

Community Forest Governance

The Jharkhand Save the Forest Movement in India

By Christian Erni

Jharkhand literally means “the land of forests”, and until a few decades ago most of the present-day Jharkhand state, in fact most of the Chotanagpur plateau, where the young state lies, was covered by dense sub-tropical forests. The Chotanagpur plateau is also home to numerous indigenous peoples (in India called *Adivasi*) who have fiercely defended their land against encroachers and for many decades after India gained independence fought for the creation of a state of their own, a state for the indigenous peoples, covering the historical “forest land”: Jharkhand. The Indian government finally conceded, and on 15 November 2000 the present state of Jharkhand was created. It however consists only of what earlier formed the southern part of Bihar state and therefore only a fraction of the historical Jharkhand. In the new state, with merely 28% of the population the 30 indigenous peoples still remain a minority. Hopes for changes were soon to vanish. Plundering of Jharkhand’s natural resources is going on unabated and the Adivasi find it increasingly difficult to maintain control over their land, lives and destiny.

Jharkhand holds an enormous wealth in mineral resources: It possesses the country’s largest deposits of iron, copper, asbestos, kainite and mica, ranks second with respect to chromite and third with respect to coal, bauxite and thorium. In addition to this a range of other minerals including uranium are commercially exploited while mining of gold and diamond is on the card. Because of the availability of large deposits of both coal and iron ore heavy industry is dominating several parts of the state, like Jamshedpur, Bokaro and Ranchi. The presence of such rich mineral deposits poses a serious threat to indigenous communities.¹ Nearly 20% of the state’s population of 26 million has been displaced due to major industrial projects and the Jharkhand government has signed agreements with dozens of companies active in the steel, mining and power generation sector.²



Community forest guards of Gabharia, a Munda village in Ranchi District: Regenerating forests provide a large number of non-timber forest products (all pictures by author)



Wealth of the land – a curse for the Adivasi: Iron ore mine, Ranchi District, 2009

The run for Jharkhand's mineral resources was preceded by the plundering of its forests. The British colonial government declared all forest land as public land and thus established control over vast areas of the sub-continent. Only in exceptional cases were the rights of indigenous or other local people recognized. In Jharkhand, 446 Munda villages received such recognition. Under the Chotanagpur Tenancy Act of 1908, their collective ownership over land and forest, the Khunkatti, is explicitly recognized and protected. This came about only as a result of a massive rebellion from 1895 to 1900 under the charismatic leadership of Birsa Munda, who was jailed and eventually murdered by the British. Most of the Khunkatti villages however lost this status later on so that today only 156 officially recognized Mundari Khunkatti villages remain.³

Most Munda villages and all other indigenous communities on the Chotanagpur plateau did not get any such recognition by the British colonizers. While land rights have received some protection by declaring "tribal areas" as "partially excluded"⁴, forest management was firmly in the hand of the colonial forest department. Independent India continued with the same system by endorsing the perpetuation of the Indian Forest Act 1927. The Indian government's Forest Department rules as a feudal lord over almost one quarter of the country's 3.29 million square kilometers large territory. Mandated with the management and conservation of forest, it however did little else than plundering timber and establishing a license system for non-timber forest products that lined the pockets of corrupt Forest Department officials and filled the coffers of the license holder, who all have been non-indigenous. This not only resulted in constant harassment of indigenous villagers cutting wood and harvesting other forest products for their survival, but above all in the virtual destruction of most of the forests under the control of the Forest Department. Of the nearly 25% of India's land area declared as public forest, only 8% have a good forest cover.⁵

Today, reserved forests in Jharkhand are also heavily degraded, some even completely denuded. In its greed for revenues from timber the Forest Department of Bihar state, right after independence also took control over the management of privately owned forests.⁶ The Mundari Khunkatti forests too were converted into Private Protected Forests for "scientific management" by the Forest Department, and despite vehement protests by the Khunkatti villages the notification has not been withdrawn until now.



Regaining control over their forest: Gabharia villagers, Ranchi District

With their rights to their forests being denied, the valuable timber being robbed by logging companies and the Forest Department, and their own use of forest resource criminalized, indigenous communities did not have the power and many felt little incentives to protect their forests. While most of them had to helplessly watched the destruction of their forests and were engaged in a constant cat-and-mouse game with forest guards, a few communities began to resist and fight back. Today, these communities are united in a state-wide movement, the Jharkhand Save the Forest Movement, which is gaining strength day by day, is challenging the feudal rule of the Forest Department on all fronts and is slowly but steadily regaining control over forest – for the benefit of both the forests and the indigenous villagers who depend on them.



Women are playing a key role in defending Adivasi forest rights: Munda village of Gilua, Saraikele-Kharswan District

Jharkhand Save the Forest Movement: A struggle not just for forest protection

Over the past decades communities all over India have started to protect whatever forests remain and to regenerate denuded forests. A report published in 1996 refers to "[a]n estimated 12,000 to 15,000 villages, primarily in eastern India [that] have mobilized to protect one to two million hectares of regenerating forest. The evolution of this approach to resource management draws on both ancient traditions and emerging strategies."⁷ In Jharkhand, the *Jungal Katai Andolan* was launched as early as 1978, as a protest movement against the devastation of forests in the Kolhan-Singbhum area, mostly inhabited by the Hos. The forest rights movement remained particularly strong in Munda and Ho inhabited regions of Ranchi and West Singhbhum districts, and protests continued in a sporadic manner until the emergence of the *Jharkhand Jungle Bachao Andolan* (JJBA - Jharkhand Save the Forest Movement) in 2000.

JJBA emerged out of an initiative to launch a campaign for the restoration of forest rights of the Adivasis in Jharkhand. The forest rights campaign is run as a project by the Bindrai Institute for Research Study and Action (BIRSA) with support from the International Work Group for Indigenous Affairs (IWGIA). Under the still ongoing project, existing Forest Protection Committees have been strengthened, the formation of new Forest Protection Committees has been promoted and the communities agreed to launch the JJBA as a grass-roots movement for restoration of forest rights for the indigenous peoples, providing themselves with a common platform for sharing of experience, for coordination and cooperation.



BIRSA activists with the village chief and members of Gilua village, Saraikela-Kharswan District



Mobilizing the people: JJBA rally in Ranchi, 2007

Over the past eight years, JJBA has witnessed an enormous expansion. It now has about 5000 registered members in 45 blocks in 12 of 22 districts of the state. An indicator of the scale of mobilization achieved by JJBA is the number of people attending rallies in the state capital Ranchi. In 2000 around 7000 people gathered for the first rally, while at another one in 2006 it was around 20,000.

While the protection of their forests is the concern around which the work of the JJBA revolves, the way to achieve this is the restoration of the Adivasi communities' rights over their forests. And in that the JJBA has come a long way over the past eight years. The indigenous peoples of Jharkhand have become conscious of their rights as well as the importance of forest conservation. They have started to act and make demands, to confront and challenge forest officials, contractors and the timber mafia, and they have filed a case at the High Court of Jharkhand to restore the Mundari Khunkati villages' rights over their communal forests.

To protect the forest – keep the Forest Department out

The Adivasi communities gathered under the banner of JJBA have understood that they can protect their forests in the long run only if their rights over their forests are recognized. Re-establishing control gives them the confidence that they will be able to reap the fruits of their efforts, and thus the incentive to forego immediate returns in favor of long-term protection. Thus, the determination of indigenous communities in Jharkhand to protect and regenerate their forests is inseparably linked to asserting their customary rights over them.

Given the non-cooperative attitude, which the Forest Department has so far shown, this simply means: keeping the Forest Department out of their forests. It may also imply confrontation with the timber mafia who, often in direct collusion with the Forest Department, continue to illegally fell timber. And it may even mean that they have to do away with their own leaders, if they have become corrupted by contractors and Forest Department officials.

This is precisely what happened in Gabharia, a Munda Khunkati village in Bundu block of Ranchi district. The Munda have traditional leaders, whom they also call “Munda”, meaning “head”. It is an inherited status and both the British and present government were quick to recognize the potential for manipulating these leaders to their advantage. They also implanted in them the distorted view that they are the “owners” of the land and forests of their communities. Thus, in the 1970s, the Munda of Gabharia granted the Forest Department and contractors the right to log the communal forest of his village without consultation with, not to mention the consent of his fellow villagers. When the people started to oppose and tried to prevent the logging the Munda filed a case at the local police, which he had previously befriended. In the early 1980s villagers were faced with several court cases filed against them by their Munda. They had to spend a lot of time for going to court and some were even temporarily jailed. In the end, however, the Munda lost all cases. Such harassment went on until one day the villagers chased the Munda out of their village and never allowed him to return, even though he begged them for permission to at least die there so that his soul can be at peace among the ancestor spirits of the village. Since then Gabharia village has not had any Munda anymore, and with the Munda the Forest Department also disappeared. The villagers restructured their social system by democratizing the process of selection of the temporal head of the village. Now the post is no more called the Munda but the President. Since 2002 Gabharia has been in touch with JJBA and today the whole village considers itself to be a member of JJBA.

In other villages people had to resort to even more drastic action to assert their right to use and manage their forests, and in several cases women have been at the forefront of these confrontations. In Hazaribagh district, the Forest Department started to plant eucalyptus trees on communal forest and even agricultural land of Kurmi and Santal villages.

For months there was a simmering opposition but no organized resistance. Phuleswar Mahato, one of the local leaders, recalls that for him the igniting spark was a statement made by JJBA leader Alistair Bodra who advised him: “If you win over one village, half the battle is over”. So when the Forest Department returned to plant more eucalyptus trees the people from one of the villages, Karma Beda, simply uprooted them. In Hazaribagh, the Forest Department is known to be particularly strong, and indeed, it filed cases against the villagers. But JJBA had prepared them and came forward in defense of the villagers’ rights. And when the Forest Department started to dig trenches across the road leading to the village in order to prevent people’s access to the plantation area the women confronted the workers with sticks and sickles. The police was called in and came in two big vans. But the women of Karma Beda stood their ground. Since then the Forest Department has not been seen again. The news of such assertive action spread like wildfire among the neighboring villages and within 10 months almost all villages in Mandu and Churchu blocks were united against the eucalyptus plantation. Indeed, Alistair Bodra’s prediction was correct. All these villages are now members of JJBA.



Ho women of Katamba village, in West-Singbhum District

In many areas throughout Jharkhand the officials of the Forest Department have virtually relinquished their authority for all practical purposes, and villagers have again taken over the management of their forests. Assertive action on the ground is always accompanied by battles in court. JJBA has however taken legal action to another level. After consultation with a Supreme Court lawyer in Delhi a public interest litigation in favour of abrogating the Bihar Private Protected Forest Act 1947 and withdrawal of the Mundari Khuntkatti forests from the pervue of the Indian Forest Act 1927 was filed at the High Court of Jharkhand, which was accepted in 2006. This would fully restore the Mundari Khuntkatti rights. The Forest Department and the State Government were asked for a hearing already three times but none turned up. Now the High Court will be able to make a judgment without the presence of the defendant. According to the Supreme Court lawyer advising JJBA they have a very strong case. The Forest Department is apparently getting nervous, especially since the case includes demands for compensation for decades of unpaid shares of forestry proceeds. It tried to convince the claimants to agree on an out-of-court settlement, pointing out that they had already withdrawn from the Khuntkatti forests. The claimants however refused and they expect the court verdict to be issued within 2009.

The result of the Adivasi villagers' resuming control over their forests is stunning: hills that have been completely denuded are again covered with lush forest. The trees are still young, but they are already delivering ample returns. Jharkhand's forests are rich in non-timber forest products (NTFP), which are mainly gathered by women. A number of them are sold and an important source of income, like lacquer, Sal and Char seeds for oil, Sal leaves for disposable plates, Kendu leaves for local cigarettes, or Mahua flowers for local wine. And there are many edible fruits and nuts, barks, roots and leaves for herbal medicine in addition to fuel wood and of course the timber for house construction.

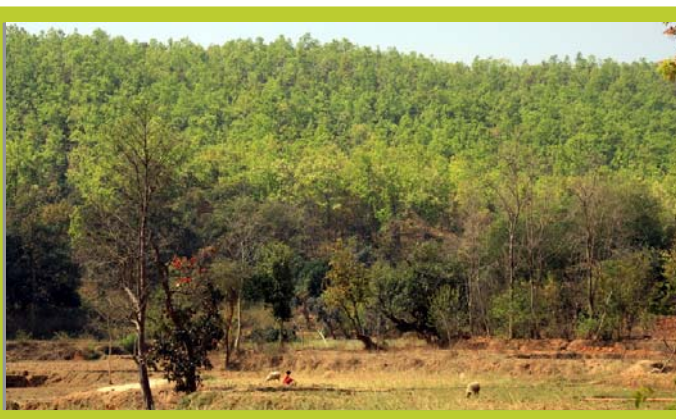


The people's effort is bringing the forest back: Regenerated forest of the Munda village Mutu Gora (below left); enrichment planting by the Ho villagers of Chirugibeda (above)

The mantra and the four pillars

Gabbaria's neighboring villages did not fail to notice the changes that took place in Gabbaria's forest. They were also confronted with Gabbaria's strict enforcement of their forest management rules, as they, as outsiders, were not allowed to freely cut any trees in that forest anymore. This initially created tension, but eventually they began to understand what was happening and in early 2009 a few of them visited Gabbaria and asked the villagers: What is the *mantra*⁸ of your success in protecting the forest?

The villagers recall that during the time of their Munda's rule they were divided and therefore weak. Everybody was only looking after their own interests. The Munda's abuse of his power and ruthless exploitation of the community's forest however made them wake up and unite. Today, they acknowledge that the Munda has unwittingly been their *guru*, their teacher. "Unity and determination" is the simple *mantra*. Uniting and launching collective action against its own leader and his collaborators, the Forest Department and the police, was the first necessary step Gabbaria had to take. Determination was needed to withstand the pressure exerted by the Munda and the authorities. This *mantra* does not just apply to Gabbaria, it is the guiding principle of JJBA



The achievements of JJBA go far beyond the goal of “saving the forest”, as programmatically stated in its name, or securing community rights over forests, as a precondition for the former. What we can observe is an overall empowerment through strengthened confidence, revitalized traditional institutions and the creation of new institutions, including the state-wide JJBA as a popular movement, through which indigenous peoples are asserting their rights and identities. It is maybe precisely the clear focus on forest rights, with its strong symbolic value for these forest-dependent communities, which is part of the explanation for the success of the movement. The movement not only has a very clear target (forest rights) but has also developed a simple strategy to achieve it. This strategy is called Community Forest Governance. It is conceived as resting on “four pillars”:

1. The traditional village council (Gram Sabha)
2. The Forest Protection Committee
3. The women’s cooperatives
4. The youth forum (Bal Akhra)

Even though the approach is termed Community Forest Governance, the four “pillars” are representing an encompassing community-based self-governance system combining the traditional self-governance institution of the village council (Gram Sabha) with three new institutions: The Forest Protection Committee is strengthening a particular aspect of traditional self-governance (forest management and conservation), while the women’s cooperatives and Bal Akhra are mobilizing two sectors of society – women and youth – which at least in some of Jharkhand’s indigenous societies (like e.g. the Munda) do not have access to the traditional village council. Women’s cooperatives create a space for women to organize themselves around an issue of primary concern to them: livelihood. Thus, JJBA’s women’s cooperatives aim at empowering women in two ways: by mobilizing them for active engagement in village affairs and in the JJBA, and by strengthening them economically. 263 Women’s cooperatives have so far been formed, and women are playing key roles in JJBA. Almost half of JJBA’s 135 central committee members are women, and about one third of its 45-member core committee.

Through Bal Akhra, the youth forum, JJBA tries to reconstruct in new ways the traditional youth dormitory, which was a key institution in Adivasi society in the past for ensuring inter-generational knowledge transfer. JJBA has formed Bal Akhras in 233 villages. Children and youth not only learn about forest conservation and all the traditional knowledge related to it, but also practice traditional songs and dances and other aspects of their culture.

Renegade foresters and a new law

JJBA’s goal for the near future is to set up an Institute for Community Forest Governance which provides training and other forms of support to indigenous communities determined to regain control over their forests, to manage and protect them for future generations. While the JJBA activists and communities draw on their age-old traditional knowledge in protecting and managing their forests, they are also keen on learning new skills in order to become more effective and be able to meet new challenges. BIRSA, the NGO which has supported JJBA since the very beginning, has made contact with critical-minded foresters supportive to community-based forest conservation. Among these “renegade” foresters is Ajit Banerjee, considered the “father” of the originally well-intended but today much criticized Joint Forest Management (JFM) in India. Ajit Banerjee has himself become critical of the JFM program since he has seen that it largely failed, not just with respect to conserving forests but above all with respect to ensuring genuine participation of forest communities. He has now become a supporter of the Community-based Forest Management approach and is helping JJBA with mapping and training on stock assessment and other forest management techniques.

Even foresters within the Forest Department itself are opening up. In fact, JJBA has had several meetings and was invited to give a presentation at a seminar organized by the Forest Department. On such an occasion one of the younger foresters has conceded that the days of the Forest Department, as we know it, may be numbered.

Indeed, a major shift in India’s forest policy has been long overdue and with the passing of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in December 2006, the ground for such a shift seems to be prepared. The new Act gives Adivasi and other members of forest dwelling communities limited ownership rights to agricultural land, use rights to grazing grounds and water bodies and to “minor forest produce”, which means: not to timber. This law is but a first, nevertheless a significant step toward the recognition of indigenous peoples’ rights to land and forests in India, and communities’ role in forest protection



Ajit Banerjee: The “father” of India’s Joint Forest Management

The challenges ahead

The Forest Rights Act 2006 gives state governments the mandate to implement it, and for that purpose to formulate implementing rules and regulations. But this, JJBA came to learn, is a major obstacle. Even though Jharkhand's Ministry of Forest has publicly announced its commitment to implement the act, experiences made so far have been frustrating. Even though the Ministry of Welfare is officially in charge of implementing the act, some districts have given the task to the District Commissioners and Block Development Officers. With a few exceptions, bureaucrats are trying to either block the implementation or do it in a way that allows them to control the process, i.e. especially the formation of the mandatory Forest Rights Committees at the village level. The sole exception so far is the District Commissioner of Saraikela-Kharsawan district, who is very supportive. He closely consults with JJBA and has, for example, asked JJBA to organize the district-level information dissemination workshop on the Forest Rights Act. This district is considered a model for a genuinely participatory implementation of the FRA.

JJBA has come to realize that it needs to remain vigilant, to maintain and even step up pressure on the government if the Forest Rights Act is to be implemented properly in Jharkhand state. And even if this happens, JJBA will still have a long way to go until the forest rights of all Adivasi communities in the state are recognized and protected. The pending High Court verdict may restore the Mundari Khunkatti rights of the 156 Khunkatti villages. But there are thousands of other Adivasi villages who do not have this status and are as dependent on their forests as the Khunkatti villages. Meanwhile, Adivasi villagers are trying their best to maintain whatever little space they have been able to wrestle free from the antiquated, feudal system of forest governance under the Forest Department. Ultimately, as BIRSA's program coordinator Sanjay Bosu-Mullick put it, JJBA's struggle for Community Forest Governance is about re-democratizing the forest regime in India.

Notes

¹ With over 3100 mines operating all over India, the mines and minerals industry is said to provide employment to over 1.1 million people (http://www.indianetzone.com/3/indian_mines.htm). Other sources put the number at 560,000 people. In any case, this has to be compared with the 2.5 million people who have been displaced by mining projects between 1951 and 1990, of which 52% are tribal people. (http://www.cseindia.org/programme/industry/mining/political_minerals_mapdescription.htm)

² Jharkhand to have resettlement policy for displaced people. Webindia 123 news article of June 4, 2007, retrieved at: http://news.webindia123.com/news/ar_showdetails.asp?id=706040549&cat=&n_date=20070604

³ This is the figure given by the government. According to a survey conducted by JJBA there are only 149 Khunkatti villages.



Celebrating the land titles obtained under the FRA: Raisingdiri, a Munda village Saraikela-Kharsawan District

⁴ In the Government of India Acts of 1919 and 1935, the British colonial administration gave tribal areas a separate status. On recommendation of the so-called Simon Commission of 1930, tribal areas were classified as Excluded Areas and Partially Excluded Areas. Excluded Areas consisted of those exclusively inhabited by tribal people, while Partially Excluded Areas were those where tribal communities lived together with non-tribal communities but were in large numbers and considered "undeveloped". Both areas were excluded from the competence of the provincial and federal legislature. The difference between the two was that while in the latter case the elected provincial governments had limited administrative jurisdiction, the excluded areas were administered solely by the provincial governors appointed by the British. The Partially Excluded areas became the 5th Schedule Areas and the Excluded Areas became the 6th Schedule Areas under the Constitution of independent India.

⁵ Poffenberger, Mark 1996. Grassroots Forest Protection: Eastern Indian Experiences. Research Network Report number 7, March 1996. Asia Forest Network, p.1

⁶ In 1947, the same year as India gained independence, the state government of Bihar passed the Bihar Private Forest Act, 1947 (Act IX of 1948). The forests belonging to private estates and zamindars (landlords) were converted into Private Protected Forests and their management was taken over by the government.

⁷ Poffenberger, Mark op.cit., p.2

⁸ Wikipedia defines mantra as follows: "A mantra (Devanāgarī मन्त्र) can be defined as a sound, syllable, word, or group of words that are considered capable of creating transformation. (<http://en.wikipedia.org/wiki/Mantra>)

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