

NCST on Forest Conservation Rules, 2022

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Why in News?

- The National Commission for Scheduled Tribes (NCST) is caught in a row with the Ministry of Environment, Forest and Climate Change over the latest **Forest Conservation Rules (FCR), 2022**.
- The row is over the potential violation of provisions enshrined in the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 dubbed the Forest Rights Act (FRA).

What are the Forest Conservation Rules?

- The Forest Conservation Rules deal with the implementation of the **Forest Conservation Act (FCA), 1980**.
- They prescribe the procedure to be followed for forest land to be diverted for non-forestry uses such as road construction, highway development, railway lines, and mining.
- **The broad objectives of the Forest Conservation Act are to -**
 - Protect forest and wildlife,
 - Put brakes on State governments' attempts to hive off forest land for commercial projects and
 - Strive to increase the area under forests.
- For forest land beyond five hectares, approval for diverting land must be given by the Central government.
- This is via a specially constituted committee, called the Forest Advisory Committee (FAC).

Role of Forest Advisory Committee (FAC)

- The FAC is a statutory body established under the Forest Conservation Act (FCA), 1980.
- The FAC considers questions on the diversion of forest land for non-forest uses such as mining, industrial projects, townships and advises the state government on the issue of granting forest clearances.
- Once the FAC is convinced and approves (or rejects a proposal), it is forwarded to the concerned State government where the land is located, who then has to ensure that provisions of the **Forest Right Act, 2006**, a separate Act that protects the rights of forest dwellers and tribals over their land, are complied with.
- The FAC approval also means that the future users of the land must provide compensatory land for afforestation as well as pay the net present value (ranging between Rs 10-15 lakh per hectare.)

Forest Conservation Act, 2022 Rules

- The latest version of the rules, which consolidates changes to the Forest Conservation Act over the years from various amendments and court ruling, was made public in June, 2022.
- The new rules make a provision for private parties to cultivate plantations and sell them as land to companies who need to meet compensatory forestation targets.
 - This, according to the Central government, will help India increase forest cover as well as solve the problems of the States of not finding land within their jurisdiction for compensatory purposes.
 - In the earlier rules, there was no such provision.
- Also, in the new rules, there is no mention about what happens to tribals and forest-dwelling communities whose land would be hived off for developmental work.
 - 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.

- The opposition parties have alleged that the amended rules would disempower crores of tribals and others living in forest areas.

NCST on FCA Rules 2022

- Within two months of the FCR, 2022 coming into force, the National Commission for Scheduled Tribe (NCST) constituted a “Working Group on the Forest Rights Act 2006” to monitor the implementation of the FRA and “make recommendations to the Union government and State governments”.
- The NCST concluded that the ***new FCR infringed on the rights of STs and other traditional forest dwellers (OTFDs) by violating the FRA.***
- According to the **FRA 2006**, in case of a dispute over forest land, precedence has to be given to the rights of STs and OTFDs, who live in and off the forest and its resources, over any other party.

What is the NCST Demanding?

- In September, 2022, NCST Chairperson wrote a letter to Environment Ministry highlighting the potential consequences of FCR, 2022.
- The letter recommended that ***FCR 2022 be put on hold and the previous Rules, which provided for the consent clause, be strengthened.***
- The NCST argued that the previous versions of the Rules provided a legal space for “ensuring completion of the processes for recognition and vesting of rights under the FRA in areas where forests are being diverted.”

Environment Ministry’s Response

- The Ministry wrote back to the NCST chief insisting that ***FCR, 2022 does not violate any provisions granting land rights to STs and OTFDs.***
- It said that the FCR has been issued in accordance with the Forest (Conservation) Act, 1980, which was for a procedure which will run “parallel” to the provisions of the FRA, 2006.
- It also said that ***there was “no legal basis” for the ST Commission’s concerns about the FCR’s impact on the FRA.***

Q1) When was the National Commission for Scheduled Tribes set up?

On the 89th Amendment of the Constitution coming into force on 19 February 2004, the National Commission for scheduled Tribes has been set up under Article 338A on bifurcation of erstwhile National Commission for Scheduled Castes and Scheduled Tribes.

Q2) What is the role of National Commission for Minorities?

Evaluate the progress of the development of Minorities under the Union and States. Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures.

Source: [Explained | Why is the tribal panel upset with Environment Ministry over forest rights?](#)

Video: https://www.youtube.com/watch?v=e_p3UZCV9E

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