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The Politics of Forest Conservation in India and the Rights of the Forest Dependent People: A Critical Analysis

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Abstract:

Forest conservation is the much talkative issue in the today's international forum. India is also not lagging behind in this respect. Forest has played a vital role in the social and economic life of a country. At the domestic level India has taken so many significant steps with regard to the protection of the forest. But till 1970s forest conservation was never treated as a prior issue by the Indian government. It was after 1970s, that the era of forest conservation started in India. This transformation was caused by some significant events that took place at international and national level that started to come up during that period. But the conservationist measures of India often result into the oppression and alienation of the forest dwellers. It must to note here that in India 200 million people depend on forest for their livelihood. Like flora and fauna, the forest dwellers are also form an integral part of the forest. Forest is a life sustaining system for them. Notably in 2006 Forest Rights Act (FRA) came into existence in India under which efforts have been made for the first time to grant the land rights to the forest dwellers of the country. But the Act has to face so many hurdles since its inception.

Keywords: Forest, forest dwelling community, forest conservation, forest rights act 2006, compensatory afforestation

1. Introduction

Forest of India underwent a tremendous change during the colonial rule. It was the colonial masters, who dawned the era of the forest conservation in Indian forestry. But they used the forest conservation as a strategy to mask their exploitative motive. They wanted to convert the forest of colonial India into a revenue generating sector but in doing this they faced obstacles by the forest dependent people. It must to note here that prior to the arrival of the Britishers, people of India exercised community property rights (CPR) over the forest resources. They used the resources of the forest without any restrictions. But the colonial masters snatched away the CPR from the forest dwellers on the pretext of forest conservation. The colonial masters enacted so many acts and laws with regard to the forest legislation in India. Those legislations were designed in such a way which helped them to extract the forest resources and kept the forest dependent people out of its reach.

The impact of the colonial legacy has also been witnessed in the post-colonial forest management of India. Like the colonial predecessors, during the initial period of independence, forest resources were used for developmental purpose of the country. The first forest policy of Independent India can be said to be the replica of the British forest policy of 1894. Because like the 1894 forest policy, the 1952 forest policy of India mainly emphasized on state monopoly over the forest resources and kept the forest dwellers out of its reach. It must to note here that during the initial period of independence, food scarcity was the main challenge before India. In order to deal with this challenge India cleared a large amount of forest land of the country for agricultural production. As a result of which agricultural lands of the country increased by 43% during the period 1951-1976. Apart from it, forest lands were given for some developmental projects like Hydro-electricity project, mining project etc. It was estimated that during the period from 1952 to 1980, 4.5 million hectares of forest lands were diverted for developmental projects. Thus it can be seen that during the initial period of independence, forest conservation did not get any special attention in the country.

The exploitation of the forest resources in India for non forestry purposes continued till 1970s. But after 1970s, some significant changes occurred both at the international as well as at the national level of the country, which exerted pressure on the Indian policy makers to shift its concern towards forest conservation. At the international level, in 1972 United Nations Conference on the Human Environment was held in Stockholm of Sweden which marked the era of environment protection in the international arena. This conference also impacted India. Along with this, during that crucial period India also witnessed the emergence of some environment related movements. Amongst them the Chipko Movement was the notable one. This particular movement was launched against the industrial exploitation of the forest resources in the northern Himalayan segment of Uttar Pradesh which is popularly known as Uttarakhand. In the later period also, India has witnessed the emergence of some other important environment movements.

Thus due to the international as well as the national influence, Indian government stepped up to pass the forest legislation for the purpose of forest conservation. But very soon the forest conservation measures of the country caught into controversy for threatening the rights of forest dwelling community. The government completely overlooked the interest of the forest dwellers while formulating plans for forest conservation. As a result, the forest dwellers of India launched a strong agitation against those forest conservation

strategies of the government. Ultimately the government was bound to include the element of the rights of the forest dwellers into the forest conservation strategies. But due to some serious loopholes in such arrangements the forest dwellers of India still have to live a pathetic life.

2. Discussion

Till 1970s the forest of India was mainly seen in terms of commercial purpose, no any measure was taken for its conservation. The issue of forest conservation started to get importance amongst the policy makers after 1970s. Accordingly in India many notable legislative measures came into existence on the topic of forest conservation. In the field of forest conservation, the Forest Conservation Act (FCA) 1980, Wildlife Protection Act 1972 etc. are the notable one. Due to the western influence the forest conservation model of India did not assign any role to the forest community and thus excludes them from forest conservation process. The Wild Life Protection Act 1972 has made provision for the establishment of Tiger Reserves, National Parks and Wild Life Sanctuaries for assuring the safeguard to the wildlife of the country. But the establishment of those protected areas resulted into eviction of many forest dwellers without their proper rehabilitation. National Parks' are strictly prohibited from the human interactions whereas in the Sanctuaries the exercising of the rights depends on the discretion of the wildlife and civic authorities.

Like the Wildlife Protection Act 1972, the Forest Conservation Act 1980 also resulted into the alienation of the forest dependent people. It rendered 20 millions of forest dwellers as encroachers and denied them basic amenities of life like roads, schools, health centers and water supply lines. Both these two forest conservation measures criminalized the existence of the forest dwellers by making them encroachers on their own land.

It must to note here that though on the name of forest conservation, the FCA 1980 curtailed the rights of the forest dwellers on their own land but it kept silent over the exploitation of the forest resources for the industrial needs of the country. During the initial period of its implementation, the Forest Conservation Act (1980) slowed down the diversion process of forest land for non forestry purposes but with the liberalization of Indian economy the trend of forest land diversion for developmental projects again increased at a higher pace. A huge amount of forest land cleared for developmental projects of the country. The largest area was given for mining (4,947 sq. km) followed by defense projects (1,549 sq. km) and hydro-electric projects (1,351 sq. km). Such bias standard of the FCA 1980 called for a heavy protest by the forest dependent people of the country.

Nevertheless, in 1988, National Forest Policy (NFP) was enacted which is another significant forest legislation of India. This particular forest policy brought some positive hope for the forest dwellers as it was slightly different from the previous forest policies. Along with giving importance upon the forest conservation, the NFP 1988 also gave recognition to the rights of forest dwellers. This particular forest policy mainly rejected the two particular themes of the earlier forest policies that is the emphasis on revenue generation and use of the forest as a source of industrial wood production.

Again in pursuance of the NFP 1988, the government of India issued a 'circular' in June 1990 for involving the village communities in the regeneration task of the degraded forest lands of the country. This step gave birth to the concept of Joint Forest Management (JFM) programme in India. The JFM of India had its root in the participatory forestry practice which began in 1972, in the Arabari and Midnapore district of West Bengal. In exchange of their active participation in the forest management activities, the participants (local people) were allowed under the JFM to collect non wood forest products which were earlier denied to them. Again after the successful completion of the forest protection task the local communities were also given a share from the profits from the sale of trees when they became mature.

Thus to some extent the National Forest Policy (NFP) 1988 and the Joint Forest Management (JFM) programme are succeeded in redressing the grievances of the forest dwellers of India. But despite their existence the forest dwellers had to face oppression as they did not possess legal tenure over their forest land. In 2002, in some states of India the forest department carried out a brutal oppression of eviction which caused untold sufferings of the forest dwellers. It was estimated that between 150,000 and 300,000 families were evicted in India during this eviction campaign. Such tragic incident had ultimately resulted into a massive uproar in the country. The political parties also took interest in this issue and made every effort to won the support of the forest dwellers. Ultimately the congress led UPA government enacted the FRA 2006 in the country which became operative since 2008. This particular Act is also known as the Scheduled Tribes & Other Traditional Forest Dwellers Act.

The Introduction of the FRA 2006 has marked a significant event in Indian forestry particularly for the forest dependent people. For the first time initiative has been taken for granting land rights to the forest dwellers. The FRA 2006 can best be defined as a piece of legislation which has made an attempt to recognize the customary rights of the forest dependent people, who have been residing in the forest lands for generations but their rights were never recognized. The preamble of the FRA 2006 read as such- "An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land". But despite the FRA 2006 in the country, the legal rights of the forest dwellers are still not recognized. It is because the FRA 2006 has not been properly implemented in some of the states of India. In 2010 both the Ministries of Ministry of Environment & Forest (MoEF) and Ministry of Tribal Affairs (MoTA) constituted a joint committee namely "NATIONAL FOREST RIGHTS ACT COMMITTEE" with the aim of reviewing the implementation of the FRA in the country. This particular committee comprised of 20 members and it was headed by the bureaucrat N.C Saxena. The committee found that the forest officials were reluctant to implement FRA in their respective states. Along with them the Wild life conservationist group of the country also vehemently opposes the FRA as according to them the implementation of this Act will facilitate further deforestation in the country. Amidst such problems however the FRA has been implemented in India and land titles are distributed under the Act. But so far the implementation of the FRA is done; it comes to

notice that in some states only tribal people are given land rights under the Act. The rights of the non ST forest dwellers (Other Traditional Forest Dwellers) are still not well addressed under the FRA 2006. Apart from this there are so many other serious issues which results into the poor performance of the FRA.

Evidences are growing which show that huge amounts of forest land in India are subjects to encroachment, deforestation, degradation etc. But it is wrong to put the blame solely on the forest dwellers for such incidents. Because the developmental projects of the country also cause huge deforestation in India. As mentioned earlier a huge amount of forest lands in India were diverted for non forestry purposes despite the existence of the FCA 1980. The trend of such conversion is still going on in the country. As per the data of the Ministry of Environment Forest & Climate Change (MoEFCC) a total of 897,698.40 hectares of forest areas has been diverted for non forestry purposes between October 1980 and July 2016. Mining, Irrigation and Hydro-electric projects are the top three sectors of India for which forest land has been diverted in India since 1980.

Thus it can be said that though India has strong laws for forest conservation but those measures are often overlooked for the sake of developmental projects of the country. But ironically the same conservationist lobby is used for denying rights to the forest dwellers. The introduction of the FRA for the first time addresses the land rights problem of the forest dwellers but the lack of interest on the part of the forest officials' results into the poor performance of the Act. Besides the afforestation measures which the country has now opted for also pose a serious challenge before the Act. As by those measures the government wants to dilute the FRA 2006. Recently Indian parliament has passed a much awaited bill called Compensatory Afforestation Management & Planning Authority (CAMPA) on 28th July under which the Union Ministry of Environment and Forest will now release Rs. 42,000 crores to states to take up plantations and afforestation activities. Undeniably this particular bill is a sound policy for forest conservation of the country. But it withdrew one of the important provisions of the FRA 2006 under which seeking permission from the Gram Sabha for any aspects relating to community forest land is mandatory. In other words, the FRA grants Community Forest Resource Rights which authorize the Gram Sabha to protect and manage the customary common forest land and any projects including conservation also on such forest land requires the approval of Gram Sabha. But the CAMPA bill takes away this right from the Gram Sabha and empowers the forest bureaucracy to take decisions where and what kind of plantations will be done. Thus if the forest bureaucrats will decide to carry out the plantation on the community forest land then it does not require to take the consent of the Gram Sabha. Ironically forest officials who were once reluctant to implement the FRA have now taken keen interest in implementing the CAMPA bill, as through this bill the forest department has regained the lost hegemonic power. It must to note here that the FRA grants individual forest rights and community forest resource rights and the later one is the most important provision of the FRA as it backs the power to forest community from the forest bureaucrats. That is the reason for which the forest bureaucrats have opposed the FRA tooth & nail. But with the coming of CAMPA the authority to manage such community forest land again comes under the jurisdiction of the forest bureaucrats. The CAMPA bill is severely criticized by the rights activist for sabotaging the rights of the forest dwellers. The Campaign for Survival and Dignity, a national platform of tribal and forest dwellers' organizations called the day 28th July as a black day for forest dwellers of the country and argues that the bill leads to displacement of the forest dwellers without any accountability. Notably the CAMPA bill was introduced for the first time in the Lok Sabha in May 2008 and after that it was sent to the Standing Committee for Science & Technology and Environment & Forest for review which unanimously recommended for the withdrawal of this bill. But despite such recommendation the bill was passed by the Lok Sabha and was lapsed in Rajya Sabha until it was passed on 28th July, 2016.

The Indian government also wants to include the afforestation and plantations in Reducing Emissions from Deforestation & Degradation plus (REDD+) programme. REDD+ is a global mechanism for reduction in emission from deforestation and degradation and also includes incentives for conservation, sustainable management of forest and enhancement of forest carbon stocks. It must to note here that deforestation and forest degradation account for a fifth of greenhouse gas emission and so there is growing consensus amongst the international community to reduce the emission level by protecting and conserving the forest. Such growing consensus ultimately took the form of REDD+ in United Nations' Climate Negotiations at Conference of Parties 13 in Bali in 2007 and it was ratified by the Conference of Parties in Cancun in 2010. Another notable feature of the REDD+ is that it is the low cost and effective strategy to mitigate climate change. India also gives its consent to the REDD+ and ready to implement it in the country. The REDD+ is supposed to be very helpful for India as it can use this mechanism as a bargaining chip in the negotiations against its increasing energy emissions. The REDD + has been used by India to tap the financial assistance from the international community. But like the CAMPA bill, the REDD+ programme also comes under severe criticism for undermining the rights of forest community. The Campaign for Survival and Dignity argues that India attempt to push the REDD + programme at the expense of the forest dwellers. The implementation of the REDD+ is a direct confrontation to the existence of FRA in the country. Further Critiques say that such afforestation programmes of the country simply lead to land grabbing and eviction of the forest dwellers by the forest department. Past incidences of the afforestation programme in India are the bright examples which show that how brutally forest dwellers were evicted from their land in the name of plantation. The Parliamentary Standing Committee for Science & Technology and Environment & Forest while condemning the CAMPA bill said in its report that- 'Afforestation.... deprives forest dwellers and tribal/advasis of some or all of their lands and adversely impacts their livelihood and basic needs-for which they are neither informed, nor consulted, nor compensated'. There are some specific cases found in Khammam district in Telengana and in Kandhamal and Bolangir districts of Odisha where massive plantations programmes are carried out in the cultivable land of the right holders under the FRA 2006. Apart from the violation of the rights of forest dwellers the afforestation measures taken up by the Indian government also harm the natural ecosystem. It is seen that in the name of plantation India has been busy in planting nonnative plants like eucalyptus. Neil Burgess, a conservation biologist at the University of Copenhagen argues that the plantation of nonnative trees may lead to damage of local biodiversity.

3. Conclusion

The forest conservation and livelihood needs of the forest dwellers are becoming more complex issues with the passing days. In addition to these two issues the developmental goal of the country has made the situation more complicated. But one thing becomes clear that in both forest conservation and developmental projects the rights of the forest dwellers are sacrificed. Along with the forest conservation programmes the developmental projects of the country make the forest dwelling community more vulnerable. According to Internal Displacement Monitoring Centre (IDMC) between 1950 and 2005 about 65 million people were displaced in India by dams, highways, mines and power plants. Though the FRA may have all the best intentions to serve the interest of the forest dwellers, but in reality its implementation is superficial. Interestingly in the name of forest conservation forest dwellers are denied of legal rights on their own land and on the other side same forest land diverted for developmental projects which cause hundred times more damage to the environment, what it will mean? Should it would be understood that Indian state emulates the art of its colonial masters who on the pretext of forest conservation run its developmental agenda and alienated the people on their own land.

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