

Forest Governance, Forest Rights and Community Responsibilities of the Indigenous Forest Dwellers: A Sociological Inquiry into Legislative Impacts

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Abstract

*Over the past few decades, the concept of **indigeneity** used to describe the historical, cultural, and ecological relationships of local, native, and autochthonous communities with their ancestral territories has increasingly attracted the attention of social scientists. Indigeneity broadly encompasses peoples whose identities are deeply rooted in specific places, whose cultural practices are shaped by historical continuity, and whose livelihoods remain closely intertwined with the natural environment. In recent years, the issue of indigenous peoples has also gained significant prominence within the global development discourse, particularly in relation to questions of rights, identity, and sustainable resource governance.*

Although the term “indigenous” is widely used as a generic global category, different countries employ diverse terminologies to refer to these communities. These include terms such as “tribes,” “First Peoples” or “First Nations,” “Aboriginals,” “ethnic groups,” “Adivasi,” and “Janajati.” In addition, various professional or ecological descriptors such as hunter-gatherers, nomads, peasants, and hill communities are often used in academic and policy discussions to denote similar groups whose socio-cultural existence is closely connected with specific ecological landscapes. Despite the variation in terminology, these expressions generally refer to communities that share historical experiences of marginalization and structural exclusion.

Historically, indigenous and tribal communities in India, as well as across the world, have experienced persistent violations of human rights and systemic forms of exploitation. Processes of dispossession, socio-economic deprivation, and political exclusion have marginalized these communities within broader

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developmental trajectories. Whether in the context of environmental conservation policies, urban expansion, or rural land-based conflicts, such patterns of marginalization often reflect a continuation of colonial modes of governance and knowledge production that positioned indigenous peoples as subordinate subjects. Consequently, the ongoing exploitation and exclusion of these communities can be interpreted as a contemporary manifestation of the colonial subjectification of the subaltern, perpetuating historical inequalities within modern development frameworks.

The present study addresses such kind of ongoing exploitation and exclusion of the indigenous forest-dwelling communities as well as examines the evolving relationship between forest rights and social duties within the broader framework of forest governance in India. It also aims to undertake a critical analysis of major forest legislations as well as policy frameworks namely The First Forest Policy, 1855; The National Forest Policy, 1894; The Indian Forest Act, 1865; The Reserved Forest Act, 1878; The Indian Forest Act, 1927; Government of India Act, 1935; respectively in the pre-independent post-colonial era. Furthermore, the article seeks to understand how the rights of indigenous forest-dwelling communities have been recognized, negotiated, and institutionalized over time. At the same time, the study explores the notion of social responsibility embedded in community-based forest management and participatory governance mechanisms. Through this analysis, the article aims to highlight the importance of balancing rights-based approaches with collective responsibilities in order to ensure inclusive, democratic, and ecologically sustainable forest governance.

Key Words: *indigenous, Tribal Communities, Aboriginals, Indian Forest Act, and sustainable forest governance.*

I. Introduction

Over the past few decades, Sociologists and Social Anthropologists in their studies have increasingly emphasized the intricate relationship between human societies and their natural environment with particular attention to the role and contributions of indigenous community. These communities have traditionally maintained a close and symbiotic relationship with nature, relying directly on natural resources for their subsistence and livelihood. Scholarly interest in such

societies, however, can be traced back to the late nineteenth century when Social Scientists began systematically studying communities whose social organization, culture, and economy were deeply intertwined with their surrounding natural environments.

The concept of indigeneity used to describe the historical, cultural, and ecological relationships of local, native and autochthonous communities with their ancestral territories has increasingly attracted the attention of many social scientists during the past quarter-century. Indigeneity broadly encompasses peoples whose identities are deeply rooted in specific places, whose cultural practices are shaped by historical continuity, and whose livelihoods remain closely intertwined with the natural environment. Subsequently since a couple of years, the issue of 'indigenous peoples' have also gained significant prominence within the global development discourse, particularly in relation to questions of rights, identity, and sustainable resource governance.

Although the term "indigenous" is widely used as a generic global category, since different countries employ diverse terminologies to refer to these communities. These include terms such as the 'Tribes', 'First peoples-nations', 'Aboriginals', 'Ethnic Groups', 'Adivasi', 'Janajati'. In addition, various professional and topographical or ecological descriptors such as, hunter-gatherers, nomads, peasants, hill people, etc. often used in academic and policy discussions to denote similar groups whose socio-cultural existence is closely connected with specific ecological landscapes. Despite the variation in terminology, these expressions generally refer to communities that share historical experiences of marginalization and structural exclusion. According to The International Labour Organization (ILO) conventions, the 'indigenous' or aboriginals have been defined as the "tribals or semi tribal groups of the independent countries deprived socially or economically and having their own customs, traditions, and traits or they have their own special customary laws/conventions".²

The Policy Document of the World Bank (1990) uses the term 'indigenous' to refer the "social groups with a social and cultural identity distinct from the

² Convention C107, Indigenous and Tribal Populations Convention, International Labour Organization (ILO) 107, 1957.

dominant society that makes them vulnerable”.³ In other words it may be describes that the people who have been historically subjected to domination and subjugation are said to compose the category of these people. In India nowadays the concept of “indigenous people” is an issue of considerable debate. The on-going debate lies in the appropriateness of using the phrase ‘indigenous people’ because it is somewhat difficult to recognize the indigenous people in India. Although, the concept of indigenous people has often been questioned in India, yet it is the Asian sub-continent that has substituted the terms like ‘tribes’ or ‘hill tribes’ in place of the indigenous people. The tribal population constitutes indigenous people and they are recognizing from their local names as ‘Adivasi’ in India.⁴

According to the colonial construction, tribes as indigenous communities within India are commonly perceived as those people who are different from those of the mainstream civilisation.⁵ The use of the term ‘tribe’ to describe people distinct from each other in respect of physical and linguistic traits, demographic size, economic conditions of living, regions inhabited, and social formation and stages of acculturation and development was a colonial construction necessitated for administrative expediency.⁶ However, if we look into the 19th century efforts to define tribes, it represented not only a ‘type of society’, but also a distinct ‘stage of evolution’. ⁷

In India, various authors have described these tribal people using different terminologies. Professor Dr. G.S. Ghurye (1963) uses the term ‘Aborigines’ to define them with the contention that they would be autochthonous to India and

³ Errico Stefania, *The World Bank and Indigenous Peoples: The Operational Policy on Indigenous Peoples (O.P. 4.10.) Between Indigenous Peoples' Rights to Traditional Lands and to Free, Prior, and Informed Consent*, 13(4), IJGR, 367, 367-390 (2006).

⁴ United Nations (General Assembly). *Declaration on the Rights of Indigenous People*. 13 September 2007.

⁵ Andre Beteille, *The Idea of Indigenous People*, 39(2) Curr. Anthropol. 187, 187-192 (1998).

⁶ Virginius Xaxa, *Politics of language, religion and identity: Tribes in India*, 40 (13), EPW 1363, 1363-70 (2005)

⁷ Andre Beteille, *The Idea of Indigenous People*, 39(2) Curr. Anthropol. 187, 187-192 (1998).

Das renamed them as 'Submerged Humanity'.⁸ The other names are Aborigines, Primitive tribe, Adivasi, Adimjati, Vanyajati, Vanavasi, etc. This term 'Vanvasi'; which means forest dwellers, clearly signifies the relationship between the people and forests. These people living in and around the forests are regarded as the forest's dwellers whose chief source of livelihood and means of existence is forest. The forests play a vital role in the daily needs of these people. The food, fuel, fodder, and construction materials for their houses are almost entirely provided by the forests. About 80% of their food comes either directly from the forests or by shifting cultivation⁹.

It is interesting to note that, since time immemorial these primitive tribal people of India as well as the world have suffered from gross violations of human rights. The existing regime of exploitation, deprivation, and exclusion of marginalized communities across different spheres whether in urban environmental governance or rural land-based conflicts can be interpreted as a continuation of colonial patterns of domination that historically produced and maintained the condition of the *subaltern*.¹⁰ These processes reflect the enduring legacy of colonial subjectification, wherein vulnerable populations remain structurally positioned within systems of exploitation and marginalization even in the contemporary period.¹¹

Among the various forms of human rights violations experienced by such communities, the denial and neglect of forest rights have been particularly significant. This marginalization can be traced back to the nineteenth century, when the British colonial administration institutionalized state control over forests through the establishment of the Forest Department and the enactment of a series of forest legislations, thereby systematically restricting the customary rights and access of forest-dwelling communities.

⁸ S.T. DAS, LIFE STYLE INDIAN TRIBES LOCATIONAL PRACTISE (Gian Publishing House 1989).

⁹ P.K. Biswas, *Sociological Issues in Forestry* 1(2) IJSS, (1988).

¹⁰ Amita Baviskar, *For a Cultural Politics of Natural Resources*, 38(48) EPW 5051, 5051-5055 (2003).

¹¹ A. Sen and S. Pattanaik, *Alienation, Conflict, and Conservation in the Protected Areas of Urban Metropolis: A Case Study of Sanjay Gandhi National Park, Mumbai*. 64(3) Sociol.Bull 375, 375-395 (2015).

From the Indian perspective, forests and forest-dwelling communities have historically shared an intimate and inseparable relationship, often perceived as mutually constitutive and almost synonymous. For generations, forest-dependent communities relied on forests not only for their livelihood but also as a foundation of their socio-cultural and ecological existence. However, this organic relationship began to erode during the colonial period, particularly after the British administration asserted state control and effectively nationalized forest resources.

The process of weakening this symbiotic relationship began with the introduction of the Indian Forest Act of 1865 and was further consolidated through the more stringent provisions incorporated in the Forest Act of 1878. The implementation of these legislations progressively curtailed the customary rights of forest communities, leading to their displacement from ancestral forest lands. Through the gradual establishment of state monopoly over forest resources, large tracts of forests were declared as reserved forests, from which many tribal and forest-dwelling communities were systematically excluded or evicted.

The forest dwellers, who were the inhabitants of these forests earlier, started losing their habitat, their land, their livelihood, and everything else that they had. Cultivating the land, collecting of Non-Timber Forest Produce (NTFP) felling of trees, and shifting cultivation became illegal. No title deeds or any other rights were given to them in these forests. The access of the people over forest land and forest produce has been severely curtailed over a span, and the forest inhabitants are eventually compelled to evict from their acquainted and settled livelihoods. Large forest areas were either declared as reserve forests, or as sanctuaries and national parks. Moreover, the construction activities related to dams, reservoirs, and hydro electrical projects on thousands of hectares of forest land have further resulted in the huge displacement of the forest people.

Within this conceptual backdrop, the present study examines the evolving relationship between forest rights and social duties within the broader framework of forest governance in India. Therefore, it aims to undertake a critical analysis of major forest legislations as well as policy frameworks and whereby the article seeks to understand how the rights of indigenous and forest-dwelling communities have been recognized, negotiated, and institutionalized over time. At the same time, the study explores the notion of social

responsibility embedded in community-based forest management and participatory governance mechanisms. Through this analysis, the article aims to highlight the importance of balancing rights-based approaches with collective responsibilities in order to ensure inclusive, democratic, and ecologically sustainable forest governance.

Forests in India have historically been governed through a range of policies and legislations that have evolved from colonial state control to more participatory and rights-based approaches in recent decades. Despite these shifts, significant debates continue regarding the recognition of the rights of indigenous forest-dwelling communities and their role in ensuring sustainable forest management. While policy frameworks increasingly acknowledge community participation and rights, the relationship between these rights and the social responsibilities of forest-dependent communities remains a critical area of inquiry. **In this context, the present article seeks to address the following objectives:**

1. To review the historical evolution of forest governance and key forest legislations in India, and assess their implications on indigenous forest-dwelling communities.
2. *To evaluate the degree to which forest policies and legislations have acknowledged and ensure its recognition as well as protect the forest rights of indigenous forest-dwelling communities.*
3. *To explore the interrelationship between forest rights and social duties, with particular emphasis on how the community responsibilities contribute in promoting sustainable forest management.*
4. **To evaluate** the challenges and opportunities in balancing rights-based approaches with conservation goals in the context of forest governance.

II. Review of Historical Evolution of the Forest Legislations as well as their Influences on the Forest Rights of the Forest Dwellers in India

The forest legislations in India changed over the period. The arrival of the British and their opinion about forest properties generated massive changes in the forest cover, forest resources, and the rights of forest dwellers in India. The forest management and their safeguarding procedures in India are divergent in different periods. Therefore, for better comprehension, the entire discourse of the historical journey regarding the formulation of various forest laws as well as

policies and the rights of the forest villagers under its influence has been broadly categorized into 3 different periods. These are

1. Forest Legislations and Forest Rights – Pre-British Colonial Era
2. Forest Legislations and Forest Rights - British Colonial Era and
3. Forest Legislations and Forest Rights -Post-colonial Era

III. Forest Legislations and Forest Rights -Pre-British Colonial Era

Before the advent of the British in India, the forest resources were enjoyed by the inhabitants of the forest as the ruler had limited or no interest in the woodlands. As Guha (1983) quoted, “The waste and forest lands never attracted the attention of the former (pre-British) Government.”¹² Before the British colonial era, the forests and uncultivated land were nominally regarded a part of the state, but most of it was used by the people living near or in it. Thus, they assumed customary rights of residence, cultivating, grazing, collecting produce, and hunting. The different narratives suggest that pre-colonial rulers did not disturb the people living in and around the forests.

Historical accounts indicate that during the pre-colonial period in India—spanning the Aryan, Vedic, Later-Vedic, Mauryan, and Gupta eras—forests occupied a significant place not only as sources of abundant natural resources but also as culturally and spiritually revered landscapes. In these periods, forests were often associated with religious beliefs, sacred practices, and philosophical traditions, which contributed to a normative framework that encouraged respect and restraint in their use. However, this relationship appears to have undergone a shift during the Mohammedan period, when forest resources were increasingly utilized for administrative, military, and economic purposes, with comparatively less emphasis on their sacred or symbolic value. Such patterns of utilitarian extraction, largely detached from earlier cultural reverence, continued and intensified during the rule of the East India Company (1757–1857), laying the groundwork for more systematic and commercial exploitation of forests under colonial governance.

¹² Ram Chandra Guha, *Forestry in British and Post-British India: A Historical Analysis*, 18(44) EPW 1940, 1940-1946 (1983).

IV. Forest Legislations and Forest Rights – During British Colonial Era

Scholarly works concerning forests and forest dwellers during this period provided with the following information. For instance, Guha initiated the scholarly debate and argued that the British colonial government had denuded the vast forest cover for commercial and strategic needs of the empire, in disregard of the rights of forest dwellers and users.^{13, 14} After apprehending the worldwide demand for timber and prospective pecuniary profits from the forests, the colonial British administration imposed stringent regulations by a compulsion to bring all these forests under the state control. During the colonial phase, almost all the policies have a safeguarding approach but they provided ample prominence to the forests rather than the people who depend on the forest.

Kumar, S. (2010) stated that between 1800 and 1947 India witnessed rigorous policy interventions in forest management and there was much debate within the colonial bureaucracy on the subject of forest versus people. Since 1855, the establishment of the railway network required large quantities of wood for sleepers and low-cost engine fuel, and the expansion of railways and the exploitation of forest were positively related.¹⁵

A. The First Forest Policy, (1855)

In 1855, Lord Dalhousie, the then Governor-General of India, proclaimed the first formal forest policy in colonial India, marking the beginning of systematic state intervention in forest governance. This policy asserted imperial ownership over forest resources and declared that state forests were the exclusive property of the colonial state, thereby denying any independent rights or claims of individuals or local communities over them. By establishing this principle of state control, Dalhousie's Forest policy significantly expanded British administrative authority over forest lands as well as over the forest-dwelling populations of India, laying the foundation for subsequent forest legislations

¹³ *Ibid* 1940-1946

¹⁴ Ramachandra Guha and M. Gadgil, *State Forestry and Social Conflict in British India*, (123) P&PJHS 141, 141 – 176 (1989).

¹⁵ V. M. Ravi Kumar, *Green Colonialism and Forest Policies in South India, 1800-1900*. 3 G.E. 101, 103-125. (2010), (last visited on 19/06/2021 at 12.40 a.m.), www.environmentandsociety.org/sites/default/files/key_docs/ge5_kumar.pdf

that further consolidated colonial dominance over forests and restricted the customary rights of indigenous forest communities.

B. The National Forest Policy, 1894

The Indian Forest Policy 1894 represented the first formal forest policy in India that explicitly emphasized the commercial exploitation of forest resources, the consolidation of state ownership, and the regulation of forest use. While the policy sought to ensure systematic management and revenue generation from forests, it demonstrated little concern for the livelihood needs and customary practices of local forest-dependent communities. It effectively established the supremacy of state interests over the rights and interests of the forest people. Driven largely by the growing commercial value of timber and other forest products, the colonial administration increasingly restricted the traditional community use of forests. Consequently, this policy not only alienated forest dwellers from their ecological and cultural landscapes but also led to the gradual erosion and appropriation of their customary forest rights.

C. The Indian Forest Act, 1865

The Imperial Forest Department was established in India in 1864, marking the institutionalization of the colonial system of *scientific forestry*. In the following year, the Indian Forest Act 1865 was enacted, representing the first formal legal framework for the regulation and management of forests under British rule. The primary objective of this Act was to assert state monopoly over forest resources and to regulate the extraction and use of forest produce by forest-dwelling communities. However, the legislation largely ignored the customary rights and traditional practices of people living in and around forests, as it contained no significant provisions to safeguard their existing rights. Consequently, the socially regulated and community-based systems of forest use that had historically governed local livelihoods were increasingly constrained and subordinated to colonial legal authority.

D. The Reserved Forest Act 1878:

This Act was more inclusive than the previous one and extended the state's authority over the forest. Reserved Forest Act 1878 came into operation in most of the British provinces in India. According to this Act, the Forests were classified as 'Reserved', 'Protected', and 'Village' forests defining degrees of

control over them. With this act, for the first time, the Government acquired rights to take over forests from forest people and declare them as reserve forests, subject to certain conditions. Although this act by implementing the concept of 'Reserved' and 'Protected' tried to create some sort of protection, yet again it started fulfilling the vested interests to the purpose of the Imperial Administration. Under this Act, the Forest Department (FD) took over forests under its control restricting the rights of the forest users from their traditional customary rights in the guise of preserving forests.

While drafting the Forest Act, 1878, the debate on ownership had taken place among the Forest Department officials at the Centre and Madras Presidency level. In this connection, the Madras Presidency emerged as the most articulate spokesman for villager's interests in the controversy around the 1878 Act. The debate over the ownership of forests emerged after the Department of Forests had been established. The Madras Presidency believed that it was impossible to distinguish between the rights of the government and the people in the forests of the Presidency.¹⁶

Gadgil and Guha (1992) categorized the whole debate under three distinct positions. The first, which they called 'annexationist', held out for nothing less than total state control over all forest areas. The second one is the 'pragmatic', which argued in favour of state management of ecologically sensitive and strategically valuable forests, allowing other areas to remain under communal systems of management. And the third, termed 'populist', completely rejects state intervention, holding that tribals and peasants must exercise sovereign rights over the woodlands.¹⁷

E. The Indian Forest Act, 1927:

Following several amendments to earlier forest legislations, the British government introduced a more comprehensive legal framework through the

¹⁶ 1 E. P. STEBBING, THE FORESTS OF INDIA 68-88 (John Lane the Bodley Head Ltd. London MCMXXII 1922).

¹⁷ Guha, Ramachandra and Gadgil, M. (1989). State Forestry and Social Conflict in British India. *Past and Present* JOURNAL OF HISTORICAL STUDIES, (123), 141 – 176. (last visited on 19/04/2020 at 10.35 p.m.), <http://ces.iisc.ernet.in/hpg/envis/mg/pdfs/mg084.pdf>

Indian Forest Act 1927. This Act further consolidated state authority over forest resources and imposed greater restrictions on the customary rights of forest-dwelling communities. Its implementation often had severe implications for the livelihoods of forest people, as the extensive discretionary powers granted to forest officials sometimes resulted in arbitrary enforcement and coercive practices. Under this legislation, the rights of forest communities over forest land and forest produce were to be examined and recorded by the Forest Settlement Officer. However, the process frequently led to the curtailment rather than the protection of customary rights.

The Act also placed significant restrictions on shifting cultivation, which colonial authorities often regarded as a major cause of forest degradation. Through a system of regulations, penalties, and administrative controls, the legislation sought to strengthen and prolong state control over forests, while simultaneously reducing the scope of traditional forest use by local communities. Consequently, the Act effectively marginalized the customary rights of village communities by severing their long-standing symbiotic relationship with forests and, in many instances, contributing to their displacement from ancestral forest lands.

F. Government of India Act, 1935:

Under the provisions of the Indian Forest Act 1935, the subject of forests was placed within the jurisdiction of provincial governments, effectively transferring authority over forest administration from the central colonial authority to the provinces. Consequently, several provinces enacted their own regulations and laws to govern forest management and utilization. Despite the political transition after independence, the overarching authority of the state over forest resources and forest produce largely continued within the institutional framework of forest governance. Historically, British forest policies were primarily designed to ensure a steady supply of timber and other raw materials for imperial and forest-based industries.

In pursuit of these economic objectives, commercial exploitation of forests was actively promoted, often at the expense of the customary rights and livelihood practices of forest-dwelling communities. Such interventions were frequently justified in the name of administrative efficiency and broader state or national interests. In essence, during the colonial period, the introduction of legal and

policy mechanisms systematically transformed the ownership and control of forests. Rights that were traditionally exercised collectively by local communities were gradually transferred to the authority of the state, thereby converting forests from a form of community-managed common property into state-controlled resources.

V. Forest Legislations and Forest Rights -Post-Colonial Era

The post-colonial period in India began with the independence in 1947 and is continuing till date. Following independence, the Indian state initiated a series of policies and legislative measures aimed at the conservation and management of forest resources. All the forest-related legislations introduced during this post-independence period can broadly be classified into two phases.

- A. Commercial Oriented- Generation of maximum revenue from the forests as a national interest.
- B. People Oriented- Evolution of the government's attitude in recognizing the rights of the forest dwellers.

A. Commercial Oriented

a. The First National Forest Policy of Independent India (1952):

In 1952, the government of independent India introduced the National Forest Policy 1952, which represented the first forest policy formulated in the post-colonial period. However, in many respects, this policy continued and reinforced the colonial approach to forest governance. The policy emphasized the need to maximize annual revenue from forests and considered this objective to be a matter of national importance. Consequently, the early forest policies of independent India largely mirrored colonial priorities, focusing on ensuring the supply of timber for defence requirements, reconstruction programmes, industrial development, and communication infrastructure. These priorities were explicitly justified by the 1952 policy in the name of national interest.

Consequently, like the early forest policies, the first National Forest Policy, 1952 of independent India, explicitly justified the colonial priorities in the name of national interest by focusing on ensuring the supply of timber for defence requirements, reconstruction programmes, industrial development, and communication infrastructure.

At the same time, the policy imposed regulatory controls on the use of forests by adjoining village communities, often subordinating their livelihood needs to broader state objectives. The concerns and subsistence requirements of local forest-dependent populations received limited recognition within the policy framework. As a result, the commercialization and economic utilization of forests continued to be emphasized, much like during the colonial regime, frequently at the expense of local communities. Over time, this policy trajectory contributed to a gradual transformation in the status of forest communities' entitlements. Their customary claims over forests, which once recognized as '*rights*', were reduced to '*privileges*' under the Indian Forest Policy 1894 and were further downgraded to '*concessions*' under the National Forest Policy of 1952, reflecting a continued marginalization of community-based forest rights within state-led forest governance.

It is noteworthy to mention the report submitted by the National Commission on Agriculture (NCA) 1976 at this juncture. The recommendation made by the National Commission on Agriculture (NCA) 1976, was antagonistic towards the forest people as the commission advocated commercialization of forests at all costs and with disregard to the sustenance of forest people derived from the forests. The Commission recommended the regularisation of forest dwellers' rights over forest and forest produce. The report has a chapter on forests which states that "the production of industrial wood should be the *raison d'être* for the existence of forests.

It is in this value that many other values that have been claimed or caressed for forests so far can be absorbed"¹⁸(NCA 1976). This report opted for the extreme conservationist approach towards the forest and its products and moreover, considering the forest dwelling communities to be the main culprits for its destruction. Subsequently, in 1976 the subject of forests was transferred from the state list to the concurrent list through the 42nd amendment of the Constitution. This resulted in the diminution of the state's powers and the enhancement of the centre's power to make laws regarding forests.

¹⁸ Report on National Commission on Agriculture (NCA), Planning, Statistics and Administration, Part XIV, Government of India, Ministry of Agriculture and Irrigation, New Delhi, 1976.

b. Forest Conservation Act, 1980

Based on the recommendations of the National Commission on Agriculture, a draft forest bill was circulated in 1980 to strengthen regulatory control over forest resources. This legislative initiative eventually led to the enactment of the Forest Conservation Act 1980, which sought to regulate the diversion and use of forest land more strictly. The Act prohibited state governments from de-reserving any reserved forest or permitting the use of forest land for non-forest purposes without obtaining prior approval from the central government.

While the legislation aimed to curb rapid deforestation and ensure greater central oversight over forest management, several of its provisions were criticized for further constraining the customary rights and access of forest-dependent communities to forest land and forest produce. Consequently, despite its conservation objectives, the regulatory framework introduced by the Act was often perceived as limiting the traditional rights and livelihood practices of forest-dwelling populations.¹⁹

B. People Oriented

a. Committee on Forests and Tribals:

In 1982, the Government of India constituted a committee under the chairmanship of Dr. B.K. Roy Burman a noted Anthropologist, with the objective of evolving a more co-ordinated and comprehensive forest policy. The Committee submitted its report in the same year, emphasizing the synergetic relationship between forest and tribal forest communities. The committee felt that a national forest policy must recognize the significance and constructive role of the forest-dwelling communities in the protection and maintenance of forest resources. The committee further convinced that active community participation constituted the most viable long-term solution to the question of afforestation, conservation, production, and management of land outside the reserve forest area, particularly in and around human settlements.²⁰

¹⁹ *Handbook of The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, (Guidelines & Clarifications)*, MoEF&CC GoI 4, 4-5 (2019). https://www.dgms.net/HANDBOOK_GUIDELINES18_03_2019.pdf

²⁰ B.K. Roy Burman, *Reports of Committee on Forest and Tribal in India*, Tribal Commissions on Committees in India. (1982).

Accordingly, the Committee put forward the following several recommendations regarding forests and tribal community:

A). Forest villages may be converted into normal revenue villages.

B). Committee made the following recommendations regarding the forest-based industries, viz. a forest-based industry should be a joint venture of three parties, the industry should give an assurance to take over the raw materials grown by the tribal people; industrial plantations should not be located close to tribal habitations and support activities should be undertaken to enable the provision of basic needs of the tribal forest villagers.

C). Plantation of MFP (Minor Forest Products) should be taken upon an individual or community basis under the technical guidance and supervision of the forest department.

D) Administrative, legislative, and scientific actions need to be taken by the Government of India and by the state governments to speedily establish the biosphere reserves.

Later, in 1985, the Department of Forest was transferred from the Ministry of Agriculture to the newly constituted Ministry of Environment and Forests, which drafted the National Forests Policy Resolutions approved by Parliament in December 1988.²¹

b. Indian Forest Policy 1988:

The Indian Forest Policy, 1988 represent the second major forest policy formulated in post-independent India. Prior to this, forest policies were largely emphasised on profit-making commercial exploitation and revenue generation particularly focusing on timber production to meet industrial demands. Furthermore, these policies often imposed restrictions on the access and use of forests by local forest depended communities.²² In contrast, the **National**

<https://adivasisrc.files.wordpress.com/2017/03/reportofcommitteeonforeststribalsinindi.pdf> (last visited on 19/06/2021 at 14.41 p.m.).

²¹ *Ibid.*

²² *National Forest Policy 1988*, MoEF GoI, New Delhi (1988) (last visited on 02/03/2026 at 2.15 a.m.)

Forest Policy of 1988 marked a significant shift in the orientation of forest governance by prioritizing ecological stability, biodiversity conservation, and the livelihood needs of forest-dwelling communities. It is widely regarded as a watershed moment in the history of forest policy in India, as it paved the way for the initiation of Joint Forest Management (JFM) which sought to promote participatory forest management through the involvement of local communities in the protection and regeneration of forests.

The salient features of the new policy included the preservation and restoration of ecological balance, conservation of the country's natural heritage through safeguarding the remaining natural forests and protecting the vast genetic resources for the benefit of future generations. The policy also emphasised meeting the basic requirements of the rural and tribal communities living in proximity to forests. Furthermore, it recognises the intrinsic relationship between forests and the tribal as well as other marginalized communities residing in and around forest areas, and therefore, underscore the need to protect their customary rights and concessions over forest resources.

c. Joint Forest Management in India, 1990:

On 1st July 1990, Government of India formally introduced the community-based forest management mechanism through the implementation of Joint Forest Management (JFM). Under this initiative, a set of comprehensive guidelines was issued to establish an institutional framework that encouraged the collective active participation of the forest dwelling communities in the protection and management of forest resources. The mechanism was designed to involve local communities collectively in safeguarding forests in return for a share in the benefits derived from them. Through this policy the government sought to promote participatory forest governance by granting usufruct rights to communities who undertook the responsibility to protect forest areas. The introduction of JFM had a significant positive impact on forest conservation and management. By 1992 as many as 17 states had adopted the programme, bringing nearly two (2) million hectares of forest land under community protection.

In 2002, the Ministry of Environment and Forests, India passed a circular in which the tribal population were denoted as ‘encroachers’ and were directed to evict the forest. This incapacitation of forest-dwellers was aggravated by the establishment of the Protected Area Network, which meant further sacrosanct areas with no or negligible rights over forest and forest land by the tribal forest people; it enabled the State to evict the local forest dwellers without settling their bona fide rights to residence.²³

d. Forest Rights Act 2006:

The Forest Rights Act 2006 represents a landmark in the evolution of the Indian state’s approach towards the forest dwellers. Following the decision of the Honourable Supreme Court in 2004, the Parliament enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 with the objective of addressing the historical injustice faced by the forest communities during both colonial and post-colonial periods. In India, the federal government has enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA 2006) to acknowledged and secure the vest rights over forest land and resources of forest-dependent communities who had long depended on it for their livelihood and subsistence.

The enactment of the law is the culmination of a prolonged struggle by communities for forest rights and conservation that spanned the greater part of the 19th and 20th centuries and continued into the 21st. This struggle emerged from issues like insecurity of land tenure and access rights, lack of recognition of community conservation initiatives in forest management, lack of recognition of traditional governance and resource ownership in tribal areas, and threats to community lands and forests from development projects. The Planning Commission of India has also highlighted the importance of resolving these issues through protective legislation, such as the Forest Rights Act and

²³ S. Patnaik, PESA, the Forest Rights Act, and Tribal Rights in India. Paper presented in International Conference on Poverty Reduction and Forests. (2007). <https://lib.icimod.org/record/13139/files/4946.pdf> (last visited on 16/06/2021 at 22.49 p.m.)

the Panchayat Extension to Scheduled Areas Act, to deal with the growing discontent, unrest, and extremism in tribal and forest areas.²⁴

e. Duties and Responsibilities of the Forest Dwellers:

However, the various protective and welfare legislations enacted by the government for the welfare as well as benefit of forest communities also entail certain social responsibilities on behalf of these tribal forest dwellers. In accordance with the provisions and guidelines of the Forest Rights Act, 2006, forest dwellers are entrusted with several such social duties and responsibilities, among which the following are particularly notable:

- ☐ They are required to protect wildlife, forests, and biodiversity within their respective areas.
- ☐ They must ensure that the habitats of forest-dwelling Scheduled Tribes and other traditional forest dwellers are safeguarded from any form of destructive practices that may adversely affect their cultural and natural heritage.
- ☐ They are responsible for ensuring that decisions taken by the Gram Sabha to regulate access to community forest resources and to prevent activities detrimental to wildlife, forests, and biodiversity are effectively implemented and complied with.
- ☐ The Act also provides for the diversion of forest land for certain public utility facilities managed by the government such as schools, dispensaries, fair price shops, electricity and telecommunication lines, and water tanks subject to the recommendation of the Gram Sabha.
- ☐ However, the establishment of such facilities must not involve the felling of more than 75 trees per hectare.²⁵

VI. Conclusion

However, in a nutshell, the discourse of the present study begins with the entry of the colonial state into forest areas which, driven largely by the demands of

²⁴ *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* Part II, Section 1 Act No. 2. The Gazette of India, 2007. <https://legislative.gov.in/sites/default/files/A2007-02.pdf>.

²⁵ *Ibid*

external markets, played a crucial role in establishing state control over natural resources by denying the traditional forest rights of the indigenous forest communities. Legislative provisions enabling the declaration of forests as reserved often through the extinguishment of the customary rights of local forest communities were first introduced in the **Indian Forest Act of 1865** and subsequently modified and re-enacted in 1878 and later in 1927.

These legal measures clearly reflected those commercial considerations, particularly the extraction of timber and other forest resources, were the primary motivations behind the reservation of forests. Over time, the demands of the commercial and industrial sectors replaced earlier strategic imperial interests, becoming the central guiding principle of forest policy and management. Thus, the various Indian forest policies and legislations enacted so far in India have largely ignored the native tribal forest dwellers by violating their rights.

Though there are various legal provisions implemented by the government yet, the tribal forest people are not having a secured life and their existence are threatened every day. This was the biggest adversity to the economy and the subsistence practices of the forest dwellers. The Indian Forest policies on the forest dwellers groups are seriously handicapped. This is due to countless reasons, primarily due to the centralization of forest management and a lack of recognition of forest peoples and their rights. Moreover, the areas in the past which were predominantly occupied by the tribal people have been declared as the State-owned 'forests,' and, the state started encroaching on those forest lands of the people ahead of time.

Despite all these protective and welfare laws made by the government for the welfare of forest people, the Governmental agencies have been acquiring the forest lands in the name of national interest in violation of all the Constitutional Provisions. It indicates that all the agencies of laws are being manipulated where the legal access to forest lands and forest resources is denied to the forest villagers. In other words, it can be held in the tune of M.H. Mathur (2009) that, the forest people who were mostly tribal people suffer from physical

displacements mainly because of the laws that do not recognize communal customary rights of the people over forest lands.²⁶

Furthermore, notable policy shifts in India towards participatory and rights-based approaches to forest governance, a persistent tension continues to exist between conservation priorities and the livelihood requirements of indigenous forest-dwelling communities. Historically, forest legislations have largely emphasized state control and ecological protection, often marginalized local communities and limited their customary access to forest resources. Although recent legal and policy frameworks have attempted to recognize and institutionalize community rights, important questions remain regarding the extent to which these rights are effectively balanced with the social duties and responsibilities of forest dwellers in ensuring forest ecosystems. This situation raises a significant concern about the evolving relationship between rights, responsibilities, and the broader framework of inclusive and sustainable environmental governance.

²⁶ M.H. Mathur, *Tribal Land Issues in India: Communal Management, Rights, and Displacement*. (pp163-192). In Jayantha Perera (Eds), *Land and Cultural Survival The Communal Land Rights of Indigenous Peoples in Asia* Asian Development Bank. (2009). <https://www.adb.org/sites/default/files/publication/27980/land-cultural-survival.pdf> (last visited on 14/05/2021 at 09.35 p.m.).