The private forestry plan must square with Forest Rights Act

The Union government recently amended the statutory guidelines under the *Van* (*Sanrakshan evam Samvardhan*) *Adhiniyam*, 1980, to allow private entities to lease forest land for plantation activities. Practices that were treated as "non-forestry" — because they alter the natural composition of forests and diminish biodiversity, especially when they involve commercially oriented monoculture for timber and pulpwood — are now reclassified as forestry activities, provided they conform to forest working plans. These plans, prepared by state forest departments, prescribe how forests are to be managed but still reflect a colonial legacy geared towards optimising tree growth for timber. By exempting plantation activities from the compensatory obligations imposed on non-forestry uses of forest land (i.e., payment of the forest's net present value and equivalent afforestation on non-forest land), the amendment substantially lowers the cost of private entry. It is, thus, expected to benefit industries such as paper and pulp, which increasingly rely on imports.

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As a kind of balancing act, though not without contradiction, the government has also framed this as an opportunity to scale up the restoration of degraded forests. That justification is hardly persuasive. The government does not lack funds for restoration, with substantial allocations often remaining unspent. A more plausible rationale is the expectation that non-government actors might bring new, socio-ecologically appropriate approaches into a field long monopolised by State agencies. Yet the insistence on strict compliance with existing working plans leaves little room for correction or innovation. The implementation frameworks that states are expected to develop may provide further clarity, but the amendment's emphasis on revenue-sharing models already points to commercial, rather than ecological, priorities.

The amendment, however, suffers from a more fundamental — and legal — infirmity. Forest-dependent communities, numbering an estimated 275-300 million people, are entirely absent from this framework. What role do *Adivasi* and forest-dwelling people, whose rights are explicitly recognised under the Forest Rights Act, 2006 (FRA), play in decisions that will reshape the forests they depend on? And can the government legitimately proceed with such reforms without reckoning with the law that was enacted to correct precisely this kind of exclusion?

IN THE CENTRAL INDIAN FOREST-BELT, WHERE LARGE NUMBERS OF VILLAGES HAVE OPPOSED TIMBER FELLING IN FOREST PATCHES LEASED TO STATE-OWNED COMPANIES UNDER EXISTING WORKING PLANS, FOREST DEPARTMENTS HAVE SOUGHT NOT LEGAL COMPLIANCE, BUT INSTEAD TO REVOKE RECOGNISED RIGHTS

The omission is especially striking because the guidelines themselves require that any leasing of forest land comply with the FRA. The amended framework effectively bypasses this requirement. FRA compliance firstly requires the settlement of forest rights, including *gram sabhas*' ownership of — and the right to trade in — non-timber forest products (NTFP) as well as their right to protect, regenerate and manage forests within villages' traditional boundaries. In 2009, the environment ministry estimated that more than half of India's forest land, predominantly in its *Adivasi* homelands, lies within such traditional boundaries. *Gram sabhas* have the authority to prepare and implement their own management plans for those forests tailored to local ecological conditions and community needs. The law requires these village-level plans to be integrated into the official working plans.

In practice, this legal sequence is routinely ignored. Even where *gram sabhas*, often amid administrative recalcitrance, have secured their rights and prepared management plans, forest departments have frequently refused to acknowledge their legitimacy. The legally mandated integration process has never been carried out because neither the Union nor state governments have established effective mechanisms to enforce this requirement.

How can the amendment permit private projects to proceed on the basis of working plans when those plans themselves have not been updated as the law requires? The consequences of such undermining of the law are not hypothetical. In the central Indian forest-belt, where large numbers of villages have opposed timber felling in forest patches leased to State-owned companies under existing working plans, forest departments have sought not legal compliance, but instead to revoke recognised rights or reject pending claims.

Bypassing *gram sabhas* also excludes the well-established benefits of community-based forest management. Those who live in and depend on forests are more likely to make sustainable decisions because they bear both the immediate costs and long-term risks of mismanagement. Livelihood and cultural values, therefore, provide a much needed push back to the dominant impulses of technocratic number-chasing and corporate profit-seeking.

Yet, centralised institutions and legacy regulations continue to impede *gram sabhas*' legal authority, access to public funds, and participation in NTFP markets. The present amendment deepens this exclusion. If the government is serious about restoring and sustainably managing forests, it must reposition itself as a facilitator rather than displace community governance. That would require a framework in which *gram sabhas* are first accorded their legally mandated institutional role and support, and are also empowered to decide whether and how to engage with non-State actors, to co-produce wider public benefits, whether through restoration, sustainable trade, or emerging opportunities such as carbon markets.

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