Draft Indian Forest Act, 2019 - II

What is the issue?

- The draft Indian Forest Act, 2019 was recently released by the Union government, proposing an overhaul of the Indian Forest Act, 1927.
- Given the varied concerns with its features, here is an overview of the objective, rationale and implications of the draft law and the changes needed.

What is the objective?

- The Indian Forest Act, 1927 was imposed by the British rulers to take over Indian forests and use them to produce timber.
- It has been criticized for years for providing immense discretion and powers to the forest bureaucracy.
- Forest officials could govern areas declared as forestlands of different classes and summarily arrest and prosecute forest-dwellers.
- The Act curtailed and extinguished the rights of millions of forest dwellers, to address which the new law has been drafted now.
- But the draft law largely retains as well as enhances the policing and quasi-judicial powers that forest officials enjoyed under the original act.

What is the centre's rationale?

- Forest officials often contend that they remain the only face of administration over these vast difficult-to-access territories.
- They have to deal with the difficult challenge of retaining the quality and extent of forest cover.
- This becomes especially challenging in the face of high population pressure and development activities.
- It is in this light that the Centre proposes to enhance forest officials' police powers and capacities over forestlands.

What are the concerns?

- The draft Indian Forest Act, 2019 is short of being a transformative piece of legislation.
- It reinforces the idea of bureaucratic control of forests, providing immunity for actions of forest officials.

- The hardline policing approach is reflected in the provisions of infrastructure for the accused, collective punishment, etc.
- The enhancing of powers of forest bureaucracy is likely to alienate tribals and also fuel left-wing extremism in Central Indian region.
- Such provisions invariably affect poor inhabitants, running counter to the empowering and egalitarian goals.
- The draft Indian Forest Act must be redrawn to rid it of the bureaucratic overreach.

How could the new law be reworked?

- The original law, the Indian Forest Act, 1927 suited the objectives of a colonial power with extractive uses for forests in mind.
- The new law enacted should thus make a departure from that and be aimed to expand India's forests.
- It should ensure the well-being of traditional forest-dwellers and biodiversity in these landscapes.
- Forest health can be improved only through collaboration.
- Any new forest law must, therefore, aim to reduce conflicts, incentivise tribals and stop diversion for non-forest uses.
- The need is for a paradigm that encourages community-led, scientifically validated conservation.
- This is critical as only 2.99% of India's geographic area is classified as very dense forest.
- The rest of the green cover of a total of 21.54% is nearly equally divided into open and moderately dense forest. - State of Forest Report 2017.
- So all suitable landscapes should be recognised as forests and be insulated from commercial exploitation.

What are the other tasks ahead?

- India's forests play a key role in moderating the lives of adivasis and other traditional dwellers, as well as everyone in the subcontinent.
- They have a wider impact in terms of climate and monsoons.
- But for decades now, the Forest Department has resisted independent scientific evaluation of forest health and biodiversity conservation outcomes.
- Also, environmental policy has weakened public scrutiny of decisions on diversion of forests for destructive activities.
- Impact assessment reports are mostly not taken seriously, and the public hearings process has been diluted.
- So the government needs to launch a process of consultation, beginning with the State governments.
- It must be ensured that a progressive law is adopted by all States, including

those that have their own versions of the existing Act.

- The Centre must consult all stakeholders and communities, including independent scientific experts.

Source: The Hindu, Business Standard

