



## Forest (Conservation) Rules 2022

**For Prelims:** Forests and Jurisdictions, 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 [National Commission for Scheduled Tribes \(NCST\)](#) Chairperson said that the ST body's position on the [Forest \(Conservation\) Rules 2022](#) being **violative of the Forest Rights Act, 2006** "will be the same" even as the Environment Ministry has dismissed these concerns.

### What is the Issue?

- **Consent Clause for Diversion of Forest Land:**
  - In September 2022, flagging concerns over the **provision in the new rules that proposes to do away with the consent clause** for diversion of forest land for other purposes, the Commission had **recommended that these rules should be put on hold immediately.**
    - In response, the ministry has insisted that the **rules were framed under the Forest (Conservation) Act, 1980** and that the NCST's apprehension of these rules being in violation of the [Forest Rights Act \(FRA\), 2006](#) was "not legally tenable".
    - The Minister added that the two statutory processes were parallel and not dependent on each other.
- **Consent of Gram Sabhas:**
  - The NCST had **pointed out that the FCR 2022 has done away with the provisions to mandatorily seek consent of Gram Sabhas** before the Stage 1 clearance, leaving this process to be done later and even after Stage 2 clearance.
    - According to the government, **FCR 2022 already provides for diversion of forest land "only after fulfilment** and compliance of all provisions, including settlement of rights under the **Forest Rights Act"** and also **does not bar or infringe upon the operation of other laws** mandating consent of **Gram Sabhas.**

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

- **Formation of Committees:**
  - It constituted an **Advisory Committee, a regional empowered committee** at each of the integrated regional offices and a screening committee at State/Union Territory (UT) government-level.
- **Compensatory Afforestation:**
  - The applicants for **diverting forest land in a hilly or mountainous state with green cover** covering more than two-thirds of its geographical area, or in a state/UT with forest

cover covering more than one-third of its geographical area, will be able to take up compensatory afforestation in other states/UTs where the cover is less than 20%.

- **Allows Private Plantations:**

- The rules **make a provision for private parties to cultivate plantations** and sell them as land to companies who need to meet compensatory afforestation targets.
  - Prior to the updated rules, state bodies would forward documents to the FAC that would also include information on the status of whether the forest rights of locals in the area were settled.

- **No consent of Gram Sabha needed:**

- The new rules state that a project, once approved by the FAC, will then be passed on to the State authorities who will collect the compensatory fund and land, and process it for final approval.
  - Previously consent of gram sabha, or the governing body in villages in the area, was required to give written consent to the diversion of the forest.

- **Allows building in Forests:**

- Right to construct structures for bonafide purposes including forest protection measures and residential units (up to an area of 250 sq meters as one-time relaxation).

## What is the State of Forest in India?

- **About:**

- According to [India State of Forest Report, 2021](#), the Total Forest and Tree cover is now 7,13,789 square kilometres, 21.71% of the country's geographical area, an increase from 21.67% in 2019.
- Forest Cover (Area-wise): Madhya Pradesh > Arunachal Pradesh > Chhattisgarh > Odisha > Maharashtra.

- **Category:**

- **Reserved Forests:**

- Reserve forests are the **most restricted forests and are constituted by the State Government** on any forest land or wasteland which is the property of the Government.
- In reserved forests, **local people are prohibited**, unless specifically allowed by a Forest Officer in the course of the settlement.

- **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.
- This power has been used to establish State control over trees, whose timber, fruit or other non-wood products have revenue-raising potential.

- **Village forest:**

- Village forests are the one in which the **State Government may assign to 'any village community the rights of Government to or over any land** which has been constituted a reserved forest'.

- **Degree of Protection:**

- Reserved forests > Protected forests > Village forests.

- **Constitutional Provisions:**

- Through the **42<sup>nd</sup> Amendment Act, 1976 Forests and Protection of Wild Animals and Birds** were transferred from State to Concurrent List along with Education, Weights & Measures and Administration of Justice.
- **Article 48 A in the Directive Principles of State policy**, mandates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.
- **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.

## What are the Related Initiatives?

- **Indian Forest Policy, 1952:**

- It was a simple extension of colonial forest policy. However, it became conscious about the

need to increase the forest cover to one-third of the total land area.

▪ **Forest Conservation Act, 1980:**

- It stipulated that the central permission is necessary to practice sustainable **agro-forestry** in forest areas. Violation or lack of permit was treated as a **criminal offence**.

▪ **National Forest Policy, 1988:**

- The ultimate objective of the **National Forest policy was to maintain environmental stability** and ecological balance through conservation of forests as a natural heritage.

▪ **National Afforestation Programme :**

- It has been implemented by the Ministry of Environment, Forest and Climate Change since 2000 for the afforestation of degraded forest lands.

▪ **Other Related Acts:**

- The **Wildlife Protection Act of 1972**, The **Environment Protection Act of 1986**, and The **Biodiversity Diversity Act of 2002**.
- **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:**
  - It has been enacted to recognize and vest the forest rights and occupation of forest land in forest-dwelling Scheduled Tribes and other traditional forest dwellers, who have been residing in such forests for generations.

## UPSC Civil Services Examination, Previous Year Questions (PYQ)

### Q1. A particular State in India has the following characteristics: (2012)

1. It is located on the same latitude which passes through northern Rajasthan.
2. It has over 80% of its area under forest cover.
3. Over 12% of forest cover constitutes Protected Area Network in this State.

### Which one among the following States has all the above characteristics?

- (a) Arunachal Pradesh
- (b) Assam
- (c) Himachal Pradesh
- (d) Uttarakhand

Ans: (a)

### Q.2 At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006? (2021)

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

Ans: (d)

Source: TH

