

CAMPAIGN FOR SURVIVAL AND DIGNITY

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OPEN LETTER TO VANASHAKTI ON FOREST RIGHTS ACT

Dear Vanashakti,

We are a federation of tribal and forest dwellers' organisations working in eleven States. A key focus of the work of our organisations for many years has been the fight for legal recognition of forest rights. We have differences with the Forest Rights Act's final form, but we cannot endorse your attack on it.

You claim that:

- this Act is a conspiracy to distribute forest land to tribals;
- it will destroy forests, leading to floods, droughts, etc;
- it amounts to “keeping tribals in the forest”, contrary to their “welfare.”

Every one of these claims has no basis. For this Act has nothing to do with distributing forest land, it does not gift land to every adivasi family, and it certainly does not “keep tribals in the forest.” Attacking it through distortions and untruths does nothing to reinforce forest protection, and a great deal to undermine it. For, while claiming to want “people to be involved”, in fact you are fiercely defending a system whose purpose is precisely to keep forest management as closed, non-participatory and unaccountable as possible. You yourselves are entirely non-transparent, nowhere disclosing who is funding what is certainly a very expensive TV ad campaign. Meanwhile, the industries and officials are laughing all the way to the bank.

Contrary to your claims, the Forest Rights Act is no scheme hatched by selfish politicians. Rather, it is a part of a struggle that is actually over a century old. The Indian Forest Act, 1927, India's main forest law, was created to serve the British need for timber. It sought to override customary rights and forest management systems by declaring forests state property and exploiting their timber. The law says that, at the time a “forest” is declared, a single official (the Forest Settlement Officer) is to enquire into and “settle” the land and forest rights people had in that area. These all-powerful officials unsurprisingly either did nothing or recorded only the rights of powerful communities.

Those who lost in this process – mostly but not all adivasis – lost quite literally everything. Deemed “encroachers”, their entire lives became a legal twilight zone. At any time anything can be taken away; your land, your livelihood, your money and, if you resist, your freedom. The forest guard is king, and, as the Warli adivasis say, is interested only in *daru*, *kombdi* and *baiko* – liquor, chickens and women. It is no accident that adivasis are the poorest community in India.

Moreover, it is not only people who lost. The very purpose of the Forest Acts was to convert forests into the property of a colonial department; and when you convert an ecosystem into someone's property, there will always be stronger claims to that property than conservation. To

destroy a forest today requires nothing more than either a bribe to the local forest officer or an application to a committee in Delhi. The results include:

- ☒ the loss of more than 90% of India's grasslands to commercial Forest Department plantations;
- ☒ the destruction of five lakh hectares of forest in the past five years alone for mines, dams and industrial projects;
- ☒ clearing of millions of hectares of forest for monoculture plantations by the Forest Department;
- ☒ recent proposals to privatise “degraded” forest lands for private companies' timber plantations.

For more than a century people have fought this regime. The forest laws triggered some of the biggest uprisings of the freedom struggle. Recent decades have seen the growth of what the Tiger Task Force called the “war within”: political, physical, and now even armed conflict spreading throughout India's forest areas. And in every case where projects have wreaked environmental havoc, it is the people whose habitats are affected who have fought them. In these fights, their major weakness has been their lack of rights.

This is the system that Vanashakti is now defending. Dismissing this whole struggle as “vote-bank” politics is itself callous; but your literature goes on to distort the entire Act and its purpose. The Act is accused of “distributing four hectares of forest land to every tribal family”, which it certainly does not (please see sections 4(3), 4(6) and 3(1)(a)) – it recognises land already under cultivation on December 13th, 2005, up to a *maximum* of four hectares. If a claimant was cultivating half an acre on that date, they get title to that half an acre alone; if they are cultivating 5 hectares, they get title to 4 hectares; and if they are cultivating nothing, they get nothing. The law provides a three step procedure for recording rights of ST's and those who have lived in the forest for three generations, a procedure with many opportunities for intervening against false claims.

Moreover, you ignore or undermine the best steps forward in this Act. A good example is section 5, which empowers communities to also protect forests. This will be a weapon for those who – as in Dewas District in MP; in Gudalur in the Nilgiris; in Lanjigarh in Orissa; and countless other forest areas– face jail, torture and killings when fighting for the forests that are so central to their culture and their livelihoods. This provision is a key step towards democratizing forest management. Yet you accuse it of removing protection from forests, entirely ignoring the fact that the section doesn't withdraw any of the existing laws or the powers of the government, a fact further emphasised by section 13.

Finally, we are forced to point out your incredibly undemocratic method of campaigning. Vanashakti remained silent throughout two years of heated public debate, public comment periods and a Joint Parliamentary Committee which heard more than 100 oral testimonies and received hundreds of written submissions. Now, you attack the law through TV ads – a medium that by definition is inaccessible to the oppressed and opposed to their interests. No TV ads are ever made, by Vanashakti or anyone else, attacking Vedanta for their destruction of forests in Orissa; or Reliance for their intense effort to seize forests for SEZs; or the Tatas for their brutal repres-

sion of opposition. Nor would such ads be run if they were in fact made. This kind of “activism” works only when its targets are not the powerful.

We do not ask that you agree with us, or that you support us. We ask only that you cease this campaign of falsehoods and open a dialogue on your concerns; a good starting point would be to state where the funds for these TV ads are coming from. There is plenty of room for forest dwellers and those who care about forests to come together, and we have many common battles ahead. But none of that is possible if urban conservationists cannot respect our lives, our livelihoods and our dignity.

Sincerely,

On behalf of the Convening Collective
Campaign for Survival and Dignity