

CENTRE FOR SCIENCE AND ENVIRONMENT



ANIL AGARWAL DIALOGUE 2020

ANNUAL MEDIA CONCLAVE ON THE STATE OF INDIA'S ENVIRONMENT

Forest Governance & Forest Based Livelihoods

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AAD 2020

Nimli, Feb 11, 2020

The Context of Indian 'Forests'

- Almost a quarter of India's area has been classified as forest
- Appropriation of customary common lands by the British & continued after Independence, as state forests
- Large numbers have been classified as 'encroachers' on their own ancestral lands due to non-recognition of their customary rights

Forest Lands an arena of intense conflicts

- Poor procedures & unsound premises for assembling the national forest estate – *misclassification* of multi-functional customary communal lands as uni-functional ‘forest’
- Serious tenurial and land use conflicts, unclear boundaries, jurisdictional disputes between departments & communities
- Imposition of inappropriate management objectives on customary commons declared state ‘forests’ by sweeping notifications.

Superimposition of Contradictory Laws & Policies

- Constitutionally protected ancestral *adivasi* lands under Fifth Schedule declared state forests without recognition of rights or due process – **biggest ‘encroacher’ is state itself**

The nature and extent of injustice

- In hilly tribal areas of Orissa & Andhra Pradesh, it was simply decided to not settle any rights in lands above 10 degree slope – practically all shifting cultivators disenfranchised in the process
- Women more drastically impacted as major actors in podu cultivation
- 74% of Vth Schedule area in Orissa been declared state property – 50% as forest; rest as revenue ‘wasteland’ allocated to others without considering those dependent on it
- 40% of Orissa’s ‘reserve forests’ never been surveyed – the FD has no maps for them

Unique Characteristics of India's Forest Rights Act, 2006

- Acknowledges historical injustice done to forest dwelling communities
- not benevolent granting but ***recognition of pre-existing rights***
- Reclassifying 'national' to 'community' forest resources – restoring justice & democracy in the forest
- Provides for gender equal rights
- Tabled by Ministry of Tribal Affairs rather than Ministry of Environment & Forests

Democratization of Forest Governance

- Rights to include “responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance”
- To strengthen the conservation regime while ensuring livelihood and food security
- **Village Assembly as the initiating authority for recognizing rights with full and unrestricted participation of women**

Categories of Rights to be Recognised

- rights to land for existing non-forest uses
- **Right to protect, regenerate or conserve or manage 'community forest resources' for sustainable use**
- rights over NTFPs & habitat and habitation rights of PVTGs & pre-agricultural communities; other customary rights
- Right to co-existence in PAs and FPIC before relocation
- No forest diversion without recognition of rights & FPIC of village assemblies
- No eviction till rights recognition process completed

Recognition of Women's rights & Participation in Decision Making

- Land titles in joint names of both spouses or in name of single hshld head
- Community rights in name of all resident adults
- 1/3rd women's representation in implementation committees
- 1/3rd women to complete quorum of Gram Sabha meetings

Largest Forest Tenure & Governance Reform in the country

- Potential for rights over at least 40 mha of forest land (more than half of India's forest lands).
- At least 150 million people in 170,000 villages, including almost 90 million *adivasi* citizens, could benefit.
- Will secure livelihoods, regenerate forests & mitigate climate change.

Achievements and initiatives to date – National level

- Household & community rights have been recognised over 5.4mha (16.2% of potential area) & about 1.9 million household & over 76000 community titles have been issued as of September 2019.

(Source MoTA website)

Green Shoots of Community Forest Governance

- Organised communities have started asserting their right to protect, conserve & govern their customary/sacred forests from destruction for 'development'
- Several cases in court – HP, Odisha, Gujarat

Governance and management of community forest resources

- Many local communities have started adaptive CFR management based on indigenous local knowledge
- Food from the forest, NTFP based livelihoods, protection of biodiversity dominate CFR management initiatives; **a marked departure from timber orientation of the forest department**



Food from forest

Biligiri Rangaswamy Temple Tiger Reserve, Karnataka



25 CFR titles to Soligas, over ~25,000 ha (>half of tiger reserve); community-based wildlife/tiger conservation plan process initiated, tiger numbers doubled

Protection of bio-cultural habitats of PVTGS and pastoral communities



Diversion of dongaria kondhs sacred Niyamgiri forest for mining stopped based on gram sabha decisions under supreme court orders



Maldhari community in Gujarat has claimed rights over 2500 sq kms of the Banni grasslands in Kutch, Gujarat

Adivasis opposing mining in their pristine sacred forest - Niyamgiri



Collection & Sale of Tendu Leaves by GSs in Maharashtra

- Collection & sale of tendu leaves from their CFRs by Group of Gram Sabhas of 104 villages in Gondia, Gadchiroli & Amravati districts of Maharashtra for about Rs 10 crores – increased income & sustainable management
- Also attempted by a village in Odisha

Collection & Sale of Bamboo in Gujarat & Odisha

- In 5 years, 31 tribal villages in Dediapada Taluka of Gujarat have supplied over Rs 30 crore worth of bamboo, providing wages of almost Rs 20 crore to thousands of households. A community fund also generated for further plantation & management
- Jamguda village in Kalahandi dist of Odisha also harvested & sold bamboo

CFRs – NTFP based Livelihoods & Democratising Forest Governance

- CFRs restoring community forest resources to communities
- Promoting NTFP based livelihoods through community empowerment
- Finally restoring democratic & equitable forest governance

Continuing Challenges & threats

- Uneven implementation across & within states.
- Poor information dissemination about FRA among villagers, particularly among women
- Rights not being recognised in most mineral rich areas
- Rampant use of fraudulent FPIC of village assemblies for forest diversion

Contradictory Policies & Laws to undermine FRA

- Village forest rules in Maharashtra & MP
- Non-statutory JFM in externally aided forestry projects – JICA
- CAF Act 2017 – Over Rs 560,000 million controlled by FDs violating MoEFCC's own requirement for GS consent
- Proposed amendments to Indian Forest Act more draconian than colonial Act with clear intent to undermine FRA
- Focus on PPP & commodification of forests in violation of FRA in both draft forest policy & Act

Latest threat by Supreme Court order of February 2019

- In a petition filed by Wild Life organisations challenging the constitutional validity of FRA, due to poor GoI defence, the court ordered eviction of 1.7 million claimants whose claims have been rejected.
- Although eviction suspended due to faulty rejections, equating rejection with eviction subverts the emancipatory nature of FRA.
- Mass protests across the country against the SC order reflect the transformative nature of the movement.

Looking Ahead

- Enactment of the FRA has been a historical milestone in mainstreaming environmental justice through democratising forest governance
- It is a weapon in forest dwellers' hands
- The struggle of successfully using it for fully restoring justice & democracy in the forest is going to be long & arduous with significant progress already made – About 10 million people have gained secure land tenure & several thousand villages community forest rights