

# **RECOGNIZING THE HISTORIC INJUSTICE**

**Campaign for the Forest Rights Act 2006**

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**Campaign for the Forest Rights Act 2006**

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#### **AUTHORS NOTE**

This compilation is based on analysis of secondary documentation as well as interviews with members of the Campaign for Survival and Dignity on the process behind the passing of the Forest Rights Act 2006. This document is not meant to be a comprehensive analytical paper on the issue of 'forests'; 'adivasis' or 'forest rights'. It merely touches upon these aspects to provide a background to the process of bringing about the legislation. As a result many dimensions and dynamics of adivasis and forest struggles have not been covered here.

We are thankful to Mr Shankar Gopalakrishnan for his valuable comments.

#### **AUTHORS BACKGROUND**

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## FOREWORD

The ongoing peoples' struggles in Niyamgiri and Kashipur in Orissa or Puntamba in Maharashtra or Chengara in Kerala, epitomize the real fault-lines of India. On the one hand, is the neo-liberal discourse backed by State power, which is on an overdrive in the adivasi heartland leading to exclusion and alienation of adivasis and other forest dwelling communities from their fundamental rights and entitlements over productive and livelihood resources - land, water and forests. On the other, is the rich and long history of peoples' led adivasi struggles for dignity and basic rights. The neo-liberal framework has only accentuated the fault - line. The post - colonial Indian developmental paradigm, in spite of a politically progressive constitution, has also systematically marginalized and excluded the adivasis and other forest dwelling communities. The impact of this systematic exclusion has been high levels of adivasi displacement from their own land and livelihood, and appallingly low levels of Human Development Indicators.

Historically, the access and ownership rights of natural resources, particularly, land, water and forest, were governed by the principles of community rights over Common Property Resources. The advent of colonial rule led to pitched battle between adivasis and the colonial State; as the colonial State started taking over the control and rights over these resources through the barrel of a gun. These natural resources provided the raw materials for the industrialization led development model of profiteering of the imperial raj. Therefore, elaborate legislations and laws were drafted to ensure the ownership of the State over these resources for uninterrupted access; leading to alienation of adivasis from their cultural and historical rights over land, water and forests. Post-colonial India, in spite of the special provisions for adivasis in the constitution, continued with the same model of development. As a result, the alienation and exclusion of adivasis from their historical rights over their natural resources continued in the name of 'national interest', which took the form of large dams and mega industrial and mining projects. Post nineties, this alienation has accelerated and the objective has changed from the so called 'national interest' to market led economic development, a euphemism for privatization of natural resources.

In this context, the 'Forests Rights Act' passed by the Parliament of India in December 2006 is a decisive political shift. For the first time, the Indian State admits and recognizes the 'historic injustice' done to the adivasis. However, it is important to emphasize that the Forest Rights Act is not a deed of State's benevolence but the culmination of several democratic struggles spanning over decades and across the country. It is an inspirational story of a successful peoples' campaign, through sustained democratic and political action, which was able to translate the local struggles of landless adivasis and forest dwellers into an Act of the Parliament. 'Recognizing the Historic Injustice: Campaign for the Forest Rights Act 2006' is an attempt to analytically document the processes of these struggles from an advocacy lens.

In Solidarity,

Amitabh Behar



# 1

## INTRODUCTION AND BACKGROUND SUMMARY

*"The concept behind the campaign was that as an independent nation, we should be able to dismantle the colonial governance and install a right holding citizen at the centre, who has a 'right' to conserve and not just a 'duty'. This will help in decolonising forest governance."*

- Pradip Prabhu, National Convener, Campaign for Survival and Dignity.

We all know that the Indian subcontinent has, for thousands of years, been inhabited by a diverse population dependent on an even more diverse landscape. This diverse landscape, from the Himalayan mountain ranges in the North, to the coastal regions in the South, East and West, was once dominated by a variety of forests and the people living in these regions depended heavily on these forests for their day-to-day needs of fuel, fodder, water, agriculture, household items and even food.

These communities have historically been subjected to waves of dispossession of which the most organised and catastrophic were the forest laws in colonial and post-colonial times. In addition, the process of urbanisation and modernisation put increasing pressure on forest resources, threatening the existence and livelihoods of the indigenous and forest dwelling populations that today number 500 million. Large parts of this population are adivasis or indigenous people (67.7 million of whom have been categorised as 'scheduled tribes' under the Indian Constitution). The history of adivasi struggles and rebellion is as old as the history of socio-economic exploitation and oppression of these forest dwellers.

The struggles and issues related to forest rights in India can broadly be divided into two phases: the pre-independence and the post independence period. In both these phases the core of the struggle has been the right of forest dwellers to retain control of their homelands, their resources and their livelihoods. Further, in both the phases, the struggle has been against the hegemony of the State and the market to appropriate and control forest resources.

In the pre-independence period, the colonial rulers started reserving areas for

timber production and game thus excluding forest dwellers from their resource base. Full-fledged government machinery, in the form of a hegemonic Forest Department, was established for this purpose and laws were put in place to facilitate the colonial occupation of forest lands.

This process of alienation continued in the post-colonial period. While in the first two decades after independence, forests continued to be seen as a source of revenue, there was a sudden shift to 'forest and wildlife conservation' as the objective of the Forest Department in the 1970s in the wake of a growing consciousness the world over about environmental degradation. Unfortunately, in this narrow consciousness traditional forest dwellers continued to be viewed as 'outsiders' who must be kept out of the forest in order for it to be preserved, while the reality was actually contrary to this understanding.

A new set of conservation laws in the form of the Wildlife Protection Act 1972, and the Forest Conservation Act 1980, were put in place, severely restricting access of adivasis and forest dwelling communities to the forests in and around which they were living. Many areas of land were classified as 'forest' though they were not actually forest or were already under cultivation. Today, of the total forest cover of more than 750,000 sq km (of which 71% is inhabited by adivasis) more than 80% is categorised as reserved and protected forests. About 23% of this area is categorised as Protected Areas - mainly wildlife sanctuaries and national parks - that have displaced around half a million adivasis.

As a result, these communities for decades have been facing the threat of eviction from lands that are in their possession but to which they have no legal right. Apart from the forest laws that continued State ownership of forests after independence, what complicated the problem was the inability of the forest and revenue departments to follow existing notifications and settle the rights of communities in forest areas, as well as the widespread alienation of forest dwelling communities due to acquisition of land for development and industrial projects. Thus, for over a century, millions of forest dwellers in India have been living as 'encroachers' on their own ancestral lands.

The year 2006 will go down in the history of the Indian Parliament as the year in which landmark legislation was created: The Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act. This act, which was passed after a consistent countrywide struggle and campaign, recognises forest rights and occupation in forest lands of tribes and other forest dwelling communities that have been traditionally residing on these lands.

The process of drafting this bill was preceded by a long and consistent campaign by forest dwellers and people's groups across the country. The campaign picked up pace in 2002 when the Ministry of Environment and Forests (MoEF) directed all states to evict 'encroachers' from forest lands. Based on this order, the Forest Department brutally carried out eviction drives over lakhs of hectares.

In response to these evictions a nationwide campaign was launched and a



coalition of community based organisations from 11 states, called the Campaign for Survival and Dignity (CSD), came together against the forced evictions. During campaigning for the 2004 parliamentary elections, persistent lobbying had built up pressure within political parties to regularise the rights of forest dwellers. Thus, in February 2004, the National Democratic Alliance (NDA) government issued new orders to recognise forest rights though this was largely an election gimmick. After coming to power in 2004, the United Progressive Alliance (UPA) government's Common Minimum Programme called for a halt to evictions and spoke of recognition of forest rights.

In the same year, in an affidavit filed in the court in response to the Intervention Applications filed by people's groups in the ongoing Godhavarman case, the MoEF finally admitted that during the consolidation of forests, "the rural people, especially tribals who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, these tribals have become encroachers in the eyes of law".

Through sit-ins and nationwide demonstrations, adivasis and peoples' groups continued to pressurise the government in power for some action till the prime minister directed the ministry of tribal affairs to draft legislation on forest rights.

On June 3, 2005, the tribal affairs ministry put up on its website the draft of the Scheduled Tribes (Recognition of Forest Rights) Bill 2005 and invited comments from the public. Though the debate about the bill had already begun in April based on letters leaked from the MoEF, it intensified after the internet posting. Those involved in the debate included the ministry of forests and the ministry of tribal affairs, forest rights activists, conservationists, academicians, intellectuals, and bureaucrats. While most people were demanding changes in the bill, the wildlife conservation lobby was completely against the entire bill.

The bill was introduced in the 2005 winter session of Parliament, and a Joint Parliamentary Committee (JPC) with 30 Members of Parliament from various parties was formed to review the bill and admit submissions from concerned parties. The JPC received comments and had meetings with several groups, experts and activists. The bill, with the JPC's recommended changes, was presented in the Lok Sabha and Rajya Sabha on May 23, 2006.

Some of the most contentious and debated points in the bill were: inclusion of 'other forest dwelling communities' along with scheduled tribes, as beneficiaries; the cut-off date for regularisation of rights; and the role and powers of the gram sabha in identifying bonafide residents and in management of forest resources.

During this entire period, people continued campaigning for the legislation. *Jail bhara andolans* were held in several states. The left parties, as partners of the UPA, played a critical role in supporting people's groups and maintaining the pressure on their coalition partners.

On December 15, 2006, a year after it was introduced, the bill was finally

passed in Parliament. This was considered a victory for the long people's struggle. However, there was major disappointment over some serious changes that were made in the draft bill before it was passed. The JPC had made some important recommendations that were not taken into consideration. The most critical of these was the dilution of the powers of the gram sabha, re-definition of eligibility criteria, exclusion of some non-Scheduled Tribes, and deletion of the rights of the forest dwellers to fuel wood. On December 29, 2006 the Act received Presidential assent.

However, even as indigenous peoples and forest dwellers of this country were awaiting implementation of the Act, and the formation of Rules in a just and participatory manner, the Act was sabotaged by pressures from the wildlife conservation lobby. In November 2007, the UPA government formed a sub-committee of the National Board for Wildlife, to review the implications of this Act for wildlife conservation. After much delay and consistent pressure from the Campaign the rules were finally notified in January 2008. However, there has been great disappointment with the changes in the notified rules.

This document is a compilation of the processes that played a critical part in the build up of the Campaign for Survival and Dignity, which finally led to the creation of this legislation. Before going over recent developments, it is important to trace the history and some aspects of the issue of 'forest rights'. The next chapter of this document provides a historical sketch of forest rights and their status in India. Chapter 3 discusses in detail how the Campaign evolved and the various strategies and events before and during the build-up to the forest rights bill. It explores the role of parliamentary committees, civil society groups and other mechanisms in expressing the demands of the people. Chapter 4 outlines the key campaign processes through voices from the Campaign. Chapter 5 gives two case studies, examining the build-up in Rajasthan and Maharashtra, which have a much longer history of struggle for access to and rights over forests.

# 2

## FOREST RIGHTS IN INDIA

The history of forest dwelling communities in India, who are mostly adivasis, is rife with exploitation that has undermined their very survival and dignity, and can be traced to pre-colonial times. Adivasis in many regions of the country live in enclaves, a process which began when the dominant clans and communities began to invade the fertile plains and the adivasis or 'aboriginal' people of India got driven further and further away, into the hilly regions and forest areas.

### *The Colonial Period – Indian Forest Act, 1927*

In colonised India, these communities and their livelihoods were threatened yet again, as the colonisers saw the extensive forest areas as a major opportunity for revenue and timber. In the 1800s, the British imperial government started 'settlement and survey' of lands, including forests, with the creation of the Forest Department. The main objective was supplying timber for railways and ship building. The law stated that at the time a 'forest' is declared, a single official (the Forest Settlement Officer) is to enquire into and 'settle' the land and forest rights that people had in that area, a feat that was impossible to achieve across the length and breadth of the country. The Indian Forest Act (IFA) 1927 was the mechanism under which this process was carried out. It was during this period that regions like Kumaon and Chhotanagpur saw uprisings as huge tracts of forests were declared 'reserved' for use by the colonial regime.

### *The Post Colonial Period - Continuation of the Indian Forest Act*

Post independence, the same law continued governing forest areas. In fact the IFA was extended even to Scheduled Areas (which were dominated by Scheduled Tribes) under the fifth schedule of the Constitution, as well as to the princely states. The process of land acquisition begun under the British continued after independence and between 1951 and 1988 the colonial-era IFA was used to bring an area of 26 million hectares under the regime of the Forest Department.

The combination of unsettled rights and absolute power in the hands of the

State created a sense of insecurity among forest dwelling communities, who were subjected to harassment and assaults by the State because they were 'illegal occupants'.

### ***The Conservation Laws***

#### **Wildlife Protection Act 1972 and Forest Conservation Act 1980**

The situation only worsened with the Wildlife Protection Act, 1972, and then the Forest Conservation Act, 1980, which were hailed as legislations that would achieve forest and wildlife habitat conservation in India. Suddenly, a Forest Department that was selling forests for revenue, was given the responsibility of 'conserving' the forests. Unfortunately, the communities whose stake in conservation was almost invisible till then (and who depended most on these resources and thus had been protecting them for years) suddenly became visible, but as exploiters of, and encroachers in, the forests. Under the provisions of the Wildlife Protection Act, 1972, large forest areas were brought under the protected area network of national parks and wildlife sanctuaries that were to be human-free, wilderness zones. Many thousands of communities were displaced from these 'conservation zones'.

While the Wildlife Protection Act, 1972 produced the concept of 'human free wilderness zones', the Forest Conservation Act 1980 further restricted the right to use the forests for 'non-forestry purposes'. It was as a part of this legislation that the procedure of 'forest clearance' was outlined. Private as well as government parties wishing to divert forest land for any large or small development project had to seek permission to do so. While this did slow down the pace of diversion of forest land for environmentally destructive projects, it also curtailed access to forests for non-timber forest produce, fuel and fodder by local communities and, more importantly, it halted the regularisation of existing 'forest lands' that were already under cultivation.

Superimpose on this scenario the fact that according to the Forest Survey of India, between 1951 and 1981, 4.238 million hectares of forest land was diverted to non-forest use. This includes 1.618 million hectares that was diverted for large projects like dams, industries and highways. The people displaced by these projects – once again, forest dwelling communities - have had to 'encroach' on new forest lands as they were never rehabilitated.

While regions like Jharkhand and Uttarakhand saw militant struggles in the British period, the early 1900s saw several communist led adivasi mobilisations, which contextualised the demand for land and forest rights in the context of exploitation by feudal landlords and the forest mafia. Independent India had attempted to set up mechanisms, in the form of the Fifth and Sixth Schedules in the Constitution, to ensure that adivasis had the right to govern their own lives. However, the natural resource use was still governed by the colonial Forest Department.

In response, the forest areas of the country have seen increasing clashes between communities and the state forest departments, and also the rapid growth of extremist leftist activity. The growth of the Maoists (armed political rebellion) in the Central Eastern belt, and other heavily forested parts of the country, took place post-independence to challenge feudal structures and to assert power by ownership over land and forest resources. According to a report of the Centre for Science and Environment (CSE): 'About 15 per cent of India's forests from Andhra Pradesh, eastern Maharashtra to Jharkhand, Chhattisgarh, Madhya Pradesh and Orissa, are under the control of the Naxals.'

### ***The Social Forestry Phase***

A few decades after independence, a new phase of the struggle for adivasi rights began that was dominated by voluntary organisations and local level struggles for alternative forms of management and community control over resources. Creation of spaces for informal systems of management within stringent conservation legislations saw the emergence of 'social forestry' and 'participative community management' (see box on 'Social Forestry and JFM'). The National Forest Policy 1988 spoke of some of these principles as well.

Following the adoption of the National Forest Policy Resolution in 1988, consultations began to amend the Forest Act. The contents of the proposed Conservation of Forests and Natural Ecosystems Bill (CFNEB) became public in 1994. Despite the extensive references to participation in forestry programmes (especially under the Joint Forest Management (JFM) programme from 1990) the bill reasserted the control of the forest bureaucracy. The controversial 1994 bill was never introduced in Parliament.

### **Social Forestry and Joint Forest Management**

The National Commission on Agriculture, Government of India, first used the term 'social forestry' in 1976. Social forestry was introduced as a 'scheme' under which the Forest Department sought to raise plantations of quick growing species on all available private and community lands outside forest areas to ensure environmental protection. However, the scheme failed to take into account the fact that communities dependent on forests are generally the landless and the most marginalised. By assisting only landowners the scheme further alienated the marginalised sections of rural communities.

The increasing international pressure and national level struggles demanding rights over forests, led to the emergence of the concept of Joint Forest Management around the mid-1980s. The primary, but not overtly stated, objective of the programme was to attain maximum tree cover. Since communities were seen as the main destroyers of forests, it was proposed to include them in planning and implementation of the project. In some states where people's rights over forest use were totally extinguished through earlier state actions, this provided an opportunity to use and manage forests. In states where indigenous systems of forest use and management had survived, either due to government apathy or due to a history of struggle (as

in Orissa and Uttarakhand), this programme proved to be detrimental to community interests. Locally, they lost out on the rights they enjoyed solely over legally recognised categories of 'village forests' like *gramya jangal* in Orissa and *van panchayats* in Uttarakhand. At the national level, the scheme put an increasing pressure of debt due to loans from the World Bank.

However limited in scope, even if some areas managed to develop their resources under these schemes, the communities were unable to sustain the development due to lack of long-term perspective of the department.

### ***The Report of the SC-ST Commission***

The real breakthrough occurred with the 29th report (1987-89) of the Scheduled Castes-Scheduled Tribes Commission by B D Sharma, then Commissioner of Scheduled Castes and Scheduled Tribes. He broke the silence on the issue of the adivasi-forest areas, bringing to the government's notice the different disputes related to forest land between adivasi people and the State and proposing a framework for resolution of the disputes.

Based on these recommendations, the Ministry of Environment & Forests (MoEF) issued a set of six circulars on September 18, 1990. Besides making a clear distinction between 'encroachers' and those with disputed claims, the 1990 orders also recommended that the claims could be verified in consultation with gram sabhas. In essence, the 1990 guidelines provided that any State orders for regularisation of pre-1980 claims could be implemented.

Not much was done by the MoEF to ensure the implementation of these circulars, which more or less went into oblivion, as admitted by the MoEF itself in its affidavit filed in the Supreme court. The only states that undertook any significant action under these circulars were Maharashtra and Madhya Pradesh. Further, only one of the six circulars relating to 'encroachment' was implemented, while the others were not implemented at all.

### ***The Godhavarman case and MoEF orders for eviction***

The position of the MoEF became glaringly obvious in May 2002 when it directed all states to evict 'encroachers' from forest lands. Based on this order, the forest department brutally carried out eviction drives and according to MoEF figures, 1.52 lakh hectares of encroachments from forest lands were removed over a span of 18 months. This order was preceded by, and supposedly based on, a series of Supreme Court orders in the famous Godhavarman case.

In 1995, the Godhavarman public interest litigation (PIL) was filed, to stop commercial interests from encroaching upon forests. In 1998, the Supreme Court created the Centrally Empowered Committee to look into what came to be known as the 'forest case', in which a series of interventions were filed, including one on illegal occupants. In response, the Supreme Court ordered a halt to regularisation

of encroachments. The MoEF interpreted this as an order to evict encroachers, without considering its failure to implement its own 1990 orders.

Adivasi land alienation, migration, and ecological deprivation greatly accelerated in the era of economic reforms and growing liberalisation and privatisation. It is important to note that the biggest threat that adivasis and other forest dwelling communities have faced in the last two decades is displacement from their habitats as corporate interests take over land and forest resources for industries and mining projects. It is in this context that the adivasi rights movements have seen an upsurge, with access to and ownership of land and forest resources becoming central to their discourse. And it is in this period that the Panchayats Extension to Scheduled Areas Act (PESA) was evolved and introduced to give greater control to gram sabhas in adivasi dominated areas.

The National Front for Tribal Self Rule, a coalition of activist groups working on adivasi rights issues, that came together to ensure the implementation of the Bhuria Committee report, played an important role in the evolution of PESA. A decade later, in 2003, the same people's organisations, with the addition of many new ones, came together as the Campaign for Survival and Dignity, to demand recognition of forest rights for forest dwelling communities.

PESA was an attempt to decolonise the government and Panchayati Raj. It talked of real participatory democracy for the first time. It threatened the overall politico-socio-economic framework that was in place, especially in adivasi areas. While today PESA is largely spoken of as a legislation that has not been implemented, organisations that advocated and fought for it see the Act as having played an important role in providing the space for intensifying the conflict in adivasi areas and creating the political environment for demanding territorial rights, apart from the right to rule.

However, not PESA nor any of the existing Government Resolutions (GRs) or circulars were strong enough to ensure the rights of the forest dwelling communities in the face of a Supreme Court that was beginning to take positions that were strongly anti-people and in favour of 'forest conservation', viewing all occupants of forest lands as responsible for the destruction of forests. The need for a legislation that also challenged the colonial framework of forest land governance put in place by the British became more apparent at the time that forced evictions were being carried out.



# 3

## **THE CAMPAIGN FOR SURVIVAL AND DIGNITY**

The Campaign for Survival and Dignity (CSD) evolved as an organic and open process of politicisation of adivasis and forest dwellers in response to the evictions that occurred after the 2002 orders of the MoEF. Many of the groups and activists who became constituent members of CSD – as for instance, Bharat Jan Andolan, Adivasi Mukti Sanghatan, Kashtakari Sanghatan - were part of the National Front for Tribal Self Rule (NFTSR), a network formed in 1993 with the aim of fighting for legal recognition of self-rule, which culminated in PESA. After the recommendations of the Bhuria Committee report, which the government failed to implement, adivasi activists from all over the country decided to coordinate their demand for a policy change to make tribal self-rule a reality.

After the evictions, it was felt that a new campaign was necessary. The objective of the Campaign for Survival and Dignity (a name coined before a large national level public hearing or Jan Sunwai organised in July 2003), was to respond to the eviction issue and build a platform for a larger struggle around forest rights, beginning with the 1990 circulars. Existing state federations from Rajasthan, Maharashtra, Gujarat, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Jharkhand, and Orissa, working on issues of adivasis and forest rights came together to become part of the CSD. Other groups and movements from Tamil Nadu, West Bengal and Karnataka joined in as the movement spread across the country.

The immediate goal of halting the evictions was achieved to a considerable extent when CSD members pointed out that there was no direct Supreme Court order for evictions. CSD also directly confronted state forest departments for falsely interpreting the 2002 MoEF order, and hence committing contempt of court. As a result, on October 30, 2002, the MoEF issued a letter which stated that implementation of the 1990 guidelines should continue. What followed were a series of state and national level processes to build pressure on state and central governments to stop evictions and to implement the 1990 circulars. The processes leading to the passing of the Act can be classified under the categories of



- Parliamentary and legislative advocacy
- Networking initiatives
- Direct action
- Judicial advocacy
- Media advocacy

### ***Filing of claims with the district collectors***

In a coordinated move to thwart large-scale evictions, adivasis and other forest communities at the regional level started filing claims of ownership of their lands in the offices of the respective district collectors (the designated authority under the 1990 guidelines). This process of filing claims to their lands took the shape of a mass movement, with tens of thousands of claims being filed across the country.

### ***Filing of intervention applications in court***

Groups in Andhra Pradesh, Maharashtra, Madhya Pradesh and Rajasthan filed interventions before the Centrally Empowered Committee (CEC). Some groups also filed writs in their respective state high courts (the Andhra groups even managed to get a stay on the evictions) demanding that evictions be stopped. A strategy that was also carried out across states was filing of intervention applications with the CEC in the Godhavarman case. While these did not really come up for hearing, it was a way of registering protest as well as staking a claim.

### ***National Meeting of July 2003: Building a network***

In April-March 2003, a meeting was held in Delhi attended by the Jan Sangharsh Morcha (Madhya Pradesh), Shoshit Jan Andolan (Maharashtra), Jabran Jot Andolan (Vidharba, Maharashtra) People's Union for Civil Liberties (Tamil Nadu), Jal Jangal Jameen Andolan (Rajasthan), Adivasi Mahasabha (Gujarat), Adivasi Aikya Vedika (Andhra Pradesh), Chetna Sanghatan (Uttarakhand), Sruti (Delhi), Bharat Jan Andolan (Delhi), and National Forum for Forest People and Workers (Delhi). Possible actions were discussed, and in a way, this was the beginning of the Campaign. One of the actions planned was a national level meeting which would highlight the issue amongst all groups working with adivasi and forest rights issues.

In July 2003, a National Jan Sunwai was organised in Delhi. The panellists included eminent people from various fields such as Manoj Bhattacharya, Rajya Sabha member; Prashant Bhushan, Supreme Court advocate; Jean Dreze, member of the National Advisory Council; Mohini Giri, chairperson of the National Commission for Women; Sunita Narain, director of the Centre for Science and Environment; Nandini Sundar, professor at Jawaharlal Nehru University; Usha Ramanathan, a legal scholar; Amarjit Kaur, national secretary, AITUC; Sunit Chopra, joint secretary, All India Agriculture Workers' Union; and Miloon Kothari,

UN special rapporteur for Right to Housing.

This was a landmark meeting and helped the campaign gather momentum. The report of the Jan Sunwai, which was brought out a few months later, was the first detailed document of its kind on the entire issue of regularisation and evictions, taking into account the ground realities and state level developments.

This was followed by an intensive exercise in parliamentary advocacy and lobbying where the campaign

- targeted MPs, opinion makers, and leaders in political parties, and largely succeeded in building connections with most of the major parties
- used the parliamentary spaces available (committees, motions, etc)
- maintained steady contact with some political leaders, seeing
- them as long term allies in the struggle.

### ***Parliamentary and Legislative Advocacy***

Lobbying and dialogue with the government -

In the period after the Jan Sunwai informal dialogues were initiated by CSD members with the MoEF, Centrally Empowered Committee (CEC), SC/ST Commission, and the Parliamentary Standing Committee on Forests. CSD activists believed that with the general elections around the corner, the timing was just right to create pressure on political parties to take a stance on the issue. They were right. Before the 2004 polls, the ruling party in the National Democratic Alliance (NDA) coalition, the Bharatiya Janata Party issued new guidelines for regularisation, announcing 1993 as the cut-off date. Though this was stayed by the Supreme Court, it did put the issue in focus. When the UPA coalition came to power, its Common Minimum Programme contained a statement about 'stopping of evictions of tribals from forest land', which indicated that the issue was now on the national political agenda.

This was reaffirmed when, in July 2004, the MoEF filed the detailed affidavit in the Supreme Court describing the complexity of the encroachments issue and admitting that "the rural people, especially adivasis who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, these adivasis have become encroachers in the eyes of law", and that "it should be understood clearly that the lands occupied by the adivasis in forest areas do not have any forest vegetation". It further asserted that its February 2004 circulars (refer to table on year wise developments, at the end of this section) "do not relate to encroachers, but to remedy a serious historical injustice. It will also significantly lead to better forest conservation".

Role of the NAC -

The National Advisory Council created by the UPA government for the

implementation of the Common Minimum Programme was accessed by CSD to take the issue further. Initial discussions at the NAC took place in October and November 2004. NAC convened a 'dialogue' between the MoEF and campaign activists on November 3, 2004. Among those present were Aruna Roy and Jean Dreze (of the NAC), adivasi representatives of the CSD, Pradipto Ghosh (secretary, MoEF) Nirmal Joshi, (director-general of forests and member of the CEC), Anurag Bajpai (Assistant Inspector General Forests) and Inspector General Forests. Representatives of the Planning Commission, of the ministries of rural development and of tribal affairs were also present. A meeting was also arranged with the prime minister.

#### **About NAC**

The National Advisory Council (NAC) has been set up as an interface with civil society in regard to the implementation of the National Common Minimum Programme (NCMP) of the Government of India.

The NAC comprises distinguished professionals drawn from diverse fields of development activity who serve in their individual capacities. Through the NAC, the government has access not only to their expertise and experience but also to a larger network of research organisations, NGOs and social action and advocacy groups. The Council makes detailed recommendations to the Government of India in the areas of priority identified in the NCMP and to provide independent feedback on the impact of action initiated in various sectors.

[www.nac.nic.in](http://www.nac.nic.in)

Points of agreement on the issue of adivasi rights and forest land were arrived at and the MoEF agreed to issue new orders clarifying its position on encroachments and calling for a halt to the eviction drives. The MoEF also took responsibility for drafting the legislation for verification of eligible encroachments, resolution of disputed claims and settlement of rights.

#### **Meeting with the Prime Minister -**

On November 5, 2004 a follow-up meeting with the prime minister took place with representatives of the CSD, Mr Subramaniam, private secretary to the PM, R Gopalakrishnan, joint secretary in the Prime Minister's Office (PMO), Prithviraj Chauhan, minister of state to PMO, present.

Both secretaries concurred with the delegation on the seriousness of the situation. The prime minister said that the matter was of the uttermost seriousness. He directed that evictions should be stopped and a stay should be announced on the February 2004 orders of the MoEF. Note was taken of the formation of a Standing Committee on Inter-Sectoral Issues Relating to Tribal Development. The prime minister supported the request for representation of the CSD on the committee. It was in this meeting that the prime minister spoke of legislation to resolve the issue.

In pursuance of the 'dialogue' convened by the NAC and the meeting with the

PMO, the MoEF issued new instructions on December 21, 2004 to restrain the eviction drives. However, the order still did not take a clear position on defining 'illegal occupants'.

Lobbying with MPs - Second National Meeting, December 2004 -

As different spaces in governance systems were used by CSD, a two-day national convention in which more than 1000 people participated from across the country was also organised by CSD in December 2004. Ten days before the convention started, campaign members had continuous briefings with members of Parliament, especially from the Left parties. Thirteen MPs and two ministers, Shibu Soren and Koti Lal Bhuria, attended the convention and expressed their solidarity with the issue.

It was in early 2005 that the NAC issued recommendations that said that:

- i State governments should be directed to initiate a process of pro-active verification based on participatory and transparent procedures.
- i The ministry of tribal affairs (MoTA) should provide the basic framework for proactive verification, building on Maharashtra's experience.
- i A comprehensive legislation should be drafted to give due recognition to the forest rights of tribal communities and forest dwellers.

Following this, a Technical Resource Group was constituted on the recommendation of the PMO with representatives of the ministries of Environment and Forests, Law and Legislative Affairs, Social Justice and Empowerment, Panchayati Raj, Rural Development and Tribal Affairs, as well as representatives of civil society consisting of two environmental activists, Madhu Sarin and Vandana Shiva, two adivasi rights activists, Pradip Prabhu and B D Sharma (who were members of the Campaign as well) and two legal specialists, Dheeraj and Sanjay Upadhyay. This group was to prepare the draft legislation on Forest Rights.

The NAC's recommendation of legislation that recognised the rights of forest dwellers resulted in the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act which was given final shape with the assent of all the members of the Technical Support Group. Subsequently, though, 'forest dwellers other than Scheduled Tribes in the areas scheduled for them' were excluded from the ambit of the bill.

### ***Direct Action - March 2005 agitation***

The process of drafting the forest rights bill was fairly speedy, as members of the Campaign had done sufficient homework on the issue, and were able to provide the guiding perspective. In March 2005, just before the Budget session, during which the bill was expected to be tabled in Parliament, CSD stepped up the pressure. A national *dharna* or sit-in was organised in Delhi. Forty-one MPs visited

the *dharna* site at Jantar Mantar, as thousands of adivasi and forest dwellers flowed into the capital with the demand that the bill be passed.

### ***Media Advocacy: Defending the Bill***

The mainstream English media was not really the focus of the campaign. Members of the campaign felt that this campaign was a departure from mainstream advocacy because they believed that any real change depends on the 'politics' that one is able to generate and political decisions are not based merely on media perceptions.

While the regional media was constantly fed information, and was covering the news of state level actions, the national media was issued press releases during key events in Delhi. Even as the bill was being drafted and there was a probability of it being tabled in the Budget session in 2005, the media was not really attentive to the issue.

It was around this time that the MoEF, in what is perceived as an attempt to sabotage the bill, issued letters to cabinet members, ministries and the press that stated that the bill was going to fritter away the last of the country's forests by 'giving away 2.5 hectares of forest land to every claimant'.

This was an incorrect interpretation of the provisions of the bill, but it led to an aggressive media campaign and lobbying effort by those who were not in favour of the legislation. This included conservation/environmental groups and activists, who were of the opinion that the bill would lead to destruction of forests and wildlife habitats. A few members of the Congress party, the leading party in the UPA coalition, supported this view.

The Campaign responded by briefing the media thoroughly. Reporters on the environment beat were briefed on the bill, and opinion page editors of mainstream newspapers were provided literature and documents on the issue, so that the issue progressed from news reporting to the opinion page.

Members of the campaign and those in support of the bill also wrote in with their opinions to newspapers and magazines on a regular basis, providing counter arguments to issues being raised against the bill.

### ***Dialogues with other civil society groups: Alliance building***

Apprehension about the draft law and criticism of it also came from another quarter: those who approved the bill's basic goals, but had problems with several of the clauses. The key criticism was the exclusion of non-*adivasi* forest dwelling communities. While provision for non-*adivasi* communities was made in the original first draft, this clause was dropped by the government in later drafts, which applied to forest dwelling Scheduled Tribes. Then there were recommendations by environmentalists who suggested that gram sabhas should be required to place conservation above rights. Others raised issues of gram sabhas

being dominated by powerful interests to sell out forest resources.

Despite these criticisms, the Campaign for Survival and Dignity continued to press for the law to be tabled hoping that the intricacies could be addressed at a later stage, perhaps at the time of rule making.

However, to communicate and discuss these apprehensions, dialogues were organised with environmental groups as well as others and statements of solidarity with the Campaign in support of the draft bill were issued by several organisations. Efforts were made to create a support lobby within environmental groups that were apprehensive about the legislation, and this was fairly successful.

### ***Tabling of the Bill and Creation of the Joint Parliamentary Committee***

It is important to understand that while the Campaign created consistent pressure through street action and lobbying, internally the government was under pressure to seek a solution to the Maoist insurgency in adivasi areas. Campaign members provided the government a perspective on the unrest in adivasi areas, attributing the widespread discontent to the non-recognition of rights of forest dwellers and their continuing repression by the forest department.

The bill was finally tabled in the winter session of Parliament, in December 2005. A critical step that was taken by the cabinet was the constitution of a Joint Parliamentary Committee (JPC) under the chairmanship of Kishore Chandra Deo.

The first sitting of the JPC was held on January 16, 2006.

- The JPC was briefed by representatives of the ministry of tribal affairs on the bill and the need to enact it.
- Considering how sensitive the issue was, the JPC decided that a press communiqué might be issued in all national dailies and leading newspapers inviting comment from experts, organisations, associations, NGOs and the general public on the various provisions of the bill. The press communiqué would also be given wide publicity through All India Radio and Doordarshan.
- Letters inviting suggestions / comments on the provisions of the bill were also issued to all state

#### **Parliamentary Committees**

A Parliamentary Committee means a Committee which is appointed or elected by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its report to the House or to the Speaker and the Secretariat for which is provided by the Lok Sabha Secretariat.

By their nature, Parliamentary Committees are of two kinds: Standing Committees and Ad hoc Committees. Standing Committees are permanent and regular committees which are constituted from time to time in pursuance of the provisions of an Act of Parliament or Rules of Procedure and Conduct of Business in Lok Sabha.



governments/Union Territory administrations.

In all, 109 memoranda containing comments/suggestions on the various provisions of the bill were received by the committee from various sources. The committee also took oral evidence from representatives of various organisations and individuals.

This platform was used by all concerned groups and activists to put on record their suggestions on the draft bill, and many of the suggestions were incorporated in the final draft. Members of the Left parties, who were also a part of the JPC, played an important role in maintaining pressure for the legislation to be taken seriously.

### ***Continuing the struggle to keep the pressure on***

Jail Bharo Andolans and State Protests -

This process with the JPC continued for a few months. The Campaign had expected the bill to be tabled during the monsoon session, but when this did not happen, a series of protests and *jail bharo andolans* were organised.

In May 2006, the Campaign spearheaded a national mobilisation demanding acceptance of the JPC report. In August 2006 a week long *dharna* was held in Delhi to demand acceptance of the JPC report. CSD activists again staged a month-long *dharna* from November 21 to December 19, 2006, in Delhi, demanding the passage of the Act. November 29, 2006 was declared as the National Day of Action, and more than 10,000 people participated in rallies in Delhi, Mumbai, Ranchi, Bhubaneswar and Bangalore.

On December 6, 2006 protests were held in Nagpur and in Bhopal (the latter by the Gondwana Ganatantrak Party) where the forest bill was on the agenda. More than 20,000 people showed up for the Bhopal protest meeting. The next day, December 7, more than 5,000 people courted arrest as part of the Campaign's *jail bharo andolan*, and many more were prevented from reaching the city by the police. In Rajasthan, protests continued and culminated in a mass *jail bharo andolan* in Udaipur. In Bhubaneswar, 7,735 people from 23 districts courted arrest in front of the State Assembly. In Gujarat, protests in five districts - Sabarkantha (3,500 people), Dangs (1,500), Godhra (3500), Rajpipla (4000), Surat (1500) - culminated in a protest at Vyara where 3,000 people courted arrest on December 8, 2006. Gujarat's protests saw more than 17,000 people court arrest. Protests were also held in West Bengal, Jharkhand and Chattisgarh. All the protests received widespread local media coverage and support from a large number of political parties.

On December 7, approximately 5,000 people demonstrated at Jantar Mantar in Delhi as well. The Delhi protest received support from several political parties and was addressed by the tribal affairs minister.

Finally, on December 18, 2006 the Bill was passed after being tabled in Parliament on December 13, 2005.

Registering dissatisfaction with the shortcomings in the notified Act -

The passing of the bill was considered a victory for the long people's struggle. However, there was major disappointment over some serious changes that were made in the bill before it was passed. Some important recommendations of the JPC were not taken into consideration.

The key points of contention and dissatisfaction with the bill that the campaign raised were:

- Definition of 'tribals' in the forests – not adequate to distinguish between genuine forest dwellers and land grabbers.
- Dilution of powers of the gram sabha.
- Contiguous applicability of unfavourable laws.

The Campaign had to once again step up the agitation to register its dissatisfaction with the gaps that existed in the draft Act and the one that was notified. From May 11 to 14, 2007 there were protest mobilisations in states demanding amendments to the Act and notification of the Rules. This was followed by a National Convention on Forest Rights on August 21, 2007.

On October 2, 2007, the Campaign once again sought *jail bhara andolans* across states to demand amendments and just and effective rules. Campaign activists staged a week-long *dharna* in Delhi from November 23-30, 2007 with the same demands.

#### ***Working on the Rules – the process ahead***

While members of the Campaign are a part of the Rules Committee of this Act, and are trying to address the shortcoming in the rules, they are apprehensive. They say they don't know whether their suggestions have been incorporated in the rules because everything is kept under tight wraps. The draft rules were displayed on the web for comments and members submitted their comments, but they don't know if they have been accepted.

Yet again the Campaign is relying on building up pressure at the regional level. In the states, groups are now gearing up for *jungle hadtaal*, a mass courting of arrest and refusing to vacate jails till rules are framed and implemented properly. "Cadre building requires strong internal solidarity and external support. In some places there is a great extent of political exchange. Success will now depend on the political situation at various levels" says Pradip Prabhi, Convener of the Campaign.

Currently the campaign is focusing on:

- consensus building at the state level
- building wider solidarity and support
- greater political consciousness for *jail bhara andolans*
- greater political consciousness outside the campaign
- identifying different methods of negotiation.



**Table 1 : Year-wise description of the various developments and their impacts on forest rights**

Year	Developments
1927	Indian Forest Act: The government "can constitute any forest land or waste land which is the property of Government or over which the Government has proprietary rights, a reserved forest, by issuing a notification of this effect". Settlement of rights not carried out and large areas remain unsurveyed.
1972	Wildlife Protection Act that provided for creation of inviolate Protected Areas and wildlife habitats whereby adivasis and forest dwelling communities lost access to their lands and livelihoods based on forests. Yet again settlement of rights not carried out in most Protected Areas.
1980	Forests Conservation Act (FCA): (simultaneously, the 42nd Constitutional Amendment shifts forests from the "State List" to the "Concurrent List"). The FCA prohibits non-forest use of forest land without central government approval. Also advocates "sustainable forest management through participatory approach", with "due regard to the traditional rights of the tribal people on forest land".
1988	National Forest Policy recognises the need for participatory governance of natural resources and forests as against the earlier model of exclusion of communities.
1990, May 28	Dr B D Sharma, Commissioner for SCs and STs, submits the 29th Report on the conditions of SCs and STs and forest related disputes.
1990, Sep 18	MoEF issues six sets of guidelines (the 1990 Guidelines) in pursuance of the National Forest Policy and Dr B D Sharma's letter. FP(1) deals with 'encroachment on forest land', FP(2) with 'disputed claims', FP(3) with leases/ <i>pattas</i> and FP(5) with conversion of forest villages and settlement of old habitations.
1991, Oct 28	Committee constituted by Supreme Court to investigate claims of adivasis for regularisation of encroachments files its report concerning evidence to be examined and criteria for regularisation. This committee only concerned one district of Maharashtra.
1991, Oct 28	Supreme Court in its order expressly directed that the

	competent authority must enquire into the claim even in cases where claims are not accompanied by documentary evidence.
1990-2001	State governments fail to implement 1990 guidelines. Lack of clarity about guidelines and verification procedures persists. Issues of "encroachments" and "disputed claims" remain unresolved. The encroachments issue dominates MoEF attention while the question of disputed claims and related matters are lost sight of.
2001, Nov 23	<i>Amicus curiae</i> files IA 703 in the Godhavarman case (Writ Petition © No.202 of 1995), which seeks to restrain "regularisation of any encroachments" as well as "further encroachments", and "steps to clear the encroachments in forests which have taken place after 1980".
2001, Nov 23	SC registers IA 703 and states that "there will be an interim order in terms of the above prayer". However, there is no SC order directing the states/Government of India to evict "encroachers" from forest land.
2002, Feb 18	SC directs chief secretaries to file a reply to IA 703. <sup>1</sup>
2002, May 3	Letter of Inspector General of Forests (IGF) instructs state governments "to evict the ineligible encroachers and all post-1980 encroachers from forest lands in a time bound manner". This letter refers to the SC order of Nov 23, 2001 in IA 703, and apparently created an impression that the SC had ordered the states to evict "encroachers" from forest land. This triggered a wave of brutal evictions around the country.
2002, Oct 10	Maharashtra government issues an order laying down a Comprehensive Procedure for verifying claims for regularisation by a village level committee that must take the gram sabha's views into account.
2004, Feb 3	MoEF issues supplementary guidelines aimed at "stepping up of process for conversion of forest villages into revenue villages".
2004, Feb 5	MoEF issues supplementary guidelines "to encourage the

<sup>1</sup> The order reads: "the Chief Secretaries of Orissa, west Bengal, Karnataka, Tamil Nadu, Assam, Maharashtra, Madhya Pradesh, Chhattisgarh and Kerala are directed to file a reply to this I.A., in so far as it concerns the said states in relation to the steps required to be taken by them to prevent further encroachment of forest land and in particular land in the hilly terrains, national parks and sanctuaries, etc. It should also be indicated as to what steps have been taken to clear encroachments from the forest which have taken place at an earlier point of time. Affidavits be filed by the said States and the Union of India within four weeks."

2004- 2005 Feb	state governments/Union Territories administrations to take up the matter of settlement of rights of tribals and forest dwellers in the right earnest and perspective". However, these guidelines (and the February 3 guidelines) are stayed by the Supreme Court on February 23, 2004. Lobbying with MPs and PMO which leads to decision by the PMO that the MoTA with the help of a Technical Support Group (TSG) will draft a bill for recognition of forest rights.
March - April 05 April 2005	TSG submits draft bill but government changes TSG draft. Controversy begins after MoEF leaks internal letter to the press on its concerns about loss of forests as a result of the new law being passed.
May - Dec 2005	Struggle for bill's tabling, evictions at very high pitch across forest belt.
May 2005 and Nov 2005, Dec 13, 2005 Dec 2005	New MoEF guidelines issued in order to pre-empt bill. Bill tabled in mangled and diluted form in Parliament. Bill referred to Joint Parliamentary Committee.
Jan 2006 -May 06	JPC deliberates, takes inputs from civil society and people's groups and makes its recommendations (May 23).
June 2006 - Dec 06 Dec 18, 2006	Negotiations and struggle for implementation of JPC report; series of national mobilisations. The law is passed in Rajya Sabha after being passed in Lok Sabha on December 15; many major recommendations of JPC accepted, some key issues dropped.
Feb - May 2007	TSG on Rules convened and begins drafting; submits draft on May 11.
June 19th, 2007 June - Aug 2007	Rules put up for public comment. "Public comment" period; agitations begin, evictions on the rise in several states.
Aug 2007- present January 2008	Efforts at delaying Act and sabotage through critical wildlife habitat guidelines etc; evictions continue to rise in intensity. Rules of the Act Notified

Source: **Tribal Evictions from Forest Land** by Jean Dreze, 2005. Paper prepared for discussion in the NAC. Additional inputs and update from Shankar Gopalakrishnan.

# 4

## KEY CAMPAIGN PROCESS

### *Political action*

The history of forest rights has been rooted in people's struggles and the member organisations of the Campaign and individuals clearly view the forest rights act as a consequence of the last 200 years of adivasi struggle. Coming together in the form of the Campaign for Survival and Dignity was essentially a political response to the immediate crisis of forced evictions on a mass scale, and the long pending issue of territorial and ownership rights. "The Act emerged as the proactive and political response to the historical situation of the forest dwelling communities. We realised that the situation was ready and possible and in a sense, it was a historical moment that required a strategic intervention." Says C.R Bijoy, member of the Campaign.

Perhaps the timing was also helpful. With general elections due in 2004, it was possible to pressurise both major political parties who had taken a stand on regularisation of forest rights.

### *Mass mobilisation*

The campaign's success is based on a combination of political articulation and mass mobilisation and action – both were done consistently over the past few years. While the groups that formed CSD came from different parts of the country, with diverse contexts, they had a shared history of exploitation by the State in the colonial as well as post-colonial period. The multiplicity and diversity of local organisations helped motivate the campaign not so much because they shared a common ideology, but by the varied situations and contexts itself. This could be seen as one of the strengths in the process of the campaign.

Some activists of the campaign viewed advocacy as elites mediating influence in favour of the poor and the marginalised. "We say that advocacy is good, but you have to also move into the realm of struggle. That will give advocacy some merit. Struggle helps people seek the law, obtain the law and own the law and through that ownership ensure the exercise of that law," they say.

### ***Realistic assessment of goals and objectives***

Another important aspect that was stressed by campaign members was to have a proactive process rather than to only react to certain agendas set by the State in any political action. In order to do that, it is important to critically assess what objectives and goals are achievable. Being proactive does not necessarily mean coming up with alternatives. "An alternative Act and policies is not the only thing we need. Alternative *processes* are more important" added Bijoy. Further, the campaign was based on well documented facts and was not a populist debate. This includes the processes of decision making within the campaign.

### ***Processes of decision making***

"The campaign has followed a steady 'non-appropriative' path. It is difficult to explain these processes. But all of us are like comrades. There is no one-upmanship. There is trust and support. Everybody does it in different ways – there is no prescribed way to do it. This is important for these kinds of processes" stated Shankar Gopalakrishnan.

CSD members say that they never really sat down and decided the procedures and guidelines for the functioning of the campaign. Most of the decisions and strategic discussions have been taking place through a process of informal collective consultation over the last two-and-a-half years.

Essentially, there are three methods CSD uses to maintain communication:

- An internal mailing list – which is not used for decision making but for passing information and having preliminary consultations.
- Telephone consultations are held for making tactical decisions.
- National meetings are held every two or three months for major and important decision making.

A collective of about 40 people representing different state federations/groups has been formed in order to take decisions on behalf of the campaign in urgent matters.

### ***Membership***

The membership of the campaign is mostly state based with diverse and heterogeneous groups. The campaign has taken the form of organised processes only in the last three years or so. "It's essentially a people's process with the strengths and limitations of such a process. It has its own pace. It was a disparate process and not a formal and organised one. Many cards fell in place" added a member.

There is no restriction on funded NGOs becoming members of CSD as long as they are active on the issue. For instance, the Gujarat Adivasi Mahasabha, a state federation with about 70 constituent members has a majority of funded NGOs. "However, we are conscious of the fact that they do not assume a dominating role

(more than the others) in decision-making processes," says a campaign member. That decision making power lies with the mass-based groups.

Apart from having influential and well connected people like B D Sharma and Pradip Prabhu, the campaign also had a mass base and a consistent lobbying effort centred in the capital and the states.

### ***Networking and building alliances***

Outside the CSD is a circle of groups/NGOs/individuals who play an important role in providing necessary support and solidarity to CSD. They are not necessarily identified as part of CSD, but are 'friends' of the campaign, as for example organisations such as Sruti, Other Media, PEACE, Delhi Forum and Indian Social Institute.

National conventions and public meetings/dialogues are a way to reach out to the larger network of groups and individuals who may be concerned or interested or are working on the issue.

"We have organised several national conventions in the last four years, which saw large-scale participation from other groups and we, too, participated in meetings on forest rights issues organised by other groups and networks to share our views."

"The campaign continuously tries to reach out, include, accommodate – because unless we reach more and more people, the rights of people will not be achieved."

### ***Resource mobilisation***

CSD is essentially funded by members' state federations. Conventions are funded by contributions from participants. Local groups manage the local fundraising. Organisations such as Sruti and Other Media give secretarial support.

"We do not take very staunch positions on not accepting financial support from NGOs. However, this is generally treated as a one time support and we do not get into any formal agreements or projects with financial implications."

### ***Sustaining the campaign***

The campaign is currently involved in the rule making, monitoring and implementation of the Scheduled Tribes Act. It intends to continue doing so till there is a need for this, and whenever it is required. Efforts are also on to expand the agenda of the campaign by taking up issues like special economic zones (SEZs) etc.

Political formations are created at certain critical times and they die a natural death unless a conscious effort is made to sustain them; CSD has decided to make such an effort. "If the campaign fails to mobilise people politically, it will not continue. This is not a uniform process at the local level: there are micro-realities. We will continue to exist as long as we can continue to mobilise people politically."

# 5

## CASE STUDIES

### *1. Rajasthan – The Jal Jangal Jameen Andolan*

Movements in specific states have been demanding rights of ownership over adivasi possessions for almost two decades. In Rajasthan, it was the Jal Jangal Jameen Andolan that evolved in the mid 1990s, after an Udaipur based group, in its interactions with adivasi communities of the district realised that the most critical issue the adivasis faced was harassment by the Forest Department in the absence of ownership rights.

In Rajasthan, the Rajasthan Land Reforms and Resumption of Jagir Act, 1952, which conferred ownership rights of lands to the tillers, was immediately followed by the Rajasthan Forest Act, 1953. This Act converted adivasi forest rights into concessions and hence declared the adivasi tillers to be trespassers. While the Act required the Forest Department to undertake settlement procedures, this was overlooked by the department.

In 1978, a government notification ordered that all tribal possessions before 1971 be regularised. However, only 1,506 tribal possessions were regularised, while thousands remained pending.

In 1991, the Rajasthan government issued another notification on the lines of the 1978 order, ordering regularisation of all tribal possessions where cultivation had begun prior to 1980. This notification was not made public by the Forest Department till the end of its implementation period, in 1995. In the meanwhile, the Forest Department identified only 11 persons for regularisation.

The Jal Jangal Jameen Andolan (JJJA) which was formed to take up the issue of recognition of forest rights organised its first street action in 1995. More than a 1000 people assembled in Udaipur and demanded that the state government extend the implementation period of the 1991 Rajasthan government GR.

The JJJA undertook a survey to estimate the number of adivasis who held such land. They submitted detailed information of 15,000 valid possessions to the tribal commissioner of Rajasthan. They took out a rally in Udaipur, and submitted block-



wise files of each applicant with evidence to the tribal commissioner.

The government took no action. So, another indefinite *dharna* was started in front of the tribal commissioner's office in Udaipur in February 1996. Nearly 5000 people came walking from their villages and refused to withdraw their agitation till they received concrete assurances from the government. The tribal commissioner was pressurised to order the Forest Department to conduct a survey of the claimants. The Forest Department organised camps at the forest check posts and asked people to submit details there. News about these camps was spread by the Andolan's *karyakartas* who also monitored the camps. At most of the camps the officers who were to carry out the procedures were absent. At the end of the survey, 9000 people were identified through these camps, of which 4000 applications were rejected by the Forest Department.

Despite the surveys, the state government took no concrete action towards regularisation. At this time the Godhavarman case was already in the Supreme Court, and it was not in favour of regularisation. The JJA continued to protest in various forms. At the state level, a network of support organisations was built to lend solidarity to the JJA and the issue. Over the years the movement spread to other districts of Rajasthan – Rajsamand, Dungarpur, Bansvada, Pali, Sirohi and Chittorgarh.

Another list of 8,988 people was submitted to the tribal commissioner, but again, all they received were verbal assurances.

The May 2002 order of the MoEF ordering sweeping evictions was a turning point in the struggle. Fearing large-scale evictions, the JJA, like other groups from different states, sought support from a larger force and joined hands with the Campaign for Survival and Dignity so that they could build pressure at the national level.

After the 2003 Jan Sunwai, the JJA filed legal claims with the Collector. In Udaipur, 9000 claims were filed in a single day. The collector ordered block-wise benches to accept the claims. These claims were then submitted by the Collector to the Forest Department. Since then, there has been no reply from the Forest Department. However, JJA activists feel that these claims can be used as records whenever there is a directive from the government in the future.

Till 2003, the JJA had submitted 17,608 claims to the state government. While the government said it had sent 5,395 claims to the central government, it made people shuttle from one office to another in search of the list of names.

Since 1996, JJA activists have tried to engage with three successive state governments to address the issue. State-level lobbying intensified during the 2004 general elections, when JJA organised public meetings or *jan sabhas* where all political parties were asked to take a stand at the state level on the issue of evictions. This process of building pressure from the local level on political parties and representatives was carried out in almost all states as a part of the campaign.



## **2. Maharashtra – The Dali Land Struggle**

In Maharashtra, the history of acquiring land that originally was used by the adivasis, dates back to British times. In 1887 the Forest Commission noted that over 400,000 acres of adivasi land was acquired by the state in Thane district alone. No procedure of land settlement was carried out through the various stages of land usurpation by the State – be it the merging of former princely states with independent India, or lands taken up for industrial or development projects.

However, the Forest Department did recognise that protecting the forests would not be possible without the support of the adivasis. So it decided to allot *Dali*<sup>2</sup> plots to the adivasis in Raigad district in 1884. *Dali* cultivation had been stopped in 1878, but the allotment was resumed after a number of petitions made by *dali* cultivators to the British government. Similarly, Woodland plots in Thane, Fire line, Pillar line and Agro Silvi plots in Nandurbar district were also allotted to the adivasis in 1895 so that those allotted the lands would protect the adjoining forests while cultivating the land allotted to them.

At various points of time after independence, various individuals moved the courts for regularisation of these allotments. The government passed resolutions to regularise some of the allotments, but the orders were never implemented. Besides these allotted lands, the adivasis continued to cultivate lands in forests, which was regarded as ‘encroachments’ by the forest department.

After independence, some of these lands were regularised as per government orders. But adivasis have faced evictions regularly. However, sustained adivasi resistance forced the Maharashtra government to pass two resolutions, in 1978 and 1979, ordering regularisation of cultivation on fallow, forest, and grazing lands by adivasis, and non-adivasis living below the poverty line. However, these two orders also remained unheeded.

In 1982, adivasis from Dhule district (now Nandurbar) sought the intervention of the Supreme Court to implement these resolutions. In 1986, adivasis from Thane also requested the same through a writ petition. Kashtakari Sanghatana, an adivasi organisation working on forest rights in the Warli tribe dominated Dahanu district, took the lead in the judicial intervention in the Supreme Court, which came to be known as the Pradip Prabhu case.

In the Pradip Prabhu case, the Supreme Court ordered the Maharashtra government to examine the claims of the adivasis. It laid out detailed procedures for inquiries, and said that oral evidences and affidavits could be accepted, in addition to documents like fine receipts etc.

In 2002, the Maharashtra government passed a GR based on the Supreme Court order, where it put the onus on the gram sabha and village community to

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<sup>2</sup> *Dali*, is a mode of preparing land for agriculture by burning on site vegetation, ploughing or hand digging and sowing in burnt areas.

examine claims through oral evidence and gram sabha resolutions. This was seen as a victory since previous GRs were limited to rights over occupied land, whereas the Pradip Prabhu case raised the issue of rights to forests, including the duty and right to protect and manage forests.

However, in the same year the MoEF ordered evictions, and activists came to realise that state GRs needed the backing of stronger legislation that could not be easily overruled if the forest rights of communities were to be recognised and protected.

The unmet demands of various states were articulated over a period of time within the Campaign for Survival and Dignity, and found their way into the drafting of the forest rights bill.

CSD grew in response to the realisation that since the Supreme Court was taking constant positions on forest issues, the GRs of state governments would be dwarfed by the court's orders. The people were finding it hard to fight for their rights at the state level and needed a coalition to bring the issue to the national level in a coordinated manner.

The case studies above illustrate the long struggle of adivasis to have continued access and rights over forests. While the forest rights bill was an achievement, it is a result of more than a century of struggle at the grassroots. This indicates that:

- a systematic process of alienation of adivasi communities from forest lands occurred as a result of the failure of forest departments to implement orders related to regularisation and settlement of forest rights.
- the struggles in response to the exploitation were extremely localised before they became part of state networks followed by the national campaign for the bill
- CSD was based on facts, literature and documents that bore witness to the history of State apathy. These were accumulated over a long period of time to build up a strong case in favour of forest dwelling people.

## **ANNEXURES**

### *Annexure.1. Broad Features of the Forest Rights Act, 2006*

#### NEED FOR THIS LAW

What are called "forests" in Indian law often have nothing to do with actual forests. Under the Indian Forest Act, areas were often declared to be "government forests" without recording who lived in these areas, what land they were using, what uses they made of the forest and so on. 82% of Madhya forest blocks and 40% of Orissa's reserved forests were never surveyed; similarly 60% of India's national parks have till today (sometimes after 25 years, as in ) not completed their process of enquiry and settlement of rights. In the name of conservation, what has been carried out is a completely illegal and unconstitutional land acquisition programme."

This has resulted in harassment and eviction of millions of people on the pretext of being 'encroachers' in their own homes.

In the latest national eviction drive from 2002 onwards, more than 3,00,000 families were driven into destitution and starvation. In Madhya Pradesh alone, more than 125 villages have been burned to the ground.

The management of forests under the various Forest Acts has resulted in a decline in conservation and forest cover. These include:

- the loss of more than 90% of India's grasslands to commercial Forest Department plantations;
- the destruction of five lakh hectares of forest in the past five years alone for mines, dams and industrial projects;
- clearing of millions of hectares of forest for monoculture plantations by the Forest Department;
- recent proposals to privatise "degraded" forest lands for private

companies' timber plantations.

Moreover, the forest laws destroyed all the community management and regulation systems that had existed before, forcing people to choose between either abandoning the forest entirely or living as 'criminals' within or near it. To this day it is a criminal offense for you or I to plant a tree in a reserved forest; but it is legal for the Department to fell the entire forest so long as it has Central government permission.

### **SALIENT FEATURES OF THE FOREST RIGHTS ACT**

- The Act grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws;
- It makes a beginning towards giving communities and the public a voice in forest and wildlife conservation.

#### **Identifies 'forest dwellers' as individuals who :**

1. Primarily reside in "forests;
2. Depend on forests and forest land for a livelihood (namely "bona fide livelihood needs").

It will be however important to provide for a definition of 'bona fide livelihood needs' that exclude contractors, traders and other exploitative elements, while including MFP collectors and subsistence cultivators.

3. Can prove that the above conditions have been true for 75 years, in which case you are an *Other Traditional Forest Dweller* (s. 2(o));

OR

- That you are a member of a Scheduled Tribe (s. 2(c)); and
- That you are residing in the area where they are Scheduled (s. 4(1)).

4. In the latter case you are a *Forest Dwelling Scheduled Tribe*.

#### **Recognises three types of rights:**

1. **Land rights** – To land they have been cultivating prior to December 13, 2005 (section 4(3)) or right now. Those who are cultivating land but don't have document can claim up to 4 hectares, as long as they are cultivating the land themselves for a livelihood (section 3(1)(a) and 4(6)). Those who have a patta or a government lease, but whose land has been illegally taken by the Forest Department or whose land is the subject of a dispute between Forest and Revenue Departments, can claim those lands (see section 3(1)(f) and (g)).

The land cannot be sold or transferred to anyone except by inheritance (see section 4(4)).

2. **Use rights** - The law secondly provides for rights to use and/or collect the following:

Minor forest produce "things like tendu patta, herbs, medicinal plants etc" that has been traditionally collected (see section 3(1)(c)). This does not include timber.

- Grazing grounds and water bodies (section 3)
- Traditional areas of use by nomadic or pastoralist communities "i.e communities that move with their herds, as opposed to practicing settled agriculture".

3. **Right to protect and Conserve** - Though the forest is supposed to belong to all of us, till date no one except the Forest Department had a right to protect it. If the Forest Department should decide to destroy it, or to hand it over to someone who would, stopping them was a criminal offense.

For the first time, this law also gives the community the right to protect and manage the forest. Section 3(1)(i) provide a right and a power to conserve community forest resources, while section 5 gives the community a general power to protect wildlife, forests, etc. This is vital for the thousands of village communities who are protecting their forests and wildlife against threats from forest mafias, industries and land grabbers, most of whom operate in connivance with the Forest Department.

**Annexure. 2. Table: State-wise encroachment on Forest Lands and Eviction since May,2002**

Sl. No.	Name of State / Union Territory	Encroachment on forest lands till May, 2002 (in hectare)	Encroachment evicted from forest lands since May, 2002 (in hectare)	Existing encroachment on forest lands, as on 31-03-2004 (in hectare)
1	Andhra Pradesh	295383	0	295383
2	Assam	371450	71740	299710
3	Arunachal Pradesh	4038	150.19	3887.81
4	A & N Island	4637.89	2580.4	2057.49
5	Bihar	854.181	602.313	251.869
6	Chandigarh	0	0	0
7	Chhattisgarh	150495	0	150495
8	Delhi	0	0	0
9	Daman & Diu	87.96	0	87.96
10	Dadra & Nagar Haveli	614.35	0	614.35
11	Gujarat	36556.4	14416.86	22139.54
12	Goa	1012	0	1012
13	Haryana	2147.9	873.84	1274.060
14	Himachal Pradesh	2925.999	84.124	2841.875
15	J & K	11090	1806	9284
16	Jharkhand	50177.8	1739.39	48438.41
17	Karnataka	87658	19948	67710
18	Kerala	9473	2183	7290
19	Lakshadweep	0	0	0
20	Maharashtra	93199.39	13557.66	79641.73
21	Manipur	535.99	2.75	533.24
22	Meghalaya	6584.49	0	6584.49
23	Madhya Pradesh	146182.225	8071.64	138110.585
24	Mizoram	18759.616	0	18759.616
25	Nagaland	0	0	0
26	Orissa	45068.964	2563.434	42605.53
27	Punjab	7233.573	420.767	6812.806
28	Pondicherry	0	0	0
29	Rajasthan	15073.154	8360.412	6712.742
30	Sikkim	3550.09	50.45	3499.64
31	Tamil Nadu	19253.848	1698.284	17555.564
32	Tripura	59336.15	0	59336.15
33	Uttaranchal	9948.8	280.8	9668
34	Uttar Pradesh	27576.53	361.9	27214.63
35	West Bengal	14842.432	1007.896	13834.536
	<b>Total</b>	<b>1495746.732</b>	<b>152400.11</b>	<b>1343346.622</b>

Source: FC Division MoEF, GOI – Forests & Wildlife Statistics, India, 2004

*Annexure.3. List of Member Organisations of the Campaign for Survival and Dignity*

1. Bharat Jan Andolan (Gujarat)
2. National Front for Tribal Self Rule (Gujarat)
3. Adivasi Mahasabha (Gujarat)
4. Jangal Jamin Jan Andolan (Rajasthan)
5. Shoshit Jan Andolan (Maharashtra)
6. Jan Sangharsh Morcha (Madhya Pradesh)
7. People's Alliance for Livelihood Rights (Chhattisgarh)
8. Lok Shakti Sanghatan (Chhattisgarh)
9. Campaign for Survival & Dignity (Orissa)
10. Jan Sangharsh Morcha (Karnataka)
11. Bodikattu Krishikara Sangha (Karnataka)
12. People's Union for Civil Liberties (Tamil Nadu)
13. Adivasi Aikya Vedike (Andhra Pradesh)
14. Adivasi Jangal Janjeevan Andolan (Dadra and Nagar Haveli)
15. National Forum for Forest People and Forest Workers

*Annexure 4. Composition of the Joint Committee on the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005*

**CHAIRMAN - SHRI V. KISHORE CHANDRA S. DEO**

**MEMBERS**

*Lok Sabha*

- |                                |                             |
|--------------------------------|-----------------------------|
| 1. Shri Shingada Damodar Barku | 2. Shri Mahavir Bhagora     |
| 3. Shri C.K. Chandrappan       | 4. Shri Giridhar Gamang     |
| 5. Dr. P.P. Koya               | 6. Shri A. Krishnaswamy     |
| 7. Shri Shailendra Kumar       | 8. Shri Rajesh Kumar Manjhi |
| 9. Shri Babu Lal Marandi       | 10. Shri Madhusudan Mistry  |
| 11. Shri Hemlal Murmu          | 12. Shri Jual Oram          |
| 13. Shri Bajju Ban Riyan       | 14. Shri Nand Kumar Sai     |
| 15. Dr. Babu Rao Mediyam,      | 16. Shri Sugrib Singh       |
| 17. Shri Rajesh Verma          | 18. Shri Ravi Prakash Verma |
| 19. Shri P.R. Kyndiah          |                             |

*Rajya Sabha*

- |                                    |                            |
|------------------------------------|----------------------------|
| 1. Shri Rishang Keishing           | 2. Dr. Radhakant Nayak     |
| 3. Smt. Brinda Karat               | 4. Shri Devdas Apte        |
| 5. Shri Ravula Chandra Sekar Reddy | 6. Shri N. Jothi           |
| 7. Shri Mangani Lal Mandal         | 8. Shri Nand Kishore Yadav |

## **SECRETARIAT**

1. Shri R.C. Ahuja - Joint Secretary
2. Shri R.K. Bajaj - Deputy Secretary
3. Shri J.K. Jena - Under Secretary
4. Shri J.V.G. Reddy - Under Secretary
5. Shri K.R. Narendra Babu - Executive Officer
6. Shri D.K. Arora - Senior Executive Assistant

## **REPRESENTATIVES OF MINISTRY OF TRIBAL AFFAIRS**

1. Ms. Meena Gupta - Secretary
2. Shri Rajeev Kumar - Joint Secretary

## **REPRESENTATIVES OF THE MINISTRY OF LAW & JUSTICE**

### **(LEGISLATIVE DEPARTMENT)**

1. Shri N.K. Nampoothiry - Joint Secretary & Legislative Counsel
2. Shri S. Sreenivas - Assistant Legislative Counsel

## *Annexure.5. List of Associations/organisations/individuals etc. from whom memoranda were received by the Joint Committee*

### **Name of Associations with Address**

1. Shri P. Vivekanandan, SEVA Sustainable-agriculture & Environment Voluntary Action, Madurai, Tamil Nadu
2. Shri Mahabir Bhagora, M.P., Udaipur, Rajasthan
3. Jangal Zameen Jan Andolan, Udaipur
4. Nandini Sundar, Professor, Department of Sociology, Delhi School of Economics
5. Shri Ambarish Rai, Lok Sangarsh Morcha, Sahibabad, Uttar Pradesh
6. Ms. Madhuri, Jan Sangarsh Morcha (Madhya Pradesh-Chattisgarh) Conveners: Shramik Adivasi Sangathan, Betul (MP), Narmada Bachao Andolan, Mandleshwar (MP)
7. Ms. Smita Gupta, Institute for Human Development, Delhi
8. Shri Soonoo Taraporewala, India House, Mumbai
9. Shri Bibhudhendra Pratap Das, Ex. MLA, President, Orissa Krushak Mahasangh, Bhubaneswar, Orissa
10. ANTHRA, Secunderabad, Andhra Pradesh
11. Shri Maya Ramaswamy, Nature Artist and Illustrator, Bangalore
12. Shri S.R. Sankaran, IAS (Retd.), Former Secy. Govt. of India, Rural Department, Hyderabad
13. Shri K.R. Sethna, Former member of the Indian Board for Wildlife, Chikmagalur Distt., Karnataka
14. Shri Shankar Gopalkrishnan, Secretary, Campaign for Survival and Dignity, Delhi; SRUTII, Q. 1 Hauz Khas Enclave, New Delhi
15. Shri K. M. Chinnappa/Praveen Bhargav, Wildlife First, Bangalore
16. Shri Shiba Sanwar, National Forum of Forest People and Forest Workers, North Bengal Regional Committee
17. Shri Ambarish Rai/Ms. Pratibha Sinde, Lok Sangarsh Morcha, Distt. Nandurbar (Maharashtra)



18. Shri C.R. Bijoy, Coimbatore, Tamil Nadu
19. Dr. Archana Prasad, Reader, Centre for Jawaharlal Nehru Studies, Jamia Millia Islamia, New Delhi.
20. Jungle Adhikar Sangharsh Samiti, Dahanu Road, Thana Distt., Maharashtra
21. Shri Akhilesh Mangal, Bangalore
22. Shri Ayan Khan, Bhopal (M.P.)
23. Shri Phiroze M. Patel, Member Conservation Cell, Vidharbha Economic Development Council, Nagpur
24. Shri S. Faizi, Ecologist, Trivandrum
25. Action Research in Community, Health and Development (ARCH), Vadodra, Gujarat
26. Shri Vinay Kumar, Gulbarga, Karnataka
27. North Bengal Forest Mazedoor Union, Kalchini, Jalpaiguri Distt.
28. Navjeevan Bahuudeyshei Sanstha, Badali, Ahmednagar
29. Shri Prem Khaswas, President, Himalayan Forest Villager's Organization, Central Committee, Gorubathan, Darjeeling
30. Shri J.K. Mohanty, Additional Secretary, Government of Madhya Pradesh, Scheduled Tribes and Scheduled Castes Welfare Deptt.,
31. Shri Killivalavan R., Shri Shreesha Shagrithaya, Dr. Meghna Krishadas, Growing Wild, Karnataka.
32. Shri Subir Sharma, Adivasi Reformation & Welfare, Society (WARS), West Singhbhum, Jharkhand
33. Adivasi Kranti Sangathan, Dhenkanal, Orissa
34. Shri Prakash Shrivastava, Bhopal (M.P.)
35. Shri Krishan Kumar Sharma, Shree Yatra Seva Samiti, Agra
36. Shri P.K.Sen, WWF-India
37. Adivasi Mukti Sangathan, Badwani, (Madhya Pradesh)
38. Ms. Neha Verma, Indian Forest Service(P), Indira Gandhi National Forest Academy, Forest Research Institute, Dehradun
39. Shri Pradip D. Prabhu, Senior fellow, National Institute of Rural Development, Hyderabad, Andhra Pradesh
40. Shri Xavier M, Rajpipla Legal Aid Society, Rajpipla, Gujarat
41. Shri Saltuben Khair/Shri Amirbhai Vasava, Adivasi Mahasabha (AMS), Ahmedabad, Gujarat
42. Shri Ashok Choudhury, National Forum of Forest People and Forest Workers, New Delhi
43. Akhil Bhartiya Vanvasi Gramin Mazdoor Mahasangh, (Industrial Unit of Bhartiya Mazdoor Sangh), Bhopal
44. Prakriti Mitr Sangh, Alwar (Rajasthan)
45. Shri Ramkrishan Chaudhary Sar, Shrirampur, Pusad, Maharashtra.
46. Shri Sukanti Nayak, Adivasi Jala Jangal Jani Jana, Surakshya Mahasangha, Mayurbhanj, Orissa
47. Shri Ravi Singh, WWF India, New Delhi
48. Shri A. Kishan, IFS, Dy Conservator of Forest, Hyderabad
49. Shri Bir Singh Mahato, M.P., New Delhi.
50. Shri Sunil Kumar Mahto, M.P., New Delhi.
51. Dr. Jitendra Chaturvedi, Development Association for Human Advancement, Bahraich.

52. Shri Gopi Majhi, Orissa Chapter, Campaign for survival and Dignity
53. Ms. Praneet Goteti, Bangalore.
54. Shri K. Buchi Ram Reddy, IFS (Retd.), Ramanthpur, Hyderabad
55. Shri Krishna Narain, Wildlife Conservationist, Basavanagudi.
56. Shri Jacob Thundyil and others, Chennai
57. Shri Daiguang, Barak Valley Hill Tribes Union, Cachar (Assam)
58. Lawyers Environmental Awareness Forum, Kerala High Court Advocates Association, Cochin.
59. Shri Yeshwant J. Nayak and others, AASRA, Society for Child Welfare, Ponda, Goa
60. Shri Ashok B.R., Bangalore
61. Shri Devdar Parvatbhai B. and Farmar Ragubhai K., Free Legal Aid and Advisory Office, Dahod, Gujarat
62. Shri Paresh Batra, Dhen Kanal, Orissa
63. Shri Chhettubhai Devenbhai, Bordra Dist., Narmada, Gujarat
64. Shri Bir Singh Mahto and others (7) M.Ps.
65. Ranchi Association, Andaman & Nicobar Islands, Port Blair.
66. Shri Amit Verma, Indian Forest Service (P), Indira Gandhi National Forest Academy, Forest Research Institute, Dehradun.
67. Shri K. Hawlasailo, Human Rights Network of Indigenous Tribal Peoples (HR-NIT), North East Chapter, Headquarter, Aizwl (Tuilcual), Mizoram
68. Shri Mansukh Bhai D. Vasava, M.P., New Delhi.
69. Jharkhand Ulgulan Manch, Jharkhand Jungle Bacao Andolan, Gram Sabha Manch, Jharkhand, Bharat Jan Andolan, Jharkhand
70. Shri K. Shashidhar, Bangalore
71. Shri Lalsing Pargi, Eklavya Sangathan, Ahmedabad
72. Shri R. Prabhu, M.P., New Delhi
73. Shri Gautam Bandhopadhya, National Coordinator, Peoples Alliance for Livelihood Rights, Chattisgarh.
74. Shri Laxman Misal, Adivassi Jangal Janjeevan Andolan, Khanvel Khomarpada, Dadra & Nagar Haveli
75. Shri Pankaj Kumar, Adv. Supreme Court of India, New Delhi.
76. Ms. G. Vijayalaxmi, Secretary, Centre for Environment and Development, Trui, East Godavari District, Andhra Pradesh
77. Dr. Santibhushan Nandi, Howrah
78. Shri Moley Baruah, Early Birds, Guwahati
79. Shri Vishnu Kant, Janjati Hitraksh Pramukh, Jaipur
80. Shri Manmohan Singh Batti, Madhya Pradesh Legislative Assembly, Chindwara, M.P.
81. Shri Anil Gar, Satpura Land Search and Training Centre
82. Shri Pradeep Soor, Hooghly, West Bengal
83. Srikakulam Adivasi Samakhya, Sri Mutaka Michharao, Srikakulam (Dist.) and others
84. Shri Ashish Kothari, Kalpvriksh, Pune
85. Shri Manu Jaiswal and others, Indian Institute of Science, Bangalore
86. Shri Changan Kumar Betal, Asstt. Teach Joynagar High School, Dist. Purba Medinipur, West Bengal

87. Dr. Muhammad Mukhtar Alam, Chairman, Labour League Foundation, Delhi.
88. Headmaster, Don Bosco School, Jainlia Hills, Meghalaya
89. Dr. V.K. Bahuguna, IFS, Managing Director, Tripura Forest Development & Plantation Corporation Limited, Agartala
90. All India Democratic Women's Association, New Delhi
91. Campaign for Survival & Dignity and other Organisations, (Additional)
92. Shri Khemraj Desai, President, Akhil Bhartiya Rabari Rayka Samaj, Seva Sansthan Trust, Jalore, Rajasthan
93. Shri K. Vardha Rajan, General Secretary, All India Kisan Sabha, New Delhi
94. Ms. Madhu Sarin, Chandigarh
95. Madhya Pradesh Adivasi Ekta Mahasangha, Bhopal (M.P.)
96. Action Research in Community Health and Development (ARCH), Vadodra, Gujarat
97. Shri B.D. Sharma, Former Commissioner for Scheduled Castes and Scheduled Tribes
98. Shri M. S. Selvaraj, General Secretary, Vivasayigal Thozhilalargal, Munnetra Sangam, Nilgiris District, Tamil Nadu
99. Shri Bhim Singh Shankarbhai Vasava, Surat, Gujarat (and other 451 identical memoranda received from different persons), Lok Sangarsh Morcha
100. Shri Dileep Singh Bhuria, Ex. Member of Parliament, New Delhi
101. Shri Chandi Prasad Bhatt, Sarvodya Kendra, Gopeshwar, Uttranchal
102. Shri K.V. Poulouse, Chairman Nilgiri District Panchayat & District Planning Cell
103. Dr. Sagri R. Ramdass, Mr. Madhusudan, Mr. K. Pandu Dora, ANTHRA, Secunderabad
104. All India Agricultural Workers Union, New Delhi
105. Shri Valmik Thapar, Shri M.K. Jiwrajka Ranthambore Foundation, Delhi
106. Shri Sanjay Upadhyay, Advocate Supreme Court of India, Noida.
107. National Forum of Forest People and Forest Workers, Delhi

***Annexure 6. List of people interviewed for the documentation***

1. B. D. Sharma, ex-SC/ST Commissioner, and Bharat Jan Andolan
2. Fr. George, Bharta Jan Andolan, Jharkhand
3. Bhanwar Singh, Jangal Jameen Jan Andolan, Rajasthan
4. Brian Lobo, Kashtakari Sanghatana, Maharashtra
5. C.R. Bijoy, PUCL, Tamil Nadu
6. Shankar Gopalakrishnan, Campaign for Survival And Dignity
7. Pradip Prabhu, National Convener, Campaign for Survival and Dignity

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