

# Study on Deforestation and Applicable Related Act in India

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**Abstract:** Forests are green lung of India. They are valuable gift of nature to man, rather to living beings. Forest which include trees, shrubs, herbs, grass etc have a moderating effect on climate as they help in maintaining ecological balance They render the climate equable, add to fertility of soil, prevent soil erosion and promote perennial stream flow in rain-fed rivers. They shelter wild animals, preserve gene pools and protect tribal people. The supreme court has taken note of all these things in Rural Litigation and Entitlement Kendra v. State of U.P. Taking note of the need to stop mining that caused an ecological imbalance in a forest area, the court declared. The trees in the forest draw water from the bowls of the earth and release the same in to the atmosphere by the process of transpiration and the same is received back by way of rain as a result of condensation of clouds formed out of the atmospheric moisture. Forests thus help the cycle to be completed. These are responsible to purify the air by releasing oxygen into the atmosphere through the process of photosynthesis. It has, therefore, been rightly said that there is a balance between earth, air, water, soil and plant. Forests hold up the mountains, cushion the rains and they discipline the rivers and control the floods. They sustain the springs, they break the winds; they foster the bulks, they keep the air cool and clean forests also and prevent erosion, "Forests are renewable resources. They are useful directly and indirectly. Directly, they provide wood, timber, fuel, medicines, fruits which have commercial and industrial value such as news, print, rayon, bidi leaves, gums, resins, charcoal etc. They also provide employment to the people. Indirectly, forests preserve the physical features of land, check soil erosion, mitigate floods, help streams flow perennially and in this way help agricultural. However, the most important effect which forests produce is protection of our environment through green and leafy vegetation and wildlife. Thus it is very much essential to manage of preserving forest from deforestation to protect the environment.

During the last century, forests have been cut at rates unequalled in the world and they are disappearing at an alarming rate. In India, it has been claimed that we have got vegetation cover over 19% of the total land area as against the accepted ideal of 33% in India and over 40% internationally. Thus vegetation cover is much less than required. The above discussion amply demonstrates that Indians had a culture of protecting and guarding the forests and it was a social responsibility of the individuals as well as the rulers to maintain and protect them and that India had a culture of worshipping nature in all its glory.

**Key Words:**--ecological balance, Rural Litigation, atmosphere, renewable resources, employment to the people, protection of our environment, vegetation and wildlife etc.

## I. INTRODUCTION

Forests are major natural resources and are also recognised as a colourful expression of nature. They are also recognised as guardians and protectors of the wild life of the country. Forests are valued not only for various kinds of flora and fauna but also for minerals. Water sheds, cradles of rivers, check on desertification, and as an important recreational resources and for their scenic beauty. Therefore, management of forest is an essential aspect of the protection of the environment. It also becomes more important as the trees are known as pools or banks of carbon dioxide. Cutting of trees releases carbon dioxide in to the atmosphere which has largely contributed to the green house effect or global

warming. This global warming, in turn, has resulted in the melting of ice-caps and rise in the sea level achange in a climate patterns has also been experienced all over the world. TheUNEP (United Nations EnvironmentProgramme) has declared that because of the effect of green -house gases, the year 2003 has been found to be the hottest in the last fifty years.

It has been rightly observed that the culture and civilisation of our country have been developed on the banks and amidst the dense forests. The Rig-Veda and the other Shrutis make it abundantly clear that often people saw the images of GOD in Nature (trees, plant, animals, etc) and treated them as divine objects with great devotion and love .Some of the treeswere declared as sacred (e.g. Pipal,

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Banana, Tulsi, Amla etc) and this, in turn, automatically worked to protect the forests from the onslaught of mankind. Trees have been eulogised to the extent that one of the Upanishads has been named as 'Brishadaranyak Upanishad' In the Agni Purana, it has been observed that 'a person who does the sacred work of plantation provides salvation even to those ancestors who died 3000 years ago. That person enjoys the pleasures of heaven for as many years as the trees benefit living beings with their pleasant and fruits full of nectar Even during the Veda period (3000 to 4000 BC) tree worship was a practice popular in the society.

The Manusmriti also declares the cutting of green trees an "offence" Kautilya has provided in his Arthashastra that it is the duty of the king to guard upkeep and plant forests for the kingdom. He also prescribes that it is the duty of the King to plant forests which grant safety to animate and inanimate objects.

## II. MEANING OF FOREST

The word forest is derived from the Latin word 'foris' which means outside. This has reference to village boundaries or fence. 'Forest' or 'Jungle' is a collection of trees, shrubs, grass and naturally has wild life living, in it. Forest is a great or vast wood.

Forest, in general sense, is an area set aside for the production of timber and other forest produce or maintained under woody vegetation for certain indirect benefits which it provided i.e., climate or protective. Forest, in ecological sense, is a plant community predominantly of trees and other woody vegetation, usually with a closed canopy.

## III. DEFINITION

Tomlin's Law Dictionary states, 'A forest is a certain territory or circuit of woody grounds and pastures known as its bounds and privilege for the peaceable abiding of wild beasts and fowls of forest chase and warren to be under the king's protection for his princely delight replenished with beasts of venery or chase and great coverts of vert for succour of the said, for preservation whereof there are particular laws, privileges, and officers belonging therein into'.

In legal sense, forest is an area of land proclaimed to be a forest under a forest law. However, the term "forest" has not been defined in the Forest Act, 1927. In *Laxman Iccaram v, District Forest Officer*, it is defined as "an extensive tract of the land covered with trees and

undergrowth, sometimes intermingled with pasture" (AIR 1953 Nag 51)

## IV. OBJECTIVES AND SCOPE OF THE STUDY

The Forests are to be preserved mainly for following purposes

1. To ensure environmental stability and maintenance of ecological balance.
2. It provides wood, medicinal plant, fruits and other products, timber, fuel etc.
3. To provide employment to the people especially for villagers such as tribal etc.
4. To mitigate floods.
5. To provide shelter for wild animals such as Tiger, Lion, Elephant, etc.
6. To improve agricultural products.
7. It helps to prevent soil erosion and promote rainfall and rivers.

## V. REVIEW OF LITERATURE

Some of the important case studies are furnished below with relating to Deforestation

- ❖ M/S Anupama Minerals v. Union of India and others. AIR 1986 AP 225 AT P 237.
- ❖ Uttar Pradesh Gandhi Smarak Nidhi, Vijasthapak v. State of UP (1988) 2REPORTS (All) 327.
- ❖ T.N. Godavarman Thirumulkpad v. Union of India, AIR 1997 SC 1228.
- ❖ Tarun Bhagat Singh v. Union of India, 1993 supp(3) ECC 115.
- ❖ T. Veerabhadrapa v. Ministry of Mines and Steel, New Delhi, AIR 1998 Kant .412
- ❖ Golden Granites v. K.V. Shanmugam, AIR 1998 Mad 150
- ❖ The Goa Foundation v. Conservator of Forest, Panaji, AIR 1999 Bom, 177
- ❖ Raghava Das (G) and others v. Government of UP & others, AIR 1987 AP 166
- ❖ Joshi (B.V) V. State of AP & Others, AIR 1989 AP 122
- ❖ State of Bihar v. Bansi Ram Modi & Others, AIR 1985 SC 814 AT P. 816

## VI. USEFULNESS OF FORESTS

Forests are green lung given by nature, forests are renewable resources. They are useful directly and indirectly.

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Directly, they provide wood, timber, fuel, medicinal plants, fruits and other products which have commercial and industrial values such as newsprint, rayon, bidi leaves, gums, resins, charcoal etc. They provide employment to the people. Indirectly forests preserve the physical features of land, check soil erosion, mitigate floods, help streams flow perennially and in this way help agriculture.

In Rural Litigation and Entitlement Kendra v. State of UP (air 1988 sc 2187), the court says, "The trees in the forest draw water from the bowels of the earth and release the same into the atmosphere by the way of rain as a result of condensation of clouds formed out of the atmospheric moisture. Forest thus help the cycle to be completed. Trees are responsible to purify the air by releasing Oxygen in to atmosphere through the process of photosynthesis. It has, therefore, been rightly said that there is a balance between earth, air, water, soil and plant. Forest holds up the mountains, cushion the rains, discipline the rivers and control the floods. They sustain the springs, they break the winds, they foster the bulks, they keep the air cool and clean forests also and prevent erosion".

Thus Forests which include trees, shrubs, herbs, grass etc., have a moderating effect on climate as they help in maintaining ecological balance. They render the climate equable, add to fertility of soil, prevent soil erosion and promote perennial stream flows in rain-fed rivers. They shelter wild animals, preserve gene pools and feed tribal people.

#### VII. FOREST ACT IN INDIA

From very ancient time, forests are a part of mankind in India. Ancient Indians prayed the trees and protected in forests. According to Kautilya's Arthashastra, forests were classified in to five categories for protection. Some forests were reserved for religious study. Some for supply of forest produce, some for grazing of royal elephants, some for royal hunting and some others for the general public hunting. Attempts have been made in India from ancient time for protection of forests.

#### VIII. INDIAN FORESTS ACT, 1865 AND FOREST ACT 1878

Till the beginning days of British rule, no attention was paid towards forests protection. People used to clear forests for agricultural purposes. However, during the British rule, the first Indian Forest Act, 1865 (VII of 1865) was passed by the Supreme legislative council declaring the

possession of state over forests. This act was passed for the formulation of the erosion of both forests and rights of local people to forest produce. The forest Act, 1878 and its amending Acts contained the general law relating to forests in British India.

#### IX. INDIAN FOREST ACT, 1927

The Indian forest Act, 1927 is a comprehensive legislation relating to forest Act, 1865 and forest Act, 1878. The Indian Forest Act 1927, being the product of the British colonial days, reflects the exploitative intentions of colonial and feudal society of the time rather than the environmental and ecological interests to preserve the forest. With a revenue-oriented policy, its main object was to regulate dealings in forest produce and augment the public exchequer by levy of duties on timber. The preamble of the Forest Act, 1927 (16 of 1927) shows that the Act was passed to consolidate the existing laws relating to forest, the transit of forest produce and the duty liveable on timber and other forest-produce. Originally forests were placed in the state list of the constitution. Accordingly, the Indian forest Act, 1927 gives the states jurisdiction over both private and public forests. The forests in which state Government have proprietary interest are public forest. There were the following categories;

1. Reserved Forests
2. Village Forests
3. Protected Forests
4. Private Forests

#### X. FOREST POLICY OF 1894

The Government of India issued a resolution on 19th October, 1894, declaring its forest policy. The resolution served as model for all subsequent developments relating to forests. The principles laid down in that policy were as follows

- (i) The sole object with state forests are administered is public benefit. In general, the constitution and preservation of a forest involve the regulation of rights and restriction of privileges of the user of the forest by the neighbouring population
- (ii) Forest situated on all hill slopes should be maintained as protection forests to preserve the climate and physical conditions of the country and to protect the cultivated plains that lie below them from the devastating action of hill torrents:

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| <ul style="list-style-type: none"> <li>(iii) Forests which are the storehouse of valuable timbers should be managed on commercial lines as a source of revenue to the state:</li> <li>(iv) Ordinarily, if a demand for agricultural land arises and can be met from a forest alone it should be conceded without hesitation, subject to the following conditions: <ul style="list-style-type: none"> <li>(a) Honey combing of a valuable forest by patches of cultivation should not be allowed:</li> <li>(b) Cultivation must be permanent and must not be allowed to extend so as to encroach upon the minimum area of forest that is needed to meet the reasonable forest requirements, present and prospective:</li> <li>(v) Forest that yield only inferior timber, fuel wood or fodder or are used for grazing should be managed mainly in the interest of the local population, care being taken to see that the user does not annihilate its subject and the people are protected against their own improvidence.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>(i) Maintenance of environmental stability through preservation and where necessary restoration of ecological balances that has been adversely disturbed by the serious depletion of the forests of the country.</li> <li>(ii) Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable the biological diversity and genetic resources of the country.</li> <li>(iii) Checking soil erosion and denudation in the interest of soil and water conservation for mitigating floods and draughts and for the retardation of siltation of reservoirs.</li> <li>(iv) Increasing substantially the forest/tree cover in the country through massive forestation and solid forestry programmes, especially on demanded, degraded and unproductive lands.</li> <li>(v) Checking the extension of sandiness in the desert area of Rajasthan and along the coastal tracks.</li> <li>(vi) The requirements of fuel wood, fodder minor forest produce and small timber of the rural and tribal population.</li> <li>(vii) Encouraging efficient utilization of forest produce and maximizing substitution of wood.</li> <li>(viii) Creating a massive people's movement with the involvement of women for achieving these objectives and to minimize pressure on existing forests.</li> </ul> |
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#### **XI. NATIONAL FOREST POLICY, 1952**

First Forest policy of independent India was declared on May 12, 1952 by the Government of India. It was a new National Forest Policy which was based on national needs. The following national needs were declared for the purpose:

- (i) need for evolving a system of balance and complementary land use;
- (ii) Need for checking- (a) denunciation in mountainous regions: (b) erosion on the river banks and invasion of sea sands on coastal tracts:
- (iii) Need for amelioration of physical and climate conditions:
- (iv) need for ensuring increase in supplies of grazing, small wood and firewood;
- (v) Need for sustained supply of timber and other forest produce for defence communication and industries and :
- (vi) need for the realisation of the maximum actual revenue in perpetuity consistent with the above need.

#### **XII. NATIONAL FOREST POLICY, 1988**

Since 1952 when the first forest policy of Independent India was declared, many changes had taken place particularly in the field of economics, politics and environment. It was therefore, felt the existing forest policy was not in a position to meet the new requirements and as such in 1988 a new forest policy was declared. The salient features of this policy are following:

Probably for the first time the importance of forest was felt from the point of view of environment. In fact, forest is more significant from the point of view of environment than from the point of view of commerce as well as revenue.

#### **XIII. IMPORTANT STRATEGY**

**(1). Area under Forest;** The national goal should be to have a minimum of 1/3 of the total land area of the country under or tree cover. In the hills and in mountainous regions, the aim should be to maintain 2/3 of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

**(2) Afforestation, Social Forestry & Farm Forestry;** A massive need-based and time –bound programme of afforestation and tree planting, with particular emphasis on fuel wood and fodder development, on all degraded and denuded lands in the country, whether forest or non-forest land, is a national imperative.

It is necessary to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals and on other unutilised lands under state/corporate, institutional or private ownership. Green belts should be programme will help to check erosion and desertification as well as improve the micro-climate.

Land laws should be so modified wherever necessary so as to facilitate and motivate individuals and institutions to undertake tree farming and grow fodder plants and legumes on their own land.

**(3) Management of state forest;** Schemes and projects which interfere with forest that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas should be severely restricted. Tropical rain/moist forests, particularly in areas like Arunachal Pradesh, Kerala. Andaman & Nicobar Islands should be totally safeguarded.

No forest should be permitted to be worked without the Government having approved the management plan, which should be in a prescribed format and in keeping with the National Forest Policy. The central Government should issue necessary guidelines to the state Government in this regard and monitor compliance.

In order to meet the growing needs for essential goods and services which the forest provide, it is necessary to enhance forest cover and productivity of the forests through the application of scientific and technical inputs. Production forestry programmes, while aiming at enhancing the forest cover in the country, and meeting national needs, should also be oriented to narrowing by the turn of the century, the increasing gap between demand and supply of fuel wood.

Wood is in short supply. The long-term solution for meeting the existing gap lies in increasing the productivity of forests, but to relieve the existing pressure on forest for the demands of railway sleepers, construction industry (particularly in the public sector) furniture and panelling, mine pit props, paper and paper board etc.

**(4) Diversion of forest land for non-forest purpose;**

Forest land or land with trees cover should not be treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any non-forest purpose should be subjects the most careful examinations by specialists from the stand point of social and environmental costs and benefits. Construction

of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for such division at least provide in their investment budget, funds for regeneration/compensatory afforestation.

**(5) Wildlife Conservation;** Forest management should take special care of the needs of wildlife conservation and forest management plans should include prescriptions for this purpose. It is specially essential to provide for 'corridors' linking the protected areas in order to maintain genetic continuity between artificially separated sub-section of migrant wildlife.

**(6) Tribal people and forests;**

The Government should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While safeguarding the customary rights and interest of such people, forestry programmes should pay special attention for the development of forest villages on par with revenue villages and family-oriented schemes for improving the status of the tribal people.

**(7) Shifting cultivation;** shifting cultivation is affecting the environment and productivity of land adversely. Alternative avenues of income, suitably harmonised with the right land-use practices, should be devised to discourage shifting cultivation. Efforts should be made to contain such cultivation within the area already affected by propagating improved agricultural practices. Area already damaged by such cultivation should be rehabilitated through social forestry and energy plantations.

**(8) Damage to forest from encroachment, fires and grazing;**

Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There should be no regulation of existing encroachments.

The incidence of forest fires in the country in high standing trees and fodder are destroyed on a large scale and natural regeneration annihilated by such fires. Special precautions should be taken during the fire season. Improved and modern management practices to be adopted to deal with forest fires.

**(9) Forest based Industries**

The main consideration governing the establishment of forest-based industries and supply of raw material to them. Forest-based industries must not only provide employment to local people on priority but also involve them fully in

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raising trees and raw materials. Natural forests serve as gene pool resources and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for undertaking plantation and for any other activities.

**(10) Forest extension**

Forest conservation programme cannot succeed without the willing support and cooperation of people. It is essential, therefore, to inculcate in the people, a direct interest in forests, their development and conservation and to make them conscious of the value of trees, wildlife and nature in general. This can be achieved through the involvement of educational institutions, right from the primary stage.

**(11) Forest Education**

Forest should be recognised both as a scientific discipline as well as a profession. Agriculture universities and institutions dedicated to the development of forestry, education should formulate curricula and courses for improving academic education and promoting post –graduate research and professional excellence, keeping in view the manpower needs of the country. Academic and professional qualifications in forestry should be kept in view for recruitment to the Indian Forest Service and State Forest Service specialised and orientation courses for developing better management skills by in service training need to be encouraged taking into account the latest development in forest and related disciplines.

**(12) Forest Research**

With the increasing recognition of the importance of forest for environmental health, energy and employment, emphasis may be laid on scientific forestry research, in necessitating adequate strengthening of the research base as well as new priorities formulation. Some broad priority areas of research and development needing special attention.

- ❖ Increasing the productivity of wood and other forest produce per unit of area per unit time by the application of modern scientific and technological methods
- ❖ Research related to social forestry for rural/tribal development
- ❖ Research related to wildlife and management of national parks and sanctuaries.

**(13) Personal Management**

Government policies in personal management for professional foresters and forest scientist should aim at enhancing the professional competence and status and

attracting and retaining qualified and motivated personnel, keeping in view particularly the arduous nature of duties they have to perform, often in remote and inhospitable places.

**(14) Legal support and infrastructural development;**

Appropriate legislation should be undertaken, supported by adequate infrastructure, at the central and state levels in order to implement the policy effectively.

**(15) Financial support for forest;**

The objective of this revised policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life-support systems and in improving genetic diversity. Forest should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well –being of the people and the nation.

**XIV. OFFENCES AND PENALTIES**

Where any authority or committee or officer member of such authority or committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it or they, shall be deemed to be guilty of an offence under this act and shall be liable to be proceeded against and punished with fine which may extend to one thousands rupees. Provided that nothing contained in this sub-section shall render any member of the authority or committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence (Sec.7)

Cognizance of Offences; No court shall take cognizance of any offence u/s 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than 60 days to the State level monitoring committee and the State level monitoring committee has not proceeded against such authority (Sec8)

**XV. MISCELLANEOUS PROVISIONS;**

As per Section 9 of the Act, every member of the authority and every officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. Section 10 provides protection to the officer for

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any action taken in good faith. Section 11 states that the Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act. Section 12 gives the central Government powers to issue directions. Section 13 states that the provisions of this act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

#### **XVI. RECOMMENDATIONS AND CONCLUSION**

Forests are very important gift of nature to man, rather than living beings. Probably for the first time the importance of forest was felt from the point of view of environment. In fact, forests are more significant from the point of view of environment than from the point of view of commerce as well as revenue. Deforestation causes ecological imbalance and lead to environmental deterioration. Deforestation had been taking place on large scale in the country and it had caused widespread concern

Indisputably, forests are much wanted national asset. On account of depletion thereof ecology has been disturbed. Climate has undergone a major change and rains have become scanty. These have long term adverse effects on National economy as also on living process. At the same time, we cannot lose sight of the fact that for industrial growth and also provision for improved living facilities there is great demand in this country.

Forest with their green leafy vegetations help in protecting environment. They help particularly in prevention of air pollution and soil pollution. The effect of air pollution is seen in the disappearance of chlorophyll, breakdown of plant cells and premature leaf fall. Air pollution affects human health badly. The forest (conservation) Act, 1980 has passed 'to provide for the conservation of forests is necessary as deforestation causes ecological imbalance and leads to environmental deterioration. Thus the Act has been implemented to conserve the forest and check deforestation more effectively.

#### **REFERENCES**

1. International Business Environment by K. Sundaram - Publication: BHI Learning Private Limited –New Delhi-2011
2. Environmental Law by Dr. K.Vidyullatha Reddy Publication: ASIA Law House-Hyderabad-2010

3. Environmental Law by S.C.Shastrri - Publication Eastern Book Company ,Lucknow- 2011
4. Environment Law by Dr.J.J.Upadhyay - Publication: Central Law Agency - 2<sup>nd</sup> Edition, Allohabad-2011
5. Legal Control of Environmental Pollution by Agarwal.A - Publication: Central Law Agency
6. Environmental Jurisprudence by Ashok A, Desai
7. The International Law of pollution by Barros J and DM Johnston
8. Environmental Management by Beena Devi Singh
9. International Environmental Law by Bhatt's
10. Law relating to pollution by MC Loughlin .J
11. Environmental Law by Mishra & Agrawal ,
12. International Environmental Law by Dr.Padma.
13. Environmental Law by Dr.PS Jaswal Asia publication.
14. Animals Laws of India , by Smt Maneka Gandhi Constitutional Law of India , by Sheervai,H.M.
15. Web site; Government of India