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MONTHLY JOURNAL OF DEENDAYAL RESEARCH INSTITUTE, NEW DELHI

निर्भयव्यवहारविज्ञान: (वीसद्विमासिक 8-6-23) Churn on diligently

Vol. VIII

No. 12

DECEMBER, 1987

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'MANTHAN' Monthly

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Subscription :

Life	: Rs.	1,000
Annual	: Rs.	50
Single Copy	: Rs.	5
Foreign (Air)	: £ 15 or \$ 25.	

Dear Reader :

Namaste !

While the Defence Budget is going up and up all the time, little attention is being given to the quality and morale of Defence personnel. In the paper read at the USI-Editors Guild Seminar, Brig N.B. Grant presented the problem and offered some remedial action. Here it is.

Everybody talks of the energy crunch; of the falling forest cover, denuding the land and creating an acute fuel shortage. But again nobody is doing anything practical about it. Recently the Indian Law Institute submitted to the National Wasteland Development Board and the Ministry of Environment, a 6-volume report on Amending the Forest Laws. The main recommendation is that the country needs a new Forest Law, to encourage afforestation. The old law favoured the forest contractor, the industrialist and the revenue collector—but not the village tree-planter. Here we carry a summary of this report by Chhatrapati Singh.

We hope the authorities will wake up to this burning problem before it is too late.

Last year's January issue was a Bhakti Special. This year's will be a Sufi Special. The subject is vast. And all we can do is to sample the influence of Sufi thought on Indian literature. You will very much savour it!

Yours sincerely,
'M'

Sita Ram Refutes Vasant Sathe

In the Illustrated Weekly of India 21 June 1987, Vasant Sathe wrote that the prayerful offering of water etc. to Shivalinga was the ancient way to keep private parts clean! He said :

"According to me, the flow of the water over the Shivalinga is symbolical of hygiene. Otherwise, what would it symbolise? Of course, historically or mythologically, it is said that the Ganga fell from the head of Shiva. But I am talking of the Shivalinga. How will you co-relate it? I try to co-relate it with a feeling of hygiene, cleanliness.

"In modern times we have tried to emphasise cleanliness too. Respect, reverence, cleanliness. These three things are put together. But see what is happening today. We hear so much of venereal diseases. And why is that so? It is mainly because there is ignorance regarding the concept of hygiene.

I have a feeling that our seers in ancient times tried to educate even the common man in the larger sense of education through symbols."

We consulted Shri Sitaram Goel, distinguished scholar, who writes:

"The piece by Sathe is out of his hat. There is no Shastrika sanction for such explanations. Patram, pushpam, phalam, toyam (leaf and flower and fruit and water) are offered to all Hindu images. All of them are given a bath. The Shivalinga is no exception. Image worship is a vast subject to which Hindus have devoted many compendiums. Sri Aurobindo, Ananda Coomaraswamy, Alice Boner and V.S. Agarwal have written on it in modern times with a deep understanding. One need not go to pseudo-scientists and petty politicians for knowing the meaning of a particular puja.

"It is because we Hindus are ashamed of image-worship as of so many things—in the face of aggression from monolatories like Islam and Christianity, and because we have lost contact with the deeper strains of our own spirituality, that we go in for apologetics *a la* Sathe. The Arya Samaj did it on a large scale till all our scriptures became books on physics and chemistry. Superficial rationalism of this sort in spheres spiritual, leads to Uchedavada in the long run. Go to Mahatma Gandhi whom I have been re-reading with great profit."

□

The Problem of the Indian Soldier's Alienation from the Indian Society

By : Brig. N.B. Grant

FROM TIME IMMEMORIAL, society in general, and the Indian society in particular, has always been divided into four distinct groups, namely, Brahmins, Vaishyas, Sudras and Kshatriyas. Although the distinction between the first three has now narrowed down with time, society still looks upon the fourth category viz. the Kshatriyas, as a class by itself which is distinct and alienated from civilian life. The aim of this paper is to examine the factors which have perpetuated this in the Indian context.

Society in all countries, has imbued the soldier with sterling qualities of character such as patriotism, integrity, courage and self-sacrifice. In this respect, although some lapses of character may be accepted amongst civilians, they can never be forgiven in a soldier. The latter is expected to have a higher sense of duty and moral character than his civilian counterpart. This aspect, however, is difficult to understand from a purely psychological point of view. For, if two men are raised in the same environment, brought up in the same home and educated in the same institutions, generally they should normally be expected to have similar characteristics and mental make-up. Yet, if one of them should join the army, he is automatically expected to behave and act differently from the other who is a civilian. On the face of it, this does not seem logical. Nevertheless, if a soldier has to fight and, in the process he is willing to die, he must have these characteristics ingrained in him. This can be achieved only if the

reputation and prestige of the soldier is built up to make him feel morally superior to his civilian counterpart.

Studies of wars have amply proved that, ultimately a soldier makes the supreme sacrifice not because he is more courageous or more patriotic than his civilian fellow mate; he does not do it for the army pay he receives; the only reason he dies without batting an eyelid is because, he believes that he is a superior being and, as such, cannot let himself down in the eyes of the nation. The question, therefore, arises, as to how this feeling of superiority can be inculcated in the soldier in peace-time, so that it becomes part and parcel of his entire make-up and automatically manifests itself during a crisis in battle. Not very long ago there were only two categories of soldiers—the commissioned officer and the other ranks. The officer, whether a Second Lieutenant or a General, enjoyed the highest privileges that his country could afford, and he was automatically accepted in the nation's topmost society without reservations. Irrespective of their rank, socially, all officers were considered equal and they maintained a standard of life for the rest of the nation to copy. Even in those days, an officer could not afford this standard, only on his army pay; however, the "people" made up for this by affording him privileges like concessions in travelling, entertainment and membership of clubs etc. In short, the nation saw to it, that at every stage, in the eyes of the people, the military officer's dignity and prestige was maintained at the highest level at all times.

Today the Soldier ranks lowest in the marriage market

In those days it was insisted upon that the military officer had to travel by the topmost class of transport, had to stay in the topmost hotel, and could only be allowed to occupy the topmost seats in cinema and other places of entertainment. These things are now the privileges of business firms and industry, who insist on their officers maintaining the same high standard of living which once the military officer was expected to observe. In no other profession, however, is the prestige and the feeling of superiority more important than in the fighting services.

While the relative importance of different motives for a man joining the armed forces is difficult if not impossible to reconstruct, an official questionnaire study of about 8,000 graduates of West Point, USA, concluded that, "relative to compelling factors for entering West Point, almost all indicated that honour and prestige was the most important reason." Whether one enters the military service because of a sense of mission or for career reasons, constant pre-occupation with fighting engenders a distinctive self-conception. Military honour and prestige has always meant that officers were gentlemen.

They have also come to believe that, in some respects they are superior to the bulk of the population. More secretly than publicly they hold the self-conception of standard-bearers and conservators of great traditions in a changing social environment. In a free enterprise society, the military profession naturally cannot compete with the private sector in mone-

tary rewards for its members. In such a society, however, there is a widespread belief among military professionals, that their standard of living has not been adequately maintained since the end of the hostilities in 1971. They seem to be beset by a sense of subjective deprivation, and feel that the material welfare of the rest of the society is somehow advancing more rapidly than their own. The place of secondary importance to which society relegates military affairs in peacetime, means, inevitably, that the best brains and the most enterprising and ambitious young men would not seek to make the profession of arms as their career. This ostracism by society of the military has now reached a stage, where the soldier finds the last place in the marriage market.

Today there is a reluctance on the part of the youth of our country to join the armed forces, as will be seen from certain statistics given below for the year 1979-80 :-

(a) *IMA*. It is understood that only 70% of vacancies were subscribed. The percentage regarding the technical arms is still lower, namely, about 50%. An analysis of the quality of intake to the *IMA* for five courses prior to the compilation of Army Headquarters proposals to the Third Pay Commission showed that, 88% of the candidates were in the lowest acceptable grade.

(b) *OTS*. It is understood that, only 30% of the vacancies have been subscribed.

(c) *NCOs*, 20% age from those who university of Service the category the univer for the Se into a goo years hard has joined

It is in 1971 eme Commission Class I civ manent co single offi Army. A bleak care been a ste officers see statistics of the offic are going seek bette will be of such a l competent on the Services, a in the over

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(c) *NDA*. 30% were sons of JCOs and NCOs, 20% were sons of civilian parentage from sainik schools, 40% were of those who did not make the grade for university education. Only 10% were sons of Service officers, of whom 9% fell under the category of those who could not make the university, and only 1% volunteered for the Services inspite of getting an entry into a good university. For the past 2-3 years hardly any son of a general officer has joined the *NDA*.

It is interesting to note that, after the 1971 emergency, out of 46 Emergency Commissioned Officers selected for both, Class I civilian services and also for permanent commissions in the Army, not a single officer opted to continue in the Army. Another adverse feature of the bleak career prospects in the Services has been a steady increase in the number of officers seeking premature retirement. The statistics reveal that, nearly one-fourth of the officers retiring from the Services are going out on premature retirement to seek better career prospects outside. It will be appreciated, that the exit of such a large number of experienced and competent officers is a heavy drain on the manpower resources of the Services, and would be quite unacceptable in the overall interest of national security.

The uncertain future in the Services, because of lack of adequate career opportunities, also has an adverse influence on the morale and motivation of serving officers. The stagnation in the middle rank and fear of early retirement, creates a syndrome of anxiety psychosis

with its detrimental effect on efficiency and productivity. One of the strongest motivating factors is the urge of an individual to reach his full potential and level of competence. The lack of openings in the Services at the higher echelons deny him this legitimate need, causing deep-rooted frustration and affecting the quality and output of his work.

In the past, officers of the armed forces were traditionally drawn from the land-owning or wealthy classes, and the other ranks from the yeoman stock. Therefore, there was no problem of their rehabilitation, as the officers on retirement went back to their estates or lived on their private income, and the other ranks went back to the land. With the ushering in of the new social order, the type of intake into the armed forces, both of officers and other ranks has materially changed. Officers and men now come into the Defence Services for careers and depend only on their pay and allowances for their livelihood. Therefore, the problem of rehabilitation of armed forces personnel, thrown out of employment at an early age, is a very real one, which merits earnest consideration.

The British, by skilfully exploiting the honoured position which traditionally has been accorded in this country to the profession of arms, and by taking steps to extend the Raj's patronage and enhance the *Izzat* of Servicemen, conferred on the latter a privileged position in society to a far greater extent than is feasible or even desirable in a state wedded to parliamentary democracy. This

*Our Defence Services are not
attracting the best human material*

Many of our cantonments are big cities by themselves

enabled the British administration to attract a high standard of recruits, on terms and conditions of service which were cheap even by the standards then prevailing. Today to attract recruits of the high calibre required to produce an efficient Serviceman of this modern era, it is necessary to not only offer reasonably attractive terms and conditions during their military service, but also to ensure for their worthwhile employment after release for the remainder of the normal civilian working span.

One of the strongest motivating factors in any organisation, is the urge of an individual to reach his full potential and level of confidence. The army is the only service, where even officers who have been consistently assessed as 'above average' and have been placed on the select list for the next higher ranks, have to retire because of lack of suitable higher vacancies available. The lack of openings at the highest echelons within the Services and jobs outside the Services when he retires, denies the army officer this legitimate need, causing deep-rooted frustration and affecting the quality and output of his work, and fresh entry into the Services.

A study conducted recently reveals that, both in the socialist as well as capitalist societies, a higher proportion of high and middle calibre persons join their armed forces than is the case in India, where massive unemployment co-exists with lucrative and attractive employment opportunities for the comparatively small proportion of high and middle calibre persons.

National security is intimately connected with national survival. Modern weapons of war are both very expensive and sophisticated. The Defence budget constitutes the largest area of government expenditure. In the light of these facts, it is but imperative that the Services must have a fair share of the talent available in the country, and should not be relegated to a position of recruiting only those who cannot find a career elsewhere.

In any future war, the soldier will gladly again make the supreme sacrifice to safeguard the security of the nation. The nation in turn owes it to the soldier to give him security of service during peace. The present career pattern does not give him that.

Before Independence, the military invariably stayed in cantonments, which were always looked upon as the bastion of British rule in India. They were an entity by themselves, and remained separate from the mainstream of our national aspirations and culture. Although we have since become an independent sovereign republic, with a constitution as our own, the old laws governing cantonments still remain, although by now they have become completely out of tune with the present context of our democratic way of life. The aftermath of the Chinese and Pakistan wars has projected the whole nature of cantonments into a sharp focus, and lot of criticism has been made against their very concept.

The fundamental difference between the location and the administration of

cantonments in our country and in other countries was, and is, that whereas in the latter these were located strictly from the point of view of training, and away from big towns, in our case, cantonments were invariably located adjacent to big cities and garrisoned for frontier defence and internal security role. Thus in other countries, the so-called cantonments were really training establishments, located within the civil administrative jurisdiction of the neighbouring small towns distributed all over the country. In India, on the other hand, cantonments were miniature, or even major, townships by themselves, and were administered under special laws enacted for the purpose. Whereas for example the US posts or installations catered for special facilities to Servicemen such as medical care, shopping (PX system), education, religious institutions and recreation, all of which are quite common to military establishments anywhere, in our country, these catered for subjugating the civilian native to military discipline. To quote the language of Bengal Regulation XX of 1810.

"From the great number of native retainers and followers attached to military establishments in India, and the importance of a prompt and orderly discharge of their duties to the welfare of the troops, to bring them also to a certain extent, under military discipline, it was necessary that stricter rules must be enforced to the limits of cantonments, including the bar areas attached thereto."

To enforce the above, special rules were made governing cantonments in

India, and which amongst other things duplicated the following functions of a normal civil municipality :—

- (a) The appointment of a special cantonment magistrate;
- (b) The creation of a special cantonment police;
- (c) Imposition of special cantonment taxes;
 - (d) Special regulations governing—
 - (i) the ownership of land and property
 - (ii) execution of contracts
 - (iii) consumption of spirituous liquors
 - (iv) construction and maintenance of buildings and roads
 - (v) supervision of public water supply, markets and slaughter houses and
 - (vi) the running of entertainment places like cinema etc.

Thus unlike the US, our cantonments were not just military training establishments, but they formed independent and separate military stations, and were administered as such, but under military regulations, which gave special privileges to the soldier. The most important result of the divergency between the civilian egalitarianism and military professionalism was, an increased isolation of the army from the rest of Indian life. This trend continued for almost a century, and also throughout the Independence

What shall we do with the imperial institution of cantonments ?

Increasing isolation of the Army from the rest of Indian life.

movement, and it came to separate the army from the rest of the country in attitudes, values and beliefs. However valuable this may have been to the growth of military professionalism, its consequent isolation was scarcely an unalloyed blessing. Except in occasional natural calamities like floods and earthquakes etc., which brought about some rapport between the military and the people, the regular army was sufficiently isolated in cantonments to resemble a monastic order, isolated often physically as it patrolled disturbed areas of our Independence movement, and isolated still more in spirit and mind, as it cultivated specialised skills within a subjugated nation of the BA-LLBs.

The conference of Local Self-Government Ministers convened soon after independence by the Central Ministry of Health, while recognising that for reasons connected with the security and health of troops, the areas where the latter are quartered should be under the general control of the army authorities, the Conference recommended, that the Central Government should appoint a committee to examine the question of delimiting the areas of cantonments and the question of amending the Cantonment Act. The Committee submitted its report in 1961. In its opinion it was desirable, to quote,

"that cantonments should in fact maintain, as far as possible, in the foreseeable future their original characteristics of military stations, considering all the circumstances associated with the present

state of the country in its political, economic and public health aspects. The maintenance of satisfactory conditions of security, discipline, health among the troops which are necessary to efficiency, will not admit of taking chances, and the transfer of the administration of Cantonment Boards to civil majorities, we feel, is fraught with consequences which may prove detrimental to the efficiency of the Army, its health and morale."

The question naturally arises, whether the cantonments in their existing form are at all necessary. The specific question asked is, whether they are a necessary element to the natural growth of military institutions in the country. The immediate answer appears to be, that logically tied to the British imperial way of life for over a century, we are most reluctant even today to let go some of their old institutions.

The Union Jack has come and gone. Four wars have been fought since Independence. Even a satellite station has been established at Arvi. However, all this has made no difference to our beloved and hallowed cantonment, with its 'lal kurti bazar,' 'topkhana area', the 'Jarnail saheb kothi', 'the right flank line', the 'polo ground', and, of course, the 'mall'.

Addressing the heads of the public sector undertakings, the late Prime Minister Mrs. Indira Gandhi observed—

"All these years we have taken up important programmes publicly, but we have put at the head of these under-

takings men who were not fully involved, but thought it was only another job. We cannot simply afford that sort of attitude."

She desired that all those who were concerned with any sort of public services should be "deeply involved, deeply committed". Wrongly or rightly, these views have given rise to yet another controversy, because it was thought that the government desired to *politicize all its services*. On this issue the question, which has been raised in many quarters, is with regard to the basic concept of the desirability of government services getting involved or committed to any form of political ideology. In this respect, it was argued that, in our type of democracy which has been fashioned after the style of the British and American pattern, it was essential that the Civil Services and the Armed Forces stay completely aloof, and do not get themselves involved in any way in the political ideology of the government in power.

Up to now, the concept has always been that, whereas the civil servant was committed to the high principles of public good as embodied in the Constitution and to the Directive Principles of State policy, namely, promotion of justice—social, economic and political, the soldier's commitment has always been as interpreted in terms of Lord Chetwood's inscription at the IMA, namely, that he is committed first to the security and welfare of his country, committed next to the security and welfare of his men, and committed last to his own security and interest.

Although the above concept appeared to have worked well under a colonial domination, and was aptly suited to the purely professional aspect of the Services, the question arises whether under the present environment in the country, emphasising social justice in its true sense, it is possible for any soldier to remain divorced from the political ideology of the government in power?

The above problem becomes more complex in a developing country like India than in a developed country like USA or Britain. In the latter countries, their industrial revolution preceded their political aspirations and, therefore, everything was geared towards higher production, and productivity and professional efficiency was the hallmark of the Services. In those countries, therefore, political ideology took a very low priority in comparison to the other facets of its national life. In our country, however, possibly due to circumstances beyond our control, the opposite has happened, in that, our political awakening preceded our industrial rejuvenation, with the result, that right from the start, political ideology has dominated and taken priority over such 'mundane' professional activities like higher production and administrative efficiency. This trend is still continuing, and, if anything, the ideological aspect is gaining more prominence over the purely professional considerations.

This being the case, the question arises, whether the professional soldier can afford to still stay aloof, or should he get

*Should the Services be political
and, if so, to what extent?*

The Soldiers find themselves in a honest's nest that has been disturbed

himself absorbed and become a part of that ideology. To do otherwise would mean being at conflict with the socio-economic climate of the country, and which must ultimately effect in a lowering of his professional effectiveness. On the other hand, swimming with the existing ideological current, would mean being at variance with certain professional and administrative traditions to which the soldier has been wedded. In communist countries like Russia and China, it is incumbent for the soldier to be thoroughly indoctrinated and be imbibed with the party ideology. On the other hand the soldier in democratic countries like Britain and America, is wedded respectively to the idea of commitment to the country and its constitution without these being related to the ideology of the government in power. The crux of the matter, however, is that neither the one nor the other system has had any adverse effect on the professional skill of the individual or the military efficiency of the organisation. Unfortunately in our country, we have been caught between these two extremes.

It can be stated that :

(a) Full commitment to the ideology of the government in power is not a necessary qualification for a soldier;

(b) Any party or its government would, and there is no reason whatsoever why they should not, scrupulously bar entry of antagonists and saboteurs to the high offices, whether it be in the civil or the military, and avoid conscientious objectors as far as possible;

(c) In this type of multi-party democracy adopted by us, 'neutrals' should still be preferable, though other things being equal, 'sympathisers' would do better.

It is realised that, the above concepts may disturb a honest's nest. However by now it must also be apparent that the Services are today in the midst of this nest which has already been disturbed. If they do not wish to be stung, they will have to learn to live with the system and be committed to it. Whether today the armed forces are mentally prepared to accept this, is a different matter.

It is an accepted fact, that in any colonial administration, the conquering nation can only rule its subjects by alienating the native soldier from the main stream of the civilian life of the country. It achieves this by creating a social gulf between the military and the civilian population, by building completely different career streams for both, by isolating the soldier in cantonments and thus insulating him from civilian culture, and lastly, by alienating him from the political life of the nation. However, even after a country gains independence, this alienation does not altogether disappear, and the process of integration is very gradual. Perhaps in a democratic government a differentiation between the two may even be desirable; strangely enough, it is only in a communist regime that a people's army exists in the true sense of the word. In our country, so far, we have accepted a compromise of the two systems. □

The Imperialist Forest Act, 1927, Must Go, if Indian Forests are to be Saved !

By : Chhatrapati Singh

IN VIEW of the major ecological crises faced by the nation, especially concerning forestry and the development of 53 per cent of India's wasteland, the National Wasteland Development Board and the Ministry of Environment and Forests commissioned the Indian Law Institute to make a detailed investigation of the forest laws in India. A team of legal experts, headed by Chhatrapati Singh, has made a comprehensive study of all major aspects of forest laws, and submitted its findings as reports, in six volumes, to the board and the ministry. These reports make detailed recommendations for amendments to the existing laws, as well as for new laws required to implement social forestry and wasteland development programmes. The six volumes, taken together, in fact provide the groundwork for the enactment of a new, appropriate, Forest Act in India. This note presents an abstract of the reports and mentions some of the major findings and recommendations. A workshop was organised by the Institute on 2 May 1987 to discuss the recommendations.

The team studied the forest laws from two perspectives : The first was the working of laws from the top, of central administration to the lowermost village level. The central and state legislations, administrative rules issued by state departments, the *patta* (lease) and usufruct rules, as well as the administrative organisation at each level were studied in detail, in view of the new social forestry policy and the National Forest Policy 1952. Three states Gujarat, Bihar and Tamil Nadu, were investigated as sample

cases so as to deduce fair generalisations applicable to other states in India. The second had the opposite orientation : it began with grassroot studies of problems faced by *panchayats* (village councils), village forest committees, *patta*-holders, non-government organisations and cooperatives and then ascended towards state and central administration and laws to analyse the necessary changes required. The results of the work presented to the government are contained in the following six volumes : (i) *Panchayats, Forestry and the Law* ; (ii) *Forest Cooperatives and the Law* ; (iii) *Non-Government Organisations' Participation in Forestry and the Law* ; (iv) *Forestry in Bihar* ; (v) *Forestry in Tamil Nadu*, and (vi) *Forestry in Gujarat*.

To begin with, this research reveals that the afforestation issue is not merely a plantation and tree-species problem. Through these reports the Institute wishes to make the government and the people aware that considering the magnitude of land and financial resources involved, afforestation is in fact a major campaign for land reform in India. The country has gone through two major attempts earlier, the *Sarvodaya* and *Bhudan* movement, and the *zamindari* abolition, and land ceiling campaigns—both without much success. This failure was partly due to the fact that in these land reform campaigns private land was at stake and the vested interests were unwilling to part with the land. This time it is the public land that is at stake and the vested interests are keen on usurping as much of it as possible. Also, whereas the interest in land

Save the public land from private grabbers !

reform earlier was moral and political, this time it is mainly economic. It is important to understand that land reform does not depend on ownership or possession rights, but on how the land is used and who benefits from its use. In giving revenue, forest or other government land on *patta* or lease to farmers, industries or other private agencies, the state is privatising and reforming the use of land. Hence, even if the legal ownership of such land vests in the state, its temporary use by someone else in effect has the same consequences as land reform. Such massive transfer of land use demands a rational land use policy. The government has set up a separate board to come up with an appropriate land use policy for India, but no such policy has been worked out yet. In the meantime a new land use policy is being defined through afforestation programmes.

The next major fact the reports reveal is that land reform—in the sense of a new land use practice—is inevitable. This is so for two reasons: first, because of the nature of the Indian Forest Act, 1927 and state forest Acts based on it, and second, due to the demand-supply situation pertaining to timber and minor forest produce. The two need to be discussed separately.

There is a land use policy already embodied in the above Acts which were the results of a policy which the British worked out from 1867 onwards. The 1927 Act and earlier Acts in the states, which are still in force, enforce a land use policy which is totally contrary to

the post-Independence National Forest Policy and the recent social forestry policy. For the colonial government the forest Acts were a mere instrument of controlling and exploiting common land property. Through 1867-1912 the British realised that private and common property could not be regulated through the same type of legal and judicial administration. By 1927 they, therefore, built two parallel legal systems in India, one applying to private property owners and the other to common property users. These systems are different because they employ distinct legal criteria for enforcement. The differences are concerned with rules of property ownership, civil liberties, rules relating to cognisable offences and warrant; even the judicial process for common property users is different; there are forest courts, unlike the normal courts, with different powers. The forest Acts are, therefore, not merely about forests but alternative modes of control which the colonial rulers required to build the empire. One must realise that about 70 per cent of India's land was common property when the British began building the empire. The main aim of the Acts is, therefore, to proclaim the power of eminent domain of the imperial power, in a manner which is very different from the power available in the tenancy Acts or Land Acquisition Act, 1984—Acts concerning private property. Through the forest Acts, the British could thus acquire all forest land, village forests and other common property resources through simple notification, without getting into problems of compensation or equity. Consequently, the administration built

up through designed acquisition of common land carry out for the planning. It is also aspects with the with article. All this making laws in forest reserved (barely) age remains afforestation do away and ensure keeping substitution of A decision from the Act aimed at natural administration station of the ment. Prudent silent on forestry part of it concerned and treated. Since all on the the government's strategy by various

up through the forest Act, has been designed solely to administer the acquisition of forests and other common lands and exploit them, not to carry out afforestation. It is important for the government to realise this when planning new afforestation programmes. It is also important to note that many aspects of the Acts are inconsistent with the Indian Constitution, especially with articles 14, 21 and 39 (b) and (c). All this provides sufficient ground for making a radical change in the forest laws in India. In fact, now that the forest resources have been grossly exploited (barely about 10 per cent forest coverage remains) and the major task ahead is afforestation, there is an urgent need to do away with our past-colonial heritage and enact a fresh forest Act which is in keeping with modern economic and constitutional demands. The Forest Conservation Act, 1980 merely shifts power for decisions concerning forest land use from the states to the Centre. It is an Act aimed at preserving what remains of natural forests. But the managerial, administrative and legal needs of afforestation are totally different. The Environment Protection Act, 1986 is similarly silent on all these vital issues concerning forestry. Although it mentions forests as part of the definition of "environment" it concerns itself only with pollution and treatment of hazardous substances. Since afforestation cannot be carried out on the basis of the existing forest Acts the governments have resorted to alternative strategy of action on the basis of government orders. These orders, passed by various departments, such as the reve-

ue, forests, tribal welfare and agriculture, try to achieve through administrative decree what actually needs to be achieved through law. Besides causing administrative confusion (the details of which we shall presently discuss), these orders are often in direct conflict with the laws. The main aim and achievement of the forest Acts has been, and remains, massive deforestation: they carry the weight and force of over a century. The hurried and unmediated government decrees are no match for these empire building colonial laws. The Institute's reports, therefore, strongly recommend to the government that it must seriously engage itself in enacting a new forest Act for India and repeal the old ones.

Let us see in some detail how the government orders and policies come in conflict with the laws.

The Bihar study, for example, reveals that the extent of wasteland is over two million acres owned privately and by the government. It also shows that most of the government owned wasteland is in fact in control of rich landlords and politicians. All these wastelands need to be afforested. The detailed field study for north Bihar was carried out in Madhubani district and for south in the districts of Chotanagpur and Santhal Parganas. To carry out the official afforestation programmes the forest department of the state has issued a notification to form village forest committees, give *pattas* and carry out joint forestry programmes with the villagers. The revenue department, on the other

Forest Acts violate Articles 14, 21 and 39 of the Constitution

People have no money to make good use of their land rights

hand, has also issued a notification, under the rural development programmes, to give *pattas* and form a different type of village forest committees. Both these notifications totally ignore the Chotanagpur Tenancy Act, 1910 and Khatian Part-II operative in south Bihar, which has already recorded rights of individuals as well as right of villages to jointly use the forests. Since the Tenancy Act and recorded rights are in force in this region the notifications cannot be implemented without running into serious problems. When the officials in Patna and Ranchi were interviewed as to why they did not consider the existing laws before passing notifications, they had no explanation. There is indeed very little coordination between the various departments engaged in afforestation and passing notifications for the same areas. Despite these legal confusions the land reform commissioner's office in Bihar claimed that *pattas* had been given in one district in south Bihar (a district for which the forest department has also issued a *patta* notification). This area was, therefore, investigated. It was found that people there knew nothing about *pattas* being granted to them. They had no deeds or record papers with them. All that in fact had been done was that the names of people (from the census records) were matched against the land plots shown in the land survey records, and it was officially noted that such plots had been 'given' as *pattas*. The irony is that in these areas there are already legally recorded rights, both of usufruct and on land, of which local people are unable to enjoy the benefits due to lack of

economic resources. If new *patta* rules are to be of any use the earlier forest Act needs to be significantly amended.

In Gujarat, besides studying forestry in general, a detailed field study was carried out in Baruch district. The study makes it clear that the major problems faced by cooperatives, marginal and landless farmers, scheduled castes and tribes and non-government organisations are non-availability of land and information. Orders have been issued to give *pattas* to such groups or people, but they pertain to non-forest land, such as revenue and community land of which very little is available for afforestation. Moreover, people are opposed to using community land for non-grazing purposes since this is the only land available to them for animal husbandry. The bulk of wasteland which can be afforested is actually with the forest department. The forest land is now governed by the central Forest Conservation Act, 1980. However, the state government, in so far as the leasing out of land for forestry purposes is concerned, can still lease out the land on its own. But it has been reluctant to do this because of the "guidelines" framed by the Centre; these "guidelines" apparently necessitate the Centre's permission for all land use purposes, including forestry. It is a matter of urgent necessity that the guidelines and rules framed under the Act be rationalised at the earliest, so that they do not become obstacles in the way of social forestry. There are issues relating to the land ceiling Acts, land development and reforms Acts, Wastelands (Claims)

Act, 1863, Government's Grant Act 1894, tenancy Acts and numerous other laws pertaining to land use, which come into conflict with the social forestry policies. This is true not only in Gujarat but in other states too. The reports go into the details of these Acts and suggest necessary recommendations.

The more serious legal obstacle to people's participation in forestry due to the forest Acts, themselves, in various states, becomes more evident in the Tamil Nadu study. Besides the general study of forestry in the state, two districts—Salem and Trichnapalli—were investigated in detail. To monopolise natural floral resources the colonial government enacted laws not only for forest lands it usurped, but under those very Acts, it delegated power to itself to enact rules which apply to trees on private land. In most states, including Tamil Nadu, therefore, there are rules concerning "royalty" trees—trees which cannot be harvested or sold without the forest department's permission. Almost all commercially viable trees are governed by such rules. There are also severe restrictions on transport of timber; in most states, the sale and transport of minor forest produce is also restricted. In some states trees grown on private land are subject to wealth tax. All these rules and Acts for private land facilitate the state's governance over the subject's property, and are totally against people's involvement in forestry. Besides killing people's interest in utilising their own land for planting trees, the rules also force them to go in for particular species

which do not come under the forest departments' purview. Such rules were alright for a colonial regime but in a democratic country a radical ideological reorientation is required. Such a reorientation will necessitate major amendments to the forest Acts, and in fact, as suggested, enactment of a new forest Act.

The reports go into the details of the issues mentioned above. They not only suggest a rationalised area-specific scheme of limited restrictions so as to preserve existing natural forest coverages, but a general non-interference with private land or *patta* or leased out lands which are away from standing natural forests. If people's participation is to really take place, the usufruct, marketing and harvesting rights, given to them through government notifications, should not be made vacuous by rules framed under forest Acts.

Some related but equally significant issues concerning people's participation in forestry become more explicit when we consider the supply and demand situation, pertaining to forest produce as well as the labour input.

As a political or ideological slogan 'people's participation' is a meaningful term; it focuses attention on the desired democratisation process. But in practical legal or administrative terms what forms can it take? People's participation can be at both individual and group level. At the individual level it can be in terms of afforesting a *patta* by a landless or marginal farmer, or private land by a

***Forest Laws favour the Government
and not the people!***

Afforestation helps businessmen and not the villagers !

land owner. At the group level it can be a cooperative, a *panchayat*, a non-government organisation (NGO) or a company. In its first three reports, namely Panchayats Forestry and the Law, Forest Cooperatives and the Law, and Non-Government Organisations' Participation in Forestry and the Law, the study looks at the basic legal issues involved in each of these cases and suggests appropriate recommendations, some of which are discussed here.

To begin with, it is important to realise why people's participation is necessary. Some may think it springs from an ideological discourse which has its roots merely in some liberal understanding of social processes. This is not so; the study reveals that there is an actual economic need to involve human labour on a massive scale if forest plantations are to be successful and India's ecological balance restored. Forestry would have to receive the same significance and perhaps the same amount of labour force, as agriculture, if this balance is to be restored.

What options do we have for utilising the required labour force? Given the manpower of forest departments, including that of the newly formed social forestry wings, such large-scale forestry is just not possible. To realise the magnitude of this scale one must realise that the National Commission on Agriculture has estimated that 211 million cubic metres of wood will be consumed each year during this decade; of this 148 million cubic metres are required for fuel alone.

As against this the growth of timber stock is estimated to be not more than 50 million cubic metres. The consumption is, therefore, about four times the production. It is also estimated that India's total standing stock is about 2,500 million cubic metres. At the present rate of consumption, unless massive afforestation is done, the resources will disappear within two decades.

To achieve the targets the governments have mobilised the revenue, rural and tribal welfare departments, besides the forest departments, in the task of forestry. The nature of people's participation that these departments achieve is in terms of employment. They employ rural people in various programmes to plant and care for the trees. This type of participation is problematic for many reasons. First, the mere payment of wages does not allow the labourer to identify herself with the welfare of the tree. Care and maintenance of plantations thus become a major problem. Second, the wages paid are incommensurate with the total benefit of plantations; thus not only is the benefit of social forestry denied to the labourer, her employment is neither covered by any social security scheme nor are the payments in keeping with the minimum prescribed wages. Third, since the wages paid to labourers are drawn from state funds, that is, the people's tax money, and since the major benefits after harvesting and marketing usually go to industries, the whole scheme of afforestation through rural employment or development programmes amounts to exploiting the rural labour

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cheaply by using the people's tax money so as to finally benefit industries. The reports strongly recommend that forestry should be done only on an equitable lease/contract or *patta* basis, and not through rural employment or development programmes, or if for political reasons forestry has to be done as a poverty alleviation programme, then the total wages must be commensurate with the total benefits reaped when harvesting and marketing is done.

Outside the employment schemes, as mentioned, there are leasing schemes with individuals and groups. Let us consider this in some detail.

In so far as leasing schemes with individuals are concerned, the usufruct rights given on *pattas* must give a major share of benefits to individuals; this includes marketing and harvesting rights. Some government notifications for *patta* schemes, such as the ones issued by the Tamil Nadu Government, do recognise this and give appropriate rights. But, as noted, some of these granted rights are overridden by rules framed under forest Acts. The major problem, however, is that the mere announcement of rights is not enough. The actual grant and deed papers have to be issued to the people. The NGOs can play a vital role here in ascertaining that *patta* holders do indeed have proper legal papers and market arrangements to reap the benefits of their labour.

The companies and industries have their own capital assets as well as the

capability to raise public fund for their forestry needs. Their major problem is access to land. Whether or not land should be given to them is a political policy matter and hence outside the purview of legal analysis. However, as a matter of legal policy recommendations, from the point of view of equity and justice, it must be stated that the public tax money with the government must not be used—whether in employment, development or otherwise—in such a manner that the mercantile class, industrialists and the urban rich benefit by exploiting labour of the rural poor. Also, in so far as the Constitution proclaims socialism as the national goal and directs the state to bring about equitable distribution of common resources, through articles 39 (b) and (c) the distribution of denuded forest lands to industries alone will be unjust and unconstitutional. According to the constitutional mandate the landless, marginal farmers, *harijans* and others in the lower economic strata must also benefit from the government's land use policy.

There are two major problems in leasing out land to the socially underprivileged classes or people in the lower economic strata. The first is that they do not have the economic resources to follow up plantations over long periods, nor the technical know-how to achieve the best in forestry. Second, they are not properly organised at lower levels to enable the administration to easily identify them and deal with them directly. There are some NGOs which have the capability of carrying out forestry and can be easily identi-

*The poor are poor because
their resources have been usurped*

Forest Contractors must be duty-bound to grow forests

fied and approached. Their number is, however, still very small compared to the magnitude of the work required.

As for the first problem, on the ground that the lower economic strata do not have the resources to do forestry, the government cannot legally opt to give land and resources only to the rich; this will be contrary to all directive principles of state policy. The underprivileged are resourceless precisely because hitherto the industrial class has usurped their resources. There are numerous ways to provide both the expertise and resources to the poor. The reports go into the total ramifications of these details. These issues can, however, be discussed only in the light of the solution to the second problem.

Given that there are very few NGOs, forest departments do not have enough manpower; local participation and protection are essential for maintenance of plantations. The fact that most of the common land in rural areas is vested in *Panchayats*, and finally that there already exists in all states a local level government at village, *tehsil* and district levels, government must eventually, in one way or the other, depend upon *panchayats* for success in forestry. It is also desirable that they do so for constitutional reasons. This is not to underestimate the contribution of NGOs; their work can be complementary or independent, but not at the cost of ignoring *panchayats*.

Understanding that local level organisation is necessary, some states, such as

Tamil Nadu, Orissa and Bihar, have attempted to create new administrative arrangements—village forest committees (VFCs)—through executive orders. Notifications have been issued to this effect. The study reveals that these parallel village level bodies have been unsuccessful both in their organisation and function, mainly because VFCs duplicate the work of *panchayats* and the land, in any case, is vested in *panchayats*. In Tamil Nadu the formation of VFCs was due to a contingency; there were no standing *panchayats* for almost a decade. But there is no justification for creating VFCs in Orissa and Bihar. After *panchayat* elections last year, community forests have been vested back in *panchayats* in Tamil Nadu. The state leads in community forestry. The Institute, therefore, made a detailed study of working of *panchayats* in this state. It also looked into forest *panchayats* of Uttar Pradesh and consequences of the Forest Panchayat Act (U.P.), 1941. This is the only state which has separate forest *panchayats*, operative only in the hills, not in the plains.

There are some major legal and administrative steps, however, that need to be taken before forestry through *panchayats* and other rural groups can become successful. These relate both to land and economic resources.

To begin with, it has been recommended that state governments should take away denuded forest lands from forest departments, leaving sufficient buffer zones to protect the existing tree coverage, and invest such lands with

panchayat with the used for purpose, Grants utilisation invoked; mended to provide states ins committee orders. T statutory credits, b these Act form spec es. Depart required forces. T amended the duty make the negligence general ri no duty t forest lan earlier matter. F be amend from fore rating th only surp other purp fact that service of existing le need to i purposes capabilities

Social forestry will have political & economic consequences

panchayats or village forest cooperatives, with the condition that such lands can be used for forestry purposes only. For this purpose, provisions in the Government Grants Act and the authority of land utilisation Acts of various states can be invoked. Secondly, it has been recommended that *panchayat* Acts be amended to provide for forest *panchayats* in all states instead of forming village forest committees on the basis of government orders. This is because VFCs, being non-statutory bodies, cannot avail of rural credits, bank loans, etc. *Panchayats*, under these Acts, have been delegated power to form special committees for specific purposes. Departmental orders are, therefore, not required for the formation of special task forces. Thirdly, *panchayat* Acts should be amended so as to lay upon *panchayats* the duty of maintaining forests and to make them legally accountable for their negligence. As these Acts stand there are general rights to gain from forest sale but no duty to carry out forestry on village forest lands. There is much to learn from earlier Tamil Nadu experience in this matter. Fourthly, *panchayat* Acts should be amended to specify that revenue earned from forests must be allocated for regenerating the amount of forest cut down; only surplus revenue can be utilised for other purposes. Fifthly, in view of the fact that VFCs become an extension service of forest departments under the existing legal arrangement, common lands need to be vested in *panchayats* for purposes of forestry and villages' financial capabilities need to be enhanced. Lastly,

rural credit laws should be extended to cover forest cooperatives as well as *panchayats*. Moreover, loan facilities of the National Bank for Agriculture and Rural Development, which are being made available to companies and commercial organisations engaging in forestry, should be made directly available to villagers and *panchayats*. Various agriculture and rural development loan Acts should be similarly amended to provide finances to rural people for forestry. The reports go into details of rural credit laws and rural finances and suggest various amendments. These measures are necessary to provide economic resources to rural people. Mere employment and wages are insufficient.

Those, who understand the deeper implications of forestry, in terms of the magnitude of land, financial resources and the labour inputs involved, should not fail to see its political and economic consequences. Since forestry is the alternative to agriculture, in terms of cultivation, and since soon it will have the same magnitude as agriculture, afforestation programmes offer a fresh opportunity to rebuild *panchayats* and accelerate the processes of democratisation at political level and socialism at economic level. In the absence of a conscious effort by the state, to delimit opposing forces and promote constitutional principles, forestry, like agriculture, will lead to greater economic disparities and the development of impoverishment processes for many for the benefit of a few. □

World Round-Up

Dangers of Bilingual Education

A bilingual education can pose problems even for children who are fluent in both languages, some educators say. They also say there are limits to bilingualism in a curriculum if students are to gain maximum benefit. In a bilingual school, children take some of their courses in one language and some in another.

Paul Decorvet, coordinator of programs at the Foundation of the International School of Geneva, says: "After a two-year experiment, we decided to discontinue a totally bilingual course, where children were getting half of their instruction in English and half in French. The children taking the bilingual course were ending up with only a superficial knowledge of two languages and cultures. They were becoming rootless international types with deficient references in both languages."

Although the language and course mix varies from school to school, educators say writing, reading and thinking in different languages takes more energy and time than classwork in one language, with heavy emphasis on learning other languages, the standard curriculum in international schools. The organization has also just published "A Guide to Languages and Cultures in English-Language Based Schools".

At the French-American School in New York, 7-year-olds study in French, history and geography. In English, they take social studies, science, U.S. geography and history, music, art and physical education. "This is a double curriculum", said Sylvette Moschoni, director of the school. "It means a lot of work for a child. A kid who has difficulty just following in

his own language, will have trouble following our course. A bilingual course is not for every child; we are convinced of that."

No Use living long as a Cabbage!

Opinion is growing in the West that we should not lavish life-extending medical care on very old, very sick people. The proposal comes from Daniel Callahan, director of the Institute of Social Ethics and the Life Sciences in Hastings-on-Hudson, New York, an independent institution pre-eminent in studying the interplay between the health sciences and values and ethics. Applied without regard to age and condition, Mr. Callahan argues, high-tech, life-extending care "is the endless scientific frontier of Medicine and is also its economic bottomless pit. "It contributes to ceaseless increase in both medical spending and the ranks of citizens unable to afford even minimal care.

Despite \$500 billion a year in public and private funds devoted to health care, more than 35 million Americans are without health insurance. The system underwrites extremely expensive, high-tech care for many of the terminally ill, yet it neglects long-term and home care that could provide meaningful life for senior citizens with relatively minor infirmities.

"The success of medicine in saving and extending lives has meant a dramatic increase in chronic illness, especially for those over 80," Mr. Callahan recently wrote. Would it be discriminatory, he asked, "to use age as a standard to limit life-extending care? Not at all, if it were done to provide a higher quality of life for the elderly by beginning a transfer of emphasis from acute-care

by the Japan Youth Research Institute, directed by Tamotsu Sengoku. medicine to other forms of care". Mr. Callahan has argued this in a new book, "Setting Limits: Medical Goals in an Aging Society."

Americans are spending more and getting less and doctors are performing wonders in postponing death, but not often enough in enhancing life. As Mr. Callahan points out, the new technologies "will not necessarily make old age more meaningful and satisfying—many of the elderly are already terrorized by the prospect that modern medicine will keep them alive too long—and it will surely divert money from the health and other needs of younger age groups". The Callahan message exposes the economic myopia that is built into American health care. A great deal of needed care is neglected while a great deal of highly expensive, useless care is routinely provided. Humane medicine shouldn't work that way.

What India can learn from Bangladesh

There is at least one thing the world can learn from Bangladesh—it is the working of its Grameen (Rural) Bank. It is helping 3 lac villagers in a big way with money, skills and motivation.

Muhammad Huq and Mohammed Yunus, Directors of 'GB', explain the Bank's philosophy simply. "If someone is alive, he must have a skill, he should be given a loan; with a loan, he can make money."

The loans are small—Rs. 1000 maximum—but enough to buy a cow, a rickshaw cart, potter's or blacksmith's

tools, simple equipment to process betel nuts, spices or mustard, or for working bamboo, making brooms or weaving clot.

Over the last twelve years, 98 per cent of the loans have been repaid, and some borrowers are on their seventh loan. The bank has become so popular that it gets 10,000 new borrowers a month. Three-fourths of those now taking loans are women. Each branch manager is responsible for borrowers making weekly payments.

Anyone who wants a loan must participate in a seven-day training program to learn how the bank works. No one gets a loan until a village group is formed. At first only two people are eligible for a loan, and they must be nominated by others in the group. Only after they are repaying their loans regularly, are others in the group eligible for loans.

Grameen members are obliged to build latrines, boil drinking water, use contraceptives and refuse to participate in the traditional giving or taking of dowry.

The two Directors contend that, to say that banking cannot be done with the poor because they do not have collateral, is like arguing that men cannot fly because they do not have wings. By believing in the poor, they have turned conventional thinking on its head. They give people wings.

Why the Japanese Love Comics

More than 70 per cent of Japan's high school students read comics, compared with less than 20 per cent in the United States, according to a survey conducted

Why are Japanese adolescents hooked on comics? Hard work and justice are laughing matters in Japan today. One television comedian, who is a favorite among college and high school students, ridicules diligence and proper behaviour. He lusts after women and money with an honesty that audiences find irresistible.

American journalists ascribe the Japanese passion for comic books to the "pressure-cooker" theory: Everyone here is under intense stress: teen-agers must study for the highly competitive college entrance examinations and adults have to boost the gross national product. Comic books are a chief escape.

The survey found that Japanese and U.S. high school students have different attitudes about growing up. Although most U.S. adolescents in the survey said they want to become independent adults "as soon as possible", only a minority of their Japanese counterparts were happy about that eventuality. Most Japanese teen-agers would rather remain students as long as possible. That way they can enjoy themselves and postpone tough decisions about careers and marriage.

Political Protest 'Mundan' in South Korea

Only a few months back the people of South Korea forced the Government to agree to free elections. But today the people are unhappy because two Opposition candidates are contesting for presidency, making it possible for the sitting President to get re-elected.

In a bid to make one of the Opposition candidates to withdraw from the contest, many people are getting their heads shaved in political protest!

Child Abuse in London

Counsellors at Childline, a confiden-

tial advice service for distressed children in Britain, frequently answer the telephone to hear silence from the other end, or perhaps muffled sobbing.

"Many children are too frightened to muster the courage to say anything", said Sarah Vernon, a spokeswoman for the counseling service. "Sometimes it takes many calls before they'll speak."

Childline's 34 permanent telephone counsellors and 70 volunteers are at the sharp end of a problem that seems to have assumed the proportions of a national epidemic in Britain—child abuse, and specifically sexual abuse. Even countries such as Italy and Spain, which have a reputation for spoiling children, also have a seamy record of child prostitution.

To destroy Smallpox Virus or not—that is the question

Ten years after smallpox ceased to exist as a human disease, virus experts and public health officials are in a strange quandary: what to do with the last surviving smallpox viruses?

The viruses exist today in only two places, high security laboratories in Moscow and at the U.S. Centres for Disease Control in Atlanta. Said Dr. Keith Dumbell of the University of Cape Town in South Africa, writing in 'The Lancet', a leading medical journal: "To the best of our knowledge, destruction of all remaining laboratory stocks of variola virus would set the final seal on the attempt to rid the world of this infectious scourge".

But some specialists have argued that the virus should not be erased from the world, partly because unforeseen research uses might arise in the future and partly because once it was destroyed, it could never be raised from extinction. □