

## **CAMPAIGN FOR SURVIVAL AND DIGNITY**

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Dear Vanashakti,

Thank you for providing a detailed response to our open letter, clarifying your stand on a number of issues that your literature had hitherto been silent about. It is unfortunate though that your approach continues to show a disturbing carelessness with both facts and logic. You accuse us of making “blanket statements that cannot be substantiated” about forest settlements, when data substantiating that statement was in the document sent to you. You describe the Tiger Task Force report as “completely absurd” for not accepting that tigers need “extensive stretches of undisturbed habitat”, whereas the Task Force report devotes a whole chapter to how such areas can be created. You claim that you never said 4 hectares of land will be distributed, only “up to 4 hectares”, when of course our point was that this law is not concerned with distributing land at all. You attack this law for being easily manipulated, and then promote a forest settlement process where a single officer makes all decisions about land claims with no appeal whatsoever. More on these points is below.

But most of all, you claim to be interested in citizens being involved, but proceed to argue for the opposite. Let us take a recent instance of how forest policy actually treats citizens: the Vedanta mines that we mentioned in our last letter. These mines are to come up in Niyamgiri, a mountain in the Lanjigarh area of Orissa. For years this mountain has been protected by the Dongaria Kondh tribal community of the area, for whom it was the centrepiece of their faith. Hence no one lived on that mountain, and the tribals removed their shoes if they so much as walked on it. The mountain is central to the water supply of the surrounding area. But the community of course has no role in forest law; and resisting forest destruction is thus, as far as the government is concerned, a crime. The mining corporation supplied false information to the government for diversion of forest land, violated the Forest Conservation Act and started its mining operations in total vilation of the law. The community's protests were brutally suppressed and some of their leaders murdered; armed police were deployed in the area continuously, beating up and jailing people at the sign of any resistance. No action has ever been taken against the company. Now we find that the Supreme Court too is on the verge of allowing the mine to continue. Indeed, in the last court hearing, the lawyer representing the tribals was not even allowed to speak. You had asked for examples that Vanashakti could take up; this is perhaps an excellent one.

Contrast this with what happens to forest dwellers. As a result of the 2002 eviction orders issued by the Ministry of Environment and Forests, more than 3,00,000 families across India were forcibly evicted. More than a hundred villages were burned in Madhya Pradesh, eight people killed in police firings and 40,000 families left homeless in Assam, and elephants used against villages in Maharashtra and Andhra. In many cases those evicted had been cultivating from prior to 1980 – and hence were legally entitled to their lands as per the same guidelines that you cite in your letter. The justification for this brutality was the need to remove “encroachers” and protect forests.

The reason for this contrast is simple: the ideal that you claim to stand for, which is that the “citizen of India” must be heard, was and is nothing more than a dream in forest policy. India's forest laws are built to silence, repress and exclude citizens. Hence, naturally, abuse of power and corruption result.

This is what we had argued in our open letter, but your response does not engage with this question at all. You claim that you have a “vision” for forest communities – who are in no need of your vision, having plenty of their own - but you have no opinion whatsoever on how forest policy itself can be changed to make people's involvement anything more than the pious statements of urban elites. Your understanding of “citizen involvement” is apparently that TV advertisements, inaccessible to all but a minuscule number of people, are “involvement” while community conservation and verification of rights are “votebank” politics. This is a remarkable understanding of citizenship.

Regarding your specific arguments, some more detailed responses are:

- You repeatedly accuse this law of “driving tribals into the forests.” We are unable to understand this claim. This law is about the recognition of people's rights. How does recognising the rights of a person to their own home constitute “driving” them into the forest? Even if one were to assume that all of your arguments are correct and that this is a land distribution scheme – which it is not - it still would not be forcing anyone to live in forests. Unless, that is, you believe tribals and forest dwellers are incapable of making informed decisions about their own lives and simply follow whatever is offered to them.
- As said, you accuse us of distorting your position by failing to note that you only said “up to 4 hectares” of land will be “gifted.” This is a most ingenuous defence, since the problem with your claims is not how much land will be “given” but the claim that land is being “given” at all. So far as we could find, there is not a single sentence among your documents that refers to the fact that this Act is intended to recognise unrecognised rights. It is one thing to accuse a legislation of being susceptible to misuse, and entirely another to ignore its content and describe it as a land distribution scheme. In this context, the word “distortion” is hardly unjustified.
- You claim our statement regarding the process of enquiry and 'settlement' of rights in forests – namely that it was largely not done or done badly – would be impossible to substantiate. Data substantiating this were provided both in our Myths and Realities document (now posted on your website) and in an earlier email to you. Here is that data again, along with additional points.
  - 82% of Madhya Pradesh's forest blocks have never been surveyed, as a result of which no one is clear what exists in those “forests”.
  - 40% of Orissa's reserved forests are “deemed reserved forests” where no settlement of rights took place, but people lost their lands and forest resources without any process at all.
  - As per information submitted to the Supreme Court, 60% of India's national parks and 62% of wildlife sanctuaries have not completed their process of settlement of rights, subjecting lakhs of people to an extremely tight regime of legal restrictions without acknowledging their rights.
  - The figure for “forest area” in the country, as mapped / recorded by the Revenue Department, is 7.66 million hectares less than that recorded as such by the Forest Department. That is, these 7.66 million hectares - twice the size of the State of Kerala – are disputed between the two departments, with the Revenue Department often granting pattas over them and the Forest Department evicting people. The government has no idea whether these areas are forests or not.
  - Much of this disputed land is in Madhya Pradesh, where over a million small cultivators – tribals and non-tribals both – are facing constant eviction threats despite having pattas or leases to their lands.
  - In Himachal Pradesh, a notification in the 1890's declared all the “wastelands” in the State – including community lands, village pastures, snowbound peaks, etc. - as government forests, without any process of survey. 66.4% of the State's land area is recorded as forest, but it is

physically impossible for forests to grow on more than half of that. As a result, at least 61% of the area recorded as forest in Himachal has no forest on it. A similar notification was issued in 1893 in Uttarakhand; more than 30% of Uttarakhand's recorded forest area has no tree cover.

- Finally, you cite the Tiger Task Force and claim that you find some of its conclusions “totally absurd”, supposedly because “tigers ... need to have extensive stretches of undisturbed habitats.” The Task Force report is in full agreement with you. An entire chapter (3.7) of the report is devoted to the question of relocation, and recommends that within one year, critical tiger habitats such as natal areas should be rendered inviolate. However, it also recognises that merely demanding “extensive stretches of undisturbed habitats” does not conjure them into existence, and realistically assesses how this can be made possible.

Aside from these factual problems, there remains one basic argument in your letter – that the process of recognition of rights under the Act is open to misuse, and perhaps is already being misused (by the likes of Narendra Modi). First, the question is not, as you put it, of deciding who was cultivating which land 150 years ago. In the intervening century and a half millions of people have been forced to move, lost their lands and migrated, or been forcibly displaced between forest areas and into forests. India's biggest human tragedy, the displacement of more than 6 crore people by development projects – more than 40% of them tribals – has largely revolved around the forest areas. The vast majority of these people (even as per government figures) received no rehabilitation and either died of destitution or had to find land and resources to survive. Hence the position that the law takes, which is that a relatively late cutoff date is imposed (for only tribals, please note) to avoid doubly punishing those who have already been displaced once.

As we had already pointed out in our FAQ, any legislation can be misused; the question is the degree of safeguards that are built into it against such misuse. The gram sabha under this Act is an initiating authority, and the reason that the gram sabha is given that role is twofold: it is a public body where anyone can object, and second it is the body where people who are most aware of actual cultivation are present. The gram sabha played a similar role in Maharashtra under a 2002 government order that we fought for, and in many cases claims were rejected by the gram sabha because the person claiming was trying to grab extra land. Further, the Act, as said, provides for two stages at which the gram sabha recommendation is screened by a multi-member committee that hears appeals as well.

But you reject this process and instead demand implementation of existing law – where there is neither appeal nor public process and a single officer makes all decisions. Or you demand implementation of the 1990 Union government guidelines, where similar powers are vested in a panel of three officials. Moreover, there is no limit under any of these procedures on the amount of land that can be claimed. Do you believe that this is somehow more transparent? That it cannot be misused? That government officials are paragons of integrity?

In fact we have, contrary to your insinuation, repeatedly tried to secure rights under these procedures. In 2002-2003, more than one lakh families among our members filed claims under the 1990 guidelines. Repeated efforts to get settlement of rights done by settlement officers have always been doomed, for precisely the reason that we cited above. A good example is Gudalur Taluka of Nilgiris district, Tamil Nadu, where despite more than 9,000 claims for rights pending for more than twenty years and repeated agitations, precisely nine were settled in 1999 – all nine in favour of land grabbers.

In response to your questions, no, we do not support what Narendra Modi and Rajasekhar Reddy are doing. Please note that there is no bar in current forest law on their actions; all they require is Central government permission, and forest land can be handed over to anyone, as is being done every day in the case of corporations. Under this Act, at least, titles have to be verified through a process, and efforts to bypass this are clearly illegal.

Finally, to come to the Campaign itself, our member organisations are mostly between two and three decades old, fighting against not only the Forest Department but also the myriad other oppressors in forest and tribal areas. This Campaign came together precisely because, in the wake of the horrific evictions, we felt a national platform was needed to fight this brutality. The federation receives no funding. We operate through contributions from the member organisations, who in turn finance themselves through community contributions. The largest organisations in the federation, such as Adivasi Mukti Sanghatan (Madhya Pradesh), Sarvehara Jan Andolan (Maharashtra), Kashtakari Sanghatna (Maharashtra) and Bharat Jan Andolan (Jharkhand), are all financed through membership contributions by tribal and forest dweller families. We have no office of our own; the Delhi address on our letterhead belongs to a friendly organisation who lends us use of their computers and phones. We also have no party affiliations of any kind. If you would like a list of State federations in the Campaign, please see the end of this letter.

At the end of all this, we can only repeat our position that your campaign is achieving exactly the opposite of what you claim to believe in. You are urban conservationists with easy access to the media and the centres of power, but, at least as appears from the tone of your writings, no access or relationship with forest communities. Our request is that you use the power that you have against those whom it would best be targeted – the powerful sectors of society for whom popular protest and true citizens' involvement are irritants to be wiped out. If you truly care about public involvement, please use your power in a way that strengthens all citizens, not just those who are already powerful.

Campaign for Survival and Dignity