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Never-ending injustice: Forest Villages of Madhya Pradesh

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Colonial forest policy imposed many injustices on forest-dependent communities in mainland India, including ignoring pre-existing cultivation and taking away people's rights to access and manage the forest. Perhaps the most extreme form of these 'historical injustices' is the creation of 'Forest Villages' (FVs) in central India for providing cheap labour for the colonisers' forestry operations. The tragedy is that even 75 years after Independence and 15 years after the landmark Forest Rights Act came into effect, this injustice has not been redressed in several states. In particular, Madhya Pradesh (MP) has the highest number of such villages (925). The inhabitants of MP's FVs have gone through multiple cycles of unjust rejections of their rights to live, to cultivate agriculture land and to manage their own forests. Last year, the government declared the 'instantaneous conversion to revenue village status'. But, due to a combination of ignorance, apathy and a forest department that does not want to let go, nothing has changed on the ground. The story of the FVs of Baiga Chak region of Dindori district is particularly heartbreaking.

Adivasis cultivating land at the edge of a Forest Village.

"It is of great importance to secure a permanent supply of labour in the forest reserves". This is how the chapter on FVs in the Central Provinces and Berar Forest Manual begins. FVs were villages created and administered by the colonial forest department (FD) for this

purpose of ‘securing labour’ by settling Adivasi and sometimes non-Adivasi households within specific patches explicitly carved out of the forest. Residents were assigned land for settled cultivation to support themselves since forest labour was seasonal. In ‘return’, villagers had to provide labour for all forestry operations, including the felling of trees and transport of logs and fire protection at low or zero wages. Their status was merely that of tenants who were evicted if they did not supply labour. Effectively, the FD had complete control over the lives of the villagers.

This exploitative colonial practice was, unfortunately, continued after independence. Whereas cultivators elsewhere, including tenant farmers, were recognised as land owners (bhumiswami) under land reform laws, villagers in FVs remained tenants of the FD. Thus, even as the state pushed rural development programmes in other villages, the FVs remained largely outside their scope. Separate programmes for development of FVs were funded by the ministry of tribal affairs, but always implemented desultorily by the FD. The 1980 Forest Conservation Act added another layer of rigidity: Any activity on these lands, whether road repair, laying electricity supply lines or even agricultural land-levelling or well-digging, are now considered ‘non-forestry activity on forest land’ and rigidly regulated (read delayed or rejected) by the FD. All records are maintained by the FD, and the rest of the administration is oblivious of what goes on in these villages. Not being a revenue landholder like other farmers enormously hampers the farmers from availing of agricultural and developmental schemes. FVs thus constitute an anachronistic and unjust tenurial arrangement of the colonial past.

Some states, such as Maharashtra, were sensitive enough the scrap this system, converting all FVs to revenue villages in the 1970s. But the passage of the Forest Conservation Act 1980 meant that central government approval was now required for such conversion. The central ministry did come up with a guideline in 1990 to solve the FVs issue by denotifying the lands—so-called Reserved Forest lands that had been under occupation and cultivation for 50-70 years. But its implementation was thwarted by the learned Central Empowered

Committee of the Supreme Court. When the landmark Forest Rights Act was passed, it was hoped the issue would be resolved once and for all. The Act enables the recognition of rights over existing habitation and cultivation in forest land (IFRs), over forest access and management (CFRs), and has a separate section (3(1)(h)) for the conversion of FVs into revenue villages. But these hopes were belied.

When FRA implementation began in 2008, no attempt was made to distinguish between other situations of unauthorised cultivation on ‘forest’ land (called encroachment by the FD), and the special case of FVs, where most cultivation—whether by Adivasis or non-

Adivasis--was fully authorised and could not be termed encroachment even by the FD. Instead, villagers were made to file claims for individual forest rights to seek recognition of cultivation rights on individual plots of lands, whereas the entire village had been created, mapped and regulated by the FD since many decades. Neither revenue nor tribal department officials understood the special history of FVs and why they should be eligible for 100% recognition of rights of all individual plots and conversion to a revenue village. All recognition of individual rights in FVs was controlled by FD officials, who demanded all kinds of proofs, imposed ceilings that are inapplicable under 3(1)(h), rejected claims by non-Adivasis because they could not individually prove 75 years of residence (although FD records would show their presence), reflecting the paternalistic attitude that the villagers were better off under the FD's care.

Consequently, the recognition of individual cultivation and habitation rights has been far below what it should be. Our analysis of 10 FVs in eastern MP's Dindori district revealed that the area recognised under IFRs covered only 11% to 61% of the actual cultivated/inhabited (kheti and baadi) land of the FVs – all within the specially demarcated forest compartments. A mapping of the IFR titles showed a random distribution of plots of recognised and rejected claims across a contiguous landscape under long-term occupation. This is the status after multiple rounds of claim submissions and reviews. In each round, villagers have spent many days in assembling documents and thousands of rupees in preparing, travelling and submitting their claims. A majority of these claims have been only partially accepted – sometimes an area as little as 0.1 hectare - despite all cultivation falling within the historically demarcated cultivation-cum-settlement boundary. As a result, for example, households with 1.5 hectares of land have received titles to only one-third of it or less. Such partial acceptance means these claims are not being taken up under the ongoing official review of rejected claims. Dragging out the rights recognition over 15 years has added yet another layer of injustice.

The imposition of the Van Mitra app by the MP government has added a third layer of injustice. The app was supposedly meant to ensure rigorous tracking and monitoring of the claims process. But in villages that have weak network connectivity and weaker literacy, demanding that all steps (individual claim preparation, claim verification by the forest rights committee, joint field verification and gram sabha scrutiny) be carried out online through an app is not just impractical, but destroys the very spirit the FRA process, viz., bottom-up and transparent claim-making and recognition.

Following our analysis of the shortfall in IFR recognition, ATREE was invited by the collector of Dindori to pilot a process of comprehensive and rigorous claim-making in two villages, that would serve as a pilot for a similar process in all other FVs of the district. We

teamed up with the village Forest Rights Committees of the villages and mapped every plot under occupation. We compared these maps with 2005 satellite imagery and FV boundaries, and helped the villagers put together a comprehensive set of claims that were scrutinised, corrected, and finally approved by their gram sabhas. Forest department records and maps were used as supporting evidence. But the state government's policy that everything must be done through the Van Mitra app has meant that officials are reluctant to accept the claims in the absence of 'orders from above' that will permit what the law already stipulates: simple, paper-based claims. Villagers are seeing no end to the injustice… In the meanwhile, a futile exercise of conversion of FV to revenue village under section 3(1)(h) has recently been initiated, without properly recognising individual and community rights.

The plight of FVs in MP is the worst, but by no means the only example of this extreme historical injustice in India's forests. Other states such as Chhattisgarh and Odisha have moved haltingly towards conversion, while West Bengal continues to drag its feet. The real solution would be to completely de-notify (i.e., remove from the Reserve Forest category) all habitation, cultivated and grazing lands of the FVs, to recognise their community access and management rights in surrounding forests, and thereby to free these villages from the colonial yoke forever. All the records required to support this process are with the government. Geospatial technologies can be used in a way that eases the claim-making process, maintains complete transparency and ensures gram sabha control over the process. Explaining to the Supreme Court why de-notification of forests in these cases does not constitute any new deforestation (unlike the diversions for mining and dams that continue apace) should be a simple matter—provided there is a will to set right an extreme historical injustice.

Figure 1. Cultivation status in a Forest Village in 2005.

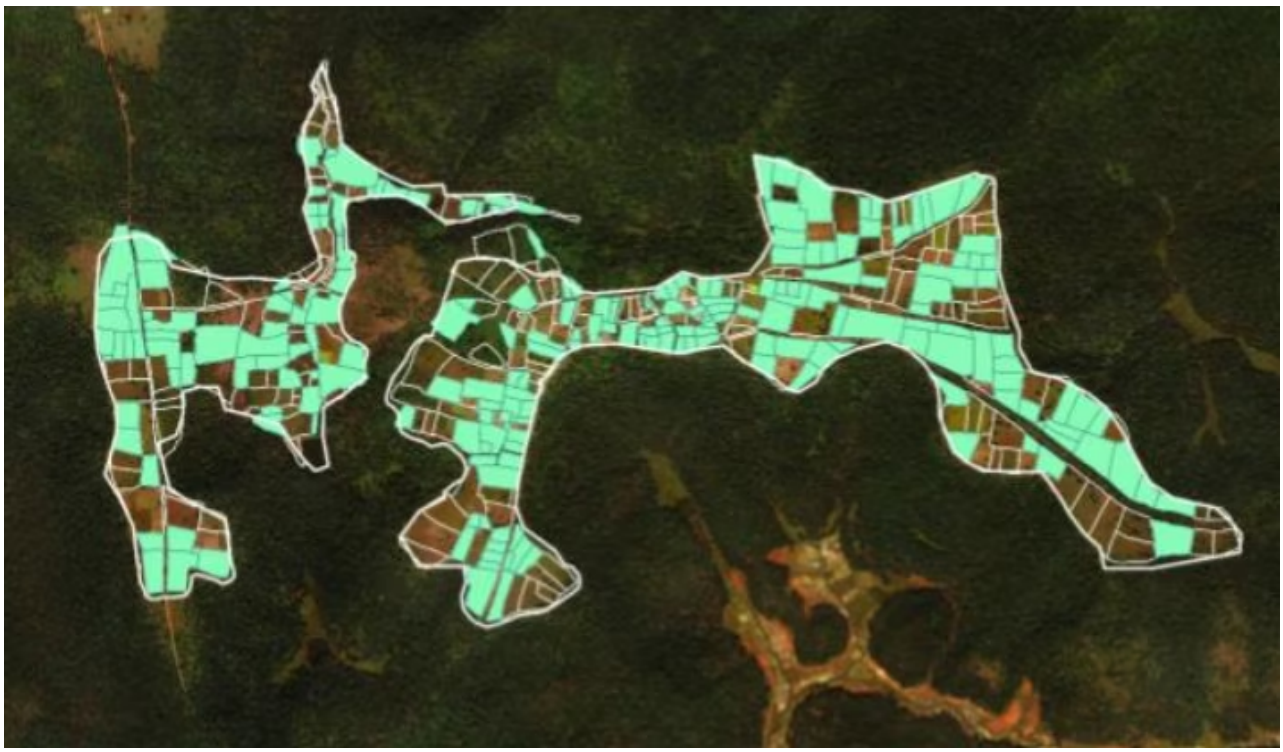

Figure 2. Plots for which rights have been approved so far (in pale green); other plots remain unrecognised.

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