

2 Forest Acts, Policies and Land Settlements

Uttarakhand is a part of the State of Uttar Pradesh of India. Forest management in the region is affected by Forest Acts and Policies that apply to the whole country as well as by those specific to the state of Uttar Pradesh.

2.1 Historical Timeline of Development of Forest Acts and Forest Policies

Table 2.1 provides a chronological history of the evolution of forest acts and policies.

Table 2.1: Historical Timeline of Development of Forest Acts and Forest Policies in the Uttarakhand Area

Year	Name of the Act or Policy
1855	The Charter of Indian Forestry , August 1855. This charter was intended to restrict and regulate the unchecked exploitation of forests by private individuals.
1865	The Indian Forest Act of 1865 . This Act emphasised protection of forests and judicious use of timber. However, prevalent usages were conceded as rights, justifying the creation of government reserves. This act indicated the start of objective-oriented forestry, with greater control by the state over forest resources that had earlier been open for public use.
1878	The Indian Forest Act of 1878 replaced the 1865 Act. Under this Act, forests were categorised into Reserve, Protected, and Village Forests. The basic aim of the Act was to remove local rights in the Reserve Forests and keep them exclusively as government reserves. Protected Forests were those forest areas where it was not possible to reduce local use, while Village Forests were to be assigned to villagers to fulfill subsistence needs. The Village Forests were to be created from parts of the Reserve Forests to meet the needs of the local communities and were to be managed by these communities under the supervision of the Forest Department. The latter provision remained largely unused until 1931 when it was used in Uttar Pradesh to constitute <i>van panchayats</i> or community forests. This Act was an extension of the government policy of establishing control over forests. It also made several provisions for the imposition of duties on timber. This duty later became one of the major sources of government revenue.
1894	The Forest Policy of 1894 . The main features of the 1894 Policy were as follow. 1. Management of forests was promoted for the general well-being of the country.

Table 2.1: Historical Timeline of Development of Forest Acts and Forest Policies in the Uttarakhand Area (Cont'd)

Year	Name of the Act or Policy
1894 1927	<p>2. The need for maintenance of adequate forest cover was recognised for the preservation of the climatic and physical conditions of the country and for the fulfillment of people's needs subject to the following conditions:</p> <ul style="list-style-type: none"> • permanent cultivation should come before forestry; • the fulfillment of the needs of the local population at non-competitive rates, if not free, should override all considerations of revenue; • after the fulfillment of the above conditions, the realisation of maximum revenue should be the guiding factor. <p>Although the 1894 Policy advocated the need to meet the needs of local communities, it emphasised maximising revenue generation, and in practice forest management became more and more revenue oriented. The policy also classified forests according to their primary function, that is protection, commercial production, minor forests, and pasture lands.</p> <p>The Land Acquisition Act was introduced.</p> <p>The Indian Forest Act 1878 was re-enacted.</p>
1931	<p>This act contained all the major provisions of the earlier Act, the amendments made included those relating to the duty on timber. This Act is still in force, together with several amendments made by the State Government from time to time. Under Section 28 of this Act, provisions were made to create village forests within Reserve Forests or on any government-owned land.</p> <p>A government order on 13th July 1931 notified a Set of Rules for the Management of Panchayat Forests in Kumaon. <i>Van panchayats</i> could be formed in any areas within the <i>sal assi</i> settlement boundary of the village where the residents had rights.</p>
1935 1948	<p>The Indian National Park Act was promulgated (UP Act No. 1 of 1935) and the first Indian National Park ('Heilly National Park', later renamed 'Corbett Park') was created in the foothills of the UP Himalayas.</p> <p>The UP Private Forest Act of 1948 (UP Act No. VI of 1949) was introduced. This Act tried to regulate the use of land under private ownership with forest land, wasteland, or lands uncultivated for seven years or more and 50 acres or more in size. It also attempted to stop the use of forest lands for cultivation.</p>
1952	<p>The first Forest Policy after independence was announced (Resolution No. 13 - 1 / 52 F dated 12th May 1952). Even though the new policy emphasised the ecological and social aspects of forestry, it had clear signs of caution for the unrestricted use by village communities of the forests adjoining villages. It stressed that the needs of the local population must be met to a reasonable extent, but not at the expense of national interests. However, the ecological considerations envisaged in the policy were not followed, and in the following four decades there was a large-scale conversion of 'low value' mixed forest into 'high value' plantations of commercial species such as <i>Eucalyptus</i> and teak, especially in the <i>Terai</i>.</p>
1972	<p>The Wildlife Protection Act was promulgated. This Act tried to regulate hunting and promote conservation of endangered wild animals by classifying animals into various status levels under schedules framed under the Act.</p>

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Year	Name of the Act or Policy
1972	<p>The UP Government UP Panchayat Forest Act 1972. This used the provisions of Section 28 of the Indian Forest Act of 1927. "Formation of village forest. 1. The State Government may assign to any village community the rights of government to or over any land that has been constituted a Reserve Forest and may cancel such assignments. All forests so assigned shall be called Village Forests. 2. The State Government may make rules for the regulation and management of Village Forests; prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest produce or pasture, and their duties for the protection and improvement of such forests. 3. All provisions of this act relating to Reserve Forest shall (so far as they are not inconsistent with the rules so made) apply to Village Forests." This law was applicable to Nainital, Almora, Pithoragarh, Garhwal, and Chamoli districts.</p>
1974	<p>The UP Forest Corporation Act of 1974 was introduced (UP Act No. 4 of 1975). The main focus of the act was to create a corporation to:</p> <ul style="list-style-type: none"> • undertake removal and disposal of trees and exploitation of forest resources entrusted to it by the State Government; • prepare projects relating to forestry within the State; • undertake research programmes relating to forests and forest products and render technical advice to the State Government on matters relating to forestry; • manage, maintain and develop such forests as are transferred or entrusted to it by the State Government; and • perform such functions as the State Government may, from time to time, require. <p>However, ever since the establishment of the corporation, it has been primarily associated with the removal and disposal of forest products like timber and <i>tendu</i> leaves. In the hills, logging, removal, and disposal of all timber and small wood is allotted to the corporation by the Forest Department on a royalty basis.</p>
1976	<p>The UP Resin and Other Forest Produce Act of 1976 (UP Act No. 13 of 1976) was promulgated. Under the provisions of this act, the tapping, sale, and purchase of resin were brought under total state control. State permission before transport, manufacture, or sale of resin products was also made mandatory.</p>
1976	<p>The Van Panchayat Rule of 1972 was amended.</p>
1976	<p>The National Commission on Agriculture (NCA) advocated change from conservation-oriented forestry to a more dynamic programme of production forestry. Social forestry schemes were started on a large scale in the plains' areas of the state, but the old style of working continued in the hills.</p>
1980	<p>The Forest Conservation Act of 1980 prohibited the use of forest land for non-forestry purposes. It also prohibited the establishment of plantations of horticultural crops, palm oil trees, or medicinal plants on forest lands without prior permission from the Government of India.</p>
1981	<p>On March 18 1981, felling of green trees was banned in UP hills above 1,000 masl. However the ban did not apply to trees to be felled to meet the demands of right and concession holders.</p>

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Year	Name of the Act or Policy
1988	The Forest Policy of 1988 was introduced. The policy gives a higher priority to environmental concerns than to earning revenue. It discourages monocultures and promotes mixed forests. Emphasis is also placed on satisfying the minimum needs of the people, especially tribal people, by providing fuelwood and fodder. This policy gives a clear indication of the need to involve people in the conservation of forests and forest resources.
1990	The Government of India issued a resolution on 1st June 1990 making it possible for the Forest Department to involve people in the management of forests and to share economic benefits with the communities.
1991	The Wildlife Protection Act of 1972 was amended . In addition to including stringent conservation rules and provisions, the hunting of any wildlife for game purposes was banned.
1997	The Uttar Pradesh Village Forest Joint Forest Management Rules of 1997 were promulgated under Section 28 of the Indian Forest Act of 1927. This Act allows direct economic benefits to the beneficiaries from forest management, in contrast to the <i>van panchayat</i> rules in which any benefit is given to the <i>van panchayat</i> body which can use the fund for the growth and upkeep of the jointly managed forests.
1997	The Draft Van Panchayat Rules 1997 were prepared to replace the 1976 Rules and are under consideration by the State Government.

The timeline of development of forest acts, policies, and land settlements, clearly shows that the government has been increasingly concerned about the conservation of the country's forests. Although no separate policy has been announced for the hills, specific references have been made within the general forest policy of the country. For example, the 1952 policy emphasised the need to halt the denudation of forests in the hills and for conservation of catchment areas of rivers and other water resources. However, this policy was not followed because of the ever-increasing demand for construction of roads, irrigation canals, and hydro-electric projects in the Himalayan region. The current policy of 1988 has made the following recommendations for the hill areas.

- “Existing forests and forest lands should be fully protected and their productivity improved. Forests and vegetative cover should be increased rapidly on hill slopes, in catchment areas of rivers, lakes, and reservoirs, around ocean shores and on semi-arid and desert tracts.” (3.1)

- “The national goal should be to have a minimum of one third of the total land area of the country under forests or tree cover. In hill and in mountainous regions, the aim should be to maintain two thirds of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile ecosystem.” (4.1)
- “Schemes and projects which interfere with forests that clothe steep slopes, catchment areas of rivers, lakes and reservoirs, geologically unstable terrain, or such other ecologically sensitive areas, should be restricted.” (4.3)

The process of framing policies and enacting various Acts has been top-down. From the stakeholders' point of view, the policies and acts have been regulatory in nature resulting in restrictions on access to natural resources. Although people's demand for forest products was taken care of during settlement operations, the demand was restricted to varying degrees depending on the local conditions.