

Forest Policies and Acts Under different Governance Regimes in India

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Abstract: *Forests are vital natural resources that provide various ecological, economic, and social benefits. The evolution of forest policies and acts in India under various governance regimes, namely, Pre - Colonial, Colonial, and Post - Colonial, has significantly impacted forest governance. This paper aims to examine the historical context and development of forest policies and acts in India and their differences under different regimes. The paper analyses the strengths and weaknesses of forest policies and acts under each regime. It highlights the challenges faced by the Indian forest sector in implementing sustainable forest management practices. The study concludes with recommendations for improving forest governance in India. The study finds that the pre - colonial era was characterized by local community management of forests, while the colonial era resulted in greater state control over forest resources. The study highlights the Indian Forest Act of 1927, which gave the state greater control but also caused the displacement of local communities. The study suggests a more holistic approach to forest conservation, with recognition of local communities' rights and the involvement of civil society organizations.*

Keywords: forest policies, forest acts, governance, India, Pre - Colonial regime, Colonial regime, Post - Colonial regime, evolution, state control, conservation.

1. Introduction

Forestry is a critical industry that faces numerous challenges, primarily in the realm of policy and legislation. Sadly, there are not uncommon significant delays in acknowledging the importance of maintaining vast forested areas within a country. These forests supply raw materials for various purposes, prevent soil degradation and erosion, moderate climate conditions, and regulate water flow in streams. Humanity's struggle for survival and competition with nature often leads us to exploit valuable resources without considering their replenishment and expansion to meet future demands. Our history is replete with examples of ruthless exploitation of forest resources, resulting in only 21 percent of our land area being covered by forests today. Therefore, planning the sustainable use of forest resources, focusing on preservation and replacement is crucial. Our national forest policy rightly emphasizes the necessity of maintaining at least one – third of our land area under forest cover.

India is a land of diverse climatic conditions that lead to the existence of various forest types, each with unique features. The thick evergreen forests of Assam and the West Coast, the picturesque coniferous forests of the Western Himalayas, the valuable teak forests of the Western Ghats and Central India, the lush Sal forests of the sub - montane Himalayas, and the unassuming yet useful scrub forests of the arid regions in Deccan and Rajasthan are some examples.

Just like any other country, India's forest history is intertwined with its political and demographic evolution. India is known for its rich biodiversity and vast forest cover, integral to the country's cultural and historical heritage. Forests have been an essential source of livelihood for several communities on the Indian subcontinent, including hunting, gathering, and farming. Over the centuries, various governance regimes have implemented policies and acts to manage and conserve forests, with varying degrees of

success. This paper aims to provide an overview of forest policies and acts implemented under different governance regimes in India and their impact on the country's forests.

India's forests are a vital resource, providing valuable raw materials, regulating water flow, and moderating climate conditions. The country's forest cover has been the focus of intense research and monitoring, with the latest "State of Forest Report 2021" by the Forest Survey of India (FSI) showing that the total forest and tree cover in India now stands at 24.56% of the country's geographical area. This includes 21.67% forest cover and 2.89% tree cover outside forest areas.

While the report highlights some positive trends in forest cover in India, with an increase of 6, 778 square kilometers between 2019 and 2021, it also emphasizes the regional variations in forest cover and the challenges that some areas continue to face related to deforestation, degradation, and fragmentation. The report underscores the need for continued efforts to conserve and manage India's forests sustainably.

As we move forward, we must prioritize the preservation and replenishment of our forest resources. Sustainable forest management practices can help us meet future demands while ensuring that our forests continue to provide essential ecosystem services. By working together to protect our forests, we can safeguard our cultural and historical heritage and create a more sustainable future for generations to come.

Definition of Forest

A forest is a large area of land dominated by trees and woody vegetation, with a complex ecosystem that supports a variety of plant and animal species. Forests play a critical role in regulating the Earth's climate, cycling carbon and water, and providing a range of ecological, social, and economic benefits to people.

There are different types of forests, classified based on their composition, structure, and location. According to the Food and Agriculture Organization (FAO), forests are defined as "land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover more than 10 percent, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agricultural or urban land use."

Forests can be found in various regions around the world, ranging from the tropical rainforests of the Amazon basin to the boreal forests of Canada and Russia. They are also classified into different biomes based on their geographic location, climate, and vegetation types.

In the Indian context, a forest can be defined as a large area of land that is covered with trees and other vegetation and is managed and protected by the government to maintain its ecological, social, and economic benefits.

The definition can vary depending on the specific context, but some common features of forests in India include: -

- **Biodiversity:** Forests in India are known for their rich biodiversity, which includes a variety of plant and animal species, many of which are endemic to the region.
- **Ecological services:** Forests provide a range of ecological services, including carbon sequestration, water conservation, soil protection, and air purification.
- **Social and cultural significance:** Forests in India have significant cultural and religious importance, and are often associated with traditional knowledge systems and practices.
- **Economic benefits:** Forests in India also provide a range of economic benefits, including timber, non-timber forest products, and ecotourism opportunities.
- Overall, forests in India are crucial for maintaining the country's ecological balance, biodiversity, and cultural heritage, and are therefore an important area of focus for conservation and sustainable development efforts.

Forest Policies and Legislation during Pre – colonial Regimes

The ancient history of India reveals a deep-rooted connection between its people and the forests that surrounded them. From the Vedic era to the early medieval period, the inhabitants of the Indian subcontinent were mindful of the importance of forest conservation and implemented various rules and regulations to protect them. Interestingly, this conservation mindset existed long before the Mughal reign, with Indian people valuing and preserving forests as a way of life.

However, the Mughal era brought about a change in the purpose of forest conservation, with forests being reserved mainly for hunting purposes. The disintegration of the Mughal empire following the death of Aurangzeb in 1707 A. D. resulted in the formulation of individual regulations and guidelines for forest conservation across different parts of Mughal India.

Pre-colonial India was characterized by a diverse array of forest types and governance systems, with local communities and rulers playing a significant role in forest

management. Forest policies during this era aimed to balance the needs of forest-dependent communities, wildlife, and the ruling elite. One notable feature of pre-colonial forest policies was the establishment of royal forest reserves, which were areas reserved exclusively for the use of the ruling elite for hunting and other recreational activities. Forest officials were tasked with safeguarding these reserves from unauthorized use, thus ensuring the sustainable use of forest resources and preventing over-exploitation.

Community-based forest management was also a common feature of pre-colonial forest governance systems. Local communities across India had their forest management systems based on traditional knowledge and practices. These systems emphasized the importance of sustainable forest resource use and the conservation of biodiversity, with community members working together under the principle of collective action to manage forest resources.

Religious and cultural practices also played a crucial role in shaping pre-colonial forest policies. Forests in India held spiritual and cultural significance and were revered as sacred by many communities. This led to the development of specific rules and regulations for forest use, aimed at preserving the forests' spiritual and cultural value. For instance, certain trees and plants were considered sacred and were protected from felling or use.

Overall, pre-colonial India's forest governance systems were a complex and diverse network of policies, regulations, and practices shaped by various factors and actors. These policies emphasized sustainable forest use and conservation, with local communities, rulers, and cultural and religious beliefs playing a pivotal role in forest management.

Forest taxes were also an important aspect of pre-colonial forest policies. Many rulers imposed taxes on forest products such as timber, fuel wood, and medicinal plants. These taxes were used to finance forest management activities such as afforestation and wildlife conservation. The imposition of taxes helped to regulate the use of forest resources and prevent their over-exploitation.

Overall, the pre-colonial forest policies and legislation in India were shaped by a combination of ecological, social, economic, and cultural factors. While the forest policies varied across regions and kingdoms, they were generally aimed at promoting the sustainable use and conservation of forest resources. The pre-colonial forest governance systems provide valuable insights into how local communities can play a significant role in managing forest resources and conserving biodiversity.

Colonial Regime:

The East India Company, which ruled India from 1757 to 1857, enacted several forest policies and acts during its regime. These policies and acts were primarily aimed at increasing revenue collection from forest resources and controlling the access of forest communities to these resources. One of the significant forest policies of the East India Company was the establishment of reserved forests. These were areas of forest land that were set aside

exclusively for the use of the colonial government. The reserved forests were managed by forest officers who were responsible for regulating the extraction of timber and other forest produce. The objective of establishing reserved forests was to ensure a steady supply of timber for the growing British Empire's needs.

The East India Company also introduced the concept of forest revenue. Forest revenue was a tax on forest produce, including timber, fuel wood, and other forest products. The forest revenue system aimed to generate revenue for the colonial government by regulating the access of forest communities to forest resources.

In 1806, the East India Company enacted the Forest Act, which was aimed at regulating the use of forest resources in the Bengal Presidency. The act provided for the establishment of forest settlements, where forest communities could obtain licenses to extract forest produce for a fee. The act also empowered forest officers to prevent unauthorized extraction of forest produce and to impose penalties on violators.

In 1855, the British government enacted the Indian Forest Act, which replaced the earlier Forest Act of 1806. The Indian Forest Act was a comprehensive legislation aimed at regulating forest resources throughout India. The act provided for the establishment of reserved forests, protected forests, and village forests. The act also empowered forest officers to regulate the extraction of forest produce and to control the access of forest communities to these resources.

The forest policies and acts of the East India Company regime were characterized by the modification of forest resources and the marginalization of forest communities. These policies and acts led to the loss of traditional forest management practices and the degradation of forest ecosystems. However, they also laid the foundation for India's modern forest management system. The whole policy of the early British administrators at this particular period was to extend agriculture, and the watchword of the time was to destroy the forest with this end in view. With the state committed to agricultural expansion as its major source of revenue, the early decades of British rule witnessed a fierce onslaught on India's forests. Thus, in the early days of the establishment of their rule, the accessible forests suffered due to the large – scale felling of valuable timber trees. The need for conservation and the introduction of systematic working and regeneration measures was recognized and steps were taken to protect the existing commercially important tree species.

Among British colonies, India stood pre - eminent because of its vastness, the density of the population, and the seemingly immeasurable extent of its natural resources. During the early years of British rule in India, the country's timber wealth was heavily exploited. The British administrators at the time did not fully understand the importance of conserving forest resources and mistakenly believed that the forests were inexhaustible. As a result, forest conservation was not a priority in the early days of British rule. Under the East India Company's rule, bureaucratic directives in the form of official orders mostly

guided the administration of the colony. During this period, forests were seen primarily as a source of commercial gain. However, under the British Crown's reign towards the late 18th Century, there was a shift in perception, and forests were increasingly viewed as a valuable asset of the state with significant commercial potential. During the early phase of Colonialism in India, in absence of first - hand experience with the subject and its characteristics, they could not think of formulating a sound policy in forest administration. The forest resources in colonial were so vast that the early administration hardly bothered about preserving those resources.

The true state of forests was not appreciated by the government until there arose a condition when even a local requirement of wood was not getting fulfilled. The first of the requirements which began to be realized comparatively in the earlier phase under the crown was the need for timber for shipbuilding. By the eighteenth century due to industrialization deforestation in many countries like Ireland, South Africa and some parts of Northeastern America was in full - fledged to provide timber for ship - building, iron - smelting, and farming. Rapidly sinking of Oak forests in England caused to find a source of permanent supply for the Royal Navy and search parties were sent to India's west coast. In this situation, the first step toward forest administration was an order issued by the Bengal - Bombay Joint Commission, appointed to inquire into the internal circumstances of Malabar and to make regulations prohibiting the felling teak below 21 inches in girth.

A few years later in 1805, a dispatch was received from the court of Directors of East India Company, enquiring to what extent the King's Navy might give the growing deficiency of Oak in England, depending on a permanent supply of Teak timber from Malabar. Which resulted in the immediate nomination of a Forest committee and appointment of Captain Waston of Police as the first Conservator of Forest in India on 10th November 1806. The conservatory was abolished in 1823 due to various reasons, including pressure from wood contractors. However, in 1831, the Indian Navy board recommended re - establishing the conservatorship. During the company regime, the government attempted to regulate the forestry sector in India. In 1842, the Court of Directors expressed a desire to improve the forests, particularly the teak forests. Despite lacking scientific knowledge in forest management, Mr. Conolly, the collector of Malabar, inaugurated a teak plantation. Mr. Conolly was a farsighted man he produced the first set of rules for the working and protection of the forests and these codes in the future became the basis and foundation of codes and rules of the great forest service in India. Many appointments were made during this period to manage the forests, including the appointment of Dr. Gibson as Conservator of the forest by the Bombay government in 1847, the appointment of Dr. Wallich to examine the forest resources of Burma, and the appointment of Dr. Cleghorn as the Conservator of forest in the Madras presidency, among others. In 1852, the Province of Pegu was annexed, and Dr. McClelland was appointed Superintendent of Forests. He compiled a report and submitted it to the Government of India in 1854. This report led to the famous Memorandum of the Government of India on 3rd August 1855, known as the Charter of Indian Forests.

Forest Charter of Lord Dalhousie:

In 1852 Dr. McClelland was appointed as the Superintendent of Forests as the forest was regarded as the undisputed property of the East India Company. In 1854, after traveling in the forests for months Dr. McClelland submitted a report in which he proposed certain curtailments of the exploitation of the forests by private parties. The report evoked a memorandum reply by the Government of India, dated 3rd August 1855 in which Lord Dalhousie laid down the outline of a permanent policy for forest administration for the first time known as the Forest Charter of 1855. (E. P. Stebbing, O.Pcit., P.92)

Lord Dalhousie, the then Governor - General, established an outline for forest conservation across India in 1855 through a Memorandum issued by the Government of India on August 3rd, 1855. This Memorandum referred to as the "Charter of the Indian Forests" by Stebbing, was the first of its kind for the country. It was based on reports submitted by McClelland, who was then the Superintendent of Forests in Burma, which was a part of the Indian Empire at the time. The commencement of forest conservation to some extent started after huge devastation of forests had taken place in India. Due to this charter Indian forestry leaped in the field of scientific applications on forestry, which were overprotective of forest conservation but were never tried before. These novel forestry initiatives were then disseminated to other British colonies and the United States of America. This new policy of Lord Dalhousie rather increased the British autonomy over the land and Indian populations. (Mahesh Prasad Singh, J. K. Singh, et al, Forest Environment and Biodiversity. (Mahesh Prasad Singh, J. K. Singh, et al. (2007). Forest environment and biodiversity. (2nd ed.). Delhi: Daya Publishing House.)

In 1856, Brand is was appointed as the Superintendent of Forests in Pegu (Burma), and later served in India. He was a fully qualified and scientifically trained forester who had received his training in Germany, which was then one of the few places that provided line training in forestry, along with Nancy in France. He possessed all the qualities of a great scientific pioneer and made significant contributions as the Inspector – General of Forests of India. Brandis' work laid the foundation for India's forestry, which has developed remarkably over the last 160 years, and is what it is today.

The British Government recognized the value of forests as a precious resource that required protection and proper management for the first time. Consequently, Conservators of Forests were appointed in some provinces. The Rawalpindi District published rules for the Conservancy of Trees and brushwood in 1856, followed by forest conservancy rules in Hazara in 1857. However the Indian Mutiny occurred in 1857, and in the following year, the East India Company's rule came to an end as the Court of Directors took over. The Royal Proclamation of 1858 declared Queen Victoria the Empress of India. The Mutiny highlighted the need for faster communication facilities, leading to a significant impetus in railway construction after heavy demands were placed on forests. In the early stages of British rule, timber extraction mainly served the British Navy's needs. However, the years following the Indian Mutiny witnessed the exploitation of forests across India to

meet the vast demand for railway sleepers and other materials required for railway construction in different parts of the country. Forest destruction continued at a rapid pace.

The Crown Rule 1858 - 1947**Establishment of Forest Department:**

The establishment of the Forest Department in India was initiated in 1862 by the Governor - General, who called for the creation of a department that could ensure the sustainable supply of timber for the growing railways in the country. The need for forest conservation arose because private enterprises were exploiting the magnificent forests of India and Burmaina reckless and wasteful manner, threatening their exhaustion without proper supervision. The Imperial Forest Department was formed in 1864 with the assistance of experts from Germany, the leading European nation in forest management at that time. In November 1864, the Governor – General proposed to the Secretary of State that forests should be considered state property, resulting in several crucial changes. These changes included abandoning the idea of allowing individuals proprietary rights in forests, making all government forests inalienable, emphasizing the careful disposal of wasteland containing forests, initiating the demarcation and preservation of forest limits, and establishing an organized state department under the Inspector General of Forests. The appointment of Dietrich Brand is as the first Inspector General of Forests in India marked the beginning of systematic forest management.

The Forest Department's functioning was influenced heavily by European tradition, especially Continental Forestry ideology, which emphasized scientific forestry. Forest conservation required curbing unlimited rights previously enjoyed by users, leading to successive forest legislations that imposed increasingly stringent restrictions on forest – related rights. The first step towards asserting the State's monopoly rights over forests was taken through The Government Forest Act of 1865.

The Indian Forest Act, 1865:

The Indian Forest Act of 1865 established the Indian forest department and was passed by the Governor General of India in Council, receiving the assent of the Governor General on 24th February 1865. The legislation granted the British the necessary legislative authority to claim any forested area as government property and aimed to establish state acquisition and a monopoly, particularly in regions suitable for railway timber extraction. The act formalized the ownership of forests already owned by the state, but the government protected the traditional rights and privileges of the community. However, the government carried out surveys and settlements, marking off areas and trees for the exclusive use of the government, leading to the creation of two forest categories: "reserved" and "protected."

The Forest Act of 1865 provided legal sanction to the forest administration in various provinces of India and empowered the colonial state to acquire monopolistic control over India. Most provinces accepted the act, but the Madras Government opposed the implementation of the act" on the ground that it would negatively affect the communal rights and privileges of the people. " The act was flawed and

unsound in principle, claiming to only address government - owned forests and even attempting to establish a definition for those forests. The British Government established the role of a conservationist but focused only on commercially valuable plants like teak, leading to monoculture in the forest lands.

The Indian Forest Act was primarily driven by commercial interests, catering to the needs of those in charge. While it was India's first comprehensive forest law, the main goal was to establish the British regime's control over forest lands, giving them extensive powers to regulate forests and pastures. The act did not define a forest, and the reason for this omission remains unexplained. In 1868, Sir. D. Brandis submitted a revised bill and a memorandum to the Government of India, which provided a clear explanation for the need for new legislation. The bill underwent thorough discussions by the local government, was redrafted, and was then reviewed by the Government of India once again in 1871.

Forest Conferences and the Review of the Forest Act 1865:

The Allahabad Forest Conference of 1873 - 74 was held to review forest administration works in India, and was attended by forest and civil officers from various provinces under the government of India. The conference proceedings, documented in a volume submitted by Mr. Baden Powel, highlighted the need for a new forest law to replace the flawed Act VII of 1865. During the conference, Mr. Powel presented a paper on the shortcomings of the existing Forest Law and proposed a new Forest Act that emphasized stronger and more comprehensive rules for forest administration. He argued that it was the state's responsibility to properly preserve its own forests, which are a unique class of lands entrusted to the state for public benefit, and to intervene when the powers of communities or private proprietors were insufficient or being exercised in a way that harmed the state at large.

Dr. Brandis had submitted a revised bill and a memorandum in 1868, which explained the need for new forest legislation due to the significant flaws in Act VII of 1865. The bill was reconsidered by the government in 1871 and discussed further at the Allahabad Conference. However, during the conference, an effort was made to eradicate private rights in forests, which Dr. Brandis did not agree with. He argued that it would be impractical for the government to manage all forests and instead suggested that the government should have the liberty to designate certain forest areas as "Reserve Forests" for public benefit. A distinction was made between forests that required close reservation, even at the cost of interference with private rights, and those that only needed general control to prevent unsustainable use. Subsequent years saw the Forest Conference held in Shimla in October 1875, during which the drafting of proper forest laws for different provinces was discussed up to the year 1878. The settlement of long - standing user rights, such as minor produce collection and shifting cultivation, was a significant question during this time. It was decided that customary users of the forest under British rule had a respective rights, but the government must regulate these rights as the guardian of public interest to ensure proper management of

reserved forests for the benefit of the country

Indian Forest Act 1878:

In 1867, two trained German foresters, Schlich and Ribbentrop, joined the Indian Forest Department after the Indian Forest Act of 1865 was established. This marked the beginning of organized forestry in the Indian provinces under British rule. The Forest Department was officially recognized in 1869, and Forest Officers were categorized as Conservators, Deputy Conservators, and Assistant Conservators, except in Madras and Bombay Presidency. However, as time passed, it was found that the Indian Forest Act of 1865 had many shortcomings, which necessitated the creation of an amended Act in 1878. (History of Forestry in India).

The Indian Forest Act of 1878 was an amendment of the Indian Forest Act of 1865 and was in force until the Indian Forest Act of 1927 was established. The Act was extended to all Provinces of British India, except, Madras, Burma, the Hazara district in Punjab, Ajmer, Coorg, Berar, and Baluchistan. The Act granted the Revenue and Forest Department the power to regulate most forest and grazing land, and states were empowered to effectively regulate Wastes Lands. Additionally, certain privileges were granted to local people, including forest dwellers and those residing on the fringe of the forest.

The key features of the 1878 Act included the precise definition of terms such as 'tree, 'timber, 'and' forest produces, 'and the classification of forests into Reserve Forests, Protected Forests, and Village Forests. The Revenue and Forest Department were given the power to regulate most forest and grazing land, and states were empowered to effectively regulate Wastes Lands. The Act also regulated actions within the forest, such as the felling of trees and girdling, and provided specific punishment and penalties for forest offenses.

Additionally, certain privileges were granted to local people, including forest dwellers and those residing on the fringe of the forest. The Indian Forest Act, of 1878, was, therefore, more comprehensive than the earlier one and defined several terms precisely. These can be seen in Chapter 1 section 2 of the Act of 1878.

The updated definitions now encompass a broader range of items. 'Tree' now includes palms, bamboo, stumps, brushwood, and canes, while 'Timber' includes all wood, whether cut up or fashioned or hallowed out for any purpose or not, and trees when they have fallen or have been felled. The term 'Forest produces' now encompasses:

- a) Timber, charcoal, caoutchouc, catechu, wood - oil, natural varnish, bark, lac, mahua flowers, and myrobalans, regardless of whether they were found in or brought from a forest, and
- b) trees and leaves, flowers and fruits, and all other parts or produce not mentioned previously of trees, plants not being trees (including grass, creepers, reeds, and moss), and all parts of the produce of such plants when found in or brought from a forest.
- c) ©Wild animals and skins, tusks, horns, bones, silk cocoons, honey, and wax, as well as all other parts or

produce of animals found in or brought from a forest, are also included. (d) Peat, surface soil, rock, and minerals, including limestone, laterite, mineral oils, and all products of mines or quarries, are also part of the definition. Finally, the updated definitions provide detailed descriptions of cattle and rivers.

Classification of Forests:

For the first time, the forest was classified into three groups. These classifications are contained in Chapter II Sections 3 - 26, chapter III Section 27, and Chapter IV Sections 28 - 33. The new Act placed significant emphasis on the scientific management of forests and improved transportation systems, resulting in greater penetration into rural areas and integration with commercial networks. It was also more rigorous and comprehensive in its approach, imposing stricter limitations on the use of forests than ever before. This was achieved by establishing the absolute right of ownership in the 'reserve forest,' thereby prohibiting local inhabitants from exploiting these forests for their local needs unless they were specifically granted permission.

Reserve Forest:

According to B. H. Baden - Powell "State or 'Reserve Forest' is the most important, which can be kept permanently and managed by the state under complete rules, for the benefit of the public. Separation of the rights of the state from those of private persons is therefore primarily aimed at by the Forest Act. Such estates will form the backbone of the forest administration." Every precaution was taken to protect private rights when establishing the reserve forest system, ensuring a lasting settlement. Commercially viable reserved forests were open to exploitation, but only in a sustainable manner. The state now had complete control over the forests, and forest dwellers were required to relinquish all claims and rights to the land in favor of the state. Limited access to these forests was granted only in exceptional cases. The reservation of forests could be challenged by village residents and other stakeholders. "Reserved" forests were now limited to permitted routes and specific uses designated by the Forest Department. This was an effort by the government to restrict uncontrolled grazing and cultivation by curtailing the movement and usage of the forests.

Protected Forests:

In contrast to "reserved forests," "protected forests" referred to forests that had not been surveyed or settled by the government. Local inhabitants were permitted access and usage unless specifically prohibited. These forests were marked as state forests and any existing rights were recorded and settled. In these forests, rights could increase and new ones could emerge without limit, potentially leading to the absorption of the property. The purpose of these forests was to prevent the rapid deterioration of growth in undeveloped areas where a decision for a permanent forest could not yet be made.

Village Forests: The government's rights in village forests were limited to management only. These forests were comprised of residual forest wastelands and were largely uncontrolled by the Forest Department. Within the category of "village forests," the Forest Department acknowledged

the rights of local inhabitants to use the forests for grazing, fuel, fodder, and timber for making implements and household construction. However, commercial use of the forest was prohibited.

Difference between 1865 and 1878:

The primary difference between the Forest Acts of 1865 and 1878 was that the former allowed the government to declare any forest as government property, subject to the condition that the rights and privileges of local communities in the area were not affected. This led to the classification of forests as reserved and protected, with surveys and settlements initiated after 1865. The provisions of the legislation served as a model for other British colonies outside India, which replicated the system. While some officers in the colonial administration objected to the new legislation and predicted public discontent, the government overruled them. The new Act enabled compact blocks of forests to be sustainably managed for commercial timber production and strategic imperial needs. This intervention in the control of woodlands previously held by local communities significantly impacted their daily lives.

Guha argues that the Act of 1865 was designed to increase government control over forest supply, prioritizing an uninterrupted supply of timber for railways over environmental concerns. During the drafting of the Forest Act of 1878, a debate on ownership occurred among Forest Department officials, with the Madras Presidency emerging as the most vocal supporter of villagers' interests amidst controversy surrounding the Act.

Indian Forest Act of 1927:

The Indian Forest Act of 1878 underwent several amendments through the Indian Forest (Amendment) Acts of 1890, 1901, 1918, and 1919. Eventually, the 1878 Act was replaced by the Indian Forest Act of 1927, which not only contained all the main components of the previous Act but also included provisions for timber duties. Its purpose was to consolidate the laws concerning forests in India and replaced all previous enactments on the subject. The whole aim of the Act is to manage the revenue incurred from the forests. The Indian Forest Act of 1927 is still in force today, although it has been amended by state governments multiple times. The Government of India Act of 1935 established provincial legislatures and assigned certain subjects, including forests, to their governance. This led to further amendments to the Indian Forest Act of 1927 by provincial governments.

The legislation comprises 86 sections in 13 different chapters, covering four categories of forests: Reserve Forests (Chapter II), Village Forests (Chapter III), Protected Forests (Chapter IV), and Non - Government Forests (Chapter V). The Act empowers state governments to declare any forest land or degraded land as a reserved forest by issuing a notification in the official gazette.

Short Title and the Event:

The Indian Forest Act of 1927 is the official title of this legislation. It applies to the entire country of India, except for the territories that were part of Part B states before November 1st, 1956. The Act only applies to the territories

that were previously part of the states of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh, and West Bengal. It is worth noting that the Indian Forest Act does not apply to the states of Andhra Pradesh, Assam, and Madras unless a state government chooses to bring it into force by issuing an official Gazette notification for the whole state or a specific part thereof.

The Indian Forest Act, of 1927 recognizes the vital importance of forests and forestry to the administration of the country and provides various measures for their conservation. The Act empowers the State Government to declare any forest land or wasteland, which is owned or controlled by the Government, as Reserved Forest. Additionally, the Act includes chapters dedicated to different types of forests, such as Protected Forest and Village Forest. In total, the Act contains thirteen chapters and eighty - six sections with their respective sub - sections.

These provisions are intended to preserve and safeguard the forests of India.

The Forest Act provides definitions for various terms unless the context suggests otherwise. These include

- 1) Cattle, which encompasses elephants, camels, buffaloes, horses, mares, geldings, ponies, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids;
- 2) Forest Officer, referring to any person appointed by the State Government or an empowered officer to carry out the purposes of the Act;
- 3) Forest Offence, which means an offense punishable under the Act or its rules;
- 4) Forest produce, including timber, charcoal, catechu, caoutchouc, wood oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth, myrobalans, trees, and leaves, flowers and fruits, plants not classified as trees, wild animals and their parts, peat, surface soil, rock, and minerals;
- 5) River, which refers to any natural or artificial stream, canal, creek, or other channels;
- 6) Timber, which encompasses trees when fallen or felled, and all wood whether cut up or fashioned or hallowed out for any purpose or not;
- 7) Trees, which include palms, bamboo, sumps, brushwood, and canes.

Although the above terms have been defined elaborately, the Act does not provide a clear definition of its principal objective.

Forest policy 1894:

The roots of British India's Forest policy can be traced back to over two centuries ago in Britain, where a forest policy was developed to meet the demands of Oak for the Navy and Mercantile Marine. The various governments of the time were concerned with forestry matters due to the need for a sufficient supply of homegrown timber for ship construction. Although the forest policy had only one main objective, it persisted for two centuries before disappearing towards the end of the 18th century and ending in the early 19th century.

In the latter half of the 19th century, the growth of a scientific administration of forests and the beginning of a forest policy emerged, particularly in India, the greatest dependency of the time. After the forests entrusted to the

care of the forest department were demarcated, surveyed, and mapped, it was deemed necessary to establish general principles for their management. Dr. Voelcker was invited by the government of India to examine the conditions of agriculture in the country and suggest improvements. In chapter VIII of his report on "Improvement of Indian Agriculture" in 1893, he discussed at length the condition of the forest and stressed the need for a forest policy that would directly serve agricultural interests.

Based on his recommendations, the government of India issued regulation No.22, F on October 19, 1894, declaring its Forest policy, a landmark in the history of forest management in India. The policy's primary objective was to promote the general well - being of the country, and the maintenance of adequate forests was necessary primarily for preserving the country's climatic and physical conditions and secondarily to fulfill the needs of the people subject to these conditions. The circular emphasized that permanent cultivation should take precedence over forestry and that the satisfaction of the local population's needs, even if not free, should be prioritized over revenue considerations. After fulfilling the above conditions, the realization of maximum revenue should guide forest management.

The policy asserted that the sole objective of forest administration was to promote the general well - being of the country and fulfill the needs of the people, with consideration of forest income being subordinated to the needs of local communities dwelling in the forest area.

Therefore, the policy recognized the claims of agriculture to have parity over the interest of the forest.

The resolution of the forest policy is as follows.

1) The object of the forest administration is public benefits:

"The sole object with which state forests are administered is the public benefit. In some cases, the public to be benefited, or the whole body of taxpayers; in others the people of the tract within which the forest is situated; but in almost all cases the Constitution and preservation of a forest involved, in greater or less degree, the regulation of Rights and restrictions of privileges of a user in the forest area, which may have previously been enjoyed by the inhabitants of its immediate neighborhood. This regulation and restrictions are Justified only when the advantage to be gained by the public is great, and the Cardinal principle to be observed is that the rights and privileges of individuals must be limited or otherwise than for their own benefit, only in such degree as is absolutely necessary to secure the advantage. "

2) Classification of Forests:

The Forest of India, being State Property, may be broadly classified, under the following headings:

- a) Forest, the preservation of which is essential on the climatic or physical ground.
- b) The forest affords a supply of valuable timber for commercial purposes.
- c) Minor Forests.
- d) Pasture lands.

The purpose of the four - fold classification is not to categorize all existing state forests into one specific group. As some forests may have characteristics that place them in intermediate positions, and different parts of the same forest may fall under different classifications. The classification is only useful as a framework to indicate the broad policy that should govern the treatment of each class. When applying the general principle, local circumstances must be fully considered.

3) Opening of forest to cultivation:

It should also be remembered that subject to certain considerations, the claim of cultivation is stronger, than the claims of forest preservation.

“The pressure of the population upon the soil is one of the greatest difficulties that India had to face, and applications of the soil must be generally preferred, which will support the largest numbers in proportion to the areas. Accordingly, whenever an effective demand for cultivable land exists, and can only be supplied from forest areas the lands should ordinarily be relinquished without hesitation and if this principle applies to the valuable class of forest under consideration it applies a fortiori to the less valuable classes.”

The Post - British Regime:

After India gained independence, the government recognized the significance of forests for the country's development and enacted several laws and policies. The National Forest Policy of India in 1952 emphasized the need for at least 33% of the national land area to be covered by forests. It also identified crucial national needs, including a balanced and complementary land - use system with control over denudation in mountainous regions, erosion of river banks, invasion of sea - sands on coastal tracts, and shifting of dunes in desert areas. Additionally, the policy aimed to ensure a steady supply of fuel wood, fodder, and small timber.

The governance of forests in India has undergone three distinct phases. In the first phase, the focus was on using forests as a commercial entity to generate revenue and contribute to the country's economic growth. In the second phase, there was a shift towards the conservation and protection of forests, with lawmakers and forest management prioritizing the preservation of flora and fauna. The third phase, which began in 1988, recognized the rights of forest - dwelling people for the first time, taking into account their dependence on forest produce and outlining conservation as a key agenda.

Since independence, the Indian government has established an extensive legal framework comprising various legislations, policies, notifications, rules, and judicial decisions to preserve forests, and biodiversity, and promote sustainable development. This framework includes acts such as the Wildlife Protection and Preservation Act, of 1972, the Forest Conservation Act, of 1980, the Biological Diversity Act, of 2002, the Scheduled Tribes and Other Traditional Forest Dwellers Act, of 2006, and the Environment Protection Act, of 1986. Recent developments in forest and biodiversity conservation and management include the

National Green Tribunal Act, of 2010, and the Compensatory Afforestation Fund Act, of 2016.

However, achieving a balance between development and conservation remains a significant challenge. The government's focus on economic growth and infrastructure development has led to the clearance of forests for various purposes, such as mining and agriculture, causing ecological imbalances and threatening the survival of several endangered species. The success of forest conservation and management efforts depends on adequate funding, proper implementation, community participation, and effective monitoring and evaluation mechanisms. Additionally, incorporating traditional knowledge and practices of forest management into modern conservation policies can contribute to the sustainable development of forests in India.

In conclusion, the Indian government's efforts to preserve forests and biodiversity have been significant since independence, with several laws and policies implemented to promote sustainable development. However, challenges remain in achieving a balance between development and conservation, requiring continuous efforts to mitigate the adverse effects of development on forests and their ecosystems.

The Indian forest policy of 1952:

The Indian forest policy of 1952 was a landmark policy that aimed to conserve, develop, and manage forests and their resources in a sustainable manner. This paper provides an overview of the Indian forest policy of 1952, its key objectives, and its impact on forest conservation and management in India.

Overview of Indian Forest Policy of 1952:

The Indian Forest Policy of 1952 was formulated to address the issues of deforestation, ecological imbalance, and the need for sustainable forest management in the country. The policy recognized the critical role that forests play in maintaining the ecological balance, supporting the livelihoods of forest - dependent communities, and providing various goods and services to the country. It was the first time that the policy laid stress on having at least 33% of the national land area under forest cover. This was a significant step towards ensuring the sustainable management of the country's forests and natural resources.

The 1952 policy identified several vital national needs that required attention. These included the need for a system of balanced and complementary land use, with control over denudation in mountainous regions, erosion of river banks, invasion of sea sands on coastal tracts, and shifting of sand dunes in desert areas. The policy recognized the importance of these issues and the need to address them through appropriate measures.

Another critical aspect of the National Forest Policy of 1952 was the emphasis on ensuring a supply of fuel wood of, fodder, and small timber. The policy recognized the importance of these resources for the country's rural population and the need to manage them sustainably.

To achieve the goals of the policy, forests were classified

into four groups, namely protection forests, national forests, village forests, and tree lands. Protection forests were meant to be conserved and protected from any kind of human activity, national forests were meant for commercial use, village forests were meant to be managed by local communities, and tree lands were meant to be planted on agricultural land.

The National Forest Policy of 1952 was a significant step toward the conservation and sustainable management of India's forests. It set the stage for future policies and legislation aimed at protecting the country's natural resources. However, the implementation of the policy faced several challenges, including issues related to land tenure, political will, and the lack of resources. Despite these challenges, the policy remains an essential milestone in the history of forest conservation in India.

The key objectives of the policy were as follows:

- 1) To bring about a balance between the need for forest products and the need for ecological stability.
- 2) To increase the forest cover in the country and maintain it at the optimum level.
- 3) To improve the quality of forest produce and maximize the returns from forests.
- 4) To ensure the participation of local communities in forest conservation and management.
- 5) To promote afforestation and reforestation efforts across the country.

Impact of the Indian Forest Policy of 1952:

The Indian Forest Policy of 1952 had a significant impact on forest conservation and management in India. The policy recognized the rights of local communities to participate in forest conservation and management, which led to the establishment of Joint Forest Management (JFM) programs in the country. Under the JFM programs, local communities were given the responsibility to manage and conserve forests, and they were allowed to share the benefits derived from the forests.

The policy also led to the development of scientific forest management practices, which helped in improving the quality of forest produce and maximizing the returns from forests. The policy also focused on afforestation and reforestation efforts, which led to an increase in the forest cover in the country.

Furthermore, the policy recognized the importance of protecting wildlife and their habitats, which led to the establishment of several national parks and wildlife sanctuaries in the country. The Wildlife Protection Act of 1972 was also passed provided legal protection to wildlife in the country.

The Indian Forest Policy of 1952 was a landmark policy that aimed to conserve, develop, and manage forests and their resources in a sustainable manner. The policy recognized the critical role that forests play in maintaining the ecological balance, supporting the livelihoods of forest - dependent communities, and providing various goods and services to the country. The policy had a significant impact on forest conservation and management in India, and its legacy can

still be seen in the various policies and programs implemented by the government to protect and conserve forests and wildlife in the country.

Indian forest conservation act 1980:

The Forest Conservation Act, 1980, was enacted by the Indian government to protect and conserve forests in the country. The act was a response to the massive deforestation that had taken place before and after independence, which had caused an imbalance in the ecology and ecosystems of the country. The act is a significant milestone in the history of forest conservation in India.

The Forest Conservation Act, of 1980, has five sections that deal with the conservation of forests. The act aims to prevent the diversion of forests for non - forestry purposes and prohibits the de - reservation of forests that have been reserved under the provisions of the Indian Forest Act, 1927, without the permission of the central government. Section 3 of the act empowers the central government to constitute a committee to grant approvals for activities related to forests.

The act also provides for punishment for offenders, including government officials, who violate its provisions. However, if the offender can prove that the offense was committed without their knowledge and that they tried to prevent it, they may be exempted from criminal liability.

The Forest Conservation Act, of 1980, has been instrumental in conserving a significant amount of forest cover in the country. The act has helped in regulating the use of forests and ensuring their sustainable management. The act has also been effective in preventing the diversion of forests for non - forestry purposes, which has contributed to the conservation of the country's biodiversity and ecosystems.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:

This act is significant as it acknowledges the symbiotic relationship between forest dwellers and the forest ecosystem, recognizing their traditional rights to the land they have inhabited for generations. Before British rule, forest inhabitants had governed the forests and forest land, but the Forest Act of 1865 took away their rights. This act aims to restore these rights and provide forest dwellers with legal recognition and protection.

The act was passed unanimously by both houses of parliament on December 18, 2006, and came into force on December 31, 2007. The Ministry of Tribal Affairs then formulated the Rules on January 1, 2008, to support the procedural aspects of the Act. It is also referred to as the "Forest Rights Act", the "Tribal Rights Act", and the "Tribal Land Act".

Under the act, forest dwellers can claim ownership of the land they have inhabited for generations and have rights over forest resources. These include the right to use and collect forest produce, including medicinal plants, and the right to protect and conserve the forest. The act also includes provisions for the settlement of rights, recognition of community forest rights, and the establishment of Forest Rights Committees at the village level.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is a significant step towards protecting the rights of forest dwellers and promoting sustainable forest management in India. This is a landmark victory for the tribes and if this act is properly implemented then there may be the forests and the biodiversity can be protected for intergenerational equity also. (Rosencranz, A. (2008). The Forest Rights Act 2006: High aspirations, low realization. Journal of the Indian Law Institute, 50 (4), 656 - 677.)

National Forest Policy 1988:

The National Forest Policy of 1988 emphasized the importance of having at least one - third of the total land area of the country covered by forests to achieve ecological balance and socio - economic development. In hilly and mountainous regions, the aim was to maintain two - thirds of the area under forest cover to prevent erosion and land degradation and ensure the stability of fragile ecosystems. The policy prioritized the preservation and conservation of forests to maintain environmental stability and restore ecological balance, while also conserving the country's natural heritage and biological diversity.

Other objectives of the policy included increasing the productivity of degraded forests, meeting local needs for forest products, and encouraging community participation in forest protection and management. Efforts were made to protect the remaining floral and faunal biodiversity and conserve soil and water resources by reducing erosion, preserving river incatchment areas, and preventing sand mound and sand ridge expansion in the desert and coastal regions. The policy also aimed to increase forest and tree cover in the country, utilizing degraded land for this purpose, and maximizing the use of forest products while promoting the substitution of wood with other natural materials. Women's involvement in achieving these objectives was also envisioned. The main objective of the policy was to achieve environmental stability and maintain ecological balance.

Draft National Forest Policy, 2018:

India is in the process of finalizing a new National Forest Policy to replace the previous policy that was formulated in 1988. The new policy aims to address the current challenges faced by India's forests, including climate change, degradation, fragmentation, and biodiversity loss. The policy recognizes the critical role of forests in supporting livelihoods, providing ecosystem services, and conserving biodiversity.

The new Draft National Forest Policy, 2018 has proposed several changes to the earlier policy. One of the significant changes is the emphasis on increasing forest cover in the country. The policy aims to achieve a minimum of 33% forest cover in the country, up from the current 24%. This is in line with India's commitments under the Paris Agreement to create an additional carbon sink of 2.5 - 3 billion tonnes of carbon dioxide equivalent by 2030.

The new policy also recognizes the rights of forest - dependent communities and aims to promote their participation in forest conservation and management. It

seeks to ensure that the benefits of forest resources are shared equitably among all stakeholders, including local communities, forest - dwelling communities, and other users. The policy also emphasizes the need to promote the sustainable use of forest resources while ensuring that forests are protected and conserved.

The new policy proposes several interventions to achieve its objectives, such as afforestation, reforestation, habitat restoration, and the promotion of agro forestry and social forestry. It also emphasizes the need to promote the use of non - timber forest products and alternative sources of energy to reduce the pressure on forests for fuel wood.

The new Draft National Forest Policy, 2018 has been widely discussed and debated among various stakeholders, including civil society organizations, academics, and forest experts. Some have praised the policy for its comprehensive and holistic approach to forest conservation, while others have raised concerns about certain provisions, such as the proposed changes to the Forest Conservation Act, of 1980.

Overall, the new Draft National Forest Policy, 2018 represents a significant step toward strengthening India's forest conservation and management efforts. By addressing the challenges and opportunities of the current context, the policy seeks to ensure that forests continue to provide critical ecosystem services and support sustainable livelihoods for forest - dependent communities.

2. Conclusion

In recent decades, India has made significant efforts towards conserving its forests as part of sustainable development, including ratifying international agreements and implementing domestic laws and policies. Legal frameworks related to forest and biodiversity conservation have become more thoughtful and focused on preserving natural resources.

Before British rule, customary laws regulated the use of forests and their produce, but this was replaced by a series of Forest Acts, culminating in the Forest Act of 1927 which allowed for commercial and industrial exploitation of forest resources. The colonial administration established the Imperial Forest Department in 1864, and subsequently created demarcated forest categories that restricted the traditional rights of native populations. Despite the recognition of the importance of Indian forests, the National Forest Policy of 1952 prioritized national interests over the claims of forest - dwelling communities, destroying forests for infrastructure projects. However, subsequent legislation has improved forest and biodiversity conservation, including the Forest Conservation Act of 1980, the National Forest Policy of 1988, and the Forest Rights Act of 2008, which acknowledged the rights of scheduled tribes and other traditional forest dwellers. Demarcation of protected forests, reserve forests, village forests, and forest reserves has been instrumental in conserving biodiversity, and benefit - sharing schemes for forest dwellers have further aided conservation efforts. Overall, India's efforts towards forest conservation have been positive, with various legislative measures improving the condition of forests over the last

few years.

3. Summary of the Key Findings

The study on forest policies and acts under different governance regimes in India found that the forest governance regime has evolved, from the pre-colonial era to the present post-colonial period. During the pre-colonial era, forests were managed by local communities, while the colonial era saw the centralization of forest management under the British Raj. The post-colonial era witnessed the development of a democratic framework for forest governance, with greater involvement of local communities and civil society organizations. The study also found that forest policies and acts have played a significant role in shaping forest governance in India. For instance, the Indian Forest Act of 1927 was a landmark legislation that gave the state greater control over forest resources. However, it also resulted in the displacement of local communities who were dependent on forests for their livelihoods. The study emphasizes the need for a more participatory and inclusive approach to forest governance in India, with greater recognition of the rights of local communities and a more holistic approach to forest conservation.

Based on the key findings, further research and action in forest management and conservation in India could focus on the following:

- 1) Strengthening community participation: More research is needed to explore effective ways to involve local communities in forest management and conservation, especially in the context of the current governance regime, which emphasizes decentralization.
- 2) Addressing implementation gaps: Despite the existence of progressive forest policies and acts, there are significant gaps in their implementation. Further research could focus on identifying the reasons for these gaps and exploring strategies to address them.
- 3) Balancing conservation and development: Forest conservation and economic development are often viewed as conflicting goals. There is a need for further research to explore ways to balance these goals and ensure that forest conservation is not sacrificed in the pursuit of economic development.
- 4) Enhancing monitoring and evaluation: Effective monitoring and evaluation systems are essential for assessing the impact of forest policies and acts. Further research could explore ways to enhance these systems and ensure that they are used to guide decision-making.
- 5) Addressing climate change: Forests play a critical role in mitigating climate change. Further research could focus on exploring ways to enhance the role of forests in climate change mitigation and adaptation, including through sustainable forest management practices.

Overall, further research and action are needed to ensure that India's forests are managed and conserved in a way that balances the needs of local communities, economic development, and environmental sustainability.

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