



## Forests and Jurisdictions

**For Prelims:** Forests and Jurisdictions, T.N. Godavarman Thirumulkpad vs the Union of India judgment, 42<sup>nd</sup> Amendment Act, 1976, Fundamental Duty, Forest Conservation Act, 1980, Directive Principles of State policy.

**For Mains:** Forests and Related Laws.

### Why in News?

Recently, the **Ministry of Environment, Forest and Climate Change** has objected to Chhattisgarh for its transfer of land without following due process from its Forest to the Revenue Department.

### What is the Background?

- In March 2022, Chhattisgarh Chief Minister announced in his Budget speech that the state government has transferred over 300 sq km — an area larger than Raipur — in the Bastar region from the Forest department to the Revenue department to ensure easy availability of land for setting up industries and building infrastructure.
- In August 2022, the Union Environment Ministry's Integrated Regional Office asked the state to stop the transfer of land, saying it was in violation of the **Forest Conservation Act, 1980** and multiple Supreme Court orders, and return the land already transferred.
- The move has now run into a hurdle, even as paperwork is underway for transferring more land to other parts of the state.

### What is a Forest?

- **About:**
  - At present, in India, there is **no clear nationally-accepted definition of 'forest'**.
  - States are **responsible for determining** their definition of forests.
  - The prerogative of the states to define forests stems from a 1996 Supreme Court order called the **T.N. Godavarman Thirumulkpad vs the Union of India judgment**.
    - In the judgement, the Supreme Court **interpreted that the word "forest"** must be understood according to its "dictionary meaning".
    - This description **covers all statutorily recognised forests**, whether designated as reserved, protected or otherwise.
- **Jurisdiction:**
  - Forests are included in the **Concurrent List in the (Seventh Schedule)** of the Constitution of India.
  - Through the [42<sup>nd</sup> Amendment Act, 1976](#) Forests and Protection of Wild Animals and Birds were transferred from **State to Concurrent List**.
  - State Forest Departments have jurisdiction over two types of forests notified under the **Indian Forest (IF) Act, 1927: Reserve Forests (RF)**, where no rights are allowed unless specified, and **Protected Forests (PF)**, where no rights are barred unless specified. Certain forests, such as villages or nagarpalika forests, are managed by state

## Revenue Departments.

### ▪ Legislations:

- **Article 51 A (g)** of the Constitution states that it shall be the **fundamental duty** of every citizen to protect and improve the natural environment including forests and Wildlife.
- **Article 48 A** in the **Directive Principles of State policy**, mandates that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.

## What is Forest Clearance?

- The **Forest Conservation Act, 1980**, applies to all kinds of forests, whether under the control of the Forest or the Revenue Department, and **it requires statutory clearance before forests can be used for any non-forest purpose** such as industry, mining, or construction.
  - Another type of Clearance is Environment Clearance, which is a long-drawn process that is **mandatory for projects beyond a certain size and often involves an environment impact assessment** of a potential project and sometimes public hearings involving the local populace who might be affected by the project.

## What is Undemarcated Protected Forest?

- **Undemarcated Protected Forests** are also called the Orange areas, they are the result of an **administrative logjam that remained a bone of contention** between the Revenue and the Forest departments since the abolition of the zamindari system in 1951.
- Undemarcated protected forests cannot be used for **non-forest purposes without clearance** under the **Forest Conservation (FC) Act, 1980**.

## What are the Policies Governing India's Forests?

- [Indian Forest Policy, 1952](#)
- [Forest Conservation Act, 1980](#)
- [National Forest Policy, 1988](#)
- [National Afforestation Programme](#)
- [Wildlife Protection Act of 1972](#)
- [Environment Protection Act of 1986](#)
- [Biodiversity Diversity Act of 2002](#)
- [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006](#)

## UPSC Civil Services Examination, Previous Year's Question (PYQs)

### Prelims

#### Q. Consider the following statements: (2019)

1. As per recent amendment to the Indian Forest Act, 1927, forest dwellers have the right to fell the bamboos grown on forest areas.
2. As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, bamboo is a minor forest produce.
3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 allows ownership of minor forest produce to forest dwellers.

#### Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (b)

### Exp:

- The Indian Forest (Amendment) Bill 2017 permits felling and transit of bamboo grown in non-forest areas. However, bamboo grown on forest lands would continue to be classified as a tree and would be guided by the existing legal restrictions. **Hence, statement 1 is not correct.**
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, recognises bamboo as a Minor Forest Produce and vests the “right of ownership, access to collect, use and dispose of minor forest produce” with Scheduled Tribes and Traditional Forest Dwellers. **Hence, statements 2 and 3 are correct.**
- **Therefore, option (b) is the correct answer.**

### Mains

**Q.** What are the consequences of Illegal mining? Discuss the Ministry of Environment and Forests’ concept of GO AND NO GO zones for coal mining sector. **(2013)**

**Q.** Examine the status of forest resources of India and its resultant impact on climate change. **(2020)**

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