

Joint Parliamentary Committee Report Summary

The Forest (Conservation) Amendment Bill, 2023

- The Joint Committee on the Forest (Conservation) Amendment Bill, 2023 (Chair: Mr Rajendra Agarwal) presented its report on July 20, 2023. The Bill amends the Forest (Conservation) Act, 1980. The Act provides for conservation of forest land. The Bill adds and exempts certain types of land from the purview of the Act. It also allows certain activities such as zoos and safaris to be carried out inside forests. The Committee endorsed all the amendments under the Bill. Five members of the Committee submitted dissent notes. Key highlights of the report are as follows:
- **Land under the purview of the Act:** The Act restricts the use of forest land for non-forest purposes. The Bill specifies the applicability of the Act to two types of land: (i) land declared/notified as a forest under the Indian Forest Act, 1927 or under any other law, or (ii) land recorded as a forest on or after October 25, 1980 in a government record. The Committee pointed out that the Supreme Court (1996) held that any area recorded as a forest in government records shall be under the purview of the Act. This would include land recorded as forests *before* October 25, 1980. According to a dissent note, large tracts of forest land, transferred to the forest department during the abolishment of the zamindari system (1950s-70s) were not notified as forests under any law. These lands exist in areas such as the Aravallis and western ghats. The note observed that these are biodiversity hotspots and are currently protected under the Act. It noted that excluding forest land recorded *before* October 25, 1980 would dilute the Supreme Court’s 1996 judgement. The Ministry of Environment, Forest and Climate Change submitted that the second condition in the Bill for applicability also includes all such lands recorded as forests *before* October 25, 1980.
- **Land exempted from the purview of the Act:** The Bill exempts several categories of land from the purview of the Act. These include: (i) forest land up to 10 hectares for constructing security related infrastructure, (ii) forest land within 100 km along international borders, Line of Control, or Line of Actual Control, for constructing linear projects of strategic national importance or security, and (iii) forest land proposed to be used for constructing defence projects/ paramilitary camps/public utility projects within five hectares in left-wing extremism affected areas. A dissent note highlighted that the Bill exempts forests in the Himalayan and north eastern regions from the purview of the Act. These forests are rich with endemic biodiversity and such blanket exemptions will impact the landscape, biodiversity, and the infrastructure itself due
- to resulting extreme weather events. Suggestions by Chhattisgarh and Himachal Pradesh included explicitly specifying what security related infrastructure and public utility projects will entail. The dissent note also highlighted that these terms are wide, and can be used to establish a variety of infrastructure projects.
- The Ministry of Environment noted that the Ministry of Defence and the Ministry of Home Affairs shall identify and exempt strategic linear projects. Several north eastern states, except Assam, submitted that the 100 km exemption near international borders will exempt the entirety of these states due to their shape and size. The Ministry of Environment noted that such exemption will be provided for national security projects only and that such exemption shall be need based. The 100 km boundary is the maximum limit allowed.
- **Use of forest land for non-forest purposes:** Under the Act, forest land may be used for non-forest purposes upon prior approval of the central government. Non-forest purposes do not include ancillary conservation work such as establishment of check-posts, fire lines, and construction of pipelines. The Bill adds that activities such as silviculture, zoos and safaris, and eco-tourism facilities, or any other like purpose prescribed by the central government will not require prior approval by the central government. Submissions made to the Committee include that allowing zoos and safaris inside forests may increase commercial activities and lead to their deterioration. Sikkim raised that such provisions with no clear definitions are likely to be misused. The Ministry of Environment noted that zoos and safaris are ancillary to forest conservation and management, and do not promote commercialisation. They will also add to the livelihood sources of local communities and provide them with opportunities for development. The Ministry noted that all exemptions under the Bill pertain to government entities only.
- **Power of the central government to issue directions:** The Bill empowers the central government to issue directions to any authority under the central or state government for implementing the Act. Submissions made to the Committee highlighted that the provision may infringe on states’ power in regulating forests. The Ministry of Environment reasoned that the Bill broadens the horizons of the Act to combat global issues such as climate change and carbon neutrality. Such issues require the central government to issue directions for implementing the Act.

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