

Forest (Conservation) Act 1980

Forests are a critical part of our ecosystem. Living organisms are heavily dependent on forests as they provide shelter, food, and many other things. Therefore, it is our primary duty to conserve forests around the world. Despite awareness and educational programs, humans continue to cut down forests at a shocking rate in development and progression. Humans' selfish and greedy nature has depleted the earth's forest reserves.

To stop continuous deforestation, the Government of India implemented the Forest Conservation Act of 1980. The first legal draft on the same matter was released as Indian Forest Act, 1875. Later the Indian Forest Act 1927 replaced the prior Act. The 1927 Act wasn't the most suitable as it was formulated, keeping them in mind to safeguard the interests of the British.

Need for Forest Conservation Act, 1980

One valuable resource that nature may provide for humanity is forests. Therefore, it is everyone's responsibility to protect the forest ecosystems. But the natural cycle is being disturbed by the increased deforestation. Therefore, it was necessary to enact a law to guarantee the preservation of forests.

- The Indian Forest Statute of 1865, which was replaced by a 1927 iteration of the same act, was one of the earliest legal proposals to protect forest regions. However, it was mainly focused on defending the British Empire's business interests in India.
- The act granted the British the right to impose fees on wood and forest services in order to limit tribal activity. In other words, rather than safeguarding forests, it primarily regulated the chopping of timber and the movement of raw materials.
- The Forest (Conservation) Ordinance was put into effect by the President of India in 1980 when the country gained independence, however, it was later abolished by Section 5 of the Forest (Conservation) Act, 1980. The limitation on using forests for non-forest activities was introduced by the 1980 Act.

Objectives of Forest Conservation Act 1980

Below given are all the objectives of the Forest Conservation Act 1980.

- To protect the forest's flora, fauna, and other ecological components.
- To protect the integrity, individuality, and territory of the forests.
- To replenish forests by planting more trees and encouraging the growth of forests in our country.
- To prevent the conversion of forest reserves into grazing lands, space for building residential units, agricultural lands, etc.
- To stop the decline of forest biodiversity.

Salient Features of Forest Conservation Act 1980

Here are some salient features of the Forest Conservation Act 1980

- The Act restricts and regulates the power of the State Government and other authoritative organizations from making decisions on some issues without taking permission from the Central Government first.

- An advisory committee may be formed to aid the Central Government and advise them on matters related to forest preservation.
- The Central Government holds the absolute power to carry out any laws formulated under this Act.
- The Act states that anybody found violating the provisions of this Act is liable for paying penalties.

Important Sections of the Forest Conservation Act, 1980

- **Section 1: Title and scope**

Except for Jammu & Kashmir, the entire nation of India is subject to the law. The removal of Article 370, however, meant that all central laws were now applicable. However, as of right now, just 37 laws are applicable to Jammu and Kashmir, and the Forest Conservation Act of 1980 isn't one of them.

- **Section 2: Prohibition on using forests for uses other than those of a forest**

The section outlines limitations, such as when state governments require central government approval before passing laws pertaining to forests. The focus is on "non-forest purposes," which entails removing trees from forest areas to plant things like Tea, Spices, Rubber, Coffee, Palms, Medicinal plants, etc,

- **Section 3: Advisory Committee**

In accordance with Section 3 of this Act, the Centre may establish an advisory committee to provide advice on issues pertaining to the Central Government's advice on the preservation of forests.

Amendments to the Forest Conservation Act, 1980

The Union Ministry of Environment, Forest, and Climate Change suggested various revisions to the Forest Conservation Act of 1980 in March 2021 in an effort to strike a compromise between ecological and economic concerns. Among the changes were the following:

1. Survey and exploration for subsurface natural gas and oil are exempt under the proposed new "section 1A." In other words, these activities won't be considered "non-forest activities" any longer and won't need official approval. There will be restrictions put in place by the centre before such activities may be carried out, one of which being that survey and drilling work cannot be done close to animal sanctuaries.
2. Land acquired for railroad networks shall be free from FCA and not be applicable. Of course, the Central government will establish some rules, that will include tree planting to compensate for the reduction of forest lands.
3. According to Section 2 of the FCA, private companies may not lease forest properties that are not owned by the federal government for any kind of commercial use. The suggested

modification has removed this clause. As a result, state governments will be free to rent forest lands without seeking permission from the federal government.

4. The planting of native palm and oil-producing tree species is proposed to be excluded from the description of "non-forest purpose" in a different understanding to Section 2. Only the payment of additional levies and compensations will be subject to conditions set by the government, including compensatory afforestation.

5. Building checkpoints, fence limits, and communication infrastructure are among the non-forestry uses activities that the proposed FCA modifications include. Additionally, it might include eco-tourism amenities authorised by the central government's Working Scheme or Forest Working Plan.

What are the Provisions of Forest (Conservation) Rules, 2022?

These are the provision of Forest Conservation Rules;

- **Establishment of Committees:**
 - It included a filtering committee at the level of the Centre and/or State, a regional empowered committee at each integrated regional office, and an advisory committee.
- **Advisory Committee:**
 - The role of the Advisory Committee is restricted to giving recommendations or advice regarding the granting of permission under applicable parts with regard to propositions that have been alluded to it, in addition to any substance concerning the preservation of forests that have been alluded to it by the Centre.
- **Project Screening Committee:**
 - For a preliminary examination of initiatives including the conversion of forest land, the MoEFCC has ordered the formation of project screening committees in each state and UT.
 - The 5 committees will hold meetings at least twice a month and provide timely project advice to the state governments.
 - Any non-mining project with a size of 5 to 40 hectares should be examined within 60 days, and any mining project with the same size must be evaluated within 75 days.
 - Larger projects are allowed extra time: mining projects get 150 days, while non-mining projects get 120 days if they need more than 100 hectares.
- **Regional Empowered Committees:**

- Regardless of their size for survey purposes, all correlating projects (like those of the construction of roads or highways), projects including forest areas up to 40 hectares, and projects with anticipated utilisation of forest land with a canopy density up to 0.7 must be evaluated in the Integrated Regional Office.
- **Compensatory Afforestation:**
 - The petitioners for converting forest land in a mountain or hilly state with more than two-thirds of its geographic area covered in greenery, or in a state/UT with more than 33% of its geographic area covered in forest, will be entitled to engage in compensating afforestation in other states/UTs where the coverage is less than 20%.

