

A FIGHT FOR THE FOREST

Relevant for: Developmental Issues | Topic: Rights & Welfare of STs, SCs, and OBCs - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

On February 28, the [Supreme Court stayed its order on the eviction of lakhs of Adivasis and other forest dwellers](#) whose claims were rejected under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). The court has asked State governments for a detailed report on whether due process was followed by gram sabhas and authorities under the FRA before claims were rejected. For millions of Adivasis and forest dwellers, the stay offers only a temporary relief. But it provides an opportunity to figure out how conservation movements can advocate both nature and social justice in India.

Before eviction: on SC verdict on forest-dwellers

The petitioners had expressed concern over reports that showed deforestation and fragmentation of land after FRA implementation began. But there is a lack of peer-reviewed studies that quantify the extent of deforestation caused by marginalised communities in comparison to large industrial and infrastructural projects. It is vital that scientists and conservationists take up this task, as it is well known that the state is bestowing large companies with kindness and second chances despite severe legal violations during the planning, construction and operation stages of projects.

Objections to the FRA are often framed as an issue of wildlife conservation versus people's rights, with no mention of these bigger players who might benefit from this framing. In a 2013 study, professor Prakash Kashwan noted how political this framing can be. He wrote that in 2006, well before the FRA implementation started, the Environment Ministry directed State governments to declare all existing Protected Areas as critical tiger habitats, so that they would not be controlled under this Act. In 2012, the Ministry tried to remove critical tiger habitats from the purview of the National Board for Wildlife, purportedly to make diversion of forest land easier. Indeed, one must repeatedly question who gets access to forests when forest dwellers are evicted. In January, the Environment Ministry "cancelled" community forest rights given to Adivasi communities in Chhattisgarh's Hasdeo Arand forest and handed over 2,000 acres of this forest to a coal mining company. We have seen instances of forest dwellers protecting these lands from destructive industries and negligent state forces. This is not to claim that forest dwellers have no impact on forests, but the FRA provides for that through critical wildlife habitats (CWH), spaces that can be demarcated to be inviolate as long as people's rights are settled elsewhere. The petitioners in the FRA case are right where they express concern about the lack of progress in demarcating CWHs. It is crucial for forest departments to initiate this process in a time-bound manner in the interest of conservation.

However, for conservation to truly be effective in the long run, it must also be rooted in justice. In a paper published in *Biological Conservation*, John A. Vucetich and others explore how to make conservation not just effective but also just. To do this, they argue, conservation actions must be based on the same principles as social justice. Interestingly, the authors, all of whom are wildlife biologists, do not argue for an anthropocentric view of conservation. They rightly argue that if conservation calls for restriction of human activities in some way, that sacrifice must be made, except where doing so would result in injustice, especially to the most marginalised communities.

Without land or recourse

The court's original eviction order had the potential to perpetrate such injustice. There are serious concerns about the rejection process, unfamiliarity with the language of the FRA, and outdated forest maps. The Ministry of Tribal Affairs has been urging district administrations to assist the process of granting rights by making maps and other data available to protect applicants from exploitation. The eviction order would not only have alienated marginalised people from their lands, but made wildlife conservation a symbol of an oppressive state. Large animals share areas with people outside Protected Areas too. Will people accept wildlife in their backyards without retaliation? We are not ready to handle the failure of shared spaces as a country, when only 5% of area is protected for wildlife and there is rampant land reallocation for non-forestry uses in other areas.

It is a relief that the court stayed its order. Hopefully this reinforces the fact that conservation cannot be about demanding unjust sacrifices from the weakest, while forest diversion by the powerful remains unchecked. Conservationists should stand up for the welfare of both wildlife and forest dwellers. This is the only way we can build an effective and equitable conservation movement.

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