

India: March to Delhi for the right to people's control over natural resources

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MARCH TO DELHI

FOREST RESOURCES ARE OUR BIRTH RIGHT.

RIGHT TO PEOPLE'S control over NATURAL RESOURCES.

MARCH TO DELHI

IMPLEMENT FOREST RIGHTS ACT.

RECOGNIZE COMMUNITY RIGHTS OVER FOREST.

PEOPLE'S FOREST RIGHTS RALLY

DEMANDING COMMUNITY RIGHTS over natural resources

15th December 2011, JANTAR MANTAR, NEW DELHI

NATIONAL CONFERENCE 16TH DECEMBER, NEW DELHI

Friends,

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act which was passed on 15th December 2006 in the Lok Sabha is completing five years. This was passed on the 18th December 2006 in the Rajya Sabha. It was a significant moment in the history of the Indian Parliament as this Act was a political recognition, which was the result of the efforts of two centuries of continuous and consistent struggles waged by the forest rights movements. Through this legislation, approximately 150 million of forest dwellers and those dependent on forest resources could claim access to their rights. It is to be noted that neither in the colonial regime nor the post independent India, did the forest laws recognize the rights of the people, but the State established and strengthened monopoly over the resources and denied the legitimate rights of people to the areas they lived in for generations. The laws essentially sought to reserve forests for its timber value and put forward mechanisms through which the transfer of forest and non-forest produce could be determined. This is exactly why the term "historic injustice done to the tribals and other forest dwellers" was specifically mentioned in the new legislation to set off a process of correcting those wrongs. This also meant that the people could come back to their land without seeing themselves as 'encroachers'. Establishing a new democratic and decentralized mechanism in the forests, this will ensure a sustainable development process, aimed at enhancing livelihoods while conserving the pristine forest ecology and habitat was to be the focus. This law therefore directly has positive effects in being able to attain political rights in the lives of the Adivasis, Dalits and other nomadic tribes who were historically denied their democratic and constitutional rights. This legislation also has an importance in recognizing the rights of women on community forest resources as well individual forest rights. Though there were loopholes within this legislation, the forest dependent communities welcomed this as they were celebrating Independence for the first time. This Act was also very timely especially in the context of globalization and neoliberal reforms, as the

valuable natural resources are literally been sold to corporates and multi-national companies for a pittance. In spite of the economic restructuring of the State and its anti-people policies the Parliament was pressurized by the people's movements to enact this legislation. It must be noted that for an Act that was promulgated in 2006 and operationalised with a set of Rules on the 1st January 2008, the FRA has only just begun to reach its intended constituencies.

If one closely observes the implementation of this important legislation, it is clear that the corrupt and lame government's will is not at all visible on that front. Even the political leadership is clear that there will be political, administrative and structural hindrances in the implementation of FRA. These deliberate hindrances occur due to the fact that this legislation can lead to the toppling of the supremacy of the ruling elites and bureaucrats in Indian forests. In order to actually implement this legislation in its true spirit, the government should have taken special efforts to address these structural issues. It is very well known to the government that all the progressive laws from Zamindari Abolition, Land Reforms Act to PESA have not been implemented at the grassroots effectively due to the apathy of the governments ruling us. In the last five years, the Ministry of Tribal Affairs [MoTA], has taken only an apathetic view regarding in the implementation of this important legislation. The ministry's lackadaisical approach in initiating a doable structure of implementation and not being able to initiate anything to work in harmony with the state level monitoring committees are causes of serious worry. Its monthly update on the progress of implementation does little to analyse trends, causes and consequences, and it has at best only occasionally issued clarificatory circulars on the many complex issues of the law. The MoTA has looked at this law limiting it to merely distributing pattas [land titles] when the legislation clearly points out to the whole issue of the rights to permanent ownership of the communities. The government has also not done their duty of providing support especially since the MoTA in comparison with Ministry of Environment and Forests [MoEF] is considered to be a weak ministry. Here was the responsibility of the government to handhold and strengthen the MoTA by engaging with the grassroot communities working on this issue through a democratic process, which was not done. On the other hand the MoEF, with all its ammunitions has been systematically opposing the legislation and has continued policies that are in direct violation of the spirit and letter of the Forest Rights Act. It is only in recent times that the new Minister of Tribal Affairs has basically started questioning the role of the MoEF.

Understandably, the officialdom of the forest department is also opposed to this Act and there have been large scale interferences in the rights recognition process by the claimants. The department is involved in the intense propaganda that the forests will be destroyed by Adivasis and other traditional forest dwellers, if this Act is implemented. Another strategy has been to file petitions/appeals in the High Court and Supreme Court through retired forest officials or by using the conservation lobby. In collaboration with the International Financial institutions, the forest department has initiated afforestation and plantation programmes that result in violations of rights like the Joint Forest Management along with relocation of people from tiger reserves and diversion of forest land in favour of large projects. All these actions are done without any respect for the rights of forest dwellers under the Forest Rights Act or for the procedures and safeguards provided in law. This is definitely a ploy not to form Forest Rights Committees and replacing them with Forest Protection Committees for namesake normally led by the powerful people of that area. Amidst all these serious violations happening, the government is a spectator watching and enjoying the circus and behaves as if it has nothing to do in these serious concerns raised by the movement. How is it possible that the Government is not aware of these issues when one arm of it is openly opposing a law, which is passed by the Parliament and playing back door tactics to dilute this important piece of legislation? This is a classic open expression of the double standards of the government and the anti-people development positions they stand for. Another clear instance of this dubious nature of the government is also when it actually strengthen the concept of the eminent domain of the Indian

state over natural resources and thus basically violating the basic premise of Forest Rights Act. While questioning these positions of the government, the Adivasis and forest dwellers are handled in fake encounters or jailed and branded as Maoists. These have been going on in Chattisgarh, Madhya Pradesh, West Bengal, Maharashtra, Jharkhand, Andhra Pradesh, Uttarakhand, Odisha, Assam etc.

With the experience of implementation of the Forest Rights Act in the last five years, it is crystal clear that neither the Forest Department nor the mainstream parties are not ready to hand over power to the forest dwellers and the dependent communities. They do not want the transformation of the forest administration in the manner as envisaged in the legislation. Other parties too cannot be spared from this attitude as they always shudder off the responsibilities. Apart from some minor exceptions, the trends in the implementation of the Act are similar throughout the states. Eligible claimants have been denied rights, particularly in the case of other traditional forest dwellers, whose claims have been overwhelmingly rejected in all States. 70 - 80 percent of the applications rejected are the result of a bureaucracy not wanting to apply its mind, or simply not wanting to give people their due. The reasons for rejection are not being conveyed to the claimants and the FRA's provision to give the claimant a hearing before disposing of the claim, has almost never been utilised. All these incidents very clearly point to the fact that the existing political system is very clear in its intentions as the government's economic policies are directed towards selling off the natural and forest resources of India to the forces of capitalist globalisation.

Comrades, the movement to effectively implement the Forest Rights Act is an inalienable part of the struggles for democratic governance. Today the struggle for the implementation of Forest rights is not just important for the forest dependent people or communities, it is equally important for the other natural resource based working people like fish workers, Mineral dependents, agriculturalists, artisans who are partly or indirectly dependent on forest resources and also the larger society. Based on this understanding a larger framework is prepared by these communities for the fight for environmental justice as such. It was in this context, that in June 2011 inside the Great Himalayan National Park, Banjar, Himachal Pradesh there was a national consultation on these issues. Thirty six people's movements and twelve support organizations from different parts of India supported the consultation. The meeting decided to call for a National Federation of Natural Resource based Traditional Working Peoples/ Communities and their organizations/ unions. It was discussed that such a federation, while attempting to bridge the vacuum between social movements and trade unions, will also give a political direction and tie loose ends to the different struggles taking place across India.

The call for the Parliament rally on 15th December 2011, the day when FRA was passed is being given in this context. It is intended that questions regarding the implementation of FRA will be raised in this platform. Our slogans must reach the Parliament. Shaheed-e-Azam Bhagat Singh said this while defending the act of throwing a bomb on the Legislatures Central Hall 'You need such explosions to open the ears of a deaf government.' This historical saying is still relevant for the social movements as even today the situation has not changed from the British period.

We appeal to all the movements/ organizations to join us for the rally and public meeting of forest people on the 15th December, and the founding conference of the federation on the 16th December 2011, in Delhi. We also request to translate this pamphlet in the respective languages in your region or forward this and feel free to add your movements name too.

We demand:

1. The forestland which has been snatched from the community and placed under the control of the forest department should be returned back to the village community using the community rights under the FRA.

2. The land of the village community acquired by the forest department should be returned to the landless.
3. Put moratorium on all joint forest initiatives collaborating with the International Financial Institutions for example like the Japan Company Jaica or the World Bank led CDM projects or REDD.
4. Women should have the ownership rights over the community forest resources.
5. Recognition of all Taungiya and forest villages as revenue villages.
6. Provide ownership rights on Non Timber Forest Produce for the forest communities and terminate of all contract systems to contractors and mafias.
7. Strict implementation of FRA inside the protected areas and implement rights for the Pastoral communities.
8. Fishing rights for fishworkers in the rivers and ponds in the forest areas.
9. Mining rights for the forest communities, cancelling all trades with the companies on mines and minerals.
10. Withdrawal of all cases imposed on the forest people by the Forest Department, as per the provisions of FRA.
11. The provision of three generations, one generation equal to 25 years should be scrapped for other traditional dwellers. The proof of residence for both state and other forest dwellers should be the same.
12. Organize conferences of Forest Right Committees like P.R.I.s and provide training

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