



SC's Interim Order on the Forest Conservation Act 2023

For Prelims: [Supreme Court](#), 1996 T.N. Godavarman Thirumulpad case, [Forest Conservation Act of 2023](#), [Indian Forest Act, 1927](#), Deemed Forest, Permitted Activities in Forest Land, [India State of Forest Report 2021](#).

For Mains: Major Provisions of Forest (Conservation) Amendment Act, 2023, Concern Regarding Varying Definitions of Forests in India.

[Source: TH](#)

Why in News?

Recently, the [Supreme Court](#) has instructed the government to maintain the broad interpretation of "forest" as per the [1996 T.N. Godavarman Thirumulpad case](#) until a final decision is reached on a petition challenging the **amended** [Forest Conservation Act of 2023](#).

What is the Forest Conservation Act, 1980?

- **About:** The **Forest Conservation Act of 1980** was enacted to streamline forest-related laws, regulate deforestation, oversee the transportation of forest products, and levy duties on timber and other forest produce.
 - Under the provisions of this Act, prior approval of the **Central Government** is required for diversion of forest land for non-forest purposes.
 - It primarily applied to forest lands recognized by the [Indian Forest Act, 1927](#) or **State records since 1980**.
- **Supreme Court's Interpretation:** The **1996 Godavarman judgement** by the Supreme Court mandated the **protection of forests regardless of classification or ownership**.
 - This introduced the **concept of deemed forests or forest-like tracts** referring to areas resembling forests but not officially classified as such in government or revenue records.
- **Concern Regarding Varying Definitions of Forests:** States in India interpret 'forests' differently based on surveys and expert reports, leading to diverse definitions.
 - For example, **Chhattisgarh and Madhya Pradesh** base their definitions on size, tree density, and natural growth, while **Goa** relies on forest species coverage.
 - Varying definitions result in estimates of deemed forest ranging from 1% to 28% of India's official forest area.
- **Recent Amendment to Forest Conservation Act:**
 - The recent [Forest \(Conservation\) Amendment Act, 2023](#), passed in July-August 2023, aimed to bring clarity and address concerns surrounding deemed forests.
 - It focused on **defining the scope of forest land** under the Act's purview, **exempting certain categories of land from its provisions**.
 - However, the Supreme Court's interim directive maintains the traditional approach to forest governance, unaffected by the recent amendment enacted by the Centre.
 - Also, the Supreme Court ruled that the creation of zoos or safaris by any government or authority must **receive final approval from the court**.

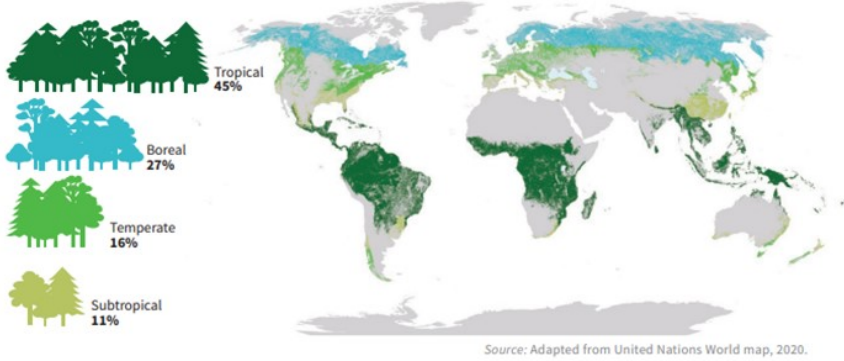
What are the Major Provisions of the Forest (Conservation) Amendment Act, 2023?

- **Land Under the Purview of the Act:** It defines two categories of land under its purview:
 - **Land declared as forest** under the Indian Forest Act or any other law, or notified as a forest after 25th October 1980.
 - **Land converted from forest to non-forest use** before 12th December 1996.
- **Exemptions from the Act:** It includes allowing **up to 0.10 hectares** of forest land for connectivity purposes along roads and railways, **up to 10 hectares for security-related infrastructure**, and up to **5 hectares in [Left Wing Extremism Affected Districts](#)** for public utility projects.
 - Additionally, strategic projects related to national security within **100 kilometres of international borders**, [Line of Actual Control \(LAC\)](#), and [Line of Control \(LoC\)](#) are also exempted.
- **Permitted Activities in Forest Land:** It includes conservation, management, and development efforts, with additional activities like **zoos**, [ecotourism facilities](#), **silvicultural operations**, and **specified surveys** being exempted from non-forest purposes.
- **Assignment/Leasing of Forest Land:** It extends the prerequisite for obtaining prior approval from the central government for the assignment of forest land to any entity, broadening the scope beyond private entities.
 - Furthermore, it grants the central government the authority to **stipulate the terms and conditions** governing such assignments.

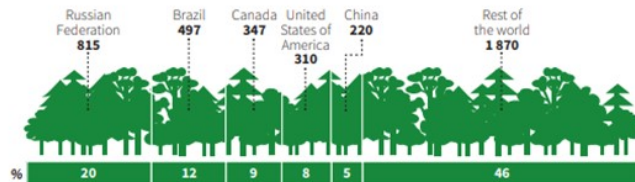
What is the Current Status of Forest Cover in India?

- According to the [India State of Forest Report 2021](#), the total forest and tree cover in India accounts for **24.62% of the country's geographical area**.
 - Specifically, the total forest cover constitutes **21.71% of the country's geographical area**, while the tree cover constitutes 2.91%.
- **Madhya Pradesh** has the largest forest cover (in terms of area) in the country, followed by **Arunachal Pradesh, Chhattisgarh, Odisha, and Maharashtra**.
 - In terms of **forest cover as a percentage of the total geographical area**, the top five states are **Mizoram, Arunachal Pradesh, Meghalaya, Manipur, and Nagaland**.
- States with a **positive change in forest cover** include Andhra Pradesh, Telangana, Odisha, Karnataka and Jharkhand.
 - **States with a negative change** include Arunachal Pradesh, Manipur, Nagaland, Mizoram & Meghalaya.
- According to the [Global Forest Resources Assessment \(FRA\) 2020](#) report by the [United Nations Food and Agriculture Organization \(FAO\)](#), **India ranks 3rd in the world for net gain in average annual forest area** between 2010 and 2020.
 - Also, **more than half (54%) of the world's forests are in only five countries:** Russian Federation, Brazil, Canada, the United States of America and China.

Proportion and distribution of global forest area by climatic domain, 2020



Top five countries for forest area, 2020 (million ha)



UPSC Civil Services Examination, Previous Year Question (PYQ)

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.
4. 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)

Mains

Q. "The most significant achievement of modern law in India is the constitutionalization of environmental problems by the Supreme Court." Discuss this statement with the help of relevant case laws. (2022)

