

Forest (Conservation) Act, 1980
Amendment tounabagi prastab
Miyamga khannabagi cherol

Ministry of Environment, Forest and Climate Change
Government of India
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Jorbagh Road, New Delhi
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A. Nungi Warol (Background)

1. Forest (Conservation) Act asi 25th October 1980 (matungdadi Act hairasi) dagi chatnaba houkhi. Act asigi wahoudok (Preamble) asi umang yokkhatnaba amdi masiga mari leinaba thabaksing paikhatnaba ni haina hairi. Bill asi Parliament da (1980 gi Bill No. 201) puthokpa matamda Bill adugi pandam amadi maramasing makhagi asini:

Pandam amadi Maram gi Warol (Statement of Objects & Reasons)

Umang kokthokpana mahousagi khal kaihanli amadi akoibabi bhibam sokhanli. Leibak asida umang kokthokpangi chang yamna wangna chathari amadi ningthina khanabagi maram ama oire.

2. Umang kokthokpa thingnaba Rastrapati na Forest (Conservation) Ordinance, 1980 puthokkhi. Ordinance asina reserved forest bu de-reserve toubada amadi umangi lambu atoppa maramgi (non-forestry purpose) sijnabada Central Government dagi mangjounana ayaba louhanli. Asigumba ayaba asi pibada Central Government bu paotak pinaba Ordinance asina Advisory Committee amasu semhanli.
 3. Bill asina mathakta pankhriba Ordinance asibu mahut sinnaba hairi.
2. Ing 1988 da Act asi semdokkhi. 1988 da semdoklaba houjik oiriba Act asigi maong asi masida annex toure.
 3. 12 December 1996 phaobadi Sate Government, Union Territory amadi Central Government na Act asi Indian Forest Act, 1927 natraga mapham-maphamdugi aayeen (Law) amagi makhada laothokpa umasing amadi Forest Department gi manage toubu umang sing khaktada chatnarami. Ing 12 December 1996 da Hon'ble Supreme Court na Writ Petition (Civil) No. 202/1995 T.N. Godavarman Thriumulpad versus Union of India amadi atoppasing asigi makhada takhiba rai asigi matung inna Act asina chatnagadabasi makhagi asumna oirakkhi:
 - a) Sarkargi record da Umang ni haina record touduna leiba lam khuding, kanana mapu, karamba makhalgi umangno haibagi wapham leitana. Masida aayeen (law) amagi makhada umang ni haina laothokkhraba lamsing adusu yaoribani.
 - b) Mathakki sub-para (a) asigi mathakta Dictionary arthagi matung inna umang oiba lam khuding.
 - c) Supreme Court gi 12 December 1996 gi bichar (Judgment) asigi matung inna semba State adugi Expert Committee na Umang ni haina masak taklaba loinana mari leinaba wasak cherol (Affidavit) Supreme Court pisinkhraba lamsing.

State Government singna Act asi Expert Committee na masak taklaba umang sing amasung dictionary artha gi matung inna oiba umang singdasu chatnahanba hounare. Mathakki Court ki bichar (Judgment) asi non-forest land da u-thaba lamsing (plantation) asidasu chatnagani haina lounakhi.

4. Act asigi matung inna State Government natrga Union Territory singna umanggi lam amabu atoppa maramgi sijinnaba (diversion), reserved forest bu de-reserve toubu natraga umang lambu sandokpa (lease) matamda Central Government dagi mangjounana ayaba loubu tangaiphade (mandatory oi).

B. Khannagadaba hiramasing (Issues for consultation)

1. Matang asida Sarkar gi umang lam khuding (laothoklaba natraga laothoktriba) amadi Sarkar gi record ta umang lamni haina leiba lamsing Act asigi makhada leiri. Masigi mathakta upan-wapan (vegetation) houba lamsing asisu, mapu amadi makhal gi wapham leitana, Act asina konsinli. Hairiba lamsing asi khandokpada khara-khajik subjective amadi arbitrary oiri. Masina chamamnaba, wahanthok ani thokna loubu yaba (ambiguity) maram leihanli amadi thoidok hendokna lanai mioising amadi Organization singda yainingdaba amadi nungitaba pokhanli. Lannai lambu umang lamni haina loubasina, masagi lambu atoppa hiram amagidamak (non-forest activity) sijnabagi adhikar (right) asida apanba piri. Lam sijnabagi maong hongjage haibagi prastab kaya ama sarkar na Act asigi makhada ayaba pibidri. Kariguma yargasu mapu aduna masagi lam adubu atoppa hiramda sijnabada lam aduga pak-chaoba manaba umang nattaba lam (non-forest land) mahut oina piba amadi compensatory levy su piba tari. Masina maram oiduna lanai lamsing da upan-wapan houhaningdaba amadi thaningdabai wakhan pokhanli. Maram asina Act asigi sijnapham asi ningthina masak takpa yamna tangaiphade haina khanli.

2. Railway, Road, Transport amadi Highway na chingba Ministry singdagi railway, highway nachingba singi Right of Way (RoW) da Act asina chatnabagi maong asida yamna nungaitaba leire. Ayamba matamda Right of Way sing asi 1980 gi yamna mamangda rail lambi amadi lambi semnaba leikhibani (acquire) hairi. Lam sing asigi saruk kharna 1980 gi mamangda thabaksing adugidamak sijnakhare aduga lemhouba lamsing aduna konna semgat sagatpagi amadi pakthok chaothkpagi thabakta sijnanabagidimak thamkhi. Mapham aduda 1980 dagi leiramba upansing amadi umangsing adum thamkhi amadi ahangba maphamsingda Government gi scheme kayagi makhada anouba upansing thajinkhi.

Thakhriba upansing adubu ningthina ngak-sennaba mapham khara-khaksu protected forests oina laothokkhi. Act asi chatnakhivadagi amadi Supreme Court na makha tana Act asigi chatnapham sengdokkhibadai, hairiba lamsing asibu atoppa hiram amada (non-forest activity) sijinnabada Central Government dagi ayaba loubha changle. Matou asumna, lam mapu singna (Rail, NHAI, PWD etc) na hanna atoppa thabakkidamak (non-forest activity) leikhiba lamsing adu houjik sijinnaba matamda Act asigi makhada ayaba loubha changle amadi Net Present Value (NPV), Compensatory Afforestation (CA) nachingbagi senphamsing piba tari. Ministry na hairiba 25 October 1980 gi mamangda leikhiba lamsing asi Act asidagi manungdagi louthoknaba khannari.

3. (i) Masisu achumba wapham amani madudi India asi ayambana tropical lamdam oibana upan wapansing asi mahousana adum mapham amada houraki, matamgi matung inna umang oiraki amadi dictionary arthagi matung oina deemed forest oiraki. Hairiba lamsing asi Act asigi makhada leirgani. Maram aduna, prjasingna masagi lamda upansing houhaningdabagi wakhanlon pokli.
 - (ii) National Forest Policy, 1988 gi matung inna leibak asigi saruk ahumgi ama umang amadi upansingi lam oihannaba loukhatliba upan-wapan thabagi khonjel asisu penningai oibadagi yamna lapna leiri. Houjik leibak asigi umang amadi upansingi lamgi pak chaoba asi chaorakna 24.56% ni amadi umangi lam pak-chaoba hengatpa haibasisu thabak oina onthaokpa araiba natte. Maram asina lanai lamsing yaona ahenba lamsing mahousagi khalgi, sel-thumgi and akoibagi phibam phagathannaba ahenba umang semgatpa tangai phadri.
 - (iii) Makha tana leibak asina loukhiba phirep 2030 phaobada ahenba 2.5 dagi 3.0 billion tons Carbon dioxide phajingani amadi U amadi Ugi potsing pusinklapagi chang Rs.45 thousand crore da hanthahangani haibadu khanlaga sarkargi umang gi wangmada areiba mapham khudingda yamna pak sanna upan wapan thabagi tangai phadaba lei. Masibu thabak oina pangthoknaba lanai lam amadi umang nattaba lamsingda thaba upan-wapansing Act asina konkhigani haibagi akibadu leihandaba ama changi.
4. India da khetnaba makhal kayagi umangi land record sing lei. Lam amabu Revenue amadi Forest ki record da khetnaba asisu toina thoki. Masina tongan tonganna artha hanba amadi court case sing hengathannaba maram ama oihnali. Masidasu Act asigi chatnapham mayek senghanba

ama tangai phade. Revenue record ta lamgi mapu amadi umang yaona lam adugi makhal ningthina utpa changi. Revenue record ta 12 December 1996 ki matungda umang nattaba lamda thakhiba upansing (plantation) agro-forestry amadi makhal ateigi upan thabagi thabak pukning thoughtnaba Act asigi wangmada leihanba tangai phade haina khanli.

5. Lambi amasung railway line singda thaba strip plantation umang ni haina laothokle. Mapham kayada lambi amasung rail side singda basic amenity amadi mee-leipham sing semgatle. Masigumba facility singsi younanaba lambi umangsing adu phaona semgatpa darker lei. Hairiba thabaksingsi non-forestry activity oibana Central Government dagi ayaba changi. Umang lam darker oibasi mapham amada chaorakna 0.05 ha ni. Leiriba mioising/karbar toubasingi awaba asi koknaba 0.05 ha faobadi Act asigi wangmada thambana chumgani haina Ministry asina khanli.
6. Act asi regulatory ni prohibitory natte; maram asina unique oiba amasung landscape value wangna leiba lam yaona non-forest kidamak sijnabada pumthing thingba (prohibition) leite. Act asina chatnaba hourakpadagi chahi 40 henba matam asida mahousagi khal amadi akoibagi phibamda yamna ahongba leire. Malem asigi mahousagi lal ngak sennaba amadi phagathannaba policy amadi programme singda chaona ahongbasing puraktuna honglakliba ecology, social amasung economy asibu thengnanaba hotnari. Asigumba ahongbasing asi thengnanaba awangba thakki ecological value leiba mahousagi umang kharasu lengdana thamnaba provision sing Act asida hapnaba khannari.
7. Eikhoigi international border sing amadi leibak asigi sovereignty ngaknaba infrastructure sing semgat sangatpa yamna maru oiri. Umang gi lam non forest activity gi sijinnabada mangjounana ayaba louba changba asina leibak asigi maru oiba security ga mari leinaba infrastructure semgat sangatpangi project kaya thengthahanli. Asigumba project sing asigi ayaba loubasing Act asidagi louthokadra amadi asigumba akaknba matam amada loisingadaba project sing asi paikhatnabagi ayaba State singda pigadra.
8. Mining lease gi matangda Sub-Section 2(ii) amasung 2 (iii) asina maram kayada chamamnaba thokhanli. Sub-Section 2 (iii) na lease pibagini aduga Sub-Setion 2(ii) na forest pu non-forest gi sijinnabagi matangdani. Sub-Section 2 (iii) gi matung inna NPV khak pigadabani Permission pinabagi khannaba matamda khannabagi scope asi yamna piki. Amaromdana Sub-

Section 2(ii) makhadadi proposal adu decision support system amadi Rule/Guideline amadi Court singna na piba niti-niyom kaya sijnaduna kupna kخانهi. NPV gi mathakta Compensatory Afforestation, CA land, safety zone plantation nachingbagi peisasu pigani. Maram aduna mining lease holder amana NPV gi peisa khak pirga chaorba umangi lam Sub-Section 2(iii) gi makhada paiba yai. Asigumba permission asi Sub-Section 2(iii) gi makhada louba permission ni haigadra haibasi mayek sengde amadi Hon'ble Supreme Court ki matung inna Environment (Protection) Act 1986 ki makhada environment clearance piba yabra. Sub-Section 2(iii) gi makhada permission lounare aduga Section 2(iii) gi makhadadi apply tourakpa leitri. Ahanbda Sub-Section 2(iii) asi plantation gidamak lease toubada (umang bu thugaiba kokthokpa yaodaba sing) sijinnabigini, haibadi mining lease gumba umang bu thugaiba kokthokpa yaoba singi natte. Adubu konnadadi Sub-Section 2(iii) asi mining amadi asigumba lease pibadasu sijinnare. Maram aduna Sub-Section 2(iii) asi louthalakge amadi Sub-Section 2(iii) asi umang bu thugaiba kokthokpa yaoba makhan khudingi lease da sijinnaragani haina sengdoklage khanli.

9. Anouba Technology khudam oina Extended Reach Drilling (ERD) gumba thao amadi natural gas thiba amadi chingthokpa ngamba umangbu support touriba leibak-leihao amadi leiron sokhandana umangdugi mapandagi makhulsing hutpa yabasing leire. Ministry asina asigumba Technology asi environment- friendly oi amadi thabaksing asi Act asigi wangmada thamgadabani khanli.
10. Lannai miosing makhoigi lamdu State dugi Act ki makhada natraga Supreme Court ki Order 12.12.1996 ki Dictionary meaning matung inna umang lam oiba asigi FCA makhada ayababa loubagi awabadu koknaba 250 Sq. meter phaoba makoi gi yum-kei sananaba amukki oina komthoklage khanli.
11. Act asigi Section 2 gi da yaoriba "non-forestry use" activity sing non-forestry activity oigadabani amadi Section asigi makhada leiroidabani. Masisu khangi madudi umang amadi wildlife ngak-senbada mari leinaba thabaksing non-forestry activity ni haiba. Maram aduna Zoo, Safari, Forest Training infrastructure nachingba semgatpa asi Section 2 (ii) gi "non-forestry activity" manung chanloidabani.
12. Compensatory levy piba haibasi tangaiphade maramdi masina matamgi matung inna non-forest activity yahankhraba matungda umang lam

aduna piramba ecosystem service sing makha tanna pigani. Lease adu thabak adugidamak renew touba matamda levy amuk hanna loubasi loupnam thokte khanli.

13. Law asida penal provision yaorabasu Act asigi provision sing thugaiba adum yaoi. Ministry asina matung amuk touhaningdanaba henna kanba dandi (Punishment) piba tangaiphade haina khanli. Section 2 gi makhada offence asigi dandi asi chahi 2 phaoba oihanlage aduga offence aduna cognizable amadi non-bailable oihanlage khanli. Section 3A gi makhada manghankhraba adubu menkhatnaba dandi adugi mathakta penal compensation su hapke haina khanli. Amadi, State Government amasung Union Territory gi authority offence adu toubada yaoragadi penal compensation gi peisa adu National CAMPA da deposit touhangani, State CAMPA da touhanloi.

14. Survey amadi Investigation haibasi umang lam aduda non-forestry activity paikhatriingei mamangda tougadaba thabaksingni. Mapham kayada umang lam adu yamna atenba matamgi oina sijnnei amadi umang lam amasung biodiversity da thoidokna ahongba pide. Adubu hairiba thabak asi non-forest activity ni haina loubanina Central Government gi ayaba loubada matam yamna changi. Masigidamak thoidokna akaiba thokhandaba thabaksing Act asida makhada leihanlodabani.