

Forests and tribals

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ONE of the biggest controversies over who owns natural resources has to do with the competing rights of tribal communities to their forest homelands and the perceived need to protect the animals within those forests. Add to this the insatiable appetite for forest wealth to fuel industrial growth, and you have an explosive situation. This article discusses the history of forest rights activism and the way in which the state has dealt with these rights.

The year 2006 was momentous for tribal rights issues in India. The Government passed the “Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”, or Forest Rights Act (FRA), as it is commonly referred to. The Act sought to redress injustices that tribal and forest dwelling communities

had faced in relation to their access to forests and forest produce since colonial rule. Under the British, vast tracts of forests came under the management of the colonial rulers, and forest dwelling people lost much or all of their rights to these areas.

The various stages that the Forest Rights Bill went through before it got passed saw some of the fiercest debates in our country. Conservationists with strong wildlife concerns made doomsday predictions of forest destruction if the Bill were to be passed. Human rights activists favoured the Bill as they felt it would at least partly set right the gross injustices that some of the poorest sections of society have had to face.

This historic Act came into force on December 31, 2007. It recognizes individual and community rights





over forest land of people who could prove that they had lived on or had been cultivating the land prior to December 2005. The Act also recognizes their rights to use, manage, and protect forest resources.

History of forests in India: a peep

It may be difficult to envisage that India once had huge swathes of forests that have practically vanished. For example, seals from the Indus valley civilization depict large mammals like the rhinoceros, elephant, and tiger. The latter two mammals require huge forest tracts, which suggest that the Indus plain was once a forested habitat. Over the centuries, India's forest cover started to diminish largely for agricultural expansion. Despite this, it is evident that India still had good forest cover even across the north Indian plains. In the 7th century CE, the Chinese traveller Hieun-Tsang described the forests that he traversed as being so thick that it made travel through them difficult.

Up to the late medieval and Mughal period, systems of community property resources were largely intact. Accordingly, forest land (as well as grazing lands, water bodies and so on) were controlled and managed at the village level. These systems were based on deep ecological knowledge and cultural values that were oriented towards conservation of natural resources as well as their sustainable use.

Under British rule, forests were cut down on a large scale for the creation of plantations, to supply timber to the railways and to the British navy and to export timber. British policy and forest legislation ensured that the management of the forests came under their jurisdiction, thereby replacing common property resource systems by state owned ones. After Independence, government control of forests continued and laws that were enacted unfortunately did not take into consideration the fact that many local communities depended on forest resources for their subsistence.

India's forests today

According to the Forest Survey of India's 2003 report, 20.55% of the country's geographical area is covered with forests. Of this, about 12% is dense forest cover and about 7% is open forest cover. Forests are believed to contain the largest diversity of terrestrial species in the world. In India, the tropical rain forests of the Western Ghats and the North East have the greatest biodiversity and with a high rate of endemism (plant and animal species found only here and nowhere else in the world). Both these regions figure in the list of biodiversity hotspots in the world!

Communities and forest conservation

It is estimated that there are over 67 million tribal people in India, with the majority of them living in forested and hilly areas. They depend on the forests for resources like fuel, fodder, medicinal herbs, non-timber forest produce (e.g. honey, lac, broom grass), fish and other aquatic produce and so on. Many tribal families may collect some of the non-timber forest produce for sale in nearby markets. Forests also support millions of non-forest dwellers who are non-tribal, as well as some pastoral nomadic communities.

Tribal and other forest-dwelling communities have deep cultural, spiritual, and livelihood links with the forests around them. So many of the forests in India are held sacred despite the fact that over the years many have been threatened by development projects, increasing population and cultural change. Sacred groves and sites still exist in many states, which have preserved remnant populations of rare and endemic species, sometimes in their original and undisturbed form, which have been wiped out elsewhere. In general, such areas are quite small (sometimes only a handful of trees), but there are also large ones like the Mawphlang Sacred Grove in Meghalaya which covers 75 hectares. In fact, researchers from the North East Hill University have recorded 79 sacred groves in Meghalaya, ranging in size from .01 to 1200 ha!

Hemalkasa adivasis demonstrate against big dams that could drown their forests and villages in Gadchiroli, Maharashtra.



In Nagaland, several dozen villages have, over the last decade or two, conserved natural ecosystems as forest or wildlife reserves, the latter dedicated exclusively or predominantly to wildlife conservation. One of the biggest is the Khonoma Tragopan Wildlife Sanctuary, spread over 20 sq km, where hunting and resource extraction is completely prohibited. Given the indiscriminate hunting that this state has witnessed in the last three decades, these efforts are crucial in giving Nagaland's unique biodiversity a renewed lease on life.

In states like Orissa, Andhra Pradesh, Uttarakhand, and Maharashtra, tens of thousands hectares have been regenerated and/or protected by village communities. This is usually on their own (including in many cases by setting up all-women forest protection teams as at Dengejheri village in Orissa), through government-recognized programmes like Van Panchayats in Uttarakhand or occasionally through government-supported programmes like joint forest management. The biodiversity value of these forests is considerable, including several threatened animal and plant species.

Protected areas and conservation

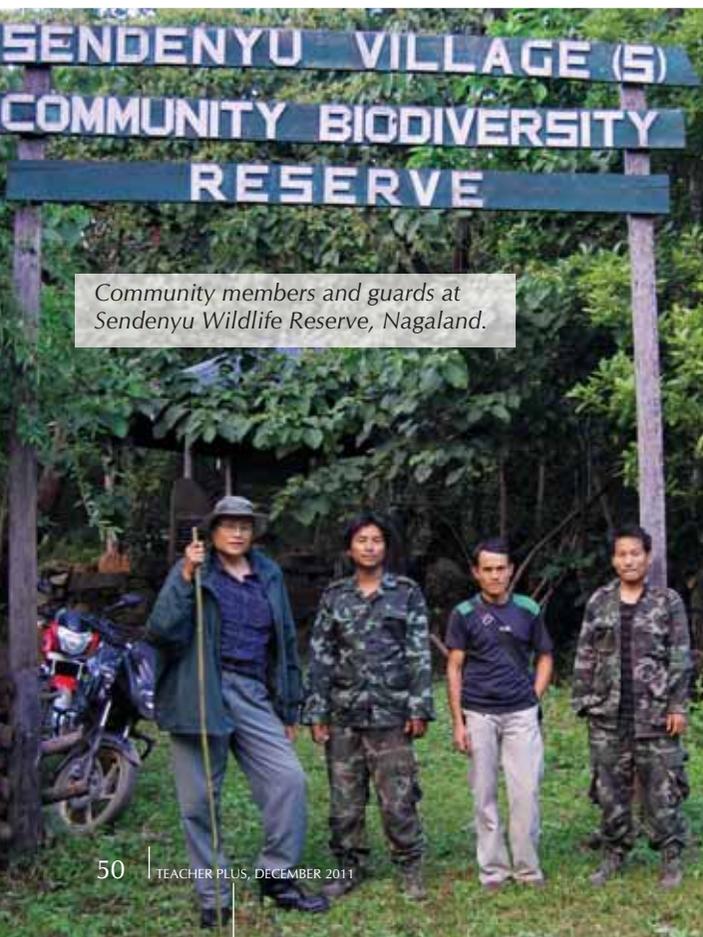
A major thrust to wildlife conservation in India was through the promulgation of the Wild Life Protection

Act in 1972 (WLPA). It allowed the government to notify areas as "protected" and restrict human activities within them. The number and spread of protected areas, meant specifically for the conservation of wildlife, significantly increased (from about 100 in the early 1970s to 657 in 2008). This, along with the fact that the Act had legal sanctions against hunting and illegal trade of endangered wildlife species, gave India's wildlife a much needed chance to survive.

However, the WLPA has alienated local people living in some protected areas and has also caused conflict with the forest department officials. Till 2002, the Wild Life Protection Act provided for two kinds of Protected Areas (PAs), Wildlife Sanctuaries (WLS) and National Parks (NP). While by law, certain human uses can be allowed in a WLS, no human use is allowed in a NP.

There are at least 2.5 to 3 million people living in protected areas today, many whose rights to the forests that they once used or had free access to have been either taken away totally or curtailed. There have been conflicts when villages were forced to relocate outside national parks (a situation that can be difficult for a community that may not even have the necessary skills to survive outside a forest) and when the government banned the collection of non-timber forest produce (resulting in a sudden loss of livelihood).

An amendment made to the WLPA in 2006 allowed for the declaration of critical tiger habitats, with the objective of making these inviolate spaces. Even though the relocation from such areas is to be done voluntarily and on mutually agreed terms and conditions, there is still fear and mistrust on the part of local communities. Recently, the Soliga tribal community that resides in the Biligiri Rangaswamy Temple Sanctuary (BRTS) in Karnataka, protested a move by the State Government to declare BRTS a tiger reserve. Even though the government rehabilitation package from a tiger reserve involves a sum of Rs.10 lakhs (this is more than what is offered for relocation out of non-tiger reserves and is considered an attractive enough amount to make local people want to move out!), the Soligas have decided to present the State Government a "community based tiger conservation" model. They have indicated their unwillingness to move out, and argue that their presence within BRTS over centuries had not led to tiger numbers declining. On the contrary, tiger numbers have gone up, and long-term research done by ATREE, a Bangalore based organization, has shown sustainable extraction of some of the non-timber forest produce that they collect.



Community members and guards at Sendenyu Wildlife Reserve, Nagaland.



Forest loss

The high rate of deforestation and the diversion of forest land that was taking place for industrial and agricultural activities lead to the enactment of the Forest (Conservation) Act 1980 (FCA). The FCA was enacted with the objective of conserving India's forests. The Act made it compulsory for state governments and other authorities to obtain central government permission for diversion of forest land for non-forest purposes as well as de-reservation of forest lands.

It has been estimated that between 1920 and 1990, the forest cover in Western Ghats decreased by as much as 40%! Forests are being diverted for various development projects like mining, hydel power projects, roads, and large industrial projects. Information received from the Ministry of Environment and Forests through an RTI application, has revealed that 11,37,686.70 hectares of forest land was diverted for non-forest use between 1980 and 2009. The RTI further revealed that one-fourth of the diverted forest land was done between 2004 and 2009! It is such alarming statistics that make conservationists view the FCA as a diversion Act rather than a conservation one!

A stipulation that was brought about by the FCA was a system of compensating for forest diversion. The compensation is done in two ways: a scheme for compensatory afforestation must be made and the company that requires the forest land is required to pay a certain amount of money for the diversion of the forest.

While some may see this as a justifiable way to acquire forest land and also see it as inevitable in the path towards a double digit growth figure for the nation, it

Think about the following!

- ▶ Should Protected Areas be inviolate areas free of human presence?
- ▶ How do urban lifestyles and increasing consumerism impact our forests?
- ▶ Should tourism be allowed to continue in Protected Areas if local communities are asked to move out?
- ▶ Should forests be managed jointly by the government and local communities who live in them?
- ▶ Should forests be sacrificed in order to attain double digit growth rates?
- ▶ How should one deal with tribal hunting practices?



Bauhinia leaves used to make plates.

reduces forests to a commodity that can be traded and to which a monetary value could be put. The amounts that are charged could vary from 10.43 lakhs to 4.38 lakhs per hectare, depending on a variety of factors such as the kind of forests, value of timber, fuelwood, and so on. Such a view is in sharp contrast to the relationship that many tribal communities, who have lived in forested regions for generations and who also bear the consequences of forest diversion, have with forests.

Diversion of forest land is an issue that is increasingly seeing protests by local communities. A recent example that caught media attention was the protest by the Dongaria Kondh adivasis against proposed bauxite mining by Vedanta, a giant multinational corporation. The mining would have destroyed the forested Niyamgiri hills, which the tribe holds as sacred.

The Chipko Movement protested handing over of forests to industry in some Himalayan villages, back in the 1970s. Today, about three decades later, we have an opportunity in the Forest Rights Act to set right some of the issues that tribal forest dwelling communities have faced: issues of user rights over forest resources and those of governance over these areas. Coupled with rights it will be important to facilitate secure livelihoods, education, health, and other facilities, for there have also been rapid changes in communities and they naturally have developmental aspirations. The last few years has shown that the implementation of the Act has been slow and with many gaps almost throughout the country. Only time will tell whether the Act will be implemented in the right spirit, will actually conserve the forests that are remaining and undo the historic injustice that tribal and other forest dwelling communities have faced.