

Evicting 10 million tribals

By Rajeev Dhavan

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TRIBALS HAVE lived and cared for forest areas for centuries. Of late, their presence in forests has been challenged, their lifestyle misunderstood and their existence criminalised so as to label them trespassers guilty of encroachment. They have no political edge; and are defenceless when an administration decides to move against them. This is what is happening today. Tribals are being thrown out of forests. They are being harassed and beaten. All this claims to be taking place under the aegis of an order of the Supreme Court of November 23, 2001, in the Forest case which restrained the regularisation of tribals in forest areas. The Ministry of Environment and Forests (MoEF) seized this opportunity to draw out a plan to throw out the tribals. But, where? There is no answer. Why? Because the Supreme Court has said so. In what manner? As quickly and brutally as possible.

Ineffective against the real marauders of the forest, the timber lobby and forest related businesses, the MoEF seems only too glad to turn on the tribals — albeit to show to the Court that it will increase forest cover even if millions of tribals are evicted. On May 3, 2002, the Ministry wrote to the Chief and Forest Secretaries and Principal Forest Conservators of all States to “draw attention to the problem of encroachments of forest land — which is assuming a serious proportion in the country”. Committees were to be set up; and each State was threatened that all proposals under the Forest Conservation Act of 1980 would be frozen if the States did not act. Thus, the eviction of 10 million tribals allegedly on 12.5 lakh hectares has become a top priority.

In the past, the Supreme Court has not hesitated to defend the interests of the tribals in a responsive and responsible manner. In the Banwasi Sewa Ashram cases (1985-1994), the Court made available special courts and legal aid to ensure that adivasis were restored the lands

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to which they were entitled and which were under threat of acquisition for afforestation. This was one of the massive and impressive actions undertaken by the Supreme Court which reconciled ecological needs with tribal needs. Such an exercise is necessary now.

In Pradip Prabhu's case (1995), the Supreme Court remanded matters back to Maharashtra to determine the rights of landless adivasis who had land entitlements under the Government's own plans. Similar orders were passed for Madhya Pradesh. In the Samata case (1997), a majority decision

took a comprehensive view of the entitlement of tribals to the land and its rich resources to direct that benefits from those areas must secure the uplift and socio-economic empowerment of the adivasis. Even after the Balco case (2001), the Samata judgment is unscathed as a fitting testimony to how an equitable justice can reach the most disadvantaged. Now comes the Forest case. I am certain that the Supreme Court did not intend a volte face on previous commitments to social justice for tribals. But the Government is now poised to misuse the Supreme Court's order to terrorise the tribals. Sadly the process has begun.

Enthused by the huge influx of arbitrary power, the MoEF — in furtherance of the Court's orders — created the Jaykrishnan Committee with no tribal representation and with lay members more concerned with animals than the ecology as a whole. Past policies and commitments appear to have been forgotten and swept under the carpet. Before the passing of the Forest Conservation Act of 1980, detailed commitments were made to the tribals. The Forest Policy of 1988 laid special emphasis on the symbiotic relationship between tribals and the

conservation of forests. In 1990, the famous 29th Report of the SC and ST Commission recommended a scheme which was duly implemented in a series of circulars in 1990.

Now, the Jaykrishnan Committee seems to pretend that none of this has really happened. Playing with warped statistics, the Report projects a loss to the nation of Rs. 4,59,978 crores over 50 years due to tribals in forests. Such projections are as inaccurate as they are foolish. Can questions of social ecology and economic benefit ever be resolved

in this way? Where will the 10 million tribals go? Should they go at all? Will they be rehabilitated? How will that work out? What about alternative afforestation — which flows from the Act of 1980 itself? Who will protect the forests?

What is being sought to be done is a complete reversal of the circulars of September 18, 1990, which sought to evolve a comprehensive plan to deal with the regularisation of tribals in respect of leases before October 25, 1980. There were six circulars — all of the same date. FP 1 dealt with and worked out issues of regularisation of tribal settlement. FP 2 dealt with forests and deemed forests. FP 3 dealt with issues of pattas and leases. FP 5 dealt with forest villages — a concept that celebrated the symbiotic relationship of trust between tribals and forests. FP 4 dealt with issues of wages for work done in the forest area. FP 6 dealt compensation and wild animals. There were also proposals on June 1, 1990, to involve village communities to restore tribal lands, which were revised on December 20, 1990.

It has never been anyone's case that indiscriminate encroachment could take place on tribal land. The plan was to regularise land entitlement from 1980 in a sensitive way to

enrich both the life of the tribals and forests and their surrounding areas. There have been so many unworthy proposals which have been approved by the Union under the Forest Conservation Act of 1980. This was a well worked out proposal. But, in the last 12 years little was done to implement it in respect of the rights to which the tribals were entitled for decades. Now, all of a sudden, following the Supreme Court's order, the Government seeks to mindlessly reverse a policy which should have been implemented years ago.

India's Constitution contains special provisions to protect tribal areas and tribals precisely because they need protection. Unlike, big business, they are not predators of the forest. In fact, the demand acceded to by the Union Government in 1990 was to concretise the entitlements of tribals as from a date in 1980. The comprehensive programme of 1990 should be enlarged not diluted. The latest Circular of May 3, 2002, highlights only one of the six circulars of 1990. Somewhere we have missed the wood for the trees. Forests are not to be protected by remote sensing pictures and hastily adapted policies in response to Supreme Court notices.

On September 9, 2002, the Court's amicus lawyer rightly and wisely put off the day of judgment to get responses of the State Governments. We cannot pretend the tribals are not there. Or, that 10 million tribals will disappear because the Ministry or the Court wills it so. The Tribal Ministries — even those with Constitutional status in Article 164 — have not been consulted. Nor the SC and ST Commission or the latest special Bhuria Commission under Articles 338 and 339 of the Constitution. Nor can the State Governments be silent. What we are faced with is one of the biggest policy crises in recent years. Such mass evictions cannot be permitted. When the matter returns to the Supreme Court, a policy that blesses people and forests is preferred to summary eviction of voiceless millions.

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THE HINDU

The Adivasi question — I

By Mihir Shah

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EXACTLY A year ago this day four persons were killed in police firing at Mehdikheda village in the Adivasi pocket of Bagli tehsil in Dewas district of Madhya Pradesh. Reports of such incidents have risen sharply in recent years from different Adivasi areas of the country. There is palpable and growing tension between Adivasis and the state, especially the Forest Department. The first anniversary of the Mehdikheda incident provides an occasion to reflect somewhat more deeply on the roots of such tragedies and sources of this violence. Without an understanding of the differential specifics of Adivasi transition in India, it may be difficult to work out appropriate strategies to tackle the unique problems faced by Adivasis in our time — a time characterised by unprecedented pressures to open up Adivasi hinterlands for commercial exploitation by trans-national corporate interests, even while abrogating many of the special provisions for their protection provided under the Constitution.

Some of the most important features of the process of Adivasi transition derive from the way they are spatially located across the country. A unique feature of the geographical distribution of Adivasis in India is the simultaneous occurrence of high density and their existence as a numerical minority of the region's population. This is true of all major regions of Adivasi concentration, except the North-east. The demography of Adivasi India is, thus, imbued with a striking singularity. More than 90 per cent of the over 8 crore Adivasis live in States where they form less than 25 per cent of the population. This enclavement at the State-level is repeated at the district, block and even intra-block levels. Thus, the pattern within districts and blocks also is one of Adivasi pockets (clusters of hamlets) being surrounded by large masses of non-Adivasis.

This very distinctive "enclavement" is a result of a long drawn-out historical encounter involving the subjugation

of the Adivasi people by stronger and better-endowed communities, the length of this process itself being a unique feature of Indian history. Adivasis are the aboriginal inhabitants of India, driven over centuries, further and further away from the alluvial plains and fertile river basins into what have been described as the "refuge zones" — hills, forests, arid and semi-arid tracts — in successive waves, by communities armed with superior military technology.

The most important consequence

of an irreconcilable opposition between national objectives and the needs of the local people. This viewpoint recurs throughout the history of forest legislation in India. As the pressure of forest-based people's movements mounted all over the country, a gradual shift away from viewing forests as revenue earning assets became evident in the 1980s, the decade in which environmental concerns came to dominate thinking on forests, world-wide. However, after the 1980

factory than the movement of policy towards a people-oriented perspective is the reality at the ground level, which remains almost completely unchanged

The relentless process of deforestation has ruined original Adivasi habitats and forced the Adivasis to move out. Having first been driven over centuries to retreat into refuge zones such as hills and forests, the Adivasis are now being forcibly pushed out of an ambience with which they had gradually developed a close relationship. After Independence this has all happened in the name of "development". Even the Government admits that 18.5 million persons have been displaced by dams, mines, industries, wildlife sanctuaries and other projects, 75 per cent of whom have not been rehabilitated. No attempt has ever been made to secure the consent of those being adversely affected by these projects, to involve them in devising humane and appropriate strategies of rehabilitation or to make them a party to the benefits of this development. A vast majority of the displaced have been Adivasis, either because the only sites remaining for location of these mega-projects, such as the Narmada, are in the Adivasi hinterland or because Adivasi homelands such as Jharkhand are extremely bountiful in mineral resources. This displacement of Adivasis has only accentuated their minority status, wherever they live.

The Adivasi predicament must be seen as an intrinsic consequence of an over-centralised, non-location-specific, trickle-down development paradigm, which also posits a fundamental conflict between development and regeneration of the environment within which it occurs. The large mass of people in provincial and rural areas is increasingly alienated from processes of governance and decision-making that are progressively centralised within the nation's megalopolises.

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of this enclave status of Adivasis in India has been to prepare the objective basis for resource emasculation of Adivasi areas through what may be best described as a process of "internal colonialism". Over time, in the refuge zones, the Adivasis came to develop a relationship of organic totality and symbiosis with their immediate environment. They revered and protected the forest that provided them with their basic requirements — food, fodder, fuel, medicines and timber for building and implements. This relationship was canonised in the form of customary rights over forest produce. But today their existence in even these areas is coming under threat. This process was greatly accelerated after the advent of colonial rule, especially over the last century. However, the coming of Independence has only meant the aggravation of an already unequal equation. While being ready targets for the exploitation of timber and other forest produce, Adivasi areas have not received their fair share of potential benefits from the mainstream development effort.

The most striking instance of state-led resource emasculation is that of forests, the largest historical endowment of Adivasi communities. The

Forest Conservation Act, the conflict has come to be seen as one between environmental protection and needs of local Adivasi communities, who are still viewed with suspicion by the Forest Department, by and large. The tendency of many environmentalists to state their concerns without any reference to the question of Adivasi livelihoods has only aggravated the situation. With their ever-increasing need for firewood and fodder, the Adivasi response has been illegal felling of trees and grazing of forest grasslands. An irreconcilable wedge appears to have been driven between people and forests.

The National Forest Policy of 1988 did for the first time explicitly recognise that domestic requirements of local people for fuelwood, fodder, minor forest produce and construction timber should be the first charge on forest resources. It also emphasised that while safeguarding their customary rights, the Adivasis should be closely associated in the protection, regeneration and development of forests. But the change remained limited to the category of what are known as "village forests", leaving out entirely from its ambit the major portion of forests in India. Even less satis-