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Forest Preservation: Which Way to Go?

Sanctuary or Forest-based Tribal Development?

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Sanctuary of Forest-based Tribals
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Which Way to Go?

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Preface

Whereas most important problems of life on earth are fundamentally the same everywhere, the solutions to these problems are always conditioned by local circumstances and choices.

The best and commonly the only possible way to deal with global problems is not through a global approach but through the search for techniques best suited to the natural, social and economic conditions peculiar to each locality. Our planet is so diverse, from all points of view, that its problems can be tackled effectively only by dealing with them at the regional level, in their unique physical, climatic and cultural contexts.

—Rene Dubos.
Scientist, environmentalist & humanist.

Creation of Shoolpaneshwar Wild Life Sanctuary in Dediapada – the eastern most taluka of district Bharuch in Gujarat – is the subject of this booklet.

Since independence, the forests of Vindhychal and Satpuda Ranges have suffered serious losses. Almost all the river valleys have sustained degradation. The environmental losses have been enormous. Seen in this background, the preservation of the forests and of

important species seems a very laudable objective. India's commitment to the Convention on Biological Diversity in 1992 requires her to avoid or minimise adverse impact on biological diversity. So far so good.

Number of Sanctuaries and National Parks have been created for the avowed objective of protection of biological diversity and conservation of wild life.

However, the exercise of powers derived from the Wild Life (Protection) Act 1972 has not been discriminating and sensitive. The sanctuaries have already become controversial, because the Forest Department (FD) has failed to consider adequately the vital interests of the people, mainly the tribals living in the areas affected by such sanctuaries. The FD has, by its inept handling, succeeded in bringing disrepute on the very idea of sanctuary. It has been helped in good measure by the heavily biased Wild Life (Protection) Act 1972, which was further amended in 1991.

In case of Shoolpaneshwar Sanctuary, the Ministry of Environment and Forests (MOEF) has distinguished itself even further for its lack of sensitivity, in discrimination and even worse. The sanctuary has been ostensibly created to provide habitat to the wild life of the submerging forest areas and to compensate for the biological losses to be sustained in the submergence zone of the Sardar Sarovar Project on the river Narmada.

There is hardly any geographical continuity between the two. There is practically no wild life in the submergence zone because the forests have virtually disappeared long before the construction work began. And yet, the MOEF chose to force the State Government to create this

sanctuary before giving environmental clearance to the Project. And the FD has shown little concern for the basic rights and economic welfare of 40,000 tribals of about 100 villages to be affected by this sanctuary. Such disregard for the rationality and fairness has raised serious question marks on the real objective of creating the sanctuary.

Rapid disappearance of the forests in the tropical countries, wherein live the vast majority of the living species of the earth, has aroused a serious concern all over the world. Conservation of bio-diversity is a real issue. It has rightly moved at the higher plane on the agenda. Some of the environmentalists of the North, however, are clamoring for the preservation of the forests without adequate understanding and appreciation of the complex socio-economic issues involved and without adequate understanding of the interests of the poor tribals living in the middle of the forests. Creation of Sanctuaries, National Parks, etc., irrespective of the adverse socio-economic impact they create for the local communities, will not achieve the objective of conservation of bio-diversity.

Oversimplification and distortion of reality will take us nowhere. And delicate and already difficult issue of environmental protection will receive a further set-back. Such an ill-considered strategy implemented with conflicting motives has created a serious dilemma for those who seek viable measure of balance between apparently conflicting interests of the forests and of the tribals. A stage has reached sooner than anticipated where socio-economic impact assessment of the over-

enthusiastic Projects for environmental protection will have to be considered.

Forest Preservation: Which Way to Go? brings out into open the complexities of the issues involved and tentative groping of the tribals to seek a balance between the conflicting interests.

ARCH-VAHINI

January 14, 1993.

Background

Tribal areas of eastern Gujarat are part of the forest areas of mighty ranges of Satpuda and Vindhyachal in central India. All these areas have some common features.

- ◆ Although they are called forests, most of the forest cover is now gone. A few patches of good forest cover are left in the forest areas of Satpuda and Vindhyachal ranges.
- ◆ The massive clear-felling of the forests occurred, if not at the behest of the Forest Department (FD), under the benevolent eyes of the FD in the 60s and 70s. This happened when the Forest Policy of 1952 was in operation and the FD's interests were more centered on the forest revenue.
- ◆ Consequent to the clear-felling, which itself was a major mistake, the FD neglected or failed to quickly reforest the open tracts, opening up the flood gates of frightening soil erosion.
- ◆ Even the 'popularly elected' Governments found it easy not to develop these areas economically in a way that regenerated the forests and gave economic stakes to the tribals inhabiting the areas for centuries. Tribals were used as cheap labor to fell forests and were

reduced to be uncomprehending spectators of the vast flow of timber going away from their habitats into the distant cities to build palatial houses, fanciful furniture and paper pulp mills.

- ◆ There was little pressure or compulsion on the elected Governments to build infrastructure facilities like roads, bridges, transport, electricity, water supply, schools, health services or to invest in land improvements, watershed developments, check dams, lift irrigation, tube-well irrigation, etc. This lack of will was reinforced by dogmatic implementation of the Forest (Conservation) Act 1980. In development strategy marked by a pronounced tilt for urban development at the cost of agriculture, what hope could there be for tribal agriculture? Rural economy was devastated. The devastation was even greater of the tribal economy.
- ◆ The tribals, growing in number and cultivable land getting scarcer every year, saw their salvation and survival only in entering now bared land, which very often happened to be fairly steep, uncultivable slopes.
- ◆ The FD struck. Large tracts of bared lands were converted into reserved forests, lending it an Orwellian flavour. The legal safeguards provided in the Forest Act were just slurred over or plainly ignored. The Act provided that the rights of the individuals shall be recorded and settled by a specially appointed revenue official, to be called 'Forest Settlement Officer', before the area was declared a reserved forest. Anyone familiar with the rash of these

activities knows that all such major safeguards of the Act were not observed and in many cases, even the declaration of intent was treated as declaration of reserved forest. Such a blatant disregard for the law was displayed by the FD, which then turned against the tribals calling them the law-breakers -- the encroachers! What is essentially a socio-economic problem was thus turned into a law and order problem by the FD mismanagement.

- ◆ Evictions-intimidation-bribery-extortions-violation of human rights-insecure tenure-degradation of land-threatened survival ensued. While this continued without let-up, the FD sat lazily without any serious commitment of resources and will to regrow the forests. Soil erosion continued unabated.
- ◆ There was another factor at play - fuelwood crisis of India. It is true that the poor in the towns, in the peri-urban areas, in the rural areas were left with no other fuel but the fuel-wood of forests 'smuggled in'. By one estimate, on an average, a poor family uses one tonne of fuel-wood per year and there are 160 million such families, putting a tremendous pressure on the forest resources of India. This contributed heavily in the lopping of coppices and of young trees that practically killed the regeneration of the felled forests which in the first place were mainly the handiwork of urban interests and the FD. The hills of Satpuda and Vindhyachal grew bald. Invaluable top soil formed over the millions of years was just washed away.

- ◆ The Government neatly shifted the blame on tribals without asking how the fuel-wood need of rural-urban poor was to be met realistically. The poor of the cities, of the villages, of the forest area have no other choice but to burn the fuel-wood of forests and to supply it. It is easy to see, in the face of such a massive demand and such a tenuous supply situation, that the propagation of smokeless chulhas and even bio-gas plants by the FD is at best a gimmick and an evidence of denial and escapism.

- ◆ Given this set of policies, actions and inactions by the FD in the forest area, what choice is left with the tribals to survive?
And the FD has the audacity to blame the tribals for deforestation, for encroachment and for the environmental degradation.

The FD has chosen to focus on the proximate causes of deforestation and environmental degradation - the tribal axe, the headload of lopped coppices, the tribal plough and cultivation on the slopes, but has chosen to ignore a little more distant and deeper antecedent causes - lack of economic development, legally dubious evictions, lack of tenure rights, lack of investment in irrigation, in land development, lack of rational fuel policy and most importantly lack of rational policy and commitment for the regeneration of the forests. The FD sits with a vice-like grip on the remaining forest resources and on vast tracts of degraded forest lands on which it has neither the will nor the resources and ability to grow the forests.

- ◆ Many well-meaning environmentalists have ironically accepted FD's case in their search for preservation and regeneration of forests. They have implicitly, if not explicitly, gone along with the arguments that the economic interests of the tribals are in conflict with intrinsic interests of the forests and of environment.

Some, however, have taken a different line. They have been arguing that the tribals are not interested in economic exploitation of the forests save collection of minor forest produce and timber, bamboo for their own limited consumption. The tribals, they assert, left on their own will not disturb the forests but will preserve them.

Sadly enough, this is equally far from reality. The all visible degradation of the forests despite what is assumed or hoped to be the state of forests by the environmentalists; the miserable living conditions of the tribals and their legitimate aspirations to improve their living conditions; all mean only one thing: they will want to use the remaining forest wealth in their desperate struggle for survival. And it is difficult to see what else they can opt for. Looking at the vast demand for the timber and wood for fuel-wood, for housing, for paper and for other uses, and looking at the tribal need to improve substantially their living conditions, it is unrealistic to expect that their evolving aspirations and living styles will preserve the forests intact. This is not likely to happen. They will use forests and must use on a much bigger scale. What should happen and is likely to happen is that the

tribals will help regenerate forests, will tend forests and will use forests. This is the crux of the issue.

- ◆ Unmindful of these powerful forces of dynamics, the FD has succeeded in creating a stalemate, wherein the prospects for regeneration and preservation of the forests are nearly non-existent, the prospects for decent and humane development of tribals have nearly vanished and what is left is an absurd use of legal weapons, full of ambiguities and inconsistencies and unwitting forced evictions of the tribals from their own habitats.

Shoolpaneshwar Sanctuary

A case of absurdities heaped upon absurdity

Amongst the very few good forest patches left in Gujarat, Dediapada forest is one. The tribals of the area are in a proper fix because of a series of decisions taken by the Center's Ministry of Environment and Forest (MOEF) and the Gujarat Government.

Absurdity – MOEF

- ◆ Under the undue pressure of the MOEF, the State Government decided to create Shoolpaneshwar Sanctuary of 61,000 hectares between 1987 and 1989 in the talukas of Dediapada and Rajpipla. *This was done to comply with the wish of the MOEF that the Sardar Sarovar Project (SSP) authorities should create the sanctuary to compensate for the 'loss of wild life' in the submergence area of the SSP.*
- ◆ The sanctuary area has little direct connection with the reservoir. The forest area under submergence in the SSP reservoir is 11,000 hectares only – mere 1/6th of the sanctuary.

What is more important, a linear streak of reservoir extending deep into Madhya Pradesh has very little forest, of ecological value, left. This is admitted now even by the MOEF following the startling confirmation, of what was already known, by the Morse Report. There is hardly any wild life in the area - a fact also admitted by the MOEF.

- ◆ *Still more, there is no evidence whatever of any species living in the sanctuary area being endangered or facing extinction.*

And yet, 40,000 tribals living in about 100 villages of the sanctuary area have been hit by this strange, arbitrary and capricious decision of the MOEF.

The question, one is bound to raise in such a strange and paradoxical situation, is: when there is no wild life in the SSP, no connection of the existing Sanctuary with the SSP and no evidence of endangered species in the Dediapada forests, what is the rationale of creating this sanctuary? Why undermine the civil rights and economic rights of 40,000 tribals? Why endanger tribals in the name of wild life?

- ◆ The sanctuary was declared under the Wild Life (Protection) Act 1972. This Act provides an excellent reflection of the attitude and intention of the FD. All the Government has to do is to declare an area as sanctuary and the area becomes a sanctuary! There is no obligation for the Government to explain, elaborate and justify its decision. It can declare any, virtually any, area as sanctuary under the Act. It gives too much of power, indiscriminate power, without

corresponding responsibility to safeguard the legitimate and vital interests of the affected people. A further amendment in the Act in 1991 boosts the FD's draconian powers. Now, if the area declared is already a reserved forest, they are not required to follow the land acquisition procedure, which provides at least some safeguards to the people to protect their rights.

- ◆ Simultaneous to this, independent of the declaration of sanctuary, the FD, as in other forest areas of Gujarat, had also initiated the eviction process from the lands that the tribals have been cultivating for years, including imposing heavy fines of Rs. 500 . per ha. per year.

- ◆ The tribals, alarmed by the evictions and by the fact that declaration of sanctuary was sure to extinguish all of their customary rights, slowly woke up to the reality of the sanctuary of which they had no direct information from the FD. In December 1989, the taluka town of Rajpipla witnessed a massive rally of tribals to oppose the sanctuary, which pitted bears against the human beings. Long standing issues of land rights and violation of human rights also became the focal points of bitter protest.

- ◆ ARCH-Vahini and the tribals followed this up with petition in the Gujarat High Court, challenging the Wild Life (Protection) Act 1972 and the Amendment Act 1991 and the declaration of the sanctuary. The legal challenge against the eviction from the forest lands and against an arbitrary imposition of punitive fines was also filed.

Absurdity on absurdity

- ◆ The FD responded in a most strange way. Since the World Bank was showing interest in financing the sanctuary as a part of the basin development plan, the FD gave assurances to the Bank and to ARCH-Vahini that nobody was going to be displaced from the sanctuary area and the tribals' customary rights of the forest produce will be maintained and that there was no need to fear violation of civil rights because of the provisions of the Wild Life (Protection) Act. We were not satisfied, nor were the tribals.
What the FD was proposing was unheard of and absurd. The tribal villages, they said, will be excluded from the sanctuary, but then the villages are surrounded by the sanctuary! All roads, lanes leading to these villages and linking them are in the sanctuary! The absurdity also consisted in the fact that the sanctuary violated the basic principles of Sanctuary.
◆ Soon after this, there were instances of forced evictions from the encroachments, despite Gujarat High Court's interim injunctions, beating of the tribals and serious threats to the workers of ARCH-Vahini. Before long, we were asked to seek official permission to enter the area and travel even on the main roads leading to the villages that were supposed to be outside the sanctuary. Here was a straight forward evidence of drastic curtailment of civil rights of the tribals. Although the FD ordered

no eviction because of the sanctuary per se, there was a move on the part of the MOEF to prohibit collection of the Timru leaves (Tendu leaves) which was not implemented for the fear of wide spread public protest. There was a long-pending proposal of a well-known NGO working in the area to assign tree planting to a co-operative of tribals in a village, which happens to fall in the sanctuary. The proposal was rejected by the FD, including the MOEF, Delhi, on the ground that this was a sanctuary. Verbal assurances were one thing, while curtailment of civil rights, economic rights and customary rights was another thing.

- ◆ Meanwhile, the Gujarat Government declared a policy of regularizing the encroachment of the forest lands upto 1980. The Government Order constituted a Committee that is to visit the areas, examine the evidences and situation and to recommend regularization. In Dediapada at least, many tribals may not get benefits because they can not produce the receipts of the fine they paid, as the foresters had simply not given them the receipts.
◆ The tribals are squeezed. Their livelihood and survival are at stake. Already countless tribals are forced to seasonally immigrate to the cities in search of casual labor to lead a life on the outskirts of the cities under the open sky - no sanitation, no water, no education, no health, no security and no dignity. To them, however, there is not much difference between the two types of lives.

Absurdity on absurdities

- ◆ While the FD was pushing its agenda of totally untenable sanctuary, another absurdity was unfolding. A paper mill situated about 150 km. south of the area was given a lease to collect bamboos from the area. Bamboo-cutting in the sanctuary area began in the months of March-April 1993.

This is obviously another great contradiction of the FD. The cost, of course, is levied on the tribals.

- ◆ While the FD is tying itself into knots of contradictions, the tribals have taken a very realistic and pragmatic view of the bamboo-cutting.
- ◆ They have nothing to do with the sanctuary and the so-called preservation of wild life and they have nothing against the bamboo-cutting. At first, they organized themselves to get their past dues from the present management of the paper mill, then they presented demands for higher rates for bamboo-cutting. It turned out that even the FD was stealthily using the services of the paper mill to cut away good quality bamboos to earn revenue! And this too without wanting to pay better rates to the tribal laborers!
- ◆ *And whatever happened to their sanctuary?
Whatever happened to their Wild Life (Protection)
Act that does not allow the tribals to even pluck
Tendu leaves or to grow trees? This is not only a*

massive contradiction, it is a fraud, a deception on the illiterate tribals, denying them their rightful accesses to the forest produce, denying them their human rights and denying them, most importantly, their means of livelihood - all in the name of compensating for fictitious wild life, all in the name of saving wild life!

- ◆ The tribals have seen through the cynical game plan of the FD. They are interested, no doubt, in the livelihood they can earn from the bamboo and other forest produces. But unlike in the past, there is now a great realization that they will not be a mere handle of the axe, which fells their forests and their wealth. There is a growing opposition to the idea that they will merely be wage-earners at the mercy of the FD and the mill owners, and mute witnesses to the depletion of the forest resources as experienced in the other forest areas. They will not allow bamboo-cutting, unless they are assured that re growth of bamboo will be large enough to yield sustainable bamboos in future on which depends their present livelihood and livelihood of their future generations.

But reverence (for nature) is not enough, because man has never been a passive witness of nature. He changes the environment by his very presence and his only options in his dealings with the earth are to be destructive or constructive. To be creative, man must relate to nature with his senses as much as with his common sense, with his heart as much as with knowledge.

Human life implies choices as to the best way to govern natural systems and to create new environments out of wilderness. Reverence for nature is compatible with willingness to accept responsibility for a creative stewardship of the earth.

— **Rene Dubos.**

Forest based Development of Tribals

A way out of vicious cycle of degradation – non-development – degradation.

- ◆ Somewhat amorphous but clearly discernible is the voice of the tribals that they ought to have a large share in the forest wealth including the potential inherent in the forest land. The fiction of the FD owning the forests should be called into question; and that they can manage the forests in an authoritarian and monopolistic manner should be discarded. Sooner the better. The rights to grow trees, to sell the produce in the open market and to earn livelihood should be given to the tribals. The hilly terrain of the forest areas is not best suitable for crop cultivation. It is better suited to grow trees. There are all the ingredients present - land, abundant sun-light, water and tribal men and women to plant, to tend, and to grow trees. But a crucial link is missing - a will of the MOEF to allow this to happen. Since the MOEF has taken an extremely lop-sided and rigid stand for more than four decades, the possibility of regenerating forests in the way that reconciles apparently

conflicting interests of the tribals, of the growing demand for the forest produces, and of the environmental protection in a sustainable manner has not been explored even on a pilot scale.

The Tribal Caution and Conservatism

- ◆ The tribals can see a glimmer of fleeting possibility in the trees and forest produces as they can see in the bamboos of Dediapada. But, being hard-headed and realistic as they are, they will not give up their rights to cultivation because they are basically agriculturists and know how to grow crops; and they would want assurance and security of safety of food, i. e., grain in their 'earthshewares'. They will not accept tantalizing promises of forest wealth, that could be in store for them in future. Existing forest wealth of Dediapada, unlike other grossly degraded forest areas, allows them to make a leap of imagination to see and realise that there is another, better and non-conflicting source of livelihood for them and for their children. There is a possibility that they will want to seize the opportunity, provided they can grow crops in their fields and provided the FD accepts realism and shows requisite imagination.
- ◆ This only can dispel the artificial conflict of tribal versus forests. This only can ensure decent means of livelihood to the tribals without having to encroach on precarious sloppy land. This will only ensure regeneration and re growth of the forests and the development of tribals. This can only meet

tremendous demand of fuel-wood and timber. And this will only ensure, if at all, deceleration of environmental degradation, soil erosion, etc.

- ◆ What is happening in Dediapada today is portent of the shape of the things to come. Non-agricultural, forest-based, sustainable economic development of the tribals is the key-stone on which everything else can rest. Gimmicks such as Sanctuaries, Wild Life Acts, Smokeless Chulhas, bio-gas plants, social forestry must be seen as such – peripheral.