्ट्रीय शुद्ध शून्य उत्सर्जन लक्ष्यों को पूरा करने के लिए भारत की प्रतिबद्धताएं महत्वपूर्ण हैं। हमारे वैज्ञानिक, विशेषज्ञ तर्क दे रहे हैं कि वृक्षारोपण के माध्यम से कार्बन सिंक बनाना और वृक्ष आवरण बढ़ाने की दिशा में कई हानियां होंगी जैसे मिट्टी का कटाव होगा, जैव विविधता का संरक्षण नहीं होगा, जल संसाधन समाप्त हो जाएंगे आदि अन्य पारिस्थितिकी तंत्र विगड जाएंगे।

एक शोध यह बताता है कि प्राकृतिक वन इस संबंध में कहीं अधिक प्रभावी हैं और प्राकृतिक वनों की कार्बन अवशोषण क्षमता वृक्षारोपण की तुलना में 40 गुना अधिक है। यह भी विचार करना महत्वपूर्ण है कि वनों का विनाश और क्षरण स्वयं कार्बन डाइऑक्साइड को बढ़ाएगा जो जलवायु परिवर्तन में योगदान देता है।

फूलोदेवी नेताम

सांसद-राज्य सभा (छत्तीसगढ़)

PHULODEVI NETAM

Member of Parliament

Rajya Sabha-Chhattisgarh

Member-Standing Committee on Railways



बंगला न. 34, गुरुद्वारा रकाबगज रोड़,
नई दिल्ली 110001

34, Gurudwara Rakab Ganj Road,
New Delhi-110001

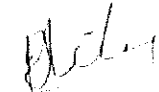
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Mob. : +91-9425597472

9. वनों की रक्षा के लिए कर्तव्य का अभाव : बिल में किए गए संशोधन में यह कहीं नहीं दिखता कि ये संशोधन वनों की रक्षा को प्रमुखता देने के लिए लाए गए हैं। संविधान ने सरकार को जंगलों का अभिभावक बनाया है और इस बिल के माध्यम से सरकार अपनी जिम्मेदारी का दुरुपयोग करने की कोशिश कर रही है। वन संरक्षण अधिनियम, 1980 को अंधाधुंध वनों की कटाई को रोकने के लिए अधिनियमित किया गया था, जो एक प्रमुख चिंता थी। लेकिन बिल में दिए गए प्रावधानों से यह चिंता खत्म होती नहीं दिख रही।

आशा है उक्त आवश्यक संशोधनों को विधेयक में सम्मिलित किया जाएगा।

सादर,

भवदीया,


(फूलोदेवी नेताम)

श्री राजेन्द्र अग्रवाल, सांसद

अध्यक्ष,

संयुक्त संसदीय समिति

वन (संरक्षण) संशोधन अधिनियम, 2023

R. GIRIRAJAN
MEMBER OF PARLIAMENT
(RAJYA SABHA)



11th July, 2023

Dissent Note

To,

The Chairman,
Joint Committee on the Forest (Conservation) Amendment Bill, 2023.

Sir,

I hereby give my dissent on the Forest (Conservation) Amendment Bill, 2023 due to the following:

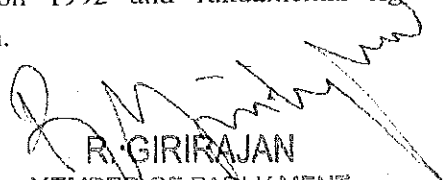
1. The Title of the bill should be understood by all throughout the country as well as the all over the world. English language is known to all the stakeholders.

Therefore the word 'Forest Conservation Act' should be retained as it is understood well throughout the country... Sanskritic Terminology is untenable.

Let it be called the Forest (Conservation) Amendment Act, 2023

2. Forests and conservation of forest is under Concurrent List. State Governments have administrative control over forests. Therefore assigning all powers to Central Government infringes on Federal rights of the State Governments... Any decision should be arrive at only after proper discussion with the State Governments.
3. The Proposed amendments are inconsistent and *ultra vires* to the principal Act, severely compromises the constitutional mandate of the State (Article 48A) to safeguard forests, and jeopardizes the access to information, public participation and access to justice, which are essential component of Rio Declaration 1992 and fundamental rights guaranteed under Article 21 of the Indian Constitution.

Hence I oppose and dissent the Bill.


R. GIRIRAJAN
MEMBER OF PARLIAMENT
(RAJYA SABHA)
TAMIL NADU

Point 1

The Title of the bill should be understood by all throughout the country as well as the all over the world. English language is known to all the stakeholders.

Therefore the word 'Forest Conservation Act' should be retained as it is understood well throughout the country... Sanskritic Terminology is untenable.

Let it be called Forest (Conservation) Amendment Act, 2023

Point 2

Forests and conservation of forest is under Concurrent List. State Governments have administrative control over forests. Therefore assigning all powers to Central Government infringes on Federal rights of the State Governments... Any decision should be arrive at only after proper discussion with the State Governments.

Point 3

The Proposed amendments are inconsistent and *ultra vires* to the principal Act, severely compromises the constitutional mandate of the State (Article 48A) to safeguard forests, and jeopardizes the access to information, public participation and access to justice, which are essential component of Rio Declaration 1992 and fundamental rights guaranteed under Article 21 of the Indian Constitution.

Hence I oppose and dissent the Bill.


R. GIRIRAJAN
MEMBER OF PARLIAMENT
(RAJYA SABHA)
TAMILNADU

**Note of Dissent submitted by Shri Jawhar Sircar, MP (Rajya Sabha) and
Smt. Sajda Ahmad, MP (Lok Sabha) to the Joint Committee on the
Proposed Amendments to the Forest (Conservation) Act.**

Suggestion 1.

Please retain original title of the Forest (Conservation) Act and DO NOT include the new words, namely "Evam Samvardhan"

Suggestion 2.

Under section 1A (1), please SUBSTITUTE amendment provision, namely,

"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.

(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"

WITH THE WORDS:

"The following land shall be covered under this Act, namely: —

(a) the land that has been declared or notified or is under the process of being notified as a forest following the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force.

(b) the land that is not covered under clause (a) but has been recorded in Government records as forest irrespective of their ownership.

(c) the land that is not covered under clauses (a) or (b) but is recognisable as forests by local communities or in terms of its ecological and cultural significance.

(d) the land that is not covered in clauses (a), (b), (c) but identified or used for compensatory afforestation in lieu of forest diverted under Section 2 of the Act."

Suggestion 3.

Again, in 1A (1), please DELETE this part of proposed amendment, ie,

"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".

Suggestion 4

In 1A. ((2) where roadside amenities are mentioned,
please SUBSTITUTE THE WORDS

"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;"

WITH THE WORDS:

"which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 1000 square feet in each case;"

AND ADD PROVISIO

"provided there are not more than three such amenities in each cluster and every cluster shall be not less than 50 kilometres apart"

— in order to minimise the disturbance to forests.

Suggestion 5.

Again, in 1A (2) b) AFTER the words

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

ADD PROVISIO

"but shall not include compensatory afforestation"

Suggestion 6.

Further, in 1A (2), AFTER THE WORDS

"such forest land,—

- (i) as is situated within a distance of one hundred kilometres along international", insert "Himalayan" BEFORE CONTINUING as "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".

Suggestion 7.

And, furthermore, in 1A (2), AFTER THE WORDS

"(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"

INSERT

"in consultation with concerned State Government"

THEN CONTINUE

"may, by guidelines, specify."

Suggestion 8.

Again, to continue with 1A (2)

the Act must limit the term "public utility projects" in the following phrase

"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.",

BY CLEARLY STATING THAT such projects shall be directly under Government and its agencies and SHALL NOT BE

"privatised, leased or the operational control of which shall be handed over to any private company or entity".

Suggestion 9.

In ALL PLACES ADD the words *"in consultation with concerned State Governments"* after the words "Central Government" wherever issuing of orders and guidelines appears.

Suggestion 10.

After Section 2(1) (iii)

"that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation subject to such terms and conditions, as the Central Government may, by order, specify;"

PLEASE INSERT PROVISIO

"Provided there are wide public consultations before such assignment with environmentalists, wild life experts and the local community and it is in the interest of in situ conservation of forest and wildlife"

Suggestion 1

In Section 2 (1) (b), after the words

"any purpose other than reforestation, but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife,"

INSERT THIS PROVISIO

"Provided concerned Chief Wildlife Warden or Principal Chief Conservator of Forests shall certify the same with reasons in writing."

Suggestion 11.

In Section 2(1) (b) after the phrase

"i. silvicultural operations including regeneration operations;"

INSERT THIS PROVISIO

"Provided that the species shall retain and restore the original ones and shall not be exotic or invasive or disturb the wildlife therein"

Email

Joint Committee on Forest Conservation

From : Jawhar Sircar <jawhar.sircar@sansad.nic.in>

Thu, Jul 13, 2023 12:40 PM

Subject : Forest Conservation Act — Note of Dissent to Report of
Joint Committee on Amendments to the Forest
Conservation Act.

1 attachment

To : Joint Committee on Forest Conservation <jcfcab-
lss@sansad.nic.in>

Cc : rayburnendu@yahoo.in

Sir/ Madam,

I could not attend the last meeting held on 11 July, 2023 but I certify (as per Direction 87 of the 'Directions by the Speaker') that I have read the said report before I file this 'Note of Dissent'.

Jawhar Sircar, MP RS

Sent from my iPad

Jawhar Sircar

Sent from my iPad

Forest Conservation Act .docx

11 KB

Certificate for JCFB Report

From : Sajda Ahmed <sajda.ahmed@sansad.nic.in>

Fri, Jul 14, 2023 12:31 PM

Subject : Certificate for JCFB Report

To : Joint Committee on Forest Conservation <jcfcab-
lss@sansad.nic.in>

Reply To : Sajda Ahmed <sajda.admed@nic.in>

To

The Chairperson

Joint Parliamentary Committee on the Forest (Conservation) Amendment Bill

Dear Sir,

I am writing to inform you that I was unable to attend the JCFB meeting that took place on July 11, 2023.

I would like to state that, in accordance with Clause 87 of the "Directions by the Speaker," I have read the report.

With regards

Sajda Ahmed MP / सजदा अहमद
Lok Sabha / संसद सदस्य (लोकसभा)
Uluberia PC , Howrah , West Bengal

Member Department Related Standing Committee on **Science and Technology, Environment, Forests and Climate Change**

Member Consultative Committee Ministry of External Affairs Govt of India

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वसुधैव कुटुम्बकम्
ONE EARTH • ONE FAMILY • ONE FUTURE

AS INTRODUCED IN LOK SABHA

3.7.23

(डॉ. रीटा वशिष्ठ)
(Dr. REETA VASISHTA)
सचिव/Secretary
विधि और न्याय मन्त्रालय
Ministry of Law & Justice
(विधायी विभाग/Legislative Deptt.)
नई दिल्ली/New Delhi

Bill No. 80 of 2023

THE FOREST (CONSERVATION) AMENDMENT BILL, 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:—

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

Short title and commencement.

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

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:—

Insertion of Preamble.

10

"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 CO₂ 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: 5

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: 10

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. 15

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. 20
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: 25

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. 30

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. 35

(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: 40

(b) such tree, tree plantation or reforestation 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 45

(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.

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

(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, check dams, 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;

(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."

6. In the principal Act, after section 3B, the following section shall be inserted, Insertion of new section 3C.

"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." Power of Central Government to issue directions.

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 CO₂ 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 said 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;

(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.

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

(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, check dams, 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;

(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."

6. In the principal Act, after section 3B, the following section shall be inserted, Insertion of new section 3C.

"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." Power of Central Government to issue directions.

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 CO₂ 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 said 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 of the Central Government to issue directions.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 27th March, 2023.

BHUPENDER YADAV.

ANNEXURE

EXTRACTS FROM THE FOREST (CONSERVATION) ACT, 1980

(69 OF 1980)

Short title,
extent and
commencement.

* * * * *
1. (1) This Act may be called the Forest (Conservation) Act, 1980.
* * * * *

Restriction on
the
deservation
of forests or
use of forest
land for non-
forest purpose

* * * * *
2. Notwithstanding anything contained in any other law for the time being in force in
a State, no State Government or other authority shall make, except with the prior approval of
the Central Government, any order directing—
* * * * *

(iii) that any forest land or any portion thereof may be assigned by way of lease
or otherwise to any private person or to any authority, corporation, agency or any
other organisation not owned, managed or controlled by Government;
* * * * *

Explanation.—For the purposes of this section "non-forest purpose" means
the breaking up or clearing of any forest land or portion thereof for—

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants,
horticultural crops or medicinal plants;

(b) any purpose other than reforestation,

but does not include any work relating or ancillary to conservation, development and
management of forests and wildlife, namely, the establishment of check-posts, fire lines,
wireless communications and construction of fencing, bridges and culverts, dams, waterholes,
trench marks, boundary marks, pipelines or other like purposes.
* * * * *

LOK SABHA

A
BILL

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

*(Shri Bhupender Yadav, Minister of Environment, Forest and Climate Change and
Labour and Employment)*

