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## **ANTHROPOLOGY SNIPPET-346**



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## Odisha's Tribal Communities Are Reeling Under a Land Grab Project Masquerading as 'Afforestation'



The forest department's move to aggressively promote commercial plantation activities on community forest land in the name of compensatory afforestation is usurping the forest rights of the tribal communities.

Several weeks have passed since the Odisha forest department staff descended on Pratima Mallick's village - Pidadamaha, in Kandhamal district - to cut down 12 acres of their community forest, but she still can't get the incident out of her mind.

"They came in the early hours of the morning," she said, her eyes bright with unshed tears. "We saw our trees butchered - mango, jackfruit, kendu, mahua, jamukoli, siyali, amala, bahada. We have nurtured and protected our forest for generations; it sustains our livelihoods, our very lives. But, on that day, we were told we had no legal rights to it," she recalled.

Pratima and many others in the village said that the police had threatened to displace them from the forest if they opposed the work of the state forest department. The latter has been aggressively promoting commercial tree plantation by supplanting forests nurtured by tribal communities, which comprise 53% of the population of Kandhamal district.

In the forest land that is being targeted by the forest department, the tribal communities have been growing a diverse food basket of millets, tubers, pulses, and greens. From the forest they collect minor forest produce (MFP) for household consumption and for sale at the local *haats*, which ensures a major source of income.

In villages such as Pidadamaha, where there are no gas stoves, Mamita Mallick pointed out, they gather fallen twigs, dried leaves and wood, “to make a fire over which we cook our food.” Every household maintains a stock for the rainy season.

Cutting down the forest means cutting the roots of their existence, more so in the wake of the pandemic induced lockdown. With the haats closed and no traders visiting the villages, the income levels of tribal communities have fallen sharply. If anything has kept hunger at bay in Kandhamal during these months, it is the varied bounties of the forest.

Moreover, this is a time when migrant workers have been returning to their homes in the wake of the lockdown. The fact that the forest department has chosen to destroy a large part of the traditional forest in Pidadamaha village at a time when their dependence on it is increasing, exposes the department’s total disconnect with the concerns of the communities living in the area.

No wonder the Kondh community of Pidadamaha is so unhappy and angry at the forest department’s action. “It was as if we were watching our children being killed in front of us. Let them try and plant commercial trees in our forest. We will uproot their saplings and destroy their plan,” declared Rajanti Mallick.

Then, as the flash of anger subsided, despair took over. “They have killed us. Without the forest, our life is doomed,” she said.

The forest department's action in Pidadamaha village has been severely condemned by civil society groups and tribal rights activists. Prafulla Samantara, a Green Nobel Prize winner for his work as an environmental and tribal rights activist, told *The Wire*, "The state forest department's action was a blatant violation of the Forest Rights Act (FRA), 2006, in a scheduled area."

Experts working on issues of tribal rights and forest governance point out that what happened in Pidadamaha was not an isolated instance. Every such case has demonstrated that The Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 (Forest Rights Act as it is popularly known), which was enacted by the Central government to address the historical injustice suffered by India's traditional forest dwellers, is not being implemented properly.

Under the Act, as much as 47% of India's forest land should be under the management of gram sabhas of the Scheduled Tribes. If the claim of the community over forest land is pending, then no external activity is to be allowed on that land.

But there's a huge gap between word and deed. According to Samantara, the forest department did not have the gram sabha's approval for its action in Pidadamaha. The sacrifice of natural forest for the promotion of commercial plantation is an attempt to help industries at the cost of Adivasis, he said.

Samantara, who has been campaigning against the destruction of community forests in Kandhamal, said he had already written letters to the Governor urging immediate action. He was clear that the "authorities are simply taking advantage of the lockdown."

Kailash Dandapat, director, Jagruti, a not-for-profit organisation working with the tribal and marginalised communities in Kandhamal, told *The Wire*, "The forest department has spent crores of rupees in Kandhamal on plantation activities. But they hardly ever consult the local communities on these matters. More importantly, such activities are counterproductive – they usurp the forest rights of the tribal communities."



## Poor implementation of FRA

Odisha provides a good example of all that is lacking in the implementation of the FRA. The state's forests cover around 37% of its topography. They are home to 62 Scheduled Tribe communities and 13 particularly vulnerable tribal groups that make up nearly 22% of the state's population.

At least 32,711 villages are eligible for the recognition of their rights to community forest resources (CFR) as they have forest lands within their revenue village boundaries.

Sushanta Kumar Dalai, a development professional working with the Dongria Kondh tribal communities in Niyamgiri, Odisha, told *The Wire*, "Around 23,00,000 hectares of forest can be recognised as CFR in the state."

In practice, experts say, there has been a serious shortfall in the implementation of the CFR – just 3 % of the area under CFR has been settled through the award of legal title deeds between 2006 and 2017, according to an assessment conducted by the US-based Rights and Resources Initiatives, in 2017.

That seems to be the reality across the country, too. Y. Giri Rao, director, Vasundhara, a Bhubaneswar-based not-for-profit organisation working on the issue of tribal land rights and forest governance, pointed out the operational challenges, "There are long-pending applications, irregular meetings of sub-divisional level committees (SDLCs) and district-level committees (DLCs), and a lack of clarity about the CFR recognition process." Ironically, state tribal welfare departments often ended up depending on the forest departments to verify the claims filed by gram sabhas, he said.

As a result, pointed out Tushar Dash, a researcher at Community Forest Rights – Learning and Advocacy, "More than 50 % of the claims have been rejected by states without following due procedure." Activists have repeatedly opposed these abrupt rejections and even challenged them in

court, saying these claims need to be reviewed by the state governments. But such reviews are a rarity, Dash said.

In the last decade or so, tribal rights activists have severely criticised the way in which non-state actors such as several wildlife conservation groups, tendu leaf contractors, mining corporations and power-plant industries have opposed the CFR rights of Scheduled Tribes.

“The instances of mining leases being granted in CFR areas without the gram sabhas’ consent has increased over the years,” said Giri Rao. For example, CFR rights were withdrawn on January 22, 2019, at Ghabharra, Chhattisgarh to promote corporate interest in coal deposits.

As per the law in India, if forest areas are used for infrastructure and mining projects (non-forest use), compensatory afforestation must be done on an equal area of non-forestry land, or in the case of degraded forest, on double its area. The expenses are to be met from the Fund at the central or state level, depending on the specific instance.

The Central government’s argument is that such a scheme would increase the forest cover. The Modi government is aggressively promoting CA, also seeing it as a way of fulfilling a key commitment made under the 2015 Paris Climate agreement, to check climate change by co-creating carbon sinks of 2.5-3 billion tonnes of carbon dioxide.

But that is just one side of the story.

Experts say CAMPA tactically ignores and directly clashes with the landmark FRA. It also goes against the principles of democratic devolution outlined in the 73rd and 74th constitutional amendments.

Manohar Chauhan, an independent consultant working on issues relating to the FRA in Odisha and Chhattisgarh, told *The Wire* that the CAMPA Act “is legitimising deforestation and acting as a tool to undermine the forest rights of tribal people granted by the FRA.”

In Kandhamal and Bolangir districts, Chauhan said, the state forest department has used the CAMPA fund to illegally evict tribals and other

forest dwellers from protected areas. “In Odisha and Jharkhand, there have been conflicts due to the encroachment of CAMPA projects in areas claimed by local communities under the FRA,” he revealed.

When local communities protested forceful encroachment, forest officials filed false cases against them. They have been arrested and even physically assaulted, forced to sign on blank papers. “In many cases, prior to encroachment or eviction, the forest department obtains consent from the defunct Joint Forest Management committees which have no legal validity,” said Chauhan.

Gopinath Majhi, the Odisha convenor of the Campaign for Survival and Dignity, the forum which advocated the enactment of the FRA in 2006, described how the CAMPA fund has been grossly misused by the forest departments in question. “There are multiple cases of ‘ghost plantations’ [achieved on paper sans any plantation activity on the ground].” In Bakingia village, in Kandhamal, the forest department has violated the FRA by planting 40,000 commercial tree saplings under CA on land claimed by tribals under CFR rights, Majhi told *The Wire*.

There are several reports of forest departments creating monoculture plantations of non-native species under CA projects. Such plantations have not only affected the forest-based livelihood of tribal communities living in and around the forests; the presence of non-native species such as teak, rubber and eucalyptus could lead to ecologically counter-productive outcomes, said Majhi.

In most cases, the areas where plantation activities are supplanting forests are significant for tribal communities at several levels: growing a diverse food basket; gathering MFP; (mahua, tendu, tamarind, amla, harida, bahada and a range of wild mushrooms, tubers, roots, berries and herbs); grazing livestock; accessing cultural and religious sites; and as burial grounds.

However, the practice followed by the forest department, of fencing off the plantation and posting guards at the site, means that tribal and forest dwelling people can no longer access those areas.

What is more frustrating is that the claim of the Kutia Kondh community to that land has been recognised under the FRA and yet that area has been devoured by a CA project. “This is the face of the forest bureaucracy,” said development professional Dalai. In his view, such actions “could further increase displacement and unrestrained exploitation of the forest dwelling communities.”

According to a 2017 study conducted by the Ministry of Environment, Forest and Climate Change (MoEF&CC), over 70 % of these plantations have been executed on forest lands instead of non-forest lands.

“This is in violation of Para 3(2)(i) of the guidelines issued under the Forest Conservation Act, which states that compensatory afforestation must be undertaken on non-forest land in the same district where forest land has been diverted for non-forest purposes,” pointed out Majhi.

In Odisha, large-scale commercial plantations have been initiated by the forest department in areas where forest rights have either been recognised under the FRA or where such recognition is still pending. In most cases, gram sabhas were not consulted in the process. A study conducted by Vasundhara in 22 villages of Kandhamal and South Forest Divisions of Kalahandi district found that plantation projects had been initiated without the consent of gram sabhas.

Under the CAMPA Act, the gram sabha is required to give its consent for afforestation. What is happening in Odisha is just the opposite. The Act is alienating it from the decision-making process when it comes to the management of natural resource management in tribal areas.

As far as the regeneration of degraded forests is concerned, there are any number of examples in Odisha where tribal communities have proven that they are the best guardians of the forest and die-hard conservationists.

“Involving tribal communities in forest management will strengthen conservation efforts,” was the view of Jagruti director Dandapat. He was unequivocal that “they should be considered as allies by the forest



department.” Empowering them by recognising their land and forest rights under the FRA could go a long way, he felt.

The importance of community-based conservation initiatives cannot be overemphasised, particularly in the wake of the COVID-19 crisis. What the state government should be doing is develop afforestation plans in collaboration with the gram sabha, especially in the fifth scheduled areas.

Experts say the plantation of non-native species cannot regenerate natural forests. “Timber is not the solution; the focus should be on indigenous species of forests which would provide food, shelter and medicine for the local communities,” Rao, director of Vasundhara, stressed. “The local community is more likely to protect the forest which gives them their means of survival and food security. It will be a win-win situation,” he added.

His view was echoed by Joy Daniel Pradhan, Delhi-based development practitioner who has extensively worked with the tribal communities in Odisha. “The forest department should play the role of a facilitator rather than act like a colonial and post-colonial forest bureaucracy,” he said.

Pradhan’s logic was simple – if the government allows the present level of tribal dispossession from forests and access to its resources, it is bound to exacerbate conflicts. In fact, that is already happening.

The solution to the problem lies with the gram sabha. The guidelines issued by the Ministry of Tribal Welfare (MoTA) in 2015, stated that the gram sabhas should be involved in CA activities, and their prior consent obtained before carrying out any plantation; also that CAMPA funds can be directly transferred to the gram sabha for utilisation. However, the guidelines were never translated into action.

Experts point out that the onus should be on the forest department to ensure that all CA activities are accomplished with the prior and informed consent of the gram sabhas. However, it has been seen that it is the forest department which undercuts their role.

As usual, everything boils down to a question of intent. Pratima Mallick of Pidadamaha village had the last word on this issue when she said with great clarity, “The forest department *babus* (officers) should protect the forest. It is their duty, but you see they are happily destroying our forest. Who gave them the right to do so?”

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