

## 6. ACTS, POLICIES, PROGRAMMES AND INSTITUTIONS RELATED TO ENVIRONMENTAL CONSERVATION

### WILDLIFE PROTECTION ACT, 1972

- **Constitutional Provisions For Wildlife:** The 42nd Amendment Act, 1976; Article 51 A (g) of the Constitution; Article 48 A in the DPSP; Seventh Schedule (Art. 246).
- **Features Of The Act:** Prohibition of hunting; Prohibition of Cutting/Uprooting Specified Plants; Declaration and Protection of Wildlife Sanctuaries and National Parks; Constitution of Various Bodies; Government will consider its property of hunted wild animals (other than vermin).

### FOREST CONSERVATION ACT (FCA), 1980

- **Introduction:** The FCA is the principal legislation that regulates deforestation in the country; It prohibits the felling of forests for any "non-forestry" use without prior clearance by the central government; The clearance process includes seeking consent from local forest rights-holders and from wildlife authorities; The Centre is empowered to reject such requests or allow it with legally binding conditions.
- **Amendments Proposed:** They propose to grant exemptions to railways, roads, tree plantations, oil exploration, wildlife tourism and 'strategic' projects in forests; Aim of proposal is to empower state governments to lease forest land to private individuals and corporations; If the proposed amendments come into force, they would dilute the provisions of the landmark 1996 decision of the Supreme Court in Godavarman judgement (the Supreme Court had expanded the coverage of FCA to all areas that satisfied the dictionary definition of a forest; earlier, only lands specifically notified as forests were protected by the enforcement of the FCA) and strengthen the FCA.
- **Impact Of The Amendment:** The exemption of zoos and safaris; Dilution of restrictions on forest land use.

### BIODIVERSITY (BIOLOGICAL DIVERSITY) ACT, 2000

- **Introduction:** It aims at the conservation of biological resources, managing its sustainable use and enabling fair and equitable sharing benefits.
- **UN CBD:** The Act was born out of India's attempt to realise the objectives enshrined in the United Nations Convention on Biological Diversity (CBD) 1992 which recognizes the sovereign rights of states to use their own Biological Resources.
- **Features Of The Act:** The Act prohibits the following activities without the prior approval from the National Biodiversity Authority: Any person or organisation (either based in India or not) obtaining any biological resource occurring in India for its research or commercial utilisation; The transfer of the results of any research relating to any biological resources occurring in, or obtained from, India; The claim of any intellectual property rights on any invention based on the research made on the biological resources obtained from India; The act envisaged a three-tier structure to regulate the access to biological resources: The National Biodiversity Authority, The State Biodiversity Board, The Biodiversity Management Committees at local level; Any grievances related to the determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, shall be taken to the National Green Tribunal.

### FOREST RIGHTS ACT, 2006

- **News:** Recently the Supreme Court asked states to free tracts of forest land in possession of people whose claims have been rejected under the Forest Rights Act (FRA), 2006. The judgement has triggered protests from forest rights groups, who contended that wildlife conservation cannot overcome natural justice goals.
- **Features Of The Act:** The act recognizes and vest the forest rights and occupation in Forest land in forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) who have been residing in such forests for generations; Establishes the responsibilities and authority of ecological balance of FDST and OTFD; It strengthens the conservation regime of the forests; It seeks to rectify colonial injustice; The act identifies four types of rights: Title rights, Use rights, Relief and development rights, Forest management rights.
- **Challenges With The Act:** Administrative apathy of implementation of the act; Lack of Awareness; Dilution of Act of certain sections; Reluctance of the forest bureaucracy to give up control; Institutional roadblock like