



DEVELOPMENT OF FOREST POLICY IN TAMIL NADU

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Abstract

The forest policy of Tamil Nadu has evolved largely in alignment with the objectives of India's national forest policies, even in the absence of a distinct, formally articulated state forest policy. This paper examines the historical development of forest policy in Tamil Nadu from the colonial period to the post-independence era, with particular emphasis on legislative measures, conservation initiatives, and administrative practices. It traces the transition from early colonial exploitation and revenue-oriented forest management to a more conservation-focused approach emphasizing ecological balance, wildlife protection, and sustainable development. The study critically analyses major forest legislations such as the Indian Forest Acts, the Madras Forest Act of 1882, the Tamil Nadu Preservation of Private Forests Act, the Wildlife (Protection) Act of 1972, and the Forest (Conservation) Act of 1980. It concludes that Tamil Nadu's forest policy framework reflects a gradual shift towards scientific forest management and ecological conservation while continuing to face challenges related to natural justice, community rights, and effective implementation.

Keywords

Forest Policy-Tamil Nadu- Forest Legislation- Conservation-Social Forestry

Introduction

Though no separate documents are available on the State Forest policy, Tamil Nadu adopted a forest policy in line with the national forest policy objectives. This is evident from the annual administration reports, Policy Notes of the Government of Tamil Nadu, notifications and orders of the Government of Tamil Nadu issued from time to time. However, the following aspects deserved to be highlighted.

During the early British rule extensive forests were either unreserved or leased out for raising tea, coffee and cardamom. Till 1953, forest lands were assigned to freedom fighters either as house sites or for agriculture. Forest land was also assigned to landless poor. However, in the late 1970s, the Government had taken a policy decision not to release forest lands for non-forestry purposes. Thus, conservation and development received a high priority in Government policy.

Even before the National Commission on Agriculture came out with its recommendation on social forestry in 1976, Tamil Nadu set the trend way back in 1960 with the introduction of farm forestry scheme. In reality it is the precursor of the present-day social forestry programme. Waste lands lying outside the reserve forests were afforested under schemes variously named as "farm forestry", "village forestry", "mixed plantations" and "extension forestry". It provided employment opportunities in rural areas and relieved shortage of fuel wood

and small timber. The plantations were to help to conserve soil and moisture and preserve eco system. An analytical attempt made in this paper to explore the historical development of the forest policy of Tamil Nadu.

Forest Legislation

The first effort to regulate the Indian forests began in South India. In 1880, a commission was appointed to enquire into the availability of teak in the Malabar forests. Following the commission's report, felling of teak below twenty-one inches in girth was prohibited. Subsequently, in 1805, a Forest Committee was constituted to access the capacity of forests. It found that the more accessible forests had been over-worked. So, a proclamation was made declaring 'royalty rights' over teak trees in the south and prohibiting unauthorised felling of teak.¹

As soon as Brandis was appointed as Inspector General of Forests, Cleghorn was deputed to assist him. They were responsible for the development of methodological system of forest management in the early stages. They realised the necessity for separate forest enactment not only for affording protection to the forests but also for bringing them under proper management with adequate authority vested in the officers of the forest department for the purpose.² In 1865 the first Indian Forest Act was passed. It came into effect on 1 May 1865. The Act empowered the Government to declare any land covered with trees as Government forests and to issue rules for conserving them. This was the first attempt at forest legislation by the British in India. But the Indian Forest Act was not extended to Madras presidency mainly on account of the attitude of the Board of Revenue. It held that the villagers had the rights over the forests and forests could not be established as the absolute property of the State.³ A revised Indian Forest Act was passed in 1878 and was extended to all provinces of British India with the exception of Madras and some other areas. This Act aimed at improving on the inadequacies of the Indian Forest Act of 1865. This Act classified the forests into reserved forests, protected forests and village forests. The rights of the people over forest lands and produce in the reserved and protected forests were restricted and regulated by this Act. It empowered the Government to exercise control over the forests. It also made several provisions for imposition of duty on timber which later on became a source of revenue to the Government. The Indian Forest Act, 1927 contained all the major provisions of the earlier Act. This Act was the model Act for States to frame the State Forest Acts.⁴

The Wildlife (Protection) Act of 1972

This Act was enacted to provide with protection for the wild animals and birds. On 1 January 1974, this Act came into force in Tamil Nadu.⁵ If an area is of adequate ecological, faunal, floral, geomorphological, natural, and zoological significance, it can be declared as a sanctuary for the purpose of protecting, propagating or developing the wildlife or its environment. Apart from this, under section 37, the State Government can declare any area to be closed to hunting for a specified period.⁶

Prior to the enactment of this Act, there was no unified legislation for protecting the wildlife. This Act provided for stringent punishment for offences with respect to gravely endangered species of animals. Even before the adoption of this Act, the State had taken measures to restrict felling and collection of non-wood forest products in the sanctuaries and national parks. Only such works as that beneficial to wildlife, were allowed inside sanctuaries and parks. Even removal of deadwood had been stopped in the sanctuaries and parks. After the implementation of the Act, control and protection of wildlife had improved. Grazing in the forests had decreased.

The Wildlife Protection Act was amended in 1991 to remove many of the loopholes in the parent Act.⁷ The amended Act ensured greater protection for wildlife and enhanced the punishment for offences.

It deterred the organised offenders. Transportation of wildlife products was banned except with the permission of the Chief Wildlife Warden. This provision was helpful in preventing movement of wildlife products to evade detection. The amendment extended protection to six endangered species of plants, but it was not effectively implemented due to inadequate machinery.

The Forest (Conservation) Act, 1980

This Central Government Act regulated the diversion of forest lands for non-forestry purpose. It made it mandatory for the State Governments to obtain prior permission of the Central Government for deserving forests. Prior to the enactment of this Act, forest lands were diverted by the Government of Tamil Nadu for non-forestry purposes due to local pressures and for other development projects such as power generation project, reservoirs and cultivation. Before 1980, as much as 75,572 hectares was diverted. After the

implementation of this Act, the diversion of forest land for non-forest purposes had declined. By 1995, 1944.27 hectares of forest lands had been permitted for diversion. Of these 1200 hectares was for a space programme.⁸

This Act was amended in 1988 in tune with the National Forest Policy of 1988. The amended Act regulated the diversion of forest lands for non-forestry purposes. Under this Act comprehensive guidelines were issued for processing and monitoring various types of cases.⁹

The Madras Forest Act, 1882

In 1881 Brandis, the Inspector General of Forests, visited Madras and spent nearly a year in making a report on the condition of forests. The report brought out the need to have a Forest Act for the effective and scientific management of forests. Thus the Madras Forest Act (now known as Tamil Nadu Forest Act) was passed in 1882. The bill was introduced at the Legislative Council on 29 June 1882 and after having been altered in several essential points by the Select Committee, was passed on 26 August. The Act received the assent of the Governor on 17 September 1882 and of the Governor-General on 11 October 1882. It came into force on 1 January 1883.¹⁰

The Act made provision for the protection and management of forests in the Madras presidency. The Forest Act of 1865 was never extended to the presidency and the present Act is the first forest law enacted for this presidency. The provisions of the Act were mostly taken, with some necessary modifications, from the Indian Forest Act of 1878 and Burma Forest Act of 1881, which had been successfully implemented in other parts of India.

The Act provided for the establishment of a 'Forest Court', for 'Penalties' and Procedure', for "Cattle Trespass", for the duties of "Forest Officers" and for "Miscellaneous" matters. Section 63 prescribed the powers of the several classes of forest officers and the grant of rewards to informers under the Act. Before the enactment of the Act, forest offences were charged before Magistrates under the theft, mischief and trespass sections of the Indian Penal Code. The Act of 1882 made specific offences and gave corresponding procedure.¹¹

Thus the Tamil Nadu Forest Act covered broadly the following matters:

- 1) Constitution of reserved forest and its protection;
- 2) Protection of Government land not included in reserved forests;
- 3) Control over lands not at the disposal of Government;
- 4) Control of timber transit;
- 5) Government's rights on royalties and other timber in transferred territories;
- 6) Penalties and procedure;
- 7) Control of cattle trespass and
- 8) Rights of forest officers.

Over the years, the Tamil Nadu Forest Act had been amended in 1919, 1933, 1936, 1961, 1965, 1979, 1981 and 1992.

The Tamil Nadu Preservation of Private Forests Act 1949

This Act was enacted to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes. It received the assent of the Governor-General on 10 December 1949 and came into force on 14 December 1949.¹²

The Act broadly covered the following areas:

- 1) declaration of private forests;
- 2) restriction on alienation of private forests;
- 3) restriction on felling trees;
- 4) formation of committees for issuing permits and
- 5) penalties

Originally this Act was enacted as a temporary Act. It was extended from time to time and was made permanent in 1965.¹³

It should be noted here that the Tamil Nadu Forest Act, 1882, had provisions under section 29 to regulate private forests. Thus, the objectives set out in Tamil Nadu Preservation of Private Forests Act could be achieved through the 1882 Act itself. In such circumstances, there was no necessity for a separate Act for private forests. Even if additional provisions were required to be enacted, suitable amendments could have been incorporated in the Act of 1882. Earlier, land of more than twelve hectares of continuous area was covered by the Act and in 1979 it had been brought down to two hectares.¹⁴

This could affect small farmers. The Act did not require any specific reasons for the declaration and there were no guidelines for the declaration. An Act for regulating private forests should have been restricted to conditions like prevention of natural disaster, soil erosion and so on. Without such criteria, the declaration under the Act could not achieve its objectives. Improper use of this Act could lead to aversion and fear against growing of any tree. Again, there was no provision and mandatory clause in the Act for issuing notice to owner of the land before declaring it under the Act. Natural justice demanded that there should be a provision for issuing a notice to the owner of the land. Even the Tamil Nadu Forest Act enacted during the British regime provided provision for the issue of notice to the owner before any regulation on private land.¹⁵

Under Tamil Nadu Forest Act when a land was intended to be declared as reserved forest, if any claim or right was admitted, the Government had to either acquire such land or come to an agreement with the claimant for surrender of the right.¹⁶ Unfortunately, under the Tamil Nadu Preservation of Private Forests Act, such provision was not available. Before 1965, when the Act was a temporary one, the owner had to forego his rights only for a definite short term. But now the Act had been made a permanent one, that the owner lost his rights without being given any option to dispose of the land. This was unjust to the owner and a direct threat to the private tree growing activities because it created possibilities of the tree grower losing his customary rights over the land.

Again, under section 3(2) “no owner of any forest... shall without the previous permission of the District Collector cut trees and timber or do any act likely to denude the forest or diminish its utility as a forest”. This provision directly interfered with the individual’s right. Again, under section 4, any land owner denied permission to sell, mortgage, lease or otherwise alienate the forest or fell his trees could only appeal to the State Government. This prevented regular access to the judiciary for the deprived parties. Also, small farmers could not be expected to spend their money for appealing to State Government when the case pertained to a small piece of land or a few trees. Again, as per section 9, no order of the Government or the District Collector under this Act could be questioned in any court of law. Similarly, under section 14, no suit, prosecution or legal proceeding should be instituted against any officer or servant of the State Government under this Act.¹⁷ These provisions were against the process of natural justice as they override the judiciary.

The Tamil Nadu Hill Areas (Preservation of Trees) Act of 1955

There had been indiscriminate cutting of trees in hill areas involving large scale deforestation, resulting in considerable soil erosion. In order to prevent this, the Government of Tamil Nadu enacted this Act which provided for the regulation of the cutting trees and cultivation of land in hill areas.¹⁸ This Act came into force on 2 September 1955. This Act broadly covered the following areas: constitution of committees, prohibition of cutting of trees, prohibition of cultivation of cereals, rubber or plantation crops and penalties. As per the Act, previous written permission of the committee was required to cut or fell or remove any tree that constituted “danger to life and property.” As much as two months should pass between committee’s meetings. So, to expect that written permission of the committee should be obtained before felling a tree that constituted danger to life was “utterly insensitive and inimical to public interest.”

Under section 3(c) Government might grant permission to any person to clear any land by cutting, uprooting or burning... any tree subject to the condition that the land so cleared should be used for growing coffee or tea. This provision defeated the whole purpose of the Act. Such conversion of natural forests into coffee and tea plantations already posed an ecological problem. Allowing such liberty to Government could only lead to inevitable corruption and environmental disaster. As per section 6, any person refused permission for cutting a tree could only appeal in writing to the Government.¹⁹ As many of the aggrieved persons would be small growers, it would not be appropriate to expect them to take up their cases to Government for appeal.

Conclusion

The Tamil Nadu Forest policy takes into account all the objectives envisaged by the Government of India in their national forest policy. The forests were managed in accordance with scientific principles of silviculture and management with due emphasis on the preservation of natural forest for protection of aesthetic / ecological and environmental reasons, giving due importance to wildlife preservation and its development. Nature Conservation scheme, Hill Area Development Programme, Western Ghat Development Programme, Social Forestry scheme, Soil Conservation Works, ecological upgradation by aerial seeding and other developmental schemes were implemented in order to achieve the goal of accelerating the tempo of development.

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