

OVERVIEW OF FORESTRY

EVOLUTION OF FOREST LAWS

JOURNEY TOWARDS FOREST LEGISLATION

- 1807 - East India Company acquired royalty rights over teak barring locals use of timber for domestic purposes
- 1846 - Sanctions extended to all forest. Process gets intensified with building of railway network after 1853 (1850 Commission)
- 1860 - Company prohibited and withdrew all access rights for fuel, fodder
- Governor General asked for establishment of a forest department in 1862 to ensure sustained availability for the railways

JOURNEY TOWARDS FOREST LEGISLATION

- 1864 - Imperial forest department formed to forge legal mechanisms to establish state control over the forests
- Indian Forest Act 1865 – 1st attempt at asserting State monopoly without taking away rights of locals (No management perspective)
- 1874 Conference - Looking for a inclusive piece of legislation, culminating in IFA 1878 to remove ambiguity regarding ‘absolute proprietary right of State’.

INDIAN FOREST ACT 1865 & ONWARDS

Three distinct positions emerged - Annexationist, Pragmatic and Populist

- Annexationist position - All land not under cultivation belonged to State
- Pragmatic position - Argued that ecologically sensitive and strategically valuable forests should be under State management whereas other areas be under communal control (Brandis)
- Populist completely rejected State intervention maintaining that tribal & peasants should exercise their right over forests (Madras Govt)
- Baden -Powell, In-charge of Forest Act, made a clear distinction between 'strict legal rights' and 'privileges'

INDIAN FOREST ACT 1865 & ONWARDS

- State adopted 'Annexationist's approach' implying all land not under cultivation belonged to State. (1878 Act was more repressive)
- Forests divided into three classes - Reserved Forests, Protected Forests and Village Forests.
- **Reserved forests** - Total State control by either extinguishing private rights or by transferring them elsewhere or allowing limited exercise.
- **Protected Forests** - Certain tree species reserved and as they became commercially viable, forest would be closed for grazing/fuel wood. But some PF also converted into RF
- **VF** – Residual wasteland

***Indian
Forest
Act
1927***



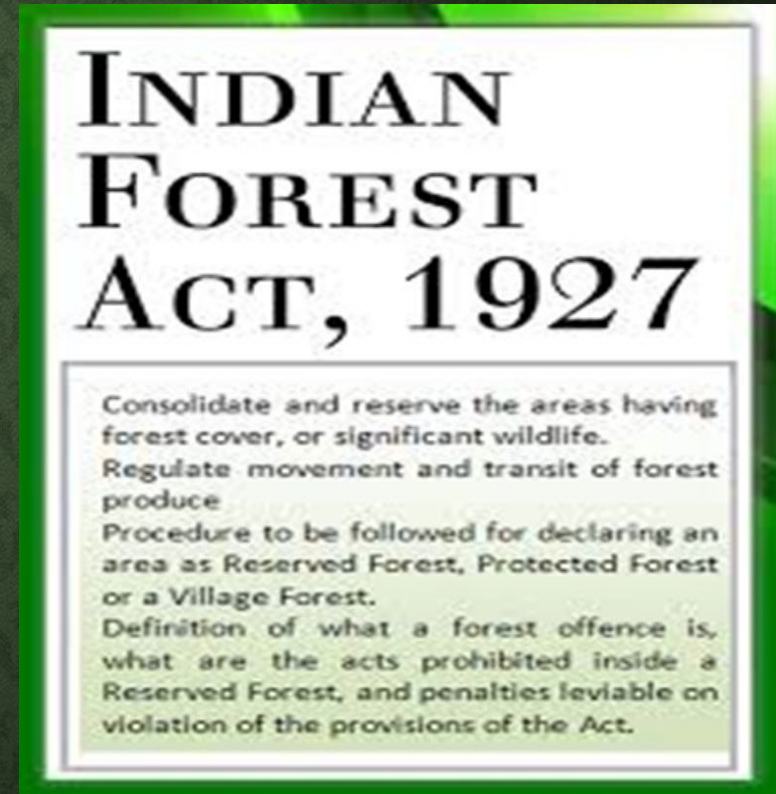
INDIAN FOREST ACT 1927 - PREAMBLE

INDIAN FOREST ACT 1927 - PREAMBLE

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

The preamble of the Indian Forest Act seeks:

- to consolidate the law relating to forests,
- regulation of and the transit of forest produce, and
- to levy duty on timber and other forest produce.



IFA 1927 - PROVISIONS

- Still operational
- In 1948, land from princely states and Zamindars was taken and converted to RF, but no effective measures taken to settle forest rights.
- 13 chapters, 86 sections
- Term 'forest' has a wider ambit as it includes private lands, lands for pasture, cultivable lands etc.
- Procedure of declaring the area to be a reserved, protected or a village forest
- Penalties to be levied on the violation of the provisions of the Act

THE WILD PROTECTION ACT



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- This is an act to provide protection for wild animals, birds and plants.
- This act was passed in the year 1972.



WILDLIFE PROTECTION ACT

Earlier legislations for wildlife protection –

- Cattle Trespass Act, 1871; The Elephants Preservation Act, 1879; Wild Birds and Animals Protection Act, 1912
- Elephants Preservation Act prohibited killing, injuring or capturing, or any attempt at the same
- The Indian Forest Act, 1927 also has some provisions for restricting hunting in RF & PF (Hunting, shooting, fishing, poisoning water or setting traps, etc. are offences)

WILDLIFE PROTECTION ACT 1972

- Wildlife Protection Act, 1972 is specifically enacted for protection of the wildlife³.
- Definition of Wildlife - Section 2(37) - Wildlife includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat.
- Authorities Constituted Under Wildlife (Protection) Act
- Hunting of Wild Animals (Sec. 9)
- Sanctuaries & National Parks
- Central Zoo Authority and Recognition of Zoos
- Prevention and Detection of offences
- Forfeiture of Property Derived from Illegal Hunting and Trade

FOREST CONSERVATION ACT 1980

- It aims at putting restriction on de-reservation of forests or the use of forest-land for non-forest purposes
- Section 2 of the Act deals with restriction on de-reservation of forests or use of forest-land for non-forest purposes. No order, except with prior approval of the CG, can be issued -
 - a) That any RF declared under any law shall cease to be reserved.
 - b) That any forest land or any portion be used for any non-forest purpose.
 - c) That any forest land or any portion may be cleared of trees growing naturally , for the purpose of using it for re-afforestation.

THANKS