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## The new Forest Act debate is essential

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At the outset, it should be appreciated that a colonial legacy is being shed in the form of the new Forest Act. A shift from a consolidation law to a law with purpose of conservation enrichment and sustainability taking into account the fast changing local and global scenario, meeting national development aspirations and international commitments and also support forest-based traditional knowledge needs to be welcomed and debated.

Several new provisions ignored by critics include the definition of the community itself, a focus on village forests, which has never been put to use since the inception of the law itself, the clarity on forest and forest land, which never existed, the coverage of other categories of forest including unclassified forest and a new pragmatic approach to production forestry are some of the novel elements of the law.

The two important aspects of community forestry and production forests are the most important pillars of this law to unleash the potential of community engagement as well as the unlocked opportunities of production forestry.

The criticism of a more stringent law needs to be understood in the context of timber mafia, wild species cartels and organised illegal trade which has perpetrated into the forest management system. The fear of misuse of stringent provisions cannot be a reason to deal strongly with serious forest offenders who have plundered our forests. I see community engagement including the role of traditional forest dwellers as a vehicle to nab illegal miscreants rather than they themselves being victimised.

For the first time, Non-Timber Forest Products (NTFPs) and its management and its linkage has been thought through in this new law. The concept of working plan has been given a legal sanctity which was never the case until the Supreme Court said so.

For the first time, the global issues of climate change, desertification, carbon sequestration has been dealt with in the new law.

The relationship between the Indian Forest Act and the Forest Rights Act (FRA) has been clearly defined and distinguished. The new law also provides for recording of individual and community rights under the FRA for complete clarity so that the rights recognised under FRA is not interfered with the Indian Forest Act.

For the first time, conservation areas for carbon sequestration have been thought through.

Giving legal sanctity to joint forest management was long overdue which is distinguished from those areas which are under the FRA. In fact, for the first time, this clarity between joint forest management committees and FRA has been done. Detailed provisions with regard to shifting cultivation as well as prevention of forest land degradation and combating desertification has been introduced.

Strict provisions with regard to illegal felling, cutting, damaging, destroying trees in both urban and rural areas have been introduced. Confiscation procedures were never clear and therefore the law provides for a clear procedure of confiscation with the principle of natural justice ingrained within it as well as power of revision and appeal, which have been introduced so that a fair procedure is established. The offences have also been categorized into major and minor offences which distinguishes the penalties themselves. The criminal provisions of the Act have only been aligned with the Criminal Procedure Code.

For the first time, appointment of a special court to try forest offences has also been introduced.

The promotion of private forests and private conservancy is also a new dimension to this law. Similarly, the management of degraded forest land and wasteland has also been thought through perhaps for the first time. A statutory board namely the National Forestry Board on the lines of the National Board of Wildlife has also been envisaged. The National Forest Development Trust Fund is a novel idea to ensure adequate funds for forest management.

It is therefore clear that a long-awaited debate on a new Forest law has begun, which needs to be welcomed. In any case, the said law can only be directly implemented in 11 out of 29 states and the remaining states have to be convinced to adapt the national framework, as they have their own respective State Forest Acts most of them having presidential assent, which means they override the national law.

This change was long overdue and it creates a platform for a fresh and frank debate which needs to be constructive for both, forests and people.

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