

Review Article

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Historical and Contemporary Laws Related to Forest and Environment with the Perspective of the Role of the Indian Media in Environmental Conservation: A review

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ABSTRACT

This paper attempts to highlight all the forest, wildlife and environmental laws prevailing in India with their brief introduction and the genesis. It portrays a consolidated picture of all such regulatory measures being implemented since the colonial rule in India. Under today's circumstances, media also plays a vital role in shaping the public opinion over any social, economic and political issue. Media is supposed to be the fourth and a strong pillar of the society and is entrusted with the responsibility of bringing real facts and figures before the public in general and the policy makers and implementers in particular. This paper also aims in educating the media with the prevailing rules, regulations, acts, guidelines and policies related to natural resource management in India and analyzing a symbiotic relationship with the implementers for a wider cause of conservation and sustainable development.

Keywords: Forest, Environment, Wild life, Media, Rules, Regulations

Introduction

India has a historical background of conservation of natural flora and fauna. Leaving apart the Vedic Era the earliest known examples in India for areas being set aside to provide protection to the species living in them are from around 300 BC, during the time of Emperor Ashoka. The administration of Emperor Ashoka is known to have had a clear cut policy of exploiting and protecting natural resources with special official tasked with protection duty.

In spite of rampant commercialization, population growth, development and cultural changes there are over 1,00,000 sacred sites and species (river beds, Himalayan glaciers, grasslands, monkey, langur, tiger, lion, birds, elephant, Ficus species) are still protected, worshiped and conserved in different part of Indian subcontinent [1]. For example, over 2770 sacred groves have been recorded in the Konkan and Ghat areas of Maharashtra [2]. In addition there have been numerous examples of communities protecting different plant and animal species for religious and cultural purposes. Protection of blackbuck, peacocks, freshwater turtles, mahasheer and keystone species such as the Banyan are some amongst many such examples.

When the British first came to India in the 17th century, this element of Indian society left them completely confused. For them, first as traders and then as colonial rulers, forests were meant to be exploited for economic gains, animals (where they existed) to be

hunted either for food or sport. In 1878, in a small village called Vedanthangal, near Chennai, British soldiers shot some storks in the local wetland. The villagers stormed the collector's office and made him issue an order that no one would harm the nesting birds in future. This is by no means the only example of its kind. Indian history is peppered with such examples. Among the best known are the Bishnoi, in Rajasthan, Punjab and Haryana. They are famous for their self-sacrificing defense for wildlife. It is believed that in 1730, the king of Jodhpur ordered his men to cut timber from Bishnoi land. The local people, led by Attri Devi, hugged the trees to save them. The king's men hacked down 263 children, women and men before they gave up. The Bishnoi religion was initiated by Guru Jambheshwar about 500 years ago. Followers believe in a set of 29 principles, hence are called the 'Bishnoi'. These principles include a ban on felling trees and a ban on killing animals. In particular, they consider the Kejari (*Prosopis cineraria*) and Blackbuck as sacred species. In recent times, this incident has become an inspiration for many communities to save their forests from destruction. With a historic perspective of saving forest and its wild life India continues to be a pioneer country in making and implementing various forest and wild life related provisions during and post colonial rule.

Literature review

After it's independence India became the first country in the world to have made provisions for the protection and conservation of environment in it's constitution. On 5th June 1972, environment was first discussed as an item of international agenda in the UN Conference on Human Environment in Stockholm. Within

four years of this conference, in 1976, India made provisions for environmental protection in its constitution through 42nd amendment as follows:

Article 48-A: The state shall endeavor to protect and improve the environment and to safeguard forest and wildlife of the country.

Article 51-A: It shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures.

A brief chronology of India's scenario in the management of natural flora and fauna during British and post British era is illustrated below. This scenario is narrated with a strong backdrop like, India despite; having a rich tradition of conservation holds the distinction of being one of the most densely populated countries, yet being amongst the world's mega biodiversity centers, but also having one of the highest rates of biodiversity decline.

The Indian Forest Act of 1927

Indian Forest Act of 1927 is a Central Government's Act. Certain powers in regards to management of affairs of the forest are however vested in the state government. This act provided the regulation about the power to reserve the forest, control over forest, control of timber and other forest produce in transit. Similarly forest offences and penalties against the offenders are discussed in this act. Certain sections relevant to the subject matter of this research work are mentioned below:

Section 23: No right shall be acquired in or over reserved forest except as permitted by the government during the course of settlement under section 20 of the act.

Section 24: No forest produce obtained in exercise of any such rights shall be sold or bartered except as admitted and recorded in section 14 by the Forest Settlement Officer.

Section 26: Prohibits setting of fire in the reserved forest and it is punishable.

Act also provides power to seize a property, confiscate, arrest without warrant and compound an offence to a forest officer [3].

The Forest Conservation Act of 1980

The Forest Conservation Act was passed in 1980 which was subsequently amended in 1988. It was enacted with a view to check further deforestation, which ultimately results in ecological imbalances and climate change. Accordingly, the provisions made therein must apply to all forests irrespective of the nature of ownership or classification thereof.

This act places restrictions on the power of the state government concerning use of forest land for non forestry purposes. Section 2 of the Act provides that the state government shall not make amendments except with the prior approval of the central government and issue any order directing the use of forest land for non forest purpose [4].

The Forest (Conservation) Rules 1981

The Forest Conservation Rules of 1981 lay down a detailed procedural guideline, through which, land diversion proposals under Forest Conservation Act of 1980, have to undergo before getting the approval of Government of India.

The Wild Life (Protection) Act of 1972

As a quick response to the UN Conference of Human Environment at Stockholm in 1972 and realizing a rapid decline in country's wild life, India took a substantive legislative step by adopting the Wild Life (Protection) Act of 1972. It was an important landmark in the history of wild life legislation in the country as the forest including wild life was only a state subject and parliament had no power to make law on the same except as provided in Articles 249, 250 and 252 of the Constitution. This Act provides the basic frame work to ensure the protection and management of wild life. Section 24 and Section 35 of this act are of particular importance to the subject matter of this research work as these sections provide complete acquisition of rights and concessions of the local communities from the nearby national park and sanctuary areas. Article 27 even puts restriction on the entry to all such places irrespective of the status of the local communities residing in or around the area (GOI, 1923).

National Forest Policy of 1988

Under relentless biotic pressure, diversion of forest land without ensuring compensatory forestation and essential environmental safeguards and tendency to look forest as revenue earning resource India's forests suffered serious depletion. A new strategy of conservation was evolved and National Forest Policy with the basic objectives of environmental stability, conservation of natural heritage, checking erosion, increasing tree cover, increasing productivity and ensuring people's involvement was declared in Dec, 1988.

This policy suggests about:

1. One third of the country's geographical area to be under forest.
2. Two third of the total geographical area to be under forest in mountainous region.
3. Forestation, social forestry, farm forestry, preparation of management plans, forest extension, research and education.
4. Rights and concessions enjoyed by the tribal and rural people should be protected and should be related to the carrying capacity of the forest. Such customary right holders should identify themselves with the protection and development of forest from which they derive benefits.
5. Improved and modern management practices to deal with forest fires.
6. No forest based enterprise, except that at the village or cottage level should be permitted [5].

National Conservation Strategy and Policy Statement on Environment and Development, 1972

This policy statement lays down the guide line that will help to weave environmental considerations into the fabric of our national life and of our developing process. It is suggestive on various issues like environmental problems, pollution control, and conservation of natural resources, agriculture, irrigation, water, energy and biodiversity [6].

Policy Statement for the Abatement of Pollution 1972

This policy statement released by MOEF, GOI gives the present air and water pollution scenario in the country and issues future directions regarding critically polluted areas, reduction in local concentration of pollutants in complex industrial sites, environmental audit and public private partnership to address such matters [6].

National Environmental Policy of 2006

National Environmental Policy was approved by the Union Cabinet on May 18th 2006. It is a response to our national commitment for a clean environment, mandated in the constitution in Article 48 A and 51 G, strengthened by the judicial interpretations of Article 21. This policy seeks to extend the coverage and fill in gaps that still exist in various policies, acts and rules.

The dominant theme of this policy is that conservation of environmental resources is necessary to secure livelihoods and well being of all, the most secure basis for conservation is to ensure that people dependent on particular resources obtain better livelihoods from the fact of conservation rather than degradation of the resource. The poor are more vulnerable to the loss of resilience in ecosystem. Loss of resilience breaks down the ecosystem which causes severe distress to the comm. unities dependent over it.

National Environment Policy of 2006 advocates integration of environmental concerns in economics and social development, efficiency in environmental resource use, livelihood security for poor and judicious use of resources to meet the needs of present and future generations. One of the guiding principles of this policy speaks about entities with incomparable values, which lays that **significant risk to human health, life and environmental life support system may be considered as 'incomparable' and society would not accept these risks for compensation in money or conventional goods and services. A conventional 'economic cost benefit' calculus would not apply in this case [7].**

National Environmental Policy of 2006 gave a conceptual reason to revisit the following important acts applicable in India:

- (i) The Environmental (Protection) Act of 1986.
- (ii) The Water (Prevention and Control of Pollution) Act 1974.
- (iii) The Air (Prevention and Control of Pollution) Act 1981.
- (iv) The Water Cess Act of 1977.

This policy deals in details on strategies, regulations and reforms in environment impact assessment, forest clearances, conservation, pollution abatement, environmental management system, environmental training, awareness, research & development and international cooperation.

Environmental Impact Assessment Notification of 2006

This notification may be viewed as an important outcome of National Environmental Policy of 2006, which compel major economic and development activities in the country to clear the environmental impact assessment before commissioning the project.

National Action Plan on Climate Change of 2008

Prime Minister's Council on Climate Change in its first meeting on July 13, 2007 decided a national document on action taken and action proposed on climate change in India. That was the time when since 1991 economic reforms were at the peak and India was touching a record GDP growth rate of over eight percent. But, still during the early years of the 21st century a sizable 27% of the total population was living below poverty line and about 44% of the rural population was living without electricity. Per capita energy consumption was as low as even less than 1000 Kwh with a Human Development Index (HDI) of 6 and per capita CO₂ emission of 1.02 tons only. That was the time when India had well developed policy, legislative, regulatory, and programmatic regime for promotion of energy efficiency, renewable energy, nuclear energy, fuel switching and addressing greenhouse gas emissions in the energy sector but still the policy makers of the country rightly

though of the fact that high growth rate is needed for the country which will certainly increase vulnerability to impacts of climate change if new policies related to environmental and ecological balances are not framed. Various acts, policies and regulatory structures relating to greenhouse gas mitigation in Indian at this time may be summarized as below:

- (i) Integrated Energy Policy of 2006.
- (ii) Rural Electrification Policy of 2006.
- (iii) Renewable Energy Policy of 2005.
- (iv) National Environment Policy of 2006.
- (v) Energy Levelling Program of 2006.
- (vi) Energy Conservation Building Code of 2007.
- (vii) Energy Audits of 2007.
- (viii) Mass Transport (Metro).
- (ix) Energy Saving Device "the Bachat Lamp Yojana".
- (x) Bio-fuel Promotion.

In the year 2008 NAPCC was finally released with the above mentioned backdrop of development and sustainability under the guiding principles of sustainable development strategy, achieving national growth objectives, cost effective strategies, appropriate technology, effective private public partnership program and international cooperation for research, technology transfer and getting climate change funds under UNFCCC. The focus of the policy remained on promoting understanding of climate change, adaptation, mitigation, energy efficiency and natural resource conservation.

NAPCC consists of 8 missions which form the core of the action plan, representing multi-pronged, long term and integrated strategies:

- (i) National Solar Mission.
- (ii) National Mission for Enhanced Energy Efficiency.
- (iii) National Mission on Sustainable Habitat.
- (iv) National Water Mission.
- (v) National Mission for Sustaining the Himalayan Ecosystem.
- (vi) National Mission for Green India.
- (vii) National Mission for Sustainable Agriculture.
- (viii) National Mission on Strategic Knowledge for Climate Change.

By December 2008, comprehensive mission document detailing objectives, strategies, plan of action, timelines, and monitoring and evaluation criteria was developed and submitted to PM's Council on Climate Change. MOEF was made, coordinating unit for implementation of NAPCC. Though NAPCC missions have separate strengths, challenges and weaknesses but it provided the beginning of institutional arrangements and financial instruments like 'National Clean Energy Fund' to operate in the country [8]. For example Green India Mission was allocated 200 crores (2 Billion) in Indian rupees to start the activities and a REDD + cell was established in MOEF with the prime task of carbon assessment of India's forest [9]. Though it was a good start for India but most importantly continuity and sustainability of these initiatives are of paramount importance [10].

By NAPCC, Indian government has clearly sent a positive message to the public, industry and the civil societies nationally as well as internationally about its concern to address climate change issues through concentrated actions and consolidated sectoral approaches [11].

Media and its vital role in conservation

Since the latter half of the 20th century, more and more consciousness is seen amongst all the stakeholders of the society

regarding environment and its conservation. Globally as well as locally, various programme are being implemented for the conservation and development of the natural resources. Though, initially not much attention was given by the media over such issues but since Earth Summit of 1992, media started playing a key role of conveying vital content that addresses environmental concerns [12]. With the advent of 21st century, media has become so prominent that at times its contents are playing a crucial role in making public opinion over an issue as well as developing food for thought for the policy makers.

Media has clear cut mandate of educating and informing its audience and providing them access to government information. Truly speaking media remains influential in effecting strategies on environmental conservation through its capacity of reaching out to the decision-makers and opinion leaders in the society [13]. **Any society becomes more powerful and efficient with traits like proper communication, sufficient education, and adequate awareness.** It's worthy to state that the media plays an incredible role for spreading and strengthening all these three traits amongst the societies. Beyond this the watch dog behavior of the media ensures government officials and policy makers to be held accountable for any wrong decision or inadequate implementation on a sensitive and critical environmental issue. This is primarily because of the fact that, media has full access as well as capacity of gathering information from all the relevant sources and analyzing this for deriving inferences [14]. This is the most peculiar function of media that it not only gathers facts but also scrutinizes and examines it before coming out with either some conclusion or speculation.

Media behaves more responsible when it conveys a factual environmental report and invites the public to a policy discussion, by ensuring that the citizens preserve their own environment and indigenous thought process during the debate. Further, the mass media should guarantee an extensive conveyance of environmental information to its audience thereby speeding up the much anticipated positive action in safeguarding the environment. Ideally, the information on the need to protect our environment is the heart of any environmental accomplishment [15]. In today's world let it be the print media or an electronic media, the facts regarding the state of the forest, wildlife and environment are repeatedly being made available to the public in the form of a bulletin, article, news flash, news item, report, broadcast or a discussion.

It is therefore critical to note that environmental sustainability can be greatly achieved only if the public is well informed, educated and actively engaged on public debates, In order to attain social change for the conservation of natural resources, the media ought to carry out vigorous promotions and campaigns linked to justifiable development [16]. One of the suggested strategies is the identification of a target group and then tailoring the message to reach that specific audience. The mass media is fundamental in effecting and strengthening environmental messages meant to foster awareness of the matters of preservation in the wider society [17].

Conclusion

It is prudent for environmental organizations, government officials and policymakers to have a cordial relationship with the media so as to ensure that their messages and works reach the general public in its true form and sense [18]. After the Legislature, the Executive, and the Judiciary, the Media has emerged as the fourth pillar of the democracy, because of its omnipresent nature and

distinctive influence in shaping public opinion.

Our media not only broadcast the real news on current national and international issues but also plays an important role to eradicate various evils prevailing in the society. Regarding environment, forest and wild life, Indian media can play a vital role in its protection, conservation and development. Media may consider following suggestions while reporting on issues related to forest, wildlife, and environment:

- A clear understanding of the salient features of the various prevailing acts and rules will certainly sharpen the presentations of a media personal over the issue.
- Repeated meetings of a media person with the area in charge of the forest, wild life and environment will ensure a clear understanding of ongoing projects, plans and schemes.
- In case of violation of any act, rule or regulation, the initial version of the area in charge must be taken before publicizing the news.
- Media may also work as a publicity and extension agency for the Department of Forest and Environment for a much wider role of spreading awareness and education amongst masses.
- In cases of reporting on environmental issues "hearsay type attitude" should be discouraged and field inspection should be ensured before making news.
- Media must celebrate various important days like World Forestry Day on 21st March, Earth Day on 22nd April, World Environment Day on 5th June, Wild Life Week on 2nd to 7th Oct, Plantation festival on 1st to 7th July and many other such functions of forest, environment and wild life importance.
- Media personal should always spare some time to visit various places inside the forest so as to be well acquainted with the working conditions of the forest staff.
- All news related to environment must aim at improving the system after understanding the real challenges being faced by the Forest and Environment Department.
- Department of Forest and Environment is a "**custodian of an extremely huge open treasury**" which is worth millions and millions of money. This paraphrasing should always be kept in the mind of a media personal in order to understand the limitations of a front line staff before examining the so called involvement or inaction of the enforcement staff towards an offence.

The existence of a free and objective media committed to lend voice to the voiceless is the foundation of a healthy democracy. Natural resource management, forest and wild life conservation, and environmental protection are highly technical and long gestation issues. In order to comment over such issues, one needs a thorough understanding of its underlying principles and ongoing practices. Once equipped with latest rules, regulations, acts, orders and policies related to environmental issues, a sensitive and responsible media personal will not only be able to highlight the follies and lacunae of the system but shall also play a pivotal role in educating and spreading environmental awareness amongst masses.

In order to overcome the challenges of extreme climate change, global warming and natural resource degradation, **the media should come forward as a friend, philosopher and guide to the citizens, implementers and the policy makers thereby performing the role of a true proponent of environmentalism.** This will certainly help in sustainable development of a nation, development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

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