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# **AN ANALYSIS OF FOREST CONSERVATION POLICIES IN INDIA: INSTITUTIONAL CHALLENGES AND GAPS IN IMPLEMENTATION**

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## **ABSTRACT**

In today's world where issues like ozone layer depletion, climate change, etc. has taken toll over all the human population around the world the concept of forest conservation comes in aid to mitigate the negative effects of global warming. This research article will try to address the issue of having effective forest policy with respect to its conservation and preservation so that the environmental equilibrium is being maintained. This article will analyse the policies of both pre-independence (like Forest Policy of 1894) and post-independence (like Forest Policy of 1988) and how it has impacted the forest conservation projects in India. As today in the name of development big corporate giants as well as the concerned individuals use the forest land or its nearby green cover areas in a manner which causes damage to the surrounding flora and fauna around it. This research article will try to analyse the various forest policies framed by the Government in India through doctrinal methodology based on data collected from papers, newspaper clippings, Government Websites, public policy papers, etc. This research article will try to highlight the effective forest policy in practice and suggest probable measures to modify and improve the same.

This study examines critically how development needs frequently take precedence over conservation concerns despite progressive policy frameworks, with individuals and corporations regularly abusing forest lands and nearby green cover areas in ways that harm the local flora and wildlife. Despite strong governmental intentions, the study analyses how economic priorities usually jeopardize conservation goals as it explores the conflicts between development ambitions and environmental protection.

The paper concludes by outlining the positive aspects of the forest policies in place and making thoughtful suggestions for changes to the regulations and better ways to apply them. These include bolstering community-based forest management programs, improving monitoring systems, combining

scientific methods with traditional ecological knowledge, enforcing stricter regulations on corporate operations in forested areas, and constructing more substantial compensation and rehabilitation plans for communities that depend on forests. By tackling these issues, this study adds to the continuing discussion over how the nation's forest management paradigm strikes a balance between environmental preservation and development demands.

**Keywords:** ozone layer, forest policy, flora, climate change, forest conservation, etc.

## **Introduction**

The existence of forests is vital to human survival. Since the beginning of time, forests have proved as indispensable source for pumping oxygen into the atmosphere, wood and other forest products as well as maintaining the equilibrium of the nature. With the advent of the postmodern era, several massive cities filled with concrete structures have sprouted up, and various industries have developed across the nation, causing a substantial portion of the nation's forestland to be lost. A simple study or analysis of the British Government's forest laws and policies reveals that they prioritised the welfare of the people over money production. However, the reality on the ground was rather different, at least in terms of Indians. To extract resources and generate revenue the government exploited the principles of the Forest Act as a tool to seize and have power to control forest areas, expel the forest dwelling communities (giving them tag of the unlawful inhabitants) and ensure the greatest exploitation of forest products.

Even though a draft forest policy has been proposed for more than four years, India's forests are now governed by the National Forest Policy of 1988. Important forest maintenance and tree-related policies are currently either non-existent, delayed, or incomplete. No universally accepted definition of "**forest**" exists today, for example, and countries are allowed to define forests as they see appropriate. A centralized strategy for preserved forests do not exist. The commercial sector is being included in forest management initiatives. Forest specialists are concerned about this, though, as it could have a negative impact on the communities that live in forests and indigenous society.

In essence, it indicated that indigenous communities should be permitted to meet their requirements, but only within fair bounds that took into account the interest of the country. The strategy also included fungal and other forest damage control, illegal logging and

encroachment, the importance of restoring wood production, and other issues. It also highlighted the significance of protecting and conserving forests as a national resource.

### **Pre-Independence Development of Forest Policy**

Indians have traditionally treasured their forests, and they have always worked to develop a comprehensive forest policy. But this was on a very small scale. After the British devised the **1855 Charter of Indian Forestry**<sup>1</sup>, a framework for extensive forest management, things changed. To manage the forests in India, the first Forest Act in India was subsequently enacted in 1865. Then, in 1878, this Act underwent another revision, and lastly, in 1927.

The Britishers first brought the **First Forest Policy in the year of 1894** with the following objectives: -

- Forest management for the benefit of the nation.
- Keeping a suitable amount of forest cover to maintain the climatic and physical conditions and meet human requirements.

In accordance with these objectives, **the Forest Policy of the year 1894** stipulated that-

- 1) Before forestry, there should be permanent cultivation.
- 2) The satisfaction of local needs at prices that are not competitive need to come first.

The Forest Policy of 1894 emphasised the need to see the requirements of the local communities, it also advocated a revenue-oriented approach to forest management. Therefore, it was discovered that forests were being classified according to their principal use. The categories were grazing lands, small forests, commercial agriculture, and protection. The 1927 Forest Act for the preservation of Forests was subsequently approved, and it adhered to the objectives stated in the 1894 Forest Policy. The three classifications of forests as described by the 1878 Act were restated by the **Forest Act of 1927**.

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<sup>1</sup> 1885- *"The charter was intended to restrict and regulate the unchecked exploitation of forests by private individuals"*

they prioritized the welfare of the people over money production. However, the reality on the ground was rather different, at least in terms of Indians. To extract resources and generate revenue the government exploited the principles of the Forest Act as a tool to seize and have power to control forest areas, expel the forest dwelling communities (giving them tag of the unlawful inhabitants) and ensure the greatest exploitation of forest products.

### **Post-Independence development of Forest Policy**

India recognised the need to reevaluate its forest policy as well as started to mobilise for it. Finally, independent India developed its first forest policy in 1952. *"India, in its entirety should aspire to preserve one-third of its entire land area under forest,"* which was the key highlight of the policy. While warning that *"village populations should not under any circumstances be allowed to utilise forests at the detriment of national interest,"* it also emphasised the social and environmental aspects of forestry.<sup>2</sup>

Essentially, it said that communities belonging to the particular geographical area should be allowed to fulfil their needs by using the forest products and by products necessary for their survival, but only within fair bounds that took into account the interest of the country. The strategy also included fungal and other forest damage control, illegal logging and encroachment, the importance of restoring wood production, and other issues. It also highlighted the significance of protecting and conserving forests as a national resource.

However, no significant goal was accomplished by '1952 Forest Policy' which was one of the first Forest Policy to make a mandate that at least 33% of the total area should be part of the forest cover of the country. As a result of the broad disapproval for the policy's ecological focus, there was a push to turn "lower-value diverse forests" into "highly valuable commercial plantations."

The Policy fell short of meeting the issue of forest loss, and no significant measures were made to preserve the forest. The important point that Forest was considered subject matter of State List is regarded as having contributed to the failure of the 1952 forest policy.

In the year 1976 National Commission on Agriculture made the following significant

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<sup>2</sup> 'The curious case of India's missing forest policy' of the Mongabay News Publications. <https://india.mongabay.com/2020/01/the-curious-case-of-indias-missing-forest-policy/>

improvements to the forest industry. The panel pushed for a change in how the government's programmes were implemented. It promoted a vigorous "production forestry" initiative. Additionally, it recommended social forestry programmes in the states while also urging that policy be centred on maximising forest productivity for the benefit of national prosperity, the government proposed a constitutional amendment that added forests to the concurrent list in the same year, with the goals of maximizing the use of forest resources for goods and services, reducing erosion, and creating jobs. Thereby allowing both the Union as well as the respective State Governments to enact legislation on it.

Effective steps to address the perennial problem of forest conservation were introduced by the **Act on Forest Conservation of 1980**. The purpose of the Act was to postpone the conversion of forest areas into non-forest areas. The Act stated that such a transition could only be carried out with the approval of the central government, rather than explicitly forbidding it. It also restricted the amount of forest that could be reserved. Since the Forest Protection Act of 1927 lacked provisions to stop such property transfer, the Act was designed to enhance the idea of protecting forest area cover. To assure a more concentrated emphasis on new forestry challenges, **Ministry of the Environment and Forestry Department (MOEF)** took over responsibility for forestry and wildlife in 1985 from the Ministry of Agriculture.

A substantial paradigm shifts in the Government's viewpoint occurred in **1988** with the establishment of the **National Forest Policy**. Compared to the use-oriented strategy used in the **1952 Policy**, this Policy placed more importance on the ecological aspects of forests. The Policy's goal was to preserve ecological equilibrium and, where necessary, restore it in order to sustain environmental stability. maintaining the country's natural history and genetic variety, afforestation to increase the extent of forest (which currently makes up **33% of the total land area**), social forestry projects, etc., enhancing forest production to suit regional and societal demands, organizing a significant public effort to maintain and expand forest cover, with the derivation of economic advantage being secondary to these main goals. In addition to accomplishing its objectives, the policy made other noteworthy achievements. The plight of the native inhabitants who live in these wooded areas was addressed by this strategy, which was the first of its kind. According to the statement, all rights and concessions related to forest dwellers or indigenous tribes must be granted to the actual forest residents.

The privileges and benefits which the forest dwelling communities get must also apply to the

forest products, and their domestic needs must come before any claim to the forest products in which they live. According to the policy, any alteration of forest areas for non-forest purposes must be thoroughly evaluated by specialists in terms of the costs and benefits from an ecological, sociological, and environmental standpoint. Anyone using such land for purposes other than forests ought to be required to do it (which includes mining, quarrying, etc.) to restore the respected forest area in accordance with local forestry norms.

The idea of the **Joint Forest Management** was one of the key concepts introduced in the **1988 policy**. Although the idea was outlined in the policy, the main rules pertaining to the JFM were introduced in 1990. The Ministry of the Environment and Forest promoted village communities and Non-profit organisations to get involved in the regrowth of forests through a circular. The JFM was to be implemented through a partnership between the village community, NGOs, and the State Forest Department, among other fundamental aspects of this circular.

With relation to the preservation of forests and other associated issues, the legislative framework underwent some significant adjustments because of the policy measures which were being taken into consideration. **The Schedule Tribe and Other Traditional Forest Dwellers 2006 Act** was the first significant piece of legislation to be introduced because of this approach. The Act gave legal substance to the policy's provision that granted tribe members certain privileges. The Act provided a way to formally acknowledge the privileges of the Scheduled Tribes or other forest dwellers and an opportunity to involve them in the process of protecting and maintaining the forests. **The Wildlife (Protection) Act of 1972** was also modified to carry out the conservation of wildlife that was the aim of the 1988 Policy. The Environmental Protection Act of 1986 was a further significant bit of law from this era that promoted forest preservation.

According to the **National Forest Commission's 2006** report, Determining the optimal forest cover should be the top priority for scientific research. The **Forest Act of 1927** should be modified, according to the report. The Forest Department will execute the Biological Diversity Act of 2002, the Environment Protection Act of 1986, the rescheduling of fauna under the Wildlife Protection Act of 1972, and the 1988 Policy will remain unchanged.

### **Present Scenario of Forest Policy in India**

To address the problems, the country is currently facing with regard to the preservation of forest

area, the Union or Central Government issued the drafted the forest policy of the country in 2018. These problems include climate change, human-animal conflicts, and declining green cover.

**The following are a few of the policy's key characteristics: -**

- Intends to use scientific intervention to cover one-third of India's total land area with forests.
- Lay emphasise upon the changes made by the climate change.
- A proposal for a team of professionals with the necessary tools and training to investigate and settle human-animal disputes and offer immediate aid to the victims.
- Wildlife conservation and surveillance.
- Public-private collaboration for reforestation and afforestation projects.
- Strict restrictions on using land for purposes other than forestry.

The **Draft Forest Policy of 2018** has implemented several noteworthy changes, but it has drawn criticism for factors including the participation of corporate entities that may result in the privatisation of forests. In view of the recent surge in demand for forest land, there are no established procedures for achieving these goals. Many people now contend that this Policy violates indigenous peoples' rights because it aims to usurp the authority granted to Gram Sabhas part of Panchayati Raj institutions under the **Forest Rights Act, of 2006** and **PESA Act of 1996** and restriction over the forests which are there for communities and Joint Forest Management by setting up the National Mission to manage the community forest resources.

### **Disputes with Indigenous Tribes and Forest Dwellers**

One of the main issues in recent years is that of the inadequate and effective policy implementation of 2006 Forest Rights Act, which safeguards the rights and privileges which are given to tribal people and forest - dwelling over the forest resources. The problem of evicting indigenous tribes and forest dwellers from forest areas after their claims were denied

gained traction in case of *Wildlife First and Ors v. MoEF*.<sup>3</sup> Approximately 8–10 million people, or approximately 2 million indigenous families, might have been touched by the directive nationwide. However, the expulsion of indigenous tribes was postponed by the court when the opposition political parties and nongovernmental organizations pressured the Government.

Since the publication of the 2018 report, emphasis has been placed on rewarding the private sector, such as by leasing vacant land to businesses for regreening. Part of the endeavour to turn forests into a resource for private businesses and forest officials is the ongoing push to include the private sector. Tribal groups and woodland inhabitants are viewed as the adversary during this phase.

Although India's total forest area as well as the tree cover area increased in 2019 when compared to 2017, the MoEFCC's most recent '**India's Forest Report of 2019**'<sup>4</sup> highlighted that the "*recorded forest area*" in tribal areas, which reaches to over 65% of India's forests, is declining.

## Conclusion

In 1947, India won its freedom from the British imperialists, and in 1952, the first forest policy was put into place. That forest policy's primary goal was to enhance the amount of forest area to 1/3<sup>rd</sup> of the current total land area of the nation. Filling one-third of India's land area with forests is the main goal of the recently introduced National Forest Policy, 2018. The excessive growth of the forest area has largely remained constant throughout time. Along the way, several positive actions were done, including the initiative of **Joint Forest Management (JFM)** and panchayat engagement in forest management. Offering forest dwellers control over their own land. Despite how admirable these projects may appear; the truth is that many of these projects have not been carried out adequately. There are numerous issues that need to be examined, from the earlier policy error regarding the classification of forests to the more current attempt to evict forest residents through unsatisfactory enforcement of **Forest Rights Act (FRA) of 2006**.

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<sup>3</sup> Writ Petition (Civil) No. 109 of 2008

<sup>4</sup> "State of Forest Report 2019" Forest Survey of India (Ministry of Environment Forest and Climate Change)



Concerningly, the current draught forest policy's inclusion of public-private partnerships raises the possibility of further corporatizing forest property. Additionally, there is a risk that the forest official's level of authority would grow, worsening the plight of the forest inhabitants. The protection of forest land is also threatened by the most recent change to the mining laws. Moving forward, to develop effective remedies, Indian policymakers must carefully consider these threats that hang over the existence of the forest cover areas of India. We need to identify ways to increase India's forest cover as well as methods for maintaining and preserving the forest land, as further deterioration of the forest area might result in serious ecological imbalances.

### **Suggestions**

- To integrate the bottom-up techniques by ensuring more participation from the lower strata of the administration for making an effective National Forest Policy (NFP) such a participation is required.
- Launching important programmes is required, including those for reforestation, forest preservation, JFM, drought-prone areas treatment, infrastructure strengthening, wildlife preservation, controlling pollution, and adhere to strict enforcement of environment legislation.
- To correctly execute the forest regulations, a significant quantity of data must be collected regarding the forest area and forests.
- So that a trustworthy and main objective NFP can be built, it is required to monitor the crucial forest area loss using satellite **GIS (Global Information System)** and remote sensing techniques and to create a geospatial information network for all natural resources' regions.

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