CHAPTER - V

FOREST POLICY AND LEGISLATION

The term forest policy connotes actions of a Government for the preservation, maintenance, enhancement of forests and the optimum utilisation of forest resources to attain national welfare. It is defined as a set of principles or guidelines adopted by a Government to attain fixed objectives in forestry for the welfare of the nation.\(^1\) Forest policy has to undergo changes according to the changed circumstances. Initially, the orientation was mostly towards obtaining the required timber. Subsequently efforts were made to plant for replacing the felling. This was later followed by systematic conservation of forests through protective steps to guard against unregulated felling. Then regeneration and afforestation\(^2\) had become an integral part of forest conservation policy to compensate for the felling and also to augment resources. In the present times, forest policy has attained a new dimension to solve problems arising out of rising trends of environmental hazards caused mainly by deforestation.\(^3\)

The British administration remained indifferent towards the problem of forestry in the early years of their rule. They, themselves, were new to ideas of systematic forestry as they had no developed forest organisation then in England. Reckless exploitation of forests had continued and they were under the impression that the forest wealth of India was inexhaustible. The policy to expand agriculture at the cost of forests continued during

\(^1\) Jha, *India’s Forest Policies*, p.1.

\(^2\) The establishment of a new forest by artificial means.

\(^3\) Cutting down of forest without planting new trees to replace those lost or allowing the forest to regenerate itself naturally.
this period. In 1854, McClelland, the then Superintendent of Forests in Burma (then part of Indian empire) submitted a report to the Government of India suggesting certain restrictions on the unchecked exploitation of forests by private parties. Based on this, on 3 August 1855, Lord Dalhousie, Governor General, promulgated for the first time an outline for forest conservancy by the issue of a “Memorandum of the Government of India.” This is termed as the “Charter of the Indian Forests.”

**Forest Policy of 1894**

Scientific forestry started in India by the end of the nineteenth century. The forests were demarcated and surveyed. It necessitated to lay down general principles for management. It was at the time, Voelekar, Superintendent of Forests, submitted a report to the Government on “Improvement of Indian Agriculture”. In it, he stressed the need for formulating a forest policy with a definite objective of serving agricultural interests. On the basis of these recommendations, the Government of India declared the forest policy on 19 October 1894. Prior to the advent of this policy, there was no uniform system for the management of the forests which were mostly the properties of the Princely States, nawabs and zamindars.

The Circular noted that the forests of India were the property of the State. The sole object of the management of forests was to promote the general well-being of the people as a whole and regulate benefits to the people living within and in the vicinity.

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5. *100 Years of Indian Forestry*, p.73.
Indian forests were classified into four groups. They were:

1) Forests the preservation of which is essential on climatic or physical grounds;

2) Forests which afford a supply of valuable timber for commercial purpose;

3) Minor forests containing somewhat inferior kinds of timber and managed for the production of wood, fodder, grazing and other produce for local consumption and

4) Pasture lands.

Forests of the first group were situated on hill slopes. They must be preserved on account of their indirect effects and without any reference to their commercial value. These indirect effects of forests are on climate, rainfall, water storage and prevention of denudation. The forests of the second group included the great tracts which provided valuable timbers like teak, deodar, sal and so on. They were to be managed mainly on commercial lines as valuable properties in order to obtain revenue to the State. People dwelling on the margins of such forests were to be provided small timber, fuel wood, fodder, grazing ground and minor forest products either at low price or free of cost. It was also stated in the Circular that “the claims of cultivation are stronger than the claims of forest preservation” and “wherever an effective demand for culturable land exists and can only be supplied from forests area, the land should ordinarily be

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8 Ibid., para 3; Troup, The Work of the Forest Department, pp.5-7.

9 Circular, Government of India to Local Governments, No.4-F-70-1, 27 Feb.1915.

10 The Old Forest Policy, 1894, para 4 and 5.
relinquished without hesitation.”¹¹ Moreover, it stated that the forest area was to be relinquished for agricultural purposes subject to the following conditions: ¹²

1) The honey-combing of a valuable forest by patches of cultivation should not be allowed;

2) Cultivation must be permanent;

3) Forest land was not to be relinquished for shifting cultivation which denuded a large area of forest growth in order to place a small area under crops;

4) Cultivation should not be merely nominal which does more harm to the forest than the good reaped from it and

5) Cultivation should be allowed but not by encroaching upon the minimum area of forest which is needed in order to supply the general forest needs of the country.

The third group of forests produced only the inferior sort of timber. It was meant for small timber, fuel wood, fodder and grazing grounds to the people residing in the adjoining area of forests. These forests should be managed mainly for the interests of the population of the tract. The main objective was “to preserve wood and grass from destruction”. The produce of the forests should be supplied “to the greatest advantage and convenience of the people.”¹³ The forests of the fourth group were pastures and grazing

¹¹ Ibid., para 6.


¹³ The Old Forest Policy, 1894, para 9.
grounds. These are not forests in the general sense of the term but grazing grounds managed by the forest department merely as a matter of convenience. It fulfilled the requirements of local people and “the expenditure on establishment exceeded the revenue.”

The Circular of 1894 had several drawbacks. The policy was applicable to the forests under the management of the forest department, with the result that the Government-owned lands were not covered by it. It had failed to cover systematic management of the forests forming the catchments of important rivers. Again, no guideline was given to combat the problem of shifting cultivation. Though wildlife was an integral part of the forests and a valuable asset, the policy did not lay down a suitable wildlife management policy. Again, no attempt was made to spread the message of forestry among the people to convince them that their welfare depended on successful forest conservation.

The Circular did not mention the definite share in the geographical area of India as a whole that should be allotted to forests. Moreover, it had laid no guidelines for the adoption of artificial regeneration. Proper attention was not paid for the maintenance of environmental stability. While productive function of forestry was emphasised, recreative function was neglected. It had failed to lay emphasis on the rapid promotion of forestry education and research. It also failed to lay guidelines for the provisions of adequate financial outlay in order to attain speedy development. In addition, it gave no guideline to control and regulate the forests owned by native states and zamindars. It also failed to provide guidelines for maintaining botanical diversity as well as genetic diversity. There was no thrust on conservation because the pressure on forest due to various reasons

14 Ibid., para 12.
at this point of time was lesser than in recent times.\textsuperscript{15} This policy kept forestry subservient to agriculture. \textsuperscript{16}

Though it had several shortcomings, it provided a base for conservation of forests. As L.K.Jha observed, “the British administration proclaimed that the forest policy of India was to promote the welfare of the nation as a whole but practically the policy was to serve the vested interest of the Crown by providing maximum possible amount of revenue and fulfilling other requirements.”\textsuperscript{17} Troup also admitted that “this (revenue) side of its activities is unquestionably of immense importance”.\textsuperscript{18} In essence, this policy was agriculture and revenue oriented rather than forestry-oriented.

\textbf{The National Forest Policy of 1952}

The need for the formulation of the national forest policy became imperative after the attainment of Indian independence. Again, for removing the shortcomings of the Forest Policy of 1894, it was strongly advocated to formulate a new policy. Many fundamental changes had taken place in Indian economy since 1894. The pressure on all forms of land, including forests, had increased due to the rapid increase of population.\textsuperscript{19} The value of forests was recognised not only in the physical field such as conservation of moisture, prevention of erosion and increase in rainfall but also in the economic field such as development of agriculture, industry and communications. Hence the

\begin{itemize}
\item \textsuperscript{15} Jha, \textit{India’s Forest Policies}, pp.33-35.
\item \textsuperscript{16} Pandey, “Forest Policy”, p.61.
\item \textsuperscript{17} Jha, \textit{India’s Forest Policies}, p.42.
\item \textsuperscript{18} Troup, \textit{The Work of the Forest Department}, pp.7-8.
\item \textsuperscript{19} The population of India had increased by forty per cent between 1894 and 1952.
\end{itemize}
conservation and development of forest resources had assumed an unprecedented importance in the economic life of the nation.  

Revolutionary changes had occurred in the political field. India had become a sovereign democratic republic and the constitutional changes had conferred a large measure of autonomy on the States in the administration of forests. In view of all these facts and considerations, a forest policy was re-enunciated to suit the changed circumstances. The Government of India enunciated the National Forest Policy on 12 May 1952.  

The new policy replaced the policy of 1894. This policy was built upon the earlier one which “still holds good” and also covered the omissions in it. Particularly, the protective and productive functions of forests as well as realisation of maximum revenue were covered in it. The policy prescribed that it was desirable to have one-third of the total land area for maintaining as forests. This policy called for a detailed survey for the proper land use. Soil conservation aspects were emphasised in this policy. It urged the forest tribes to be weaned away from the practice of shifting cultivation. Further, the need for wide publicity on the value of forests was pointed out in this policy. Villagers residing in the neighbourhood of forest must be permitted to enjoy greater use of its products for the satisfaction of their domestic and agricultural needs. Such use should in no event be permitted at the cost of national interest. In the Forest Policy of 1894, there was a provision for relinquishment of forest land for agricultural purpose. In the new

\[\text{Government of India, The National Forest Policy of India 1952 (Delhi, 1952), p.17.}\]

\[\text{Ibid., p.26.}\]
policy, the indiscriminate extension of agriculture and consequent destruction of forests were stopped.\(^{22}\)

The policy realised the vital functions of the forest in fulfilling the paramount needs of the country and based on functions, the forests were classified as protection forests, national forests, village forests and tree-lands. Protective forests were to be preserved for physical and climatic considerations. They should be created on hill slopes, river banks, sea shores or other erodable localities. In such sites, the need for forest cover was dictated by purely protective physical considerations such as prevention of erosion, conservation of moisture and control of rushing torrents and floods. The scientific management of such protection forests should include the production and exploitation of timber within the limits of safety. National forests constituted the basis of India’s strength and wealth, for they comprised valuable timber which was indispensable for defence, communications and vital industries. They had to be managed chiefly in the interest of the nation. The basic policy must be to attain national self-sufficiency in these vital supplies. Cultivation should not be permitted to encroach upon these valuable timber-bearing tracts. The policy stated that “the solution of the food problem of an ever-increasing population must be sought primarily in intensive cultivation and not in weakening the very basis of national existence by encroaching upon such forests.” Village forests were to be maintained to provide firewood, small timber and so on to the rural population living adjacent to the forests. Tree lands, which though outside the scope of the ordinary forest management, were essential for the amelioration of the physical condition of the country. The policy emphasised expansion of tree cover in lands owned by Government and public as well as private institutions. The policy stated that “Defence, Railways, Public Works Department, Universities and Colleges, District Boards, Municipalities and

other local authorities, associations and institutions can lend a helping hand by converting
the lands at their disposal into tree lands”. ‘Tree consciousness’ among the masses can
alone pave way for expanding rapid tree cover in public and private lands. It should be
noted that the forest departments of States were assigned important tasks in the expansion
of tree lands.23 Thus the classification of 1952 aimed to attract proper attention for due
management of each type of forest and every kind of forest was considered significant for
the country.

Control of private forests by individuals must be regulated in the national interests
so that the indiscriminate exercise of individual rights might not prejudice or endanger
general welfare. According to the policy of 1952 regulations and control of private forests
by the State were imperative on economic, physical and climatic considerations.24

India as a whole should aim at maintaining one-third of its total land area under
forests. As an insurance against denudation, sixty per cent of the area should be kept
under forests in mountainous tracts for their protective functions and in plains the
proportion should be twenty per cent. Forest area in excess of the indicated proportion
should not be sacrificed.25 It was a landmark in the developmental history of Indian
forestry. The policy did not fix a time-bound programme; hence a serious shortcoming.

For affording protection to the animal kingdom and particularly to rare species,
laws should be enacted and sanctuaries and national parks should be set up.26 All grazing
in forests, particularly unlimited and uncontrolled grazing was incompatible with
scientific forestry. Hence grazing should be regulated as regards the time and place and

23 The National Forest Policy of India, 1952, para 4, 10, 13, 14 and 15.
24 Ibid., para 18.
25 Ibid., para 19.
26 Ibid., para 20.
also the number of cattle admitted. Large restriction on sheep grazing and total exclusion of goats was recommended. It was suggested that a reasonable fee was to be charged from the users. Grazing should not be allowed in regeneration areas and young plantations. Grazing incidents should be kept at the minimum in protection forests.\(^{27}\)

Shifting cultivation caused ‘serious damage’ to the forests. So it should be guarded and cooperation of cultivators should be sought for this purpose. The policy noted that “it requires persuasion, not coercion; a missionary not an authoritarian approach.”\(^{28}\)

The policy recommended proper forest legislation and it can alone provide proper legal support for the promotion of forestry. The policy stated that “the efficiency of forest administration depends directly on the adequacy of the forest laws, the training and calibre of the professional forest services and the progress of research on both the biological and the utilisation aspects of forestry.”\(^{29}\) While forest legislation, forest education and research constituted the basis for sound forest management, the goodwill of the people in the neighbourhood of forests alone could provide the firm ground for the promotion of forestry. There were numerous cases of exploitation by intermediaries and hence forest cooperative societies should be formed to solve the problem of exploitation.\(^{30}\)

Thus, the forest policy of 1952 was more towards scientific management of forests with better clarity on various aspects like the area of forests which are to be

\(^{27}\) *Ibid.*, para 21 and 22.


preserved. It also spelt out management strategies for various types of forests. It did lay more emphasis on the management objectives of forest resource management.

**The National Forest Policy of 1988**

The national forest policy which was enunciated on 7 December 1988 is the most important policy document in the recent times. It has a far-reaching impact on forest resource management. Numerous outstanding changes occurred in Indian economy between 1952 and 1988. Rapid growth of population had been the cause of huge additional requirements of food, fuel wood, fodder, timber and other products of forestry. As a result, over the years forests had suffered “serious depletion”. Inadequacy of protection measures, diversion of forest lands to non-forest uses and the tendency to look upon forests as revenue earning resources were other important causes of depletion.\(^{31}\)

Forestry which was in ‘State List’ was brought under ‘Concurrent List’ after the Forty-Second Amendment of the Indian Constitution in 1976. Moreover, ten fundamental duties were included in the Constitution and the seventh one is “to protect and improve natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures.” Again three new directive principles were added and one is related to the promotion of natural environment including forests, lakes, rivers, wildlife by the State.\(^{32}\) The constitutional amendments were considered a landmark because they enabled the Central Government to issue guidelines for the management of forests.

Subsequently, in order to consolidate depleted forest areas, the Government of India passed the Forest Conservation Act of 1980 making it mandatory to get prior concurrence of the Government of India for diversion of any forest land for non-forest

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use. The National Commission on Agriculture, constituted in 1972, gave its final recommendations in 1976. It gave a new thrust and meaning to forest management in India. The Commission studied the forestry sector in toto and gave wide ranging recommendations touching all aspects of forestry. Recommendations included all aspects like forest policy, forest protection, production forestry, social forestry, wildlife management, forest-based industries and so on. So the need to review the situation and to evolve a new strategy of forest conservation including preservation, maintenance, sustainable utilisation, restoration and enhancement of the natural environment had become imperative. Thus a new national forest policy was formulated in 1988.

The new policy envisaged the basic objectives for preservation, protection and development of forests with the principal aim to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium. Direct economic benefits derived from forests were given secondary importance in the new policy. Conservation of total biological diversity was considered gainful for national welfare. For the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas should be strengthened and extended adequately.

Indian forests were put under pressure and depleted due to inadequate supply of fuel wood, fodder and small timber particularly in the vicinity of human habitation. It was observed in the policy that firewood was the only source of energy in rural areas and hence rapid afforestation of species to augment the supply of firewood was an urgent

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35 *National Forest Policy, 1988*, para. 3.3.
necessity. The guidelines in the policy regarding the adoption of need-based and
time-bound programme of afforestation and tree planting on all degraded and denuded
lands must be considered a landmark in the developmental history of Indian forest.

The demand for forest products was increasing in India on account of rapidly
rising population. The 1988 policy recommended to enhance forest cover that is, a
minimum of one-third of the total area of the country as well as to increase productivity
of forests by applying latest scientific and technological methods so that growing
requirements of the country could be fulfilled. Moreover, the policy emphasised the
creation of a massive people’s movement with the involvement of rural women for
achieving these objectives and minimising pressure on existing forests.

The problem of wildlife conservation was analysed in the policy. It was accepted
in the policy that forest management must include prescriptions for the conservation of
wildlife. No doubt, the setting up of the Central Wildlife Board in 1952 and the
enactment of the Central Wildlife Act in 1972, promoted development programmes for
wildlife conservation in India. Maintenance of genetic continuity was considered essential
for balanced wildlife conservation. It is stated that “it is specially essential to provide for
‘corridors’ linking the protected areas in order to maintain genetic continuity between
artificially separated subsections of migrant wildlife.”

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36 Ibid., para 4.2.

37 Ibid., para 4.1 and 4.3-5.


39 Resolution, Ministry of Food and Agriculture, Government of India, No. 7-110/51-F, 4 Apr. 1952.

The National Forest Policy of 1988 paid special attention towards the problems of forest-based industries. The forest-based industries were classified as: wood-based industries, forest plantations and tree-based industries and forest-based miscellaneous industries. The forest-based industries should raise the raw material, needed for meeting their own requirements. They were to establish direct relationship with individual growers of raw material by providing the individuals with inputs including credit, constant technical advice and finally harvesting and transport services. The practice of supplying forest produce to industry at concessional price would cease and the industry should be encouraged to use alternative raw materials and also to liberalise the import of wood and wood products in a phased manner.\textsuperscript{41} The forest-based industries should provide employment to local people on priority and involve them fully in raising trees and producing raw material.

Financial support for forestry was examined in the forest policy of 1988. The objectives of this policy “could not be achieved without the investment of financial and other resources on a substantial scale”. Such investment was fully justified “considering the contribution of forests in maintaining essential ecological processes and life-support systems and in preserving genetic diversity. Forests should not be looked upon as a source of revenue…. They are a national asset to be protected and enhanced for the well-being of the people and the nation.”\textsuperscript{42}

\textbf{Tamil Nadu Scenario}

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.

\textsuperscript{41} National Forest Policy, 1988, para 4.9 and 12; Administration Report of Tamil Nadu Forest Department 1989-90 (Madras, 1991), p.4.

\textsuperscript{42} National Forest Policy, 1988, para 4.16.
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.\(^43\) Five cases with 234,042 hectares of forest area were diverted for non-forestry purpose in Tirunelveli district.\(^44\) However, in the late 1970s, the Government had taken a policy decision not to release forest lands for non-forestry purposes.\(^45\) 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.\(^46\)

In order to produce pulpwood and matchwood to save foreign exchange on paper and pulp, large areas of natural forests though degraded were brought under plantations. The tempo of establishing manmade forests increased with the advent of five-year plans which gave priority to production forestry in the early periods. On 23 August 1978, the

\(^{43}\) Principal Chief Conservator of Forests, Policy and Implementation, p.5.

\(^{44}\) Environment Profile of Tirunelveli District, p.10 and table 19.

\(^{45}\) Government of Tamil Nadu, Policy Note on Forest Department 1979-80 (Madras, 1979), p.2.

\(^{46}\) Principal Chief Conservator of Forests, Policy and Implementation, p.6.
Government banned the export of pulpwood and cane outside Tamil Nadu with a view to generating maximum utilisation of raw materials available in the State by wood-based industries.\textsuperscript{47}

The sixth five-year plan on Forestry (1978-1983) states the policy of the Tamil Nadu Government as follows: “it has laid great stress to reduce poverty, promote employment, improve the living condition and the economic opportunities of the weaker and vulnerable sections of the society and to implement schemes to redress the disability suffered by scheduled castes and scheduled tribes. The policy also stipulates that programmes for substantial employment of unskilled rural labour in the off season should be drawn up and special emphasis should be bestowed on rural industrial programmes.”

Thus, the Government was committed to a policy of giving the highest priority to schemes, which were designed to improve the living condition and economic opportunities of the weaker sections of the society. So the major objectives were:\textsuperscript{48}

1) the need to increase the proportion of forest areas from the current level of 16.84 per cent progressively and to conserve the existing forest areas from pressure to divert them for other use; 

2) the need to meet the demands of the public in regard to timber, firewood and other products to the extent possible; 

3) the need to meet the demands of the paper, pulp, rayon, staple fiber and other forest-based industrial units to the extent possible; 

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4) to provide greater avenues of employment to the weaker sections in the rural areas and to provide full and continuous employment along with intensive ameliorative measures to the tribals living within and in proximity to the forest areas;

5) the need to conserve and develop the wildlife resources;

6) the need to intensify research of important aspects relating to forestry;

7) the need for establishing tree lands and groves in every village, small town and city for the amelioration of local, physical and climatic conditions and for the products they yield and so on.

The Administration Report of Tamil Nadu Forest Department, 1994-95, states that “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”.

The national forest policy has to be periodically reviewed and additions, deletions, alterations are to be made to suit the changing scenarios. It should be noted here that the policy of the Tamil Nadu Government prior to 1988 was broadly in consonance with the national policy. But till the Conservation Act of 1980, the State was subjected to many

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49 Administration Report of Tamil Nadu Forest Department, 1994-95, p.4.

pressures and the forest management was influenced by both socio political pressures and also priorities and funds from Government of India through five-year plans. Even preceding the national policies, the State had enacted legislations\textsuperscript{51} and issued many executive orders to protect and conserve the forests and put them to sustainable use. After the enunciation of the National Forest Policy in 1988, several directives had come through on several issues. It is, therefore, necessary to review the present status and take stock of all directives and legislations now in force with a view to bringing out a very clear State forest policy. It should be noted here that the Government of India had in the past reviewed the national policies periodically to orient itself with the changing needs and priorities. On 1 June 1990, the Ministry of Environment and Forests, Government of India, had enumerated the principles of Joint Forestry Management\textsuperscript{52} with global thinking on conservation, protection of environment, ecology and changing economic and other scenarios and priorities.

There should be a mechanism created so that changing needs could be incorporated in the implementation of the policies at the State level. Again the forest policy should recognise different situations in the State. With the shift in emphasis on environment, eco development, nature conservation and bio diversity, the goods and services flowing from the forests to the communities were likely to dwindle and this situation would certainly affect the user communities. The forest policy should recognise ground realities in the State while enforcing the recommendations so that the policy

\textsuperscript{51} Realising the importance of preserving wildlife, the Government passed the Wild Elephants Preservation Act in 1873. The Act provided for a penalty of Rs.500 or three months simple imprisonment for the first conviction and double the penalty for the second conviction. The State realised the importance of regulating tree cutting in the hills and passed the Tamil Nadu Hill Areas (Preservation of Trees) Act in 1955. It also passed an Act in 1961 for the assumption and management of private forests. Principal Chief Conservator of Forests, Policy and Implementation, p.6; 100 Years of Indian Forestry, vol. 11, p.132.

\textsuperscript{52} Society For Promotion of Wastelands Development, Joint Forest Management Update 1998 (New Delhi, 1998), pp.3-9 and 145-153.
issues were acceptable and made practical in the socio-economic environment existing in the State. Conservation efforts like declaring forests as sanctuaries, national parks and biosphere reserves could become counter-productive if compensatory alternatives for the people depending on these forests were not taken care of. The Government of Tamil Nadu has realised the importance of Participatory Forest Management through different models\textsuperscript{53} designed for each situation.

The forest policy of the future should be influenced by the demand for forest produce. But it might be necessary to strike a balance between production and conservation. Much of the degraded reserved forests were regenerated by natural means,\textsuperscript{54} but the outcome was less than satisfactory. Now the policy has to be more and more in favour of artificial planting. Timber production earlier required the species to attain sufficient girth. Now the policy was towards production of larger incremental bio-mass than the size. To ensure conservation, education is necessary. So the policy should be oriented towards providing people with knowledge of basic concepts in preservation.

**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

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\textsuperscript{53} Different models evolved for people’s participation in Tamil Nadu are: Community Wastelands Development Programme, Ethapur model, Kovilur model, Joint Management Plans, Interface Forestry Programme model.

proclamation was made declaring ‘royalty rights’ over teak trees in the south and prohibiting unauthorised felling of teak.55

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.56 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.57 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.58

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

55 100 Years of Indian Forestry, vol. 1, pp.72-75.
56 Ibid., p.77.
57 Vasant Desai, Forest Management in India, p.2.
58 100 Years of Indian Forestry, p.78.
source of revenue to the Government.\textsuperscript{59} 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.\textsuperscript{60}

\textbf{The Wildlife (Protection) Act of 1972}

This Act was enacted to provide with protection for the wild animals and birds.\textsuperscript{61} On 1 January 1974, this Act came into force in Tamil Nadu.\textsuperscript{62} 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.\textsuperscript{63}

Prior to the enactment of this Act, there was no unified legislation for protecting the wildlife. This Act provided for stringent punishment for offences\textsuperscript{64} 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

\begin{itemize}
  \item \textsuperscript{59} Principal Chief Conservator of Forests, \textit{Policy and Implementation}, p.7.
  \item \textsuperscript{60} Chhatrapati Singh, \textit{Common Property and Common Poverty: India’s Forests, Forest Dweller and the Law} (Delhi, 1986), pp. 60-71.
  \item \textsuperscript{61} Government of India, \textit{The Wildlife (Protection) Act, 1972 (53 of 1972)} (Delhi, 1974).
  \item \textsuperscript{63} \textit{The Wildlife (Protection) Act, 1972}, section 18 and 37.
  \item \textsuperscript{64} “…On conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or both. Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II … Such offence shall be punishable with imprisonment for a term which shall not be less than six months but may extend to six years and also with fine which shall not be less than five hundred …. In the case of a second or subsequent offence… the term of imprisonment shall not be less than one year and the amount of fine shall not be less than one thousand.” \textit{Ibid.}, Section 51, (1) (2) (3).  
\end{itemize}
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. The amended Act ensured greater protection for wildlife and enhanced the punishment for offences. As per the amendment, Non-Governmental Organisations and non-officials could directly take instances of violations to the courts. Earlier they could report the matter to officials. As per the amended Act, hunting of all wildlife specifies was prohibited. All stocks of wildlife articles had to be verified and identification stamps were placed on each to prevent sale of fresh stocks. Trade in imported ivory was banned to prevent cover up of illegally obtained ivory. As a result poaching of elephants came down to a large extent.

All commercial felling and exploitation of flora and fauna in wildlife sanctuaries were banned. Issuing of new firearm licence within ten kilometers of a sanctuary required the concurrence of the Chief Wildlife Warden. It helped to check the mushroom growth in firearms licences and was very useful to monitor the misuse of firearms. Vehicles and weapons used by poachers would become the property of the Government.

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66 “….on conviction, be punishable with imprisonment for a term which may extend to three years or with fine which may extend to twenty five thousand rupees or both. Provided that where the offence committed is in relation to any animal specified in schedule I or Part II of schedule II…. Such offence shall be punishable with imprisonment for a term which shall not be less than one year but may extend to six years and also with fine which shall not be less than five thousand rupees…. In the case of a second or subsequent offence… imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees…” Hand Book of Environment, Forest and Wildlife Protection Laws in India, (Dehra Dun, 1998), p.249.
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 dereserving 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.

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...

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69 Non-forest purpose means the breaking up or clearing of any forest land for the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants and any purpose other than reafforestation.

70 Tamil Nadu Forest Department; *Sixth Fiver Year Plan on Forestry*, pp.13-14; D.Ramalinga Reddy, *Guide on Forest Law* (Madras, 1982), p.87.
this Act comprehensive guidelines were issued for processing and monitoring various types of cases.\textsuperscript{71}

**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.\textsuperscript{72} 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.\textsuperscript{73}

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 first objective of the Act was to provide for the constitution of the more important forests as State reserves and either to clear them under arrangements or due compensation, of private rights which militate against forest conservancy or to ascertain and define such rights so that future extension of them and fresh encroachments should be


\textsuperscript{72} Brandis, *Suggestions Regarding Forest Administration*, pp.4-264.

\textsuperscript{73} *Fort St. George Gazette*, 6 and 11 July 1882; 19 Aug. 1882 and 12 Sept. 1882; Brandis, *Suggestions Regarding Forest Administration*, p.2.
impossible. To this end, the Act enabled the Government to empower the Forest Settlement Officers to enquire into and to commit on record all private rights in areas to be selected for constitution as reserved forests. Upon the decision of the officer appeals could be made to the District Court within thirty days in case of claims involving proprietary rights and to the Revenue Officer within sixty days in case of rights of way, rights to pasture, to forest produce or to the water course. When the enquiry was completed and all claims disposed of and settled, the forest would be declared by the Government as reserved and thereafter no fresh rights could accrue therein. The Act contained provisions that were necessary for the protection of reserved forests.

The next object of the Act was to give powers for the conservancy of forest lands at the disposal of the Government not included in reserved forests which would be retained as open forests. It guarded against alienation of waste lands which would be selected and set apart, either as already containing forest growth or as capable of being made to produce it in localities where the general interests required that forests should be maintained or created. The lands set apart would be called reserved lands and the reservations would be made with a view to the eventual formation of reserved forests. The Act also contemplated the selection and definition by the Collectors further areas in which measures of conservancy were to be adopted. It empowered Government to make rules, to take the place of the then existing Forest and Jungle Conservancy Rules. The rules would apply to all lands reserved against alienation and selected for conservancy.

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75 Ibid., sections 10 and 15.
76 Ibid., sections 16 and 18.
77 Ibid., section 21.
78 They were ineffective owing to their not having the force of law and to attach penalties to breaches of these rules.
The Act empowered the Government to declare trees of valuable kinds growing on Government lands, to be reserved and protected from damage.\footnote{79}{Tamil Nadu Forest Act, 1882, ch.III.}

The Act defined the powers of interference with private forests. It was considered useless, having regard to the enormous claims for compensation which would arise, to attempt to restrain private proprietors who were destroying their forests by reckless felling and this part of the Act was, therefore, directed merely to securing protection against damage from fire. In these cases the private proprietor would be called upon to adopt measures for protection and when he is unable and unwilling to do so, the Government might assume control of the forest or land. The Act also facilitated the conservancy of private forest or forests in which Government had part interest by enabling them to be placed under Government management of supervision and by permitting the extension to them of the provisions of the Act.\footnote{80}{Ibid., ch.IV.}

The Act empowered the Government to make rules for the regulation of transport of timber and for the use of property marks for timber and to apply them in places where they might be wanted for the prevention of smuggling or the protection of forest revenue. The Act also dealt with penalties. But the only one of those provisions calling for special notice was that which empowered any police officer or forest officer to arrest without orders from Magistrate or without warrant any person who committed a forest offence.\footnote{81}{Ibid., chs.V and VII.}

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.

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. Some of the important amendments and their impact are discussed below.

In 1965, the Tamil Nadu Forest Act was amended to include special provisions applicable to the transferred territories from the erstwhile Travancore-Cochin State, that is Kanyakumari District and the Shencottah taluk of Tirunelveli District. These provisions

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82 Ibid., chs.VI, VII, VIII, IX and X.
84 The amended Act came into force from 1 June 1966.
included ‘royalty rights’ of Government over certain species of trees such as teak, blackwood, ebony and sandalwood and also ivory and teeth of elephants found on Government land or private property.\textsuperscript{85} These provisions had unnecessarily made the law non-uniform over the entire State. For example, certain species of trees were to be royalty or Government property only in transferred territories. Though it might have been in these areas before they were merged with the State, it is unfair to continue with the provisions once these areas were merged with State. Again, in the transferred territories, ‘Forest Produce’ would include timber or trees specified to be royalties.\textsuperscript{86} This again raised the question of necessity to differentiate between the regions in the State so far as to what constituted forest produce. When the definitions of forest produce included all timber, there was no need to specify royalties to be forest produce separately. The transferred territories were merged with the State in 1956 when the reorganisation of the States took place. So it was not reasonable to introduce an Act in 1965, nine years after the merger to be applicable to transferred territories alone.

In 1979 the Act was amended to enhance the punishment for offences relating to scheduled timber. Such offences were made “non-bailable and cognisable.”\textsuperscript{87} It should be noted here that this amendment enhanced the control on scheduled timber resulting in higher protection to species like teak, rosewood, silver oak and so on grown in Government forests. At the same time, owners of silver oak\textsuperscript{88} which was mostly grown outside the forest, were put to difficulties because of placing it in the schedule.

\textsuperscript{85} Government of Tamil Nadu, \textit{The Tamil Nadu Forest Manual} (Madras, 1986), pp.58-60; \textit{Tamil Nadu Forest Act 1882}, ch.VIB.

\textsuperscript{86} Explanation 1 of section 2, \textit{Tamil Nadu Forest Act 1882}.

\textsuperscript{87} Government of Tamil Nadu, \textit{Policy Note On Forest Department 1980-81} (Madras, 1980), p.7. The punishment was three years imprisonment with a fine of ten thousand rupees. \textit{Tamil Nadu Act No. 45 of 1979}, section 21.2(1).

This amendment also withdrew the compounding powers of forest officers with respect to offences pertaining to scheduled timber.\textsuperscript{89} Because of this the work load of the forest officers had increased tremendously. For instance, in the year 1978-79, the total number of cases filed was 34,929 and after this amendment the number of cases rose to 44,341 in 1982-83. The number of pending cases has also gone up to 29,012 in 1982-83 resulting in long delays in disposing of the cases.\textsuperscript{90}

In 1978, the Government ordered that “no compounding should be ordered in offences involving sandalwood … and only prosecution should be resorted to.”\textsuperscript{91} As a result, all offences had to be prosecuted. Sandalwood seized during the year 1987-88 rose to 38,520 kilograms.\textsuperscript{92} In 1992, the Act was amended to provide adequate powers to seize and confiscate vehicles involved in sandalwood and schedule timber offences. It also provided for auction of confiscated property.\textsuperscript{93} As a result, a large number of vehicles involved in the offences were also seized. Because of enormous piling up of cases, it took five to ten years to dispose of the cases. This resulted in a huge stock of sandalwood lying undisposed and vehicles lying in unusable condition. As a

\textsuperscript{89} Policy Note On Forest Department 1980-81, p.7.

\textsuperscript{90} Administration Report of the Tamil Nadu Forest Department For the Year 1978-79 (Madras, 1982), pp.13-14; Administration Report of the Tamil Nadu Forest Department For the Year 1982-83 (Madras, 1984), p.8.


\textsuperscript{92} Administration Report of the Tamil Nadu Forest Department, 1988-89 (Madras, 1990), p.35.

\textsuperscript{93} Government of Tamil Nadu, Policy Note On Forest Department 1993-94 (Madras, 1993), pp.8, 9, 21 and 22; G.O.No.367, Environment and Forests, 24 Sept. 1992. In the year 1994-95, 2817 cases involving 583 tonnes of sandalwood valued at Rs.933 lakhs were detected and 560 vehicles were seized of which 451 vehicles confiscated. Administration Report of the Tamil Nadu Forest Department, 1994–95, p.22.
consequence, compounding powers had been restored for more than one hundred kilograms sandalwood.\textsuperscript{94}

The major and the important forest law in Tamil Nadu is the Tamil Nadu Forest Act of 1882. This Act is 125 years old and yet it had served the purposes set out in its objectives. To take care of the changing trends, the Act had been amended many times over the years. But still there are many important points of issue on which a thorough analysis and rehauling of the provisions is required.

It is pointed out that section 35 of the Act\textsuperscript{95} reflected its ‘archaic nature’. The premise behind this section was that any timber that was being transported could be from reserved forest or Government forest. Before independence, when this law was enacted there was a clear distinction between the Government’s interests and people’s interest and the effort was to safeguard the Government’s interests fully even at the cost of people’s interest. It was an anachronism that this attitude was allowed to prevail even after independence.

The penal provisions of the Forest Acts were sufficient deterrent to the commission of forest offences in the past. But they were no longer adequate for ensuring the protection of forests. The punishment in the Act was not in proportion to the nature and extent of the offence. Because of this, the big offenders were not deterred by the punishment. For example, whoever infringes any rules made under section 26 for protection of Government land, which was not part of reserved forest, was punishable upto five years’ imprisonment and a fine upto Rs.20,000, if the infringement related to scheduled timber. Otherwise, he was punishable upto one month imprisonment or a fine.


upto Rs. 200 or both. The punishment was low as compared to the gains planned by the offender and the damage to public forests. So bigger and organised offenders found it lucrative to take the risk of getting caught and punished.

In this Act, no right to forest produce for the villagers living in and around forests were admitted except for some concessions to tribals. So a provision had to be made to meet the bona fide domestic requirements for forest produce of the people living in and around forests. The Tamil Nadu Forest Act dealt only with the protection of forests and did not cover management aspects of forests.

**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.

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

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Originally this Act was enacted as a temporary Act. It was extended from time to time and was made permanent in 1965. This Act was extended to the Shencottah taluk of the Tirunelveli district from 1 July 1966.

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. 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


100 The provisions were: for protection against storms, winds, rolling stones, floods and avalanches; for preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips and protection against erosion; for the maintenance of water supply in springs, rivers and tanks; for the protection of roads, bridges, railways and other lines of communication and for the preservation of the public health. Tamil Nadu Forest Act, 1882, ch. IV.

Forest Act enacted during the British regime provided provision for the issue of notice to the owner before any regulation on private land.\textsuperscript{102}

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.\textsuperscript{103} 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

\textsuperscript{102} Tata Economic Consultancy Services, Forestry Sector Study, pp. 223-24.

\textsuperscript{103} Tamil Nadu Forest Act, 1882, section 10.
proceeding should be instituted against any officer or servant of the State Government under this Act. These provisions were against the process of natural justice as they overrid 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. 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

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106 The committee consisted of the District Collector, the District Forest Officer, the Tahsildar, the Executive Engineer of the Agriculture Department and the Personal Assistant to the Collector of the District who should be secretary of the committee.
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. 107 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.

**Breaches of Forest Acts**

From the available records it is found that the breach of Forest Acts was a common feature in Tamil Nadu. In the year 1951-52, the total number of cases filed was 20,664. 108 The number rose to 34,929 in 1978-79 109 and further rose to 45,664 in 1994-95. 110 In 1994-95, the total number of cases detected and filed in Wildlife Southern Region, Tirunelveli, was 4,162 and Rs.14.66 lakhs was collected as compounding fee. 111 In 2000-01, the authorities of the Tirunelveli Circle filed 5,525 cases of all kinds and collected a sum of Rs.16,27,880 as compounding fee. 112

A Government Order noted that the war and post-war demands had resulted in “grave deterioration of forest protection” and special methods had to be adopted

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107 The Tamil Nadu Hill Areas (Preservation of Trees) Act, section 3 and 4, pp. 4-5.


110 Administration Report of the Tamil Nadu Forest Department for the Year 1994-95, p.21. An amount of Rs.110.17 lakhs was collected as compounding fee. Ibid.

111 Ibid.

constantly and firmly to restore the forests to the normal level of efficiency.\textsuperscript{113} From the perusal of the Forest Administration Reports one can find that the punishments awarded by the Magistrates were often inadequate.\textsuperscript{114} In 1955, the Government felt that “in view of the growing menace of forest offences, more stringent steps would be taken to secure adequate punishments in order to improve the situation”.\textsuperscript{115} Even in the early 1960s, “the protection of the forests continued to be increasingly in need of constant attention”. There were also instances of assault on forest subordinates by the smugglers in Tirunelveli South Division.\textsuperscript{116} In order to tighten up protection, Special Mobile Patrol Parties and later Forest Protection Squads and Detective Flying Squads were organised. These parties with frequent patrolling and surprise raids detected a number of offences. For instance, the Forest Protection Squad at Tirunelveli detected 838 cases and realised Rs.1,43,150 as compounding fees in 1988-89.\textsuperscript{117} In the year 2000-01, it collected Rs.4,88,585 as compounding fees.\textsuperscript{118} Special parties were also organised wherever necessary to put down illicit felling, removal of forest produce, poaching and other forest

\textsuperscript{113} G.O.No.119, Agriculture, 15 Jan. 1955.


\textsuperscript{115} G.O.No.119, Agriculture, 15 Jan. 1955.


\textsuperscript{117} Administration Report of the Tamil Nadu Forest Department 1988-89 (Madras, 1990), p.34. The total number of cases detected in Tamil Nadu was 6429 and the amount realised was Rs.13,19,834. \textit{Ibid.}

\textsuperscript{118} Administration Report of the Tirunelveli Circle, p.15.
offences.\textsuperscript{119} The informant system was also introduced to give reward to the informers in 1976.\textsuperscript{120} Sandalwood smuggling posed a serious problem to the forest department especially along the borders of Kerala in the 1970s.\textsuperscript{121} To prevent sandalwood smuggling “protection squads” were engaged. According to the Administration Report the squad was functioning effectively. The number of sandalwood offences including the violation of Sandalwood Transit Rules in Tirunelveli was eight in 2000-01. In order to eliminate the unauthorised cutting and removal of timber and other forest produce, the forest subordinates enforced vigorously the Timber and Sandalwood Transit Rules in the 1980s and 1990s. The Forest Protection Squad, Tirunelveli, also booked 910 cases under Timber Transit Rules in 2000-01.\textsuperscript{122}


\textsuperscript{120} G.O.No.262, Forests and Fisheries, 3 Apr. 1976.

\textsuperscript{121} Administration Report of the Tamil Nadu Department for the Year 1977-78 (Madras, 1982) p.13.

\textsuperscript{122} Administration Report of the Tirunelveli Circle, p.16.