

Vanashakti's response to the Campaign for Survival & Dignity

To: All Members
Campaign for Survival and Dignity, India

Dear friends,

Thank you for writing to us again regarding our current campaign, on the Forest Rights Act. We have also received your "open letter", posted it on our website, and circulated it amongst our members, who wish to respond to your points as follows.

To begin with, we want to tell you that our Vision for India's future generations differs very substantially from yours. We see the children and grandchildren of today's Tribals and forest dwellers becoming educated, healthy, empowered and integrated with their peers of richer parentage. We see them living and enjoying an inclusive society which provides freedom of choice and income opportunities for everyone, & not just for city-dwellers. Unlike you, we do not see these children leading a life of perpetual poverty, subsistence farming in forest lands, like their grandparents and parents before them. We do not see them as political captives voting for the largely criminal elements that pass off as politicians and leaders these days. All this tyranny will come to an end sooner than you think, and for one simple reason: that the Citizen of India today, after sixty years of betrayal and bewilderment has once again found her voice, and it will absolutely have to be heard.

Secondly, we remain extremely concerned about the impact of the Forest Rights Act on the state of our forests, and of our children's future. We have considered all the evidence of deforestation, the recent reports on actions taken or proposed to be taken by State politicians in context of the Forest Rights Act, and the history of forest management, and find that the touted "solution" of driving tribals into forests (a) dates as far back as the 16th century when new settlers began to drive out the original settlers of the plains of peninsular India, and (b) it is not a solution at all but a continuation of the problem of tribal poverty and isolation.

Specifically, in response to your points,

1. We disagree that there are any "distortions and untruths" in our campaign - you may disagree with our views, but that certainly does not make our campaign distorted or untruthful. To take one example, you say that we claim all Tribal families will get 4 hectares: that is a blatant misrepresentation of our website, which clearly states "up to 4 hectares" in all cases where this area is mentioned. In other words, you are attacking a Citizen's Initiative like Vanashakti either deliberately, or very carelessly.

2. While on the subject of land distribution, you must surely be aware that there are hardly any authentic records available anywhere - at zilla, district, or state level - of what land was under occupation, by which Tribals or Other Forest Dwellers, as on 13th December 2005, the cut-off date for the Forest Rights Act. Given that this is a grant of precious land, why would poor people not claim they had occupied more land than what they actually occupied? And who will police that exaggeration or mis-statement - Gram Sabhas? The three-step procedure for recording rights of ST's and those who have lived in the forest for three generations is procedure that can be completely misused. The Gram Sabha is a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level. Therefore, members who

themselves will be affected by decisions taken by the Gram Sabha would be allowed to sit in judgment on their own causes? Can justice ever be delivered if the thief, prosecutor, judge and jury are the same people? Do you take the Citizen of India to be so stupid as to believe that works?

3. Furthermore, Section 3 (1) of the Act does not recognise the reality of recent encroachments, and will only facilitate in regularisation of these, in other words assisting illegalities. You must be aware that all across the country there are innumerable examples of encroachments on forestland by persons who are not Scheduled Tribes or "Traditional" forest dwellers. Therefore this Act in effect, hands over land on a platter to those who technically are not even entitled to it!

4. The Act in its current form has also instigated fresh encroachments in forestland across the country. The Vanashakti website highlights examples from Andhra Pradesh and Karnataka. There have been numerous other stories we have heard about from reliable sources from all corners of our country, which have not been reported in the National media. This is definitely a major concern. So we repeat: The Forest Rights Act was initiated with noble intentions but is already being abused and there are clearly not sufficient checks and balances in the Act to prevent this!

5. You state that the Forest Rights Act is no scheme hatched by politicians! But having done our research into the history of the many and significant changes made to the Tribal Bill, 2005 as it gradually became the Forest Rights Act, 2006, we definitely disagree with you. We disagree not only in principle, but also in practice, having heard what is being reported in the news almost every week! We believe that the Act was initiated with the well-meaning intention for the upliftment of the Scheduled Tribes (which is also what Vanashakti members want). It has subsequently been hijacked by politicians and vested interest groups, who appear bent on capitalising the opportunity provided by the act to gain the support of their vote banks. This has also been made increasingly clear in recent activities across the country, that have been highlighted in the press.

6. You must be aware of the recent example the Gujarat Chief Minister, Narendra Modi handing over ownership rights of forest land to the tribals on October 2nd 2007, despite the Rules for the Act not being notified. What is your opinion of this action of the Gujarat Chief Minister?

7. Furthermore, you must be aware of the recent claims of Chief Minister of Andhra Pradesh, Y. S. Rajasekhara Reddy, who has said that close to 10 lakh hectares of forest lands will be alienated for tribal farmers. Such pre-election, highly publicised claims of these eminent politicians are obvious examples of how the politicians have taken over the agenda and are utilizing it as a strategy to gain the confidence and the votes of the tribal and other poor citizens of the country. What is your opinion of this statement from the Andhra Pradesh Chief Minister?

8. You state that the Forest Rights Act is the solution to the problems caused by the Indian Forest Act, 1927 and subsequent legislation for the protection and conservation of forests. You have mentioned that these Acts, which mention recognising and settlement of rights are not being implemented and being misused and by the various State Forest Departments. The solution to this does not lie in completely overriding these Acts. In order to overcome this, we should get together and work towards ensuring that the Government implements these existing legislations. We should ensure that the process of enquiry and settlement of rights as well as in certain cases relocation and resettlement of these forest dwellers is expedited and completed satisfactorily. Why create a bigger wrong to try and right an existing wrong ?

9. In your opinion, what is a tribal meant to do with his land once he gets ownership of a plot? Does he not have to stay on it and cultivate it? Or can he transfer it illegally under power of attorney, since sale is prohibited under the Act? And if the tribal is not going to use this land beneficently, then what is the objective of giving him ownership of this land?

Is the tribal going to cultivate the land by proxy whilst working in a brick kiln, or in an orchard, then why grant land in the first place?

10. You accuse Vanashakti of lack of transparency, which is absurd. Please read our website (www.vanashakti.in) and go to the tab "About Us". Nothing could be more transparent! We have stated in simple English who we are, what we do for a living, and why we want every Citizen of India to be aware of what is being done to the most important of all public property in India: its forests. We want every Citizen to be aware of what the Forest Rights Act means for all the forests and for the essential services (drinking water, clean air, flood prevention, drought control, climate mitigation) values they provide to every Citizen of India, whether alive today or of generations unborn!

11. As regards our Ad Campaign, since you question our "funding sources", we wish to inform you that the campaign on TV is free of cost. Channels have given time because they support the concept of public information. We have all contributed our time and talents. How much more transparent can we get?

12. While on the subject of transparency, we would also like some information on the Campaign for Survival and Dignity. Who are its member organizations, and who are its donors - especially, please list your foreign donors, if any? Please also declare your political affiliations, as the Citizens of India have a right to know which political party you are connected with.

13. Can you please tell us what your federation has been doing to tackle the issues of tribal malnutrition at the grassroots level? We would really like to help with these issues.

14. Specifically on the point of whether the Forest Rights Act overrules forest-protective legislation, you should know better than to pretend it does not ! Although Section 13 of the Act mentions that the Act not in derogation of any other law, Section 3(2) of the Act states that notwithstanding anything contained in the Forest Conservation Act, diversion of forest land for 13 different facilities as mentioned in the Act is permissible! Up to 1 hectare of land is allowed for each of these facilities, as well as the freedom to cut up to 75 trees per hectare in this process has been specifically mentioned. This is impossible to regulate at the ground level across the length and breadth of the country. Our concern for rampant loss in forest cover is reinforced by the valid fear on the potential misuse of this clause which is in practice un-manageable and un-controllable.

15. You make some sweeping statements about the genesis of the Indian Forest Act 1927. As per the provisions of the Indian Forest Act, 1927, there was no single official involved in the declaration of forests. As per our understanding, it was the Government that took a decision to declare a particular area as forests. After this decision was taken, separate settlement officers were appointed for each of these areas. The job of the settlement officer was to determine the rights of the people, prepare a report, and submit it to Government. Unfortunately, as far as we know, there is no way of either substantiating or disputing a blanket statement of the type that you have ventured to make viz. "These all-powerful officials unsurprisingly either did nothing or recorded only the rights of powerful communities."

16. Regarding the interesting information that you have sent us on the Indian Forest Act, 1927, perhaps you have forgotten that there were two earlier Indian Forest Acts also, and maybe the struggle is not 100 years old, but 150 years old.

17. For the sake of argument, let us assume that your statement about tribal ownership is correct. Would you be able to tell us which individual of which tribe, be it the Korku, or the Gond, or even the Warlis, owned which plot of forest land 150 years ago? Was there a concept of individual land ownership at all amongst all the tribals 150 years ago?

18. Let us look at another one of your statements - "The forest guard is king, and, as the Warli adivasis say, is interested only in daru, kombdi and baiko - liquor, chickens and women." As far as we are aware, there are a large number of tribals in Dahanu who actually own their lands, and who are not encroachers. Yet most of them are still living in

abject poverty, and malnutrition deaths are a regular feature in most parts of Jawahar, Mokhada, and of course, even Aarey Milk Colony in Mumbai. So does ownership of land actually solve the problems of the tribals?

19. You have raised a very important issue vis-a- vis the Tiger Task Force. We have read the report of this task force, and we are constrained to state that we find some of the key conclusions totally absurd. We feel that if tigers are to survive in the wild, they need to have extensive stretches of undisturbed habitats. Similar is the case with leopards and elephants. We have yet to see any authentic material that shows that these animals can "co-exist peacefully" with huge populations of people.

20. Thank you for drawing our attention to sections 4(3), 4(6) and 3(1)(a) of the Act. As far as we are concerned, there is no authentic record available in most cases which shows which individual owned or otherwise occupied forest lands 150 years ago, or even as recently as 1980, when the Forest Conservation Act came into force. Despite orders of the Supreme Court of India, the process of declaration of National Parks and Sanctuaries has got bogged down in the controversy of who is entitled to what. There are also Supreme Court orders for regularisation of encroachments of forest lands and it is surprising that even those have not been followed up by groups like yours. We understand from the Forest Departments that most of the findings of the Committees appointed pursuant to the Supreme Court Orders were inaccurate and controversial, and therefore rejected by Government.

21. As regards the commercial threats to forests are concerned, please note that we are fully in agreement with you, and we are prepared to work with any individuals or groups (that do not have any political affiliations) for the protection of forests from vested interest groups such as, but not limited to, large corporations. We would be interested in knowing some of the actual decisions that you have opposed successfully through your federation, since this will help us understand these issues better.

Vanashakti firmly believes that the grant of ownership of land to individuals or families is not the solution for the upliftment of the Scheduled Tribes and Traditional Forest Dwellers. At the same time, by not agreeing with the Act, we are not saying that we see tribal welfare and forest conservation as separate or opposing goals. Instead, our suggestion for the real upliftment of tribals and improvement in their lifestyles is by providing financial support, education and healthcare; to both children and adults. There must also be schemes of income generation and alternative livelihoods.

We believe the following activities need to be taken up with urgency and priority and used to provide employment and thus wealth to forest dwelling communities: -

1. Afforestation, eco-restoration, and watershed development as focus activities for employing the Tribal poor, to give them an opportunity to break out of the "vicious cycle" of poverty and environmental degradation.

2. Generation of ancillary income models around these activities focussed on legitimate private income generation for Tribals, including cottage industries which involve harvesting of non-timber forest produce

3. Formal recognition of the need of the Tribal poor as an essential component of the guaranteed income provided by the Employment Guarantee Scheme and the National Rural Employment Guarantee Act. We hope that you will, if not consider working with us, at least resist from working against us, in our efforts towards the betterment of all the citizens of our country including the tribal poor, and help us ensure a safe future for our following generations.