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## [India: End of Forest Evictions? New Forest Bill](#)

Since India gained political independence in 1947, Protected Areas and development projects like large dams, mines, industries, roads and army cantonments displaced millions of people in the country. Planning Commission estimates suggest that 21.3 million people were displaced by development projects between 1951 and 1990 alone. Estimates of people evicted by Forest Department—to create new Protected Areas and to clear 'forest encroachments'—are not available. According to various movement groups working among Indian forest communities, about 300,000 families were evicted in last five years! There was no rehabilitation, and people of all ages were driven away from their homes, forests and agricultural land, to make way for plantations and wildlife areas.

For people living in India's forests, this is an old old saga continued -of persecution, repression and eviction. Historically, the concept of forest remained rooted in the social and political 'other', the space that shelters wild animals, the marginal and the vanquished, and hence something destroyed-or waged war on- as alien and evil. Inversely, forests have also been 'valued' as land: to annex, colonise and settle subjects the state can control. It did not matter that autochthons living in forests perished -physically and culturally- in the process, in every recognizable period of Indian History.

The independence of the country brought greater misery to people living in forests. The new State made old colonial forest laws harsher, limiting people's access to forests. Meanwhile, in the name of production forestry, depletion of the natural forests went on. Forests kept on vanishing, and the raj of the 'Forest Mafia' started as a new breed of traders and contractors joined hands with an increasingly corrupt forest administration. The official/unofficial loot of forests destroyed the ecology of traditional communities. Poverty, unemployment and starvation forced both migrants and autochthons to become wage labourers under the forest Mafia, thus starting the process of proletarianization of the forest people of the country.

There was also, officially, the 'necessity' of bringing 33 % of India's geographical area under forest, following the new National Forest Policy of 1988, and the new "conservationist" avatar of the Forest Department who till then had hacked and lumbered more than half of Indian forests (between 1951 and 1979, more than 3.33 million hectares of natural forest were felled to make way for "industrial" plantations), took up the 'challenge'. Instead of assessing various socio-economic factors behind deforestation, the department came up with the simplified logic of 'encroachment', as if the forest cover of the country would miraculously increase if communities of landless people occupying and using forest land for subsistence level cultivation could be evicted. The juggernaut of conservation rolled on, evictions started large-scale and neither the Government of India nor conservation NGOs paid any heed to the fact that most of India's forests were taken away from communities by the colonial Government without settling any rights, and the real and biggest encroacher is the Forest Department itself! The Settlement of Rights process, which is mandatory under the Indian Forest act 1927 before declaring any area as Government Forests, never took place in many areas, and in many other, surveys were incomplete.

People with unrecorded rights inhabit a strict 'state space', where they were treated as intruders,

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encroachers and enemy of the forest and wildlife. The Government does not need to justify any coercive action against them, and even physical abuses, sexual assault and murder are in order. The forest evictions in India are marked for the exemplary brutality which accompanies them. The recent (2005) report by the Tiger Task Force (appointed by the Prime Minister of India to probe into tiger deaths in various Tiger Reserves) describes this situation as “truly a war within, imploding inside reserves and taking everything in its wake.”

In the central Indian State of Madhya Pradesh a Korku hamlet of ten families was looted and burnt in July 2003. In Khandwa district, an adivasi was shot dead when he confronted the forest officials who picked up his wife after chasing the villagers away from their lands. The Special Reserve Protection Force (SRPF) was deployed in the Adivasi areas of Gujarat to help forest department officials. The villagers are threatened, their houses looted and the menfolk are frequently arrested and beaten up. In places like Bastar in Chattisgarh, villages are surrounded by the CRPF. At the slightest sign of opposition, Adivasis were branded as extremists, arrested or shot at and killed.

A marauding Central Empowered Committee (CEC) constituted by the Supreme Court and staffed with forest officials and hardcore wild-lifers and conservationists added to the muddle. The CEC has been going around the country issuing eviction orders at will. Around ten thousand fisherworkers drying fish on the southern Sunderban island of Jambudwip in the eastern State of West Bengal were evicted by its orders. West Bengal police lathicharged (beat with sticks) fisherworkers who went to the island on October 16, 2003, the World Food Day. Their equipment and food packets were destroyed and thrown into the sea. CEC was also held responsible for the massacre of the innocent, landless Adivasis who took shelter within the Muthanga Wildlife Sanctuary in the Wayanad district of Kerala .

In a co-ordinated move to thwart large scale evictions, the Adivasis and other forest communities in the States of Orissa, Maharashtra, Gujarat, Rajasthan and Tamil Nadu, West Bengal, and Madhya Pradesh started filing thousands of claims towards ownership of their lands in the office of the respective District Collectors. This process of filing claims to their lands took the shape of a mass-movement. Campaign for Survival and Dignity, a platform of mass organizations of Adivasis and forest dwellers from 11 states, launched organized protests, coming out with details of what was happening, the legal position, how these were systematically violated and what should be done.

To diffuse the rising tension in tribal areas of the country, and to make amends, the government issued two new circulars in 2004 that prescribed regularization of lands cultivated by tribals since 1993 and conversion of all forest villages (plantation workers colonies on forest land) into revenue villages within 6 months. These were stayed by the Supreme Court of India. In December 2004, a further set of guidelines barred eviction of tribals except “ineligible encroachers” (which meant that evictions would continue). On May 12, 2005, yet another guideline barred evictions of any forest dweller without a due process of verification. A final set of guidelines were issued on November 3, 2005, that for the first time provided for a village-level process of recognising rights. However, evictions continue to this day, and in this month, people were evicted from forest land in the tiny Himalayan State of Sikkim.

Political compulsions of the present Government and sustained and effective lobbying by forest movements led to the controversial Forest Rights Bill 2005 which for the first time in India's History talks of tribal stake and rights in forests, and promises to safeguard those. The bill proposes 13 specific rights, heritable but not alienable or transferable like, amongst others, ownership of land up to 2.5 hectares, rights to forest produce and grazing, restoration of illegal cancellation of titles, grants and leases to lands, traditional and customary rights, rights to common community resources, habitat

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rights for primitive tribal groups, right to access to bio-diversity and community right to intellectual property and traditional knowledge, and right to protect forests.

The Bill had Indian 'Conservation' lobby up in arms, with NGOs and forest officers crying foul. They objected to the bill on the grounds that the law will distribute forest land to tribal families, undermine forest protection, and because wildlife and people cannot co-exist. The Bill was interpreted to mean 'the end of Indian Tiger'! The Bill was also opposed by forest movements because they found it too vague. The Government had to send the Bill to a Joint Parliamentary Committee, which only now has concluded its Report on the Bill, after recording depositions from both forest movements and 'conservationists' for the last three months. The Report is not yet made public, and one has to wait to see what the Government of India decides to do about it. But there is no doubt that the Bill heralds a new beginning of India's forest history, and things are going to change, whether for good or for bad.

With the proposed Forest Rights Bill, the struggle of India's forest communities enters a more decisively 'political phase', where forest movements need to be on constant vigil, to reach possible benefits and relief from the Bill to the downtrodden and the poor among the ethnically and economically diverse groups of people living in and around India's forests. There is a need to ensure that the agenda of establishing social control of forest communities over India's forests do not get eclipsed by the sudden and dubious 'communalization' of this country's strong Paper/Pulp Lobby and the World Bank, and the zeal to see the end of state hegemony over forests, does not mean playing into the hands of these forces who also are seriously advocating 'pro-community' legislative and policy reforms in forestry sector. The struggle for people's rights and the forest bill thus becomes a struggle against the imminent corporatization or privatization of forests. Though physical contours of this struggle are not too defined yet, it is wiser to be on guard, and not get lulled into a sense of false security and euphoria that the Bill might bring.

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