

Review

Private vs public ownership of forest in India-analysis and few suggestions for change to increase forest cover

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Abstract

Various forest legislations enacted over some time have been extremely important in shaping the forest landscape of India. Even though the Indian Forest Act, of 1927 applies to forests declared as such under the provisions of this Act, Section 38 provides that if any owner of land, desires that his land should be managed by the Forest Department as a reserved/protected forest, the management of such land can be done on mutually agreed terms with the owner of land without depriving the owner of land of his right in the property. This is a significant and visionary provision in the Act. There are many laws and forest policies of 1952 and 1988 which regulate the protection and conservation of forests but they do not inspire people at large to take it as a mass movement in furthering the causes of forests. For example, the 1952 and 1988 Forest Policies recognize limited individual /community ownership but it does not take the shape of mass movement. Therefore, the only solution that seems on the horizon is a Public-Private partnership with a long-term contractual agreement or Tripartite agreement between the State Govt, local body and individual growers or with Easement rights to local people.

Keywords: Indian Forest Act, Forest Conservation, Public-Private Partnership, Forest Policies, Indian Constitution, Public health, Land erosion, Forest Department, Reserve Forest, Protected Forest.

Introduction

The uniqueness and vision of the ([Government Forest Act, 1865](#)) lies in its preamble. Its preamble says, that Act is intended for "enforcing rules having force of law for better management and preservation of forest". This Act provides ownership of the forest to the Government.

([The Indian Forest Act, 1927](#)) is an umbrella legislation concerning forests. Its preamble provides I) to consolidate the law relating to the forest, ii) to regulate the movement of forest produce during transit, and iii) to levy duty on timber and other forest produce. The significance of I.F.A., 1927 has increased after the 1976 constitutional amendment thereafter the forest and wildlife came into the concurrent list. The IFA, 1927 included provisions for conservation of forests for environmental and ecological stability as its Section 35 reads as "The State Government may, by notification in the official Gazette, regulate or prohibit in any forest or wasteland a) the breaking up or clearing or land for cultivation b) the pasturing of cattle; or c) the firing or clearing of the vegetation when such regulation or prohibition appears necessary for any of the following purposes; (i) for protection against storms, winds, rolling stones, floods and avalanches; ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land slips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposition thereon of sand, stones or gravel; iii) for the maintenance of a water supply in springs, rivers and tanks; iv) for the protection of roads, bridges, railways and other lines of communication; iv) for the preservation of the public health". Thus, the concern expressed for environmental conservation and

ecological security shown in National Forest Policy, 1988 was already expressed in IFA, 1927. ([National Forest Policy, 1988](#)) was already expressed in IFA, 1927.

Even though IFA, 1927 applies to forests declared as such under the provisions of this Act, Section 38 provides that if any owner of land, desires that his land should be managed by the Forest Department as a reserved/protected forest, the management of such land can be done on mutually agreed terms with the owner of land without depriving the owner of land of his right in the property. This is a significant and visionary proviso in the Act.

The Indian Forest Act applied to the forests under Government control and served the purpose very well as the forests were owned by the Central Government.

The few States which have their Forest Acts like the Madras Forest Acts were similar broadly in provisions like IFA, 1927. e.g. Procedure for notifying areas as Reserve Forest or Protected forests (Section 4 to 20 of IFA for RF, Section 28 of Village Forests and Section 29 to 34 of IFA of protected forests); in regulation of movement of timber during transit (Section 39 and 40 of IFA, 1927. Further penalties for offences mentioned under IFA, 1927, the procedure for arrest and production of the offender before the court were similar to Sections 52 to 69 of IFA, 1927.

([The Indian Forest Act, 1927](#)) (Act 16 of 1927) was enacted on 21st September 1927 and one of the preambles is "an Act to consolidate the law relating to forest". IFA, 1927 is one of the legislations enacted by British Rule to consolidate law relating to forests. The objective of British Rule was to bring as much area under their control including the Princely States so that they could exploit forest produce at maximum. The IFA, 1927 applied to the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal with effect from 21st September 1927. These were part B State during British Rules. The other states were at liberty to apply IFA, 1927 through their official Gazette Notification. Subsequently, by the Government of India Notification dated 1st November 1956, the other States, part of States were allowed to extend the provision of this Act. Subsequently, it was extended to all union territories by different notifications between 1956 and 1967. By 1976, constitutional amendment subjected "forest and wildlife" which was under the State List. (Article 246 of Constitution of Seventh Schedule) was shifted to "Concurrent List" (Item 17A Forest, 17B Wildlife). Hence after 1976, if any provision of the State Forest Act which are not as per IFA, 1927 will become infructuous. Indian Constitution and Environment and Forest Protection and its impact on private ownership

The Indian Constitution adopted in 1950 has very relevant provisions on the conservation and protection of the environment. The directive principles of the state Policy and the fundamental duties chapters of the constitution are extremely important which states clearly the national commitment to improve the environment. Various judicial interpretations pronounced by the Supreme Court from 1950 onwards strengthened this constitutional mandate. The constitution guarantees the following fundamental norms for every citizen: i) Every person enjoys the right to a wholesome environment, which is a facet of the right to live guaranteed under Article 21 of the constitution; ii) Enforcement agencies are under an obligation to strictly enforce environmental laws; iii) The States are the trustee of all-natural resources which are by nature meant for public use and enjoyment. These resources cannot be converted into private ownership. The above three principles are based on the Public Trust Doctrine.

The public trust doctrine is very simple to understand because it states that there are some resources like air, sea, water, and forests are extremely important for the mankind regardless of their social standing therefore, its ownership should rest with the government as they are available to each one of us without any cost. This interpretation was made by the Supreme Court in ([Mehta vs. Kamalnath, 2002](#)) under Article 32 of the Constitution. The crux of the judgment is that ownership of forests should not be given to private individuals.

The government of India in the year 1989 decided to amend the IFA 1927 and various Committees were constituted. In the year 2003, the final draft to amend IFA 1927 was submitted to MOEF, Government of India. The drafting committee consists of three

persons namely Mr. R.K.Upadhyay, I.F.S., Dr. Parvez Ahmad, I.F.S. and Mr. R.N.Saxena, I.F.S. Now the draft is under consideration within MOEF. Government of India from 2003. The salient features of the proposed draft amendment to IFA 1927 include defining forest, redefining forest produce (exclusion of horticultural and crops and produce from the purview of Section (2) of IFA 1927); Saw Mill and sawing; vehicle and working plan. The proposed draft also intends to provide a maximum of six months time limit for proclamation by the Forest Settlement Officer under Section (6) of IFA 1927. An additional clause under Section (38) of IFA 1927 is proposed to be added for the exclusion of ceiling laws for land for tree cultivation to increase forest cover on private land as per National Forest Policy 1988. A forest development tax of 15% on the value of forest produce is proposed to be levied by making an additional clause in Section 39 of IFA 1927 and money generated by forest development tax shall be used for conservation and development of forests.

Private Forest Acts and their Intention to Regulate Ownership

Soon after Independence, the necessity arose for ensuring conservation and proper management of private forests as IFA, 1927 did not apply to them. Forestry being a State subject, many States in the country brought in legislation concerning private forests. ([Bihar Private Forest Act, 1947](#); [Tamil Nadu Preservation of Private Forest Act, 1949](#) and [Uttar Pradesh Private Forest Act, 1948](#)) are some of the examples of old legislation in India

The private forest as broadly defined under these Acts, means forest which is not the property of the government or over which the Government has no proprietary rights or to the whole or any part of the produce of which the Government is not entitled. The main provisions under the private forest Acts of some of the States are briefly dealt with. As per Section (3) of the ([Tamil Nadu Preservation of Private Forest Act, 1949](#)), no owner of any private forest shall, without the previous sanction of the committee headed by the Collector of the district, sell, mortgage, lease or alienate the whole or any portion of the forest or denude any portion of the forest. State Government is empowered under this Act as per Section (6) to regulate or prohibit the activities detrimental to the preservation of private forests and to regulate customary or prescriptive rights in them. ([Uttar Pradesh Private Forest Act, 1948](#)) provides under Section (4) that the State Government is empowered to prohibit the cutting of trees on these lands and to impose restrictions on the removal of timber and fuelwood even for agricultural or domestic purposes by the owner of these private forests. Under Section (13) of the Act, the Forest Officer may direct the owner of the private forest to prepare a working plan for the management of the forests. Section (16) of the Act lays down that if the State Government finds the management of private forest unsatisfactory, then in the public interest, the State Government may declare the private forest as a vested forest. This Section further provides that if an area not less than 50 acres (about 20 ha) lying uncultivated for more than seven years is suitable for afforestation and if the owner of such land is unwilling or unable to cultivate, the State Government may take it up for afforestation. Under the ([Bihar Private Forest Act, 1947](#)) even a person who had the right to cut, collect or remove trees, fuelwood or timber for his domestic or agricultural needs could not cut more trees than permitted by rules framed under the Act. Few States have made rules rather than separate Acts under their State Forest Act for the preservation of private forests like Andhra Pradesh Preservation of Private Forest Rules 1978. The penalties for offences under the Private Forests Acts were broadly similar to those provided in IFA, 1927.

The implementation of private forest Acts in many States did not prove effective enough to conserve the private forests. Some State Governments accordingly decided to bring in legislation providing for the taking over of private forests by the Government in cases of default by the owners of private forests. The Gujarat Private Forest (Acquisition) Act, 1972 is an example. The Act provided for acquiring private forests by paying the owner the value of land and trees for conserving their material resources for protecting them from destruction and over-exploitation by their owners and to ensure scientific development and management of such forests to attain and maintain ecological balance in the public interest.

States like Kerala enacted legislation namely ([the Kerala Preservation of Private Forest Act, 1972](#)) to regulate the indiscriminate destruction of private forests and also to regulate customary rights.

The Law Regarding Merger of Princely States and Taking Over of their Forests By Government.

The Indian Forest Act, of 1927 was extended to the new Provinces and merged States by the merged States (Laws) Act 59 of 1949 and to the States of Manipuri, Tripura and Vindhya Pradesh by ([The Union Territories \(Laws\), 1950](#)). It was also extended to the States merged in ([The State of Maharashtra by Bombay Act 4 of 1950](#); [Maharashtra Act 6 of 1961](#); Madhya Pradesh by Madhya Pradesh Act 12 of 1950; [Orissa by Act 4 of 1950](#); [Punjab by Punjab Act, 5 of 1950](#), 13 of 1962; [Gujarat by Gujarat Act 15 of 1960](#)).

Similarly, the States which were having their own State Forest Act enacted their legislation and brought Zamindari forest under State Government control e.g. in the State of Tamil Nadu, the forests which were under Nilambur King were brought under the Government of Tamil Nadu control by enacting legislation namely The Gudalur Janmam Estates ([Abolition and Conversion into Ryotwari](#)) Act, 1969). Even the Tamil Nadu Government have placed this enactment in the 9th Schedule of the Constitution - Article 31B of the Constitution to escape from Judicial Review by the Court. A few States like Kerala took over the control of the Zamindari forest by promulgating an ordinance.

Tree Protection Act And Its Efficacy In Dealing Private Ownership

The 1952 National Forest Policy laid great emphasis on tree planting outside the notified forest area. This was basically to achieve 33.1/3% of the geographical area with tree/forest cover. A few States like Uttar Pradesh enacted legislation namely ([the U.P. Protection of Trees in Rural and Hill Areas Act, 1976](#)). The preamble of this legislation is to regulate felling and tree planting in rural areas and hill areas of Uttar Pradesh (outside Reserved Forest and Protected Forest) for maintaining green cover to ensure ecological balance, conserving soil and prevent environmental pollution: Unique feature of this Act is, that, as per Section (8) of the Act, Divisional Forest Officer after his considered opinion can direct the owner of blank area to take up tree planting. Further Section (4) of the Act restricts the felling of trees including trees standing on private holding. As per Section (10), violators of the Acts are punishable with imprisonment of up to six months or a fine of up to a thousand rupees or both. But on the ground its impact is negligible.

Community Forests In North-East Indian States And Its Ownership Issue

The seven States of North-East India are referred to as the seven sisters and had a long history of close contact even before the British India period. The areas of North-East India fell under two major provinces of British India viz. Assam and Bengal. The Tribal identities, especially in hilly regions were well recognized. The formation of these States did result in a clear identification of the ethnic and other interests of Tribals in the region. The tribal aspirations were accommodated in recognition of traditional institutions like village and district councils.

North-Eastern India has a unique and different land tenancy system in comparison to the rest of our country, which varies from State to State (amongst seven sister States) and even within the district of some States. Of the total forest cover of the N-E states about 35% are the reserve forests, protected forests under the state government control. But the forests of District Council, village communities and private ownerships are different in these seven sister States.

In Arunachal Pradesh, the son of the soil, has complete rights over inherited lands. Shifting cultivation is practised on every inch of hill slopes they inherit. There is customary law for these villages and they govern the administration of these villages including the transfer of the right of shifting cultivation area amongst the clans of tribal residing in the village.

In the State of Assam, the areas allocated permanently in the forest department are reserve forests under the ([Assam Forest Regulation and District Council Forest Act, 1891](#)). The forest areas designated as reserve forests are properly demarcated. No special concessions are given to the people in these forests people have rights over the forest managed by the District Council under the District Council Forest Act. These forests are with the district council and managed scientifically.

In the State of Manipur, more than 60% area belonging to the tribal people is unclassified. The Manipur Land Revenue and Land Reforms Act, 1960 declares “that all lands including forests, mines and minerals which are not the property of any person are the property of State. The land owners in their lands have permanent and heritable, transferable rights over the lands and their use for improvement. This Act also prohibits the transfer of tribal lands to non-tribal.” However, the Manipur Land Revenue and Land Reforms Act, of 1960 does not apply to hill areas where 70% of the forests are located. The land tenancy in this area is mainly governed by their local traditions and their culture. There are two types of tribes in this area namely, Naga and Kuki. The rights over their land are acquired by clearing forests besides whatever inheritance and transfer they have.

Meghalaya has a different story where 73% of its lands are in the community ownership including clan land and rikynti land which are technically not community lands. The land tenure system varies from one place to another place in this state and dominant tribal communities follow their tradition. For example, in Khasi Hills, one type of land belongs to a community and a member of the community may have the right to occupy a part of the land but the members will not have the transferable right. In Khasi Hills under one category land belongs to the community, even if a member has a right to occupy a portion of the land, he has no transferable right whereas the secondary category of land provides an exclusive right for some clans, mainly the founders of villages and they enjoy absolute right of land occupancy as well as heritable and transferable rights. The case in Jaintia Hills is different where the government did not allow the ownership right but permitted anyone to cultivate. There are two land tenure systems in the Garo hills, in the first category, the families have i.e. akhing land, only temporary rights of cultivation while the secondary category provides the right for permanent cultivation.

Mizoram has a different forest landscape where 51% of forests are reportedly kept as unclassified and 11% of the forest area is under the control of the District Council. The major part of the unclassified forests is controlled by the Village Councils. Some part of these forests is kept as village supply reserves and in the rest of the forest areas jhumming cultivation is practiced. The most challenging situation in this state is that forest demarcation and systemic survey have not been done as yet therefore, the entire forest area has been affected adversely by Jhumming cultivation in the past. The Jhumias have no such rights. The Jhum lands are a common property and their ownership is decided by lottery at the end of the year.

Nagaland is also rich in forest diversity, yet 33% of the total forest area is still unclassified. The landed properties in Nagaland are grouped into four categories namely

1. Private Land
2. Clan Land
3. Morung Land
4. Common Village Land

Most of the unclassified forests belong to any of the three categories. The Jhum land is a common property for the villagers and the ([Naga Jhum Land Regulation Act, 1946](#)), states, “The villagers have absolute rights over jhum land and have their eligibility for the practice of shifting cultivation, grazing of cattle etc.” The Nagaland Forest Act, 1968 states “The State Government has an absolute right to carve out forest reserves and acquire any plot of land for its purpose.

Tripura has around 29% of the forest area as unclassified. An Act called Tripura Land Revenue and Land Reform was passed in 1960, which states that all the land not

belonging to any person is state property. This legislation ends the intermediary right of the people. The raiyats are given the right to build houses, and water wells and improve upon the land for cultivation. This legislation also takes into account the land ceiling based on family size, for example, if a family has one person the land ceiling comes to two hectares for a family of five members the land ceiling is four hectares. Further, the transfer of land by a tribal to a non-tribal is not valid unless the transaction has the written consent of the Collector. Further Article 371A of the Constitution also states that "no Act of Parliament in respect of ownership and transfer of land and its resources shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides." Therefore, this is amply clear that the constitution of India also understands the ethnic identity and aspirations of the Nagaland people.

In respect of the State of Assam generally, all Acts of Parliament apply except as modified for the sixth schedule area of Karbi Anglong and North Cocher Hills. The modified scheduled area states "The power to make law concerning (i) allotment, occupation or use of land, other than any land which is a reserved forest (ii) the management of any forests not being a reserve forest (iii) regulation of the practice of Jhum or another form of shifting cultivation (iv) Alienation of land - "Reserved Forests" - meaning any area which is a reserved forest under Assam Forest Regulation 1891." Hence, the State Government have entrusted the management of even Reserve Forests to the District council in many hill areas of Assam.

Further, Article 371 G of the Constitution says, "No Act of Parliament shall apply to the State of Mizoram unless the Legislative Assembly of State of Mizoram by a resolution so decides in respect of Mizo Customary Law and procedure and ownership and transfer of land, religious or social practices of Mizos." Hence strictly speaking even the [\(Forest Conservation\) Act, 1980](#) enacted by Parliament does not apply to the community / District Council / unclassified forests of Nagaland; the Sixth schedule area of Karbi Anglong and North Cocher Hills of Assam; sixth schedule areas of Mizoram namely Chakma District, Mara District and Haj District. A similar situation does exist in the case of the States of Meghalaya and Tripura concerning sixth schedule areas within the State. However, in respect of Arunachal Pradesh, all Acts of Parliament apply to the State. Hence in a nutshell despite certain drawbacks, community ownership has a great impact on the conservation and retention of forest cover in North Eastern states in India. The [\(Panchayat \(Extension to the Scheduled Area\) Act 1996\)](#) and ownership right of Minor Forest Produce to Panchayat / Gram Sabha.

Panchayat (Extension To The Scheduled Areas) Act, 1996

The Government of India enacted a law namely the Provisions of the [\(Panchayat \(Extension to the Scheduled Areas\) Act, 1996\)](#), which provides for the extension of the provision of Part IX of the constitution relating to Panchayats to the Scheduled Areas. The Act provides enough powers to the Gram Sabha and Gram Panchayat in Scheduled Areas to protect and conserve the traditions and customs of the people, their cultural identity, community resources and customary modes of dispute resolution and more specifically give ownership right of minor forest produce. Section 4 (ii) of the PESA, 1996 provides that Panchayats at the appropriate level or the Gram Sabha be endowed with the ownership of minor forest produce. This Act applies to the "Scheduled Areas" as mentioned in clause (i) of Article 244 of the constitution. Further Section (4) of the PESA 1996 states, "Legislative of State shall not make any law under that part which is inconsistent with the feature listed in this section." Since the institution of self-government which was given constitutional status by the 73rd Constitutional Amendment namely Panchayat/Gram Sabha is yet to be institutionalized as a self-governing body, the provisions of PESA, 1996, namely ownership right over minor forest produce to concern Gram Sabha is yet to be institutionalized. Certain States like Maharashtra, Gujarat etc., immediately extended the provisions of PESA, 1996 by promulgating ordinances in 1997 itself. Few States like Tamil Nadu are implementing the provisions of PESA, 1996 in the tribal area through administrative order. The majority of States (about 25 States have given limited ownership rights to NTFPs. in the form of servitudes to tribals, village communities and forest dwellers community

through the Joint Forest Management Programme. In almost all the states having Schedule-V areas the Trade of Important Minor Forest Products (now called NTFPs) have been nationalized or regulated through various trade regulations. Some of these regulations are as under, ([Andhra Pradesh Minor Forest Produce \(Regulation of Trade\) Act, 1971](#); [Bihar Kendu Leaves \(Control of Trade\) Act, 1973](#); [Bihar Forest Produce \(Regulation of Trade\) Act, 1984](#); [Gujarat Minor Forest Produce Trade Nationalized Act, 1979](#); [Madhya Pradesh Vanupaj \(Vyapar Viniyaman\) Adhiniyam 1969](#)) and its amendment 1975. ([Madhya Pradesh Tendu Patta Vyapar Viniyaman Adhiniyam, 1964](#); [Maharashtra Minor Forest Produce \(Regulation of Trade\) Act, 1969](#); [Orissa Kendu Leaves \(Control of Trade\) Act 1961](#)). Thus, the trade of almost all the economically important NTFPs has been nationalized in all States and trading is controlled through institutions like Corporations / Federations / Co-operative Societies etc. The NTFPs which are not significant from a commercial angles are normally collected and used or marketed freely by the local people including tribals.

In a nutshell, we may conclude that PESA,1996 had some impact on the conservation of forests in central Indian States as well as in Orissa. But it has a very negligible impact on grating ownership right to tribal of the forest tract living in the area.

Wildlife Act

Forest and Wildlife Subject Brought on to Concurrent List of Constitution and its impact on Conservation and private ownership

The subject of forests and wildlife was included in the state list meaning thereby that State Governments were to legislate on this subject and the Government of India could not directly legislate on matters concerning forests and wildlife. It was through the 42nd constitutional amendment by the Parliament brought about in 1876 that the subject of forests and wildlife was included in the concurrent list. This constitutional amendment enabled the Central Government to enact legislation on forests and wildlife. It also set the tone of commitment of the Central Government to the protection of forests and wildlife. Under Article 51A of this constitutional amendment, the fundamental duties of the citizens were incorporated. Article 51A (g) deals with forest and wildlife and reads "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures". Using this provision, the Indian Parliament enacted ([Forest \(Conservation\) Act, 1980](#)) and other relevant Acts concerning forests and wildlife in subsequent years.

This has reduced the diversion of forest land for non-forestry purposes after 1980. However, this act does not encourage private ownership like in South Africa.

Forest (Conservation) Act, 1980

As a result of ever-increasing biotic pressure, forest degradation continued. In addition, forest areas had to be diverted for non-forestry purposes to execute different types of development programmes. Before 1976 when the 42nd constitutional amendment was brought about to bring the subject of forests and wildlife on a concurrent list to empower the Government of India to legislate on forestry matters, the State Governments could divert forest areas for non-forestry purposes. On average, about 0.1 million ha. The forest area was being diverted for non-forestry purposes annually. Alarmed with the loss of forest cover as a result of such diversion as well as because of forest degradation, the Government of India passed an ordinance in 1980 for checking the diversion of forest land and enacted Forest (Conservation) Act, 1980 in October of that year. Under this Act, the diversion of forest land for non-forestry purposes can be done only with the approval of the Government of India. This Act thus effectively checked the diversion of forest land for non-forestry purposes and from 1980 onwards, the annual rate of diversion of forest for non-forestry purposes was merely 5,000 ha as compared to about 0.1 million ha before 1980. This is a landmark in the field of Forest Conservation in independent India.

Forest Policies And Ownership In India- A Brief Summary And Few Suggestions For Change For Increasing Forest Cover

India made its first ([National Forest Policy, 1894](#)). It put forests under three categories namely First-class Forest (Preservation Forest), Second-class Forest (Forest for commercial purposes) and Third-class Forest (Minor Forest). By and large, ownership remains with the Government and very limited rights to the community in second and third-class Forests.

India made its second ([National Forest Policy, 1952](#)). It put forests in four categories namely Protection Forests, National Forests, Village Forests Private Forests and tree land. This policy also retained the concept of Government ownership in the first two categories of forest and very limited rights in the third category of forest. This policy first time recognized Private Forest and its ownership.

India made its third ([National Forest Policy, 1988](#)). It put forest in three categories namely State Forest, Forest land /land with tree cover and Village and community forest land. The ownership status remains the same as the 1952 policy.

Discussion And Conclusion

In a nutshell, the 1952 and 1988 Forest Policy recognizes limited individual /community ownership but it does not take the shape of a mass movement. A small comparison with the USA, where 58% of the forest is owned by small private owners, 14% by forest industry/institution and 28% by public forest. This will be interesting to understand why this is not happening in India. Why land owners are not creating/planting trees like the USA in India?

1. Rigidity of Forest laws in India- People fear that trees they cultivate on their land will not be allowed to cut when they desire to cut. This is true in almost all states in India. The Government of Tamilnadu, as per Govt Order No Ms.165 E&F(FR13) dated 13.11.2009 exempted 36 species from timber transit rule. This has a significant impact on tree cultivation on private land. As per the 2017 Status of Forest Report, 50% of the growing stock is now in private land in Tamilnadu. Tamilnadu and Karnataka have modified rules on Sandal cultivation from 2002. But the cultivator is not allowed to cut and trade. They have to hand over the wood to the Government on maturity. With this restriction, farmers have not taken cultivation of Sandal in their land.
2. Sense of ownership/belonging-JFM started in a big way during 1990 but on the ground, it has no impact as the community has no sense of belonging in the JFM scheme.

Only criticizing Government policy is not the solution but a solution has to come. Public-private partnerships with long-term contractual agreements or Tripartite agreements between the State Govt, local body and individual growers or with Easement rights to local people, may lead to mass movement in this field.

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