

Bill Summary

The Forest (Conservation) Amendment Bill, 2023

- The Forest (Conservation) Amendment Bill, 2023 was introduced in Lok Sabha on March 29, 2023. The Bill amends the Forest Conservation Act, 1980 which provides for the conservation of forest land. The Bill adds and exempts certain types of land from the purview of the Act. Further, it expands the list of activities permitted to be carried out on forest land. Key features of the Bill are:
- **Restrictions on activities in forest:** The Act restricts the de-reservation of forest or use of forest land for non-forest purposes. Such restrictions may be lifted with the prior approval of the central government. Non-forest purposes include use of land for cultivating horticultural crops or for any purpose other than reforestation. The Act specifies certain activities that will be excluded from non-forest purposes, i.e., the restrictions on de-reservation of forest or use of forest land for non-forest purposes will not apply. These activities include works related to the conservation, management, and development of forest and wildlife such as establishing check posts, fire lines, fencing, and wireless communication. The Bill adds more activities to this list such as: (i) zoos and safaris under the Wild Life (Protection) Act, 1972 owned by the government or any authority, in forest areas other than protected areas, (ii) eco-tourism facilities, (iii) silvicultural operations (enhancing forest growth), and (iv) any other purpose specified by the central government. Further, the central government may specify terms and conditions to exclude any survey (such as exploration activity, seismic survey) from being classified as non-forest purpose.
- **Land under the purview of the Act:** The Bill provides that two types of land will be under the purview of the Act: (i) land declared/notified as a forest under the Indian Forest Act, 1927 or under any other law, or (ii) land not covered in the first category but notified as a forest on or after October 25, 1980 in a government record. Further, the Act will not apply to land changed from forest use to non-forest use on or before December 12, 1996 by any authority authorised by a state/UT.
- **Exempted categories of land:** The Bill also exempts certain types of land from the provisions of the Act such as forest land along a rail line or a public road maintained by the government providing access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare. Forest land that will also be exempted includes: (i) land situated within 100 km along the international borders, Line of Control, or Line of Actual Control, proposed to be used for construction of strategic linear project for national importance or security, (ii) land up to 10 hectares, proposed to be used for constructing security related infrastructure, or (iii) land proposed to be used for constructing defence related project, camp for paramilitary forces, or public utility projects as specified by central government (not exceeding five hectares in a left wing extremism affected area). These exemptions will be subject to the terms and conditions specified by the central government by guidelines.
- **Assigning of land through a lease or otherwise:** Under the Act, state government or any authority requires prior approval of the central government to direct the assigning of forest land through a lease or otherwise to any organisation (such as private person, agency, authority, corporation) not owned by the government. The Bill provides that such assigning may be done to any organisation (such as private person, agency, authority, corporation) subject to terms and conditions prescribed by central government.
- **Power to issue directions:** The Bill adds that the central government may issue directions for the implementation of the Act to any other authority/organisation under or recognised by the centre, state, or union territory.

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