

CHAPTER V

THE FOREST POLICY OF INDIA

The forest administration of a State is closely linked with its forest policy and forest laws. The forest policy occupies the most important place in the forest administration. Forest policy is defined as "that branch of forestry which deals with the social and economic aspects of forestry and considers especially, the duties of the State as regards forests, so that they may meet the demands of the community in the highest possible degree and the most of the economical manner"¹. The forest policy of a country should be based upon the requirements of that country for the direct and indirect services which forests can render and their importance in relation to other methods of utilising land.

THE OBJECTS OF THE FOREST POLICY

Forest is a major resource. Its main characteristic is that it can be destroyed immediately, but its regeneration takes a long time. Therefore, it must be based upon a sound policy. The main objects of forest policy are as follows :

- (1) To ensure that there shall be an adequate area of forests in the country taking into consideration the geographical and soil structure of the region.

¹ I. Thomas Thompson and M. R. K. Jerram, An Outline of Forestry, p. 1.

- (2) To protect the present and future forests from injury by men, pests and diseases as far as possible.
- (3) To maintain and if possible, improve the productivity of the existing forests.
- (4) To develop wild life on scientific lines.
- (5) To develop recreational forestry.
- (6) To maintain ecological balance.

These objects should be taken into consideration while formulating the policy on spatial basis. Regional potentialities should be synchronised with national policy. To formulate a realistic and scientific policy a cell of forest experts, administrators and economists should be created. It again requires a comprehensive and reliable data of forests in a country. A sound policy takes into account the needs of present and future generations.

The Forest Policy should be given the force of law by incorporating it in an Act or Statute of the Legislature and a State Forest Authority established charged with the duty of carrying out the policy, and given the powers necessary for the purpose. The details will depend on the conditions of the country but in all cases, it is of the greatest importance that the policy and the provisions for carrying it out should not be subject to capricious variations at short intervals through political or economic causes. The forest authority should have at its disposal a revenue which it can count upon for a period of years, so that its plans may be made in advance and its work^a proceed in an orderly manner.

THE BRITISH FORESTRY POLICY IN 1894

The Forest Policy after British occupation of India was to bring more extensive forest areas under cultivation and the whole policy tended in this direction. The Indian Forests were mercilessly exploited and timbers were exported for the building of ships and railway sleepers. Very soon however, it became apparent to them that this was against the long term imperial interests and the need to work forests scientifically was felt.

In 1854, Dr. Maclelland, Superintendent of Forests in Pegu, submitted a report to the Government of India. On the basis of that report Lord Dalhousie, the Governor General of India, issued a Minute on the 3rd August, 1855 which may be called as the "Charter of Indian Forestry".

The practice of scientific forestry in India may be said to have begun with Sir Dietrich Brandis taking over as the Inspector General of Forests, India, in 1864. Under his able guidance Forest Departments were created in the various British Provinces. The first responsibility that devolved on the forest officers was to inspect treeclad lands and all hilly regions and then to demarcate, survey and map suitable areas for settlement as reserved or protected forests under the newly enacted Indian Forest Act, 1865. After these forests were inspected by the Inspector General of Forests along with the local forest officers, general principles were laid down on which they were to be managed.

Dr. Voelcker was asked by the Government of India to submit a report on forestry. In his report, submitted in 1893, Dr. Voelcker discussed the role of forests vis-a-vis agriculture and stressed the need for formulating forest policy with a definite bias for serving agricultural interests more directly than before. Accordingly, the Government of India issued a resolution No. 22 F dated 19th October 1894 declaring the Forest Policy. This statement of the forest policy of India later served as a model for drawing the forest policies of various countries of the erstwhile British Empire and other countries, where management of forests on scientific lines was initiated. The basic principles in this policy were as follows :

- (i) The sole object with which State forests are administered is public benefit. In general, the constitution and preservation of a forest, involve the regulation of rights and the restriction of privileges of the user of the forest by the neighbouring population.
- (ii) Forests situated on hill slopes should be maintained as protection forests to preserve the climatic and physical conditions of the country, and to protect the cultivated plains that lie below them from the devastating action of hill torrents.
- (iii) Forests which are the store-house of valuable timbers should be managed on commercial lines as a source of revenue to the state.
- (iv) Ordinarily, if a demand for agricultural land arises and can be met from a forest alone, it should be conceded

without hesitation, subject to the following conditions :

- (a) honey combing of a valuable forest by patches of cultivation should not be allowed.
- (b) Cultivation must be permanent and must not be allowed so to extend as to encroach upon the minimum area of forest that is needed to meet the reasonable forest requirements, present and prospective.
- (v) Forests that yield only inferior timber, fuelwood or fodder, or are used for grazing, should be managed mainly in the interest of the local population, care being taken to see that the user does not annihilate its subject and the people are protected against their own improvidence.

It was this act which for the first time classified the forest into "Reserved" and "Protected Area". In the former no actions were permitted except those specifically allowed. In the latter, actions were permitted except when specifically prohibited. The forest policy of 1894 aimed at rational felling of trees to fulfill the need of the people and to preserve climatic and physical conditions.

For nearly sixty years, forests were continuously conserved. The result of implementation of this policy was a steady building up of the forest capital. But in course of time, many developments took place (since 1894). Due to rapid growth of population pressure on land

increased. The demand for forest products also increased. As a result there was some depletion of forest capital particularly during World War I, but this was more than made up by intensive conservation and management in subsequent years.

The Second World War, post-war reconstruction schemes, river-valley projects, etc. demanded heavily on the produce of forests. Many forest products-utilizing industries were established. Forests were heavily felled, far beyond their sustained production. With the birth of Indian Independence necessity arose for controlling the private forests.

CENTRAL BOARD of FORESTRY, 1950.

Before Independence, a Board of Control under the Chairmanship of the Inspector General of Forests (IGF) ensured adequate standards in forestry training and administrative matters.

In 1948, at a conference of the State Forest Ministers the need for a central forestry organization was considered necessary. In pursuance of this recommendation a Central Board of Forestry (CBF) was constituted in 1950 with the Union Minister for Agriculture as its chairman. Other members were the Ministers of States and Union Territories in charge of Forestry, two members of the Lok Sabha, one of the Rajya Sabha, Secretary in the Ministry of Agriculture, the IGF, the President, Forest Research Institute and College, Dehradun and the Secretary of the Forestry Commission.

The primary function of the CBF is to provide guidance to the State Governments in the formulation of programmes, integration of plans for land use where forestry has to play an important role and to co-ordinate research and review the National Forest Policy enunciated in 1952. Many far-reaching suggestions have been made from time to time. Certain States have, however, not given any heed to them. For example, despite the clear directive that no occupancy or permanent rights be given to the forest villagers - they actually occupy reserved forests in M.P. Recently they have been given tenancy rights. Similarly ignoring the recommendations that measures be taken to control grazing in the forests there is complete laissez faire in certain States.

In March 1980, the CBF was reconstituted and expanded to include representatives of the Union Ministers of Rural Reconstruction, Finance, Industry and Planning Commission, and a representative of the Indian Board for Wildlife. The Union Minister for Agriculture is to be the Chairman and the Minister of State as its Vice-chairman.

The reconstituted CBF also includes the Forest Ministers of States and two members of the Lok Sabha and one of the Rajya Sabha and representatives of the Union Territories. The term of office of the members is four years. The Board has been reconstituted to ensure an all India angle in the integration of forest policy pursued by the various States.

VANA MAHOTSAVA

Soon after the independence attention of the Government was drawn to the need for remodelling the management of Indian forests so that they could play an increasingly useful role in promoting national welfare. As a first step towards making the people forest conscious and thus enlisting their willing co-operation in protecting the forests, the then Union Minister for Food and Agriculture, Shri. K. M. Munshi conceived a nation-wide celebration of an annual tree-planting festival. Inaugurating in 1950, the first Arbor day or **Vana Mahotsava**, as it was called he pointed out that the noblest and the best in Indian culture was born in **Ashramas** where the ancient founders sang :

"May the Gods, the water, the plants and the forest trees, accept our prayers, and may their blessings protect us for ever and ever".

He reminded the people of the description of the forests in the Indian classics, and pointed out how they had become unworthy of this glorious heritage, by mercilessly destroying forests which were the objects of worship. He emphasised that Vana Mahotsava was not a poetic fancy; nor a spectacular festival. It was a process of land transformation to recreate forests. He reminded the nation that if it had to survive, the philosophy of life must be rewritten not only in words, ideas or achievements, but in terms which would replant us firmly on the earth and under the shady trees. Vana Mahotsava was conceived with a view to channelise the urge for creative action, amongst the people, to fruitful ends. Its main aim was to inculcate tree-consciousness in the masses.

This festival of trees has been celebrated every year ever since. But unfortunately, by and large, it has tended to become an excuse for saying a few platitudes. It would be desirable to create Woodlands even if they are small, and then to protect and tend them, and thus leave for posterity, for whom we hold the forests in trust, more forests than we inherited, to meet the ever increasing demand for various forest products.

NATIONAL FOREST POLICY, 1952

During the interval that had elapsed between the pronouncement of the 1894 policy and the country becoming independent, changes of far reaching importance had taken place in the economic and political fields. The population, both of men and livestock, had increased very substantially, resulting in heavier pressure on the forests for securing more land for agriculture and pasturage. The two World Wars had shown the dependance of defence on forests. The reconstruction schemes initiated by the Planning Commission, such as the river valley projects, development of industries and communications, etc., all leaned very heavily on the produce of forests.

Political changes, framing of the new constitution, etc., had their impact on the outlook of forestry. Forestry instead of remaining a hand-maid of agriculture was considered to be indispensable ally and foster mother. The necessity of forests was felt even by the Planning Commission, Government of India, while preparing the draft of the First Five Year Plan. The Planning Commission observed, "Forests are

renewable national asset capable of yielding under proper scientific management not only a steady annual income but also a variety of products essential for human welfare. A stage has been reached where forestry should no longer be regarded as a hand-maid of agriculture but as a necessary complement to it".

The policy was issued as Resolution No. 13-1/52F dated 12th May 1952. The policy of land use has been stated in the following words :-
"The correct solution of the land problem is to evolve a system of balanced and complimentary land use under which each type of land is allotted to that form of use which it would produce most and deteriorate least.

Under the Forest Policy of 1894, even valuable forest, subject to certain conditions were re'linquished for permanent cultivation. This was criticised by the new forest policy. The new policy emphasised upon the role of forestry in the growth and development of national economy. Forestry was given an independant status. Enunciating the policy towards relinquishment of forest land for agricultural purposes the policy observes : "The indiscriminate extension of agriculture and consequent destruction of the forests have also stripped the land of its natural defences against dust-storm, hot winds and erosion.

The old policy which envisaged the relinquishment, subject to certain safegaurds honoured only in their breach of even valuable forest land for permanent cultivation has resulted in general deterioration of physical conditions to the detriment of national interests, and must

therefore be given up. In the abstract the claims of agriculture undoubtedly appear stronger than those of forestry. The nation widely entertained that forestry, as such has no intrinsic right to land but may be permitted on sufferance on residential land not required for any other purpose, has to be combated. The role of the forests in national economy both protective and productive, entitles forests to lay claim to an adequate share of land."

The following are the points laid down in the National Forest Policy of 1952 :

(1) There shall be a balanced and complementary land use policy. Every type of land should be utilised for the maximum possible production.

(2) There is important role of forestry in the growth and development of national economy and forests can claim adequate share of the land.

(3) The forests should cover at least 33 percent of the total land area of which 60 percent shall be in the hills and 20 percent in the plains.

(4) Forestry shall have an independent status. It shall be independent of agriculture and shall remain a State subject.

(5) The indiscriminate extension of agriculture and consequent destruction of forests should be given up. This is the cause of deterioration of physical conditions and the national interests.

(6) In the abstract the claims of agriculture undoubtedly appear stronger than those of forestry.

- (7) This policy classified the forests into the following² :
- (a) Protected forests, i.e. which must be preserved for physical and climatic conditions.
 - (b) National Forests, i.e. which are to be managed to meet needs of defence, communication and industry.
 - (c) Village Forests, i.e. those which provided firewood to release cowdung for farm.
 - (d) Tree lands, i.e. those outside the organised forest management, yet necessary from the environmental point of view.

Undoubtedly the policy of the Government has been very cautiously worded. Nevertheless, it must be admitted that the full significance of forestry has not yet been fully realised by the Government.

PLAN OUTLAYS ON FORESTS

During the Five-Year Plans the expenditure of forest development has been in the range of 0.5 percent to 0.6 percent of the total plan expenditure. Total expenditure on forests during the First Plan was Rs. 10 crores (0.5 percent of the total plan outlay), it was Rs. 19 crores during the Second Plan (0.4 percent of the total outlay), Rs. 46 crores during the Third Plan (0.5 percent of the total outlay) and Rs. 93 crores during the Fourth Plan (0.6 percent of the total outlay). The Sixth Plan outlay on forests was Rs. 690 crores which was 40 percent more than what was spent on the previous 30 years (Rs. 480

2] Prabir Thakur : Forestry in India, India and Foreign Review, July, 1984, p.25.

crores) but in percentage terms, the Sixth Plan outlay was less than 0.6 percent of the total plan outlay. In other words, although in absolute terms there has been an increase in plan outlay on forests, in relative terms it was more or less insignificant. Experts feel that this allocation has been insufficient for forests development. This explains to a considerable extent as to why the contribution of forestry has been low. During the Seventh Plan, the allocation for forestry and wildlife has been raised substantially to Rs. 1,860 crores, that is 1 percent of total outlay.

EVALUATION OF GOVERNMENT'S POLICY

The target of 100 million hectares or 33 percent tree cover was fixed by 1952 forest policy. This target was never achieved and the Seventh Plan document contains all sorts of steps to achieve this target by the turn of this century. Despite all the big talk about the spectacular success of the social forestry, and of the many ambitious afforestation programmes, deforestation is going on merrily, and at a alarming rate of 1.3 to 1.5 million hectares every year through open collusion State Governments, forest department officials, forest contractors and wood-based industries. The decimation of the forest cover is unlikely to stop. While the ecological degradation of Western Ghats and Eastern Ghats is going on unabated, the rich forest wealth of the Himalayas is expected to disappear in another 30 years. ✓

The 1952 forest policy was bound to fail, as it had declared all needs viz, the peoples need for minor forest produce, the industry's

demand for raw materials and the State's demand for revenue (through the sale of timber and other forest produce) to be of equal importance. In practice however, industry's demand for raw materials took precedence. At the same time, the States were interested in getting more and more revenue by selling timber and other forest produce (which has led to many malpractices). Massive deforestation began with the industrialists cutting down vast tracts of trees beginning with those nearest the villages from which the villagers traditionally got more than 50 percent of their food and most other requirements. With the cutting down of trees by the industry, began the vicious circle of people's impoverishment, indebtedness and alienation to the moneylender and consequent dependence on cutting and sale of firewood for their very survival. Because of industrial and revenue orientation, the pace of deforestation has intensified after independence. It is estimated that,

- (a) between 1854 and 1952, that is roughly 100 years before Independence, tree cover had come from an estimated 40 percent to 22 percent of the land area, at the annual rate of about 0.2 percent and
- (b) between 1952 and 1988 i.e. only 36 years after independence, tree cover had come down from 22 percent to 12 percent of the total land area, at the annual rate of 0.4 percent.

According to an estimate of FAO, India lost 3.4 million hectares of forest area between 1951 and 1972, which works out to an annual denudation of 155,000 hectares. But according to the latest satellite

imagery studies, the country is currently losing its forest cover at the annual rate of nearly 1.3 million hectares.

The State and the forest bureaucracy have attempted to check this massive deforestation by trying to protect forests from the people but they have done little or nothing to protect them from industry. Even the social forestry programme, initially designed to meet the fuel and fodder requirements of the people, has been distorted by the forest bureaucracy to suit the needs of large land owners and industry.

THE INDIAN FOREST BILL, 1980

Main Provisions of the Bill :-

The Bill tries to formulate certain definitions very widely. Thus, 'forest includes any land containing trees and shrubs, pasture lands and any land whatsoever which the State Government, may by notification, declare to be forest for the purpose of the Act'.

It is clear from that, the Government can even declare lands without any trees and shrubs as forest lands. Similarly, forest produce is defined as to include trees, leaves, flowers, fruits, latex and all other parts or produce of trees not specially mentioned as well as all types of grass, creepers, orchids, moss and all parts or produce of such plants.

The Bill divides forests into three classes, viz. reserved forests, protected forests, and village forests. The distinction is mainly based on the people's rights over forest produce. It has been laid down that claims relating to the practice of shifting cultivation shall not ordinarily be entertained under certain circumstances.

THE FOREST CONSERVATION ACT, 1980

The Indian Forest Bill ^{was} passed by the Parliament and was declared as the Forest Conservation Act of 1980.

According to this act the forest has come under concurrent list. This act is applicable to all the States except Jammu and Kashmir. The Act lays down a number of acts prohibited in reserved and protected forests and prescribes punishment for committing prohibited acts. The Act has given very wide powers to forest officers to arrest and seize the property to deal with the offences committed in respect of the forest.

FOREST POLICY OF 1988

The Government of India announced its new forest policy in December 1988 replacing the 1952 forest policy which had failed to stop the serious depletion of the forest wealth over the years. It, therefore, became imperative to evolve a new strategy of forest conservation. The new forest policy was in preparation for a long time by the Ministry of Environment and Forests. Earlier drafts of the policy prepared and circulated in 1984 and 1987 came under severe criticism and the new

policy statement is said to be an improvement on the previous drafts.

The new 1988 forest policy removes many anti-people statements of earlier documents and recognises the symbiotic relationship between the tribal people and the forests. It seeks to ensure that communities living within and around forest areas, especially the tribals should be able to get their domestic requirements of fuel wood, fodder, minor forest produce and construction timber from the forests. The new policy enunciates that all agencies responsible for forest management, including forest development corporations should associate tribal people closely in the protection, regeneration and development of the forests.

The new forest policy begins by stating that the forests have been depleted owing to fuel, fodder, timber needs and transfer of land for non-forest uses and for raising revenue. It clearly recognises the failure of the State to preserve forests and control timber smugglers and contractors. The new policy reiterates that green cover should be extended to over two-thirds of the land areas in the hills and mountains and that the total forest area in the country should be raised to 100 million hectares or 33 percent of the total geographical area of the country. The interesting point is that these strategies and targets were fixed originally by the 1952 forest policy.

The new forest policy states that forest-based industries must get their raw materials from wood raised through farm forestry, and that no forest-based enterprises - except at the village or cottage level would be permitted in the future, unless it has been first cleared, after

a careful study of the availability of raw materials.

The new policy advocates an end to the system of contractors using the forests. The contractors will be replaced by institutions such as tribal co-operatives, Government corporations, etc. It is a well known fact that private contractors have exploited ruthlessly the simple and ignorant forest dwellers. But the tribal development co-operatives and other official agencies had also failed miserably and have become sources of exploitation. Even then, the new forest policy advocates the distribution of minor forest produce through state-run depots.

The forest department used to assign forest land to an individual or non-Government agency for the purpose of reforestation. But it is a cognisable offence to put forest land into "non-forest uses", which have been defined as "cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops of medicinal plants".

The Government has generally suggested alternatives to industrial timber, railway sleepers and fuelwood. The new policy suggests that India should import timber from other countries.

EVALUATION OF FOREST POLICY

The new policy has been hailed as a blue-print for restoring the green cover over one-third of the country's land. Actually, the new policy says nothing that has not been said by the forest policy of 1952. The target fixed by the policy of 1988, is to have 100 million under

forestry and the strategy to be used is to provide green cover over two-thirds of the land area in the hills and the mountains - the target and that strategy were the same as those fixed 36 years ago. This period of 36 years, between 1952 and 1958 has witnessed such ruthless destruction of forest in the country that, instead of the forest cover being raised to 33 percent of the total geographical area, it has been reduced to 12 percent.

The reasons behind the destruction of the forests are well known. Reports after reports appear from time to time highlighting the damage that has been done in particular areas and the experts have even predicted the time when forest would disappear completely. However, no significant steps have been taken to restore the green cover.

There are three parties interested in the forest question. The people, the forest - based industries and the States; but there are inherent contradictions in the approaches and the attitudes between people and industries and between people and the State. These contradictions started with the British in the 19th century, who regarded the forest as a source of revenue. The British declared that all forest land belonged to the State, but they conferred certain rights and privileges to the forest dwellers to the use of minor forest produce. The 1952 forest policy conceded some concessions to the forest dwellers and to the poor people living near the forest to the use of minor forest produce. In practice however, the forest officials did not permit these

poor people to collect fuelwood and to use minor forest produce. On the other hand, industrial and commercial requirements for timber and raw materials were called national needs and were subsidised by the State. Accordingly, industry could get cheap timber and raw materials; the State could raise revenue from the sale of timber and other forest produce. It was because of the industrial orientation that the felling of trees for industrial and commercial purposes became extensive and the pace of the deforestation was intensified after Independence.

It is pity that the new forest policy has done nothing to resolve this contradiction and reverse the trend, even though it talks about the symbiotic relationship between the forest dwellers and the forests. The forest departments were expected to supply denuded forest land to the forest dwellers for the purpose of regeneration and to build community resources depleted by industrial felling. But they are not allowed to grow fruit trees, medicinal plants or even fodder of which the need for survival of these trees under the definition of "non-forest uses". On the other hand, industries could acquire forest land for growing exclusively industrial species, as they were considered forest plantation. This has been the situation till recent, but the amendment to the Forest Conservation Act, 1980 aims at checking the trend and preserving ecological balance. Voluntary agencies working to protect forest, however, believe that, despite the new forest policy, the Government would not be able to check the industrial and commercial pressures.

The new forest policy is also bound to fail in the face of uncontrolled expansion of population and regular encroachments on forest land - the ruling party invariably regularises such encroachments at the time of general elections. Mindless construction of multipurpose irrigation dams destroying prime forest. extension of mining and construction of townships and above all, illegal felling of trees; all these directly result in rapid deforestation.

Of all the environmental problems facing the country, the problem of deforestation has received the maximum attention from the Government and the general public but ironically, Government policies on afforestation have attracted the greatest public criticism.