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**Is the Chipko Movement Towards Forest Appraisal**

**By M.Aparna**

**Is the Chipko Movement Towards Forest Appraisal**

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"Let us protect and plant the trees  
Go awaken the villages  
And drive away the axemen."  
– Ghanshyam Sailani

The forests of India are the unique resources for the survival of the rural people of India which were exploited greatly for commerce and industry. The Chipko Movement of India taken birth in Himalayan foothills gained great significance throughout the world's environmentalist circles for its successful efforts against deforestation. Chipko, which means literally "to embrace" has spread to many other parts of India and has drawn worldwide attention for its resourceful efforts to fight against deforestation and thereby protecting ecology and society. Women played a unique role in making success of the Chipko Movement because they being the dependents on the fuel, wood and fodder for survival found it difficult to procure them for over the last several decades.

In an Indian Civil Society, the workday of the women starts early in the morning. Particularly in the hilly areas, they should fetch water, grind wheat for bread, fulfil the needs of the husband and children, and finally sets out to forest for fuelwood, grass and leaf fodder for animals, etc. Bearing bundles on the head for hours they come home before noon and prepare mid-day meal. During the dry season, when upto 80% of the livestock feed is supplied by the forests, their afternoons are also taken up to search for the leaf fodder. This is the need of the forests for the women and her family's survival.

The forests in the Himalayas play the same role today – two harvests in a year, i.e, rice and millets in the monsoon season and wheat in winter, observing a heavy toll on nutrients in the soil. To make for the shortage of the nutrients it is necessary to collect organic matter in the form of leaf fodder and leaf litter over extensive areas of the forest which may be as large as thirty times the size of a typical cultivated field. If the distance between the village and the forest becomes too far, or if there are no more trees, then it is impossible for the women to bring enough organic matter to keep the nutrient

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supply in balance. To compensate this shortage, it becomes necessary to burn dried dung in place of fuelwood which further results into fertiliser deficit resulting into poorer harvests and even lower yields of buffalo milk. Further towards compensation of this food shortages, women are many a times forced to sell their gold jewellery and other costly important items which are originally intended to keep as a dowry for their daughters.

In the 19th century, British colonial administrators in India took control of vast areas of forestland and subsequently exploited them through Imperial Forest Service where a reasonable portion of this land was originally been managed communally in accordance with the local rules and regulations. With the advent of British Raj (Colonial Rule) conflicts broke out between rural population and the Forest Service because the village systems of resource use broke down and forest degradation accelerated rapidly. The Chipko Movement, founded in 1973 was the outcome of this conflict, started with an objective to conserve forest in the Himalayas.

Deforestation on the hills is at peak during British rule being they did it greatly to fulfil their commercial ends because of which the hill stations rapidly became black holes as wood is needed to fire limestone and large quantities of timber for the construction of government offices, official residences and for infrastructures to make their rule convenient, effective and commercial, which were architecturally of very high standard and costly to both economy and ecology. In 1844 an English contractor named Wilson obtained a concession from the Feudal Lord of Tehri–Garhwal permitting him to harvest Himalayan cedars which grew at altitudes above 1,800m and had to be rafted for months down the Ganges to reach the plains. Wilson's contract permitted him to fell as many trees as per his requirement for a fee of 400 rupees per year for twenty years which resulted into disappearance of the magnificent cedars within a span of a decade.

The arrogance or exploitation of power was apparent at a Forest Service Conference in 1875 where it openly declared that the "victor" is entitled to enjoy the "rights of conquest" which gives a clear admission of the rationale behind the setting aside of reserved forests in accordance with the provisions contained in the Forest Act of 1878. Reserved Forests which ordinarily covered the half of the total area of the village had been foreseen wherever timber was produced profitably or where the forest had a protective function. It became the property of the colonial government immediately after the available rights like right to obtain leaf fodder or to graze goats had been rescinded and after informing the local population through a public notice.

In 1920 Mohandas Gandhi, who led India to Independence in 1947, began his first nation-wide campaign of civil disobedience to protest unjust laws. Gandhiji characterized the newly established forest reserves as a symbol of oppression. However, in the following year, the local population as a regular practice just before commencement of monsoons set fire to forests of Chir, a newly established reserved forests by the British Government owing to the World War I, so that the coming rains would generate the growth of hardy fodder in soil fertilized by ashes. But this year the fire broke out wildly consuming hundreds of thousands of pines known as Chir which resulted into the regional protest by people in the Himalayan Foothills forcing the British Government to abandon the newly established reserved forests.

>From 1920 onwards the population growth increased steadily, particularly in the lowlands. Timber

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was transported from the hills to the lowlands where it was a great demand for energy and construction. Very often it was auctioned even before it is felled. The forest officials closed their eyes towards this slipshod (Slipshod means without any authorisation and recklessly) felling and the inclination of the contractors to fell the timber even where it has not been marked. Infact they even exercised strict police powers in dealing with the local people like destroying sickles which women used to cut branches and meted out with severe punishment even for petty offences. Further, successful contractors appointed the workforce for a low wage from outside places in place of the resident population. This phenomenon resulted into very costly for the ecology, economy and residents especially.

The significance of forests on environment and society is first recognized primarily by the women in India when the deforestation was taking place in the Himalayan Mountains of India where the forests are logged excessively. The Chipko Movement was a revolutionary step adopted to save Himalayan ecology and society from deforestation. Women, the badly effected class due to deforestation, were simply the strongest, dedicated and the active participants in this movement. Infact, besides environmental movement it was a women's movement where a women played a vital role within the Chipko Movement against the State for more promising logging and forestry policies so that both the Himalayan environment and society are protected.

Devoid of good forests in England, the British realized the commercial value of Indian Forests and attempted to hold rigid control over them. Accordingly, the Governor General, Lord Dalhousie issued a memorandum on forest conservation called the charter of Indian Forests through which he suggested that the teak, timber, etc be as State Property and its trade be strictly regulated. This paved the beginning for a systematic forest policy of 1855.

During 1856, the Forest Department was established and the first Forest Act was legislated under the guidance of Dietrich Brandis, a German Botanist, the first Inspector General of Forests. He made a record of trees in India and classified them. In 1865, the first Act for the regulation of forests was passed. It gave the power to the government to declare all lands covered with trees and or brushwood as government forest and to make rules to manage them. This Act is applicable only to all the forests which are under the government control which made no provision for the rights of the users.

The Act of 1865 was replaced by a more comprehensive Indian Forest Act of 1878 which divided forests into protected forests, reserved forests and village forests. Several restrictions were imposed upon the people's rights over the forest land and produce in the protected and reserved forests. Further, the Act empowered the local government to impose duty on timber produced in British India or brought from any other place whereby encouraging them to earn revenue from forests. Infact, this Act radically changed the common property into State property. It then resulted into protests which fuelled a wide ranging debate on the reform of forest policy, to make it more democratic and accountable and into argument that State–citizen relations in the realm of forestry have gone through four overlapping stages: conflict, conversation, negotiation, and abrogation.

The government declared its forest policy by a resolution on 19th October, 1894 which stressed on State control over forests and the need to exploit forests for augmenting state revenue. This resulted into the enactment of Indian Forest Act of 1927 replacing the earlier Act of 1878 which includes all the

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major provisions of the earlier Act, extending it to include those relating to the duty of timber, which is still in force together with several amendments made by State Governments with the enactment of the Government of India Act, 1935, giving a clear emphasis on the revenue yielding aspect of forests.

Historically, the Indian Himalayan region which was under the control of foreigners, especially Britishers and Germans, since 1855, used to produce lumber for railroads. Further, the then government nationalized one-fifth of the total forest area and enacted legislation in this regard. To make things still worse, the Indian Forests Act of 1878 restricted the peasant access to those forest areas not deemed commercially economical and sanctions were levied on those who violated such restrictions. As a step forward, the Forest department passed an order to excavate the complete forest land area, mainly by cutting down the ash trees, to utilise the same for commercial purposes. This approach developed the revolutionary attitude among the Himalayan residents, mainly one person called Shri Chandi Prasad Bhatt, leader of Dasholi Gram Swarajya Sangh, who had been converted to the idea of Sarvodaya by Sunderlal Bahuguna some years earlier suggested to hug the trees when the fellers came to cut down of trees. Particular women and their children hugged the trees to prevent them from felling thereby giving birth to Chipko Movement in 1973.

The Chipko Movement – a green venture started by Shri Sunderlal Bahuguna, Leader of Sarvodaya Movement, in the first half of 1973 in the area of Uttarkhand in Uttarpradesh comprising of eight Himalayan districts which is rich in natural resources exploited by the outsiders paving way to deforestation. Infact, the state managed Forest Department used the most of the forests for timber showing no attention towards the employment and welfare of the local people and towards serious ecological damage arising out of such deforestation. This seriously had a negative impact on economic

and social conditions in the Himalayan region. The most affected are the local people, mainly the women. In this movement especially the women hugged the trees by interposing their bodies between the trees and the contractor's axes.

The advent of independence and the dawn of the princely states unfortunately accelerated the deforestation in the Himalayan region. The formulation of new guiding principles towards economic growth and development made the government to extract natural resources on an unreasonable scale which even exceeded to that of the colonial era which badly effected the conditions for forest ecosystems and destabilized the hill communities. Further, end of the border war between China and India in 1962 resulted in the construction of roads by logging many trees in the forests though initially accepted by the local people for the employment, these infrastructure projects are created but had a considerable adverse impact on the hill society that remains in effect even today. These negative impacts on the Himalayan ecology and society resulted in further growth and success of the Chipko Movement against deforestation.

Inspired from Chipko Movement, many popular movements developed with an objective to protect and manage natural resources for the benefit of the rural population in many parts in India. In Bihar and Gujarat, these movements arose to revolt against conversion of natural forests to teak plantations, a move which deprived the indigenious forest-dwelling Adivasi people of their only resource base. Further, in Karnataka, the Appiko Movement arose when the forest service did nothing to stop the activities of the contractors who were felling 35 trees per hectare instead of the stipulated 2 per

hectare.

After independence, the Constitution of India adopted a number of provisions from the Government of India Act of 1935 and retained forest as a state subject in the 7th schedule. The National Forest Policy Resolution adopted by the government in 1952 stressed that the forest policy shall be on national needs but not on commerce, industry and revenue. For the first time, the resolution highlighted on the ecological and social aspects of forest management. But this remained as a pious declaration without any execution.

The Ministry of Forest was initially a part of the Ministry of Agriculture which the National Commission on Agriculture treated it as such. The National Commission supported the commercialization of forests giving no importance to the survival of adivasi and other forest dwelling communities because it is on the strong belief that they have not contributed much towards the maintenance or development of forests and so they don't have the right to expect that somebody else provide them with the forest produce with free of charge. Further, the commission recommended that the revised National Forest Policy be formulated basing on the important needs of the country, the forest lands be bifurcated into protection forests, production forests and social forests giving high priority to production forests and least to social forests, with the object that the forest management be that each hectare of forest land shall be in a position to yield a net income of many more times than is being obtained at present. For this purpose it further recommended to the revision of all India Forest Acts.

In 1985, the Forest Department was shifted from the Ministry of Agriculture to the Ministry of Environment and Forests thereby changing the emphasis from revenue to environmental concerns. In December, 1988, the Parliament passed a new forest policy resolution called the National Forest Policy, 1988 rejecting the recommendations of the National Commission and emphasizing on the welfare of the adivasis and other forest dwelling communities. As per this policy, the survival of adivasis and other forest dwelling communities revolves within and near the forests which is to be fully protected. But in spite of this resolution which was a pro-tribal policy, the old Act of 1927 with all the

subsequent amendments remained unchanged.

In 1994, the Ministry of Environment and Forests prepared a draft of the new bill called the Conservation of Forests and Natural Eco-Systems Bill, 1994 to replace the Indian Forests Act, 1927 which generated a lot of debate on it. Infact, a number of voluntary organizations presented an alternate draft and submitted it to the Ministry of Environment and Forest. The bill was not presented to the Parliament and the old Forest Act, 1927 with all its subsequent amendments is still in operation.

Some salient features of the draft bill prepared by Voluntary Organizations are as follows:

Preamble has been expanded to include the objectives of meeting the basic needs of the people, especially fuel-wood, fodder and small timber for rural and tribal people and maintaining the intrinsic relationship between forests and the tribal and other poor people living in and around forests by protecting their customary rights and concessions on forests as laid down in the National Forest Policy Resolutions 1998.

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Definition of Gramsabha, Resident, Community and monoculture have been added.

In place of Forest Settlement Officer, Forest Settlement Board has been suggested with its composition and thereafter Forest Settlement Board has replaced the Forest Settlement Officer.

References to practice of Shifting Cultivation in Chapter 11 on Reserved Forests, Chapter -III on Protected Forest and Chapter V on the Conservation of Forest and Lands, not being the Property of Government has been deleted and a separate Chapter 4A on Shifting Cultivation has been added.

Rules for the publication of notice to constitute a Reserved Forest or a protected Forest have been explained in detail.

The Provisions of penalize the entire community by taking away its right to pasturage or to forest produce in case of willfully caused fire etc. have been deleted.

Procedure of formation of Village Forests, and in particular constitution of Village Forests committees has been elaborated in detail and their powers expanded.

The powers of management have been given to the State Forest Committee instead of the Forest Officer.

The constitution of Urban Tree Authority has been changed and the formation of Urban Forest Committees has been suggested.

The constitution of Central Forest Policy and Law Monitoring Committee has been amended. A new committee called State Forest Policy and Law Monitoring Committee (in brief Central Forest committee) has been suggested and the powers Forest Officers have been made subject the control of State Forest Committee.

New Committees called District Forest Committee have been suggested at the District level and the major decisions relating to the forest in the District have been made subject to their sanction.

It has been specifically mentioned that the Act will be extended to the States in the North East India

and the scheduled areas only after necessary amendments have been made.

All these and other amendments have been suggested to encourage the preservation and development of the forest more participatory and effective and to achieve the main objective of Forest Policy Resolution 1988 of creating a massive people's movement with the involvement of women, for achieving these objectives and to minimize pressure on existing forest.

Source : forestlegislation.pdf

Environmental deterioration and the fall of the great forests increased the natural disasters. Commercial contractors from the plains carried out on large scale the extraction of natural resources

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like timber, limestone, magnesium, and potassium by unreasonable means like blasting mountainsides, clear cut forests, excavated quarries, etc. and consumed the resources for their own corporate needs. This resulted in massive disruptions of the fragile Himalayan ecology, flooding and landslides claimed more victims and caused extensive damage. This massive destruction of Himalayan ecology, flooding and landslides claimed more victims and caused extensive damage like in 1970 the Alaknanda river flooded destroying many homes and killing hundreds, in 1978 the Yamuna river floods had their origins in the erosion and in 1977 the landslides in Pithoragarh district resulted in falling rocks killing 44 people and ruined 150 acres of land. These unbearable conditions and loss of life resulted in revolution among Himalayan residents, particularly women, who held Chipko Movement as a weapon in their hands to protect and safeguard the Himalayan Ecology from further deterioration.

The areas of conflict between the forest departments and tribals and other forest dwelling communities living within and near forests are many. Some of the important ones are discussed here.

Encroachments on forest lands where a number of lands under the jurisdiction of the Forest Department are in actual possession of the people whose occupancy was being regularized from time to time in different states. But in some areas the orders of regularization are not properly implemented by the forest departments because they were reluctant to part with the forest lands under their jurisdiction. Infact, though there is no bar to the extent of issue of regularization orders till the promulgation of the Forest (Conservation) Ordinance passed in 1980 which made impossible to issue any orders in the future. Attempts to evict tribal households from forests and the removal of encroachments resulted into severe and violent clashes between the people, police and forest officials. Further, the projects, pertaining to construction of dams, defence, industrial complexes in both public and private sectors for habitation and cultivation, also resulted into the eviction of tribal households from forest lands. Being the rehabilitation plans for the evicted tribal people are poorly implemented they refused to vacate the forest lands due to lack of other source of livelihood inspite of severe oppression from and the law which is on the side of the officials.

Infact, the earlier accomplishments through adopting the strategy of 'Chipko' encouraged the villagers to demand for consultative and democratic management of shared resources, greater accountability and environmental sensitive development. Through this approach, villagers also learned the value of their own forests and the need to protect and preserve them. Thus, the scope of the movement widened dealing with different issues that came to existence towards environment and society. Dasholi Gram Swarajya Mandal (DGSW) is one such voluntary organization led by Shri Chandi Prasad Bhatt which combine local participation with developmental activities. It was an organization worked against logging of forests and the state decision to allocate forest resources to a sporting goods factory at the expense of the local enterprise. It is an active participant in the development programs such as social forestry and in the Chipko Movement which has become replica for grass-roots environmental actions. These movements infact have shaken the Apex Court resulting in the amendment of the law of land to

prevent, protect and safeguard the environment from hazardous environmental degradation.

In the words of Shri Chandi Prasad Bhatt, the movement strives for 'Judicious use of the trees' and not the 'Saving trees'. People in the plains are alone eligible for the products of our forests. Their struggle for survival gave them the management of their forests. He was a strong believer that the people be well off in their existence if the forests are managed by those who dwell in them.

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The Chipko Movement played a vital role for growing environmental activism which had an impact on moulding Village Cultures towards environment protection. This is illustrated by the tree planting ceremony of the Maiti. As per this ceremony when a Maiti girl gets married, the other girls get saplings from the nursery to plant near the bride's house. Further, the bride gives a sapling to the groom to plant it while the Brahmin chants the sacred verses. The Maiti tree has a special meaning to the bride and her family. This new tradition which expanded to 500 villages, blended with the culture without any large investment where the women of Uttarkhand played a key role in making this cultural movement a great success to preserve diversity and to protect the natural heritage of the Himalayas.

Chipko was quite successful in influencing government policy at both centre and state level. After multiple bans had been ordered on green felling in various regional forests, in 1980's this movement targetted a great victory when Smt. Indira Gandhi, the then Prime Minister of India, ordered a complete fifteen year ban on cutting down of trees above 1000 meters in the Himalayan forests which was further extended to the forests of Western Ghats and Vindhyas. This created a pressure for a Natural Resources Policy to meet the people's and ecological requirements. The movement took its foot steps to Himachal Pradesh in the North, Karnataka in the South, Rajasthan in the West, Bihar in the East and to the Vindhyas in Central India.

The active participants in this movement were primarily village women who fought for their livelihood and communities. Men were also involved too where some of them rouse as great leaders of this movement like Shri Sunderlal Bahuguna, Shri Chandi Prasad Bhatt, Shri Dhoom Singh Negi, Shri Ghanasyam Raturi and Shri Indu Tikeker. Shri Sunderlal Bahuguna, a Gandhian activist and philosopher, is a prominent man whose appeal to Smt. Indira Gandhi, the then Prime Minister of India, resulted in the green felling ban and whose trans Himalayan footmarch upto 5000 kilometres in 1982–83 helped in spreading the Chipko Movement. He is the person who coined the Chipko Slogan "Ecology is permanent economy", Shri Chand Prasad Bhatt, one of the earliest Chipko activists, who nurtured locally based industries for conservation and sustainable use of forest wealth for local benefit, Shri Dhoom Singh Negi alongwith Bachni Devi and many village women first protected the trees from logging by hugging them and coined the slogan - 'what do the forests bear? Soil, water and pure air.', Shri Ghanasyam Raturi, the Chipko poet, whose songs echo throughtout the Himalaya of Uttar Pradesh and Shri Indu Tikekar, a doctor of philosophy, whose spiritual discourses throughout India on the ancient Sanskrit scriptures and on comparative religion have stressed the unity and oneness of life and placed the Chipko Movement in this context. The prominent women leaders were Ms.Gauri Devi and Ms.Ganga Devi who formed vigilance parties to act as a watchdog on the axemen to protect the Reni forest from deforestation. Infact, the women of this movement were very strong willed, very creative and extremely empowered to protect the forests from deforestation even at the cost of their husbands and their lives. The women participation in the Chipko Movement not only protected the ecology and environment but also developed the world's consciousness on environmental aspects.

Infact, the Chipko Movement inspired Ms.Vandana Shiva for the development of a new theory called as 'Ecofeminism' which specifically explains the link between the women and the ecology. It inspired for development of literatures and discussions on 'Women and Ecology' which were in great demand

in the market. To be more clear, Vandana Shiva's Ecofeminist Movement brought imperialism inscribed in the colonial practices, into the center of the Environmentalist debate.

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Gaining moral support from the Chipko Movement, another environmentalist movement called Narmada Bachao Andolan led by Medha Patkar gathered popularity globally. It is the Narmada campaign which is to protect Narmada river against the construction of various dams on it in the state of Gujarat. However, it's main objective is to protect the rights of the people whose villages and livelihood will be submerged in the process of construction of dams on the Narmada river. The people strongly believe the proposal to construct such dams is unjust, iniquitous and the cost-benefit analysis is grossly inflated in favor of building the dams on Narmada River. Further they also believe that they are many other suitable alternative(s) to provide water and energy to the residents of the Narmada Valley, Gujarat and other regions which are expected to be socially just and, economically and environmentally sustainable.

In India, the collective movements connected with indigenous rights predate the Global Non-Governmental Organizations. Environmental activism in India is in the forefront of organizing movements for alternative ways of life because it became vital for the Britishers to make progress. It has been critical of the colonial imperative of progress, manifested in the commercialization of natural resources and the use of seemingly retrogressive modes of organization of land and collection of revenues that broke the backbone of the peasantry.

Non-governmental organizations (NGOs) which are strong supporters of Chipko Movements are increasing their influence on global and national forest policy. The functions of the NGOs are from promotion of wilderness protection and land purchase, through campaigning on issues such as old-growth forest logging and pesticides use, to the development of the coherent vision of forest stewardship. They are linked to the environmental existence being many ecosystems are undergoing an apparently inexorable degradation that Post-World War II worsened this situation and further the centralized governments rarely have the long term proposals to cater the needs of the local people. Forest NGOs are actively participating in the role of 'environmental conscience' helping in identification and publicizing threats to both the ecology and society. It's work received appreciation from both the Government and by those people who had a negative approach towards the work of NGOs in the past. Concerted action of the NGOs on the particular issue is capable to drag towards global attention. The growth of the modern environmental movements, following Stockholm Conference in 1973 observed many NGOs involving in high spirits against logging in natural forests, large scale dam construction, the use of pesticides and intensive forest management.

During 1990 NGOs nature of activity has been changed in different aspects like recognition has been increased that temperate and boreal forests are facing the serious environmental problems though the concentration is on the quality of the forests as the area under the trees. Further the participation is also more in restricting the logging for roads and occupation for offices. The entry of Greenpeace into the international forest debate through a series of high profile operations in British Columbia, Kare has drawn global attention to issues that were previously of only local concern and has increased direct action. More recently, some international networks are formed to work as liaison bodies between different NGOs, large and small, including Taiga Rescue Network in Boreal region and the Native Forests Network throughout the temperate countries. Infact, The 1992 Earth Summit and the subsequent spate of forest initiatives like Intergovernmental panel of Forests, World Commission on Forests and Sustainable Development regional criteria and indicator initiatives all provided fora for NGOs to engage with governments and intergovernmental bodies.

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The movement of Chipko Movement was carried on and became successful mainly through Public Interest Litigations. It resorted to demonstrations, pickets and letter-writing campaigns to draw public attention for the objective it was striving for and on the state of affairs it felt unjust and felt the need to reform for the benefit both in terms of environment and society. Tehri Bandh Virodhi Sangharsh Samiti campaigned against environmental degradation and loss of habitat for nearly 10 million people. Sastra Sahitya Parishad in the Kerala State was instrumental in the final giving up of a proposed hydro-electric project which would have drowned a rare rain forests known as Silent Valley.

Infact, Human rights is the basis for much of the work in which the Public Interest Litigation (PIL) or Social Action Litigation groups are involved in. Thus, Public Interest Litigation groups are litigated around rights where much of the research was done around rights and the law reform is based on the superior recognition of rights. Infact, the alternative tribunals tried to adjudicate on principles of rights. PIL was proved to be successful being it became a boom to the civil society for active participation in questioning public decision making, including decisions on political structure and democratic space. It became a weapon in the hands of the civilians to challenge and bring a change in the major public policy decisions and campaign for social, economic and political reform.

Chipko movement has an active reforestation programs stressing on ecological dependency of the local people upon the forests and the need to sustain the forest environment. During 1970s, the government of Uttarpradesh started reciprocating to the growing popular pressure, which was the result of the various fasts undertaken by Shri Sunderlal Bahuguna. Timber felling was temporarily prohibited in certain areas, the contractor system was suspended and organized felling was delegated to a newly formed government forestry corporation. Further, in 1975, the DGSS began a reforestation campaign. Foresters offered members of the sangh guidance on how to establish a nursery. Close collaboration rapidly became the order of the day and the Sangh became successful in bridging the considerable gap which still existed between the population and the forest service. The afforestation projects it regularly organizes achieved a high rate of successful growth, in contrast to government projects. Today, the Voluntary Afforestation Program conducting by DGSM is the largest one in India.

One of the significant approach of Chipko Movement is against the state policy of social forestry. During February, 1988 in the district of Chamba, thousands of eucalyptus saplings were dug up in a forest department nursery as a protest for the failure of the forest department to plant suitable trees for fuel and fodder, as the eucalyptus tree is not an ecologically sensible tree being it does not protect the soil or the villages from landslides. This is an accomplishment of the women of the Chipko Movement which are in great number and which maintained to continue till today.

In one of the earliest re-evaluations of India's forest policy, the Government of India initiated a massive, nationwide Social Forestry Program (SFO) in 1976 in an attempt to reconcile industrial forestry and the basic, forest-related needs of the rural communities. The State recognized 175 million acres wastelands, deforested or overgrazed private and communal lands to be made available for this program. The Program comprises of creation of strip plantations along roadsides and embankments, community based woodlots, using communal lands for mixed species planting and farm forestry or agroforestry related planting on private farm land. The various State Forest Departments are authorized to execute and supervise such various individual social forestry programs duly guided by a particular afforestation objective. Infact, social forestry was a path to introduce a community-extension orientation into State Forest Departments that adopted this program because States own their

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respective forest lands exercising considerable jurisdiction in terms of forest management approach though the nature of execution and supervision varied considerably from State to State. The State Forest Departments, in its attempt to involve local communities in such social forestry programs,

worked with the local government units (LGUs) or more particularly with the gram panchayats because it is necessary for the possible coordination of local needs with the state forest management.

The year 1970 is the beginning for the national government and various states towards experimenting with community-oriented approaches from which the Joint Forest Management evolved as a policy-based program to establish management partnerships among local forest dependent communities and the State for the sustainable management and joint benefit sharing of public forest lands. Realising the importance of Joint Forestry in response to a growing enlightenment among the public for effective protection of forests in the country, the Ministry of Environment and Forests, Government of India, decided to adopt the policy of Joint Forest Management through establishment of Joint Forest Management Monitoring Cell. Further, on 1st June, 1999 the secretary of Ministry of Environment and Forests issued a circular to all the States and Union Territories Forest Secretaries stressing the need of participation of village communities and voluntary agencies towards reforestation of degraded forest lands and also laid guidelines to provide usufructuary benefit to the village communities towards such participation in the afforestation programmes. In this context, Usufructuary benefit means that the beneficiaries or NGO's shall be given usufructs like grasses, lops and tops branches, minor forest produce and a portion of proceeds from the sale of trees on maturing basing on the terms and conditions as decided by the State/UT Governments.

These developments were successful experiments and a departure from the commercial objectives of the old policy. With this inspiration, thousands of forest protection committees existed in different states and the joint ventures continue to exist. However, the success of these committees or ventures mainly depended on the attitude and behavior of forest officials at all levels.

In September, 2001 Villagers who participated in Chipko Movement of the seventies from Advani Village in Tehri district protested against the felling of trees and stalled work on the power transmission lines from Tehri Dam. This is because the Power Grid Corp., decided to cut out two corridors, each of 95 meters wide, for the construction of the high tension lines for which thousands of pine and sal trees from a forest more than a 100 years old be logged.

Each confrontation of Chipko Movement was non-violent and successful. This resulted in gradual development from a protective movement to prevent the Commercial clear-cutting to the broad movement for ecological and human rights of the hill people and for adherence to a conservation ethic. Infact, its expansion developed two sections within Chipko - one towards protection of existing forests from deforestation and the other for promoting afforestation and development of sustainable village production systems based on forests and agroforestry. The latter section is led by Shri Chand Prasad Bhatt, one of the original organizers which has joined subsequently in the Ministry of Environment and others to organize "eco-development" camps for massive tree-planting campaigns, which achieved 85-90% survival rates.

**CHIPKO MOVEMENT DEMANDS AND ACHIEVEMENTS :**

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All tree felling in the sensitive watersheds must be banned and there should be large scale plantation. The trees must not be cut for construction purposes unless it is ascertained that this does not affect the eco-system adversely. In such areas, the forest conservation system ought to aim at protecting the forest land and the water resources, as well as in balancing the climatic features.

The contract system should be immediately stopped and rural organizations and labor co-operatives should be established to replace them. The local hill people must be actively involved and consulted in

any work related with the forests. Such organization and individuals should be provided with relevant training and guidelines.

The daily needs of the forest dwellers in the region should be duly evaluated and they should accordingly be given reasonable rights over the forest resources, Forests must be surveyed properly in order to know their exact condition as well as to evaluate the rights of the natives.

Rural industrial ventures, based on the forest resources of the region should be executed by involving the local available work force. Towards this assistance must be provided to enable them to obtain the sufficient raw material, finance and technical know how.

The denuded hills must be regreened through afforestation drive on a war footing. Again, the local must be involved and encouraged to take up forest-farming (agro-forestry). Efforts should be made to foster love and affection among the local people towards the trees and plants.

A detailed geological, ecological and botanical survey of the hills should be carried out before any heavy construction or execution of forest department working plan.

These demands are not hollow; they have achieved results like the following:

Commercial forest felling is completely banned not only in the Alaknanda basin from where the Chipko movement was started but in the whole Central Himalaya. This ban is continue till today.

A recent satellite remote sensing study conducted by the Space Applications Center, Ahmedabad show that the forest cover which was lost due to commercial felling between 1959–1969 has nearly been regained in the sensitive catchment of the Upper Alaknanda river. This could have been achieved due to the motivation and participation of the local people.

In February 1980, the Uttar Pradesh forest department sent directives to revise its working plans with a view to harmonizes them with the notion of the "sensitivity" of these areas. Though their definition of sensitivity is at variance with ours, but atleast they have started realizing this vary crucial fact concerning the Himalaya.

In 1975, the Alaknanda Soil Conservation Division of the U.P. forest department came into existence in Chamoli in order to undertake the Himalayan task of rejuvenating the barren slopes. The next five years witnessed functioning the Civil Soyam Forest Division in the entire Central Himalaya. In order to intensify such steps in Chamoli, the Upper Ganga catchment has been established with the objective

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of evolving planning for the security and safety of the small rivers and rivulets against soil erosion and landslides as also in afforestation drive.

Source :nvsecase.htm

The main indication of empowerment as a result of Chipko has been the increasing and the effect of village level women's organizations called Mahiula Mangal Dals (MMDs). Irrespective of the intentions of the Chipko workers, the women who participated in the Chipko meetings, protests and other programs became aware of their strengths and began demanding a share in the decision making process at the community level. All this resulted into emergence of several forest management initiatives in India where some are initiated at the State level while some are at Panchayat level. By 1998, around 10,000 of these types of initiatives are in existence covering about two million hectares of

degraded forest land. Chhaya Kunwar of the Himalayan Action Research Center of the village of Bacchair which constitutes all-women forest members, though it is not legalized to manage their natural resources being the center is at village level institutions, sets a suitable example for the successful forest management. Further, at the Conference on Women in Beijing, one of the five commitments made by the Indian Government recognized the contribution of grassroots women's groups in natural resource management and ensured women's participation in the conservation of the environment and control of environmental degradation, which is still to be executed. Likewise, women's organizations in the process of enriching their immediate environment are a step forward to influence the International Environmental Movement to increase the environmental awareness at the world-wide.

A historical chapter opened in the last quarter of the century on June 01, 1972, when a U.N. Conference was held in 'Stockholm' on human environment and subsequently followed by more and more summits for the nature conservation to posterity. The historical 'Earth Summit' on environment and development in 'Rio de Janeiro' Brazil from 3rd to 14th June, 1992 which was a biggest stride having broad based ramification in the environment from further deterioration. All associated nations of the globe assembled under one roof to bring under deliberation the most challenging threat to which 'Mother Earth' is confronted with. This being the call of the hour to protect and faithfully defend the natural resources whatsoever left to the posterity and to add to it more forest campaign for tree culture and afforestation if human life at all has to survive on this only bio-cushioning planet 'The Mother Earth'.

However, the world's forests continue to deteriorate despite international efforts because the deforestation rates in tropical countries are increasing, sustained management is rare, matured forests are being replaced by even-aged simplified stands and international standards are of limited use. However, some of the most important promising avenues are being stimulated, nurtured and implemented by non-government institutions including private business interests.

Nevertheless, normally in such peoples' program there are always some setbacks mainly from vested interest groups within the village and outside. Such setbacks may be dealt with though it is difficult to solve by open debate on the merit of any new program. For example, when decisions are made about a direct action, DGSM takes people into confidence along with their consent as to how one should proceed with. It is a collective approach and becomes feasible due to the informal structure of the

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Chipko Movement. Though the initiators are the collective workforces of DGSM, however, finally the decision is finalized in open assembly during the village level meeting and off late in the Eco–development camps.

The demonstrations, state level achievements and the popularity gained through Chipko Movements, resulted some change in the social consciousness among the people. In a broader perspective, India is already in the stage of change in consciousness among the people in the opposite direction, towards the neoliberal (i.e, traditional liberal concerns for social justice with an emphasis on economic growth) model of development where Chipko activists caused people to stop and reconsider their directions in some areas like agroforestry (i.e., use of land in which harvestable trees or shrubs are grown among or around crops or on pastureland as a means of preserving or enhancing the productivity of the land). Thus, these movements are exhibiting how the resource–intensive demands of development based on short–term criteria of exploitation have built–in ecological destruction and economic deprivation.

While addressing the Chipko Movement, the following are to be taken for understanding:

1. Is Chipko a movement rooted in economic conflicts over mountain forests or guided by ideas of deep ecology?

Documented evidences from the movement sources do not indicate any influences of the brand of thinking known as 'deep ecology'. Dependable historical account of this widely written about movement is, surprisingly, scanty. Among the early writers on the history of the movement, Bandyopadhyay (1992) as well as Guha (1989) have not indicated any link with 'deep ecology'.

2. Is Chipko a social movement based on gender collaboration or a 'feminist movement' based on gender conflicts?

In the early literature on the Chipko Movement no serious questions were raised about the movement being based on gender conflict. There was no lack of recognition of then fact the issue of forests in the Garhwal and Kumaon Himalaya touches the women much more intensely than the men. It was not a question of planned organization of the women for the movement, rather it happened spontaneously and the men were out of the village so the women had to come forward and protect the trees. The presence of large number of women in the forest action at Reni, and the large scale participation of the village women have led to some analysts claiming Chipko to be a 'women's movement'. However, inspite of that, Shiva (1992) identified Chipko as a 'women movement' though no activist woman from the movement has made any such claim.

3. Has anyone in the Chipko movement actually hugged trees at the risk of her/his life and not for waiting photographers?

All the photographs of 'Chipko Actions' represent enactments. When the only reported incidence of embracing trees to protect them from felling occurred in Salet forests in the Garhwal Himalaya, and human life was at risk, there was no photographer around in the remote mountain forests.

Source : bandj99a.htm

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The initial start of the Chipko Movement was with the conflicts over mountain forests between the economic interests of the mountain communities and the ecology of the plains. This fundamental basis gradually resulted from contract system of felling being stopped to the establishment of public sector Forest Department Corporation. The fellings were then onwards undertaken with the help of local village cooperatives.

Chipko though not in original form still continues in the form of the traditional custom of tree hugging besides taking part in more project oriented work including large-scale educational work with local governments. Women are still the active participants of the Chipko Movement because they are the ones' who are mostly involved in agriculture and connect deforestation with environmental and society problems. Infact, they are the first to identify the environmental problems with deforestation and fought against commercial logging and development. They are the tough fighters in the protection of forests. As a women's movement, Chipko Movement is still continuing to fight for proper forestry policies.

Environmental Harm, i.e.,harm to forests, wild life, etc, effects not only the private individual but the society as a whole. A conflict pertaining to environment goes beyond the individual and acquires the dominion of public law. There exists five legal remedies for individual citizens of India towards environmental harm such as constitutional remedies, civil litigation, criminal prosecution, citizen suit under environmental statutes and judicial review of administration.

**Constitutional Remedies :** The subject of forests was included in the State List in the seventh schedule of the Constitution. But during the emergency, the subject was transferred from the state list to the concurrent list through the 42nd amendment to the Constitution. After the transfer of forests from State list to Concurrent list, the Government of India promulgated the Forest (Conservation) Ordinance on 25th October, 1980 prohibiting the State Governments from allowing the use of forest lands for any other purpose without the approval of the Central Government. Such ordinance was later on passed as The Forest (Conservation) Act, 1980 duly amended in 1988 in which the state governments were prohibited to allocate in the form of lease or otherwise any forest lands or any portion thereof, to any private person or authority not owned, managed or controlled by government without the previous sanction of the Central Government.

India is the only country with constitutional provisions for environmental protection. These are incorporated vide Article 48A and Article 51(A)(g) in the Constitution of India by the Constitution (forty-second Amendment) Act, 1976. Article 48A is a directive principle of the State which states that the "State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country". Article 51(A)(g) is a fundamental duty of a citizen where the citizen of India has a duty to "protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures". Infact, as per the Article 21 of the Constitution of India, right to clean the environment is a part of the right to life as examined by the Supreme Court in the Subhash Kumar vs. State of Bihar case. Accordingly, Right to life is a fundamental right under Article 21 which includes right to enjoyment of pollution

free water and air for full enjoyment of life". It further ruled that "if anything endangers or impairs that quality of life, in derogation of laws, a citizen has a right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life.

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The courts rely on these articles for adjudicating many cases pertaining to environmental matters.

The 73rd amendment to the Constitution of India and the recommendations of the Bhuria Committee appointed by the Government and the Panchayat Raj (extension to the scheduled areas) Act of 1996, several states have made provisions for panchayat raj institutions in the scheduled areas giving them wide powers of control over the natural resources including land and forest produce though some states tried to curtail the rights of these panchayats like Maharashtra Act omitted the apta, tendu leaf and bamboo from the list of minor forest produce.

**Civil Remedies:** Civil Remedies for environmental harm in the common law system are based on the principles of the Law of Torts. Civil remedies available are similar to the citizens of United Kingdom, United States of America and India. The different kinds of torts connected to environmental pollution are negligence, trespass, nuisance and the rule in Rylands vs. Fletcher case. The civil remedies may be either in the form of damages, injunctions or declarations.

**Criminal Remedies:** The deliberate acts of pollution are crimes as per Common Law. In ancient days only the pollution of rivers, streams, ponds and wells are visualized under the Criminal system. However, when specific statutes were enacted for the regulation of environmental deterioration, certain activities were alone said to be the criminal offences. The criminal remedies in India are, in addition to the state machinery for prosecution, an individual can institute proceedings against an offender who violates the penal provisions. But prosecutions for certain offences can be instituted only as per certain Statutes like in the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 the court can take the cognizance of the offences on a complaint by the Pollution Control Boards or its Authorized Officers.

**Remedies under Environmental Statutes:** In India almost all major environmental laws have citizen suit provisions for instituting criminal prosecution for the offences specified therein. The citizen suit is a recent innovation in the legislative field which enable a private citizen to initiate proceedings for violation of legal provisions and for compelling the authorities to enforce the statutory provisions properly.

**Judicial Remedies for Administrative Action:** Regulation of the environment is accomplished through the administrative agencies established by law where such agencies deeds and misdeeds are to be controlled. Judicial Remedies in the United Kingdom, United States of America and in India are aimed at judicial control of administrative actions. The courts intervene in the administrative actions of the executive if such actions are ultra vires, unreasonable, malafide, inconsistent with the rules of natural justice and suffering from procedural irregularities. The judicial control of administrative decisions becomes necessary to protect the citizens from usurpation or unbridled exercise of power. Judicial control is achieved through the mechanism of issuing writs such as certiorari, mandamus, prohibition and quo warranto as specified under Article 32 of the Constitution of India.

Class actions and representative actions are the special procedures which enables the class having the same interest to sue or to be sued. In the case of environmental harms, being the effected class have the same identical interests and since their grievances are common, class action or representative action is the most suitable form of litigation for redressing their grievances. In the

Bhopal tragedy case, the Government of India filed a class action suit on behalf of all the victims as per the provisions of Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 by which the government assumed *parens patriae* jurisdiction.

Admittedly and beyond any shadow of doubt, the forests of India rich in the past which lost most of its richness due to inefficient and mismanagement. With the advent of Independence and being well versed with the importance of forests on ecology and society due to various environmental protection movements like Chipko Movement 'The Indian National Forests Policy' was formulated which highlighted that minimum of 33.3% of the total land should come under forests. Even prior to this policy, many Forest Acts, Policies, Amendments, Repealings during British rule came into existence in the years 1878, 1890, 1891, 1901, 1991, 1914, 1918 and 1920. However, the Indian National Policies so formulated from time to time after independence laid down a unique formation having uniform enactments like The Environment Protection Act, 1956, The Forest Conservation Act, 1980, The Wildlife Protection Act, 1972, etc, at all levels except at few stages where the people formulated their own Forest Acts and laws made thereunder, or related Acts thereto. The Wildlife Protection Act, 1972 was enacted being nearly 4.5% of the total land in the country is covered under protected areas which is classified into national parks, wildlife sanctuaries and protected areas. The Act administers these areas placing several restrictions on the residents of villages in these areas and attempts are made to relocate these villages outside the areas which are met with strong opposition from the residents and by facing violent conflicts in many areas. Further, the government placed severe restrictions on the hunting of animals included in the list of wildlife species, as also a number of economic activities, due to pressure from the World Bank and the environmental protection fund agencies, which resulted into shelving of development projects in these areas. Currently, the Wildlife Protection Act, 1972 undergone several amendments and became The Wildlife Protection Act, 2002. The Environment inclusive of forests, its wildlife, biosphere, eco-system, air, water and soil, through legislations and enactments has been fortified and made more stringent. Yet it is not upto its expected mark being there is brutal application of forests under the influential shadows like mushrooming of forest mafias, hunters, poachers, green fellers, etc.

The Environment been heartlessly disturbed from "Mountainous Himalayas" down below Gangetic Valley and Southern-tip (North-South), and Assam to Rajasthan (East-West) being the fresh and green mountainous regions are under rapid deforestation replacing them towards commercialization or money making. Also, the air pollution coupled with noise and river pollution are the man-made hazards which in one way or the other also became the growing peril to the environment. This scenario is 'World-Wide' with no exceptions. Though in present scenario, every country is enlightened with the importance of forests on environment and society and been put in constant pressure to formulate and implement various afforestation schemes on the fast track, yet the result is yet to be seen being the ecological imbalance is still a burning issue in the society.

"Environmental Protection' is the call of hour not only in India but world-wide being each and every nation should rise from nap and give utmost importance and efforts to the possible afforestation and to prevent complete deforestation so that the impact of unforeseen serious negative climatic changes on the survival of living creatures can utmost be avoided.

The Conservation and regeneration of forests is primarily a social problem rather than a biological

problem. In India as elsewhere, Visheswar Dutt Saklani's afforestation project, in which oak trees were planted at suitable sites, was impressive evidence of this. The great work performed by Chipko activists was to call attention and to expose the long-running conflicts between local population and foresters. Today, the Chipko Movement no longer exists in its original, influential form but increasingly appears to be assuming an almost mythical status, perhaps destined to take its place among the many myths found in Himalayan culture. Yet it will undoubtedly remain as a symbol of non-violent action in the forest. As such, it has already had a further incarnation in the Amazonian region of Brazil.

However, the history of forest legislation in India and the difficulties faced by the tribal and other forest dwelling communities due to these legislations stresses the need for immediate and effective remedy to overcome such difficulties. It may be noted that the Environmentalism in India emerged from the failed promises of the nation state.

M.Aparna, CS (Inter), LLB, M.Com

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**By Hans Peter Oswald**

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