

This article is related to General Studies
Paper -II- (Governance system) and III
(environment and ecology)

The Hindu

20 Apr, 2019

"The draft Indian Forest Act must be redrawn to rid it of bureaucratic overreach."

Modernising colonial era laws is a long-delayed project, but the draft Indian Forest Act, 2019 is woefully short of being a transformative piece of legislation. The original law, the Indian Forest Act, 1927, is an incongruous relic, its provisions having been drafted to suit the objectives of a colonial power that had extractive uses for forests in mind. A new law enacted should make a departure and be aimed to expand India's forests, and ensure the well-being of traditional forest-dwellers and biodiversity in these landscapes. The need is for a paradigm that encourages community-led, scientifically validated conservation. This is critical, for 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, according to the State of Forest Report 2017. The draft Bill reinforces the idea of bureaucratic control of forests, providing immunity for actions such as use of firearms by personnel to prevent an offence. The hardline policing approach is reflected in the emphasis on creating infrastructure to detain and transport the accused, and to penalise entire communities through denial of access to forests for offences by individuals. Such provisions invariably affect poor inhabitants, and run counter to the empowering and egalitarian goals that produced the Forest Rights Act.

India's forests play a key role in moderating the lives of not just the adivasis and other traditional dwellers, but everyone in the subcontinent, through their impact on the climate and monsoons. Their 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. This can be achieved by recognising all suitable landscapes as forests and insulating them from commercial exploitation. Such an approach requires a partnership with communities on the one hand, and scientists on the other. For decades now, the Forest Department has resisted independent scientific evaluation of forest health and biodiversity conservation outcomes. In parallel, environmental policy has weakened public scrutiny of decisions on diversion of forests for destructive activities such as mining and large dam construction.

Impact assessment reports have mostly been reduced to a farce, and the public hearings process has been diluted. When a new government takes over, the entire issue should go back to the drawing board. The government needs to launch a process of consultation, beginning with the State governments to ensure that a progressive law is adopted by all States, including those that have their own versions of the existing Act. The Centre must hear the voice of all stakeholders and communities, including independent scientific experts.

Indian forest act 1927

Why in the discussion?

- The Ministry of Environment, Forest and Climate Change (MOEFCC) has finalized the first comprehensive amendment draft of the Indian Forest Act, 1927
- This 123 page draft defines the important issues that are missing in the original law.
- This draft has been prepared on the basis of the input of a core committee formed by the Ministry on this matter, forest Inspector General the Noel Thomas had sent letters to all the states on March 7 seeking their opinion.
- All states have to consult with all stakeholders such as non-profit organizations and members of the civil society and by June 7, the responses should be sent to the ministry.

What is it?

- Under the Indian Forest Act, 1927, the Government and the Forest Department have the right to notify any areas of forests to be protected and preserved.

- Under this law, the state government can declare any forest land as protected forests except for protected forests.
- The resources of these forests are controlled by the state government and those forests under the control of the rural community are considered as village forest under this law. The Forest Act, 1927 was in practice for the protection of forests till the year 1980, but when the indiscriminate deforestation of began, the draft of the Forest Conservation Act, 1980 was completed.
- But till 2005 the draft could not be submitted to Parliament. Later, it was sent to the Joint Parliamentary Committee and after the report of the committee in May 2006, it was passed in the name of 'Scheduled Tribe and other traditional forest dwellers (Recognition of Forest Rights)' legislation in December 2006 by making many amendments in this Act. This law came into force in all the states except in Jammu and Kashmir from effect from January 1, 2008.

Expected Questions (Prelims Exams)

1. In the context of 'Indian Forest Act, 1927', consider the following statements:-

1. Under this Act, the State Government can declare any forest land as protected forest.
2. In addition to this, the Government and the Forest Department have the right to notify any area of forests to be protected and preserved. Which of the above statements is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Expected Questions (Mains Exams)

Q. Discussing the provisions of the Indian Forest Act, 1927, what points should be focused to improve it? Analyse.

(250Words)

Note: Answer of Prelims Expected Question given on 19 APR. is 1(c)