

National Meeting of All India Forum for Forest Rights Struggles 1st and 2nd March 2019

The meeting on 1st and 2nd March was attended by representatives of Forest Movements from 11 States across the country. The two day meet covered the following

Recent Supreme Court Judgement

In the wake of the recent Supreme Court Judgement asking for eviction of Adivasis, AIFFRS issued the following statement.

AIFFRS Statement on the Supreme Court Order asking for eviction of Adivasis and Other Traditional Forest Dwellers

We are shocked and appalled by the Supreme Court order dated 20/2/2019 for eviction of Adivasis and other Traditional Forest dwellers from their Traditional habitats, thus depriving them of their right to life and livelihood guaranteed by Article 21 enshrined in Indian constitution. We unequivocally and strongly oppose this retrograde anti people order which is against all humanitarian precepts, Natural Justice, the spirit of the Indian constitution and various covenants and declarations of the United Nations charter on the Rights of the Indigenous people. The Supreme Court gave this order on a petition filed by Wild life First which is an extremely callous, anti people, regressive conservationist NGO.

It should be noted that the Adivasis and other Traditional Forest Dwellers have been co existing with wild Animals since time immemorial with a symbiotic relationship. It is a sheer travesty of truth and historically unjust to blame the Adivasis and other Traditional forest Dwellers for destroying the eco system and wild Life. One should clearly see the nefarious game plan of this anti people apolitical wild Life NGO Acting on behalf of the corporate Sector and other vested interests to handover the Forest Land to the Corporate Sector for commercial exploitation. Already the sword of Damocles is hanging over Forests and Forest Dwellers by the new draft Forest Policy and CAF Act, with a clear cut intention to handover the Forest lands to the Corporate Sector.

It is quite outrageous that the Government of India which is elected by the people to safeguard their interests did not appear or argue in different hearings of this case before this anti Adivasi order was past.

This is not only a serious dereliction of Constitutional duty of the Central Government but also a Conspiracy of complicity to handover the Forest lands to the Corporate Sector. The Court Order violates Section 6 of the Forest Rights Act which says, “it is a criminal offence not to process the claims of Adivasis and other Traditional Forest Dwellers of their claims to the Forest land Under the Forest Rights Act 2006.”

The Supreme Court has asked the Chief Secretaries of 16 states Governments including Jharkhand to evict total 1.1 million Adivasi and Other Traditional Forest Dwelling families whose claims were rejected by the respective Forest Departments. But as of 30th Nov. 2018 as per the FRA implementation report status maintained by the ministry of tribal affairs, total 18,92,893 claims were rejected. The total individual claims filled from 20 different states, were 40, 6,606, as on 30.11.2018. While in Jharkhand as of now total no. of 1,07,756 individual claims (both of STs and OTFDs) were filled under Forest

Rights Act. But out of that 28,107 claims were rejected.

Resonating with the Nationwide outrage and protest against the latest Supreme Court Order asking States to report action for eviction of those whose individual forest rights claims said have been rejected, All India Front For Forest Rights Struggles too demands an immediate review of the order. It also demands from central government to bring an ordinance immediately in order to put stay order on it.

AIFFRS notes with pain the fact that not only the Government has failed to defend the rights of the tribal people, but also the Supreme Court has failed to apply the provisions of the Act properly in the course of its hearing the case. Instead of chastising the government, the SC chose to warn the State Governments that serious note will be taken in the case of non compliance with regard to eviction of forest dwellers whose claims have been rejected.

It is well known that in state after state, there have been constant protests regarding improper process of rejection of claims filled by the Gram Sabhas, and hence in no state can claim that process of rejection has been finalized at all. Why then is the SC demanding that state governments file a report on the status of completion of the rejection process?

It is also well known to the Wildlife lobby who have filed the case in the first place that the major destruction of the forest has taken place through mono-cultures, tourism, diversion of forests for mining and other development requirements (keeping Corporate interest in mind). Why then they have chosen to target FRA which is not merely recognition of the fact that historical injustice has been committed to Forest dwellers, but also recognition of it that the forests themselves cannot be saved without the active cooperation of the forest dependent Adivasis and dependent people. Clearly the nexus between Corridor form of Development and the Creation and preservation of wildlife corridors can be seen as the price extracted by this lobby for their silence on the real causes for the destruction of the forests.

AIFFRS demands that not just the present order of SC be reviewed, but the entire nexus between the draft National Forest Policy 2018, CAF Act 2016 and wrong implementation of FRA be reviewed as well and stringent orders be passed, so that the letter and spirit of the FRA be implemented.

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On Behalf of
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The discussion covered the points given in the Statement. While the meeting was going on, it was reported that the government had put in an affidavit asking for a stay on evictions, the hearing which was on the third of March granted the stay. At the meeting the following actions were decided

- a. Mass scale letters from the Gram Sabha asking for proper implementation of the Forest Rights Act. Letters to be sent to SDLC, DLC, Chief Secretary responsible for SLMC, MoTA and Registrar Supreme Court.

- b. Support level activities documenting violation of the implementation of the FRA in letter and spirit. This with the idea of intervention at various levels including legal intervention in the Supreme Court if necessary.

Building Preparedness for Intervention in Forest Rights related Issues

Despite the fact that the forest rights of the forest dependent people, especially the forest dwelling Adivasis, are now constitutionally and legally recognized the state mechanism is not yet prepared to translate them into reality. Instead of resolving the conflict on the issue of forest governance the recent issues like the Compensatory Afforestation Act 2016 and its Rules 2018 and the Draft National Forest Policy have aggravated it further. Besides, the implementation process of the Forest Rights Act 2006 has also been distorted and even stalled in many states. The permanent resolution of these issues demands serious engagement with the governments at the both central and state levels. The discussion covered the following points.

Draft Forest Policy 2018 and CAF 2016

The Draft Forest Policy 2018 appears to be a ploy to give reason and logic for the change of objectives of The Compensatory Forest Act 2016 from one of compensating for the destruction caused to forest by Forest Diversion to productivity orientation and hence providing a licence to hand over forest land to corporates on platters. Such anti people laws and policies need to be scrapped.

The essence of the Forest Rights Act 2006, need to be made Central to the development process in future. Namely its acknowledgement, that historical injustice has been done to forest dwellers and forest dependent communities. Specifically in relation to this the importance of democratic rights provided to women was pointed out (in terms of joint names on the Land recognition title document). This implies not just correction of historical injustice done due to the imposition of laws on the Forest by the British, but also correction of injustice done as a result of the emergence of patriarchy in the forest dwelling communities as well. The necessity to recognize democratic rights of women beyond those relating to division of labour in the society stems from the need to recognise their role in ecologically sustainable development. The forest rights act recognises the supremacy of the gram sabha in the decision making process while simultaneously acknowledging the rights of others outside the gram sabha boundaries to use the land. However, processes being taken currently by the state bureaucracy entirely bypass the gram sabha and its rights. It is clear that it was only assertion of Community forest rights and gram sabha based natural resource micro-planning that would help to halt the current development juggernaut.

The Draft Forest Policy prepared by IIFM was taken down suddenly and a new policy prepared without reference to the earlier draft. While the new draft talked of the need to update the Forest policy 1988 in line with the International commitments and latest developments, it did not make any reference to UN Convention on the Rights of Indigenous people neither to the Rights of labour under ILO. While making a big deal about ecology and the conservation of nature, the road map it sets out is one to increase the productivity of the forests and keeping this in mind the need to involve corporates under the PPP model. While improving productivity of degraded forests might be valid, past history shows that the focus is not on the totality of the biodiversity but rather on that produce that can be commoditised.

The experience of introduction of Pine in Oak forests, Eucalyptus for meeting requirements of the paper industry and even Prosopis in dryland areas on the plea of meeting fuelwood needs is well known. While the policy does focus on the participation of the local community, from the reading of the entire text, it can be seen that this participation is merely as labour and as the favourite whipping boy to meet all goals including that of ecology. So we have the peculiar situation where on one hand CFR is denied in the name of sanctuaries and National parks ie. conservation, corporates are encouraged to invest in the forest and yet it is acknowledged that it is people who have been responsible for conserving the biodiversity and ecology. Seeing this across the country there were protests rejecting the forest policy and demanding that FRA in general and CFR in particular take centre stage.

Linking up the draft Forest policy and CAF 2016 is a recognition that Compensatory Afforestation as a means to hand over prime forest land in the name of development has failed. Instead of addressing this, CAF was passed so that a new logic could be applied to the use of CAMPA money. At the moment the money is being channelised to the Forest Department to revive the dead horse of the Joint Forest Management with a golden whip. It is known to all that the horse will not rise up but the whip will satiate the greed of many. According to the logic of governance and the promise made by the late Minister of the Ministry of Environment and Forest and Climate Change, Mr. Anil Dave, the Compensatory Afforestation Fund money should have been deposited to the bank accounts of the Gram Sabhas.

Thus a gross violation of constitutional provisions and Acts in the sphere of conservation of forest and enhancement of forest based sustainable livelihood is being continued for long that demands immediate attention of the legislative and the judiciary. The role of Civil Society organisations and the groups of activists is crucial in this matter.

Experiences of the different States

This mostly covered the points raised at the regional meetings. Since the meeting in Northern region was to be held subsequently on 4th and 5th March, issues related to the strategy for pastorals was also covered in significant depth. The meeting also called for developing unity with traditional fish workers and the significance of the national wide struggle of coastal fishers against the CRZ policy.

Plan proposed for 2019

A series of National and Regional meetings on the agenda above are required. The major purpose of these meetings is as follows

- a. Follow up on the implication of the SC order and subsequent stay orders as given above.
- b. To develop a common understanding on CAF Act, The draft forest policy and FRA with the idea of developing a post CFR agenda irrespective of whether government approves the CFR titles or not.
- c. To create a forum where grass root groups which are active on the agenda above can come together to articulate their common concerns and to link up with other groups working on similar agenda.
- d. To initiate dialogue with government functionaries and elected representatives at the National level. A Secretariat has been proposed at Delhi and Tarun Kanti Bose nominated on

behalf of AIFF-RS to give shape to it. Agencies present at the meeting like Shruti and PSA volunteered to be a part of the process. A preliminary meeting was proposed with the Delhi Government for which Tarun Kanti Bose, Satya Prasanna and Viren Lobo volunteered to initiate on 6th March. In a preliminary discussion with the YMCA Educational unit, they have volunteered to collaborate in the programme and provide interns for the purpose.

Larger Alliances

Discussion on the question of larger alliances outlined the following

- a. The core team needs to comprise of those who are primarily engaged on forestry questions and who have taken a clear stand on the necessity to develop a clear cut strategy to correct historical injustice faced by forest dwellers and forest dependent communities.
- b. Alliances with those who support the question of Forest dwellers and forest dependent communities and have a clear stand on these issues.
- c. Support organisations of various types.