

CHAPTER – III

POLICY INTERVENTIONS ON FOREST VILLAGERS' LIVELIHOOD: A CHRONOLOGICAL REVIEW

3.1 Introduction

Joint forest Management (JFM) sought the cooperation of the forest dependent community to save and regenerate the forest. The practice of JFM emerged from the experience of local level experiment in forests of South-West Bengal in late 70's and got echoed in the National Forest Policy 1988. The Forest Policy 1988 is radically different to the earlier policy of 1952, in the sense that it unequivocally argues that rights of forest dwellers be protected and states '*The rights and concessions enjoyed by them should be fully protected.*' In the year 1990 the Central Government brought a Government Order (GO) on JFM with the aim to implement the policy of 1988. Though the concept of JFM was officially agreed upon and practiced in West Bengal long before this GO of 1990. The policy (1988) encouraged the replication of the model of JFM throughout India. It's a major shift from the earlier stand where forest peoples' livelihood and role in forest management was not discussed at length. Hence, while discussing on forest villagers' livelihood, role and scope of participation in the forest management to claim their legitimate rights the chapter divided the era into two viz. pre JFM and Post JFM period with a view to have relative understanding of the situation.

3.2 Pre JFM Periods

The Pre- JFM period may be subdivided into four distinct phases; namely (I) Early history and forest villagers' livelihood, (II) Colonial period and forest villagers' livelihood, (III) Independent India's forest policy and forest villagers' livelihood till the emergence of Protected Area Management and (IV) The Protected Area Management in India and forest villagers' livelihood options.

3.2.1 Early history and forest villagers' livelihood

The early Indian society before the advent of the British had a considerable degree of consistency and stability despite the feuds in the society on the basis of class and caste. A system of production evolved on the basis of a discreet and strong caste based institutions which guaranteed sustainable use of resources. The Mughals were unable or perhaps not interested in radically altering the existing patterns of resource use

and the social fabrics in which they were weaved. (Gadgil, 2000). The major empires like the Gupta and Mughal were more interested in fertile agricultural lands, populous towns, and cities.

3.2.1.a. Mairya period

The concept of reserve forest can be traced back to Mairya period, Kautilya advised to reserve the forests rich in fish, game and elephant. Elephant forest was of great importance, this was because elephant had permanent importance for army not only in the battle but also for heavy transport and building bridges. Elephants had prestige value as well. The practice suggests anything precious (grown in a forest) for the then regime, that particular forest got reserved. There have been little discussions in the existing literature regarding the effects of the resource extraction and creation of reserves on the livelihood of forest tribes. Some scholars mentioned migration to remotest forests might be the one of the several impacts. Forest dwellers were also socially excluded. The forest tribes were considered some kind of threat to the throne because of their fighting skill. Kautilya (the mentor of the Mairya regime) clearly pointed out to spy on the remote forest dwellers. He compared them as more dangerous than the robbers and thieves. Evidence suggests separation of forest communities and civilized society was a fundamental norm during that regime. The forest tribes were called by different derogatory terms, like '*milakkha*' or barbarians, *Arthasastra* (the great book written by Kautilya) used a composite term *mlechajati* (untouchable) as reference to the forest tribes. Kautilya advised that in conquered territory the chief of the group should be separated from his army and other people (Sen, 2012). The process of dismantling their institutions of governance and resource use was part of a wider policy to establish control over newly conquered territories.

3.2.1.b. Mughal period

Mughal Empire heavily depended on the growth of cultivation. Peasants acquired more and more lands felling trees. Newly acquired lands used to get a tax relief for first few years. This policy was placed to encourage more lands under plough and finally more revenue from cultivation. Other than war booties and tributes, taking of the excess grains in the form of *ria'yya* were the popular forms of tax. The *peshkash* or gifts given as tribute makes one understand the healthiness of the forest of the time. Elephant as *peshkash* was most common in nature, musk used to come from north eastern states.

Certain forests were made game reserves for the Emperor's hunting. Unlike the Elephant reserves of the Mouriya period Mughal's reserves were clearly mapped. Edward Terry, an English traveler and merchant found that though the reserves put certain restrictions but the concept of property rights over jungle was not absolute. Access to reserves was open but the kind of animals that to be hunted by locals were regulated. (Rangarajan, 2012)

Royal hunt in Mughal India: The forest of the Mughal period would be best understood if one ventured around the tales of royal hunts of the period. The court poets as well as historians and painters of that period immensely recorded the heroic ventures of the emperors. In-numerable examples can be cited of royal hunts of that period. Mughal writings gave a vivid description of the past ecologies as well. Emperor Babar wrote about the enormous number of rhinos between the Indus River and the city of Bhira. He also mentioned about the thriving business of rhino horns which was believed to have the capacity of detecting poison. Elephants were caught from parts of central and north eastern India. Emperor Jahangir and his *nowabs* (nobles) had 12000 elephants in their army in 1628. In North Bengal, there was presence of plenty of wild buffaloes in grass lands along riverside. Mughals successfully used cheetah in their hunts. Akbar had over thousand cheetahs in his confinement; these animals were used to capture antelope, dazbles and deer. Tiger and lion were valued highly. The lion figured in the flag of the Mughal Empire. Lion was commonly found across much of the scrub forest and grassland of North India (Ibid.).

Padshaha Shaha Jahan, in the year 1634 went for a hunt, at Palan (the present day New Delhi's airport), for four days the emperor enjoyed the pleasure of hunting and hunted many animals. In one day, he himself shot forty black antelope. To shot 40 antelopes on a single day, clearly states the number of such animals present in the area and the richness of the forest to provide habitat to that number of animals. Hunting, in Mughal period was regarded as a skillful art, same as killing an enemy and an act of sacred excellence. Success and failure of hunting was considered as a good or bad sign on the eve of a war. Sometime hunts were simply organized to disguise attack. Mughals also used hunts to collect important intelligence about other states.

Mughals gladly accepted the hunting techniques from the tribes and modified them with their own features. Records and portraits of the era indicate vast areas of woody, scrub jungles, sparsely populated by people, huge numbers of antelope, gazelles

and lions. Fire, plough and axe were reforming the landscape, vegetation pattern. Elephant, cheetah were trapped in great numbers than before. Habitat of large herbivores like elephants and rhinos were vanishing fast. Denudation was a common practice during war. Army often walked with sawyer, woodcutters and road builders to deny cover to enemies and assist advancement of army. (Ibid.)

3.2.1.c. Pre-Colonial history of North Bengal's forested tracts

Before the advent of British in the Dooars and Terai of West Bengal (forested tracts of North Bengal), there were no methodical records on settlement practices and for that matter on any revenue collection mechanism (Roy, 2002). The region was thinly populated by shifting cultivators (jhumia) scattered in dense forests. Small scattered *jots* (settlements) perhaps did not allow any permanent land policy. The aggressors from neighboring countries like Nepal and Bhutan regularly raided this area to loot the valuables from forest communities like Mech, Rava and other agrarian communities who inhabited this place. The ancient history of the Dooars suggests that the place belonged to the Kamrup kingdom and continued until mid-seventh century (Nath, 1989). After the Kamrup kingdom the area of Dooars were governed by the Kamtapur kingdom and in early sixteenth century, the region came under the rule of Koch kingdom (ibid, 1989). The Bhutanese army conquered this territory from the Koch in the year 1760. They recruited two army generals with governorship of eastern and western Dooars. A detailed system of revenue collection under these two Governors was chalked out. Revenue collector Dooar Deo (Bhutanise revenue officer) was in the charge of the area of the Buxa forest area, presently known as Buxa Tiger Reserve. He introduced the system of chieftains and through the chiefs (mandol), used to collect revenues (Roy, 2002). The Bhutanese supremacy came to an end with the advent of the British and Annexation of the Buxa forest under the control of the State. The colonial state took over the forest resources of the region, converted many forest areas as tea gardens and enacted the Bhutan-Dooars Act in 1869 to declare the vast area of the forest as 'wasteland'. It helped the State to seize the rights that the forest community enjoyed in these forests. (Choudhury, 2015)

3.2.2 Colonial period and forest villagers' livelihood

In the sixteenth century, India came into contact with Europe, particularly Britain. At that time Europe was going through an industrial revolution. The revolution

brought a radical change in the pattern of resource use. Technologies of transforming resources from one form to other and transporting them to large distances enhanced the types of resource use in a big way. For example, wood was used as domestic fuel, in the construction of shelters and for agricultural apparatus in a subsistence economy on a limited scale. However, it could now be used for producing paper, could be used in steam engines of ship and train, resulting in immeasurable use of wood.

3.2.2.a Commoditization of forest, and forest villagers' livelihood

Way back in 1874, Hugh Cleghorn, the first Inspector General of Forests in India (he shared the post with Dietrich Brandis), told that timber resources in India were declining rapidly under the pressures of the high timber demand in the British Empire, local use for railroad construction and shipbuilding (Stebbing, 1922). Development of railway network in the 1850s witnessed a major change in Indian forestry policies and practices. The expansion of railroads in different parts of India had a deep impact on forests in many ways (Oosthoek, 2012). During the World War I. timber and bamboo were supplied to the war zone for building bridges, buildings, ships etc. From April 1917 to October 1918 over a period of one and, half year 228076 tons of timber (excluding sleepers) were supplied by the newly created 'Timber Branch'. Approximately 1.7 million cubic feet timbers were exported annually (Gadgil, 2000).

A strict regulation on the traditional use of the forest resources was a necessary condition for commercial timber production. The erstwhile right holders were given a certain amount of timber and fuel, while the sale or exchange of the same was banned in 1878's Forest Act. State monopoly over forest produce was the main emphasis of the forest policy statement of 1894 (Gadgil, 2000). The purpose creating such monopoly may be clearly understood from the following commercial interest of the State.

(i) An extensive research to find out the commercial uses of forest resources was going on after 1878. (ii). By twentieth century some NTFP (Non-Timber Forest Produce) figured in the list of revenue earning forest products. (iii). A Timber Directorate was created in Delhi in the early 1940s to facilitate the supply of forest produce during the World War II. (iv). Indian Forest Department became the sole supplier of timber in the Middle East and in the Persian Gulf. War need exposed the remotest forests of the Himalaya and the Western Ghats. (v). The most approachable forests of Bombay region

got felled to meet the demand of the war, the margin of profit there in some cases rose to as many as 400% (Ibid.).

3.2.2.b Creation of reserves and loss of forest villagers' livelihood – With a special reference to North Bengal

Reasons for creating reserves in the British period has been described by Indian ecologists as (I) a concern for the reduction in large mammals (for hunting) (II) to enhance the production of timber and ensuring the stability of hydrological cycles (Saberwal, Rangarajan & Kothari, 2001). The 1878 forest act provided an superb launching pad for creating reserves. The Indian Forest Act, 1927 incorporated almost all the provisions of 1878's Act and brought more conclusive and detailed arrangements for creating and maintaining reserves. It enumerates all the past practices of the Forest Department in the Act. Some experts described this phenomenon as, "*It prescribed manner and limits within which forest resources could be exposed to industrial and commercial exploitation within the framework of an overall forest management. ...several provinces made their own laws to regulate forests within the framework laid down in the 1927 Act.*" (Garbyal, 1998)The act is relevant till today and foundational framework for many newly framed forest acts in Independent India.

Reserves in North Bengal: Scholars indicated that the reservation of forest caused a loss of livelihood and hardship to forest communities in the Dooars of eastern Himalaya (foothills under Jalpaiguri and Alipurdoar districts of West Bengal), as the inhabitants of this region mainly depended on forest resources for various livelihoods. In the Dooars of North Bengal, a shoddy logic is put forward to deny the forest rights to forest dwellers, the argument spells out that the reserves are created from the wasteland, so the question of prior rights of the forest community does not arise. Many argued that "reserving from waste" is a colonial style of function. However, there existed few forest communities, practicing their traditional farming practices. In this region of the eastern Himalaya, the livelihoods of forest communities were primarily dependent on agriculture but it was supplemented by the gathering of several food items, fodder and, fuel-wood from the forest. The Livelihood of the tribal community depends on the land, forest resources and, water. So, access to these assets becomes imperative for the tribal to continue with their livelihood. However, since the enactment of the Forest Act 1865 the access to these resources has been curtailed. The forest communities of North Bengal particularly of the Dooars got alienated from the forest as one after another forest was

declared as reserved with the implementations of the subsequent Acts. Rights enjoyed by the forest communities in those forests (customary rights) were either written off or converted to concessions and or privileges (Choudhury, 2015).

A special endeavor was undertaken by the forest department in North Bengal to demarcate forest land during the period 1864-1878. In this direction, the first step was the creation of the reserve of the forests of Jalpaiguri District in 1879 with the help of the Forest Act 1878. In the Gazette notification (January 23, 1879) the forest that was first reserved was shown as unoccupied wastes (Forest Department - GoWB, 1971). However, later on, the forest settlement officers issued revised notification in 1895 for settlement of rights of local communities what so ever they had in the forest. The first survey of the forest of the region was carried out in 1890-1 by the then Forest Survey Department, these surveys culminated into several maps and they were further improved by the Surveyor General of India during the early twentieth century (a collection of the maps was published in 1918-9). The maps played a vital role in making reserves in North Bengal. (Directorate of Forests - GoWB, 2001). Much of the quality forests (i.e. commercially valuable) were reserved during this period. As much as 7 forests of Jalpaiguri were declared as reserved during this period. Buxa forest was also declared as a reserve during this period (1879). The creation of reserves and the continuous depletion of forest in this part of Bengal went hand in hand. The beginning of the new century witnessed a widespread destruction of forest for timber (Revenue Department - GoB, 1928).

Dr. Brandis (first IG of forest in India) visited North Bengal several times in the 1870s. He gave special attention to fire protection, road building, cultural operation and timber operation as primary steps towards scientific forest management. He was one of the earliest advocates of the teak plantation in North Bengal and taungya system of forest plantation. However, taungya system of the plantation was disregarded by the then forest authorities; it spread its roots in early twentieth century. Induction of the local people in forestry work for fire fighting, felling, plantation etc. forced the FD to reach out to the communities in North Bengal. Indigenous communities like Rava settled in the early taungya villages. The FD engaged with these communities in some kind of a loose agreement where the community had to offer a free labor in exchange for cultivable land, house and, rudimentary amenities. They did not have rights over the land, house and, other basic amenities. The life of the forest dwellers was dependent at the mercy of the

forest officials. Community rights over forest resources became limited to the privileges that depended on heavily at the mercy of forest bureaucrats. These privileges often remained partial in nature and were guided by the urgency of the circumstances from the FD's point of view (Bandhyopadhyay, 2010).

The legal and institutional structure helped the state to acquire as many as 99000 square miles of forest land under forest administration by 1947. The reserves were handed over for producing timber or were allowed to become open-access lands that resulted in excessive use and degradation. According to historian Ram Chandra Guha, the reserved forest lands, under the control of the state is nothing but snatching of forests from forest people for commercial use. The author opined that the FD viewed the needs of the 'ecosystem people' as the burden, 'biotic pressure'. In fact, several working plans of the FD termed 'man' as the 'enemies' of the forest. Some lands were set aside as revenue 'wastelands' to meet the daily necessities of these people. However, the forest people had no longer any rights in these lands, only 'privileges' of using them were entrusted to them (Guha, 2000).

3.2.2.c Choice of species and forest villagers' livelihood

During the colonial era different government committees asked for more and more revenue from the forest. Revenue mainly comes from large timber forest as a result of this; the FD was forced to neglect shrubs and grasslands. Ironically these two types of land used to provide varieties of livelihoods to the local forest dependent communities. The species promoted by the colonial ruler were teak, pine and, deodar in different areas. Ironically, these species had very little use for the rural population, whereas the species they replaced were extensively used by the locals for fuel, fodder, leaf manure and small timber.

Plantation of tea, coffee and, rubber brought a major change in forest ecology. Much of the forest land was converted into these plantations before 1864 i.e. before the formation of the forest department (FD). But the FD got thousands of application for more forest land for new plantations even after 1864. The desire to commercialize forest made the planters group a good friend of FD. Moreover, development of road and railway connectivity to facilitate export of tea, coffee and, rubber further increased the speed of forest felling. Plantation economy itself required a high level of timber demand

for fuel and packaging. Thus expansion of plantation resulted in shrinking in forest areas by multiple ways (Gadgil, 2000).

The experience in North Bengal: The lease of forest land for the purpose of establishing tea estates in North Bengal was started around 1850 and the first reservation of forest was done in 1879. The beginning of Reserve creation did not stop the foresters to hand over forest land for the purpose of creating tea estate. Tea gardens continued to come up in forest lands till 1933 (Datta, 2001). More and more tea estates meant more and more organized use of woods. Moreover, in the year 1891-92, the Bengal Dooars Railways got a free grant of *sal* sleepers from the forests of this area; this took a heavy toll on the forests of dooars. (Forest Department GoWB, 1957). The systematic extraction of timber, commercial plantation (plantation of valuable timbers) and maximum revenue generation from them demanded planning. As a result of this, the concept of Working Plans emerged in the forestry sector.

3.2.2.d Abolition of Community Institution of Managing Forest in colonial period

The community managed forest systems that once existed throughout India were systematically abolished during the annexation of forests in 19th century. The Indian Forest Act, 1878 empowered the Government to take over forest lands into its hand. Over the years the forest annexed by the state keep on increasing until it reached to the extent of 20% of the country's total land mass. Some glimpses of the community institutions were obtained from the writings of the British foresters. An officer posted in Garhwal Himalaya wrote in 1920s about customary restrictions imposed by the community on over-use of forest produce, about how they maintained their grazing grounds, how they guarded fuel and fodder reserves etc. (Guha, 2000) Another ecologist mentions that there is enough evidence of conservation by forest dependent communities in India. There were numerous sites of forest patches conserved by traditional people marked as 'no-use' zones, sacred groves etc. (Kothari, 1996)

More clear evidence may be obtained from the records of G.F.S. Collins, a British revenue officer assigned to look into the availability of lands for community use in Uttara Kannada District in the state of Karnataka. Though, most of the community managed forests of the district were converted to reserved forest in between 1860 to 1890. Even in the remaining community managed forests, many restrictions were imposed. These forest tracts were treated as open access lands as a result became

denuded soon. In this process, the extent of such community land reduced to 353.3 square. km from 7185.9 between 1890 and 1920.

Mr. Collins reported that he had found 3 villages where community managed their forests. The names of the villages are Chitrangi, Kallabbe and Halakar in the coastal Kumta district. He recorded that the village council maintained a strict regulation on resource use, they even recruited watchman on their own. He also mentioned that he found very good quality biomass stock in these forests (Guha, 2000).

3.2.2.f The massacre of the wildlife in British India

Since the study deals with forest policy interventions on forest villagers' livelihood and also as the field is a Tiger Reserve, it is imperative to shed light on the policy regarding wildlife during the colonial era as well as independent India. It is important because today's conservation policy heavily depend on the concept of the 'pristine' (inviolable) forest where no anthropogenic interferences are allowed. Human presence is thought to be detrimental to wildlife; this understanding is based on one of the presumption that the forest dwellers are the cause behind wildlife's extinction from the country. In this context, it becomes a duty to look for the causes of extinctions of different species from our country. Today's conservation messiahs allegedly have a history of carrying out mayhem to wildlife by their ancestors. In this background, it becomes more important to look into the past because the seed of destruction was sown in the past.

Paid killer or bounty killing: The proponents of scientific forest management took a heavy toll on the forest and wild lives of the country. The massacre that they carried out only can be described as an all-out war against the forests and its habitats. Major Tweedie in a debate on controlling the dangerous animals suggested benefits of employing paid animal killer. Surprisingly, that logic was accepted by the house and the country witnessed the concept of paid wildlife killer in India and the legacy continued for nearly 50 years. It is documented that the British rulers heavily depended on farm tax in its initial days as a result of this, they could not allow the conflicts between cultivators and animals which were a common feature in those days. Despite the conflict people traditionally coexisted with wildlife in their villages for generations; the British brought this idea of all-out war against wildlife very much in the line of their tradition in England. Within two decades of conquering Bengal, the British rulers declared reward

for killing tigers and big herbivores that raid on cultivable land. British officers are often asked to eliminate tigers, thieves and, bandits from their locality (Rangarajan, 2012).

1770's famine and killings of tiger : After the Plassey war, Bengal witnessed a great famine in 1770, which took one-third lives of its population. As a result of high mortality and peoples' flight from villages, the farmland remained uncultivated. The situation helped jungle to recoup territory in these farmlands. The secondary growth of forest is good for animals like deer, wild boar and, their main predator tiger. To make the field safe from tiger and to get more land under cultivation special offers are given, larger rewards are announced to the killer of the tigress and, the special prize for killing the cubs. The British needed more land revenue from Bengal, where they already failed due to the famine. As a result of this, they had to declare an all out war against tiger to pave the way for safe cultivation (Ibid-23-25).

Effects of protective killing in Bengal: A massive intervention in the jungle by the British initiated a new level of conflict between man and animal. Initially, the bounty killings of animals showed some results in large part of Bengal Presidency by bringing down the loss of peoples' life. However, in the medium-term, the situations turn for the worse. The animals that are termed vermin probably had taken shelter at the edge of the grasslands and mature tree forest. The growth of plantation crops (tea) in the hills of Assam and North Bengal badly reduced the habitat available to the animals and increased the scope of conflict between man and animal. At the same time, the expansion of cultivation further reduced the habitat of the wildlife and hence increased the scope of more conflict. The slaughter of deer, boar by the local officers and local people aggravated the situation; the loss in prey numbers attracted the predators towards villages. The rhino and wild buffaloes vanished from the North Bengal's forest by 1850 and *nilgai* became rare. The change in faunal distribution shows the change in ecological varieties. The entire landscape became divided into an ordered form of plantation crop and forest. (Ibid)

Increase in human-wildlife conflict, reasons and, remedies after 1850: The 1850's, the time of political turmoil – the great rebellion of 1857 (mutiny of 1857) lead to the disarming of the peasants and left them without any effective means of self-defense against wildlife. The colonial restrictions against the annual hunts of the Santhal tribes also helped the wild lives to increase their numbers. Above all thousands of wild creatures mainly tigers that were left wounded by hunters looked for easy prey like cattle

and sometimes human. All the above reasons intensified the conflict between wildlife and human being. The new regime looked for various local systems to resolve the issue conclusively. (I) a common injunction was issued to follow up and finish off a wounded predator. (II) In the 1870s the GOI (British-ruled territories) assessed the best method of killing wild animals. Once again bounties for killing emerged as an effective tool. Over 20,000 (twenty thousand) animals were killed annually for bounties in British India (Ibid.)

Hunting by the Princes: The native kings were forced to stay away from war; (according to agreement) as a result, they spent the time and energy against the wild lives. Often princely states invited the high officials of the British Empire for sports. There was competition among the princes to display their hunting career. Rajkumar Sadul Sing of Bikaner had recorded all the hunts that he carried out in 25 years of his hunting career. His diary mentions, 50000 head of animals, among these, were 33 tigers, 30 great Indian bustards, over 20000 sand grouse and one lion. Ramanuj Saran Shing Deo of Sarguja was to hold the all-time record of over 1100 tigers in his lifetime. By the time he stopped hunting in the 1950s, he had another little-discussed record of killing over 2000 leopards. The native rulers regarded the hunting as a ritual to entering into adulthood especially manhood. Even today many landed elites of the central India follows the same ritual in their family. These examples are the tip of the iceberg. There are countless such examples, which made some of the species on the verge of extinction in India. (Ibid.)

Policies and practices regarding wildlife in Independent India: After the independence sport became available to top officials and traders - newly build roads and big projects brought the hitherto remote forested tracts closer to these new hunters. The Indian *shikar* operators followed the path laid down by the British hunters in the same fashion and claimed the credit of saving the cattle of poor villagers by hunting predators. Despite the creation of few sanctuaries and parks and conservation sermons by some pioneer people, the overall culture towards forest remained to the level of commercial forestry. The ethos towards forest may be best understood from the recordings of the IUCN meeting held on 1969 in Delhi, where a senior minister raised a question whether India can effort a loss of Rs. 30000 of foreign exchange that a foreign hunter spent on one tiger hunt. The mindset towards wildlife is amply clear from the above concern. This is the period when the prime target of the hunters, tiger, became the symbol of

preservation of wildlife. Though, in 1968 alone, over fifty commercial hunting parties spent over Rs 20 lakhs in search of tiger. The Lucknow-based Carlton Company offered a tiger per fortnight per client with hundred beaters and 12 buffalo's meat as enticement. In many occasions, the Government of India (GOI) also advertised the country as a haven for those with gun and fishing rod. Only a decade ago before the historic event of 1969, the famous American travel writer and hunter Jack Denton Scott visited India as a state guest to take the pleasure of hunting and advertise them overseas (Ibid.).

Today's conservationists skillfully hid this history of all out war against wildlife. Tribal activists argue that in a drama, one needs an antagonist, from whose ill motive something precious has to be saved. Forest dwellers have become the perfect antagonist to manage the stage. Their dependence on forest made it easier for people at large to believe the role to be real. The primary concern is that this helps in formulating policies which alienate forest people from the forest and for that matter from livelihood.

3.2.3 Independent India's forest policy and forest people till the emergence of Protected Area Management

3.2.3.a Independent India's first forest policy (National Forest policy 1952)

The National Forest Policy of 1952 is a continuation of the British policy with even more straight argument of more raw materials for Industry. The policy in its introduction states that it learned the need of conserving forest for betterment of the physical condition of the country. Form the introduction of the policy it seemed that the policy makers understood the reasons behind the rapid loss of country's forest. It states *"The country has passed through two World-wars which disclose unsuspected dependence of defense on forests. The reconstruction schemes, such as river valley projects, development of industries and communications, lean heavily on the produce of forests."* But in the policy prescription the study found not a single policy statement either on the effort to find out the alternative of forest produce for the above sectors such as river valley projects, industry and communications or any recommendation on sustainable and judicious use of the forest resources for those sectors. What is found is that the policy is recommending for more scientific research in the direction to find out more uses of forest. However, it clearly tells the forest dwellers and forest dependent communities that mere accident of being near to forest resources does not give them a priority right to use it. If the forest has no value or has little value, (i.e. shrubs, bushes

etc. in wasteland) such forests can be given for local people's use. In fact the policy made a provision of this kind, talks about setting aside 'village forest' to serve the needs of the surrounding villagers (APFD website).

The policy also prescribed to handover 'village forests' to local Panchayats (local government) with certain restrictions. The main reason for this arrangement is also mentioned in the policy document, it argues that that the maintenance and development cost of such forests should not go from the national exchequer rather it should come from the village itself. (APFD website) However, this policy prescription lost its relevance after 1980s at the advent of the conservation regime.

3.2.3.b Forest resources - industry vs. peoples' livelihood

The notion of a restructuring forest to maximize commercial gain already strong in the colonial era got even stronger after the independence. The monoculture of commercially valuable trees were planted uprooting the natural vegetation, even many sanctuaries got commercial plantation to meet the demand of the paper and pulp industries. (Rangarajan, 2012) According to available estimates the country had a tree cover of 40% of its land mass in 1894 by 1952 it dwindled down to 22%. Thus, showing an annual net deforestation of 0.18%, but by 1980 country's forest cover went further down to 10%, measuring an annual deforestation of 0.4% which is much higher than in the colonial India. However, INSAT image of 1991 shows a forest cover of 13% in the country. (Fernandes, 1996. 5) The zeal of industrialization after independence was so intense that forest resources were given to industrial houses at throwaway prices. One example may be cited here to understand the amount of incentives/subsidies given to the industry. In 1960s bamboos were supplied to industry at Rs.1.50/tone, when the prevailing market price was Rs.3000/tone. After much pressure the price of bamboo was increased to Rs. 600/tone, when the prevailing market price was Rs. 12000/tone (Guha, 1998).

3.2.3.c Wildlife Protection Act 1972 and forest dwellers

With the purpose of saving the endangered species and providing adequate habitat to different endangered wild lives of the forests, the Union Government brought a new Act, Wild Life Protection Act 1972, the concept of protected area (PA) management came into existence and it started to increase its net throughout the country. Once a forest is declared as Protected Area (PA) i.e. wildlife sanctuary, national park etc. under the

Act, everything in the forest becomes wildlife and hence need to be protected (WLP Act 1972). The Section 17A(a) of the Act states that “ *..no person shall willfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest managed under W.L.P.A.72*”. Several such provisions of the said Act imposed restriction on collection of timber as well as non-timber forest products or NTFP. Entering or residing within the area of sanctuary or carrying a weapon is subject to the permission of the Chief Wild Life Worden (CWLW). Here “weapon” includes traditional bows and arrows, knives also. Recently in a public hearing in BTR (Public Hearing 2005), so many cases of alleged violence and atrocities on forest villagers by FD authority came up. The above-mentioned sections of the Act might have excessively empowered the FD officials to prosecute them. Section 18 to section 24 of the W.L.P.A.72 states that the State Government by notification can declare any forest as wildlife sanctuary; if it considers that the area is ecologically rich and need to be conserved. Notification is done to register whatever rights (land or customary) local people have on that forest. It is a complex process of determination of rights; starting from declaration by collector to enquiry of claimed rights by Collector etc.; moreover, the Collector is also empowered with the land acquisition Act of 1894. This complex process might have restricted thousands of illiterate forest villagers in registering their rights what-so-ever they had.

3.2.3.d Forest Conservation Act 1980 and forest dwellers

By 1980 where the ¼th of the countries land mass (approx) was under the designated forest, nearly half of that had good forest. Planners were concerned with the rampant conversion of forest land for developmental projects, shrinking forest cover, growing population, and demand for timber. The concerns led to the conclusion that the forest of the country has to be conserved at any cost as a result, the Forest Conservation Act 1980 (FCA 1980, WPSI) came into existence. The Act emphasized on the controlling of logging operations, restricting conversion of forestland, and providing livelihood options to the local community. However, according to few studies, the Act performed its first two duties considerably well but failed measurably in restoring communities’ livelihood options. Further, the studies revealed that it not only merely failed to generate livelihood options but also brought miseries to the people who live in and around protected areas (Poffenberger 1996). Diversion of forestlands for non-forestry purpose requires approval of Central Govt. This clause in many occasions have

become a stumbling block for panchayat in forest villages to undertake land based development as the land officially belongs to the forest department.

3.2.4 The Protected Area Management in India and forest dwellers

Before writing on the WLPA, 1972 and FCA, 1980 it would have been judicious to look back to the theoretical context on which these Acts depended heavily. The genesis of the present conservation approach might help in understanding the issues related to forest policy.

3.2.4.a Conservationist's discourse on forest

The conservationists of the post independent India put forward the following two arguments for keeping people out from the reserves. (I) pristine forest and (II) human land-use practices destabilizes ecosystem. The philosophical writings of romanticists of early 20th century activate much of the current national as well as international conservation talks. The writings are based on the assumption of the existence of the 'pristine', natural areas devoid of human presence. However, some ecologists claimed that both climatic and anthropogenic disturbances have been instrumental behind biological diversity in various ecosystems. Fire, drought, flooding, hurricanes etc. all have helped in increasing diversity in ecosystems and bringing various habitat types and faunal varieties. The human uses of an ecosystem like grazing, intentional burning and traditional farming practices etc. bring heterogeneities across habitats and for that matter amongst their inhabitants (Seberwal, 2001). Authors concluded that an image of 'pristine' wilderness is created by the writings of the naturalists, travel writers and to some extent by the television programs, in the minds of policy makers and common people. Pristine wildernesses of East Africa especially the great journey of millions of herbivores crossing the Serengeti plains and the ecosystems associated with this migration give us an idea of no human intervention in them. The same is true for Amazon forest, usually an image is created as if the anchor of the program himself is the only person who has entered into that forest. In reality, the Masai herder and the Indians played a vital role in shaping these varied ecologies (Ibid).

3.2.4.b Emergence of new generation of conservationists in India

It took over 2 decades after independence for the new generation conservationists to come at the fore-front of policy making. The attitudinal shift in political leaders helped the situation to become conducive. Among the politician Mrs. Indira Gandhi's name

comes first, she was also associated with several NGOs like the Delhi Bird watchers' Society. Her personal links with many conservationists and close contacts with wildlife enthusiasts among bureaucracy made an environment to talk about wildlife conservation. A nationwide census on tiger population was conducted in the summer of 1972 and the figure found to be at 1800, much below the earlier estimates of 2500. The first count on tiger suggested more detailed proposal to conserve it in its natural state, the proposal included (I) to select few sites having tiger's habitat- each with a core area of at least 300 sq. km., the core area should be free from any kind of human intervention. (II) A large surrounding of buffer zone would be created, where limited access of local peoples would be entertained. However, these areas will be repopulated by the growing numbers of tigers in the core area.

Non Governmental Organizations (NGO) also played a vital role in creating awareness towards wildlife conservation. Major international NGO like World Wildlife Fund or WWF entered in India's conservation effort, it spent over a million dollar to finance the effort. These groups even helped the FD with their expertise in framing policies. WWF established in the early 1960s played a role of catalyst for government action in forestry sector in India, where Prime Minister herself readily accepted to supervise the progress of the scheme. The new generation politicians like the forest minister of Karnataka, K.H. Patil; Chief Minister of Uttar Pradesh, Charan Shing was responsive to both the aesthetic and scientific concerns. The project tiger was heavily dependent on the state governments, the then ruling party (Congress), had a considerable degree of control over the state governments also (Rangarajan, 2012).

3.2.4.c Launch of Project Tiger –a firm step towards conservation regime

The Project Tiger was launched in the month of April of 1973 in nine other forests across the country, among them some newly declared tiger reserves were old princely hunting grounds and others had been reserved forests since British period. The tiger reserves gave protection to other species too because to keep tiger safe the whole of jungle's lives needs protection as tiger tops the position in the food chain. In the short run the results were very satisfactory. The Project Tiger played a valuable role in broadening ecological perspectives. The concept of 'do nothing' in the jungle to let the nature take its own course through natural regeneration, came into being. The concept of total conservation spread into new forests beyond those of the tiger (Ibid).

3.2.4.d Indian experiences with the conservationist's discourse on forest

Restriction on livestock grazing in PAs may be considered as an example of this model in India. The competition between wild herbivores and cattle becomes a factor when grass stock is limiting. Too often it is seen that the PA managers assume this to be the case, though without examining that grass is indeed limiting. Often causes of diminishing number of wild lives are said to be due to hunting, parasitism etc., if these are to be the cause than how prohibiting grazing can increase the numbers in wild lives. One example may be cited here: in May 1999, the grazing of domestic goats and sheep in the Great Himalayan National Park in Himachal Pradesh was banned. Here the assumption is that the low number of Himalayan goats (wild goat and sheep) is due to the excessive hunting by grazers and forage consumption by domestic cattle. In this connection one has to remember that the exclusion of cattle grazing could initiate a decline in plant diversity as happened in the Valley of Flowers National Park in Uttar Pradesh. Moreover, it antagonizes the local grazers and thereby risks the important intelligence on poachers that the FD gets from them. (Seberwal, 2004)

Resource use by human population in protected areas is neither always gracious nor devastating. In certain cases the eviction or ban on resource use in protected areas has resulted in a negative way. For example the Keoladeo Ghana National Park, in Rajasthan, India, a World Heritage site is home to one of the most spectacular gatherings of birds from across the world. From a sanctuary it was upgraded to a national park in the year 1981. Until 1981 a large number of buffalos of the pastoralist communities around the park used to graze in the park's grassland. Local people used to collect firewood and fodder from the forest. In 1981, with the change of the status, grazing was banned; the decision faced a stiff resistance from the local community (9 villagers died in collusion with police). In the absence of the buffaloes two types of weeds covered the surface of the water bodies. These weeds were good fodder for buffaloes. The ecological impacts were immediate, the diving birds find it impossible to dive into water, resulting in decrease in diversity in birds variety. A long term study on the park ecosystem has recommended lifting the ban on buffalo grazing. (Ibid)

Valley of Flowers National Park, Kumaon is famous for its variety of flowers. Sheep and cattle grazing is an age old practice of Bhutia community there, this was banned in 1982 with the ambition of conserving the ecosystem. Result was a reverse one, different variety of weeds and more woody plants surfaced and defeated the feeble

flower species. There are countless examples of locals being removed from sanctuaries, National Parks. The ostensible reason always had been to save the ecosystem, to make the forest 'pristine'. There is also a general understanding that human presence in PAs is detrimental for conservation. Though there is hardly any study which documents the impact of such human resource use on park before and after the removal of human presence from the area (Ibid).

3.3. Post JFM Era

3.3.1 Joint Forest Management (JFM), National Forest Policy 1988 and forest dwellers

The National Forest Policy 1988 admitted the necessity of involving forest communities in the management of forest and acknowledged their historical dependence on forest. The policy replicated the concept of 'Participatory management' or 'joint forest management' (JFM) all over the country. (Saxena, 2003). JFM is the first policy statement in the 150 years of FD's history where the rights of the local people is upgraded instead of curtailed.

3.3.1.a Early days of JFM

In early 1970s, an enthused DFO of South Division of East Midnapur, West Bengal, informally engaged local communities of 11 villages to regenerate denuded Sal forest of their locality (Arabari). The officer went into a loose agreement with locals pronouncing benefits like employment in the FD, fuel wood and other usufructs. After several meetings and awareness programs the mission was a successful one. The project could recover 1250 hectares of denuded sal forest with the help of 618 families from the forest dependent communities. This successful model was replicated in several other villages of the area. The model gained popularity among the foresters, academicians, conservationists and policy makers. Till 1986, the project continued to function on good faith and personal relationship between forest officials and villagers. In the year 1987, the state government officially agreed to share 25% of the net profit earned from the sale proceed of timber (Net Profit is calculated after deducting every cost from revenue earned through final harvest) with the communities of the locality. However, there were no clear guidelines on peoples' rights or entitlements, responsibilities, organizational structures. FD was also not confident to spell out the modalities. The World Bank and Ford Foundation stepped in during this crucial juncture. They engaged two NGOs

namely Indian Institute for Bio-social Research and Development (IBRAD) and Ramkrishna Mission (RKM) to study the ground realities and suggest formal arrangements to replicate the model across the state. The first G.O. to form forest protection committees (FPC) with proper guidelines on the structure, duties and rights of the organization (here FPC) was issued for the state of West Bengal on July 12, 1989 (Roy, 1992).

3.3.1.b JFM and forest dwellers - a critical evaluation

JFM brought significant change in the thinking of foresters. Peoples' participation in forest management became a pertinent question as it highlights grass root level democratization of resource management. It is worth mentioning here that participatory approach reduced the cost of maintaining forest. At the same time the practice of JFM increased peoples' expectation towards forest department. As a result, changes are witnessed; more social issues are incorporated in training manuals of foresters. It became more people friendly, foresters are asked to learn the art of working with locals to regenerate and conserve forest (Directorate of Forest, GoWB, 2012).

However, there is a strong criticism of JFM on the question of peoples' participation in forest management. *Samaj Parivartan Samudaya*, (an organization to bring change in society) Dharwad, Pune, viewed JFM as a tool to serve commercial and industrial interests (Bandhyapadhyay, 2010). Some viewed that JFM is a result of forest people's prolonged struggle. It came into existence because of people's movement not because of FD's generosity. Forest communities adopted every possible ways to extract forest resources to get their livelihood going. The communities exploited the forest with their own defense mechanism while other powerful groups did it with sheer force. In both the cases the ultimate victim is forest. Finally the forest degradation in many places reached to its all time high, thus making it untenable. The school of 'scientific forest management' failed to keep both the groups away from forest. In this ground realities, when it is seen that people themselves have started regenerating *sal* forest in south west Bengal. The FD grabbed the opportunity, the response had been, '*all else having failed, JFM.*' (Khatre, 1996).

JFM is also criticized by scholars on other grounds also. The majority of the criticisms are:

(i) It failed in its aim to utilize forest resources to generate livelihood of forest dependent communities. Earning from the final harvest of timber and bamboo for the committee members is calculated after deducting operating cost which consists of basic cost of harvesting, other benefits to staff and office, maintenance cost, other ancillary cost etc. The expert group (EG) under National Aforestation and Eco-Development Board (NAEB) raised objections on the transparency of such costing methodology. E.G. suggested, “*Whenever monetary benefits are intended for the FPCs, the computation should be based on gross income and not net income.*” (Sarker, 2009)

World Bank in its report XVIII, 2006 raised the following objections on the calculation of cost.

(a) Costs are administered Forest Department Averages, not actual costs.

(b) Costs are after deducting government production and marketing expenditure which are usually inefficient and hence charge more.

(c) Joint Forest Management Committees (JFMC) are not allowed to produce and market directly.

(d) Such system provides very little benefits to the JFMC members.

(e) Forest products having good market values are controlled by FD with restrictive legal and regulatory framework. NTFP such as *Tendu* leave which has a good market value is marketed by state corporations or licensed traders or societies under state FD. The JFMC members are mere collectors (price takers). What they get from the marketer is often less than minimum wage per day. In West Bengal a society named Large Adivasi Multi-Purpose Society (LAMPS) under the West Bengal Tribal Development Corporation pays the *tendu* leaf collectors according to the rate fixed by the government. Many instances are found where the LAMP agents earned a profit of 100 percent or more on the collection price offered to the community. (W.B. Report XVIII, 2006. in Sarker, 2009)

(ii) The structure of the JFM is tilted in favor of forest department. Rights and opportunities are not identical for two partners (community and FD) in the crusade of conservation.

(iii) JFM has failed to understand the needs of forest dependent communities mainly of tribal.

(iv) NTFPs continue to hold a low profile in scheme of things. JFMC members are treated as mere NTFP collectors.

(iv) The implementation of the National Forest Policy 1988 was started with the G.O. on JFM by Central Government on June, 1990; but the G.O. has no legal back up. (Sarker, 2009)

(v) If one minutely goes through the GO of 1st June 1990 of Central Government (which urges state governments to form FPCs) and subsequent State Government's orders, can realize that the process encourages only individual rights. The community control is notional in nature, exercised through an executive body of individuals, nominated/selected along with many ex-officio members. One simple analogy used by a scholar cum activist to portray the true connotation of the word 'joint' in the Joint Forest Management (JFM), may be fitting here. He compares the relationship of forest dependent community with FD that of a small tenant to a big landlord (Khatre, 1996).

Apart from the above broad criticisms, some view the success and failure of JFM, as the consequence of difference in geographical locations, socio-economic background of the people of the locality, forest condition, people's organization etc. (Nandi, 2002) Mr. M.K. Nandi the then Principal Chief Conservator of Forests, West Bengal was of the opinion that JFM failed in the northern part of West Bengal. According to the author 60% of the FPCs of south west Bengal are functioning well to very well while the same amounts to 30% in case of North Bengal. The author also cited the following factors behind this varying degree of success of JFM in two geographical locations of West Bengal.

- Forest dependent communities of south west Bengal had passed through a crisis of acute degradation of forest resources during 70s and 80s. They felt the need of regenerating and conserving forest for their daily needs and they found the JFM as an effective tool to accomplish that. Whereas the forests of North Bengal are still rich, have a commercial value. Communities can earn a considerable amount through illicit felling.
- The socio-cultural homogeneity of the communities of forested tracts of south west of West Bengal helped in spreading the concept of JFM (i.e. participatory process). The socio-cultural heterogeneity among the forest dependent communities of North Bengal made it hard to spread JFM across communities.

- The forest of the south west Bengal provides a unique scope of intermediate yield as well as final yield in a very short period of time. The quick benefits of this nature helped organizations of JFM to provide something tangible to their members.
- The large areas of forest in North Bengal falls under the category of ‘Protected Area’, where felling and seasonal shoots cutting are not permitted under Wild Life Protection Act 1972. As a result of this the JFMC members could not find noticeable benefits. Moreover the forests of this region are not rich in NTFPs in compared to South Bengal.
- The Supreme Court’s order restricts the FD to go for intermediate yields in the forest of hills. Forests of hills as well as some part of planes are mono-culture of Dhupi and teak which produces no or very little underground vegetation resulting in a scarcity of fuel wood and fodder. These types of forests fail to develop a relationship between people and forest. As the mono-culture itself is a commercial plantation the relationship that emerges between communities and forest is also commercial.

Besides all the above reasons the JFM became successful in South West Bengal because of an all round participation of different agencies like NABARD, NGOs etc. The NABARD came forward to offer assistance in promoting Self Help Groups (SHG) among the communities especially among the women. It also facilitated the groups with Micro-credit linkage. SHGs to some extent succeeded in generating alternative livelihood options for forest dependent communities. NGOs such as Ramkrishna Mission Lokshiksha Parsad also came forward with innovative savings scheme like ‘*Musti Sanchay*’. The NGO also facilitated the FPCs with storage-facilities and marketing linkages for NTFPs.

3.3.1.c JFM in BTR

Like other forest areas of the country Buxa forests too experienced extensive commercial felling and hunting of wildlife. Before the declaration of Tiger Reserve the forest was subject to excessive felling both in British period as well as in independent India, clear felling coup (CFC) was a very common idea in those days. The forest villagers as well as forest fringe villagers were heavily employed in the forestry works under the direct control of FD as well as under the contractors. In the year 1983 a part of

the Buxa forests were brought under the Project Tiger and the Buxa Tiger Reserve came into existence. JFM was introduced in this forest after the formal notification in 1989, unlike south West Bengal the concept of JFM had not evolved from within the communities; rather it was pushed among the communities. The concept of JFM was introduced in the fringe villages of the Protected Area (PA) as forest protection committees (FPC) and inside the PA with a new name 'Eco-development' communities or EDC. The EDCs are slightly different from that of FPC in terms of rights and duties for committee members. The stated objectives of an EDC had been to protect the ecologically sound areas from the unsustainable use of forest resources by the forest dependent communities. In this direction eco-development scheme proposes to generate alternative livelihood options for forest dependent communities to reduce the pressure on PA. The collaborative programs that were thought out were (i) crop protection measures (ii) land development (iii) fuel wood plantation (iv) energy conservation efforts and (v) educational programs (Sinha & Yadav, 2002).

3.3.1.d India Eco-development Project (IEDP) and BTR

In the year 1997-98 International Development Association and Global Environment Trust came forward to financially assist 7 PAs of the country (including BTR) for effective implementation of Eco-development plans. The initiative came to be known as India Eco-development Project or IEDP. IEDP pronounced its main objectives as, *“(a) To improve the capacity of PA management to conserve biodiversity and increase opportunities for the local participation in PA management activities and decisions. (b) To reduce negative impacts of the local people on biodiversity, reduce negative impacts of PAs on the local people, and increase collaboration of the local people in conservation efforts. (c) To develop more effective and extensive support for eco-development. (d) To ensure effective management of this project and using lessons learned in replicating in other protected areas and forest areas.”* (Sinha & Yadav, 2002) With the help of FPCs, EDCs, forest staffs, other Government agencies, NGOs and technical experts, a participatory rural appraisal technique was introduced to make Micro-plans in the villages in and around BTR. In 58 villages, Micro-plans were prepared; people willingly accepted new livelihood options. A feasibility analysis of the livelihoods were conducted to test the socio-economical and ecological impacts, a memorandum of understanding was signed between the people and PA to ensure biodiversity conservation, and implementation of the projects.

3.3.1.e The experience of IEDP in BTR

The implementation of the Micro-plans started from 1999-2000. Villagers started to conserve the forest with much enthusiasm; they perceived that the project will solve the problem of livelihood. The numerous awareness programs; frequent meetings by FD, NGOs and other departments created an atmosphere of trust worthiness among the groups. Concerns for conservation were witnessed in many actions of the committees. Many examples were found where committee members are seen participating in raids on trains and sawmills; acting as a shield to FD officials from timber mafias; helping FD in combating fire by making fire lines; raising nurseries and plantations; undertaking cultural operations and road constructions etc. Even official records of forest department enlisted the following protection work undertaken by the FPC and EDC members of the BTR in the year 2001.

Contribution of FPCs and EDCs towards protection in BTR (2001)

No. of patrolling inside forests	6048
No. of raids outside forests	98
Quantity of timber recovered	300 Cu.M.
No. of culprits apprehended	30
No. of vehicles seized	2
No. of Carts seized	40 handcart (thela)

The committees also undertook some qualitative measures like imposing self regulation on collection of fire-wood, arranged meetings to resolve conflicts, excluded inactive members from the committee, implemented and monitored eco-development activities, and formed Self Help Groups (SHG) etc.(Sinha & Yadav, 2002).

3.3.2 Forest Rights Act, 2006 and forest villagers

It has been pointed out by many that the Acts and administrative policies of the British remained implemented even in independent India with some cosmetic changes. Many of these critics are of the opinion that the colonial ruler left the country on 1947 but handed over their tools to govern to the current ruling class. The Land Acquisition Act of 1894 may be cited as one of such glaring examples. The Act got amended in the year 2013 after a nationwide protest against land acquisition and the new act came to be

known as 'Land Acquisition, Rehabilitation and Resettlement Act, 2013' (LARR). It may be inferred that the same legacy is very much present in case of forest Acts also. Several Acts related to forest (enacted so far) and policies declared time to time in independent India, barring few exceptions (National Forest Policy 1988), all got very little changes from the originals that are inherited from the British rulers. With respect to right to access to forest resources for the forest dependent communities, stringent provisions in the Laws made by the colonial ruler may be somewhat expected. But, surprisingly it appears that post-independent Indian bureaucracy and ruling political class also preferred to continue with the legacy of maintaining stringency in provisions of several enactments related with the interest of forest dependent communities.

One major difference in independent India with that of British period has been the rapid growth of forest-based industries in independent India (Guha, 2000). Many felt that it indirectly paved the way for rampant destruction of forest and natural resources on the pretense of development. This resulted in loss of livelihood options and further marginalization of the forest dependent communities. So far, the policies adopted in independent India, they either directly or indirectly encroached upon the rights of such communities. All acts such as the Forest Act of 1864, 1878 and 1927, the National Forest Policy of 1894 or 1952, the Forest Conservation Act of 1980, the Wild Life Protection Act of 1972 and its amendments in 1991, 2006 etc. would corroborate the essence that these enactments provide the necessary legal basis for depriving forest dwellers of their user rights to forest resources [*NFFPFW(a), 2001; Poffenberger, McGean & Khare, 1996; Narayan, 2012*].

Matters worsened when Ministry of Environment and Forest (MoEF) brought a circular on May 3, 2002 asking all the states and union territories (UTs) to remove all forest 'encroachers' within 5 months. The MoEF cited the Supreme Court's concern over growing forest encroachments in its order dated 23.11.2001. The forced displacement of the tribal and other conventional forest dwellers across the country, led to a nationwide angry protests (Sarin, 2010). The nationwide agitations gained such an impetus that the government was forced to come up with a new enactment which has a resemblance to the values of democratic set up. This new Act came into force on January 1, 2008 with the notification of its administrative rules. The name of the Act is The Scheduled Tribes and Other Traditional Forest Dwellers Act (or simply Forest Rights Act - FRA), which was originally passed on 18 December 2006 in the Country's Parliament.

3.3.2.a Forest Right Act, (2006) – a Paradigm Shift

The FRA, 2006 apparently brought a radical change both in the old beliefs based on prejudices and also narrative relating to conservation of forest. The narrative that was constructed on the suppositions that accepting the rights of forest dwelling people eventually have ill-effect on sustainability of forest resources was discarded by this Act. The present Act starts with the requirement of acceptance of numerous rights of the forest people. This paradigm shift in the official approach and attitude for forest management and functioning of forest department (FD) is amply indicative in the statement made in the first chapter of the said Act. The Act states that it is framed to undo the injustices done to the forest communities during the Annexation of forest in to the hand of the State. It unequivocally, accepted that recording of rights of forest dwellers on forest resources and land were not properly carried out in the past. As a result of this, the Act aims to undo the past discrepancies (The Gazette of India, Part II, 2007). The Act clearly spelt out entitlement on farmland and homestead (so far recorded as forest land), customary rights on forest produce, community forest rights etc. The rights which are included in section 3(1) of the Act are of four categories:

- i. Title rights - i.e. ownership right on land that is being cultivated by forest dwellers. (subject to a maximum of 4 hectares).
- ii. Use rights to minor forest produce, to grazing areas and to pastoralist routes.
- iii. Relief and development rights to rehabilitation in case of illegal eviction or forced displacement and to basic amenities.
- iv. Community Forest Rights (CFR) to manage and protect forests, wildlife.

3.3.2.b Implementation of FRA 2006

The Act is yet to show performance on the ground i.e.in the forest villages of North Bengal. Complaints regarding the manner in which the Forest Rights Act, 2006 has been implemented are surfacing day by day (CSD, 2013). On Dec 3, 2012 at the National Meeting on FRA 2006, organized by the Union Ministry of Tribal Affairs, the tribal welfare officials of almost all the states promised that they would rectify the past mistakes. The confession tells the story prevailing on the ground. Till June 2012, more than half of the 2.8 million right claims (total claims up to the date) of the forest dwellers have been rejected by the States and only 0.5 per cent of the approved claims constitute community forest rights (MoTA & UNDP, 2012).

In West Bengal, up to 31 May 2014, 16524 title deeds have been distributed and 15285 title deeds are ready to be distributed. Conversion rate of claims into delivery or ready to delivery of title deeds in the state is 22.944%, which is well below the national average of 38.155 percent (MoTA, 2014).

3.3.2.c The Process of Implementation of FRA 2006 in North Bengal

Just after the Gazette notification of the FRA 2006 (on 2nd January 2007) the National Forum of Forest People and Forest Workers or NFFPFW (NFFPFW is an organization of the forest dwellers, having pan-India presence) initiated a special drive to frame Gram Shava (an institution under FRA 2006) throughout the country. North Bengal Regional Committee of the organization also undertook the same program. The committee demanded: i) all existing FPC and EDCs (committees of JFM) be banned, ii) all the development schemes be implemented through Gram shava, iii) immediate settlement of their land, iv) settlement on Community Forest Rights, v) right of the NTFPs be settled in their favor (Non Timber Forest Produce) etc. The key slogan of the campaign was '*Gramshava banao. Odhikar dakhhal karo.*' i.e. create 'Gram Shava' and snatch rights. (NFFPFW, 2007) However, this special drive had limited impact as the organization did not have presence in most of the forest villages and had to spare a considerable amount of time on awareness programs on the new Act. Moreover, the rules of the FRA 2006, was yet to pass in the parliament, and it came in January 2008.

The forest villagers of North Bengal were taken aback when the state Govt. came up with an order on 17-03-2008 (issued by the Department of Panchayats and Rural Development -DPRD) which stated that the '*forest rights committee should be form at the level of Gram samsad*' (GoWB, 2008). This Government order (GO) was addressed to the Districts Magistrates (DM) of the concerning districts. Following the GO, the DM of Jalpaiguri District issued a letter on 19-03-2008 to the Sub-divisional Officers, asking them to form Forest Rights Committees (FRC) within the month of March, 2008. FRC according to FRA, 2006 is supposed to be formed by the Gram Sabha selecting members amongst themselves. The SDOs of different Sub-divisions with the help of the forest officials started the process of creating FRCs in different forest villages. The forest villagers saw it as a gross violation of the FRA, 2006 they resisted the move under the leadership of NFFPFW- Regional Committee, stopped forest officials and sub-divisional officers to create illegal FRCs & Gram Sabhas, distributed leaflets describing the whole initiative as illegal and so unacceptable (NFFPFW, 2008). The villagers also questioned

why the District Administration & the Forest officials were so hurried in their approach in implementing the Act? It is a new Act, villagers know little about it, and even the bureaucrats' knowledge about the Act was also not at the desired level. Still the State Govt. went ahead with the process of implementation, the forest villagers' organization NFFPFW alleged that the forthcoming Panchayat election compelled the government to take this hasty decision of implementing the Act within a period of 11 days (from 17th to 28th March 2008). As a result of these anomalies, the villagers opposed the initiative vehemently. The State Government was forced to withdraw the G.O. (Jha S. 2010)

In some forest tracts of North Bengal this movement gained momentum. Villagers started to create their Gram Shabha on their own. In some forests like in Coochbihar Division, forest villagers declared their community Forest Resource (CFR) zone and even stopped the FD from felling trees from their CFR. A case of such exhibition of authority and conservation consciousness came into limelight during the months of February and March, 2013 in Mantharam beat, under Kodalbasti Range of Coochbihar Division. Here people stopped FD from felling trees in their CFR zone. The incident went up to court. The members of the Gram Sabha surrendered before the court of the Addl. Chief Judicial Magistrate, Alipurduar on the 3rd April, 2013 and moved a bail petition on the 17th of April, 2013. The honourable court, citing relevant provisions of the FRA 2006, addressed villagers as '*members of Gram Sabha*' and proclaimed the actions on the part of the members of the Gram Sabha were quite proportionate with the rights vested on them in the provisions of the FRA, 2006. The honourable judge granted them bail in spite of one of the sections under which the case was lodged against them was non – bailable. (Order-sheet-Justice Mukhapadhyay, 2013)

The incidents and news of the court case reached to the notice of the Central Government. In a letter to the Chief Minister of West Bengal, the Ministry of Tribal Affairs and Panchayati Raj told that it is not an encouraging situation where local people faces police atrocities while trying to save their CFR. The letter also emphasised on the section 5 of the Act and pointed out that the communities have the right to save their community forests even from departmental felling. (MoTA&PR, 2013).

3.3.2.d Recommendation of MoTA to improve the process of implementation

According to statutory provision, the Ministry of Tribal Affairs (MoTA) should play the role of the nodal agency in implementing the FRA 2006. In a national review-

cum-orientation meeting on the Forest Rights Act, 2006 organized by the ministry in collaboration with UNDP the following issues were discussed and reviewed.

(i) Reviewing the progress on the implementation of the Act by the States and

(ii) Discussing the final Action Plans prepared by the State Governments for streamlining the implementation of the Act in accordance with the Amended Rules.

This appraisal meeting resolved to make few recommendations and specify few action points for the States. A brief account of their recommendations and specific action points are as follows:

- a) The Gram Sabha is the key authority under the Act, and therefore, constitution of village level Gram Sabhas and their empowerment is fundamental.
- b) The Act does not provide for Gram Sabha meetings to be held at the Panchayat level. Such meetings should be held at the level of actual villages or hamlets. The procedure for identification of these villages/hamlets is provided in the amended Rule 2B.
- c) High priority should be given to recognition of community rights, including the right to protect and manage Community Forest Resources (CFRs) under section 3(1)(i) of the Act. It should also be ensured that all community claims are disposed of in a time-bound manner.
- d) The District Level Committee (DLC) and the State Level Monitoring Committee (SLMC) need to ensure that Forest Rights Committees are formed at the Gram Sabha level and as per the Act, the Gram Sabha is held at the village or habitation level and not at the Panchayat level. After recognition of rights, States need to ensure the formation of a Committee under Rule 4(1)(e) for protection and management of CFR areas (MoTA & UNDP, 2012).

The above ground realities and the recommendations of the MoTA signifies that grass root democratization of forest governance and the recognition of forest rights for forest villagers have to walk a long path before they are experienced on the field. Theoretically forest villagers' options of livelihood, role and scope of participation in forest management has increased many folds since the inception of JFM. However, the practical situation prescribes a position of utter confusion where stated objectives of the

policies do not match with the ground realities. Under these circumstances it is required to conduct of an empirical study to reach nearest to the fact.

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