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Activists get ahead with new forest law

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THE National Forum of Forest People and Forest Workers (NFFPFW) has begun work on implementing a new central law on forest rights in the hill state of Uttarakhand though the government is yet to notify the rules.

The Scheduled Tribes and Other Forest Dwellers (Right to Forests) Act has the support of all political parties but the rules for implementing it have been held up by the government in deference to concerns expressed by wildlife enthusiasts.

On 2 November NFFPFW held a rally and a workshop in Dehradun to demand that forest dwellers, pastoralists and nomads be given the right to live in and around forests and collect forest produce for a living.

The wildlife lobby is worried about national parks, sanctuaries and the vanishing tiger. It believes the new law will result in people living legally inside these areas. This, according to them, will adversely affect wildlife, especially the tiger. So the wildlife lobby wants core areas in national parks and sanctuaries to be designated 'inviolable spaces' and kept out of the purview of the Act.

The wildlife lobby also wants people living inside parks and sanctuaries to be relocated before the Act comes into force. Their argument is that once the rules of the Act are notified, it will be difficult to throw people out.

However, the tribal lobby and forest rights activists point out that the new Act already has provision for relocating people living inside parks and sanctuaries (chapter 3, clause 4) and they are not opposing 'inviolable spaces' in specified areas.

"Today, the fight is between forest dependent, deprived people and resourceful wildlife lovers. We will not let them win and we will extend this fight beyond forest areas to society as a whole," said Ashok Chaudhury, convener of NFFPFW at the Dehradun workshop.

NFFPFW is keen that the new Act should be notified and rules made at state level so that it can come into force soonest.

"The campaign to implement the Act will begin in Uttarakhand and it will be a model for other states," said Chaudhury. In an interview he spoke to *Civil Society* about NFFPFW's strategy.

Wildlife enthusiasts want people to be moved out of national parks and sanctuaries before the Act is notified. What do you have to say?

Resettlement is already provided for in the Act. People should be resettled with their complete cultural and social milieu and this is not possible outside forest areas. In the name of resettlement, they are thrown into shanty towns like the Taungiyas of Rajaji National Park who are forced to live in Pathrai. What is important is their rehabilitation, not resettlement.

NFFPFW has been lobbying with the government to draft rules that are people friendly. How far have you succeeded?

The government has agreed in principle to include Taungiyas, women and pastoralists in the rules. But we have to wait till the final rules are notified to give an opinion. As far as women are concerned, there is a provision of Joint ownership with their male counterparts when they sign the *patta* (deed) for the land. Many women's groups were lobbying for a two-thirds share of land for women. The government has agreed in principle. Under the category of 'other forest dwellers,' Taungiyas and pastoralists are bound to be included.

Forest lands are government lands. It is people's pressure that will work. The final rules must be clear. But the government tends to keep the wordings of pro-people rules ambiguous so that there is leeway for manipulation.

We cannot depend on the government's wordings. After all when the Forest Bill was being discussed in the Rajya Sabha, the government gave us a verbal assurance that it would amend the Bill and remove certain features like proof that a forest dweller has lived on the land he or she is occupying for 75 years, but then nothing happened.

How is NFFPFW planning to implement the Act?

We have four specific plans. First, information dissemination about the Act is very important as most forest-dependent people are not even aware of the new law. So, our constituent groups are holding constant workshops, meetings and door-to-door contacts for this. Secondly, demarcation is critical to assess exact areas of forests and fields. We are actively making local maps.

Thirdly, we are strengthening local grassroots groups and organisations. Unless the people living in and around forests are involved, no one from outside will come and help. Lastly, community governance of forests is a must. We are deeply involved in this.

Community governance will be cost effective and it will put pressure on the forest administration to implement the Act.



Ashok Chaudhury

We are also working on forest management so that it yields sustenance to forest dependent people. Collection of non timber forest produce (NTFP) is important for it provides an income to people. Collective ownership is the logical fallout of this process. Again, it is not possible for individuals to fight the forest department. Here, social pressure by social movements should be built. This would reduce people's dependence on the government and pave the way for community governance of forests.

What are the hurdles you will face?

The biggest problem is going to be the so-called proof of residence that forest dependent people would have to furnish for compensation. It is not possible to furnish 'proofs' that are more than 75 years old since most forests belonged to landlords at that time.

In the original draft of the Act, the forest department was not included in the monitoring committee. Now, in the rules, it has been included. This will create problems since the forest department has a colonial mindset and thinks it is the master of the forests. Forest officials will obstruct implementation of the Act.

Then, in many places, the authority of the forest department and the revenue department (RD)

overlap. The existing fight between these two departments over land demarcation will worsen. Here state rules are very important.

For instance in Uttarakhand, most people irrespective of caste, are forest dependent. People have had access to reserve forests. Rules here must be carefully framed so that van panchayats, that are a unique system of self-governance of forests, are revitalised. Van panchayats have received a setback because of the government's joint forest management (JFM) programme.

What will be the impact of the Act on India's diminishing forest cover?

It is bound to be positive as the Act has specific duties to conserve forests along with rights. This will dispel the middle class notion that forest dependent people are responsible for reducing forest cover.



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How do you intend to respond to the wildlife lobby?

It is very important to expose the real intention and colonial mindset of the wildlife lobby. It accepts only the 1927 Forest Act and not even the Constitution of India. Local groups will counter their propaganda by constant resistance and pressure building so that the wildlife lobby becomes democratically oriented.

Are you satisfied with the political support you received?

All political parties have had to support the Act for political reasons. They have to get the support of forest-dependent people in the next elections that may be declared any time now. Political parties have not done any work on the ground to get this Act implemented and make the rules pro-people.