UNIT 2  INDIGENOUS COMMUNITIES AND FOREST POLICIES IN INDIA

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Learning Objectives
At the end of this unit, you will be able to:
• know the concept of indigenous people;
• nature of the relationship between tribals and forests;
• examine the interdependence of forests and tribal livelihood activities;
• review the colonial and post-colonial forest policies; and
• trace the impact of forest policies on the forest resources and those dependents on them for their livelihood.

2.1  INTRODUCTION

Anthropologists have always been concerned with the relationship between the people they studied and the natural environment. Since the late nineteenth century, the first professional anthropologists focused their research on indigenous people who were directly dependent on natural resources for their survival.

In Indian context, the indigenous people/tribals and forests are inseparable phenomenon and, in general, public understanding of both is almost synonymous. The tribals are described as ‘Vanvasi’, means forest dwellers, clearly suggesting the relationship between the tribals and forests. Overwhelming majority of the tribals stay in or adjacent to the forest areas, and most of the forest areas in our country fall in the tribal regions and tribal districts.

Historically, at one point of time most of our forest areas belonged to the tribals and the entire economic activities and livelihood of the tribals were fully dependent on the forests. In other words, the tribals belonged to the forests and most of the forests belonged to the tribals about 150 years back. This situation sharply and tragically changed after the nationalisation of forests by the British, the process started with the Forest Act 1865 and the subsequent stringent provisions in the above Act in 1878, the tribals were totally dispossessed of their
The State gradually gained monopoly over forests. Forests were declared to be reserve forests from where tribals were driven out. Cultivating land, collecting Non-Timber Forest Produce and felling of trees became illegal. Tribals who occupied these forests earlier, lost their habitat, their land, livelihood and everything else that they had. No title deeds or any other rights were given in these forests. Over a period of time, tribals and other poor people’s access to forest land and forest produce has been severely curtailed, tribals were removed from their familiar and settled livelihoods. Large forest areas were either declared as reserve forests, or as sanctuaries and national parks. Constructions of dams, reservoirs and hydro electrical projects have further resulted in huge displacement of tribals on thousands of hectares of forest lands. Through various legal provisions implemented by the government tribals are yet not recover from that blow. In this context, this unit discusses about the colonial and post-colonial forest policies and their impact on the forest resources and indigenous people dependent on them for their livelihood.

2.2 UNDERSTANDING THE TERM TRIBE AND INDIGENOUS PEOPLE

August 9 was declared as the annual International Day of the World’s Indigenous People. Since few years, issues of ‘indigenous peoples’ have acquired an important place in the global development agenda. Over the past quarter-century, much of anthropology’s interest in local, native, autochthonous peoples has been framed in terms of indigeneity, with its focus on history and place. The term “indigenous” has prevailed as a generic term for many years. In some countries, there may be preference for other terms including tribes, first peoples/nations, aboriginals, ethnic groups, adivasi, janajati. Occupational and geographical terms, like hunter-gatherers, nomads, peasants, hill people, etc., also exist and for all practical purposes can be used interchangeably with “indigenous peoples”. However, the term “indigenous” has become politicised in recent campaigns on “the rights of indigenous peoples”.

The definition of the term “indigenous” has long been a subject for discussion among disciplines, where as the connotations of popular use of the term indigenous focuses on nativeness, formal international definitions focus more on historic continuity, distinctiveness, marginalisation, self-identity, and self-governance.

In India, the indigenous peoples are predominantly composed of large and diverse tribal populations scattered across several States. Anthropological literature suggests that the tribal designation arose as a colonial construct, in which all those living on the margins of mainstream agrarian society but within the structure of the Hindu caste system were delineated as “primitive” and “tribal”. In Indian languages, there is no exact equivalent to the word “tribe”, but close synonyms are vanavasi (forest dwellers) or adivasi (First inhabitants).

In India various authors have described the tribes by different nomenclature. Dr. Ghurye named them ‘backward Hindus’; and Das and Das renamed them as ‘submerged humanity’. The other names are Aboriginals, Primitive tribe, Adivasi,
Vanyajati, Vanavasi, Adimjati, etc. In the ancient literature of India, such as the Vedas, the Puranas, the Ramayana, the Mahabharata, the tribals appeared as Nishad, Sabarars, Kiratas, and Dasyas. They are believed to be the earlier among the present inhabitants of the country. The term ‘tribe’ have not been defined clearly anywhere in the Indian Constitution. Only the term ‘Scheduled Tribe’ explained as “the tribe or the tribal communities or parts of or group within tribes or tribal communities”. These groups are presumed to form the oldest ethnological sector of the people (Constitution of India, Article 342).

The International Labour Organization has classified such people as ‘indigenous’. According to ILO conventions the aboriginals or tribals have been defined as the “tribals or semi tribal groups of the independent countries deprived socially or economically and having their own customs, traditions and traits or they have their own special customary laws/ conventions” (ILO Convention 107, 1957).

To locate tribes in the ambit of the above definition of indigenous people in the Indian context is with the use of the term adivasi’, the word used in the Indian language for indigenous people. This term, has however, been used effectively to mean tribes for more than a century now to distinguish people different in terms of features, culture, language, social organisations, etc. Ghurye (1963) uses the term ‘aborigines’ to define tribes with the contention that tribes would be autochthonous to India, if not to the exact geographical location. Today only those who have been historically subjected to domination and subjugation are said to compose the category of indigenous people. In the Policy Document of the World Bank (1992) used the term ‘indigenous’, which was used to refer to tribal, low caste and ethnic minority groups. Despite their historical cultural differences, they often have limited capacity to participate in the national development process because of cultural barriers or low social and political status.

There are 698 tribes as notified under Article 342 of the Constitution of India, spread over different States and Union Territories of the country. In India, Scheduled Tribes have characteristics covered by ILO and UN definition. The Indian Constitution (Article 342) defines Scheduled Tribes as those with special characteristics such as (i) primitive traits, (ii) distinctive culture, (iii) shyness with the public at large, (iv) geographical isolation, and (v) social and economic backwardness. Each one of the tribes is associated with a specific geographic area, some more dispersed than the other. Most have their own language, which is generally different from the ‘mainstream’ language of the state in which they live. While some tribal communities have adopted a mainstream way of life, at one end of the spectrum are 75 Primitive Tribal Groups (PTGs), who are characterised by (i) pre-agriculture level of technology, (ii) stagnant or declining population, (iii) extremely low literacy, and (iv) subsistence level of economy.

The tribals are the indigenous people living in the hilly parts of the State. Tribals in India live in the following five territories: the Himalayan belt, North-central India, Western India, The Dravidian region, Andaman, Nicobar and Lakshadweep islands. And third is the forested hilly areas of Western and southern India. According to the 2001 Census, the tribals, commonly characterised as the Scheduled Tribes (STs) by the Constitution of India, constitute 8.6% (about 84.3 million) of India’s population. They are found in 2001 in the greatest numbers in Chhattisgarh, Jharkhand, Orissa, Madhya Pradesh and North-East region. The term ‘indigenous people’ is often used interchangeably to mean tribes and other
original natives in the Indian context. In this unit we used tribal and indigenous people as synonyms.

Activity
Define the term indigenous people.

2.3 FOREST COVER AND INDIGENOUS PEOPLE OF INDIA

India with its 328.73 million ha area is the seventh largest country in the world occupying 2.5% of the geographical area, but contains only 1.8% of the world’s forest (Kumar et al., 2000). Forest management in India is constrained by low per capita forest cover. Compared to 0.6 ha per capita world average, the country has just 0.07 ha per capita of forests. The country has about one-sixth of the world’s population and about 18% of the world’s cattle population (MOEF 2001a). Forestry is the second-largest land use in India after agriculture. The recorded forest area is 76.52 million ha, which constitutes 23.28% of the total area. These 76 million hectares of forest cover are allocated among dense (59 percent), open (40 percent), and coastal mangrove (1%) categories. The forest type varies according to climate and elevation. The Forest Survey of India (FSI) assesses forest cover every two years. Its recent assessment showed that from 1993 to 1998 forest cover increased from 63.34 million ha or 19.26 percent during the sixth assessment to 63.73 million ha, which is 19.39 percent of the total area (FSI, 2000). This increase is a remarkable achievement considering the heavy withdrawals of forest products, shifting cultivation, forest fires, inadequate pasturelands, low investments and conversion of forestlands for non-forestry purposes. About 31.20 million ha of forest plantations were raised from 1951 to 1999 (FSI, 2000). There are 16 major forest types, and India ranks sixth among the 12 mega biodiversity countries of the world. India today has 668 Protected Areas (PAs), extending over 1,61,221.57 sq. kms. (4.90% of total geographic area), comprising 102 National Parks, 515 Wildlife Sanctuaries, 47 Conservation Reserves and 4 Community Reserves. 39 Tiger Reserves and 28 Elephant Reserves have been designated for species specific management of tiger and elephant habitats (MoEF, 2008a). Forest conservation and environmental values are considered to be of paramount importance. Ensuring adequate regeneration is a precondition for the approval of management plans, which include evaluation of the prevailing conditions of the forest resources and site-specific prescriptions according to local management objectives. Most forest divisions (468 out of 510) are covered by these forest management plans, also known as working plans, working schemes or management plans; 286 such plans are currently in operation. They accord the highest priority to soil and water conservation, the protection of forest cover and conservation of environmental quality and biological diversity. Forests help to meet the needs of about 1027 million people. The population is growing by 2.13% per annum and the population density is 324 persons/ km (GOI 2001). Demands for timber and fuel wood are around 64 million and 71 million respectively, and forests are also the main source of fodder and non-wood forest products (NWFPs). Forests support nearly 270 million out of about 450 million head of livestock (MOEF, 1999). About 72.21 percent of the population live in rural areas (GOI 2001). Out of approximately 5,80,000 villages, 0.17 million are located in the vicinity of forests (MOEF, 2002). Roughly
275 million rural poor in India depend on forests for at least part of their subsistence and cash from fuel wood, fodder, poles, and a range of non-timber forest products (NTFP), such as fruits, flowers, and medicinal plants. Seventy percent of India’s rural population depends on fuel wood to meet domestic energy needs. Half of India’s 89 million tribal people, the most disadvantaged section of society, live in forest fringe areas and tend to have close cultural and economic links with the forest. Forests make a significant contribution to the tribal and rural economy, particularly for poor households. The contribution of the forestry sector varies widely in different parts of the country.

Even though such a large number, the Indian government’s policies on tribal groups are seriously handicapped. This is due to countless reasons, primarily due to the centralisation of forest management and a lack of recognition of indigenous peoples and their rights. The aggravation of mistrust in government policies by the concerned public is further fuelled by the fact that about 90% of India’s 64 million hectares of forests is under State ownership, the rest being in community and private forests. Moreover, it is predominantly the country’s tribal peoples’ areas that have been declared as State owned ‘forests’. Also, State control over the forestland is weak and there is considerable encroachment by individuals and communities other than the tribals/indigenous people in State-owned areas. The tribal people were there long before the State started encroaching on their lands and the condition of both the tribals and the forests then was far better than it is today. However, the laws enacted so far in India have largely ignored the forest dwellers, and more particularly the tribals.

Activity
What is the area of forest and classify the forests?

2.4 RELATIONSHIP BETWEEN FORESTS AND INDIGENOUS PEOPLE

India has the largest concentration of tribal population in Asia and it is the second largest in the world in terms of tribal population (Upreti, 2007). The relation between forests and tribals is intimate and is age old. Appropriately referred to as Vanyajati (forest community) and Girijan (people of the hills), the tribals are known for their association with forest and hills (Rao, 2001). The first and foremost characteristic of the tribal economy is the close relationship between their economic life and the natural environment or habitat, which is, in general, the forest (Mehta, 1994). Technology, life and livelihood strategy of a tribal group depends on the nature of habitation, environment and resources. Tribal population lives in close proximity with biodiversely prosperous landscapes have evolved area specific and novel livelihood strategies based on their traditional knowledge. The term ‘Livelihood’ implies the capability and capacity to survive (Gregory, 2008).

Today, there are 100 million forest dwellers in the country and another 275 million living in the forests, and these people are described as indigenous people (World Bank, 1990). For these people forests are an important source of livelihood and means of survival (Lynch, 1992). The forests play a vital role in the daily needs of these people. To them, food, fuel, fodder and construction materials are almost
entirely provided by the forests. About 80% of their food comes either directly from the forests or by shifting cultivation (Philip et.al., 1985). A variety of tubers, tender bamboo shoots, mushroom and green leafy vegetables are collected and eaten or stored for future use. The study of Niyamatullah (1984) identified 83 edible items that are available only in the forests of Madhya Pradesh. Studies in Orissa, Madhya Pradesh, Himachal Pradesh and Bihar indicate that over 80% of the tribals depend on the forests for 25 to 50 per cent of their food. On an average, adult tribals eat at least 600 gms of tubers per day (CSE, 1982). Besides food gathering, tribals depend on forests for food production by shifting cultivation, which has been the traditional form of their agricultural practice for centuries.

Besides food, forest also supplies the tribals with their requirements of building material, fuel and fodder. In addition, tribals also collect minor forest produce like gum, honey, flowers, leaves and sell to earn income. Tribals also derive their medicines from the trees, herbs, animals, and birds. The study on tribal medicine in Kerala identified that at least 39 species of roots, 15 types of fruits, 30 varieties of leaves, 12 species of barks and many kinds of latex and flowers and nine entire plants being used by the tribals (Gadgil et.al., 1982). Similar things are observed in the other parts of the country. For instance, more than 900 herbs and plants are used in West Bengal for medical purposes by the forest people (Fernandes et.al., 1988). Another study conducted by the Academy of Development Science has identified 210 medicinal plants being used by the tribals in an area of 277 sq. km in Karjat tribal belt (CSE, 1982). It shows that tribals depend on forests for their food and the activities concerning MFP are carried out almost all the year around. The relationship between forest and tribals were institutionalised over a period of time through various cultural and religious mechanisms that ensured uninterrupted habitation of the tribals within the forest regions.

In addition, tribal culture provides certain safeguards to prevent extensive overuse of the forests. There is the belief in the spirit of the forest and field among the tribals. The living are considered guardians of the forests given to them by ancestral spirits or spirit of Gods. Therefore, they feel a strong responsibility to protect the forests. Customary communal ownership of the resources allows access to and need based distribution of these resources. Benefits are shared in the habitation, thus satisfying the needs of the community. Given the limited resources, codes are evolved to prevent practices of overuse that would go against survival (Delfin, 1987). Even today, many of these tribal communities relate myths and legends about their association with the forest, and remnants of many scared groves are reminders of the indigenous conservation systems (Gadgil and Chandran, 1992). This relationship significantly attached to plant and animal species, religious duties and obligations legitimised tribal access to forest, and also encouraged restraint and caution in using forest as resource base (Bird-David, 1992). Thus, it is important to recognise that the dependence of the tribals on forest resources was institutionalised through a variety of social and cultural mechanisms on community based ownership.

**Activity**

How forest is useful for tribals?
2.5 COLONIAL AND POST-COLONIAL FOREST POLICIES IN INDIA

In ancient India it was generally accepted that the rulers did not control forests and the communities living in the forest, because the forest was not seen as a source of revenue or commercialisation. The effects of industrialisation side by side with British rule in India in the 18th century brought about dramatic changes: the need to meet the growing demand for timber (associated with the railway boom of the late 1800s) and a growing dissatisfaction with the legal restrictions imposed by previous legislation, led to the institution of the Indian Forest Act in 1878, according to which the nation State was recognized as sole proprietor of classified forest lands.

In earlier historical periods, people used forest resources with little intervention by the rulers, in different parts of the sub-continent. The rulers controlled only limited areas, the remaining resources were used by the people without restriction. For example, Tipu Sultan controlled only the sandal wood in Mysore region. There is debate in the environmental history literature over the extent to which deforestation had already occurred in the pre-colonial era. Of course, large areas were cleared for agricultural expansion, pastoral use and strategic purposes in different parts of the country during the pre-colonial period (Parasher, 1998; Guha, 1996). Until the last quarter of the twentieth century, the colonial accounts, which prevailed, sought to locate the extension of colonial control over forest resources as part of a historical continuity. While detailing the forest resources of the subcontinent, imperial forest historians concluded that denudation of forests predated the commencement of colonialism. For example, Stebbing claimed that a very large proportion of the forests, which originally covered vast tracts of the country were destroyed during the period between the invasion of the Aryans and the advent of the English as rulers (Stebbing, 1982). He claims further ‘For a long period before their arrival, timber had been exported in large quantities to Arabia and Persia’ (Stebbing, 1982). Imperial forest historians like him held the view that commercial exploitation of forests in the sub-continent was widespread before the eighteenth century.

Scholarly works were found wanting on issues concerning forests and forest-dwellers during the period. Forest and related environmental issues have been discussed extensively over the last quarter of the twentieth century. Guha initiated the scholarly debate, and argued that the British colonial government had denuded the vast forest cover for commercial and strategic needs of the empire, in disregard of the rights of forest dwellers and users (Guha, 1983; Guha and Gadgil, 1989). Prior to the colonial regime, commercial exploitation of forest produce was largely restricted to specific products such as spices like pepper and cardamom, and ivory, where extraction did not pose a serious threat to either the ecology of the forests or customary use, and ensured renewal and sustainability (Guha and Gadgil,1989). Scholars also cite the numerous conflicts over land, pastures and forests, often appropriated by the more powerful strata in different parts of the country during the pre-colonial period, from the Mauryan period (Baker, 1991; Guha, 1996; Guha, 2002).

The commercialisation of forests during the colonial period resulted in large-scale degradation. Since the eighteenth century, the colonial rule established the
commercialisation of forests in different parts of the country, and large areas of forests were denuded for commercial purposes during the pre-Forest Act period (Saravanan, 1998, 1999). In the early nineteenth century, large quantities of sandalwood were exported to foreign countries. Coffee and tea plantations were established in the hill areas during the second quarter of the nineteenth century (Saravanan, 1999). British iron-making industries also extracted huge number of trees from the forest. Also during the second half of the century, forests were denuded on large-scale for establishing the railways. The colonial agrarian policy also envisaged the expansion of cultivation, which led to the denudation of the forests.

Heavy destruction of forests along the coast of Malabar down south for the timber and sandalwood had occurred during the latter part of the 18th and early part of the 19th century (Saravanan, 1998; Thakur, 1984). Short falls in the availability of timber began to be felt, leading to the first teak plantations in Nilambur (Kerala) in 1842. The colonial rulers became concerned by the 1850s that insufficient control over timber extraction was threatening fulfilment of growing demand for timber for strategic needs. This concern led in 1855 Lord Dalhousie, the then Governor-General of India, to proclaim a forest policy for the first time, which asserted imperial ownership over forests and emphasised their regulated use for the imperial requirements: ‘timber standing on State forest was State property and private individuals had no rights or claims over it’ (Chaudhry, 1984). To consolidate and implement this policy, Dr. Dietrich Brandis was appointed as the first Inspector-General of Forests in 1864, and the first Indian Forest Act (IFA) was drafted in 1865.

It begins with the promulgation of the Government Forest Act in 1865. With this Act the British Government acquired the right to declare any forest as Government forest. Under this act, the Forest resources were brought under the control of State. Subsequently in 1866, the Forest Department (FD) of India was created, and the Indian Forest service (IFS) was organized to exercise exclusive rights to exploitation of the existing forests. Its chief duties were to develop the large timber forests such as the Sal forest of ‘Dudh’ and ‘Deodar’ forest of Himalayas and the forests of the Western Ghats (Randhwa, 1984). Later as their needs started mounting, the British repealed the earlier Act and introduced a new Indian Forest Act in 1878. Reserved Forest Act 1878 came into operation in most of the British province in India. For the first time through this act, the Forests were classified into Reserved Forests, Protected Forests and village forests defining degrees of control over them. With this Act, for the first time the Government acquired rights to take over forests from tribals and declare them as reserve forests, subject to certain conditions. ‘Reserved’ and ‘Protected’ and paved for some sort of conservation, though again with vested interests to serve the purpose of the Imperial Administration. It also, for the first time, laid down rules to impose levy on timber, then almost the only source of profit. Further certain practices were listed as offences and forest officials acquired magisterial powers to arrest a person without a warrant, if a “reasonable suspicion exists”. The Forest Department (FD) took over forest under its control restricting the rights of the tribals and forest users from their traditional customary rights in the guise of reserving forests. The Government acquired further powers by amendments made in this Act in 1890 and 1891. Meanwhile, the Madras Presidency promulgated its own Act, the Madras Forest Act, in 1882, similar to the Central Act. Subsequently, several forest Acts were initiated, by and large, curtailed the rights of the tribals and other forest users.
The efforts to recognise forestry as land use was distinctly different from agriculture and earmarking for such land use made through the first forest policy of 1894. This policy’s major objective of timber production had nothing for the local people, since the policy provided only for State ownership and regulation. This policy paved way for legislation and the process of settlement of rights that followed the reservation of forest areas. The policy provided for State ownership and regulation but very little for the local communities. After four more amendments to the earlier Acts, eventually the British Government announced a new comprehensive legislation in 1927. During 1927, the Act of 1878 was consolidated to regulate the law relating to forests and forest produce. Subsequently, the IFA in 1927 further envisaged the importance of conservation and restricted the forest use further during the colonial period.

Although India had a long history of forest policy, the livelihoods of forest-dwellers and forest-dependents are not recognised until recently in policy. It is predominantly tribal lands, which have been declared State forests, and this has resulted in continuing conflicts and contestation and the tribals losing access to their livelihood resources. Reservation of forests by the FDs has been part of the long term historical process of indigenous tribal communities being pushed deeper into the forests by the appropriation of tribal lands by non-tribals (despite some laws being meant to prevent this). The State has appropriated large areas of Schedule V (tribal majority) area lands as State forests, without recognising customary rights, particularly of shifting cultivators.

The forest policies led to the appropriation of extensive areas of tribal land with the objective of increasing and maintaining ‘forest cover’, and imposed restrictions on their use. The official claim has been that the tribals are responsible for forest degradation but this is highly contested both by the tribals and by sociological-historical-anthropological studies. There is found to be a strong relationship between tenurial and livelihood security and environmental sustainability, which contrasts with the results of the FD views of ‘managing’ people for conservation objectives without taking their livelihoods or tenure into account. There have been several tribal revolts against these processes of tribal ancestral lands being appropriated by the FD in many parts of the country.

The Indian Forest Act, 1927, incorporated some of the guidelines of the 1894 policy. But the essential classification of reserved, protected and village forests remained as it was. In terms of degree of Government control, reserved forests are virtually Government forests where the Government can settle, transfer or commute the rights of communities. In protected forests, the rights were recorded and regulated, which the Government could not commute. In the village forests all rights were allowed completely and no control was exercised. The Government acquired more powers in classified reserved forests in which a time limit was set to settle the claims of the natives. It acquired the right to charge a levy not only on timber but also on other forest produce, both in Government and other forests. The number of listed offences was increased and they were made non-cognizable with a punishment up to six-months jail term or fine up to Rs. 500/- or both. The practice of shifting cultivation was brought under the purview of the State Government subject to its control, restriction and abolition. In 1935, the Government of India Act brought the subject of forests under the jurisdiction of provincial legislatures. But it should be remembered that the Acts and regulations of the Governments did not cover all the forests. The private forests owned by zamindars and the forests on princely States were exempted from them.
The colonial government thus asserted control over extensive forest lands, resulting in the decline in traditional conservation and management systems around the forests (Gadgil and Guha, 1992). The degradation of forests by the middle of 20th century has been partly blamed on the accelerated fellings performed during the crises of the two world wars (Rao, 1979). Gadgil and Guha (1992) are of the same view because the tree felling during the war period was so severe that it seemed far beyond sustainable limits in many cases. Moreover, forest based industries had expanded in numbers during and after the two World Wars.

After independence, the main tasks of the FDs were consolidation and unification of forest laws and extension of scientific management on a reasonably uniform basis. Subsequent to that is the taking over of most of the uncultivated lands/forests under Zamindars and Princely rulers. The post-independence land acquisition often did not follow the legal procedures for settling the rights of pre-existing users and occupants, besides bringing even local community forests, earlier set aside for meeting local needs, within the ambit of a national asset to be managed for meeting ‘national’ needs, (predominantly supplying industrial demand and generating revenue). In the early fifties most States enacted new legislation affecting land tenure systems, whereby large areas of privately owned forests were transferred to the FDs. In 1950 the ‘Vanamahotsava’, ‘National Festival of Tree Plantation’, started, intended as a measure for the wildlife and soil conservation across India. More substantially, the commencement of the ‘National Plan of Development’ in 1951, followed by Five-Year plans, initiated the move toward replacing the fell forest with the man-made forests for ‘enhanced productivity’.

In 1952, the new Government of independent India formulated its forest policy. All forests of the country, including those under zamindars and princely States were brought under the purview of the Government. The new policy emphasised that the “fundamental concepts underlying the existing forest policy (1894) still hold good”. But it was something more than that. The new policy, in spite of claims to the contrary, made significant departures from the old policy. The release of reserved forests for the villagers living in it was prohibited, controls were applied even to the private forests of the tribals, and grazing land was brought under the control of the Government.

As a result of the new policy certain modifications were made in the 1927 Act. Various governments amended their Acts. New States and Union Territories passed fresh forest Acts. Significantly, the gap between forest policy and forest Acts widened with this policy. While the forest policy talks of lofty goals, like environment preservation, developmental needs and tribal welfare, the Acts are primarily concerned with the regulation of the rights of the tribals. The policy has had a disastrous impact on the forests and the tribals in the three decades that have followed. It has resulted in enormous administrative changes in the forests.

The early post-colonial Government forest policies were not different from the colonial ones. The National Forest Policy of 1952 also had not considered the needs of local people. In fact, its aim was to supply timber for the industrial needs. In other words, commercialisation of forest was emphasised, like the colonial regime, at the cost of the local people.
The post-colonial government, in the Forest Policy of 1952 continued to envisage the commercial exploitation of forests, now for the ‘national’ rather than ‘colonial’ interest. The operative law continued to be the IFA, 1927, later additionally adding the Wildlife Protection Act, 1972 and the Forest Conservation Act, 1980, both further restricted forest-users rights. The National Commission on Agriculture (NAC, 1976) further emphasised the commercial importance of forests alleging that rural communities as the main culprits for its destruction. But despite insisting on the primacy of ensuring timber supply for industries, it at least recognised subsistence forest product needs and proposed alternative arrangements, woodlots and farm forestry. The new concept of Social Forestry (SF) was introduced in order to reduce the local population pressure on the forests. But, SF could not become a real substitute for product supply from the natural forests, and was unpopular in many areas, leading to conflict between local communities and the FD triggering the process of further degradation. The disillusionment with SF was clearly reflected in the rapid withdrawal of almost all foreign aid for this in the late 1980s and early 1990s. While SF had not achieved its stated objective – basic needs provision through participatory communal silviculture on non-forest wastelands, the huge success of farm forestry made possible a new policy of taking industrial wood production out of forest areas (Kumar et al., 1999).

The most important characteristic of the colonial and post-colonial forest policies had been the increasing assertion of State monopoly rights over forests. This was determined by the interest of dominant class at the expense of indigenous communities. These communities are increasingly denied their rights in forests, which they had considered their communal property. The progressive assertion of State monopoly rights over large areas of forests by turning them into ‘reserves’ has resulted in the large-scale eviction and uprooting of traditional tribal villages. The reservation of forest tracts, which denied tribals access to the forests on which they depended for centuries and in the process separated them from their life supporting systems and reduced them to casual labour in forest operations.

Recognition of the importance of forests at the policy level is reflected in enshrining in the Constitution ‘a commitment to environmental protection and improvement’ (Kashyap, 1990). A direct reference to forest protection and improvement was introduced in the 42nd Constitutional Amendment Act, 1977, interjecting a new dimension to public responsibility by obligating the Union Government to protect and improve environmental sustainability. Article 48A makes a specific reference to forest protection as an obligation of the State. This article states: ‘The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country’. Constitutionally, it has been enjoined upon every citizen of India as a fundamental duty ‘to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures’ [Article 51 A (G), (1990)]. By the late 1980s across India the SF programme was labelled as fundamentally flawed, in that it did not address management of forest areas. Amid widespread civil society mobilisation, policy response came in the form of the 1988 Forest Act. Subsequently the JFM (JFM) initiative emerged from the centre, encouraging States to form local institutions to undertake protection activities on degraded State forests (Sundar and Jeffrey, 1999). Prior to 1988 forest policies focused mainly on the productive and profit making aspects with a focus on timber for industrial requirements. Moreover, they had restricted the local communities of using the forests (GoI, 1952). This effectively represented heavy subsidies flowing
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towards industry, and the alienation of forest dwellers and dependents adversely affecting their livelihoods. Till 1988, the post-colonial Forest Policy mainly focussed to supply the forest resources mainly to the industrial requirements and other commercial purposes, claiming that supply of forest resources to these purposes was in the ‘national interest’. But this policy led to extensive deforestation in different parts of the country. These policies have not considered the needs of forest-dwellers and users as legitimate. This kind of approach led to several conflicts. This led to a reorientation from the commercial-oriented forest policy to a more ‘people-oriented forest policy’ leading to the introduction of Joint Forest Management (JFM). The new Forest Policy of 1988 is considered as a watershed in the history of forest policy. The salient features of the new policy were preservation and restoration of ecological balance, conservation of the natural heritage of the country by preserving the remaining natural forests, protecting the vast genetic resources for the benefit of posterity, fulfilling the basic requirements of the rural and tribal people residing near the forests and maintenance of the intrinsic relationship between forests and the tribal and other poor people living in and around forests by protecting their customary rights and concessions on the forests.

There have been various committees formed related to tribals and forest issues from 1950s like Scheduled Area and Scheduled Tribes Commission in 1960 under the chairmanship of U.N. Dhebar, ‘National Commission on Agriculture’, Committee on Forests and Tribals in 1982 under the chairmanship of Dr. B.K. Roy Burman. All these committees suggested strengthening the forest policy for the welfare of tribal development. In the Post-Independent period, there are various safeguards for the protection and development of Scheduled Tribes (STs) in accordance with the special provisions mentioned in the Indian Constitution such as: Article 15(4), 16(4), 19 (5), 23, 29, 46, 164, 275(1), 330, 332, 334, 335, 338, 339(1), 339(2),371(A), 371(B),371(C), Fifth Schedule and Sixth Schedule.

In India, the federal government has enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (hereinafter the Forest Rights Act) to recognise and vest rights of forest communities. The enactment of the law is the culmination of a protracted struggle by communities for forest rights and conservation that spanned the greater part of the 19th and 20th centuries and continued into the 21st. This struggle emerged from issues like insecurity of land tenure and access rights, lack of recognition of community conservation initiatives in forest management, lack of recognition of traditional governance and resource ownership in tribal areas, and threats to community lands and forests from development projects. The Planning Commission of India has also highlighted the importance of resolving these issues through protective legislation, such as the Forest Rights Act and the Panchayat Extension to Scheduled Areas Act, to deal with the growing discontent, unrest, and extremism in tribal and forest areas (GOI, 2008). Since the beginning of implementation in January, 2008, the Forest Rights Act, in particular, has enlivened the conservation debate around two contesting arguments: one is represented by the conservation orthodoxy that holds forth that rights cannot co-exist with conservation; the other echoes the otherwise marginalised voice of the forest communities, as well as the current international discourse that recognition of forest rights and forest tenure reform are an essential part of a just and effective conservation process.
Land acquisition in Scheduled Areas is not possible, as there are number of Protective Land Laws, Legislations, Regulations, Forest Laws, Government Policies, Court Orders and Judgments, and Government Orders (GOs) which prohibit the land transfer in Scheduled Areas. In spite of all these protective and welfare laws made by the government for the welfare of tribals, the Governmental agencies have been acquiring the tribal lands in the name of National interest in contravention to all the Constitutional Provisions. It indicates that all the Agency Laws are being manipulated where the legal access to tribal lands and resources is denied.

**Activity**

List out the forest laws.

### 2.6 SUMMARY

The first Indian Forest Act was drafted in 1865. Under this Act, the Forest resources were brought under the control of State. Of course, this was done by the colonial administration to meet its future imperial needs. Later a Reserved Forest Act 1878 came into operation in most of the British province in India. For the first time through this Act, the Forests were classified as ‘Reserved’ and ‘Protected’ and paved for some sort of conservation, though again with vested interests to serve the purpose of the Imperial Administration. Under this act, the Forest Department (FD) took over forests under its control restricting the rights of the tribals and forest users from their traditional customary rights in the guise of reserving forests.

The efforts to recognise forestry as land use distinctly different from agriculture and earmarking for such land use, made through the first Forest Policy of 1894. This policy’s major objective of Timber production had nothing for the local people since the policy provided only for State ownership and regulation. The early post-colonial Government forest policies were not different from the colonial one. There have been various Committees formed between 1950 and 1977 but most of them were mere cosmetic in nature than substantive. The National Forest Policy of 1952 also had not considered the needs of local people. In fact, its aim was to supply timber for the industrial needs. In other words, the commercialisation of forest was emphasised, like the colonial regime, at the cost of the local people.

Same policy was followed until the National Commission on Agriculture 1976, which tried to make an alternative arrangement of supplying timber to the industries through Social Forestry (SF) (introduced to reduce the local population pressure on the forest), still retaining the emphasis on commercial importance of forestry, alleging that rural communities as the main culprits of its destruction. But SF could not take off and led to the conflicts between local communities and FD triggering the process of further degradation of forest and at the same time affecting the livelihoods of forest dwellers and its dependants adversely. The two other forests related Acts in post independence era were the Wild Life Protection Act (WLPA), 1972, and the Forest Conservation Act (FCA), 1980, though the operative law had still remained Indian Forest Act, 1927 which was consolidated on the Act of 1878.
The policy of 1988 is considered as a watershed in the history of Indian forest policy since it envisaged for preservation and restoration of ecological balance, conservation of the natural heritage of the country by preserving the remaining natural forests and protecting the vast genetic resources for the prosperity, fulfilling the basic requirement of the rural and tribal peoples residing near the forest and also maintenance of the intrinsic relationship between forest and the tribals and other people living in and around the forest by protecting their customary rights and concessions on the forest. Since the earlier policies of ignoring the forest dependents had led to many conflicts and unrest leading to ineffective control of the deforestation by the FD. Now the forced policy change saw the FD incorporating the people in the forest management. In other words, shift from the commercial forest policy to people oriented forest policy leading to the introduction of Joint Forest Management (JFM). Based on the Union Government direction, different State Governments in India decided to implement the JFM since the early 90s. 27 States till date have passed the resolution to implement the JFM.

References


The Constitution of India, Government of India, Article 342.


Sample Questions

1) Define the term indigenous people.
2) Tribals relationship with the forest. Discuss.
3) Impact of forest policies on indigenous people.
4) Discuss post independence forest policies.