

Destroying Forests for Profits*

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The Modi government, ever solicitous of corporate interests, has launched a plan whereby real estate developers and other corporates will be allowed to destroy large swathes of India's forest cover for starting projects that rake in profits. It is amending the Forest Conservation Act to remove those forest patches that are not deemed as such by the government from protection under the Act.

It may be recalled that in 1996, the Supreme Court had given an order according to which every patch of forest, no matter who owned it, had to be protected, irrespective of whether the government's records recognised that patch as a forest. This was in response to the fact that the government's records were woefully incomplete and its definition of what constitutes a forest was utterly vague and non-uniform across states. The court had also asked that expert committees be formed in every state to identify all forest patches within the state that were not recognised to be so in official records and to accord them official recognition so that they could then be protected under the law.

Even by 2014 however, that is a full eighteen years after the Supreme Court order, according to information accessed by a journalists' group, many state governments including Haryana, Bihar, Gujarat and Maharashtra, had not taken any steps to identify forest patches and incorporate them into the government's records. This fact has provided a handle to the central government to amend the law itself and withdraw all protection from forests that government records do not recognise as such.

This clearly is a violation of the essence of the Supreme Court order. Instead of asking states to comply speedily with the court order so that there can be proper protection of all forests, or even setting up an expert committee of its own to report on the magnitude of unrecorded forest patches within the non-reporting states, the latter's non-compliance has been used as an excuse to abrogate the thrust of the court order.

The union environment minister Bhupendra Yadav has defended the amendment to the Forest Conservation Act on the ground that there was a fear that private plantations would get included under the definition of forests, which would deny plantation-owners the freedom to use their land for other purposes if they so desired, and that this fear prevented the growth of private plantations and hence of green cover. It is to remove this fear and extend the green cover that the government was amending the Act!

This clearly is an utterly specious argument for at least two reasons: first, it adduces a reason for the lack of growth of plantations, namely a fear in the minds of potential plantation-owners, for which there is no independent and empirically-based evidence; and second, a problem whose resolution would have required at best only a more precise set of definitions for distinguishing between forests and plantations, has been used to scuttle an entire law, for which there was no need whatsoever. Clearly the government's intent was different: it was not the protection of the entire forest area of the country but the opening up of large chunks of it for commercial use.

The environmental damage that such opening up would cause, is immense. The government of course has not revealed to the public what exactly is the coverage of forests according to the official records, because of which it becomes difficult to estimate how much of forested area would now be thrown open for commercial use, but knowledgeable sources are apprehensive that it would be quite substantial. For instance, the forests covering the Aravali range that fall within Haryana are not recorded officially as forests, and they would become open for commercial purposes; their proximity to the capital would make them an attractive location for commercial projects which would take away much needed greenery from the national capital region.

But quite apart from the environmental damage that such commercial exploitation of forest land would cause, there is also the question of the livelihood of the forest-dependent population. Many people depend upon the collection of minor forest produce for eking out a living; a destruction of forests implies for them a destruction of their present livelihoods with no alternative source of livelihood being provided by the government. It would become a powerful cause of destitution for them; they would become victims of a process of what Marx had called primitive accumulation of capital. Not surprisingly, many organisations representing dalit and tribal groups have voiced strong opposition to the Modi government's amendment of the Forest Conservation Act.

But the specific case of forest lands being thrown open for commercial use, is part of, and highlights, a broader issue, namely the need for socialisation of land-use in a country like ours. Land is not just a scarce resource; it is a resource whose supply is not easily augmentable over time. How land is used therefore becomes quite crucial for determining what happens to employment, food security and other such social objectives. Since the pattern of land-use is so important for the achievement of social objectives, this pattern cannot simply be left to the market. Even if land is not socially owned, land-use must be socially determined, which after all was the logic behind the Kerala government's legislation controlling the diversion of paddy land for other purposes.

What this means is that even if the prospective buyer and the seller of a piece of land are agreed on a certain transaction involving land-sale, that sale should be allowed only if the use to which that land would be put after the transaction, if different from its current use, is socially approved. The Supreme Court order in 1996, totally prohibiting the diversion of forest land for other purposes, no matter who owns it, can be seen as a specific instance of the application of this general principle. That specific instance is one where there would be immediate and general agreement for curtailing the operation of the free market; but the need for curtailing the operation of the market is much wider and follows from the simple principle that the safeguarding of private interests is not necessarily conducive to the protection of the interests of society at large.

In fact in the case of land-use, and in the context of contemporary India, the protection of private interest and the protection of social interest would be generally opposed to one another. This is because the pull in the market would be for the diversion of land from uses catering to the needs of the many belonging to the working poor, to real estates and golf courses which cater to the needs of a few.

The precise mechanism that can be erected in a society like ours for ensuring the social determination of land-use, need not detain us here. An obvious mechanism would be if a State-owned corporation has the first right of purchase over any land that comes to the market; it can then sell the land to a buyer who would use it only for “approved” purposes; or, alternatively, it can permit a sale only if it is for use for “approved purposes”, with any transgression rendering the transgressor open to penalty.

The Modi government’s entire thrust however is in the opposite direction, to alter the pattern of land-use in the direction dictated by the market. This is what primitive accumulation of capital entails: it does not only mean a concentration of ownership, from scattered petty ownership by many, or from communal ownership, to large-scale private ownership by a few; this change in ownership is typically also accompanied by a change in the purpose for which the land is used, a change from production largely for use (on the part of the petty owners) to full-blown commodity production (on the part of those to whose hands land has passed).

The three infamous farm laws were meant to achieve a similar end, viz. to shift land-use away from producing foodgrains for own consumption, or for national consumption via sales to the Food Corporation of India, towards producing cash crops for the metropolis. Now, the amendment to the Forest Conservation Act seeks to do the same: shift land-use from forests towards real estate or other commodities demanded by the metropolis or by the domestic rich, while excluding the forest-dependent population from the produce that sustains them.

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