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## [India: Forest struggles at the crossroads](#)

One can still come across unfragmented forests and wilderness landscapes in India, some of them comprising the type of structural and species diversity of the vegetation that is typical for unfragmented landscapes, despite wholesale ravaging of such landscapes during both colonial and post-colonial times. Besides the rainforests in the Andaman Islands as well as the mountainous Western Ghats and Himalayan North-East India, the country also has extensive natural conifers, broadleaved and temperate forests covering much of the Himalayas, the moist deciduous Sal (*Shorea Robusta*) forest of eastern and central India, dry deciduous (mostly teak, *Tectona Grandis*) forest in central and southern India, and the thorn forest of the central Deccan and western Gangetic plain dominated by the babul (Arabic gum, *Acacia Nilotica*). The *Adivasis* (1), indigenous forest communities in India, share the forest habitats with other communities. In most areas, forests still offer food and energy for *Adivasi* and forest dependent communities and are an important part of their livelihoods.

Forests, however, have always been contested spaces in India. They were first 'reclaimed' as revenue-yielding agricultural land and human settlements before and throughout the colonial era. Later, forests were enclosed and clear-cut to make room for more 'productive' areas like monocultures and 'development' projects like big dams, mining, military installations and roads. By the turn of the present century, the official forest policy had tilted towards conservation, and random clearing of natural vegetation was stopped. This, however, did not translate into tangible relief for forest communities. On the contrary, the conservationist face of the Government's forest management made things worse: in the new 'protected areas' like wildlife sanctuaries, national parks and tiger reserves, people lost all access and right to use the forests. Meanwhile, remaining forests continued to be cut for 'development purposes'.

In India, forest communities, social movements and grassroots alliances have long defended forests and their access and control over the forest spaces. Yet, the struggles have become increasingly harder. The right-wing Bharatiya Janata Party (BJP) won the 2014 parliamentary elections, marking another watershed in the history of struggles for forests. Following an overt corporate agenda, the new Minister for the Environment and Forests declared that the country's economic development should not be held back for environmental reasons. Afterwards, this ministry initiated a process to dilute the strongest (and hence, most contentious) environmental law in India: the Forest Rights Act (FRA). In the last few years, forest struggles in India centred upon the implementation of this Act. This focus succeeded to wrest major relief from the previous United Progressive Alliance (UPA) Government, while braving strong opposition from both the corporate and wildlife lobbies. Attempted dilution of the Act poses a huge threat to the struggles--on the ground as well as from the various sub-national and national alliance formations.

Efforts at placating big business houses had started during the last few months of the UPA government. Seen in retrospect, one can perhaps say that the over-emphasis by social movements and peoples' organisations on the FRA has a cumulatively detrimental impact on forest struggles in India. At the end of the day, India's environmental policies are framed and executed by a state that

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believes in the neo-liberal hegemony over nature and natural resources. A brief look at the historical context of FRA's emergence and some events since then might be useful in understanding the dynamics of forest struggles in India.

FRA defines 'forests' as all forest and wilderness landscapes perceived and used as forests by communities, irrespective of their officially recorded/recognized ownership/tenure status. This means that the Act opened all forms of forest enclosures (including official conservation areas) to communities. However, in defining communities whose rights it professes to recognize and safeguard, the Act discriminates. Whereas for members of forest-dwelling 'Scheduled Tribes' (tribes notified as such by the Government from time to time) need to provide a more recent residence-proof, December 2005 (the Act was adopted in 2006), it demands proof for three generations (meaning 75 years) in the case of other traditional forest dwellers.

### **FRA: fresh contexts for forest struggles**

Strong and strategic lobbying by activist groups, together with a people's movement, led to the greatest mobilisation on forest rights that India had ever seen. This resulted in 2006 in the passage of *Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights Act)*, better known as FRA or Forest Rights Act. The Act, which came into force in 2008, provided a new context to forest struggles in India by forcing into the political mainstream the hitherto 'marginal' discourse of who owns and will--in future--govern forests. Ever since the first draft Bill was tabled in 2005, conservation NGOs, a section of the Indian media and even a section of the Government kept opposing the proposed law because it would allegedly destroy the dwindling Indian wildlife, especially tigers. The pro-Bill campaigners on the other hand, successfully mobilised 'mainstream' political opinion in favour of the Bill, particularly the political left. They also got considerable support from international environmental groups. However, the new Act, when it was finally adopted, was a watered down version of the much more radical Bill drafted by the Joint Parliamentary Committee (JPC) constituted for the purpose. Grassroots groups accused the Government of sabotaging the Act, but nevertheless called to prepare for a long struggle for its implementation, because the movements feared Government agencies would try to hinder the Act from being properly implemented.

Despite the watering down, the FRA was truly a historic act. It admits that *Adivasis* and other forest dwellers in India have been historically deprived of their just rights, and provides a mechanism for recognizing a bundle of those rights, including over homestead and cultivable lands, ownership of all non-timber forest products, fishing rights and community rights like grazing. Besides, the Act provides for restoration of customary rights like *Nistar* (right to use and collect from common lands earmarked for the purpose) that successive governments had violated ever since the gradual, and often barely legal, state take-over of private/community forests which began in 1955, after India's independence. It is clearly stated that rights under the FRA can be claimed in all forms of forests, including protected areas, overriding provisions in other acts that might deny such rights to forest communities. And most importantly, the FRA empowers village institutions like the *Gram Sabha* (2) to govern their own community forests as well as all other forests they depend on. According to the Act, community institutions can stop any project if it harms their cultural or natural heritage, and they can take steps to protect and conserve forests, wildlife and biodiversity. The "Niyamagiri struggle" in which local communities halted a bauxite mine in the state of Odisha, provides a clear example where the FRA was successfully used.

In the Eastern Ghats mountain range along the east coast of India, the *Dongria Kondhs*, an *Adivasi* community, resisted a concerted assault by the state and corporate power on their communal swidden cultivation, land and forests (and also, their sacred hill called Niyamagiri—the abode of the *Niyama Raja*). The Eastern Ghats support various forest types, including moist deciduous, dry deciduous, dry evergreen, thorn scrub and Shrub. The *Kondhs* staunchly said no to all ‘development’ proposals from the Government, like road building and employment in factories and mines, and did not give up, even in the face of severe repression: the leaders of the movement had been threatened, badly beaten up and jailed. The Odisha state Government tried its best to go ahead with the bauxite mining project by Vedanta Ltd, the largest mining and non-ferrous metals company in India, headquartered in the UK. However, there was not much the Government could do when in mid-2013, all *Gram Sabhas* in the area rejected the mining proposal.

The Ministry of Forest and Environment had first withdrawn the environmental clearance for the mining project in 2009, citing non-compliance with the FRA. After appeals went to the Supreme Court of India, a landmark decision was made in April 2013, stating that the cultural values and spiritual rights of the local communities have to be respected under the rights provided by the FRA. It ruled that the indigenous peoples living in the Niyamagiri area would decide whether they want the mine or not. Besides, there was also a vigorous campaign inside and outside India for defending the *Dongria Kondh* rights over their sacred hill. The campaign, despite sometimes bitter and acrimonious infighting, witnessed a rare coming together of social movements, donor agencies and political formations. Although the FRA was effective in this case to safeguard *Adivasi* rights over their lands, the expansion of a system driven by increasing economic growth is robbing the *Adivasi* and other rural peoples of their forests and livelihoods.

#### *Official implementation of FRA: politically motivated and undemocratic*

Broadly speaking, however, the Governmental implementation of the Act turned into a hasty, politically motivated, and undemocratic exercise where people had no role. Provisions for community rights for forest governance and usage were undermined. The role of the *Gram Sabha*, the key institution in the FRA, has been ignored. Struggle groups allege that the Forest Department, under the Ministry of Environment and Forests, had been influencing and subverting the FRA implementation process in wildlife conservation areas. A process of ‘relocating’ villages in the existing and potential tiger areas was going on, in violation of both the FRA and the Wild Life Protection Act (2006 amendment), which should make such relocations subject to written, prior and informed consent of the *Gram Sabha* (which could only happen after the rights recognition process is complete). The dubious attitude of the state towards the forest rights issue reflects its internal political contradictions. The practical electoral necessities for *Adivasi* votes and the policy of containment of growing political unrest in the Maoist-affected areas both demand that the FRA is implemented. However, another set of political necessities demand that the forest remains a state space, where communities can have at best ‘fringe’ access.

#### **Whither Forest Struggles? Post-FRA scenario**

State repression in forest areas of India increased in the years following the enactment of the FRA. The Indian Government launched a full-scale military offensive against the Maoist Guerrillas, who operate from heavily forested areas mainly in the eastern-central-southern forest corridor, and control a large chunk of forests in India (3). An elaborate discussion on the Maoist movement will not be attempted here. It is however important to mention that Maoists have been known to use forest rights

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issues as a organisational strategy to mobilise *Adivasis*, and wherever they have created 'liberated' zones (as in Dankaranya on the Chattisgarh-Andhra Pradesh-Maharashtra border) the communities have apparently taken over forests. In other areas dominated by Maoist groups like the Saranda forests of Singhbhum of Jharkhand, government forest staff had abandoned their offices.

If we take the Maoist movement into account, the movements in Indian forests now have two definite trends. One, the well-organised and predominantly violent campaign against the Indian state led by the Maoist Communist Party of India (CPI). And two, a loose, often ill-organised, and largely localised ensemble of diverse people's movements. This trend includes the Campaign for Survival and Dignity (CSD), the National Forum of Forest People and Forest Workers of *India* (NFFPFW), now defunct—the groups involved in the process have since regrouped in two other formations: All India Forum of Forest Movements (AIFFM) and All India Union of Forest Working People (AIUFWP)—, and sundry other groups. Despite their inherently anarchic and localized nature, there is a growing tendency among the movements to take a more politically articulated position on issues like how to engage with an anti-people and increasingly military state, and whether older forms of non-violent democratic movements will continue to be effective in face of the state

Despite their criticism of the FRA, non-party social movements in India have focussed more on its implementation than anything else. Significant community mobilisations in many parts of the country as people try to assert their control over forests bear witness to that. New struggles have emerged in Jharkhand, Orissa, Northern Bengal, Maharashtra, Uttar Pradesh, Uttarakhand, Gujrat, Madhya Pradesh, and also in Tamilnadu, all of which view the implementation of the FRA more as a long-drawn people's struggle for control of forests rather than a bureaucratic process. Social movements now emphasize the necessity of using the FRA in present and future struggles to fight the aggression of capital in forest areas and to strengthen community control over forests. The struggle for who decides how forests are used is also being increasingly seen as a struggle for a better and more equitable social order, though differences and ambiguities on political perceptions and key organisational strategy issues persist at intra-movement and inter-movement levels.

Not all forces working on forest rights and demanding communal rights have such openly political agenda. It needs to be said that the politicization process of forest movements/movements for commons runs almost in parallel with another process dominated by big NGOs and donor agencies. Which, whether by chance or design, makes a pitch for de-politicization of struggles.

### *The increasing visibility of big NGOs*

As the more politically minded movement groups, NGOs are also trying to create alliance formations. Questions remain about whether (and how) NGO-network formations could successfully link with social movements. And more importantly, if these formations ultimately only fulfil the state agenda of creating a manageable civil society buffer in Indian forests—a territory that has come under the influence of the radical left movement in recent years. It is possible that these groups, by taking a middle road between left-leaning movements and the state as well as advocating social reforms solely within the state framework, often occupy such a buffer space. This could end up diluting the political demands the social movements raise—especially the demand for forests as independent community owned commons. Social movements have closely worked with groups in this strata, but there are doubts whether political and tactical implications of such joint work are ever fully realized. Neo-liberal NGOs in the country are now directly targeting the 'forest rights' domain—a known neo-liberal think tank, Liberty Institute, is getting engaged in the implementation of the FRA.

## **Battling Capital and State: Challenges Ahead**

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The issue is not that the presence of capital in Indian forests will be louder as days pass, or that the state will further undermine and dilute the FRA for creating an investor-friendly environment. In a neo-liberal context, these are to be expected. The real issue for the movement groups is how well and quickly they perceive and internalize the political lessons that come out of the struggle for the FRA and its implementation. One lesson is that unless the movements disassociate their core political strategy from the state-run and increasingly NGO-dominated process of implementing the FRA, it is likely that they will cease to be politically visible. This visibility is already too small when considering the huge territorial sprawl of Indian forests and the diversity of communities living in those. This in turn demands that the movements formulate such political strategies first, keeping in mind a scenario where the state will no longer be open to negotiations, and the safeguards/relief provided by the FRA will gradually, if not outright, disappear. The demand for expanding the relief/safeguards in the FRA (and opposition to any attempt to undermine those) has to be strongly moored in the political realization that each influential struggle at the grassroots creates its own context. Moreover, the struggles as a body should not suffer from an uninformed and partial understanding of what a right wing neo-liberal state is really capable of doing. The key strategy should be to strengthen existing struggles at the grassroots, build up more islands of resistance, and then, link those up, first politically and then organizationally.

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(1) *Adivasi* is a generic term for heterogeneous indigenous peoples in India

(2) As defined in FRA, the *Gram Sabha* is the open assembly of all adult residents in a '*gram*' or village. Though it is notionally convened by the *Gram Panchayat*, a local self-government institution at the village or small town level in India, the *Gram Sabha* in FRA is an independent body. It can come up in all forest areas with a population of forest-dwelling Scheduled Tribes and/or other traditional forest dwellers, irrespective of whether such forest settlements are officially recognized as villages.

(3) For information on present day Maoist Movement, see Chakrabarty. S, *Red Sun*, Delhi, 2009, Roy. A, 'Walking With the Comrades', Outlook India, <http://www.outlookindia.com/article.aspx?264738>, Nawlakha, G, 'Days and Nights in the Heartland of Rebellion', UK, 2012. For the genesis of the Maoist movement in India, see Banerjee, S, 'In the Wake of Naxalbari', Kolkata, 1980.