HISTORICAL INJUSTICE TOWARD TRIBALS: A REFLECTION ON FOREST POLICIES OF INDIA

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ABSTRACT

The Forest plays a vital role in the life and economy of rural poor. It has also played a crucial role in sustaining the life supporting systems of the country’s environment. The livelihood activities of the tribes are centered on the forest in which they live. They have maintained a time immemorial relation with forest and always interact for their sustenance and try to recreate the forest with their traditional conservation systems. But as soon as the tribal relation to forest got transformed due to the progressive assertion of state monopoly rights over large areas of forest. It has resulted in large scale eviction and the uprooting of traditional tribal villages. In this context, the objective paper is an attempt to examine, whether the colonial and post colonial forest policies done a historical justice or injustice towards tribal community.

KEYWORDS: Environmental Imperialism, Forest, State, Tribes.

1. INTRODUCTION

The Forest plays a vital role in the life and economy of rural poor. It has also played a crucial role in sustaining the life supporting systems of the country’s environment. The livelihood activities of the tribes are centered on the forest in which they live. They have maintained a time immemorial relation with forest and always interact for their sustenance and try to recreate the forest with their traditional conservation systems. But as soon as the tribal relation to forest got transformed due to the progressive assertion of state monopoly rights over large areas of forest. It has resulted in large scale eviction and the uprooting of traditional tribal villages.

The relationship that existed between the tribal social organization and the forest was completely upset as a result of these policies. In the ongoing process of liberalization, privatization and globalization, new market challenges has been forced the state to divert the forest land for large corporations. This marked the beginning of a new forest governance system that was alien, induced and most particularly that excluded forest –dependent communities in the name of scientific forestry, public interest, national development, conservation and industrial growth. Due to this inhumane policy have eroded their life styles and simultaneously the assertion of state primacy over natural resources deprived them of an important means of subsistence.

In this context, the objective paper is an attempt to examine, whether the colonial and post colonial forest policies done a historical justice or injustice towards tribal’s community. The
first part of the paper deals with the role of forests in the social-economic life of tribal’s and second sections explains the state control over forest resources. The third section deals with the impact of forest policies on tribal’s and last sections contains conclusions

Role of Forest in the Social–Economic Life of Tribals

Forest is considered as one of the potential natural resources of India. Forest and tribes have been interdependent and interrelated. They have developed their culture and style of life according to the forest because the forests have been fulfilling the needs since time immemorial (Verma, 2007: 112). The forest has maintained the very existence of the tribes for centuries. Tribal culture and forests have been inseparable entities. Forests are fulfilling the social, economic, cultural and religious, political and medical needs of tribes moving from pasture to pasture opening out the country along fertile valleys and streams (Verma, 2007).

Forests are an important adjunct to tribal culture and economy. The life of tribal in mainly based on natural resources comprising the primitive methods of agriculture and collection of forest products. The forest has played a significant role in shaping social-economic, religious and cultural systems of tribal societies (Ibid, 117). The tribal economy is dependent upon the forest. Their houses are built by with available forest products. The collection of minor forest products is still a major economic activity of the community. They collect forest products like honey, wax, Lac etc. And they earn wages as forest labor. They are dependent upon the forest for the medicine and collect medical herbs from the forest (Verma, 2007).

They had enjoyed the right of collection of minor food produce by tradition (Shrivastava, 2007). According to national commission on agriculture, they classified the Minor forest produce are bamboo, seeds and cones, oil seeds and gum, resin and other products. Traditionally, tribes were dependant on the collection of Minor forest produce for sustenance as well as supplementary income. Formally they collected minor forest products for their consumption and use and gradually they began to barter the Minor forest produce with the neighboring non–tribal communities. They supplied essential commodities to the tribes in exchange of forest produce and agricultural produce. This has introduced competition among tribes for more and more forest produce and get more and more essential commodities in exchange. Realizing the economic value of Minor Forest Produce the traders has introduced cash in a transaction with tribes. The private traders used to pay very low price for their forest products.

The forests are such an integral part of the tribal society that tribes also believe that the spirits of their ancestors reside in different places in the forest. They worship bushes, trees, animals, birds and sarana groves (Shrivastava, 2007). It is shown how much tribal’s depend on the forest. But this symbiotic relation got transformed due to the introduction of forest policies in the colonial and post–colonial India. The withdrawal of tribal rights over forests and subsequent conversion to reserves and protected forest has played a greater role in degradation of the forest.

Environmental Imperialism in Colonial and Post-Colonial India

When we look into the forest policies of India, can be seen two phases- colonial and post–colonial. Many British ideas and methods of rule have been continued by post- colonial governments, especially as India has become more and more hooked into western commercial
and consumer systems. Instead of rejecting the modernizing policies of the British and replacing them with a more socially and environmentally sensitive forest management strategy, the post-colonial department actually embraced and enlarged on British policies (Mullick, 2007).

In the Vedic and epic period the tribes enjoyed full rights and lordship of the forests (Verma, 2007). Within the span of the Mauryan period rights over forests were not distributed. This happy state of affairs for the tribal people was not to last forever. From about the middle of the 19th century, people from outside began to move into the forest, lured by its wealth of natural resources, and the colonial government, sensing the commercial potential of forests, gradually extended its authority over them in the name of scientific management (Mathur, 2009). With the advent of the British in India, they realized the commercial value of forests. They saw Indian forests as an important resource to be exploited for the purposes of revenue and export. ‘Conservation’ of forests through a bureaucracy started since the British regime (Pipali, 2007).

The principal aim of forest policy must be to ensure stability and maintenance of ecological balance including atmospheric equilibrium which is vital for substance of all life forms, animal and plant (Choudari, 2007).

In order to achieve this aim the British gradually brought forest areas under their control and forest department was organized and forest act was enacted. For this purpose, the first forest act of 1865 was enacted to regulate forest exploitation and management and preservation. For the first time an attempt was made to regulate the collection of forest produce by the forest dwellers (Kulkarni, 1987).

The government of India thought it was necessary to increase its control over forests and new act was passed in 1878. The act was more comprehensive than earlier one. The entire forest areas in the country were classified in to reserve forest, protected forest and village forest. Under the new system, the traditional right of the tribal people over the forest was allowed to maintain (Kulkarni, 1987). The government was allowed forest dwellers to enjoy the rights to some extent but restricted from owning. The act was applicable only to the forest under control of the government and no provisions were made to cover private forests. This act was followed by five different successive act passes, in the year 1901 Indian forest act, in 1914 the repealing and amending act 1920. The devolution amendment acted in 1927 the Indian forest. The last act elaborately dealt with the different aspects of forest management and the rights of people in the forest. Gradually the government took the control of over the forest and forest department with a view to regulating people’s control over the forest lands and produce. (Choudari, 2007)

These legal and policy instruments radically changed the forests from common property into state property. It was the beginning of the era when the sole motivation of forest administration was the promotion of state interests. Perhaps, it was also the beginning of the alienation of village communities from forest. (Balooni 2009)

After the independence, there was some rethinking on the issue of the forest policy. In 1952, the government of India was issued a new national forest policy. It was declared that forest policy should be based on the paramount national needs. It is stated that the use of forest should no event be permitted at the cost of national interests. In actual practice the concept of national interest was interpreted in a very narrow sense. The destruction of forest for the developmental projects was justified in the name of national interest and was discouraged from using the forest. The government tried to obtain more and more revenue from the forest. The forest officials of India thought mainly of increasing the revenue from forests, treating advasis as the enemies of the forests (Kulkarni, 1987).
It is widely criticized that this policy was the mere extension of government authority over forest to the detriment of tribal economy and life and changes in the rights of the tribal communities over the forest. The traditional rights of tribes were no longer recognized as rights. The old and new policy when compared demonstrated that the ‘privilege’ under the old (1894) became “concession” under the new policy (1952). They were later being regarded as “concession”. (Kulkarni, 1987).

The forest act of 1988 states as its objectives, the maintenance of environmental stability, conservation of the national heritage, increase in tree cover, meeting needs of the tribes, encouraging efficient use of forest produce and afforestation programmes. While this policy has more people – oriented statements, it still has the concept of exclusive state ownership of forest and mention industrial needs as national needs. (Choudari, 1987). The Forest Act of 2006 is the landmark in the evolution of the government’s attitudes on tribal people and their rights. It attempts not only to correct a historic injustice committed by the colonial and post-colonial rulers but also vest in forest communities as primary role in sustaining forest ecosystems by restoring their rights as well as their environmental duties. But law basically grants legal recognition to the rights of traditional forest-dwelling communities, partially correcting the injustice caused by successive forest laws in the 19th and 20th century. The law will not be able to resolve tribal people’s human rights and livelihood issues without similar or greater advancement in law and administration in other areas such as land acquisition, development – induced displacement and political autonomy.

The greatest value of the Forest Act of 2006 is that it effectively recognizes the rights of forest dwellers who previously were considered encroachers on state land. The Forest Department had powers to expel them without paying appropriate compensation, and such expulsion had taken place mainly when they did not have sufficient evidence to prove their right to ancestral land. The marginalized status of forest dwellers and other tribal populations, the powers vested in Forest Department officials regarding forest management, and the higher political, economic, and social status of the rural elite will make it difficult to formulate such a consultation framework and to apply it (Perera, 2009).

The struggles over forest rights of tribal people need to be seen in the broader political context, both nationally and internationally. When the Forest Act was presented as a bill to the Parliament in 2005, there was a conscious attempt by several ministries to undermine tribal community control over forest resources. A similar attempt by the government to change environmental regulations to facilitate the construction of mines, dams, and industries indicates the reluctance at the highest political level toward forest rights to tribal people or to strengthen their control over their ancestral lands in forests. However, the state-capitalist nexus will be a formidable obstacle to implementing the Forest Act (Perera, 2009).

The question of forest rights is related to the modern concept of ownership, but notions of the forest people in this regard are quite different. The forest is the pivot around which the tribal life revolves, but for the state, the forest is simply a source of raw materials for industry and revenue for itself. In some states the Forest Department is a major source of revenue for the government. It is no wonder that successive plans, policies, and legislation have resulted in restricting the rights and usage of forests by millions of tribal people for whom forests are their only refuge and source of sustenance (Mathur, 2009).
IMPACT OF FOREST POLICIES ON TRIBAL

Indian forest laws enacted in the 19th and 20th centuries treated forest dwellers and other traditional forest users and especially their farming practices such as shifting cultivation as a threat to forest ecology. The British forest policies were mainly aimed at supplying the raw material for the British based industries and commercial exploitation of forest was encouraged at the cost of tribals in the name of national interest. Besides curtailing the various customary rights over forest, as the forest resources were mostly collected through contractors, the tribal’s became victims of commercial exploitation of forests. The different regulations and restrictions imposed on the forest –dwellers and Tribals in the context of exploitation of forest resources on which their economy depends to an applicable extent, virtually put them at the mercy of, particularly lower level of functionaries.

The genesis of the problem of encroachment, deforestation and degradation lies in the process of expanding state control over forests and the alienation of forest dwelling communities, initiated by the British and continued with vigor by the state in independent India. The state saw that the well being of forest and forest dwellers as two different and mutually exclusive options. This is based on a premise that the forests can be well protected only if the local forest using communities are excluded, and that the needs of the forest dependent communities can be met only if society is ready to suffer the loss of forest. One must choose between these two alternatives: local communities are enemies of the forest and the forests have to be protected from them and the best protection can be ensured by the tight control of the state (Parekh and Parth J Shah, 2002).

The problem of encroachment is inherently linked with the basic issue of forest mismanagement. The mismanagement of forest has led to the degradation of Forest resources itself. The degradation has been caused by state dominated forest management, which has caused alienation of forest dwellers from their social and economic base (Parekh and Parth J Shah, 2002).

The forest department blamed tribal’s for indiscriminate destruction of vegetation and wildlife and suggested restriction on their rights over exploitation of forests. Even the collection of raw material for their handicrafts has become difficult and this indiscriminate policy imposed from time to time has, their rights to collect fuel, fodder and minor forest produces are very much restricted throughout India (Choudari, 2007). The control of these resources is transferred from communities to the corporate sector to which they are a source of profit (Choudari, 2007:14). The policy response is to protect forests from the people, particularly tribals (Choudari, 2007).

“National interest” was the log in name and “Development” became the password to have smooth access to the natural resources of the country for their inhuman exploitation and criminal expropriation. While dams, and mines displaced millions of peasants and tribal’s and destruction of forest caused hunger and destitution. Naturally they become ecological refugees with country who constitute about one –third of Indian population, were turned into sweet Labors and treated as the dirt of development (Mullick, 2007). The indigenous people struggle for autonomy and identity throughout the colonial and post-colonial period demanded state recognition of the integrity of their culture and nature. As far as the tribes are concerned, the forest is inseparable from their existence, the tribal and forest policies of state could not be framed on incompatible premises. However, this demand was never honored by the state (Mullick, 2007).
The government of India did not pay much attention to the tribal people’s rights or the need for recognizing their communal rights over forest and other common property resources. As in the case of tribes the state itself dubbed them as encroachers in the state land in order to protect interests of others. The state has occupied many areas which tribes are inhabited from time immemorial and has classified them as state forests. This kind of act from the state itself has altered the concept of the welfare state.

But the experience of implementation of the forest act in the last five years shows that neither the government nor the parties have not ready to hand over the power of the forest – dwellers and the dependent communities. They do want transformation of the forest administration in a manner as envisaged in the legislation. All the incidents very clear point to the fact that the existing political system is very clear in its intentions as the government’s economic policies are directed towards selling off the nature and forest resources of India to the forces of capitalist globalization (Cadtm, 2011)

Despite the increasing state control over forest areas in colonial and post –colonial periods of India, forest statistics reveal that the total size of and quality of forest have declined (Mitra and Gupta, 2009). The widely used eminent domain allows the state to acquire private and common property for public resources. The eminent domain right has remained supreme, overriding all other policies, laws and regulations. It is under the right of eminent domain at the state acquires land to build infrastructure, mines, dams and other projects. Communal land will continue to be a site of intense conflict between tribal people and the state.

Land and territorial right of people often receive no explicit legal recognition (Mathur, 2009). When the laws do recognize such rights, they are seldom defended in practice, especially if they conflict with wider national development goals. Despite the oppositions from tribal people, the forest areas are allocated to corporations to invest in mining and other projects.

Now community is experiencing a new form of encroachment on their customary rights by developmental interventions such as large dams, mining and conservation. The natural resource base has been further eroded with increasing deforestation, privatization of the commons and drying up of rivers through the stranglehold of powerful forces both Indian and foreign, who are exploiting them in an unsustainable way. Tribes constitute at least 55.16% of the total displaced persons in the country (Mitra and Gupta, 2009). There has been a sustained and exacerbated threat to the rights of tribes to forest land that has been both a cause and a consequence of a larger process of political, economic and cultural marginalization of the tribes during the colonial and post colonial eras.

The diversion of forest land for other purpose in the name of developmental project is posing major threat for the sustenance of tribal community. The sanction for the big projects on forest land was cleared by the government. The Forest Act has empowered the state government to declare forest land as non- forest land and to transfer the land later to a private party. Strangely central government appears to have kept quiet and to have decided not to contest the powers claimed by the state government.

Tribal people suffer from physical displacement mainly because the laws that do not recognize communal customary rights of people to forest lands (Mathur, 2009). The development projects are ignoring the customary right people over this land and treated them as illegal occupants of government land. Such an approach invariably leads to the improvishment of once settled communities, just opposite of what development premises. For the construction of
hydro-electric project, the tribal people were forcibly displaced from their land despite having legal title to land and no compensation was given to the losing their common resources.

Tribal people who moved for developmental projects are impoverished by this loss of access to natural resources. Such impoverishment is even more pronounced when people have to move from resource rich areas such as those targeted for conservation. The successive governments have deliberately ignored the importance of common resources in the life of forest–dwellers and regarded the communal resources as government properties.

The conservation and development of forests are bound to benefit the tribal communities and also the entire country. This possible only when existing regulations and the prohibitive nature of forest legislation is changed. The competition for scarce resources are being in reality; a conflict between powerful commercial – industrial interests and powerless tribal communities (Chaudhuri, 2007). The state policy is only reflects this unequal situation. There should be a people – oriented policy that such change will not be affected till power equation is changed in the favor of the tribes and other marginalized communities.

The eviction of millions of tribes from their natural habitat is not solution to the problem of deforestation and degradation. The focus should be on devolving rights of forest dwellers, who are the only people who can become good stewards of forest resources. The gun and guards approach will not work, whether it is practiced by the machinery of the ministry or the judiciary. Forest dwellers are integral to the forest ecology, they are no encroachers (Chaudhuri, 2007).

**CONCLUSION**

From the experience of last 65 years, the growth centric policies of government have totally neglected the marginalized communities, who depend upon the forest and forest related resources for their dependence. The forest policies of state have done more and more injustice towards tribal communities by diverting their land and their resources for market oriented production in the name of development. Recently passed the Forest Act of 2006 could not alienate the sufferings of the tribal community and it has intensified their struggle. All these actions are done without any respect for the forest dwellers under the Forest Act. It is clear that either the government or political parties are not ready to hand over power to forest dwellers and dependent communities.

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