

Centre seeks expression of interest for draft amendment to Indian Forest Act

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The Union environment ministry has called for expression of interest from consulting agencies, firms, joint venture consortiums to prepare a new draft amendment to the Indian Forest Act, 1927. In an office memorandum on April 26, the ministry said it extended the date for submission of proposals after the deadline for it ended that day. The new deadline now is May 6.

The ministry published an amended draft of the Indian Forest Act in 2019, which included so-called “production” forests, mainly of timber, pulp, pulpwood and other non-forest produce, in its definition of forests. One of the principal concerns of tribal groups and activists was that the provisions of the zero draft amendment 2019 gave more powers to forest officers, including the use of firearms and greater immunity from prosecution. Following protests by tribals, the draft amendment was withdrawn.

“We are completely withdrawing the draft amendment to the Indian Forests Act to remove any misgivings. The tribal rights will be protected fully, and they will continue to be the important stakeholder in forest development,” environment minister Prakash Javadekar said in November 2019.

The ministry did not mention the 2019 draft amendment. It added the last such exercise on the law started in 2017 and the first draft was placed in the public domain. Based on comments received, it was decided that a more pragmatic amendment was needed. The ministry said the amendment should encourage economic growth by encouraging especially non-government actors/ private sector/ civil society/ individuals to take up afforestation/tree planting and/or to develop/manage private forest on non-forest lands on their own.

The ministry has also commissioned a private law firm to draft a new Environmental Management Bill, which will subsume the Air Act, 1981, Water Act, 1974, and the Environment (Protection) Act, 1986, to become an overarching law for the governance of environmental issues. The Forest Conservation Act, 1980, is also being amended, a second environment ministry official said. But the draft is confidential for now, the official added.

Kanchi Kohli, a legal researcher at New Delhi’s Centre for Policy Research, said the Indian Forest Act is one of the most contested laws in India with colonial roots. “Any amendment...will have to address several old and new conflicts, including that of Centre-state jurisdiction, contested forest claims and protection of wildlife and biodiversity.” Kohli said both forest destruction and protection are also at the heart of climate justice debates. “This makes it even more crucial for any amendment to the IFA [Indian Forest Act] to be locally grounded and globally aware. Therefore, to even say that the process of amending the IFA should be democratic, inclusive and not rushed through, would be an understatement.”

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