



Capacity Building for Entrepreneurship Centered Around Trees Outside Forests

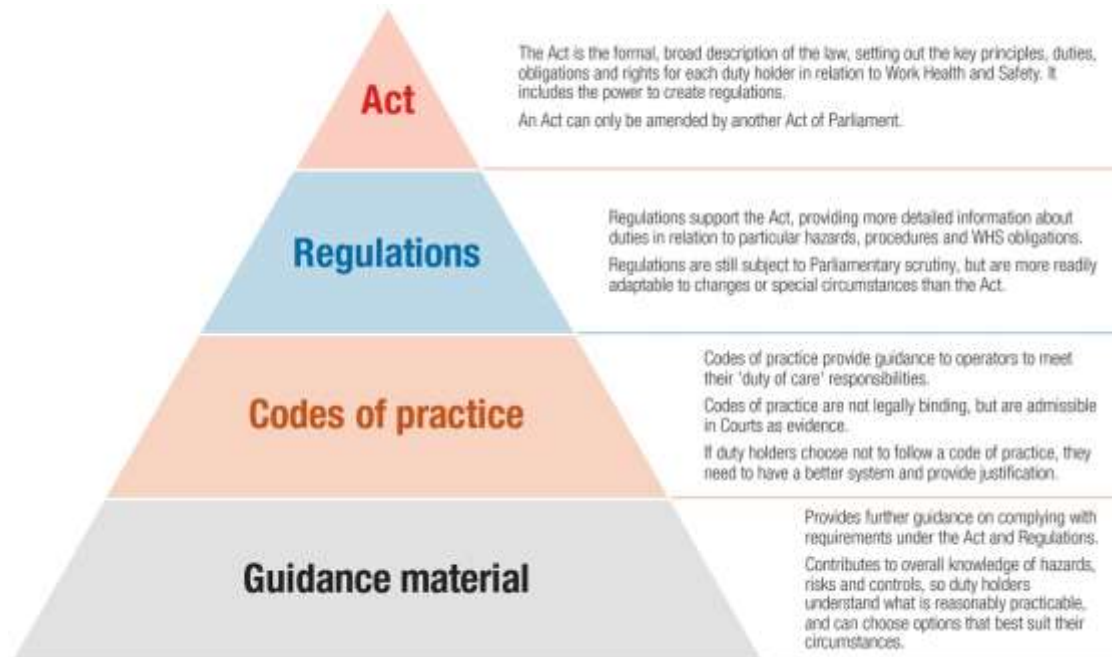
Module 2: Tree plantation and Cultivation
Lecture 3: Tree related legislations and regulatory
frameworks



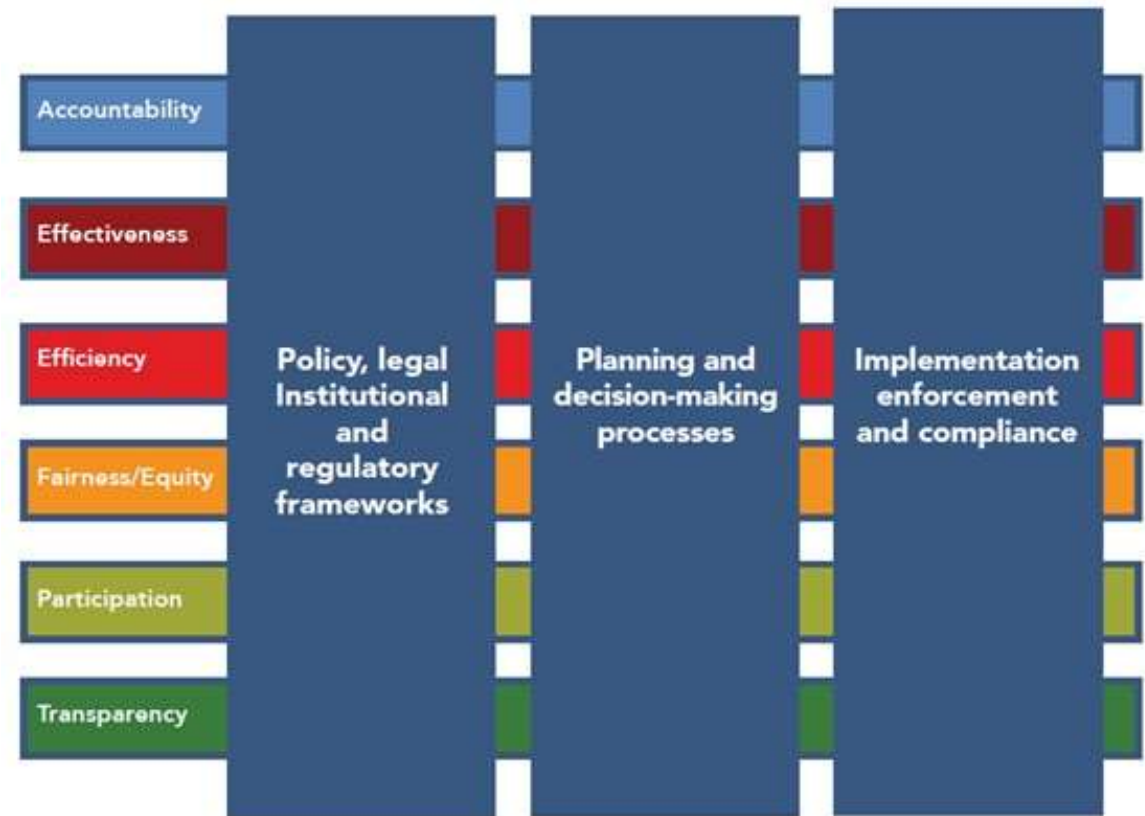
Introduction

Legislation is the process of creating and passing laws by a legislative body.

Regulatory framework is a set of laws rules and regulations that govern a specific industry, sector or jurisdiction. Legal and regulatory framework is a matrix of broad issues related to the laws, regulations and policies by government or an institution, including stakeholder participation and input into decision making process; the impact, lack thereof, efforts and mechanism.



- The purpose of establishing policies is to regulate the activities and actions of its members, so that their actions achieve the goal as stated and determined.
- India's vision to have a 33% of its geographical area under forest and tree cover despite pressure from urbanization, industrialization and the increasing demands can be achieved by, the existence and quality of policies, laws and regulation governing forest use and management.
- Policies, laws and regulations governing forest use and management should be clear and coherent.
- It should be effective, efficiently implemented, should avoid overreaching and should be adaptive for forest management.
- It should be consistent with relevant international commitments and obligations.



India's tree-related legislation and framework



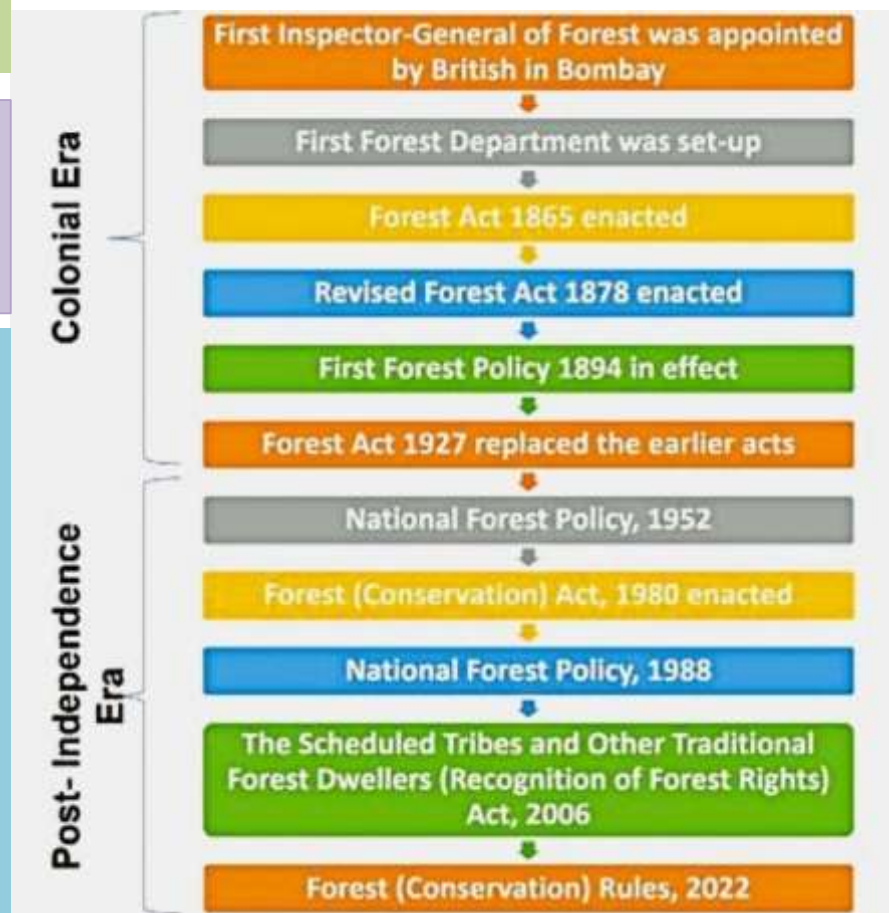
Indian Forest service was set up in 1864 and that worked on the formulation of Indian forest Act 1865. The Act has been amended twice, each in 1878 and 1927.

First, forest policy was created in 1894 and referred to as National forest policy. It aimed at the interest of the colonial power. It was established with the focus on agriculture rather than forestry

National forest policy 1952, for the first time acknowledged the need for a sustained supply of timber and other forest produces. It stated 1/3rd of the geographical area of the country should be under forest. The policy had two major objectives:

- i. Ensure preservation and management of forest on a sustainable basis.
- ii. Use of timber for meeting national interest as a source of timber.

Hereafter, emerged the concept of tree lands to fulfill the objectives.



National forest policy 1988: The national goal of the country should be to have a minimum 1/3rd of total land area of the country under forest cover. It stated that forest cover can be increased through large scale afforestation and social forestry programs both in recorded forest area and degraded unproductive land outside forest area without any prescribed time frame to achieve its goal. It initiated the practice of farm forestry and social forestry involving the locals



Forest right act, 2006: It recognizes customary rights of the forest dwelling communities on the forest land and resources. Forest dwellers are given land ownership under cultivation, use oner NTP's and grazing and they are also given forest management rights they are granted to protect, regenerate or conserve forest and wildlife thus, leveraging to promote tree plantation as a means to restore degraded forest. As observed in Shergaon Forest Division of Arunachal Pradesh.

Forest Conservation Act, 1980: Protects the forest flora, fauna and other diverse ecological components while preserving the integrity and territory of the forest. It prevents the forest land to be converted into agricultural, grazing or any other commercial purposes and intentions.. The act also restricts the state government and other authorities to take decisions first without permission from central government.



National Agroforestry Policy, 2014: Emphasizes on the importance of Agroforestry. Area under Agroforestry is 23.365 in India and it has attributed to holistic benefit obtained from agroforestry. Historically, farmers have incorporated and incorporating trees in farms lands globally and the recent study at global scale also prove that more than 40% of agricultural land has 10% of tree cover.

National Green Tribunal: A specialized body dedicated to handling environmental protection, forest conservation and enforcement of legal rights associated with environment.

Some other frameworks are EIA, National Bamboo Mission, Forest Conservation Rule, 2002.

Of all the laws stated one cannot ignore, the mother law of the nation “the constitution” 51A(g) clearly states it is the fundamental duty of every citizens to protect and improve natural environment, including forests, lakes, rivers and wildlife

Conclusion



- Tree related legislations are backbone to the efforts that are made to conserve biodiversity, combat desertification, sustainable development and so on.
- Legislations not only safeguards forest and tree felling but also empower communities through participatory participation and responsibilities.
- To enhance effectiveness there is a need for robust implantation. Bottom to top approach, increase awareness among stakeholders and synergy between state and center.
- Policies and acts need to revised with the ongoing scenario of the country