

**NAGALAND LEGISLATIVE ASSEMBLY
KOHIMA**

BULLETIN PART-II
(GENERAL INFORMATION FOR MEMBERS)
13TH SEPTEMBER, 2023

NO. 71

The 'Resolution of the Nagaland Legislative Assembly on Forest (Conservation) Amendment Act, 2023' to be moved for introduction and adoption during the ensuing Second Session of the 14th Assembly is reproduced below for circulation to all Hon'ble Members for information.

RESOLUTION

"Resolution of the Nagaland Legislative Assembly on Forest (Conservation) Amendment Act, 2023

1. Whereas the Parliament of India has enacted The Forest (Conservation) Amendment Act, 2023, which has been notified by the Government of India the 4th of August, 2023;
2. And whereas the Forest (Conservation) Amendment Act 2023 essentially deals with land and its resources (forests);
3. And whereas Article 371(A) of the Constitution of India states: "Notwithstanding anything in this Constitution, no Act of Parliament in respect of the religious or social practices of the Nagas, Naga customary law and procedures and administration of civil and criminal justice involving decisions according to Naga customary laws, and ownership and transfer of land and its resources shall apply to the state of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides";
4. And whereas the amended Act has inserted a new Section, namely, Section 1(A)(2) which exempted from the operation of the principal Act such forest lands situated within a distance of 100 kilometers along international borders, Line of Control or Actual Line of Control as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security;
5. And whereas the above exempted area of 100 kilometers from international borders will cover most parts of Nagaland State;
6. And whereas in Nagaland the ownership of most of the forest lands vests with tribal communities;
7. And whereas in a Consultative Meeting with various stakeholders on the subject of Forest (Conservation) Amendment Act, 2023 etc. organised by the State Government on the 1st of September, 2023, the representatives of the various Naga Tribal Hohos/ Organisations have expressed their strong objection to the application of Section 1(A)(2) of Forest (Conservation) Amendment Act, 2023 in Nagaland, on the ground that it is likely to infringe on traditional ownership and usage of forest lands and its resources in the State of Nagaland;
8. And whereas this House is of the view that the term 'land and its resources' mentioned in Article 371(A) include forest lands and its resources; and that the application of Section 1(A)(2) of the

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amended Act to Nagaland would jeopardise the existing rights of tribal communities on their forest lands and its resources;

9. Now, therefore, this 14th House of the Nagaland Legislative Assembly hereby resolves that the Forest (Conservation) Amendment Act 2023 will only be applicable to the State subject to the constitutional guarantees provided in Article 371(A) of the constitution of India;
10. The House further resolves, that the Government of India must assure that provisions contained in Section 1(A)(2) of the Forest (Conservation) Amendment Act 2023 shall not be used to the detriment of the state and its people, and
11. The House also resolves to explore various options including the State enacting its own Act for the purpose of having its own compensatory mechanism wherein any diversion of even private or community owned forest land for non-forestry purposes and damage to environment is suitably compensated by the user agency, in addition to availment of benefits of the existing schemes of the Central Government in this regard.

Sd/-

C.L John
Minister, Environment, Forests and Climate Change"

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(Khruohituonuo Rio)
Secretary -in- Charge
Nagaland Legislative Assembly
Secretariat: Kohima

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Dated Kohima, the 13th September, 2023

Copy to:

1. All Members including Chief Minister/ Deputy Chief Ministers/Ministers/ Advisors of the 14th Nagaland Legislative Assembly.
2. Office Copy

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(Khruohituonuo Rio)
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Nagaland Legislative Assembly
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