

COMMUNITY BASED CONSERVATION AMIDST CONFLICT IN THE DOOARS REGION OF NORTH BENGAL



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Published by: Kalpavriksh, Pune 5, Shree Dutta Krupa Apartments, 908, Deccan Gymkhana Pune-411004, India
www.kalpavriksh.org

Month and year of publication: December 2018

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Copy Editing: Sudha Raghavendran

Citation: GU, N., Guha, T.L. , & Tatpati, M. (2018). *Community based conservation amidst conflict in the Dooars region of North Bengal*. Pune, Maharashtra: Kalpavriksh.

Credits: Kalpavriksh thanks Sundar Singh Rava, Lal Singh Bhujel, Rajkumar Rijal, Santeswar Rava and the people of the forest villages (part of the Uttar Banga Ban-Jan Shromojibi Manch) that we visited and stayed in during the course of the study. We are also grateful to Soumitra Ghosh and Swarup Saha of NESPON for their support.

Cover photo: A bodo woman using traditional fishing equipment

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Abbreviations

ACF	Assistant Conservator of Forest
AIFFM	All India Forum of Forest Movements
CCA	Community Conserved Areas
CFR	Community Forest Reserve
EDC	Eco-development Committee
FD	Forest Department
FDA	Forest Development Agency
FDC	Forest Development Corporation
FPC	Forest Protection Committees
FRA	Forest Rights Act
FRC	Forest Rights Committees
GoWB	Government of West Bengal
GUS	Gram Unnayan Samitees
IFRs	Individual Forest Rights
JFM	Joint Forest Management
JICA	Japanese International Cooperation Agency
LLRD	Land and Land Reforms Department
MFP	Minor Forest Produce
OBCs	Other Backward Castes
NOCs	No Objection Certificates
NESPON	North Eastern Society for Protection of Nature and Wildlife
NFFPFW	National Forum for Forest People and Forest Workers
NREGA	National Rural Employment Guarantee Act
NTCA	National Tiger Conservation Authority
NTFP	Non-timber Forest Products
OTDF	Other Traditional Forest Dwelling
RO	Range Officer
STs	Scheduled Tribes
UBS	Uttarbangya Banabasi Samiti
UBVJSM	Uttar Banga Ban-Jan Shromojibi Manch
WBFDCCL	West Bengal Forest Development Corporation Limited
WLPA	Wildlife Protection Act

Summary

This report is based on two visits to some of the villages located in the Alipurduar and Darjeeling districts of the Dooars region of North West Bengal. The first visit¹ was carried out to understand the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, or the Forest Rights Act (FRA), while the second visit² was undertaken to understand community based conservation practices in the region.

An attempt to study the conservation initiatives in these villages has been made in the light of the historical injustice faced by the indigenous communities in the *Dooars* due to forestry practices that had started during the colonial rule and still continue. These forestry practices have led to exploitation and degradation of the forests and usurpation of traditional and customary rights of indigenous communities.

Though officially unrecognised, these villagers have asserted their rights over traditional forest boundaries, which are vested in the Forest Rights Act, 2006. Using provisions given in the FRA, the *gram sabhas* have filed for Community Forest Resource rights, formed a number of forest protection and management committees and engage in activities like forest patrolling, prevention of poaching, illegal felling and clear felling coupe operations that threaten the biodiversity. They are supported in their endeavours by Uttar Banga Ban-Jan Shromojibi Manch (North Bengal Forum of Forest People and Forest Workers), a people's organisation, and the North Eastern Society for Protection of Nature and Wildlife (NESPON), a Siliguri based NGO that plays an important role in facilitating this process.

The report also documents motives behind conservation, institutions involved, opportunities, challenges and constraints faced and impacts of the above in sustaining local livelihoods and ensuring cultural, livelihood and food security of the indigenous communities.

¹ In January 2015, a team visited Kolabadi Forest Village in the Kalimpong Forest Division, Darjeeling District, Andu Basti, Bania and Kurmai Forest Villages in the Chilapata range; North Khairbari of Madarihaat Range; Kodal Basti in Jaldapara Wildlife Division in Alipurdua District and Jayanti, PoroBasti and Chipra Depot forest villages situated in the core and buffer of Buxa Tiger Reserve and Bhutia Basti (part of the relocated village-Palka Poro) of the Buxa Tiger Reserve in Alipurduar district.

² In January 2017, another team visited Uttar Mendhabari and Dakshin Mendhabari Forest Villages in Chilapata Range; Kodal Basti and Salkumar Forest Villages of the Jaldapara Wildlife Division and Jaldapara South Range respectively; North Khairbari forest village of Madarihaat range and Holapada Forest village of Coochbehar forest division in Alipurduar district.

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Forest dwellers are ‘integral to the very survival and sustainability of forest ecosystems’ – Forest Rights Act

Hamare haat mein jungle de do, jungle ko jungle banake dikha denge - Kajhi Kshetri,
North Khairbari Forest Village

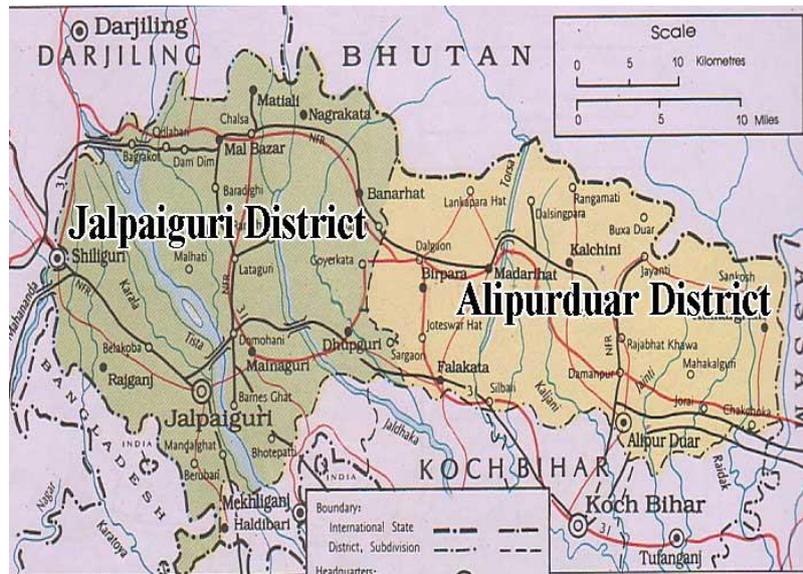
(Give us the rights over the forest, and we'll show how a forest is sustained - Kajhi Kshetri,
North Khairbari Forest Village)

1. INTRODUCTION

To the south of the foothills of the Eastern Himalayas lie the alluvial floodplains of the northern part of West Bengal. Popularly called the *Dooars* or *Duars*³, the valley stretches from River Teesta on the west to River Sankosh on the east and is drained by the Raidak, Torsha, Jaldhaka and Kaljani rivers. It forms the gateway to Bhutan. It is part of the *Terai-Duars* savanna and grasslands ecoregion known for its rich biodiversity and wildlife, marked by the presence of three protected areas – Gorumara National Park, Buxa Tiger Reserve and Jaldapara Wildlife Sanctuary. These habitats support populations of one-horned rhinoceros, gaur, leopard, elephant, wild boars, sambar, spotted deer and other rare varieties of animals, birds, reptiles and amphibians⁴. The *Dooars* fall under the administration of Jalpaiguri, Alipurduar and lower parts of the Darjeeling districts and the upper regions of Cooch Bihar district of West Bengal. The altitude of the *Dooars* ranges from 90m to 1750 m above sea level, marked by extreme weather conditions in the winter.

³ In Bengali, Assamese and other Indian languages, the word *dooars* literally means ‘doors’. There are about 18 such doors or gateways between the hills in Bhutan and the plains of India.

⁴ Adopted from <http://coochbehar.nic.in/htmfiles/dooars.html> and <https://en.wikipedia.org/wiki/Dooars>



A Map of Jalpaiguri District

The region is inhabited by diverse indigenous and tribal communities including the Bodo, Rabha, Mech, Toto, Koch Rajbongshi, Lepcha, Tamang/Murmi, Limbu, Majhi, Mangar, Oraon, Munda, Kharia, Mahali, Lohara and Chik Baraik. Tribal communities like the Majhis, Tamangs and Mangars are from Nepal, and so are the Sharmas, Chhetris and Pradhans who belong to the general category and the Vishwakarmas who belong to the Other Backward Castes category (OBCs). Oraons, Mundas, Kharia, Mahalis, Loharas and Chik Baraiks are tribes from Chotanagpur and Santhal Parganas. Apart from them, a significant Bengali population, mostly those displaced from East Pakistan (present Bangladesh) during the Partition of Bengal, also make up the demography of the region.

1.1 The Study

Rationale to Document Community Conservation Efforts

The *Dooars* of North Bengal was home to indigenous, semi nomadic and hunter-gatherer communities like the Rabhas, Mech/Bodo and Dhimals who practised swidden agriculture⁵. However, since the time of the British rule, reservation of the forest under the forest legislations usurped the rights of communities over the forests. Forestry operations exploited the forests for commercial purposes and led to degradation of forests in the region⁶.

⁵In this kind of agriculture, a patch of forest is cleared and then burnt to prepare a plot to cultivate crops and vegetables. Also called *jhum*, these plots are re-used in a cycle of 8-12 years allowing the forests sufficient time to regenerate.

⁶Choudhury, G. (2015). Land Tenure and Forest Conservation in the Dooars of the Eastern Himalayas. *Review of Agrarian Studies*, 5(1), 61-87. (check name of journal, italics)

Indigenous communities across the world have been conserving and sustainably using a variety of ecosystems over the years, way before the modern push for conservation came about a few decades ago. However, there is a lack of sufficient and detailed information about these initiatives and practices, especially in the Indian context⁷.

Several action alerts from some of the villages in the *Dooars* reveal that these diverse communities are using the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, or the Forest Rights Act, to assert their rights over the forests that they had traditionally inhabited and used. These communities are now claiming community rights over forest resources and also leading various initiatives to conserve the forests, though their claims have not been accorded formal recognition by the state as yet.

In all the villages documented in North Bengal, the community or *gram sabha* is the main decision-maker in all matters pertaining to their village and forests although the power of *gram sabhas* here is not recognized by the government. However, there are systems (traditional and modern), rules and regulations (unwritten yet collectively decided) in place, which deal with governance of forests including use, access and conservation. The community efforts are slowly moving towards not only sustainable use of forest resources but also conservation of nature. Therefore, we believe that these villages fulfil the threefold criteria of being Community Conserved Areas⁸ (CCA), where

- *A Community or communities is/are the main decision-maker/s*
- *There are systems, rules and regulations in place indicating conservation objectives*
- *Efforts are towards conservation.*

Objectives

The main objective of the study is to document these community initiatives in the *Dooars* and study their role in trying to protect biodiversity and ensure their cultural, livelihood and food security. In doing so, the study also attempts

- To understand the origins and motives of these conservation initiatives.
- To understand the role of these initiatives in sustaining local biodiversity, cultural identity and livelihoods.
- To understand the systems, institutions and processes of conservation.
- To understand the factors that support and inhibit these initiatives.
- To understand the challenges and constraints faced by the communities involved in these initiatives.

⁷See: http://www.kalpavriksh.org/images/CCA/Directory/CCADirectory_Overview.pdf

⁸ These are natural ecosystems (forest/marine/wetlands/grasslands/others), including those with minimum to substantial human influence, containing significant wildlife and biodiversity value, being conserved by communities for cultural, religious, livelihood, or political purposes, using customary laws or other effective means (Source: ICCA Consortium <http://www.iccaconsortium.org/>)

- To understand the role of policies facilitating these initiatives at the national level.
- To search for world views in the cultural, religious, spiritual spheres of their lives that can be positioned as an alternative to the existing social, political and ecological order, which is centralised and unjust.

Methodology

This is the methodology adopted for the study and the compilation of this report

- Interviews with individual villagers
- Visits to the villages and the forests
- Group discussions with community members
- Informal conversations with the villagers
- Review of secondary literature
- Discussions with members of the North Eastern Society for Protection of Nature and Wildlife (NESPON)
- Discussions with members of Uttar Banga Ban-Jan Shromojibi Manch
- Discussions among team members within Kalpavriksh.

Limitations

The study should be treated as a preliminary attempt towards fulfilling the larger objectives stated above. Owing to paucity of time and resources, formal *gram sabha* meetings could not be carried out, although in every village, leaders and a few members of the *gram sabha* were interviewed. We were not able to talk to the *elders and youth*, which could have added a deeper perspective to the report in terms of the *pasts lived* and futures anticipated.

Besides the *Rabha* community and some members of the *Oraon*, *Chik Baraiks*, *Majhis* and *Tamang* communities, the participation of the other communities within the villages could not be sought. The participation of women in these meetings was also minimal. As interviews were conducted in *Hindi* and *Bengali*, the local terms given in this report are in *Bengali* and not in *Rabha*, *Bodo* or *Sadri*⁹.

We have not been able to cover all the villages active with the Uttar Banga Ban-Jan Shromojibi Manch, and thus, were unable to gauge the community conservation efforts in its entirety. However, we hope that this documentation will be helpful for local actors to facilitate internal debates and discussions on forest management and biodiversity conservation and negotiate with state agencies towards inclusive conservation strategies as required under the Forest Rights Act and Wildlife Protection Act.

⁹It is the language of the *adivasis* from Chotanagpur and Santhal Parganas.

1.2 Overview

For the study of community conservation efforts, six forest villages – Dakshin Mendabari, Uttar Mendabari, Kodal Basty, Holapada Titi, North Khairbari, Salkumar – located in three blocks namely Kalchini, Madarihat-Birpara and Alipurduar I of Alipurduar district were covered. These villages fall broadly under the Cooch Behar forest division, which comprises Jaldapara National Park and a couple of other forest ranges within. The nature and structure of those villages were different before the advent of the British¹⁰.

These villages have a diverse ethnic composition. *Rabhas* are the majority community. Others include *Oraons*, *Mundas*, *Kharia*, *Chik Baraik* brought in from Jharkhand and Chhattisgarh and settled in these villages during the colonial rule to form a captive labour pool for forestry operations. Holapada Titi is home to communities from Nepal namely *Chetri*, *Sharma*, *Mangar*, *Biswakarma*, *Majhi* and *Tamang*. North Khairbari inhabitants include, besides *Rabhas*, *Pradhan* and *Mech/Bodo* communities. Predominant religions are Hinduism and Christianity. Languages spoken in the region are *Rabha*, *Nepali*, *Bengali*, *Hindi*, *Kuduk*, *Sadri*, *Bodo*.

Agriculture is the principal form of livelihood¹¹. Other livelihoods include agricultural labour, livestock rearing and fishing. Most families rear cattle, goats, pigs, hens, geese and so on. They are also employed under National Rural Employment Guarantee Act or NREGA¹² and by the forest department when occasional plantation activities are undertaken. People also migrate in search of work, as the income generated through the aforementioned means or food cultivated is not adequate throughout the year. In Salkumar, one person from every household (sometimes with family) migrates to Delhi, Mumbai, Kerala and even Bhutan. Almost all the communities living in these villages depend on the forest for their needs and livelihoods.

¹⁰ A well in Kodal Basty village affirms its existence as a *pada* (a settlement comprising of a few households) since 1811. Villagers also say that Salkumar existed before the time of the British. Uttar Mendabari has a feudal past. It was once a part of the Kamata Kingdom under the Raja of Coochbehar, a ruler of the region before colonial times. At that point, the village had only about 18 houses. Some members of the *Rabha* community claim that they were once *Koch Rajbanshi*, and called themselves Scheduled Tribes after independence.

¹¹ Cumulative, but not exhaustive, list of crops grown include *dhan* (rice), *bhutta* (corn), *paat*, *aloo* (potato), brinjal, onion, garlic, pulses, *sarso*(mustard), *paat kola*, *jot*, *suji kochu*, *ada* (ginger), *halood* (turmeric), *til* (sesame), *saag*(green leafy vegetables such as *sarso* and *rye*).

¹² It is an act that ensures livelihood security in rural areas by providing at least 100 days of guaranteed wage employment every year.



Agricultural Fields at Andu Basti Forest Village

The fundamental issue hampering conservation efforts in these villages is that they have been classified as ‘forest villages’. A historical understanding of the region is therefore essential to understand contemporary issues that the villages face. Since the Forest Rights Act (FRA), 2006 came into being, the struggle has found a legitimized expression and developed a new force. The next section is dedicated to explaining what transpired in the past, how the provisions of a law have empowered people’s struggle, and how the law has been implemented in the region.

2. FORESTRY AND THE STRUGGLE FOR FOREST RIGHTS IN NORTH BENGAL: A HISTORICAL PERSPECTIVE

The history of forestry in North Bengal’s *Dooars* plains and Darjeeling hills is a long and troublesome one. From records, it can be ascertained that till the late 19th century, the *Dooars* plains were covered in tall grasses and rich Sal forests, and the Darjeeling hills had thick hill forests interspersed with pastures. Both the regions were sparsely populated by semi-nomadic groups such as Mech, Rava, Dhimal and Garo in the plains and Lepcha, Limbu, Rai and Dukpa in the hills¹³. They primarily practiced shifting cultivation and supplemented it with hunting and food gathering. The practice of shifting cultivation included a regular and controlled use of fire¹⁴, which prevented the growth of secondary vegetation in the area, despite heavy rainfall.

¹³Ghosh. S. (2016). *Selling Nature: Narratives of Resistance, coercion and Ecology*, in Kohli. K and Menon. M (Ed.s): *Business Interests and the Environmental Crisis*, Sage, Delhi.

¹⁴ The use of fire by indigenous communities around the world, besides having great cultural significance, has shaped forest ecosystems. A wide array of literature is available on this.



A House in Kolabadi Forest Village

The hills were annexed by the British from the Kingdom of Sikkim in 1835 and the Dooars region was annexed from the Kingdom of Bhutan after the Anglo-Bhutan war of 1864-66¹⁵. With the arrival of the British and their system of 'scientific forestry', both the forest ecosystem and the traditional livelihoods of the local inhabitants were fundamentally altered. The forestry system introduced by the colonial regime involved transforming bio-diverse forests into large scale 'productive' timber producing monocultures of Sal (*Shorea robusta*) and Teak (*Tectona grandis*) in the plains, and exotic species such as Dhupi (*Cryptomeria Japonica*) and Cinchona (*Cinchona spp*) in the hills. Scientific management geared towards 'protecting' large tracts of forests from local use by bringing the land under government reservation and eviction of local inhabitants. Thus, self-sustaining independent communities got de-linked from their forest habitats and became environmental refugees and then unpaid labour in forestry operations.

Apart from this transformation, the British allowed for clearing forests for permanent agricultural holdings and promoting tea plantations in the region, prompting large tea estates to come up in the area¹⁶. As a result, migrants flooded into the area for work, especially tribal populations from Chhotta Nagpur, who were similarly evicted from their lands¹⁷. According to the Darjeeling Gazetteer, the population increased from 100 in 1839 to 10,000 in 1849 and again to 22,000 in 1869, and continued to increase

¹⁵Wangyal, S.B. (n.d). A Cheerless Change: Begal Dooars to British Dooars. *Journal of Bhutan Studies*, 40-55.

¹⁶ By 1891 there were 177 tea estates, taking up 45,000ha of land. See: Dash, A.J. (1947). *Bengal District Gazetteer: Darjeeling* (Alipore, Bengal: Bengal Government Press, 1947), 50.

¹⁷ Ironically, the repression of the 1855 tribal insurrection in parts of Chhotta Nagpur led to the immigration of the Santhal, Oraon and Munda tribals into North Bengal. They were used as labour in forestry and tea plantations, and between 1860 and 1920, boosted population growth in western North Bengal. See more in Bose, S. (1993). *Peasant Labour and Colonial Capital: Rural Bengal since 1770. (The New Cambridge History of India)* (Volume III). Cambridge: Cambridge University Press.

rapidly thereafter¹⁸. All these factors put an immense strain on both the forest ecology and the inhabitants' traditional way of life.

2.1. Emergence of Forest Villages, *Taungya*¹⁹ and Fixed Demand Holdings

It was in this context, that the first 'forest villages' started were settled by the British in the Dooars and the hills. These emerged simultaneously during the 1890s in parts of Assam, Bengal and the Central Provinces²⁰. Essentially, these were labour settlements established for forestry operations.

Ironically, the same communities that were evicted got increasingly recruited as settlers in the earliest forest villages in North Bengal, along with people brought from the Chotta Nagpur area, including the Oraon and Santhal *adivasi* groups as well as others. Sometimes old tribal settlements were also declared 'forest' villages. In these villages, there was no wage labour. Instead people were given small landholdings in exchange for unpaid compulsory (*begar*) labour. Sometimes, these villages were permanent, while others would shift every two-three years once a plantation had been entirely raised and felled²¹.



A Timber Depot of the Forest Department at Kodal Basti

¹⁸ Dash, A.J. (1947). *Bengal District Gazetteer: Darjeeling* (Alipore, Bengal: Bengal Government Press, 1947), 49.

¹⁹ Taungya is a Burmese word meaning hill (taung)-farm (ya).

²⁰ NESPON. (n.d). *Region Report: A Note on the Forest/Taungya Villages in Sub-Himalayan West Bengal with Notes on FRA implementation in West Bengal in Annexure*, NESPON: West Bengal.

²¹ Banerjee, A., Ghosh, S., & Springate-Baginski, O. (2010). The Creation of West Bengal's Forest Underclass: An Historical Institutional Analysis of Forest Rights Deprivations. *IPPG Discussion Papers*, 51. 1-26.

Secondly, local forest management methods were regarded 'wasteful'²² and the most significant change in management was the introduction of fire control measures in the area in 1865, spelling disaster for the swidden agriculturists and the forest²³. The newly introduced forest management practices also called for clear felling whole forest areas before letting new forests generate. These measures allowed for the regeneration of a new semi-evergreen/moist deciduous forest since Sal forests failed to regenerate naturally, thereby hurting the revenue from colonial forestry. This prompted the policy to shift towards settlement of *Taungya* villages between 1910 and 1947. The communities previously involved in swidden agriculture and subsequently evicted were resettled in *Taungya* settlements in order to take advantage of the techniques that they used in swiddening. The settlers were made to clear fell the forests and burn the area. The area could then be used for cultivation for a period of two to four years. After this, they were made to plant the area with forest species according to the directives of the Department, weed and clean the plantation and save it from fire and grazing hazards for another four/five years, or till they were shifted to another plantation site. Apart from forest villages, 'fixed demand holdings' were also established. Better known as FD holdings, these were settlements created by the British by bringing in traders who would engage in production and sale of charcoal, as well as timber on their behalf. These traders were only given homestead lands on lease on payment of rent.

Thus, the entire region was eventually 'honeycombed' with forest villages, *taungyas* and fixed demand holdings, settlements that the colonial forest department brought into being to ensure uninterrupted revenue from lumbering²⁴. There are no official statistics recording the number of forest villages in the area, however, a study by the (now defunct) Forest Village Development Division in 2000 estimated that there were 173 forest villages. Estimates by independent activist groups have suggested that this number could be nearly 230²⁵.

2.2. Struggle for Legitimizing Livelihoods and Existence

By creating the forest village system, the colonial forest department acquired a skilled workforce. Over time, the villagers were made to sign an annual agreement with the forest department. In exchange for labour, they were given certain privileges and facilities including limited free timber for building quarters, drinking water, limited medical assistance, free firewood and fodder in addition to cultivable land of not more

²²NESPOL. (n.d). *Region Report: A Note on the Forest/Taungya Villages in Sub-Himalayan West Bengal* with Notes on FRA implementation in West Bengal in Annexure, NESPOL: West Bengal.

²³Sivaramakrishnan, K. (1996). The politics of fire and forest regeneration in colonial Bengal. *Environment and History* 2, no.2. : 145-94. Available at: <http://www.environmentandsociety.org/node/2881>

²⁴NESPOL. (n.d). *Region Report: A Note on the Forest/Taungya Villages in Sub-Himalayan West Bengal* with Notes on FRA implementation in West Bengal in Annexure, NESPOL: West Bengal.

²⁵Banerjee, A., Ghosh, S., & Springate-Baginski, O. (2010). The Creation of West Bengal's Forest Underclass: An Historical Institutional Analysis of Forest Rights Deprivations. *IPPG Discussion Papers*, 51. 1-26.

than five acres²⁶. Eventually, the plot sizes reduced due to increase in population²⁷. In 1912, there was an initiative to start paying the workers per day for extra days of labour put in and also limiting homestead land to 1.5-2.5 acres, and keeping limited number of cattle²⁸.

However, the forest villagers were severely underprivileged and completely dependent on the policies of the forest department. Villagers' rights over the forests they worked in and the land they stayed in and cultivated were never settled; everyone including women and children were made to work in the forest for long hours without any wages. There were no facilities for educating the children and no health centres. This situation continued and exacerbated after Independence as more forest villages continued to come up.

It was during the 1950s and 1960s that various groups started calling for the abolition of this system of exploitative forest labour. The 1950s and 1960s saw the birth of many leftist workers' and peasant struggles²⁹ around the Dooars and adjacent regions including the Tebhaga movement, Beru-Bari movement, Naxalbari movement and other such movements. These movements contributed greatly to the struggles of the forest dwellers and workers, more importantly the tea workers' struggle for bonus. The formation of the first United Front government in West Bengal in 1967 and their recognition of workers unions also contributed to these struggles. The first struggle attributed to the forest workers was the struggle against the eviction of 29 forest villagers who were second generation settlers and had no agreement with the forest department³⁰. This movement quickly spread through the Dooars. Around this time, the forest villages started organizing village level committees to agitate against the malpractices by the forest department. In 1969, the movement collectively put forward a charter of demands and placed it before the Minister of Forests, which included the abolition of *Taungya* by introducing paid wage labour, and the permanent settlement of forest villages. This resulted in the Government's resolving to pay daily labour to the villagers, and appointing local Divisional Forest Officers to settle the villages³¹. However, the orders of the Government to regularize encroachments were used to evict many genuine forest villagers, and instead of paying wage labour, the department started employing labour from outside the forest villages. The resulting agitation by the villagers against this led to at least five villagers losing their lives. However, this led to

²⁶Jha, S. (2012). Radical Politics and Environmentalism against Taungya in Dooars. *Economic and Political Weekly*, XLVII(I), pp. 112-118.

²⁷Das, B.K. (2005). Growth of Ethnic Groups in Forest Villages of Buxa Tiger Reserve, West Bengal. *Indian Forester*, 131. Pp. 504-518. A very large number of second generation forest villagers did not have any written agreement with the forest department. Very often, relatives of the villagers who had an agreement also came and stayed in the forest villages due to which plot sizes were minimized.

²⁸ Ibid

²⁹Das Gupta, R. (1985). Peasants, Workers and Freedom Struggle: Jalpaiguri:1945-47. *Economic and Political Weekly*. pp. 42-53.

³⁰ Jha, S. (2012). Radical Politics and Environmentalism against Taungya in Dooars. *Economic and Political Weekly*, XLVII(I), pp. 112-118.

³¹ The Government of West Bengal issued an order to introduce wages, and provide 2.5 acres to each genuine forest villager by regularizing encroachment on or before 28th July 1970.

an increase in wages and a promise that the villagers would not be evicted from their lands.

By 1972, the movement started focusing on questioning the practice of clear felling young trees by the forest department and the new contractor lobby that had evolved due to the commercialization of forestry. Instances of illicit tree felling were reported by many villages and logs were seized from the contractors. Patrolling of village forests began. Under this pressure, the forest department tried to evict villagers but were stopped by the High Court in 1979, when the forest workers movement went to court against the forest department's eviction drives³².

At the national level, the 29th Report of the Scheduled Tribes and Scheduled Castes Commission highlighted forest land disputes and recommended a framework for resolving these disputes³³. Based on this report, the Ministry of Environment and Forests in 1990 issued a series of circulars³⁴, including pushing for the *conversion of forest villages into revenue villages*³⁵ and guidelines on how to go about the same. However, these orders and recommendations did not lead to any tangible relief for the villagers. The Government of West Bengal set up a new organisation called the Forest Village Development Board in 1987–1988, which attempted to record these villages, albeit haphazardly, but the process was controlled by the Forest Department (FD). In fact, in the early 1990s, the FD stopped renewing its agreements with forest villages, which stripped them of legal status and any erstwhile benefits. Additionally, forest employment started reducing drastically at this time. For the last ten years, the average number of employment days per year has been between 10 and 40³⁶.

Joint Forest Management (JFM) was introduced in the region in 1991. Villages were made to form Forest Protection Committees (FPCs), generally in a very rushed and haphazard manner. In many cases, these were formed over several spatially separated villages and included migrant tea-garden workers. Under JFM, villagers take part in forest management schemes decided by the FD and supposedly enjoy some usufruct benefits as a result. For example, after five years of protection, villagers can have access to NTFPs such as “fallen twigs, grass, fruits, flowers, seeds, leaves and any intercrops raised by FPCs subject to any restrictions, medicinal plants as per approved micro-plan, 25 percent of sales proceeds for firewood and pole... lops and tops derived out of clear felling as per approved working plan which comes under a category of firewood”³⁷. Neither wages are offered nor agreements to land titles or rights to timber and grazing. For these reasons, some villagers have drawn comparisons between JFM and *begar*.

³² Jha, S. (2012). Radical Politics and Environmentalism against Taungya in Dooars. *Economic and Political Weekly, XLVII(I)*, pp. 112-118.

³³ Asher, M., Agarwal, N. (2007). Recognising the historic injustice: Campaign for the Forest Rights Act, 2006. National Centre for Advocacy Studies, Pune.

³⁴ The circulars can be accessed at: <http://fra.org.in/13-1-FP-1%20to%206.pdf>

³⁵ The first step towards legal recognition of forest villages is their conversion to revenue villages, due to which they can come under the purview of the district administration or magistrate.

³⁶ Ibid, 8.

³⁷ GoWB JFM Circular, in NESPON, *Region Report: A Note on the Forest/Taungya Villages in Sub-Himalayan West Bengal*, 22.

In many cases, villagers tried to dissolve FPCs formed under JFM, however these attempts have often been responded to with threats that funds for developmental projects will be stopped.

PROTECTED AREAS: CONSERVATION AT CROSSROADS

The situation of forest villages has been significantly compounded by the emergence of protected areas in North Bengal. The Buxa area, for example, has been given status as a Tiger Reserve, a Wildlife Sanctuary and a National Park. It was declared a Critical Tiger Habitat in 2007, despite the fact that tigers have not been spotted in the area for a long time.

Caught in a complex trap where they have no permanent land records and no recognised rights, the threat of relocation is very real and has resulted in a situation of conflict between villagers and the forest department. There have been a number of atrocities by forest staff against villagers who have just been trying to go about their daily life, which includes accessing forest resources for their livelihoods. Samuel Rava, a 15 year old boy, was shot dead on 8th February 2008 in Buxa Tiger Reserve while trying to graze cattle and collect firewood. A report in 2010 by a human rights organisation has revealed that there have been *at least* 11-12 such cases and the victims' families have been unable to get justice. Not a single officer has been arrested, no punitive action has been instituted. Instead, forest officials have filed counter cases to defend their actions. After the young Satyan Rabha in Buxa Tiger Reserve was badly injured in a departmental firing, his village protested for justice and as a result 36 were arrested and fined Rs 8000/- each.

A Public Hearing organised by the National Forum of Forest People and Forest Workers, NESPON and Disha in April 2005 concluded that shootings, torture and sexual violence against women by forest staff were routine phenomena in these villages. Additionally, a large number of villagers who have spoken out against the FD have charges pending against them.



Buxa Tiger Reserve

It is important to note that no information was provided to the villages on notification of the tiger reserve. Till today, the forest department creates significant hurdles in the

daily livelihood activities of the villages including stopping people from collection of non-timber forest products (NTFP) and grazing, collection of firewood and timber for house repairs, cutting off access roads to villages and razing crops to the ground. Because these villages are forest villages and therefore have no recognised rights over forests, which is compounded by the fact that no settlement of rights was carried out under the Wildlife Protection Act (WLPA), the relocation of Bhutia Basti forest village (the only village relocated from Buxa Tiger Reserve) was quite arbitrary. Contrary to the National Tiger Conservation Authority (NTCA) guidelines on relocation, families were made to sign relocation 'agreements' with the FD which promised them about 7 *bhigas* land per family, and a school and community hall for the village.

For many families, these promises have not been fulfilled. They have had to build new houses without any financial support from the forest department. There is no school or any medical facility near the relocation site. The site also does not have any access to the forest. Therefore, daily needs like timber, firewood, NTFP, medicinal plants that could be met by the proximity to forests earlier have to now be purchased at a heavy price. Earlier livelihood options cannot be exercised. Thus increasingly, inhabitants from erstwhile forest villages, who actually helped create forest plantations, have now been relegated to the status of wage and migrant labourers.

See:

http://www.forestpeoples.org/sites/fpp/files/news/2010/08/india_bengal_press_rel_buxa_reserve_nov_09_eng.pdf

<http://timesofindia.indiatimes.com/city/kolkata/Bengal-submits-Buxa-tiger-relocation-plan-to-Centre/articleshow/50524065.cms>

<http://wrm.org.uy/oldsite/countries/India/BuxaTiger.pdf>

<http://aitcofficial.org/aitc/tourism-at-buxa-tiger-reserve-gets-a-boost-thanks-to-wb-cms-initiative/>

<http://wrm.org.uy/oldsite/bulletin/131/India.html>

With no rights over the land, the villagers have limited livelihood options within the Dooars. Many villagers have been forced to migrate. In both the plains and the hills, there is some employment offered through NREGA in areas such as forestry or construction, however it is not on a regular basis. There have been complaints that work is often given to non-local people. Agriculture (either intercropping or regular agriculture on plots) is still practiced by villagers in the Dooars. However, it sustains the villagers for only four months in a year, for the rest of the year, they are forced to purchase food from the market. In Darjeeling, agriculture is confined to kitchen gardens. In both areas, plot sizes have reduced substantially as a result of population increase and an inability to attain land titles for horizontal expansion. Some families have livestock and poultry, however, a shortage of land and problems regarding grazing rights keep stocks to a minimum. Any developmental activity in the villages including building roads, houses, community centres or schools requires the No Objection Certificate of the Range Forest Officers in the forest villages which is difficult to obtain³⁸.

³⁸ Information shared during visits to Manebhanjyang (fixed demand holding) village and Balasun (Majdhura), Lepchajagat, Senchal and Jorebunglow forest villages in the Sukhia-Pokhiri block of Darjeeling district.

2.3. The Forest Rights Act and its Implementation in West Bengal by State Agencies

The enactment of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in January 2008 came as a boon to the forest villages across North Bengal.

PROVISIONS OF THE FRA

The Act “**recognises and vests**” forest rights and occupation in forest land of communities who have been residing in forests for generations but whose rights could not be recorded;” and “provides for a framework for **recording** the forest rights **so vested**”¹. It acknowledges that forest rights on ancestral lands and habitats were not adequately recognised in the colonial period as well as in independent India resulting in **historical injustice** to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Act therefore provides for individual and community rights over forest land² and developmental rights under Sec 3(2) including creation of schools, dispensaries or hospitals, *anganwadis*, fair price shops, electric and telecommunication lines, roads, and community centres etc³. While the Act envisages individual rights over forest land under individual habitation or for self-cultivation for livelihood as well as other rights enumerated in Sec 3 (1), the significance of the FRA is truly manifested in rights given to communities over customary forests or Community Rights under Sec 3(1) (a)-(m) which include, rights such as *nistar* and rights prevalent in erstwhile regimes; rights of ownership, access to collect, use, and dispose of minor forest produce; other rights of use or entitlement including over water bodies, grazing (both settled and transhumant) and traditional seasonal resource access for nomadic and pastoralist communities; habitat rights of primitive tribal groups and pre-agricultural communities; rights recognized by state laws or autonomous bodies under traditional or customary law, any other traditional right customarily enjoyed (but excluding the traditional right of hunting/trapping/extracting wild animals) and right to on site rehabilitation including alternative land in cases of illegal eviction; prior to the 13th day of December, 2005⁴. In the context of the forest villages of North Bengal, **an important right given to village communities is the right to protect, regenerate or conserve or manage any traditional community forest resource under Sec 3 (1)(i) or CFR right. Besides, the Act also provides for rights to be recognised over disputed land, rights to convert forest villages and settlements into revenue villages**⁵. To supplement this provision, the Ministry of Tribal Affairs, the nodal agency for the implementation of the Act, issued clarifications and guidelines⁶ on the 8th of November 2013, pertaining to the operationalization of Sec 3(1) (h) of the Act. It was clarified that the provisions of the FRA supersede and guide the provisions of all other Acts and Supreme Court orders relating to forests, and therefore conversion of all villages on forests should be carried out. It places the onus of identification of all such villages on District Collectors and the Sub Divisional Level Committees and State Level Monitoring Committees. Once the identification of such villages is carried out, the *gram sabhas* are to make claims to convert the village to Revenue village and the process to be followed should be according to the provisions of the FRA. Once the process is complete, the revenue records are to be updated to secure their legal status. The *gram sabha*⁷ is the primary body that can claim these rights for a village community, as well as be the main

agency to exercise these rights and manage forests in a village.

¹The copy of the Act and Rules are available at: <http://tribal.nic.in/FRA/data/FRARulesBook.pdf>

² Sec 2(d) of the FRA defines forest land as “land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks.”

³ Provided that the land for each of these in less than 1 ha and not involving felling of more than 75 trees per ha

⁴ Enumerated in Sec 3(1) (a-m), these rights can be claimed by communities in occupation of forest land prior to 13th December 2005.

⁵ Sec 3(1)(h)...’rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages...’ Sec 2(f) defines ‘forest villages’ as ‘...settlements which have been established inside forests by the forest department of any State Government for forestry operations or which were converted into forest villages through forest reservation processes and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, and includes lands for cultivation and other uses permitted by the Government...’

⁶<http://www.tribal.nic.in/WriteReadData/CMS/Documents/201311130217562366178LettertoCSofallState.pdf>

⁷ Sec 2(g)... ‘Gram Sabha means a village assembly which shall consist of all adult members of a village and in case of states having no panchayats, padas, tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women...’

However, the actual process of the implementation of the Act in the state is disappointing. There is an absolute lack of awareness of the provisions of the Act at all levels, including various functionaries of the nodal agency, the Backward Classes Welfare Department. The thrust remained on the individual forest rights provisions. Secondly, the entire implementation of the Act was handed over to the forest department. This was quite clear when the Government of West Bengal (GoWB) issued orders in direct contravention of the Act, right after its notification in 2008, asking villages to form *gram sansads*, under the State Panchayat Act, at the panchayat level rather than at the level of each individual village, hamlet or settlement³⁹. Thus the Forest Rights Committees⁴⁰ (FRCs) were formed at the panchayat level causing several problems for forest villages in claiming their rights⁴¹. Additionally, the GoWB fundamentally undermined the democratic nature of FRCs by making them subservient to politically controlled Gram Unnayan Samitees⁴² (GUS), which gave way to government nominated invitees and the forest beat officers to be on the FRC. Illegal and arbitrary cut-off dates were also announced for submitting claim forms. If the villages

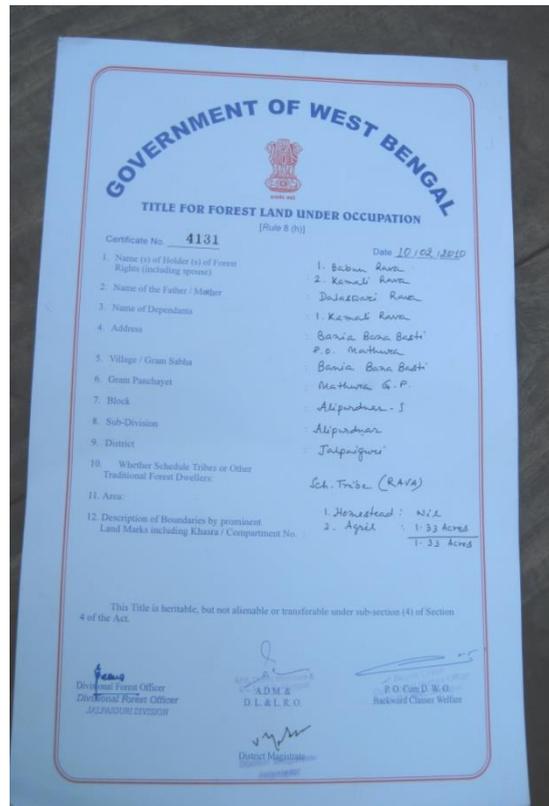
³⁹Banerjee, A, Ghosh, S, & Springate Bakinski, O. (2010). Obstructed Access to Forest Justice in West Bengal: State Violations in the Mis-Implementation of the Forest Rights Act 2006. *IPPG Discussion Papers*. 49. pp. 1-26.

⁴⁰ The committee is to be elected by the *gram sabha* from amongst its own members, and is responsible for verifying claims put forward by individuals or the *gram sabha* of a village. See Rule 3(1-4) of the Scheduled Tribes and Other Traditional Forest Dweller’s (Recognition of Forest Rights) Amendment Rules, 2012.

⁴¹For example, in Buxa TR, eleven remote and spatially separated villages were categorised into one single FRC. There were cases of tea garden residents and forest fringe villages being included in one FRC.

⁴² The GUS under the West Bengal Panchayat (Gram Panchayat Administration) Act, 2004, is a committee that operates on the level of the Panchayat and consists of elected members of the *gram panchayat* as well as members from other committees operating in the village.

did manage to file claims, they were required to be certified by the Range Forest Officer, which is again in complete contravention of the Act⁴³.



Title over Homestead and Agricultural Land given under the FRA

In the Doars, claims initiated through the state agencies have primarily been filed for the diversion of forest land for developmental activities and for Individual Forest Rights (IFRs). CFR forms were not distributed but a few villages filed CFRs using their own initiative (*See Point 5: Assertions using the FRA*). Till date, no CFR rights have been given to any village in North Bengal. Some individual land *pattas* were distributed to Scheduled Tribes (STs) in forest villages in the lead up to the 2009 parliamentary elections. However, this was done without the approval of the *gram sabha/sansad*. There are a number of villages that have not been able to file their claims at all. The individual *pattas* or titles over land that have been given are also faulty. They are handwritten and do not specify the legislation under which they have been provided, have no mention of the compartment numbers and the specific measurements of the land over which they have been provided. These titles are not considered valid for availing any agricultural credit provided by the state government since banks and other line departments refuse to accept the legality of such a title.

⁴³Sunuwar, S, & Ghosh, S. (2008). Appeal for solidarity to: Denounce the false implementation of the Forest Rights Act in North Bengal, Protest against the attack on NFFPFW and NESPN members - Appeal by NESPN/National Forum of Forest Peoples and Forest Workers (NFFPFW). *Forest Peoples Programmes*, <http://www.forestpeoples.org/region/india/news/2010/08/appeal-solidarity-denounce-false-implementation-forest-rights-act-north-be> (Accessed 2 March 2015).

The right to seek diversion of forest land for developmental initiatives has not been recognised in any case, despite being the most pressing. The quality of infrastructure and houses has deteriorated in a number of villages. Although the *Panchayati* system now extends to villages in the region, benefits have been very few due to the inability of attaining the mandatory No Objection Certificates (NOCs) from the Forest Department. Between 2005 and 2010, some developmental schemes were undertaken with money from the central tribal sub-plan that was released through the Forest Development Agencies (FDA). This scheme has had some positive impact. Boards displayed in a number of villages state how FDA funds have been used. However, residents have complained that the scheme was undemocratic and not entirely beneficial. Since 2010, some developmental projects have taken place through Joint Forest Management or NREGA, but these are not uniform.

In many villages, both Scheduled Tribes (STs) as well as Other Traditional Forest Dwellers (OTFDs) have been residing. However, only STs have been able to file claims, since the requirement for proof of 75 years 'permanent' residence for Other Traditional Forest Dwellers has been problematic across the whole North Bengal region. Many villagers have been *begar* labour. They have been shifted from one site to another by the forest department, and therefore, do not have any proof of belonging to a particular village. Some local authorities have asked for electricity bills as proof of residence. However, most villages have received electricity only very recently.

Joint forest management has also been used as a threat against FRA. In 2008, the Government of West Bengal issued a circular restricting 'forest rights' to only usufructs provided by the forest department, in blatant violation of the letter and spirit of the FRA. In protected areas, the circular said that even those usufructs would not be granted⁴⁴.

In September/October 2014, two gazette notifications were issued for the conversion of 69 forest villages in Alipurduar and 25 in Jalpaiguri districts to revenue status⁴⁵. This was momentous for these villages. However, the process that followed has been riddled with problems. While there are about 250 forest villages spread across North Bengal, the conversion order mentioned only 94 villages. Many villages in North Bengal wrote to the Land and Land Reforms Department (LLRD) to ask why all the villages were not included, but have yet to receive an answer.

In January 2015, a team from the Land and Land Reforms Department, Government of West Bengal mapped village boundaries for the process. The team was not officially

⁴⁴ Banerjee, A, Ghosh, S, & Springate Bakinski, O. (2010). Obstructed Access to Forest Justice in West Bengal: State Violations in the Mis-Implementation of the Forest Rights Act 2006. *IPPG Discussion Papers*. 49. pp. 1-26.

⁴⁵ No. WB(Part-I)/2014/SAR-983 and No. WB (Part-I)/2014/SAR-979 dated 17th October and 29th September, 2014 respectively. Issued by the Land and Land Reforms Department, Government of West Bengal.

asked to consult the villagers in measuring these boundaries⁴⁶. In some villages, the villagers opposed the team and asked them to take permission from the *gram sabha* and asked elders and young leaders from villages to accompany the team to guide their activities. It is important to note here that while claiming rights under the FRA, most of the villages in Chilapata forests had pooled in their own resources to hire private *amins* to help the villages prepare detailed maps of the villages and their CFRs. These maps were not considered. According to the reply of a Right to Information report sought by NESPON on the status of conversion of forest villages to revenue villages⁴⁷, the District Welfare Officer of the Backward Classes Welfare Department reported that all 25 villages in Jalpaiguri were converted into revenue villages, while 52 villages out of the 69 forest villages identified in Alipurduar have been measured.

2.4. Assertions using the FRA in the Dooars

Perhaps the lasting legacy of the forest villages in North Bengal is the way they have used the FRA, not only to assert rights over forests that they have helped create and sustain, but also the remarkable leadership that they have shown in regaining control over the management and conservation of the community forests, despite all odds.

In fact, the forest villages in north Bengal took part in the major grassroots mobilization across the country, which put forth the demand for such an act to be implemented⁴⁸. All these villages had formed Forest Rights Committees (FRCs) and applied for Community Forest Resource rights between 2008 and 2010 under the Forest Rights Act (FRA) immediately after its enactment in 2008. Many villages also prepared maps of their villages and CFR areas.⁴⁹ Immediately after the Act was enacted, nearly 23 *gram sabhas* from different parts of North Bengal decided to file claims to their CFRs at the landscape level including over agricultural areas, grazing lands and water bodies, to prepare their resource maps and proclaim control over these areas⁵⁰.

⁴⁶ Personal communication with an official from the team on 15th January, 2015 in Andu Basti village, while the survey work was being carried out.

⁴⁷ The RTI was filed on 26th September, 2016 and its answer was received on 8th December, 2016.

⁴⁸ In 1999, the Uttarbanga Banabasi Samiti (UBS), a non-political platform of the forest villages was formed with the help of NESPON who had earlier supported some villages in North Bengal to access JFM programmes of the FD. The forum was created to build up a people's movement and to lobby for their rights. In early 2000, this forum joined the larger National Forum for Forest People and Forest Workers (NFFPFW), which had taken part in lobbying for the passing of the FRA. The UBS has today been renamed the Uttar Banga Ban-Jan Shromojibi Manch. The NFFPFW has split into other movements of which the All India Forum of Forest Movements (AIFFM) now works in North Bengal. See: Jha, S. (2010). The Struggle for Democratizing Forests: The Forest Rights Movement in North Bengal, India. *Social Movement Studies*, 9(4), pp. 469-474.

⁴⁹ A mapping exercise done by the *gram sabha* of Kodal Basti forest village, gives the area of community forest resource to be 2790 ha (this mapping exercise however includes the village area as well); Salkumar has a forest area of about 503 ha and a village area of 107.07 ha, as per a map drawn in 2009.

⁵⁰ Ghosh, S. (2008). Workshop on Community Forest Governance in North Bengal. (Sekhsaria, P. Ed). Protected Area Update, XIV (4). Kalpavriksh: Pune.

PROVISIONS FOR CONTROL OVER, MANAGEMENT AND GOVERNANCE OF CFRS IN THE FRA

The FRA, in its preamble, has recognised that forest dwellers are ‘integral to the very survival and sustainability of forest ecosystems’. The Act therefore grants the ‘right to protect, regenerate or conserve and manage any community forest resource (CFR) which they have been traditionally protecting and conserving for sustainable use’ under Sec 3(1)(i) where the CFR is the ‘customary forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access’ (Sec 2(a)).

Forest Conservation, Management, and Governance

Sec 5 of the Act empowers communities to "protect forests, wildlife and biodiversity, and to ensure protection of catchments, water sources and other ecologically sensitive areas". When read with Section 3(1)(i) of the Act and Rule 4(1)(e) and (f) of the Amendment rules of 2012, (which elaborate on the constitution of a committee which can perform these functions as well as prepare conservation and management plans for its CFR), Sec 5 creates a space for forest dwelling communities to practice forest management and governance by using their own knowledge systems and institutions and integrating them with modern scientific knowledge.

Ensuring Livelihood Security

Sec 3 (1)(c) of FRA, vests the rights over collection and sale of Non-timber Forest Produce (NTFP), that is, Minor Forest Produce (MFP) as the Act refers to it, in the hands of communities. Vesting rights over commercially important MFP, which has been under the monopoly of state and contractors thus far, in the communities, has great significance. The Act clearly defines MFP in Section 2(i)) and provides elaborate guidelines under the Amendment Rules, 2012, for their sale, for a change in the transit permit regime, etc. Rule 16 of the Amendment Rules, 2012, provides for government schemes related to land improvement, land productivity, basic amenities and livelihood measures of various government departments to be provided to communities whose rights over CFR have been recognised, paving the way for convergence of governmental schemes towards village development, according to their own needs.

Influencing Decision-making on Developmental Projects

While acknowledging the forced relocation of forest dwelling communities due to State developmental interventions, Section 4(5) of the Act attempts to prevent further relocation and displacement of forest dwellers by providing that “no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from the land under his occupation till the recognition and verification process is complete”. Thus, according to this Act, in areas where the process of recording of rights under FRA has not started, forest dwellers cannot be evicted. Additionally, Sec 5 empowers the village *gram sabhas* to ensure that the habitat of forest communities is preserved from any form of destructive practices affecting their cultural and natural heritage, and to take decisions to regulate access to community forest resources and stop any activity that affects wild animals, forest and biodiversity adversely and to ensure that these decisions are complied with. These provisions have the potential to

democratise the decision-making process significantly for various developmental projects in the country.

The Forest Villages were among the first to protest against the constitution of illegal FRCs and the lack of implementation of the FRA in the Dooars. As a result, many villages dissolved the *gram sansad* level FRCs and formed *gram sabha* level FRCs⁵¹. Defying intimidation from the forest department, many villages started a parallel process of what they term, ***people's implementation of the FRA***. Sec 4(1) of the FRA states that the central government has already 'recognised and vested' all forest rights mentioned in Sec 3(1) of the FRA to forest dwellers. Therefore, forest dwellers can exercise their rights and extend control over their forests under the FRA even while the processes of verification and claiming of rights is ongoing.

In October 2008, seven forest villages of the Chilapata Range of Cooch Behar forest division declared their CFRs by banning all forestry operations inside the forests and banned collection of other Non-timber Forest Produce (NTFP). The *gram sabhas* of these villages jointly passed a resolution stating this and sent copies to the Sub Divisional Officer, District Forest Officer and the local panchayats⁵². By 2009, twelve villages in the Cooch Behar forest division had formed CFR management committees. In Cooch Behar and Kurseong Forest Divisions, the *gram sabhas* jointly put a stop to the Forest Department's felling activities, obstructing their 'Clear Felling Coupe' programme, blocked timber depots, stopped all forestry related operations of the Forest Department, demanding that any activity that needed to be carried out inside the CFRs required the permission of the *gram sabhas*⁵³. By 2011, almost 200 forest villages in three districts of North Bengal had filed CFR claims⁵⁴.

In 2010, residents from North and South Mendabari, Kurmai, Andubasty, Mantharam, Banin, Kodal Basty and Salkumar forest villages collectively took control of 2, 985 ha of forest land in the Kodal Basty forest area as their CFR⁵⁵. They put up signboards of the CFR declaring that forests would be under the control of the villages under Sec 3 (1)(i) and Sec 5 of the FRA, and that felling and other forestry related operations would not be carried out in the area. During this time, villagers in Kodal Basty stopped illegal boulder and sand mining in their CFRs, while many Rhino poachers were also caught due to the vigilance of the protection committees formed under the FRA⁵⁶.

⁵¹Ghosh, S. (2010). A note on FRA implementation in North Bengal. NESPON: Siliguri.

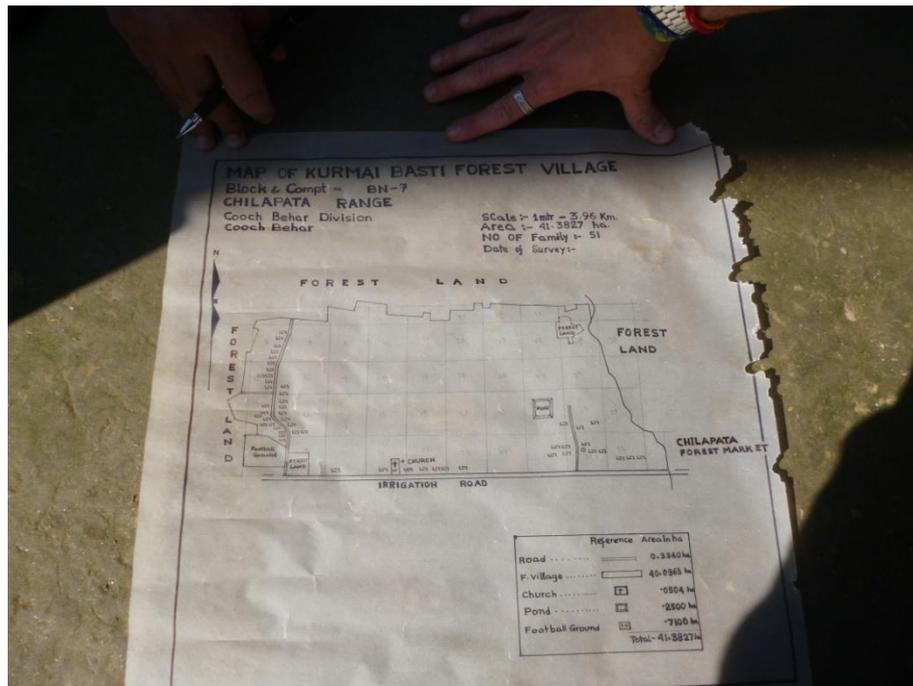
⁵²Sunuwar, S, & Ghosh,S. (2008). Appeal for solidarity to: Denounce the false implementation of the Forest Rights Act in North Bengal, Protest against the attack on NFFPFW and NESPON members - Appeal by NESPON/National Forum of Forest Peoples and Forest Workers (NFFPFW).*Forest Peoples Programmes*, <http://www.forestpeoples.org/region/india/news/2010/08/appeal-solidarity-denounce-false-implementation-forest-rights-act-north-be> (Accessed 2 March 2015).

⁵³https://www.telegraphindia.com/1100107/jsp/siliguri/story_11952300.jsp

⁵⁴Saha, S. (2014, July). Management and Governance of Community Forest Resources under FRA: Issues in North Bengal. PowerPoint presentation at the Workshop on Management and Governance of Community Forest Resources under FRA: Issues and Challenges organised by Kalpavriksh and Vasundhara. Nagpur.

⁵⁵https://www.telegraphindia.com/1100107/jsp/siliguri/story_11952300.jsp

⁵⁶Tatpati, M., Guha, T. (2015). Field notes from Dooars and Darjeeling. Unpublished Raw Data.



Map of Kurmai Forest Village

These steps taken by the forest villagers put them in direct conflict with not only the forest department but also the local police, the timber mafia, local political elite and contractors⁵⁷. The forest department used the Joint Forest Management Committee (JFMC) members from surrounding villages for the coupe felling operations, thereby creating rifts between them and many false cases were registered against individual forest villagers and leaders within the forest village movement, some of which are still being fought today⁵⁸.

By 2012, three villages of Punding, Khayrani and Khairjhora villages in the Mahananda Wildlife Sanctuary at the foothills of Darjeeling district, after making their CFR claims, asserted their rights over them by printing these maps on large boards and putting these up in their CFR areas and at the entrance of the Mahananda WLS.

Action against coupe felling

Following the efforts of the forest villages to assert rights over their CFRs in 2010, there was a backlash against them by the forest department through constant harassment and arrests of the key members of the Uttar Banga Ban Jan Shromijibi Manch. Thus, the movement slowed down and could not prevent the departmental operation in 2012, when the department clear felled more than 3000 mature trees from an old plantation in the Mantharam Beat of Kodal Basti forest range. After this incident, people started

⁵⁷Bhujel, L. S., and Rava, S. S (2013, March 11). Action Alert from North Bengal Forests. Available at: <http://globalforestcoalition.org/action-alert-from-north-bengal-forests/>

⁵⁸Rava, S.S, & Bhujel, L.S. (2014). Press Release: Stop Illegal Tree Felling in Community Protected Wildlife Corridor. Uttar Banga Ban-Jan Shromojivi Manch.

reorganizing around late 2012. During this time, the forest department marked about six thousand trees at a 1960s plantation of Mantharam. The Mantharam *gram sabha* immediately adopted a resolution under section 5 of the FRA, prohibiting felling of trees and sent these copies to the RO of Kodal Basti along with the SDO and other line departments. The villagers were of the opinion that the plantation has over the years converted into a biodiverse forest and was a crucial habitat for species such as elephants, gaur, leopards, tigers and other animals. Despite this, the department managed to fell several thousand trees, with the help of the local police who had deployed a force there⁵⁹.

In February 2013, hundreds of forest villagers from Mantharam and neighbouring villages stopped the clear-felling operation. The *gram sabha* through a peaceful agitation, seized the timber and equipment and filed an FIR against the forest department and outside contractor mafia⁶⁰ for planning the operation without its consent being sought and endangering the health of the forest which would lead to biodiversity loss, and the loss of their livelihoods.



A Local News Report on the North Khairbari Coupe Felling Incident

An incident that took place in North Khairbari forest village on November in 2013 was still fresh in the memory of all men and women. The Forest Development Corporation (FDC) had planned to clear fell a patch of their forest. The villagers were opposed to this. Not only was the *gram sabha's* consent not taken for the felling but no information was provided to them. Having been bypassed in the process, they wrote to the Block Development Officer (BDO) on and then to the Alipurduar Mahakuma Police officer, Cooch Behar forest division, Madarihahat Police station, and Khairbari *gram panchayat* on this matter and demanded that their permission be sought before the felling operation. However, accompanied by a police contingent, the forest department came to the village to fell the trees. The forest villagers rushed to the spot to stop the felling. The women recalled that they hugged trees and stood in the way of forest personnel. The felling

⁵⁹Bhujel, L. S., & Rava, S. S (2013, March 11). Action Alert from North Bengal Forests. Available at: <http://globalforestcoalition.org/action-alert-from-north-bengal-forests/>

⁶⁰Ghosh, S (Personal communication, April 20, 2013).

could not be done. However, criminal cases were filed against a few key individuals associated with this resistance under IPC section 186, 341, 353 and 34. This according to the villagers was to deter them from asserting themselves. These cases are still being heard in the court. The West Bengal Forest Development Corporation Limited (Wbfdcl) later wrote to the *gram sabha* of North Khairbari on asking for cooperation and permission to conduct CFC operation in their forest. The *gram sabha* refused permission.

Continued Issues with Access to Forest Resources

While these assertions continue, the forest department is harassing the villagers for using the forest they had traditional and customary access to, and which they now govern, conserve and monitor after having filed claims under the Community Forest Resource (CFR) rights as provided by FRA 2006. The community assertion over forests has however been criminalized with many cases filed against the forest villagers as they went about their tasks of community forest governance. Everyday access to forests continues to remain contested, collection of firewood, fishing and intercropping is still deemed illegal under forest laws. The villagers around Jaldapara National Park have been prevented from entering the forests.

In a grave incident in 2015, a few women from Dakshin Mendabari were shot at when they had gone to forest to collect *jolano kaath* (firewood). According to the explanation given by forest department officials, they were 'thought to be men' and shot at while they were returning after collecting firewood. When members of the *gram sabha gheraoed*⁶¹ the beat officer, demanding answers, the Assistant Conservator of Forest (ACF) came to the spot, and admitting that a mistake had been made, asked for forgiveness. There were no enquiries into the matter.

Traditionally, intercropping between forest plantations has been carried out by the communities. Despite CFR claims having been filed on the land, villagers continue being prevented to plant any crops in the forests.

The forest department protests against any repair or building works undertaken. In 2015, when a church was being built in Salkumar, there was conflict with the forest department on whether the land on which the church was being built, belonged to the village or to the department. The villagers asserted that the land belonged to them and because forest rights had been claimed on it, they went ahead with building the church. Once again, criminal proceedings were started against nine individuals in the village, including Sundar Singh of Kurmai village. The cases are of encroachment on forest land and also harm to wildlife. These cases are under non-bailable offences sections of the Indian Penal Code (IPC) and the villagers claim that these cases were slapped on those

⁶¹ *Gherao* or 'to surround' is a form of non-violent protest where people surround an official and demand answers.

individuals who were instrumental in the struggle for forest rights in order to slow down the pace of their movement.

In Holapada Titi forest village, a case has been filed against Bhoja Lakra who is leading the forest rights struggle in the village. His farm land, which is next to the jungle, was being cleared for cultivating *kochu* (Colocasia) and *haldi* (Turmeric). The forest personnel on patrolling duty claimed that this was forest land and filed a case against him claiming that he was encroaching on forest land. The case filed against him was also in the non-bailable category of IPC section 353.

3. TOWARDS COMMUNITY CONSERVATION

“At least for the sake of our future generations, we must conserve our forests. They should not have less.”

-A villager from North Khairbari

Conservation as a conscious practice began in these forest villages only after the coming of the Forest Rights Act, despite the movements in the 1980s against clear felling and contractor lobbies. Predominantly, all conservation actions and initiatives, starting from the formation of *gram sabhas* and patrolling of the forest, began more or less around 2008, which clearly indicate the newness of the initiatives. FRA marks a significant turning point in their long struggle for survival, livelihood and well-being. The local people have formed a *sangathan* or organization called Uttar Banga Ban-Jan Shromojibi Manch (UBVJSM) or North Bengal Forum of Forest People and Forest Workers. NESPON has also helped in dealing with false cases, providing legal advice and policy related awareness, preparing them to approach the forest department and other government officials strategically.

3.1. Reasons for Conservation

For the villagers, protection of forests is key to food security, good *breathable* air, rainfall, manure and firewood. Villagers understand the consequences of ecological degradation which, as pointed out by them, are rainfall, unbearable heat, barren lands, loss of water and fish, increase in human-animal conflict, and loss of a pleasant and healthy environment. They believe that they have received the forests from their ancestors and therefore, it is their responsibility to leave a good forest behind which the future generations can depend on for survival and sustenance.

Any threat to the forest is a threat to their survival. A response from Holapada demonstrates it,

“We are forest dependent people. We get all that we need from there. We cannot live without our jungle and therefore, we have to conserve it.”

It is this complex, inter-linked relationship between livelihood, security and environment that has protected and sustained most of these forests.

Apart from strong livelihood linkages, it is clear from the various ritual observances of the community that they are deeply linked to the forest culturally. The animist communities residing in these forest villages revere the *Sal* tree and perform the *gram puja* in the forest around January, during which pigs (2), goats (7), pigeons (27), hens (18) and ducks (5) are sacrificed for *prayaschit* or to seek forgiveness from the gods. This ceremony involves construction of 33 huts in the forest which are made from the

khair tree, performing *puja* (rituals of worship) accompanied by singing and dancing. This *puja* lasts for about two days. It is done to ensure the well-being and health of all villagers. The *Sarna puja* is done in the forest to worship any big or old tree (*shimul, dumri, Sal*), during which they make houses in the jungle and put flags, keeping it open and clean for two days, to which the hens and goats are taken and the *puja* is performed. *Sarna puja* is usually done during *baisakh* (second half of April and first half of May). *Sahrul puja* immediately follows *Sarna puja*. *Gram puja* is also done here, around the same time as *Sarna puja* and sometimes, even in the same way. Both the *sahrul* and *gram pujas* ensure good luck for themselves and the village. In the month of *Bhador* (August and September), the villagers perform *karam puja* for a good harvest. For this, a branch of the *karam* tree is brought from the jungle and planted in the village. Live fish caught from the river are an important part of the ceremony. The *puja* is performed through the night, accompanied by singing and dancing and the fish are released into the river again the following morning. *Jitiya puja* is done ten days after *Karam*. This is done to ward off the bad luck that might befall them. *Phagun puja* is done during Holi, for which they require *Sal* leaves and pray to Lord Shiva. The Oraons revere the *Sal, jitiya* and *karam* trees. The animist Rabhas revere the forest, rivers, trees, plants and animal and perform *puja* to Durga, Kali, Lakshmi and Shiva in addition to celebrating Holi, Diwali and *Gram puja*⁶².

3.2. Role of Women in Conservation

Women in many ways depend more on the forest than the men. They go to the jungle to bring firewood, catch fish, graze cattle and to do intercropping, for example, cultivate *suji kochu* or colocasia. The *kochu* that is cultivated is sold to the local traders at Rs. 10- Rs.12 per kg. They spend at least two hours in the jungle everyday, sometimes even the whole day. Additionally, they go to the forest for collecting *khair* grass (used in making homes), *bogla* (used in making mats), and *Sal* seeds (seedlings for plantations). They also provide labour during any forest regeneration or plantation work.

While speaking of the clear felling incident in 2013, women from North Khairbari were determined to protect their forest.

“We would rush to the jungle all through the day and did not care about food. We did not eat rice for about a week,” said the women present during the interview with *gram sabha* members at North Khairbari.

They were deeply affected by the possible destruction of their jungle. They poignantly recalled,

“What would have happened to our jungle if all those big and old trees were gone? We could not save the ones felled before. We somehow felt the need to at least save the standing trees. In fact, we were even ready to die in order to protect our jungle.”

⁶² *Gram puja* in some sense is the biggest festival celebrated in the jungle which is done for about 2-3 days just before they cut the rice. It is a tribal festival in which all men, women and children participate.

Women from Kodal Basti also seemed to be vocal and active in forest rights struggles and conservation activities. Prabha, an Oraon woman who was interviewed in Kodal Basti said,

“With the help and participation of women, conservation can be done much better. We would like to be the first ones to go and stop a clear felling the next time it happens. We do not go for patrolling duties for fear of wild animals. Nonetheless, we really want to go and observe all that is happening in the jungle and be a part of it. For instance, recording all the wild animals from our jungle will surely improve the conservation efforts”.

They feel that the moment they get rights, they can allot responsibilities (of regeneration, cleaning, stopping the felling and cutting) to one person from each family, which will tremendously improve their work.

3.3. Institutions - Old and New

Gram Mandal

Traditionally, the institution of the *gram mandal*, who was usually a male, existed in these villages. The village chief was constituted as the *mandal* during the management of Dooars forest by the British.⁶³ He had complete authority over any and all decisions taken in the village. Any problem in the village was taken to the *mandal*. He acted as information and communication commissioners on behalf of the forest department. They were responsible for informing villagers about new plantations in the village. To some extent, the *mandal* could also negotiate with the beat officers on behalf of the villagers. Another important person in the community was the village priest.

Since the enactment of FRA, 2006, the decision-making in the forest villages has undergone a certain transformation. The *gram sabha* members of Salkumar said,

“Earlier, only the mandals could talk to the beat officers and other forest officials. But today, many others and even a child can go and do that, without much fear”.

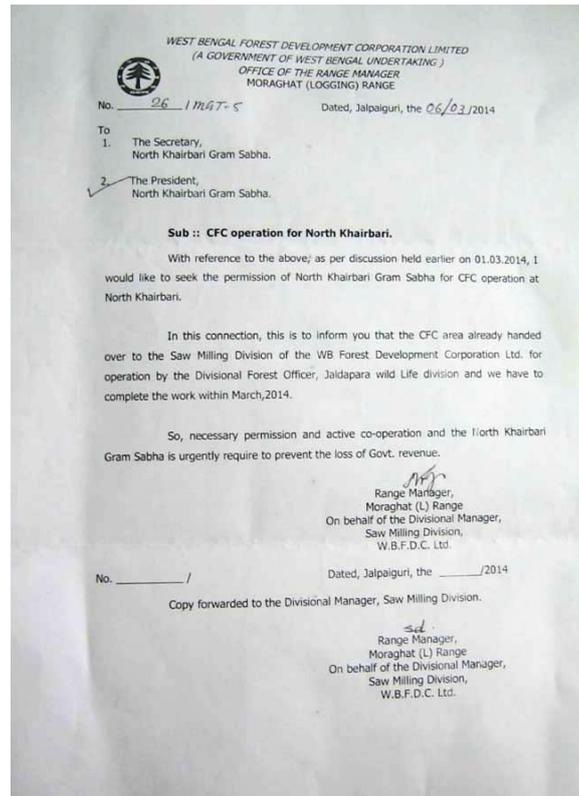
Despite the institutionalisation of *gram sabhas* in all these villages, the *mandal's* advice is sought, even in the present era when a critical decision is to be taken and in regular village meetings. The practice till date is that the *mandal* and the village priest are to be given two to three acres of land for farming. This seems to be the village's way of taking care of them for all that they do for the villagers.

Gram Sabha

Today, the primary decision making institution in the village is the *gram sabha*, through which the forests are managed and governed. In all the villages, the formal institution of the *gram sabha* took place soon after the enactment of FRA. All decisions in the *gram*

⁶³Choudhury, G. (2015). Land Tenure and Forest Conservation in the Dooars of the Eastern Himalayas. Review of Agrarian Studies, 5(1), 61-87.

sabha are taken through open discussions with villagers and by consensus of the majority. Meetings are conducted *only* as and when needed.⁶⁴ Proceedings of each meeting are recorded in a register⁶⁵. Since all the adult members of the village constitute the *gram sabha*, all the diverse communities are fairly represented. In many villages like Salkumar, the *gram sabhas* also reflect the strong sex ratio in these communities, since there are more women members than men.



Letter by the Range Officer of the Moraghat range seeking permission for coupe felling from North Khairbari Forest Village gram sabha

The *gram sabhas* in the region assert and operationalise their rights *vested* by the Forest Rights Act by passing resolutions (*siddhanta*). Any desired or intended action (fishing in the village river, stopping the felling by the forest department and so on) that has been decided upon in the meeting of the *gram sabha* is read out, the names and signatures of every *gram sabha* member in the village is taken on it and the decision is proclaimed in writing. The *gram sabha* register is used to record the resolutions passed. In addition to passing resolutions, some villages proactively inform the beat officer or ranger orally

⁶⁴ One reason for this is that the constant risk of false cases being filed and incessant threatening by the forest department has imbued a sense of deep fear in them, because of which they do not meet often. Some *gram sabhas*, like North Khairbari have not actually met in a long time. Salkumar which used to meet twice every month earlier, now only meets when there is a need. If a meeting is in sight, they go door-to-door to inform the villagers about the day, time and place of the meeting.

⁶⁵ Most *gram sabhas* maintain detailed registers for resolutions and for patrolling. The resolutions are written in the *gram sabha* meeting register. In the patrolling duty register, the day and time of patrolling, names and signatures of members of the patrolling group along with sightings of wildlife, fallen trees or any illegal activity like felling that has been observed during the duty are recorded in detail.

before commencing any activity related to the forest. This is done to avoid any untoward incident and to foster a friction-free relationship with the department as much as possible. In 2008, a resolution was passed by the *gram sabha* of Uttar Mendabari forest village to regenerate forests by allotting small portions of degraded land to each family to plant and protect.

WEAK AND STRONG GRAM SABHAS

All traditional use of the forest (excepting that of hunting) by the traditional inhabitants must be permitted and cannot be interfered with in any manner by the forest department according to FRA. It was observed that the approach of the forest department towards a particular forest village depended greatly upon the strength and resilience of their *gram sabha*. However, the forest department continues to harass and exploit the forest villagers when they go about their traditional activities, especially when the *gram sabha* they are part of is weak and not active, as in the case of Holapada Titi.

Where the *gram sabhas* are strong and active in asserting and resistance, as in the cases of Kurmai and North Khairbari, the department is more careful. They let the people go about their work and do not stop or question them. Such villages do not pass resolutions deliberately for performing traditional functions, as they are confident that they will not be harassed. Vipin Rabha of North Khairbari affirmed this,

“A resolution is not required for firewood collection because we have a strong *gram sabha* and so there is no fear of harassment. This is the reason why almost all families in our village go to the jungle to inter-crop, whereas the same cannot be done in other villages. When they (forest department officials) see me, they don't harass people”.

Other Committees

Other committees that were formed (along with the *gram sabha*) in all the forest villages under the Forest Rights Act include Forest Rights Committee (FRC)⁶⁶, Forest Governance Committee (FGC)⁶⁷, Forest Management Committee⁶⁸ and Joint Wildlife Conservation Committee⁶⁹. However, not many are active today. The domains and issues dealt with vary across institutions and villages. For instance, in Dakshin Mendabari, decisions regarding patrolling are taken by the *gram sabha*. In Kodal Basti, the *gram sabha* primarily writes permission letters and passes resolutions with relation to the forest, while the FGC monitors all conservation related activities. The FGC decides, by passing resolutions, the ideal forest compartment and the amount of wood that will be required for the construction of watchtowers. In North Khairbari, the village

⁶⁶Jongol Adhikar Samiti. This committee is formed under the FRA to initiate the process of filing claims.

⁶⁷Bon Sushashan Samiti

⁶⁸Bon Porichalana Samiti

⁶⁹Joito Bonnoproan Sanrakhan Samiti. This is a divisional level committee having representatives from the *gram sabhas* of all forest villages in the Jaldapara wildlife division.

is planning to reconstitute the FRC to include young people, who can go to the block level on a regular basis and follow up on the claims that have been filed. Other committees, like the Forest Management Committees and Joint Wildlife Conservation Committees, though formed, were not functional anymore.

Funds for Forest Management

Some villages also have a Forest Protection Committee (FPC) and Eco-development Committee (EDC)⁷⁰ constituted under the Forest Department's Joint Forest Management (JFM). However, in many villages the FPC and the EDC have been dissolved by the villagers as they feel that these committees do not represent their interests when decisions are made with respect to access, use and management of natural resources. The villagers claim that those who are members of these committees have been co-opted by the forest department and they take decisions, which are in favour of the department. Local sources also say that the officials of the forest department only want to use the FPC and EDC to embezzle funds. This is so because funds are received by the JFM committees from sources like the JFMC Development Fund and the Forest Development Agency⁷¹ (FDA) fund since 1995-96 for plantation or developmental work in the forest villages. Funds received for tiger conservation in tiger reserves are spent via EDCs if present in these villages. Other funds received by the Forest Department under the Japanese International Cooperation Agency (JICA) or NREGA are also implemented via the FPCs or the EDCs for developmental work in the forest villages or other villages in the protected areas.

3.4. Nature and Rules of use of the Forest⁷²

Fishing: In most of the villages, there are no rules as such for fishing and they are not required to take any permission either, although in Kodal Basti, permission has to be sought from the *gram sabha* for fishing.

Firewood Collection: The firewood needs of all the villages are met through the CFRs. Collecting for their everyday use does not subject anybody to any rules or procedures. They go to the jungle six to seven times a year, as and when needed, to collect firewood. However, in cases of marriage ceremonies when there is an additional need for

⁷⁰Holapada undertook some plantation work as part of EDC way back in 1990-91, after which there have been no plantations in their forest. The EDC is still active in the village, despite the continuous plea from the side of the People's Movement to dissolve it.

⁷¹The Forest Development Agency (FDA) is an autonomous federation of Joint Forest Management Committees and was created by the Joint Forest Management Cell of the Forest Department and the national Afforestation and Eco-Development Board. FDA is provided funds for afforestation, bamboo development, forest village development and so on.

⁷² By principle, nobody over-extracts from the forest. They only extract as much as they *need*.

firewood, an application is made to the *gram sabha*, which is then looked into and the permission and a date is given to collect the required firewood.

While some of the villages do not approach the beat officers now, the *gram sabha* of Salkumar sends a letter to the beat officer (*beat babu*), when somebody needs to collect firewood. The people of Salkumar feel that they have to follow this procedure as theirs is a weak *gram sabha*. When people from other villages want to collect wood from their forest, the beat officer or ranger has to send a letter to their *gram sabha* asking for their permission (often observed in cases of strong *gram sabhas*), only after which villagers from other villages will be allowed to take wood.

Timber Collection: In Dakshin Mendabari, a similar procedure is followed for collection of timber. A permission letter is taken from the *gram sabha*, one copy of which is submitted to the Range Officer (RO) and another copy is kept with them.

NTFP Collection: The villagers collect an assorted range of non-timber forest produces, despite the restrictions on their collection. Some of the NTFP collected are given below:

Type	Item
Fruits	<i>Hirtoki, behada, aamla, shimul, laali</i> (usually, the kind called <i>doodhe</i> is collected), <i>chiloni, ber, chikra, loshuni, meguni, pachkola, aam</i> or mango, <i>daant ranga</i> (fruits borne in the rainy season which leave the teeth black)
Foods	Honey, <i>jungli aloo</i> ⁷³ , mushroom, <i>theen phalli nariyal</i> (toddy palm), <i>karela</i> (wild variety of bitter gourd)
Leaves	<i>Sal patha</i> (for making <i>bidi</i> ⁷⁴), <i>laali, pan</i> (wild variety), wild betel and many other leaves
Misc	<i>Sal dhuna</i> ⁷⁵ , <i>rudraksh, notko, nerchak</i>
Seeds of <i>sal, paksal, shirish, gambaari, arjun</i>⁷⁶, <i>behada, jarul, teak</i> (for growing saplings) and many others trees are also collected for plantation or regeneration of forests.	

However, due to lack of resources, support and connectivity, they have not been able to use NTFPs for secondary income generation.

There is also a *kabiraj*⁷⁷ (traditional healer) in each village, who is well acquainted and knowledgeable about medicinal herbs and goes to collect them from the jungle. Permission has to be sought in case the collection is in large quantities. Some medicinal plants that are collected are given in the box below with their uses:

⁷³ They collect many varieties of wild potatoes (*jungle aloo*) from their jungles. In Kurmai, they collect about five such varieties, namely *hala, hanbawai, handram, hanek, hemai*, of which *handram* and *hanbawai* are the tastiest according to them, whereas *henmai* can even be lethal when taken in excess amounts. They roast and eat them as a snack when they go to the forest for inter-cropping, grazing their cattle, fishing and so on.

⁷⁴ *Bidi* is a local variety of cigarette.

⁷⁵ Resin from the *Sal* tree is used as incense.

⁷⁶ Even the bark of the *arjun* tree is collected and used.

⁷⁷ A *kabiraj* can be either a man or a woman.

Medicinal Herb	Uses
<i>Shimin</i>	To treat jaundice
<i>Hari and crane ghuchini</i>	To fix broken limbs and to help in coagulation
<i>Sambujram</i>	For delivery
<i>Lajjapatti</i>	For delivery
<i>Purundi, garrh, ferns found on sal tree trunks</i>	Veterinary medicines

Along with these, many other herbs that cure malaria, pneumonia, fever, gastric problems are also collected.

Grazing: The forest department does not allow grazing inside the National Parks and in areas of new plantations. The cattle are confiscated and fined when found in forest areas. Customarily, cattle have always been allowed to graze either in the fields or forest. Villagers have no rules governing grazing. In fact, in some villages, cattle are habituated to go into the forests by themselves. Milk from cows is sold in the market and is a source of livelihood. However, the issue of grazing has become complex. The villagers in Salkumar complain that there is barely anything left for their own cattle to graze on as villagers from as many as ten other villages also use their jungle for grazing their livestock. On the contrary, Uttar Mendabari does not allow cattle grazing in the forest.

In Dakshin Mendabari, there was an incident of cattle being compounded. The villagers approached the Assistant Conservator of Forest (ACF) to reclaim their cattle. According to the villagers, the ACF told them that they were not allowed to enter a National Park with their cows. The villagers responded saying,

“Since the time of our forefathers, cows have been taken to the jungle to graze. We have traditionally managed our livelihoods through cattle by either selling their milk or the cow itself. Now you come and tell us that we can’t enter the forest with our cows. Who declared our jungle as a national park and with whose consent and permission? We will not accept this.”

The villagers nonetheless had to pay a fine of Rupees 50 to get their cattle back.

Patrolling: In most villages, patrolling started way back in 2008. It involves going around the jungle in groups of nine to twelve on rotation basis all around the year from 8 in the morning to 4 in evening. If required, patrolling is done at nights as well, especially when the *gram sabha* is informed of any illegal activity going on in the forest. Women are also part of patrolling groups⁷⁸. When men are away on work, the women of the house take over. In women-run households, it is the women who go for the patrolling duty. When someone is not able to go for patrolling duty, they have to compensate by going for patrolling twice.

⁷⁸Women are taken along primarily to talk to and warn women from other villages who come to extract from their forest.



A Discussion with Villagers of South Mendabari

While patrolling, all activity in the jungle are noted down in the duty register. Sightings of wildlife such as *Gaur*, rhino and deer and fallen trees are reported and sometimes these fallen trees are directly taken to the forest department depot. If they catch anybody felling trees illegally without due permission, they were stopped, warned and sent away. The felled timber, on the other hand, is seized and handed over to either the forest depot as in the case of Kodal Basti or handed over to the village committee as in the case of Salkumar, which then distributes the same to the villagers when they need firewood for purposes of marriage or cremation. Whenever a dead wild animal is spotted during patrolling, the villagers inform the department and press them to act. In many villages, where the department has not acted upon such information or has not been able to catch the violators, the *gram sabhas* have taken the initiative to investigate the matter themselves. In Uttar Mendabari, fines from Rs. 5000 – Rs. 10000 are laid upon those who illegally fell trees in the forest.

WHY HAS PATROLLING STOPPED?

Today patrolling has been stopped in many of these forest villages, in the Kalchini, Madarihat-Birpara and Alipurduar I blocks, engaged in community conservation of natural resources. The villagers say that the days spent in investing in conservation and patrolling duties are the days that they have to miss work and thus a day's wage. The villagers grieved saying,

“We are poor people. We have to school our kids, buy our grains, protect and work in our fields. When there is nothing to gain monetarily from patrolling, we are not able continue doing it. If any incentive is given, then it will help us conserve better.”

Therefore, in the absence of any monetary or food based incentive in return for the services of the villagers, the sustainability of conservation and management practices has come under threat. For this very reason, villagers of Holapada could engage in patrolling their forest only for a year in 2014 and then stopped it altogether.

Another reason behind why patrolling has stopped is the fact that the forest officials occasionally harass the villagers on patrolling duty. In Dakshin Mendabari in 2014, officials of the forest department stopped the villagers on patrolling duty to question them if they had the right to patrol the forest and threatened to put them in jail. In North Khairbari, in 2007 women only groups from the village went on patrolling duties along with 2-3 people from the forest department⁷⁹. This went on for about two years and then the women stopped patrolling the forest as the department withdrew its support staff. The women claimed that this was because bribes could not be taken from the timber mafia (*kaath chor*) when they were around. The patrolling started again, this time with only men, to stop again in 2015, as the financial conditions of people did not allow them to continue. In Salkumar every year patrolling starts, continues for about 3-4 months, then stops and starts again.

Whenever the *gram sabhas* of these forest villages gather for meetings organised by the UBVJSM they are urged to continue engaging in conservation activities such as patrolling which then motivates these villagers to start again.

4. IMPACT OF CONSERVATION

The forest villages visited during the field visits recognised the rights vested on them by the Forest Rights Act of 2006 to conserve and sustainably manage natural resources and since the notification of the Act in 2008, they have started asserting their rights. Although the conservation related activities are at a very nascent stage, impacts have been felt.

Impact on Community

- Since the notification of FRA came in 2008, *gram sabhas* have been formed in many of these forest villages. Now decisions are collectively taken with the consensus of majority of the villagers on all matters of forest conservation, protection and management. The process of decision making is also inclusive of the disadvantaged sections of population, such as, women and other communities who are in minority like the *Oraons*, *Sharmas*, *Chhetris* and *Pradhans*.
- Villagers have found collective strength in the process of exercising their rights on these forests of *Dooars* that they have traditionally inhabited and used. Since 2008, villagers have also come together against attempts by the forest department to bypass the authority of the *gram sabha* to conduct any activity in the forests like clear felling.

⁷⁹ In Salkumar also, the villagers and forest department patrol the forest together and there has been no conflict so far.

- The villagers are finding creative ways to link biodiversity conservation and forest regeneration to their livelihood enhancement. In such an attempt by the village Uttar Mendabari, a resolution was passed in 2008 to regenerate the forest by allotting small portions of degraded land to each family to plant and protect.

Impact on Biodiversity, Wildlife and Environment

- Hunting has stopped completely. Some villages discontinued the practice 20-25 years ago, while some stopped it as early as 1970s, as they felt it was against the law.
- Since they have started conserving, the incidence of illegal felling of trees reduced drastically according to the forest villagers.
- In North Khairbari, the last two years have witnessed an increase in the number of leopards. Though this has led to frequent attacks on their livestock. In Salkumar barking deer and tigers have been sighted after a long time. Uttar Mendabari, too has had tiger sightings after a good number of years. The villagers are of the view that this is due to biodiversity conservation and protection.
- People from other villages have stopped entering their jungle to extract since they have started patrolling.
- Poaching has reduced significantly in many villages. The concerted efforts in Uttar Mendabari have completely neutralised threats of poaching, as a result of which the wildlife numbers (especially mammals) have improved according to the villagers. Rhinos were poached excessively earlier in their forest but not anymore⁸⁰.
- The continual resistance put up by the *gram sabhas* has brought down the instances of CFCs (Clear Felling Coupes).

⁸⁰ The villagers of Uttar Mendabari claim that they keep an active eye on any outsider coming to the village. According to an incident in 2014, a poacher from Assam was found roaming on the outskirts of their village who claimed to be a visitor of the *kabiraj* of the village and later confessed that he was poacher.

5. STATUS OF BIODIVERSITY

The following table provides a glimpse at the kind of biodiversity found in these forests as reported by the villagers themselves. In order to avoid repetition, a cumulative list of the species reported in all the villagers is presented here.

Trees/plants	<i>Jarul, saigun, sal, arjun, shirish, paksal, panisal, migur, shimul, pachkola, chalta, laali (doodh and roshul), hirtoki, behada, kobdo, rai, bonkotol, lotor, aamloki, chaap, adatur, ram, shida, kanjal/kinjal, udraj, shadhumala, gamari, chiloni, kanchan, kodom, shonalu/shurumala, totla, teenpatti, sahrul, karam, jamun, chikra/chikrashi, sirish, saigun (teak), kusum, ghamari, lashooni, meghuni, dumri, odal, kawla, shindur, aam, pitali, lator, lampate, jeegha, tun, bachan, shurimala, dumur, bokul, ber, jam, chalta, hortuki</i> ⁸¹
Birds	<i>Kablot, myna, tia, dhanesh, mayur, kerketapakhi, boboi, tuntuni, maachranga, kaattukra, bak/bogil, shirune, saalmyna, ghughu, jungle murgi, paanikudi, hans, jhijao/babul, chul, kawa, kor, shangapuri, shikra, paaj, chichi, parki, bhika, dhechua, bokula, panibokula, tetegunia, tota, mor, bulbul, gugu (dove), crow, shalik, chorai</i>
Mammals	One-horned rhinoceros, elephant, tiger, gaur (bison), rhesus macaque, rabbit, barking deer, spotted deer, sambar, leopard, <i>shiyal, nekhre bagh</i> (hyena), wild boar, <i>kaat bilari, jongli biral, jongli kutha, nevla</i> (mongoose), <i>sahi</i> (porcupine), <i>pulchudi (bilaimoton), gonad, phatai, squirrel</i>
Aquatic	<i>Poti/puti, chingri, poya, cheng, baam, magur, nandora, kui, peth kata, shingia, crab, kachuwa</i> (turtle)
Amphibians & Reptiles	<i>Ajgar, banpora saap, naagin, photlengar saap, hushing saap, black snake, small yellow/white/blue/green snake, toke saap, goyi saap</i>

The researchers also dedicated a day to observe and record the biodiversity of the region. The forest trail leading up to River Torsha was covered on a morning, during which the following species of birds and butterflies were spotted⁸²:

⁸¹ *Hortuki* helps in curing stomach ache, cold and other diseases. It is also used in in *puja* and weddings.

⁸² Since other trees and mammals which were observed along the trail have already been listed in the box above, it goes unmentioned here.



Hirda (Terminalia Chebula) seeds

Birds

- Oriental magpie-robin
- Grey-headed canary-flycatcher
- Spotted dove
- Indian pond heron
- Asian pied starling
- Red-vented bulbul
- Great tit
- Blue-throated barbet
- Black-hooded oriole
- Red-throated flycatcher
- Rufous treepie
- Rufous-necked flycatcher
- Yellow-breasted green pigeon
- White-breasted water hen
- Pygmy-hooded woodpecker
- Jungle babbler
- Black drongo
- Chestnut-tailed starling
- Indian roller
- Long-tailed shrike (*kajolpakhi*)
- Cattle egret (*bokpakhi*)
- Crested-serpent eagle
- Alexandrian parakeet
- Golden-fronted leaf-bird
- Crimson sunbird (*harbola*)
- Brown shrike
- Bush warbler
- Pipit
- Ruddy shell-duck
- Little cormorant
- Marganger
- Intermediate egret
- Great cormorant
- White wagtail
- River lapwing
- Shikra
- Black ibis
- Common stone chat
- Martin
- Dusky warbler

Butterflies

- Common cerulean
- Common Pierrot (*ber* is its host plant)
- Red-spotted Jezebel
- Grey pansy
- Sergeant
- Common leopard
- Chocolate pansy
- Common Tit
- Emigrant
- Common Jezebel

6. CHALLENGES AND CONSTRAINTS

“Elephants come and patrol our streets,” said the villagers,

6.1 Human-animal Conflict

Despite the commercialisation of these forests, some patches of natural forest remain that support the wildlife in the region. However, human-animal conflict is an everyday reality. In Kodal Basti, elephants wreak havoc upon houses and rice fields and also eat away a huge portion of the harvest, and there have been tiger attacks on cows, bulls and goats.⁸³ There are similar issues with Rhinos. In Uttar Mendabari, people are hesitant of planting bananas or *supari* (betel nuts) in the villages during the monsoon, owing to the fear of the rampaging elephants, which are notorious for feasting on these plantations. Peacocks are also known to eat away crops grown at intercropping sites in the forests. People have also had near-fatal encounters with elephants while trying to drive them away from their farms or in the forests when they have gone for collecting firewood. According to local sources, there is at least one death every year because of elephants.

In North Khairbari, leopards kill or maim goats, pigs and cattle. In Salkumar, the bison (gaur) are eating away all the mustard grown between January and March. In order to counter losses due to crop depredation by wild animals, some villages like Kurmai, have started collective cultivation of rice instead of growing rice on individual lands so that the losses can be borne equally by all those involved in the cultivation.

6.2 Divide and Rule Policy of the Forest Department

The policy of divide and rule, a classic strategy, benign in appearance yet corrupting and dividing in nature, that continues from the colonial past is capable of bringing down the strongest of movements. To play this policy, the forest department in all these villages, allegedly, bribes a group of gullible and unsuspecting villagers (and subsequently, their families and friends) either by providing them with enticing benefits (for instance, by building them new houses) or by giving money and buys their allegiance. These people act as agents and take decisions in the interest of the department in whichever village committees they are part of. This creates unnecessary divisions in the village community and significantly weakens the momentum of the forest rights struggle, which is largely built on unity and common interests. It is because of agents like these that the villagers like Holapada Titi face a constant threat of eviction from their village

⁸³ The villagers said, “Elephants come and patrol our streets,” whereby they meant to say that elephants are commonly seen here and in fact they enter the village and roam on the village roads.

and also various hurdles in access to the forests they have traditionally and customarily used.

6.3 Diminishing Hope

During the field visits, it was felt that while the movement for forest rights is going on, the villagers are losing hope and motivation. The reason is the unsatisfactory implementation of the Forest Rights Act by the state administration and the constant harassment of people by the forest department. Sundar Singh Rava from Kurmai, who is actively involved in the forest rights struggle, poignantly asked, “How long can we keep struggling like this without rights, without any form of incentive or motivation?” Bhoja Lakra of Holapada Titi feels that the people of his forest village have lost interest these days and have become excessively callous in showing resistance, despite push and thrust every now. He feels the burden of sustaining the struggle in his village lies completely on his shoulders. “There is increasingly a feeling that nothing is going to happen. This is not a good sign,” he said. Therefore, there is an immediate need now, more than ever, to settle the CFR rights of communities.

While these signify the major challenges, there are some minor yet important ones as well.

- Despite the concerted efforts of the community, the threats of **poaching** still loom large over some villages like Uttar Mendabari.
- Some forest villages that are geographically placed deep inside the forests face issues with **access** to healthcare, educational and other services. The connecting bridge in Salkumar is so broken and fragile that only two-wheelers can come into their village.
- Demographic pressures and reducing forest cover have added **pressure on the existing resources in the forests**.
- The forest department constantly **undermines the authority of village level institutions** by bypassing them when taking important decisions like felling, and setting up of plantations among others.

7. RECOMMENDATIONS

During the field visits, forest villagers came up with many suggestions, which they believed would make their situation better and help them in their struggle for rights over their forests and its conservation. These suggestions are

- Implementation of FRA needs to be given topmost priority in these villages, which will ensure sustainable use of resources, conservation and regeneration along with ensuring livelihood security.
- In many villages, NTFP is being collected. However, due to lack of resources, support and connectivity, the villagers have not been able to mobilise them for income generation and as a form of alternative livelihood. Synergistic efforts by the civil society, community and government can ensure to link these products to the market thereby paving way for income generation.
- Though some *gram sabhas* have official bank accounts, no funds are being received as of now. Almost all the funds allocated for the development of the region is being received by the forest department. If funds for village development and implementation of FRA can be received directly by the *gram sabha* in their bank accounts, it would speed up the process of FRA implementation and village development. For this, the bureaucracy should aid the process of opening of bank accounts.
- Though the villagers have started conservation and protection of biodiversity by engaging in activities such as forest patrolling, they cannot engage in such activities for long periods and often discontinue. Providing incentives like money or food can go long way in ensuring that these activities continue.

