

Forest conservation Act 1980 and 2023 Amendments

By

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The Forest (Conservation) Act 1980

- ❖ The Forest (Conservation) Ordinance was put into effect by the **President of India** in 1980 .
- ❖ The Forest Conservation Act 1980 introduced the **limitation on using forests for non-forest activities.**

Importance of Forests

- ❖ Forests are important for many reasons, including their role in the **environment, the economy, and biodiversity**.
- ❖ **Environmental importance**
- ❖ **Weather:** Forests influence the weather by removing carbon dioxide from the atmosphere and absorbing heat.
- ❖ **Soil:** Trees hold soil in place with their roots, which prevents erosion and increases the soil's water-holding capacity.
- ❖ **Oxygen:** Forests produce oxygen by converting carbon dioxide into oxygen.
- ❖ **Water cycle:** Forests contribute to the water cycle by bringing rain.

Earth root system holding the soil



Water cycle and Evapo-transpiration

- ❖ The water cycle is the continuous movement of water on Earth and in the atmosphere.
- ❖ It involves water changing from one state to another, such as from liquid to vapor, and from vapor to liquid.



Rain in forest areas



Forest and water



Importance of Forests

❖ Economic importance

- ✓ **Raw materials:** *Forests provide wood, timber, rubber, lac, organic colours, gum, and resins.*
- ✓ **Food:** *Forests provide fruits, vegetables, herbs, and other supplements.*
- ✓ **Biodiversity importance**
- ✓ **Habitat:** *Forests provide habitats for a wide range of plants and animals, supporting around 90% of the world's species.*
- ✓ **Gene pool:** *Forests act as a repository for the genes of biodiversity.*

Genetic diversity of brinjal



= Mixed/Striped fruits

Abbreviations: Long (L), Round (R), Oblong (O)

Reforestation



Bio diversity

Biodiversity

❖ They include bacteria, protozoa, fungi, flowering plants, ants, beetles, butterflies, birds, fishes, and large animals such as elephants, whales, and bears.

Bears

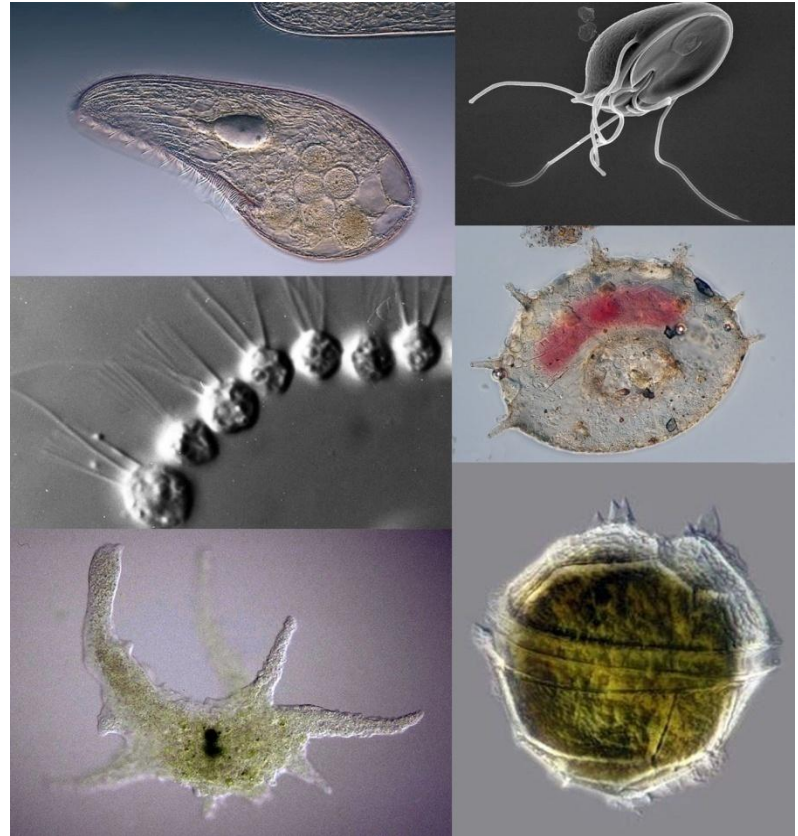


Bio diversity

Bacteria



Protozoa(protozoans were regarded as "one-celled animals")



Biodiversity

Fungi(microorganisms such as yeasts and molds, as well as the more familiar mushrooms.)



Ants



Biodiversity

Flowering plants



Butterflies



Biodiversity

beetles



Birds



Bio diversity (large animals)

Whales



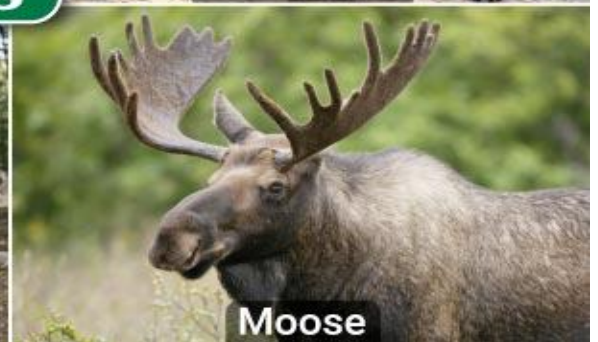
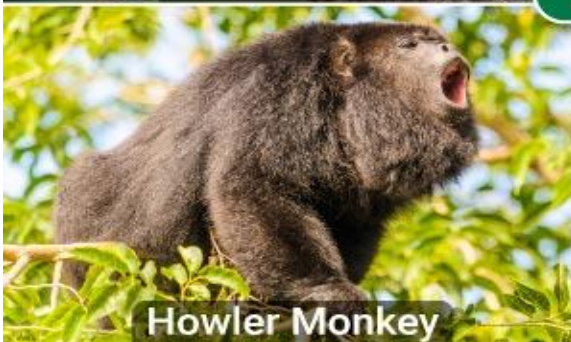
elephant



Forest animals



Forest Animals



Section 2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose (FC Act)

- ❖ *Section 2. 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;*

Reserved Forest

- ❖ *It was notified under **Section 20** (declaration of reserved forest) of **Indian Forest Act, 1927**.*
- ❖ *In reserved forests, **local people are prohibited**, unless specifically allowed by a Forest Officer in the course of the settlement.*

Protected Forests

- ❖ ***Protected Forests: The State Government is empowered to constitute any land other than reserved forests as protected forests over which the Government has proprietary rights and the power to issue rules regarding the use of such forests.***
 - ***Reserving trees: This power has been used to establish State control over trees, whose timber, fruit or other non-wood products have revenue-raising potential. Ex Tamarindus indica***

Reserved trees

Tamarindus indica



Mangifera indica



Nagarhole National park



Forest land -Non forest purpose(with prior permission)

- ❖ *(ii) that any forest land or any portion thereof may be used for any non-forest purpose with prior permission.*
- ❖ *2[(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 not owned, managed or controlled by Government with prior permission.*

In Punjab forest diverted for non forestry purpose



Forest land



Non Forest purpose

- ❖ *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;*

Palm plantations



Rubber threat to north east forest



Tea plantations in Sikkim



Tea plantations in Tamilnadu



Forest land not permitted for

- ❖ 2(IV)(b) any purpose other than reafforestation, but does not include any work relating or ancillary to conservation, development and management of forests and wild life,
- ❖ 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.

Forest check post



Fire lines through controlled burning



Appeal to the National Green Tribunal

- ❖ 2A. Any person aggrieved, by an order or decision of the State Government or other authority made under section 2, on or after the commencement of the National Green Tribunal Act, 2010,
- ❖ may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act

NGT Chennai



Penalty by NGT

- ❖ The National Green Tribunal (NGT) has imposed an interim penalty of Rs 5 crores on **Tamil Nadu Generation and Distribution Corporation (TANGEDCO)** for violating environmental regulations and encroaching.
- ❖ The TANGEDCO has been found guilty of dumping construction debris to construct a road for the Ennore Thermal Power Station (ETPS) in Ennore creek and Buckingham canal leading to the penalty by the southern bench.

Penalty by NGT

- ❖ The judgement was pronounced based on the reports of the Union Ministry of Environment, Forest and Climate Change (MoEF&CC) on July 20, 2022
- ❖ An approach road was laid, violating the Coastal Regulation Zone (CRZ) which blocked the natural flow of the **Kosasthalaiyar river in Tamilnadu.**

Coastal Regulation Zones

- ❖ Coastal Regulation Zones (CRZ) are the areas along the 7,500 km-long coastal stretch of India.
- ❖ Development of buildings, tourism infrastructure and other facilities is regulated in these areas by the Government of India.

Maradu flats demolished in Kerala



Penalty by NGT

- ❖ The tribunal has invoked the 'polluter pays principle' and advised to formulate a committee to estimate the compensation with the district magistrate of Tiruvallur together with the central and state pollution control board.
- ❖ Despite repeated penalties on state-run and private entities, for environmental pollution, the violations continue in different forms, sending the rules and regulations for a toss.
- ❖ The livelihood of the fishing community has been affected badly due to the continuous flouting of norms in the water bodies

Kosasthalaiyar river of Tamilandu



Plastic polluted river in Tamilandu



Advisory Committee

- ❖ **section 3. Constitution of Advisory Committee.**—The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to—
 - ❖ (i) the grant of approval under section 2; forest conservation Act 1980 and
 - ❖ (ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

Penalty for contravention of the provisions of the Conservation Act 1980

- ❖ **.3 A. Penalty for contravention of the provisions of the Act.—**Whoever contravenes or abets (encourage to do some thing wrong)the contravention or any of the provisions of section 2,
- ❖ shall be punishable with simple imprisonment for a period which may extend to fifteen days

Offences by authorities

- ❖ **3B. Offences by authorities and Government departments.—**(1) Where any offence under this Act has been committed—
 - ❖ (a) by any department of Government, the head of the department; or
 - ❖ (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority, as well as the authority,

Offences by authorities

- ❖ shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
- ❖ Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment
- ❖ if the proves that the offence was committed without his knowledge or that exercised all due diligence to prevent the commission of such offence.

Offences by authorities

- ❖ (2) Notwithstanding anything contained in sub-section (1),
- ❖ where an offence punishable under the Act has been committed by a department of government or any authority referred to in clause
- ❖ (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of, any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1),
- ❖ such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Power to make rules

- ❖ **Section 4. Power to make rules.—(1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- ❖ **(2)** Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, **for a total period of thirty days which may be comprised in one session or in two or more successive sessions,**

THE FOREST (CONSERVATION) AMENDMENT ACT, 2023

- ✓ THE FOREST (CONSERVATION) AMENDMENT ACT, 2023 (NO. 15 OF 2023) 69 of 1980
[4th August, 2023]
- ✓ An Act 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:—

Forest (Conservation) Amendment Act, 2023.

- ✓ **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.
- ✓ **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:—
- ✓ Short title and commencement.
- ✓ Insertion of preamble.

Net zero emission

- ❖ "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

Carbon emissions in India 2022

- ❖ *The carbon emissions tally for January through November - the latest monthly data of 2022 available - is 7.5% above the same period in 2021, which registered a record annual power sector emissions total of 1.091 billion tonnes.*
- ❖ *Strong, sustained electricity demand from households, retail outlets and offices - mainly for air conditioners - helped push India's overall electricity demand higher in 2022, despite the soft showing from manufacturers.*
- ❖ *The primary source of pollution in 2022 was record-high use of coal, and a sharp drop in natural gas use because of high global gas prices.*

India meets 76% of electricity requirement from thermal power plants in 23-24



Carbon emissions



CO₂ emissions

NO SIGN OF DROP IN CO₂ EMISSIONS

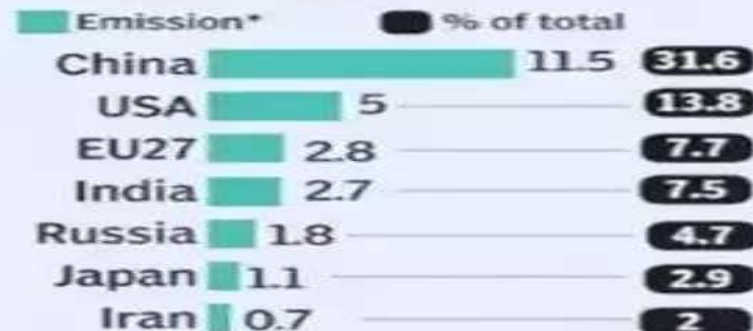
PROJECTION FOR 2022

Fossil fuel CO₂ emissions in 2022 are projected to increase **1%** above 2021

Status in top four emitters



Top seven fossil CO₂ emitters in 2021



*Billion tonnes of CO₂ per year
EU27 - 27 nations together
(It excludes emissions from international aviation and shipping)



Per capita emission of these top seven emitters in 2021



**Tonnes CO₂ per person per year

Nationality Determined Contribution targets

- ✓ *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;*
- ✓ *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;*

Conservation management

- ❖ 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

- ❖ **3.** 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

Amendment

- ✓ 4. After section 1 of the principal Act, the following section shall be inserted, namely:—
- ✓ '1A. (1) 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;

Amendment

- ✓ (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:
- ✓ 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.

Amendment

- ❖ *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.

Amendment

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

Strategic linear projects(exempted)

- ✓ (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
- ✓ (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.

16. Commutation of rights

- ❖ **16. Commutation of rights.**—In case the Forest Settlement-officer finds it impossible having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted,
- ❖ he shall, subject to such rules as the 1[State Government] may make in this behalf, commute (reduce)such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Conditions for exemption

- ❖ (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

Modification

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

Modifications

- ✓ (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—(Amendment of section 2. 53 of 1972.)
- ✓
 - (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;

Modifications

- ✓ (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.";

Modification

- ✓ (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, (Preliminary survey or research) prospecting, (activity of searching) investigation or exploration including seismic survey, shall not be treated as non-forest purpose.**".

Jhalana safari park Jaipur



Modifications

- ✓ **6.** In the principal Act, after section 3B, the following section shall be inserted,
new section 3C. namely:—
Power of Central Government to issue directions.
"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."



THANK YOU ALL