

## **Forest encroachments: what's the way out?**

**The Hindu, Tuesday, May 11, 2004**

**By Praveen Bhargav**

THE FRONTIERS of forests have been among the first casualties as human populations explode. In 1878, the Indian Forest Act was enacted by the colonial government to check the massive clearing of forests for agriculture and to establish state control over land and timber.

Forests were classified as reserved forests, protected forests and village forests after a settlement process. However, with the galloping increase in human population, coupled with the social failure to effectively implement equitable land redistribution schemes, forested lands were steadily released by various State governments for agriculture and other non-forestry purposes. It is estimated that between 1950 and 1980, more than 45 lakh hectares of forest land was diverted for various non-forestry activities. Consequent on this, de facto forest cover has shrunk to around 19 per cent of the total land area. Yet, 30 per cent of the people remain landless.

The utility of forests is very poorly understood. Our agrarian society is inextricably linked to the survival of forests. Loss of forests due to human encroachment has caused serious ecological damage to long term viability of India's rivers, soils, agriculture and biodiversity resources that form the basis for survival of human society itself. Therefore, conservation of forests to protect and secure food, water, medicine, and other life supporting resources for the present and future generations, is essentially a utilitarian necessity.

### **Judicial intervention**

Responding to the rapid depletion of forests, the Supreme Court, in writ petition 202/95, prohibited all non-forestry activity on any forest land. Directions have been issued to the Central government not to entertain any proposals from State governments for regularisation of encroachments. Further, all State governments have been directed to identify and evict encroachers in a time-bound manner. The court also directed the setting up of the Central Empowered Committee (CEC) to monitor the implementation of the orders.

While the efforts of the Supreme Court and the CEC have been substantial and clearly necessary, the actual progress achieved on the ground in halting forest loss has been slow considering the enormity of the problem and due to poor enforcement of anti-encroachment laws by State forest departments, owing to local political and social considerations.

Several political leaders in many States are clamouring for dilution of the Forest Conservation Act, which is a bulwark on which forest protection efforts lean. While encroachment without doubt is a real problem that needs to be pragmatically solved, such posturing is primarily driven by the politically powerful landed classes who have encroached upon huge areas of forests. Big businesses and mining interests are also part of this campaign and are pushing hard for dilution of the Forest Conservation Act by projecting the cause of the underprivileged forest encroacher and literally using him as a "human shield."

Other problems include fragmentation and honeycombing, poor demarcation of forests on the ground, lack of computerised and geo-referenced land records and complicated laws of land tenure.

## Possible solutions

All these make forest encroachments a complicated issue that requires solutions, which need to be carefully crafted without compromising on the objective to consolidate our Protected Areas (PAs), wildlife corridors, and ecologically fragile landscapes, necessary to protect soil, water and biodiversity resources.

Considering ecological and socio-political aspects, we must first ensure that all PAs are fully protected where no regularisation of encroachments is allowed. The second important objective should be to reduce fragmentation and honeycombing in ecologically important tracts of forests which are also crucial watersheds and which are contiguous with PAs forming large forest blocks of 500 to 1000 + sq km.

At another level, it would be necessary to make a clear distinction between privileged and under privileged encroachers. Some of the parameters to categorise the poor could include persons belonging to SC/ST categories and landless marginal farmers whose total holding including encroached land does not exceed two-three acres. Additional caveats such as ownership of mechanised farm equipment, vehicles and telephones could also be added to filter out privileged encroachers.

This category of truly underprivileged people would constitute around 15 per cent of the total encroachers. They need to be provided a proper resettlement package by the Central government, which would minimise a great deal of political resentment of States.

The large percentage of privileged encroachers must be evicted and heavy fines collected from them must be deposited as a fund to rehabilitate the socially underprivileged encroachers and to consolidate boundaries of forests after proper GIS mapping.

Ultimately, the Supreme Court must clearly establish that this would be the last round of regularisation and to meet further demands for land, fresh land reforms would have to be considered. If the political will is not forthcoming, the Supreme Court must perforce take an enlightened view and ensure its implementation.