

# National Forest Policy, 1952

UNION OF INDIA

India

## National Forest Policy, 1952

### Rule NATIONAL-FOREST-POLICY-1952 of 1952

- Published on 12 May 1952
- Commenced on 12 May 1952
- [This is the version of this document from 12 May 1952.]
- [Note: The original publication document is not available and this content could not be verified.]

National Forest Policy, 1952Published vide Notification No. 13/52-F, New Delhi, dated 12th May, 1952Last Updated 26th July, 2019

#### 1.

In their resolution No. 22-F, dated the 19th October, 1894, the Government of India in the late Department of Revenue and Agriculture enunciated in broad outlines the general policy to be followed in the management of State forests in the country. During the interval that has since elapsed, developments of far-reaching importance have taken place in the economic and political fields. The part played by forests in maintaining the physical conditions of the country has come to be better understood. The country has passed through two world wars, disclosed unsuspected dependence of defence in forests. The reconstruction schemes, such as river valley projects, development of industries and communications, lean heavily on the produce of forests.

#### 2.

While the fundamental concepts underlying the existing forest policy still hold good, the Government of India consider that the need has now arisen for a reorientation of the forest policy in the light of changes which have taken place, since it was enunciated.

#### 3. Vital national needs.

- The National Forest Policy of India is formulated on the basis of six paramount needs of the country, namely :-(1)The need for evolving a system of balanced and complimentary land use, under which each type of land is allotted to that form of use under which it would produce most and deteriorate least.(2)The need for checking :-(a)the denudation in mountainous regions, on which depends the perennial water supply of the river system whose basins constitute the fertile core of the country;(b)the erosion progressing space along the treeless banks of the great rivers leading to

ravine formation and on vast stretches of undulating waste lands depriving the adjoining fields of their fertility;(c)the invasion of sea sands on coastal tracts and the shifting of sand-dunes, more particularly in the Rajputana desert.(3)The need for establishing tree lands, wherever possible, for the amelioration of the people and climatic conditions promoting the general, well being of the people.(4)The need for ensuring progressively increasing supplies of grazing small wood for agricultural implements and in particular of firewood to release the cattle dung for manure to step up food production.(5)The need for sustained supply of timber and other forest produce require for defence, communications and industry.(6)The need for the realizations of the maximum annual revenue in perpetuity consistent with the fulfilment of The needs enumerated above.These vital needs indicate the functions forests are to fulfil and provide the fundamental basis of the policy governing their future.

#### **4. Functional classification of forests.**

- Having regard to the functions aforesaid, the forests of India, whether State or privately owned, may be conveniently classified as follows :(a)Protection forests, i.e., those forests which must be preserved or created for physical and climatic considerations.(b)National forests, i.e., those which have to be maintained and managed to meet the needs of defence, communications and other general purposes of public importance.(c)Village forests, i.e., those which have to be maintained to provide firewood, to release cow dung for manure and to yield small timber for agricultural implements and other forest produce for local requirements, and to provide grazing for cattle.(d)Tree-lands, i.e., those areas which though outside the scope of the ordinary forest management are essential for the amelioration of the physical conditions of the country.This classification is merely illustrative and is by, no means mutually exclusive. In fact every forest performs more than one function and has, therefore, to be so managed as to achieve the highest efficiency in respect of the chief functions assigned to it. This fundamental classification has also no bearing on the classification of the forest distinguished in the Indian Forest Act, (XVI of 1927), which is based on the degree of control exercisable in them.

#### **5. Necessity of classification.**

- This broad functional classification of forests is necessary to focus attention on the kind and object of management necessary in each case. Every sizable forest, whatever its composition, location or category, serves both a protective and productive purpose, and in its utility may be of local, regional or national significance. The fact, however, must be realised that the country as a whole has vast stake in the conservation of all forests, irrespective of their functions and ownership, and, therefore, all of them should be administered from point of view of national well being.

#### **6. Two possible considerations.**

- Two considerations, plausible, no doubt, at first sight but if give.i undue weight may be destructive of national well being in the long run, should be combated.They are,-(1)Neighbouring areas are entitled to a prior claim over a forest and its produce.(2)Agricultural requirement has a preferential claim over forest lands.

## **7. Claims of neighbouring communities.**

- Village communities in the neighbourhood of a forest will naturally make greater use of its products for the satisfaction of their domestic and agricultural needs. Such use, however, should in no event be permitted at the cost of national interests. The accident of a village being situated close to a forest does not prejudice the right of the country as whole to receive the benefits of a national asset. The scientific consideration of forests inevitably involves the regulation of rights and the restriction of the privileges of user, depending upon the value and importance of the forest, however, irksome such restraint may be to neighbouring areas. The Himalayan forests, for instance, are the greatest of national assets; to them we owe the richness of the country. The denudation and under development of the Himalayan slopes leads to greater intensity and frequency of floods, recurrent erosion, and to coarse detritus being deposited on the fertile subordinate tracts. This process inflicts immeasurable loss and misery on the unsuspecting millions in the Indo Gangetic Plain and brings about a progressive and permanent impairment of soil fertility, and accumulative reduction in the agricultural potential of the whole land. While, therefore the needs of the local population must be met to a reasonable extent, national interests should not be sacrificed because they are not directly discernible, nor should the rights and interests of future generations be subordinate to the improvidence of the present generation.

## **8. Relinquishment of forests land for agricultural purposes.**

- The indiscriminate extension of agriculture and consequent destruction of forests have not only deprived the local population of fuel and timber, but have also stripped the land of its natural defences against dust storms, hot desiccating winds and erosion. The old policy, which envisaged the relinquishment subject to certain safeguards honoured only in their breach, of even valuable forest land for permanent cultivation, has resulted in general deterioration of physical conditions of the detriment of national interests and must, therefore, be given up. In the abstract, the claims of agriculture undoubtedly appear stronger than those of forestry. The nation widely entertained the forestry, as such, has no intrinsic right to land but may be permitted on sufferance on residual and required for any other purpose, has to be combated. The role of forests in national economy, both both protective and productive, entitles forests to lay claim to an adequate share of land. The importance of tree lands in the rural economy of the region where agriculture constitutes the main stay of the vast bulk of population can scarcely be over emphasised.

## **9. Land use.**

- The correct solution of the land problem is to evolve a system of balanced and complimentary land use, under which each type of land is allotted to that form of use under which it would produce most and deteriorate least. A detailed survey of lands with a view to their proper utilization is, therefore, highly highly desirable.

## **10. Protection forests.**

- "Protection forests" denote forests found, or required, on hill slopes, river banks, sea shores, or other erodable localities. In such sites, the need for forest cover is dictated by purely protective physical consideration, such as prevention of erosion, conservation of moisture, and control of rushing torrents and floods. The role of such forests in saving the soil from being washed away and when maintained in catchment areas, in the prevention of floods and maintenance of stream flow, cannot be over emphasised. On flat country with loose sandy soil, especially under dry conditions, forests, whether natural or artificial, perform an essential function in minimising wind erosion, fixing the soil and preventing the formation of sand dunes, and mitigating the desiccation of agricultural crops leeward of the tree cover. The National Forest Policy requires, therefore, an immediate and speedy programme for the re-conditioning of mountainous regions, river valleys and coastal lands by establishing protective forest over larger areas, and preserving the existing one. The primary object of management of such forests should be to utilise in full their protective influence on the soil, the water regime, and the physical and climatic factors of the locality; and the interest to be thus protected should far outweigh those which it may be necessary to restrict. The scientific management of such "Protection forests" wherever possible, should include the production and exploitation of timber within the limits of safety.

## **11. Re-conditioning of hills and dales.**

- The progressive denudation of hill sides with serious repercussions on the fertility of the land and the growing erosion along the basis of rivers of which the Yamuna, the Chambal, the Mahi, the Narmada, the Kosi and the Damodar are notorious examples, constitute the major considerations demanding immediate attention.

## **12. The immobilization of the desert of Rajputana.**

- Attention also needs to be drawn here to the Rajputana desert more particularly to the fixation of the shifting sand-dunes. Strong winds that develop in this region during the summer transport vast quantities of sand and salt from the sea, and Runn of Cutch whipping the desert into terrific dust-storms, the fury of which is felt through out tire North-Western India. The desert has spread through the ages causing the "westerling" of Indus and the 'northering' of the Sutlej, meeting an obstruction of sorts only along its eastern confines in the Aravallis. The immobilization of the desert and protection of the remaining fertile belts inside it constitutes one of the planks of the National Forest Policy.

## **13. National Forest.**

- "National Forest" constitute the basis of India's strength and wealth; for they comprise valuable timber bearing regions the produce of which is indispensable for defence, communication and vital industries. They have to be managed chiefly in the interest of the nation as a whole, and their organization and development is one of the most important functions of the States. Their

management on scientific and business lines is essential for maintaining a supply of wood for industry/and of large timbers for defence, communication and other national purposes. The basic policy, so far as such forests are concerned must be to attain national self sufficiency in those vital supplies. Future development should, therefore, be directed to that end, cultivation should not be permitted to encroach upon these valuable timber bearing tracts. The solution of the food problem of air 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.

#### **14. Village forests.**

- "Village Forests" popularly termed "fuel forest" are intended, in the main, to serve needs of the surrounding villages in respect of small timber for housing and agricultural implements, firewood, leaves for manure and fodder, fencing thorns, grazing and edible forest products. The supply for such requirements should be made available at non competitive rates, provided they are utilised by the village themselves and not traded in. The management of such village forests should aim at meeting the present as well as future needs of the local population. Removal of the produce in excess of its annual growth should not, therefore, be permitted, restrictions should be imposed in the interests not only of the existing generation but also of posterity. These considerations render the entrusting of the management of village forests to panchayats, without appropriate safeguards, a hazardous undertaking as has been demonstrated in some of the State. The co-operation of Panchayats should be enlisted in the protection and creation of village forests, and in the distribution of forest produce assigned to meet the needs of the local population, but not at the cost of economy and efficiency. While the profit motive in the management of these forests should be relegated to the background, there is no justification for allowing them to become a burden on the general tax payer; the expenses for development and a maintenance of such forests must come from their own income.

#### **15. Tree-lands.**

- Although tree-land are not part of regular forests, in a country like India where their increase, management and development are vital to the needs of the people they cannot well be left out of any well considered policy. The Land Transformation Programme of the Government of India, envisages the planting of 30 crores of trees in ten years; but this number is very far from about 2,000 crores of trees which would be necessary to restore the hydrological nutritional balance of the country. The creation of forests by State Forest Departments on such an elaborate scale is ruled out at present by lack of funds and trained personnel. The only way in which some progress can be achieved is by making the whole nation tree conscious. Such consciousness will stimulate private efforts at tree planting as has been demonstrated by the success of the National Vana Mahotsava Movement. It will also arrest the vandalism which feels no scruples in cutting down valuable trees and create among the populace an urge to secure the protection of trees-a virtue as much to be desired as it is rare.

## 16. Scope for increasing tree-lands.

- State Government have a vast scope for an all round increase in the area under tree-lands. Defence, Railways, Public Works Departments, 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. The new forest policy, therefore, envisages a concerted and supreme effort on the part of various Governments and other agencies towards planned afforestation with a view to the enlargement by the Central/State is clearly indicated. A systematic programme of extending existing tree-lands and establishing new ones should be framed by the Government concerned. Under the new policy, it should be the duty of the Forest Departments concerned : (a) to awaken the interest of the authorities within their region in the development, extension and establishment of tree-lands; (b) to draw up plans for such purposes bearing in mind the need for species of commercial importance; (c) to establish nurseries and seed stores in each area for the supply of saplings, plants and seeds; (d) to supervise the planting of trees, and render such technical assistance as may be necessary for the development of tree-lands; and (e) to arouse tree consciousness among the people by publicity, by celebrating the Vana Mahotsava and by encouraging the Van Premi Sangh.

## 17. Tree-lands in agricultural areas.

- The importance of tree-lands in the rural economy of the regions where agriculture constitutes the mainstay of the vast bulk of the population cannot be over emphasised. Experience gained during the first two Vana Mahotsavas indicated a very considerable response in the countryside, where Government officers had prepared the ground and created the necessary enthusiasm among people. A campaign inducing villagers to plant trees in village commons and along roadsides, on the condition that they would enjoy the benefit of the fruits timber and other produce of trees planted by them has yielded excellent results and is well worth an extended trial. The essence of success in such ventures lies in invoking the willing co-operation of the local villagers, the necessary technical guidance and help being furnished by the forest and other departments. In most localities, a cultivator has no land to utilise for raising trees, there is however, nothing to prevent him from growing at least a few per acre on his own field. Much useful work in this direction has been done in the western districts of Uttar Pradesh where cultivators have raised a fair amount of babul (*Acacia arbica*) in their fields. Other species may prove to be of equal utility in other regions.

## 18. Control of private forests.

- The ownership of private forests in State where they still exist, vests in individuals. Such ownership must, however, be regulated in the national interest so that the indiscriminate exercise of individuals rights may not prejudice or endanger, general welfare. Regulation and control of private forests by the State on physical climatic and economic grounds is, therefore, imperative. Recent legislation in various State has assumed the following pattern : (1) Owners of private forests should, in the first instance, be given an opportunity to manage their forests in accordance with an approved working plan. (2) In the case only of recalcitrant owners, who are tempted to sacrifice the capital for immediate gain, should the management of their forests be made to vest in Government by due

process of law.(3)The ownership of such vests forests should remain, however unaffected; and the transfer should relate only to management, the net profits arising therefore, if any, accruing to the owner.The object of the legislative measures outlined above stands in gave risk of being defeated by the tendency discernible among owners of private forests to cash in their assets by excessive exploitation of forests for personal ends. In order to arrest such destruction of forests, the National Forests Policy requires that their control and management should be strictly regulated, and where that cannot be done, they should be taken over by the State Governments by effective legislation.

## **19. Proportion of the forests areas.**

- The proportion of land to be kept permanent under forests would naturally vary in different regions. Practical considerations suggest that India as whole, should aim at maintaining one-third of its total land area under forests. As an insurance against denudation a much larger percentage of the land about 60 per cent, should be kept under forests for their protective functions in the Himalayas, the Deccan and other mountainous tracts liable to erosion. In the plains, where the ground is flat and erosion is normally not a serious factor, the proportion to be attained should be placed at 20 per cent; and in view of the pressure of agriculture, effort at the extension of tree-lands should be concentrated on river banks and other convenient place not suitable for agriculture. At the same time it must be realised that even distribution of forests in all physical regions is as much important as its over all proportion. In certain localities deficient in forest, therefore, afforestation of marginal lands, and eroded river and village waste-lands, should be undertaken. Forests area in excess of the indicated proportion, if any, should, however, not be sacrificed. To maintain an overall average, it is essential that States better suited for the growth of trees should help to make good the deficiency in those parts where climatic and edaphic factors militate against tree growth.

## **20. Wild life.**

- The National Forest Policy emphasizes the need for affording protection to the animal kingdom and particularly to rare species as, the lion and the great one-homed rhinoceros, which are fast disappearing. While the damage caused by such predators as wild pigs, game and porcupine cannot be denied, the elimination of their natural enemies tends to multiply them. It is necessary, therefore, that bird and animal life should be controlled by special laws and rare fauna preserved by setting up sanctuaries and large scale national parks. For this purpose, a Central Board of Wild Life has been constituted by the Government of India, in the Ministry of Food and Agriculture Resolution No. 7-110/51-F, dated the 4th April, 1952.

## **21. Grazing.**

- The controversial question of grazing in State forests calls for a clear definition of policy. Speaking generally, all grazing in forests, particularly unlimited or uncontrolled grazing, is incompatible with scientific forestry. At the same time grazing does take place in forests and must be accepted as a hard fact. There are indeed circumstances in many regions where a moderate amount of grazing does little direct harm, and even do a great deal of indirect good >n reducing the risk of fire and in suspending regression at a desirable stage. But efficient forest management requires that grazing

should be regulated as regards the time and place, as also the number of cattle admitted. The formulation of the grazing policy should be based on the following cardinal principles :- (a) Continuous grazing on the same areas by large herds is destructive of the better strains of grasses and lead to a deterioration of the grass complex. Wherever it is permitted and is in great demand effects of which should be explained and demonstrated to the villagers. (b) Cheap forest grazing has a demoralising effect and lead to the vicious spiral of reckless increase in the number of cattle, inadequate forest grazing reduced quality of the herds, and further increase in the numbers to offset the fall in quality. Free and indiscriminate forest grazing is, therefore, a serious disservice to cattle breeding. The notion that a farmer's wealth must be reckoned in terms of the number of cattle he owns, regardless of quality, is one of the causes of India's uneconomic cattle wealth and must be combated. (c) Grazing should not be looked upon primarily as source of revenue. But the simple and obvious way of regulating and controlling grazing as also improving the quality both of grazing and cattle themselves, is to institute a reasonable fee for the privilege of grazing. (d) Grazing must be allowed in regeneration areas and young plantations during such periods as the seedlings for establishment; otherwise they stand in danger of being browsed or trampled upon. (e) Grazing incidence should be kept at a minimum in protected forests.

## **22. Sheep and goats.**

- Experience gained in India and elsewhere points to the imposition of restrictions on sheep grazing in forests, and the total exclusion of goats therefrom. The damage to young plants caused by the browsing of these animals is often irreparable, and their admission into the forest is incompatible with the aims and objects of forest management. The creation of special fodder reserves under strict rotational control is indicated for the purpose.

## **23. Shifting cultivation.**

- The damage caused to forests by shifting cultivation in certain areas must be guarded against. To wean the aborigines who eke out a precarious shifting from axe-cultivation moving from area to area, away from their age old and wasteful practices, requires persuasion, not coercion; a missionary, not an authorisation approach. Possibilities of regulating shifting cultivation by combining it with forest regeneration (Taungya) to the benefit of both should be fully explored. Success in this direction depends upon enlisting the co-operation of the cultivators and gaining their confidence showing consideration to their needs and wishes.

## **24. Sustained yields.**

- With a view to conserving forest resources in perpetuity, the new forest policy requires scrupulous regard for sustained yield in the management of all classes of forests. The fluctuations in the annual output of forests upset State budgets, industries and other national enterprises; all working plans, therefore, should aim at confining them within the narrowest limits. This aspect assumes even greater significance in case where private owners manage their own forests. The compilation of all round working plans, therefore, requires :- (a) tire calculation of increment so that what is annually put on is annually cut, leaving the original assets intact or improved; (b) the preparation of maps and



investigation on the propagation and tending of various species, their increment, the optimum conditions of their growth and the regulation of yield;(c)carefully planned afforestation schemes to replace inferior tree growth by valuable species of commercial importance.Each State, therefore, should set up a permanent organisation to deal with working plans. Their compilation and revision, and deviation from them, research and statistics as well as to conduct detailed surveys of available forest resources which are a sine qua non for a sound forest management.

## **25. Forest administration.**

- 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.

## **26. Forest legislation.**

- So far as the forests under the control of the Central Government and of Part A State are concerned, adequate forest legislation exists in the Indian Forest Act and the Madras Forest Act. In some of the Part B State there are Forest regulations having the force of law. But there are some Part C States where forest laws do not exist. It is necessary, therefore, that State without a proper Forest Act should enact legislation at an early date on the lines of the Indian Forest Act, or validate that Act for their territory. Several States have already enacted legislation for the control of private forests legislation for private forests, State should not overlook the need for providing adequate staff for enforcing its provisions.

## **27. Forest education.**

- Forestry courses are at present conducted for Forest Rangers and Superior Forest Officers at the Forest Research Institute and the College. The State would be well advised to continue taking advantage of the facilities provided by the Central Government at Dehra Dun, associated with the well equipped Forest Research Institute, which enjoys a world wide reputation. A common forest education is a very effective means of inculcating a spirit de corps among forest officers of developing a common outlook in forestry matters; and of ensuring concerted and integrated policies through out the country. Openings in the profession of forestry being limited, the decentralization of forest education will militate against economy and efficiency; encourage fissiparous tendencies, create unemployment and render planned development of forest resources difficult.

## **28. Training of field staff.**

- Attention has also to be directed to the proper training of lower executive staff on whose technical skill ultimately depends the proper execution of forest schemes and their extension. The tendency to start schools which are not properly equipped should be discouraged. It is necessary that contiguous States should combine and co-operate in establishing well equipped and up-to-date training schools for the purpose of meeting their needs in the most economical manner.

## **29. Services.**

- The idea held in some quarters that since forests grow by themselves, they need no technical management is based on ignorance. Inadequacy of technical personnel and weakening of the professional standards of the men called upon to manage forests, would be followed not only by loss of revenue but also by a general degradation of the forests, resulting in reduced output of forests produce and in deterioration of physical conditions.

## **30. Forest Research.**

- Investigations in the biological aspect of forestry, among others, silviculture, Botany and entomology have naturally leaned heavily upon the co-operation of Forest Departments of the various States, most of which have an organization of their own for the purpose. The maintenance of a research organisation in each State commensurate with its resources and requirements is in the interests of efficient forest management of tire country as a whole. Research in the utilization of forest products has, on the other hand, always been initiated and conducted at the Forest Research Institute where special equipment for the purpose exists. This balanced arrangement ensures both efficiency and economy. The Institute also is naturally the centre for specialised education in forest industries; and special technical courses in paper and plywood technology, wood preservation, timber seasoning and other cognate subjects have been organised to meet demands of industry for technicians.

## **31. Liaison with industry.**

- There is also considerable scope for improvement in securing the utilisation of the results of research on forest products by commercial and industrial interests. For ensuring closer contract between the Forest Research Institute and the interests utilising timber and forest products, liaison and publicity arrangement at the Institute need to be strengthened.

## **32. Popular goodwill co-operatives and Forest workers.**

- While forest legislation, forest education and forest research constitute the basis for sound forest management, the welfare and goodwill of the people in the neighbourhood of forests provide the firm ground on which it stands. No forest policy, however, well intentioned and meticulously drawn up, has the slightest chance of success without the willing support and co-operation of the people. The recognition of their rights to forest produce at concession rates, or free of royalty, is not by itself enough. What is necessary, is to arouse within the people a direct interest in the utilisation of forests. Intermediaries, who exploit both the forests and local labour for their own benefit may with advantage be supplanted gradually by forestry labour co-operative societies which may be formed to suit local conditions. Once the local population learns to look upon the forest as a means of its livelihood, a great step forward will have been taken.

### **33. Forest Budgets.**

- Forestry is a long range enterprise and it becomes incumbent upon State Governments to secure for its freed from the vagaries of the annual budget. A steady flow of funds is indispensable for a sustained forest operations such as replacement of what is removed annually, improvement of remaining crops, development of communications for opening up remote areas and protective measures, they have to be based on phased schemes which should not be set aside lightly. Budget cuts made from year to year to meet the exigencies of State financiers can only be made at the expense of continuity in forest management apart from other benefits and at the sacrifice of forest revenue and other benefits in the coming year. The creation of a sinking fund, therefore, by investing a portion of the revenue in Government securities, more particularly during boom years, would not only ensure availability of funds of replacements and development cost, but may also be made to act as an equalising fund to be drawn upon in lean years to prevent a fall in revenue. The immediate profit motive should be rigidly ruled out for this urge may endanger the supply of large and special timber for defence and industry and lead to a disturbance of climatic conditions seriously affecting agriculture. The adoption of rotation to produce large sized timber is often of greater importance to the general economy of the country than that of rotation which yield the maximum rate of interest in forest investments.

### **34. Policy, an enunciation of general principles.**

- While the discretion of State Government to regulate the details of forest administration in their respective territories is left unfettered, the general principles of the above forest policy should, in paramount national interests, be observed by them in framing their policies and legislation for the conservation of their forest resources. The forest policy of every State should be so framed as not to impinge adversely upon the general economy and physical balance of an adjoining State. It should be in consonance with the general principles underlying the Forest Policy laid down by the Centre, for the preservation and development of the nation's forest resources which are so vital to its general well being.

### **35. Objects and Reasons.**

- The following statement of Object and Reasons of the Indian Forest Bill, was published in the Gazette of India, 1926, Part V, "The general law relating to forest in British India is contained in the Indian Forest Act, 1878 and its amending Acts. The present Bill brings the law together within the scope of one enactment. The Bill is a straight forward consolidating Bill but the original Act, having been passed before the General Clauses Act, 1897 (X of 1897) it has been possible to shorten the language of the Bill by taking advantage of the Act. The ambiguous language of the second paragraph of Section 42 of Act VII of 1878 has been altered in clause 42(2) so as to bring it into conformity with what appears to have been the original intention of the law. The only other point which calls for further notice is the extent clause. The original Act, extended to the Province of Assam but by Regulation VII of 1891, the Indian Forest Act was repealed as far as it relates to Assam. The Bill accordingly, omits Assam from the extent clause."

### **36. Scheme of the Act.**

- There can be no doubt that forests and afforestation are subjects of prime importance to the administration of a country, and in the need of public interest. The Forest Act was enacted to preserve and safeguard the forests generally in India. The Act makes, various provisions for such conservation of forests, and in the scheme it provides, for a State Government or over which the Government have proprietary rights, a reserved forest. Chapter II of the Act, therefore, deals with the subject of reserve forests. Chapter III deals with the village forests, Chapter IV with protected forests and Chapter V deals with forests and lands, not being the property of Government. In this manner the Act, contemplates the protection of forest lands under certain conditions, whether they be reserved forests, village forests, protected forests or forests of private owners.

### **37. Scope of the Act.**

- Although the Indian Forest Act deals, specifically with :- (i) reserved forests; (ii) village forests, viz. reserved forests which have been assigned to any village community; and (iii) protected forests; The preamble and other provisions of the Act are wide enough to cover all categories of forests.

### **38. Construction of the Act.**

- The Indian Forest Act is on curtailing proprietary rights of individuals and so the Act and the notifications issued under it must be construed strictly, where the rights of individuals are trespassed upon. An enactment of a character which purports to deprive the subject of his right to resort to the ordinary courts of justice for relief in certain cases ought to be construed strictly and the courts should not extend its operation further than the language of the legislative requires.

### **39. Jurisdiction of civil courts.**

- The provisions of the Indian Forest Act, 1878, do not bar the jurisdiction of the courts to decide whether the land in suit is or is not forest or waste land and whether, if it be not such land, the plaintiffs are entitled to the occupation of such land.

### **40. Procedure for trial of forest offences.**

- As no provision has been made in the Indian Forest Act, regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with forest offences, all offences under the Indian Forest Act must be investigated, enquired into tried or otherwise dealt with according to the provisions of the [Code of Criminal Procedure, 1898.] [Now Cr. P.C., 1973.] In the absence of any express provision in the Forest Act to punish an accused for the violation of the rules made under the Act, the accused should be tried under the Indian Penal Code.