

AIFFRS  
20<sup>th</sup> July 2019

As discussed in the annual meeting of All India Front for Forest Rights Struggles (AIFFRS) which I am representing here., the developments related to Compensatory Afforestation Act 2016, draft Forest Policy, the Supreme Court Order on evictions as a result of lack of proper placement of the issues by the respective Government at the centre and in the States and the proposed amendments to IFA 1927 are deeply interrelated with each other and with the express intention of confining the role of forest dwellers and forest dependent communities to a cheap labour force for Forest based industries at best and in the main paving the way for land take over/land transfer to Corporates. AIFFRS discussed these developments at length and expressed its deep concern on the attempts of the Central Government to dilute and violate FRA 2006 through various means. In brief it can be put as follows

- a. The express purpose of the current draft Forest Policy made after arbitrarily ignoring the previous draft appears to be a mechanism to give a new logic to the term Forest and afforestation so as to provide a justification for CAF 2016.
- b. The Supreme Court order and its temporary stay coming shortly before the elections looks like a conscious ploy on the part of the government to change the Status of the discourse on the Forest Rights Act 2006 and undermine its credentials thereby.
- c. The draft amendments to the IFA 1927 shared with the States aims to give more draconian powers to the Forest Department which from its current practise of harassing and torturing ground level FRA protagonists appears to be the 'legal way' out for the Government to effectively undermine the implementation of FRA which alone can counter the current implications of CAF 2016 and the draft Forest Policy.

AIFFRS therefore also resolved to build up a campaign and to lobby for FRA. A delegation of AIFFRS met the newly-inducted Union Minister of Tribal Affairs, Arjun Munda on 16<sup>th</sup> June 2019 and demanded from him that the FRA 2006 be continued and implemented without any dilution.

The delegation said it was extremely concerned about the dilution and violation of the Forest Rights Act through a notification on the Compensatory Afforestation Act, which seeks to dilute the purpose of compensatory afforestation.

Instead of Implementing the Forest Rights Act, the government today is attempting to take back the rights of the Adivasis on forests. We unanimously oppose such an attempt," the delegation declared it to the Union Minister of Tribal Affairs

The delegation of the AIFFRS said the preamble of the Compensatory Afforestation Fund Act, 2016 clearly advocates for administration of the funds and to utilise the monies so collected for undertaking artificial regeneration (plantations), assisted natural regeneration, protection of forests, forest related infrastructure development, Green India Programme, wildlife protection and other related activities and for matters connected therewith or incidental thereto.

Xavier Kujur, National Convenor, AIFFRS, pointed out to MoTA, that the experience of Jharkhand Jungle Bachao Andolan to assert community rights in the forest was a means of not only asserting livelihood rights but also the culture of Adivasis which is intrinsic to forests and the survival of both. "A similar, though different journey, has been traversed by Adivasi Jan Utthan Trust in Bhekadia which is working closely with Fenai Mata Revakhand Jaiv Shristi

Mandal a federation of 42 villages in the blocks of Kavant and Naswadi in Chhota Udepur District of Gujarat," he said.

The AIFFRS delegation also met the Congress leaders and former union ministers Jairam Ramesh and Mani Shankar Aiyar, CPI-M leader Brinda Karat, CPI general secretary S Sudhakar Reddy, and several other parties and organisations including the head of India Greens Party, Suresh Nautiyal in this regard on 16<sup>th</sup> & 17<sup>th</sup> June 2019

In South India, Rights-based organisations, working with AIFFRS function under the National Adivasi Alliance (NAA), are working with the Adivasi community to ensure implementation of the Forest Rights Act, 2006 and Compensatory Afforestation Fund Act, 2016 activities to safeguard the livelihood resources for the community and conserve and maintain the bio-diversity in the forest land.

In the meeting on Forestry and Pastoralism at Dehradun held in March 2019 highlighted the need for a different approach to addressing CFR rights of pastoralists. A similar position was reflected for fisher folk in the meeting on Sundarbans held in December 2017.

In a two-day meeting held in New Delhi on 14<sup>th</sup> and 15<sup>th</sup> June 2019 AIFFRS has also endorsed the approach outlined by Jharkhand Jungle Bachao Andolan and as modified for pastoralists and fisherfolk community

At the meeting of AIFF-RS at Delhi on 14th and 15 June 2019, it was decided to mobilise Gram Sabhas across the country on the issues related to the proper implementation of the Forest Rights Act, implications of the Supreme Court Order, Draft National Forest Policy 2018, Proposed Amendment to the Indian Forest Act 1927, CAF Act 2016.

In response to the call of AIFF-RS at its National meeting held on 14<sup>th</sup> and 15<sup>th</sup> June, members of AIFF-RS from different parts of the country are mobilising the Gram Sabhas to send a memorandum to the Supreme Court and concerned state government functionaries protesting the eviction of forest dwellers and forest dependent communities based on limited application of Forest rights on the ground.

On 6<sup>th</sup> July 2019, we met met the Union Minister of Tribal Affairs, Arjun Munda and submitted case studies from across the country to show how the due procedure has not been followed in the implementation of FRA:

The process of educating the local community to file CFR claims and reassert their control and historical synergy with the forest has not been done in most cases, in fact the reverse has been done, namely forest dwellers have been faced with repression and many forms of harassment with the express purpose of undermining their traditional collective processes.

The denial/delay in processing of CFR claims particularly in the context of National Parks and sanctuaries.

- Dakshinbanga Matsyajibi Forum has pointed out that Sundarban in West Bengal for instance has not been considered in the list of districts eligible for FRA as a result fisher folk and honey collectors who depend on these forests face severe repression while trying to eke out their livelihood from these forests. The fisher folk from across the country have come up with a slogan, he who casts the net has the right of water. The fisher folk from across the country therefore demand that conditions are set right in terms of the quantity, quality and access to water, but also upstream to the source of the water bodies, namely the status of the habitat from where the water is sourced.

- In Himachal Pradesh, Himachal Gumantu Pashupalak Mahasabha pointed out that claims of pastoralists who have submitted their CFR claim have not been entertained on the grounds that claims were settled at the time of the British itself. On the other hand the FRA is being used for fast track clearance of diversion claims under Section 3 (ii) in violation of the ban on green felling in Himachal so why not CFR claims be dealt with under Sec 3 (i)? Himachal Pradesh has been kept out from the ambit of FRA.
- In Rajasthan, Alwar district is among those not recognized under the FRA and hence claims filed have not been entertained, a study of RTI claims filed by local communities by Badad Mazdoor Kisan Union and Institute for Ecology and livelihood Action in Bhensrodgarh region indicates how the entire process of filing of claims has been undermined. BMKU also has evidence that claims approved by 2 senior people from the village following due process are being arbitrarily denied.
- In Jharkhand, Jharkhand Jungle Bachao Andolan pointed out that out of 433 CFR claims filed only 8 have been granted recognition. Even there instead of the area being claimed under CFR being granted a fraction has approved and that too under Joint Forest management which is a violation of FRA as management should be handed over to the Forest Rights protection Committee. Jharkhand Mazdoor Kisan Union (JMKU) also pointed out how the JFM committee was used to harass forest rights claimants and assist the Forest Department in filing false cases against them. JMKU has also prepared a detailed report of 11 villages based on the RTIs filed by the local community against the process of harassment and threatened eviction of local communities despite them having filed claims for IFR and submitting the necessary proof of cultivation prior to the cut-off date of 13th December 2005.
- Seva Jagat of Odisha also pointed out how a limited area was approved under CFR and given to JFM committee in violation of the Act which requires the Forest Rights Mangement committee to be given charge, funding under CAMPA is also being used to undermine the unity of the village.

#### The process of undermining FRA in other representative States

- In Karnataka Rajamoola Adivasigla Vedike pointed out that the Government is taking post-dated measures to ratify it's process of wrongful rejection of claims by trying to take signatures from the gram sabha.
- In Gujarat, Eklavya pointed out how fake pattas and fake figures were given to undermine the process of resistance of the local community to the improper procedures being followed by the Government.
- In Tamil Nadu, TAAK, Humane Trust and VRDP pointed out the apathy of the Government in responding to their demands.
- In Andhra Pradesh, Dharitri pointed out that 50 CFR claims filed were returned without processing the claims.

#### Here I want to add:

- Nomadic pastoralists being evicted from Sariska Tiger Reserve to conserve tigers introduced from Ranthambore fear loss of livelihoods, and life in relocation settlements with poor amenities. Blamed for wiping out tigers from Sariska, the traditional forest dwellers are facing forceful eviction The FRA provisions for recognition and settlement of rights before village relocation has not been complied with even after they were made mandatory in National Tiger Conservation Authority (NTCA) guidelines.

#### Conclusion

There are two things that we need to stress

- a. The building of grass root democracy through the gram sabha

- b. The diversity of life support systems that Forest based ecosystems support and the limitations of production forestry in addressing this.

AIFF-RS will periodically be bringing up concerns in relation to this over the next year or so.