



E-ISSN: 2706-9117

P-ISSN: 2706-9109

www.historyjournal.net

IJH 2023; 5(1): 51-53

Received: 01-01-2023

Accepted: 05-02-2023

Dr. Shadab Farha

Assistant Professor,
Department of History, Sri
Satya Sai University, Sehore,
Madhya Pradesh, India

Bharat Krishna Chikankar

Research Scholar, Department
of Indian History, Sri Satya
Sai University, Sehore,
Madhya Pradesh, India

Corresponding Author:

Dr. Shadab Farha

Assistant Professor,
Department of History, Sri
Satya Sai University, Sehore,
Madhya Pradesh, India

Evolution and implication of forest rights in India

Dr. Shadab Farha and Bharat Krishna Chikankar

Abstract

A variety of policies and projects have been developed and put into effect in India for the development of forest and biodiversity conservation, afforestation, and reforestation. The nation has the objective is to cover one-third of the area with trees and forests. The livelihood of rural and indigenous inhabitants as well as the preservation of biodiversity depend on India's forest ecosystems. This article examines the history, evolution, and ramifications of India's legislation pertaining to forest rights. It makes the case that the law governing forest rights has to be expanded in order to aid in tribal development. Locals now have more access to and control over forest resources because to a number of government, NGOs, and civil society initiatives. As a result, there has been some progress in forest management and preservation, as well as less stress on the environment. Degraded woods have been substantially restored, and new forests have been planted. Locals have started supporting forest conservation in areas where benefit-sharing programmes have allowed them to make money.

Keywords: Forests, ecosystem, NGOs

Introduction

India is a nation with a mega-biodiversity, with forests covering roughly 20% (64 million hectares) of its total land area. With approximately 200,000 settlements designated as forest villages, it is clear that many populations rely heavily on forest resources. In order to protect biodiversity and the livelihood of those who depend on forests, it is crucial to estimate the potential effects of predicted climate change on forests and to design and execute adaptation methods. Nearly 40% of the nation's energy demands, of which more than 80% are met in rural regions, and roughly 30% of the feed requirements of the cattle population are met by forests. A significant portion of non-timber forest products (NTFPs), which make up 70% of all forest products and 40% of state forest earnings, are food for the rural poor and play a significant role in the rural and tribal economies.

Families without access to land and small-scale farmers rely solely on activities connected to the forest for their livelihood. India is predominantly a rural nation, with around 600,000 villages and nearly three-fourths of its inhabitants living there. Of them, 170,000 settlements with a combined population of 147 million are thought to be near woods (FSI 1999) ^[4].

Area under Forests

There is now a brand-new National Forest Institute (NFI) since 2002, by FSI. The nation has been split into 14 physiographic zones and 60 randomly chosen districts from these zones in two years, probabilities corresponding to size are inventoried. There are over 8000 sample plots dispersed across the country's forests, whenever a field inventory cycle occurs. According to FSI (2002), forests are any areas having an area more than one hectare and a tree canopy density of more than 10%. According to a 2005 study, the country's total forest cover covers 677,088 km², or 20.60 percent of its total land area. This includes 289,72 km² (8.82%) of open forest cover, 332,647 km² (10.12%) of moderately dense forest, and 54,569 km² (1.66%) of extremely dense forest. With 76,013 km², Madhya Pradesh has the most land covered in forests among the states, followed by Arunachal Pradesh (67,777 km²) and Chhattisgarh (55,863 km²). Mizoram has 88.63 percent of its land area covered by forests, followed by Nagaland (82.75 percent), Arunachal Pradesh (80.93 percent), and the Andaman and Nicobar Islands (80.36 percent) in that order. The state with the most scrubland is Andhra Pradesh (9862 km²).

Forest laws in India

Deforestation has been considerably accelerated by India's forest legislation and policy.

In India, the state owns the forests. Since its start in 1864, the organising principles of forest management have been the assertion of state monopoly and the exclusion of forest populations. The "tragedy of the commons" argument is a key defence of state property rights legislation. The idea weakens their desire and capacity to protect their own ecosystem and natural resources, putting state forest departments at odds with the people who depend on forests. The only way to keep people out of forests is with the aid of a social barrier. Communities that depend on forests must develop a stake in their preservation. That is only feasible if their needs for food, medicine, fuel, and fodder are satisfied and they are also involved in decisions about the management of the woods. The livelihood of people and conservation are the two main goals of forests, and both should be protected.

The forest act 1865

Around the middle of the nineteenth century, British forest consciousness in India started to take tangible form while adhering to the bourgeois attitude towards forests. Traditional dues had been the British government of India's principal source of forest revenue up until that point. A panel appointed by the colonial government produced a report in 1850 that said that the mismanagement of the local population was the primary cause of the destruction of Indian forests (Agarwal 1985) ^[1]. As a result, in 1864, a full-fledged forest department was established. The organizing principles of forest management were then characterized by the assertion of state monopoly rights and the exclusion of forest populations. The first Forest Act was created in 1865 with this goal in mind. The ability to designate any area covered with trees, brushwood, or jungle as a "government forest" was granted to the Governor General of India as well as the local administrations. Such rights are rarely existed on paper; and as Baden-Powell contended, under ancient law, the British Government was the general owner of all vacant land or wasteland in the lack of recognized individual rights of possession, however originating (Baden-Powell 1882: 88) ^[2]. The Act's only goal was to create state property rights, which translated to the freedom to clear forests for imperialist ends. Overall, the Act was quiet about the fundamentals of forest management; yet, accountability and economic/commercial factors were increasingly important. In order to guarantee a consistent stream of income in the future, it was also realized that forest conservation and protection were essential.

The Forest Act 1878

In 1878, the 1865 Act was repealed in favour of one that was far more oppressive in order to increase tax and commercial profit. Only Section 8 of the previous Act, which allowed for warrantless arrests, was what Baden-Powell, the main architect of the new Act, sought to keep (Guha 1983: 41) ^[6]. The main goals of the new legislation became the creation of total state property rights over forests and the legal separation of customary rights. Its two main characteristics were the method for forest settlement in these and the division of forests into reserved forests, protected forests, and village woods. The delineation, which is a fundamental component of the concept of forests, was solely based on administrative considerations. The FSO had outstanding flexibility throughout the entire exercise,

though. Despite the very tight and exact phrasing of the numerous clauses, the Act as a whole allowed a lot of room for interpretation. In fact, Baden-Powell said that if such readings were done correctly, it was frequently startling to discover how much better off the colonial state was than a careless or futile eradication of existing areas would first imply.

Forest act 1927

Indian Forest Act of 1927 emphasises wood. "An Act to Consolidate the Law Relating to Forests, the Transit of Forest Produce, and the Duty Leviable on Timber and Other Forest Produce," is what the act's title refers to. The Act prohibited anybody from claiming a title to private property in forest land just because they lived there or their ancestors had done so for many years, and it also prohibited them from claiming any rights to any forest products. This Act was written with the presumption that the government owned the common ground where the people and the forest coexisted and that it was ipso facto entitled to the forest output.

Forest policy 1952

In 1952, the Indian government developed a forest policy. Increasing money from the woods was once the Forest Department's top priority. The goal of expanding the forest cover was introduced by the 1952 Forest Policy. Regardless of the makeup of the woods, it called for a tree cover of 33% of the entire geographic region. As a result, eucalyptus trees were planted on various types of land all around the nation. Additionally, increased forest cover resulted in a rise in forest products, particularly lumber for industrial use. The 1894 policy mentioned the rural inhabitants' "rights" over forest products. These morphed into "rights and privileges" over time, and the Forest Act of 1927 gave them legal standing. In accordance with the 1952 policy, the phraseology became "rights and concessions." Forest inhabitants became "encroachers" as a result of the colonial authority converting untitled land into state property. The procedure became more intense after independence. Due to this, the amount of land covered by trees decreased from 70 million hectares in 1950 to 35 million hectares in 1990.

Forest conservation Act of 1980

In response to a problem, the Forest Conservation Act of 1980 was passed. Prime Minister Indira Gandhi created the Forest Conservation Act after remote sensing data from the 1970s revealed a precipitous fall in forest cover (approximately one million hectares per year throughout the decade). It was enacted on October 25, 1980, to prevent the use of forest areas for things like highways, dams, and structures that might impair the forest cover. This was accomplished by giving the central government exclusive power to give these approvals. The eventual outcome of this legislation was that the state governments disregarded the modest but crucial actions and demands of the peasants to construct bridges, schools, and electric poles. As a result, the Chipko movement against the Act was born in Uttarakhand. In accordance with the 1988 Forest Policy, which called for managing forests for the needs of people who depend on them, the Act was modified in 1988 to prohibit private parties from using forestlands to build plantations. The amendment required that companies reliant on wood obtain their raw materials from agricultural areas. The change did not, however, forbid the forest departments

from planting new trees. Politicians have attempted to use this gap to grant industrial companies access to public forests (Agarwal 2000: 4) ^[1].

Forest conservation

The Forest (Conservation) Act of 1980 is to be put into effect by the Forest Conservation Division. In relation to development projects including power, roads, railroads, irrigation, mining, schools, defence, drinking water, resettlement, and rehabilitation of people, this Act deals with the granting of forestry clearances for the diversion of forest areas for non-forestry objectives. Approximately 16,939 development projects encompassing 1,156,000 hectares of forested land have received forestry clearance since the law's introduction in 1980 until December 31, 2007. Projects for generating energy, irrigation, building roads, railways, transmission lines, projects for providing drinking water, village electricity, as well as schools, hospitals and other facilities, are among them. Out of them, 84,275.55 hectares of forest land were involved in 2244 development projects of various types that received forestry clearance (Singh 1986) ^[10].

International lending agencies' forest management guidelines

The Eleventh Five Year Plan is continuing the Integrated Forest Protection Scheme (IFPS), which was started during the Tenth Five Year Plan. As advised by the Planning Commission, the name should be changed to "Intensification of Forest Management". It is suggested that the plan be broadened by adding the two new elements of infrastructure development and forest fire control management. On March 28, 2006, the recently established National Forest Commission (NFC) sent in its report. The Commission adopted a position in favour of improving the nation's forests and wildlife for the long term, protecting the interests of communities that depend on forests, and upholding the country's commitment to ecological security as outlined in the National Forest Policy. The paper assessed the institutional and administrative architecture of the forestry sector as well as the present state of the forests and forest policy.

In-depth consideration has been given to the objectives and limitations of the forestry sector, approach to forests, protection of wildlife and the environment, farm and agroforestry, center-state interactions, forest, and local communities. The paper went into great detail into international forest-related instruments, forestry research, the relationship between forestry and industry, and the relationship between forests and local communities.

On June 25, 2007, state/Union Territory administrations, other central Ministries, and scheduled tribes and other traditional forest dwellers (recognition of forest rights) Act, 2006 implementation consultation was held at the national level. State and UT governments' Forest Secretaries, Principal Chief Conservators of Forests, and Chief Wildlife Wardens took part and shared their opinions.

In order to support the development of an integrated National Forestry Database Management System (NFDMS), which includes enhancing technological, institutional, and human capabilities to ensure ongoing and efficient distribution and use of forest statistics, the Ministry established an Expert/Advisory/Working Group.

The Sustainable Development Institute (SDI), a non-governmental, non-profit organization, has been examining the policy developments among the main donor organizations that support the management of forests and

natural resources by local people. A number of projects with a significant focus on village-level development and community forestry were discovered by SDI. The fundamental goal of SDI is to increase awareness of the contribution that local communities make to maintaining environmental quality and economic growth.

Conclusion

From the British era to the present, state forestry in India has involved replacing the various species of a natural forest with mono species. The same outcome has been obtained by sustainable and scientific forestry management. However, communities are more likely to get social and economic advantages from the variety of resources that forests already provide. The likelihood of a natural connection between the many community requirements and the various forest offerings is higher. A point in the dialectic that is neither discoverable nor relevant in this way is represented by the Indian Forest Act. It is essentially a political edict that is being passed off as law within a political system that enables this; strictly speaking, it lacks the requirements of law. In terms of current legal ownership, forest inhabitants have never fully owned the forest. They have enjoyed the right to own the forest and consume its products, or occupancy rights. Countries have a tendency to concentrate on the forestland while disregarding the institutions and policies that surrounds it while discussing forests. Unsustainable forestry continued, which is not unexpected given that some of the greatest forestry knowledge was employed. Economic study over the past two decades has shown that disregarding economic policies would ultimately cause the forest to collapse.

References

1. Agarwal A. The State of India's Environment: a Second Citizen's Report, New Delhi: Centre for Science and Environment; c1985.
2. Baden-Powell. A Manual of Jurisprudence for Forest Officers, Calcutta: Government Press; c1882.
3. Dev N, Kelkar G. Case for Local Forest Management: Environmental Services, Internalisation of Costs and Markets, Economic and Political Weekly; c2001. p. 56-65.
4. FSI (Forest Survey of India). Ministry of Environment and Forest, Government of India, New Delhi; c1999, 2005.
5. Gadgil M, Guha R. This Fissured Land: An Ecological History of India, New Delhi: Oxford University Press; c1992.
6. Guha R. Forestry in British and Post-British India: An historical Analysis, Economic and Political Weekly; c1983. p. 26-43.
7. Guha R. An Early Environmental Debate: The Making of the 1878 Act, Indian Economic and Social History Review; c1990. p. 27-34.
8. Mayers J, Bass S. Policy that Works for Forests and People, UK: International Institute for Environment and Development; c1999.
9. Ribbentrop B. Forestry in British India, Calcutta: Government Press; c1900.
10. Singh C. Common Property and Common Poverty: India's Forest Dwellers and the Law, New Delhi: Oxford University Press; c1986.
11. Agarwal R, Karahanna E. Time flies when you're having fun: Cognitive absorption and beliefs about information technology usage. MIS quarterly. 2000 Dec 1:665-94.