

# HUMANISE THE LAW: DRAFT INDIAN FOREST ACT

Relevant for: Developmental Issues | Topic: Rights & Welfare of STs, SCs, and OBCs - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

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.

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