

Ministry of Environment, Forest and Climate Change is proposing amendments in Forest (Conservation) Act, 1980.

Before diving deep into the amendment, government has forgotten an important subject. It was...

The Supreme Court advised government to amend the Official Languages Act, 1963 to allow publication of official notifications in languages other than Hindi and English. However, the suggestion of Supreme Court was not considered by government and whatever the amendments and other official notifications, still it is not publishing in regional languages for public comments and consultation. Whether this kind of negligence is intentionally done by government.....?

Let's get into highlights of the proposed amendment.

- Ministry is considering now to exempt lands without any approval acquired by Railways & Roadways before Forest (Conservation) Act 1980 came into existence i.e., before 25/10/1980. Also, alongside many roads and railway lines, strip plantations have been developed and notified as forests. So, Ministry is of the view that, an exemption up to 0.05ha i.e., 500m² for each such accesses. Forest whether it is big or small patch belongs to the nation and people, without comment and opinions of the people and Environment Impact Assessment (EIA) reports no exemption can be given to any kind of de-reservation.
- Ministry is considering use of new technologies such as Extended Reach Drilling etc. is in view that it is quite environment-friendly and as such should be kept outside the purview of Act. So, Ministry should provide detailed description of how new technologies like extended reach drilling is environment friendly? what is EIA reports on making drilling holes even though it is outside the forest land or non-forest land?
- It has been proposed that, establishment of zoos, safaris, forest training infrastructure, survey & investigation activities etc., should not come within the meaning of non-forestry activity for the purpose of section 2(ii) of the Act. Keeping pristine forests undisturbed will prevent forest degradation. So, any activities which disturbs forest ecosystem to be prohibited.
- Ministry is in view to exempt non-forestry use of forests for development of infrastructure along the international border areas. Even if it is for strategic and security projects to what extent area can be exempted? If Ministry gives exemption maybe it should be a nominal area and if it exceeds given area, it must get centre's approval for additional forest land. Nation's security and Nation's natural resources both are important we have to balance as both are important assets.
- The lands bearing vegetation irrespective ownership and classification also attract the provisions of the Act. So, there is a need to dispel the apprehension among tree growers that vegetation or tree plantation raised on their private or non-forest lands will not attract the provisions of the Act. It has been proposed to allow owners for construction of structures for bonafide purpose including forest protection measures and residential unit up to an area of 250m² as one time relaxation. And many a times there are contrasting entries of the same land in revenue records and also in the forest records. This has created a scope of mis-interpretation and litigation. It is strongly felt that this recording in revenue record of plantation, afforestation etc., on any non-forest land after 12.12.1996 remain outside the purview of the Act. So, above provisions should be applicable to only 'private owners' and not for those lands which are government owned which come within the state specific private forest Act or coming within the purview of dictionary meaning of forest in terms of Supreme Court order dated 12.12.1996 and accordingly where Forest (Conservation) Act 1980 is applicable.

We have said almost major points in the proposed Act. For more information please do refer official notification. After going through the notification, **please mail your opinions to fca-amendment@gov.in or website www.parivesh.nic.in before 1/11/2021**

With regards

KALOSMI FOUNDATION

If you find any environment related issues, please mail us to email: kalosmifoundation@gmail.com

Forest is the important asset of a Nation, to protect forest and environment is fundamental duty of its citizens.