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Politics and Public Policy

Interview



## Environment and Forests are Always the Casualty of Quick Economic Returns: Brij Kishore Singh

S. Rajendran

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A rare glimpse of a tiger in the Western Ghats. File Photo: Kaylan Varma (2014)

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**B**rij Kishore Singh of the 1976 batch of the Indian Forest Service served the State of Karnataka for nearly 38 years in different wings of the Forest Department prior to his elevation as the Principal Chief Conservator of Forests (Head of Forest Force), Karnataka. After his retirement from Government service in 2013, he worked as the chairman of the committee entrusted with the work of management effectiveness evaluation of Tiger Reserves of Madhya Pradesh and also as the chairman of the committee on management effectiveness evaluation of sanctuaries in the eastern region of the country.

He was engaged with Global Tiger Forum (GTF) in Conservation Assured Tiger Standard assessment in Uttarakhand. He has gained experience in wildlife management across various states in India. **Brij Kishore Singh** speaks to **S. Rajendran**, the Karnataka Resident Representative of The Hindu Centre for Politics and Public

Policy, on the fallout of the implementation of the Forest Rights Act and the status of forest conservation in the country.

**What is the total area under forests across the country and the quantum of land that has been regularised after the implementation of the Forest Rights Act of 2006 (FRA)?**

The total extent of forests is 70.17 million hectares as brought out in State Forest Report 2015 of Forest Survey of India. It includes all areas under tree cover having more than one hectare in extent and more than 10 per cent density of vegetation. The reply to question No. 2777 in Rajya Sabha on August 10, 2016, brings out that individual rights are granted in 17,02,846 cases, while community rights are granted in 43,492 cases, totally involving 4.393 million hectare of forest land. We have thus diverted 6.3 per cent of total forest cover of the country for grant of rights under the FRA.



**Brij Kishore Singh**

However, we have diverted only 12,06,320 hectare of forest land since the implementation of the Forest (Conservation) Act, 1980, for various developmental projects in this country, which works out to 1.7 per cent. This can be confirmed from the reply in the Rajya Sabha to question No 853 on December 7, 2015. Rights are granted in respect of 6.3 per cent forest land so far. It does not stop here. Grants of rights have been rejected in at least twice the number of cases. People's representatives corner the officials of Forest and Revenue Department and make them reopen the cases, which were earlier rejected. This process looks like going on endlessly. This is a very dangerous trend and it can be anyone's guess to estimate as to what extent of forests would be further lost.

**Does the Forest Rights Act run contrary to the Forest Conservation Act of 1980?**

We lose natural forests under both the Acts. The objective under FRA is to recognise and vest forest rights and occupation in forest land to Scheduled Tribes and traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. Though some safeguards of compensatory plantations etc., are provided, we lose natural forest under Forest (Conservation) Act, 1980, as well. When there are no non-forest lands, the compensatory plantation is raised on twice the degraded forest land. Managing compensatory plantations in scattered patches close to habitation is very difficult and plantations are hardly successful. In both the cases, natural forests become degraded and fragmented.

The FRA, in Section 3(2), asserts that "Notwithstanding anything contained in the FCA 1980, the Central Government shall provide for diversion of forest land for the following (13) facilities managed by the Government, which will involve felling of trees not exceeding 75 trees per ha..." Implementation of FRA results in tilling of land inside forests and replacement of trees and natural biodiversity by domesticated crops and associated species, which includes even invasive species, and thereby enhancing disturbance in forests and creating gaps in forest canopy.

This impacts the conservation status of forests. Gaps of different sizes in forest canopy have the forest fragmentation effect. Forest fragmentation has most severe implications for the capability of forests to self-restore after a disturbance such as fire and leads to weakening of 'forest biotic pump' leading to a weak terrestrial

hydrological cycle. Weakening of forest-driven terrestrial hydrological cycle has implications for availability of fresh water for drinking, industry and irrigation, threatening human health and food security.

**The Union Government has proposed a new National Forest Policy, the draft of which was recently published. Will it run against the features of the Forest Rights Act?**

The preamble in the proposed National Forest Policy notes that "...the last few decades also witnessed...rights-based framework to empower forest dependent communities". While the policy takes the grant of forest land to tribes and dwellers into account, it intends to bring one third of forest area under community forest management regime. On the ground, FRA would encourage the encroachment of forest land, which would reduce the forest cover and would lower the density of the forests. In such a scenario, the conservation aspect of the policy would remain on paper only.

**One view is that the Forest Rights Act has diminished the role of the Forest Department and large tracts of traditional forest lands are being assigned to community management. Do you agree with this view?**

With the grant of individual and community rights to tribal and forest dwellers, the forest areas would be honeycombed and heavy presence of human and livestock would pose threat to forests in terms of illicit felling of trees, grazing, poaching of wild animals, forest fires etc. It would also give rise to more and more human-wildlife conflict. The Forest Department will have to gear up further to deal with the fresh dynamics evolving in such areas due to the increased market-based and services-related activities.

Aided by more frequent movement of humans, cattle, and vehicles of entitled communities, the spread of invasive species would be much faster threatening the total ecosystem. Under impending climate change, implications of all this are likely to be catastrophic. I am, therefore, of the view that the role of the Forest Department will be more and more challenging.

**Political interference, in the name of extending support to tribals and forest dwellers, is on the increase in the management and regularisation of some traditional forest lands, across all States. What are the consequences of this on India's forest cover in the near and long term?**

Given the added threats from climate change, forest cover is bound to deplete and completely degrade with consequences for livelihood of the very communities that FRA intends to secure. According to a study on the Implementation of FRA and climate change vulnerability of forests and forest dwelling communities in Maharashtra done by TERI New Delhi in 2014, the analysis of FRA rights in Maharashtra proves that people have cleared forests and have converted barren lands into agricultural fields.

At the State level, there is evidence of deforestation leading to lost opportunity for forest sequestration and thus increasing the vulnerability of the people dependent on forests. In the garb of supporting tribal and other forest dwellers, political masters interfere in a big way and rights are granted in many undeserving cases. It leads to encroachment of forest land in a big way. Taking a serious view of encroachment of forest lands and depletion of forest covers, the Supreme Court of India directed all States to furnish details of those who wrongly claimed forest land as traditional forest dweller under the Act. The observation of the Court has come on a batch of petitions filed by Wildlife Trust of India, Wildlife First, and Bombay Natural History Society, alleging that 2006 laws had only led to encroachment and severe depletion of forest areas of the country.

Senior Advocate Shyam Divan, appearing for the Trust, cited several reports by the Comptroller and Auditor General on the status of forests in India based on satellite imagery and sought a performance audit with regard to implementation of the Act. He said that approximately 20 lakh persons have occupied forest lands across the country causing huge eco imbalance. He further argued that a high number of rejection of these cases is a testimony of the fact that state machineries are unable to filter traditional dwellers from encroachers. Additional Solicitor General, P. S. Narsimha said that 2006 Act does not have any eviction mechanism and added that Scheduled Tribes (STs) have traditionally lived in the forests, and the others are the migrants. He also said that the Act is being implemented in all States except Tamil Nadu.

The Madras High Court has stayed the implementation of the Act on the plea of a retired Forest Officer who alleged that the forest lands under the law would be grabbed by encroachers. A Supreme Court Bench has finally sought details from all States on steps taken to evict those who had under the false pretext of being traditional dwellers sought to arrogate forest land rights to them.

**In Karnataka, abound with forests along the Western Ghats, resorts and hotels have come up in a big way in the buffer zones of forest lands. Promoting tourism thus runs contrary to conservation of forests. May I have your views?**

It is true that tourist lodges and resorts in buffer zone of important Tiger Reserves in the Western Ghats have impacted the conservation and aggravated human-wildlife conflict. While low-end tourism helps in spreading education and awareness programmes and winning people for conservation, mushrooming of lodges and resorts brings unregulated tourism and, many a times, safari visits exceeds the carrying capacity. Tiger Reserves are all supposed to be in inviolate spaces and any movement of human and cattle affects its ecological sustenance.

It has been concluded from several experiments that in tenure social dynamics of tigers, it is necessary to have 800 sq. km to 1,200 sq. km. of forests free from human and cattle population with buffers and corridors for their long-term survival. If this inviolate space is occupied by 75 tigers, including 25 breeding females, even if there are one or two poaching per year, the tiger population would sustain. Against this background, the guidelines of National Tiger Conservation Authority prescribe that only limited core area be opened for tourism which should be limited to 20 per cent or existing area already opened, whichever is less. Unfortunately, the situation on the ground is disturbing. The departments of the state governments do not coordinate properly and ever expanding lodges and resorts pose threat to conservation. Some of these hotels fence their properties, which obstructs the movement of wild elephants resulting in conflict with humans.

**In another instance in Maharashtra, the Union Tribal Ministry has revised its views on the Forest Rights Act and has allowed the Government of Maharashtra to take control of forest lands that were assigned to tribals and forest dwellers. These steps are largely to take control of the lucrative trade in forest produce, particularly that of bamboo. Your views on the same?**

In no instance in Maharashtra, has the Union Tribal Ministry revised its views on Forest Rights Act. Neither Union Tribal Ministry has asked nor has Government of Maharashtra resumed the forest land already assigned to tribal and forest dwellers. However, the Government of Maharashtra is currently engaged in notifying Village Forest Rules under Indian Forest Act, 1926. The purpose of these notifications is to entrust the management of adjoining forests to village panchayats. Although the areas where individual rights and community rights assigned to tribal and forest dwellers are being excluded from these notifications, some vested groups like Tribal NGOs are spreading

rumours that right holders would not be able to harvest bamboo and other minor forest produce from the areas assigned to them. This rumour will die in due course.

**There are also reports on the misuse and misinterpretation of the Forest Rights Act. In Karnataka, for instance, an earlier estimation was that around 50,000 hectares of forest land had to be assigned to tribals and now this has shot up to three lakh hectares. Please present your views on the overall situation in the country.**

The reply in Rajya Sabha to question No. 2777 on August 10, 2016, also reveals that 17,46,338 applications of rights are already accepted out of a total 44,11,233 applications, of which 43,13,233 cases are of individual rights and 1,16,380 cases are of community rights. In the process, we have already assigned 4.392 million hectares of forest lands to tribal and forest dwellers and, in the same proportion, 6.588 million hectare are expected to be additionally assigned. We would thus end up granting 16 per cent area of the total forest cover for titles to tribal and forest dwellers. This is quite alarming. Across the country, politicians are chasing forest and revenue officers for grant of more and more cases. As there is no fool-proof method to filter genuine cases out of total cases of encroachments, the beneficiaries are emboldened and are in the process of grabbing more and more forest land. With the current political atmosphere, we are bound to lose 16 per cent forest cover in the country. Karnataka is no exception. In a span of four to five years, 50,000 hectares has become three lakh hectare.

**The issue of preventing, controlling and dousing forest fires is an important element of forest management. What is the magnitude of forest fires in India and is the current policy and administrative mechanism geared well enough to address this issue?**

Forests are prone for fire during summer months, especially when there is a long dry spell. Chir pine trees have a volatile and highly inflammable organic compound called turpene, which can potentially transform ground fire into a canopy fire. Canopy fires spread faster and are more vigorous due to better availability of oxygen compared to the ground fire. Successful control of fire leads to accumulation of high fuel load on forest floor, which makes the forest more vulnerable to fire. According to Status of Forest Report, 2015, by Forest Survey of India, 36 per cent forest cover in this country experiences no fire, 54 per cent experiences occasional fire, 7.5 per cent experiences moderate fire and the remaining 2.5 per cent experiences heavy fire. As per information provided to the Rajya Sabha in question number 237, on August 8, 2016, a total of 18,451, 19,054, 15,937 and 24,817 incidents of fire have been reported during the years 2013, 2014, 2015 and 2016, respectively.

**Instances of human-animal conflict are another important concern. How do you view this, and what are the solutions you propose?**

Degradation and fragmentation of forests and protected areas, presence of heavily used infrastructure through wildlife habitats and corridors, and conflicting cropping pattern on the edge of the forests are the main reasons for ever increasing human-wildlife conflicts. With the growing human population, securing wildlife habitats and corridors is becoming increasingly difficult. Though several measures are in place to prevent straying of wild animals into human dominated areas, nothing is fool-proof. If barriers are constructed and maintained to prevent straying of wild elephants in cultivation and habitation, the same can be plugged by vested interest groups for their movement or even wild animals sneak through some weak points, giving rise to conflict.

There are squads located at strategic places to drive the elephant herds and other wild animals back to forests, but sometimes some of the animal herds can give a surprise. Though governments are considerate in

compensating for the losses of life and property, staff are required to be more sincere and proactive while dealing with the conflicts. Apart from poaching, there are targeted killing of tigers and elephants. Proper investigation of these cases and booking of culprits is equally important to send the right type of signal for checking such instances. There is no fool-proof method to control the conflict, but the departmental staff will have to be more forthright in managing the same.

**With economic liberalisation and the quest for faster economic growth, there is also the issue of conflict between economic growth and forest conservation. Is a viable trade-off possible?**

Maintaining a sustainable economic growth following environmental standards is very difficult but not impossible. Usually managers of economic growth avoid following the standards to cut cost and achieve targets quickly. Forest lands are diverted for various developmental works with many conditions stipulated for the safeguard of forests and environments. The compliance of the conditions is routinely monitored by the officers of State and Central governments. It is generally found that user agencies avoid full compliance and save cost.

Non-compliance of stipulated conditions are never viewed seriously and diverted forest lands are never resumed, mainly because of the fact that the land has completely lost the character of the forests. The land provided for raising compensatory plantations are in smaller blocks located closer to habitation and are unsuitable from management point of view. Sooner or later, the compensatory plantations fail and the natural forests lost in the project remains practically without any compensation. In my opinion, the environment and the forests are always the casualty whenever we achieve quick economic returns.

**In terms of management structures, how do you assess the role played by the Indian Forest Service?**

The role played by Indian Forest Service officers in the management of State and Central governments is similar to the role of other Central and all-India services officers. The decision of Indian Forest Service officers are in overall interest of conservation and development of forests and wildlife. We are always blamed for refusing permission for providing land for civic amenities, such as roads, power lines, hydroelectric projects etc. Because of our decisions, we sound like anti-public. We get into the habit of saying "no" to many proposals and incur the wrath of the public and politicians. If forests are diverted for small projects of civic amenities, there will be fragmentation, which has severe implications for the capability of forests to self restore after disturbances like fire and leads to weakening of "forest biotic pump", resulting in weak terrestrial hydrological cycles. It has implications for availability of fresh water for drinking, industry and irrigation; and threatening human health and food security. If Indian Forest service officers are overruled by their political masters, the degradation of forests and environment cannot be arrested and the society would pay a very heavy price. We should learn lessons from the flood havoc in Uttarkhand and Jammu & Kashmir as well as the landslide in Pune, which are most certainly caused due to large scale deforestation.

**What are the reforms you would like to see in the Indian Forest Service, if any?**

Indian Forest Service officers are well equipped to take up the challenges of conservation and development. They have been imparted high quality training in their parent Institute at Dehradun and also receive periodical capsule courses at different locations to upgrade/ refresh their knowledge and skill. The only thing I would like to comment is that the job requires a very high level of physical fitness for all forest officers. The system must ensure that the routine check-up of their physical fitness at all levels is introduced. The health of forests and wildlife can only be ensured when the forest officers are physically fit to walk in all corners of the forests.

**There is a lot of interest in herbal medicine and its potential. As forests are the repositories of such natural resources, what has India done to preserve, scientifically utilise and patent such products?**

Protected areas are constituted to achieve higher level of protection for existing flora and fauna. There are 103 National Parks, 536 Sanctuaries, 66 Conservation Reserves and 26 Community Reserves in States and Union Territories across the country. Besides, there are 110 Medicinal Plants Conservation Areas (MPCAs) spread over 13 States. The target is to expand it three-fold to cover currently known 315 species of threatened medicinal plants. A programme of conservation, development, and sustainable management of medicinal plants, both *in situ* as well as *ex situ*, is implemented by National Medicinal Plant Board, Ministry of Ayush. Conservation and sustainable utilisation of medicinal plants is also supported by legislations namely Indian Forest Act, 1926, State Forest Acts of different states, Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986, Wildlife (Protection) Act, 1972 and Biological Diversity Act, 2002.

**What do you think are the main success stories and failures of forest management in India after independence?**

The major indicators of success of forest management in the country are the following:

a. Despite about 3.5 times increase in human population (since independence i.e., from 35 crore to 122 crore), forest cover in India has not reduced in that proportion and, instead, increased from the lowest of 62.9 mha in 1970 to 70.17 mha in 2015 (Source FSI). Given the socio-economic, political and budgetary constraints, this increasing trend in forest cover is uncommon globally (Global Forest Status report 2015, FAO).

b. India holds about 100, 60, 60 and 75 per cent of the global population of Asiatic Lion, Asian Elephant, Royal Bengal Tiger and Single-horn Rhinoceros, respectively. This indicates real-world (practical) and efficient management of these mammals and their habitat in India compared to other range countries.

c. Against all odds and competing demands for land, new areas have been added to forests and the extent of 'recorded forest area' nationally is 76.95 mha (FSI 2011). Forests and wildlife are zealously protected by Forest Departments, in turn inviting the wrath of the political class and people alike. Despite rampant vested interests, foresters in this country have been tremendously successful in holding on to forest lands. Sustainability of societal wellbeing is the motivation of foresters, and forest protection their religion.

In view of the above, there are no major failures attributable to forestry sector in the country and what are considered failures (fast growing species, man-animal conflict, etc) lie outside the sector.

a) Foresters planted fast-growing species in specific compliance mandated by the Five Year Plans immediately after independence, as the need was to grow industrial raw material.

b) Forestlands were released by the country for agriculture, under 'grow more food' campaign, as there was shortage of food grains and we were depending on imports.

c) Man-animal conflict is due to man encroaching forest habitats and large-scale changes (growing luring crops – paddy, banana, sugarcane and others—adjacent to forests, land use change, corridor bisecting infrastructure—roads, canals etc) in the proximate landscape to forests.

*(S. Rajendran is Resident Representative, Karnataka, The Hindu Centre for Politics and Public Policy, based in Bengaluru. Until recently he was Resident Editor/ Associate Editor, The Hindu, Karnataka.*

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