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Forest bill report likely to be tabled in monsoon session

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The Joint Committee of Parliament reviewing the Forest (Conservation) Amendment bill 2023 is set to table its report during the upcoming monsoon session which starts on July 20, according to people familiar with the matter. The final meeting of the Committee was held on June 26 and the bill was taken up, clause by clause. [OPEN APP](#)





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According to some members, opposition MPs within the Parliament Committee which has 31 members have dissented to specific clauses. The Parliament Committee also received a large number of representations from people in the North-east, asking that the region be exempt from certain clauses in the bill.

That was only to be expected because the bill says prior forest clearance isn't needed in some cases, including for forest land situated within a distance of 100 km along international borders or Line of Control or Line of Actual Control, and which are to be used for construction of strategic linear project of national importance. Almost all of the North-east would fall in this category.

The amendment bill also exempts from seeking prior forest clearance, strip forests (up to 0.10 hectares or ha) situated alongside a rail line or a public road maintained by the government; tree plantations on private lands that are not categorised as forests; up to 5 ha area proposed to be used for construction of defence related or public utility projects in a Left Wing Extremism (LWE) affected area.

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“The opposition from northeastern states is mainly related to this 100 km clause along international borders. Nobody will oppose any defence project. Everyone understands the importance of defence and security infrastructure. The northeast is a very sensitive area. The clause could have been limited to certain borders if at all. It may not be extended to entire country,” said an opposition MP who did not want to be named.

“Any relaxation of the Forest Conservation Act will facilitate further exploitation of forests. There are several clauses which give the decision making power to the Centre in the amendment bill. Forests are in the concurrent list and we have a federal structure. So, we have asked this issue to be addressed in the Act not only when the rules are made. Finally, many of us have problems with the change of title of the Act to: Van (Sanrakshan Evam Samvardhan) Adhiniyam,” he added.

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“There is dissent from several quarters, not only the opposition MPs. These should be addressed in the final report tabled later this month,” said another opposition MP, asking not to be named.

“We cannot call this dissent. There are a lot of suggestions from people which will be reflected in the report,” said another MP from a party that is allied with the BJP.



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around 15% of India's total forest cover, a report by a high-level working group constituted by Vidhi Centre for Legal Policy on the bill said in May.

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Unclassed forests are recorded as forests but not included in the reserved or protected forests category. The ownership of such forests varies from state to state, according to the Forest Survey of India. The Forest (Conservation) Amendment Bill 2023 was introduced in Lok Sabha in March and subsequently referred to the Joint Committee of the Parliament. The Joint Committee invited public suggestions on the Bill on May 3.

In response, Vidhi Centre for Legal Policy constituted a high-level working group of 18 members comprising retired bureaucrats, senior conservationists, lawyers, and representatives from civil society organisations working on rights of forest-dependent communities that drafted the analysis and submitted it to the Joint Committee on May 18.

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One of the major provisions of the bill is to cover only land that has been declared or notified as a forest under the Indian Forest Act, 1927 or under any other law. It also seeks to recognise only forest lands that were recorded as forests as on or after October 25, 1980.

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“This will be the most perverse interpretation of the clause and endanger most unclassed forests that got protection since the Godavarman judgment (1996). This may include forests yet to be notified under Section 4 and Section 20 of the Indian Forest Act and lands recorded in various government records before October 25 1980-- all of which got protection under the Godavarman judgment. It will threaten a vast tract of forest land by creating an exemption from the Act. That will lead to massive deforestation, fragmentation of existing forests and cause irreparable damage to biodiversity and other ecological services,” the Vidhi report said.

One of the objectives of the bill is to remove any ambiguity around the Supreme Court’s December 12, 1996 judgement in TN Godavarman Thirumulpad vs. Union of India and others case that said that “forests” will not only include forest as understood in the dictionary sense, but also any area recorded as forest in Government records irrespective of the ownership.

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Acknowledging the importance of lands recorded as ‘forest’ in government records before October 25 1980 is critical in protecting India’s forests as many of them are recorded as unclassed forest, the Vidhi report added.

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