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Published: July 19, 2017 12:30 IST | Updated: July 18, 2017 15:44 IST

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Lesson from Yawal



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Contrary to the impression sought to be created, Yawal Wildlife Sanctuary offers an excellent example of how gram sabhas, with help from local organisations and government agencies, can use the FRA to transform a sanctuary on the brink of ecological and social disaster into a thriving habitat for wildlife.

By NEEMA PATHAK BROOME and YAGYASHREE KUMAR

ON July 1, 2016, the Satpura Bachao Samiti, Jalgaon, Maharashtra, issued a press release in local newspapers asking that five villages be relocated from inside the Yawal Wildlife Sanctuary in Jalgaon district and the sanctuary be declared a critical wildlife habitat. Its justification was that in the last few years the habitat of the sanctuary had improved enough for tigers to be sighted there again. The Yawal Wildlife Sanctuary has been in the news for many years as a “classic case of encroachment”. In a writ petition currently being heard in the Supreme Court, it figures as a prime example of how the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also known as the Forest Rights Act (FRA), is being misused.

This article is an attempt to describe the actual situation in Yawal, to dispel the one-sided opinion about the FRA encouraging encroachments, and to stop the use of Yawal as a negative example. Yawal is, in fact, an excellent example of gram sabhas using the FRA with help from a local sanghatana—the Lok Sangharsh Morcha (LSM), which was formed in 2000 and works for tribal rights in northern Maharashtra—and supported by all government agencies, including the Forest Department, to transform a sanctuary on the brink of ecological and social disaster into a thriving habitat for wildlife, including tigers.

The irony is that the same villages that played a crucial role in this transformation are now being asked to relocate. In fact, on the day the above-mentioned press release was published, residents of local villages were participating in a campaign of the Maharashtra Forest Department to plant two crore trees in the State. Each village held a gram sabha and passed a resolution to plant over 20,000 trees in the village and surrounding forests and ensure 100 per cent survival of these trees in the years to come. Incidentally, these forests are also what village residents have claimed or are in the process of claiming as their traditional community forest resource (CFRs) areas under the FRA.

Origins of conflicts

The 172.52 sq km Yawal Wildlife Sanctuary, declared in 1969, is located in the east-west axis of the northern part of Jalgaon district. It is a part of the ecologically, historically and culturally important biogeographic landscape of the western stretch of the Satpura range. There are six villages inside the sanctuary—Langda Amba (a forest village), Usmali, Jamanya, Gadriya, Garbardi and Nimdya—and many more in the immediate vicinity. These villages are occupied by Pawaras, Neheres, Barelas, Bhils, *Bhilalasand Tadvis*, among other subtribes.

The complex situation in the sanctuary has mostly arisen because the issues of land and resource rights and access to them has been systemically ignored in conservation planning for decades but more so since 1996 when the sanctuary was brought under the wildlife wing of the Forest Department. News from the sanctuary relating to the extensive hardships people faced was rarely reported. These included lack of livelihood options; closure of the only road running through the sanctuary, which literally isolated the villages; discontinuation of the State transport buses plying to the villages, which resulted in deaths of the sick who needed to go to hospital; public servants never visiting the villages; corruption in the schemes implemented in the villages; and lack of access to markets.

In the past few years, the sanctuary has often been in the news for extensive timber smuggling and encroachment of forest lands. Both these issues have deep sociopolitical underpinnings that emanate from social inequity, corruption, centralised power and conservation policies, among other things. The predictable net result has been enormous anger among the local people against the protected area authorities and serious distrust of the people among these authorities.

Land and resource rights

Forest operations have been conducted in and around Yawal since the time of the British. Residents of local villages were employed in these forestry activities, and some villages, such as Langda Amba, were specially settled as camps for people who worked in the forest for the British. Forestry operations by the Forest Department continued after Independence, and these villages continued to be inside the forests as forest villages without any rights of use or access rights for their residents and with minimal subsistence agriculture. For livelihood, the village residents depended on the daily wage labour the Forest Department provided. In 1969, these forests were declared a wildlife sanctuary, but forestry operations continued. In 1970, 446 hectares of sanctuary forest were denotified and Jamanya, Usmali, Gadriya and Nimdya were converted into revenue villages. Langda Amba, however, was considered a labour camp and was not given revenue status. Forestry operations were taken over by the Forest Development Corporation of Maharashtra (FDCM) in 1972 for the commercial extraction of bamboo and timber using a local labour force. Resource use and access rights of the local people, however, were still not recognised, making the people completely dependent on the Forest Department and the FDCM for both cash and subsistence needs.

In 1984, timber felling was stopped in the sanctuary area, but extraction of non-timber forest produce (NTFP) and bamboo continued. In 1991, taking into consideration the sanctuary status of the forests, the FDCM stopped commercial forestry operations and focussed on plantations and soil and moisture conservation. This resulted in systemic reduction in livelihood options for the local people. In 1996, the sanctuary was handed over to the wildlife wing of the Forest Department, and all forestry operations, including NTFP and bamboo extraction, were stopped completely. The local people, who had minimal agricultural land and no access to forest resources, were left with no options to sustain themselves. Through the decades, as forest policies changed, people who were used for departmental activities and were made dependent on the department were left in the lurch. In such a situation, expansion of agriculture became a necessity for survival.

A subdivisional officer understood the situation and inquired into the rights of the people under the Wildlife Act, 1972, and submitted his report in 2000. It recommended a number of steps to improve the dire condition and extreme insecurity faced by the people, which included that the villages should not be relocated; that the Langda Amba labour camp should be converted into a revenue village; that regulated grazing should be permitted; that fishing should be allowed in the Suki dam inside the sanctuary; that a road should be constructed to connect the villages; and that basic amenities such as telephone and electricity lines should be allowed. The Forest Department, however, opposed the recommendations and suggested the constitution of a committee to look into the matter.

It is clear that nothing much happened towards implementation of these recommendations, and people continued to live without basic human rights and dignity, constantly harassed and threatened by Forest Department staff.

Land claims under the FRA

Looking for a solution to their situation led local leaders to the LSM. As part of the sanghatana, they became actively involved in numerous local and national level processes, movements and rallies in support of the FRA in its early stages. The FRA was enacted in 2006 and its Rules were notified in 2008. By 2009, after an initial period of confusion relating to its implementation, the LSM began organising training and study programmes for local villagers on the provisions of the Act and in the processes for filing claims. Under the FRA, gram sabhas have the mandate to consider only those claimants who had occupied or were in possession of land on or before December 13, 2005. No occupations after 2005 are eligible under the FRA.

A large number of claims were filed in all the villages in Yawal, which the gram sabhas subjected to verification. After verification, the Jamanya gram sabha (which covers four core villages inside the sanctuary) recommended only 492 individual land claims. According to the local people and Pratibha Shinde of the LSM, over 1,000 claimants, many from Madhya Pradesh, also staked their claim but were not accepted by the gram sabhas. These land occupiers had no local support. Although there was sympathy for these people, many of whom had relatives in the area, it was clearly accepted in all gram sabhas that they were not eligible as claimants under the FRA. This led to some conflicts.

Understanding the history of forest land occupation in the sanctuary is extremely important in this story. Local people recall that by the early 1980s the state of tribal communities in the central Indian region of Madhya Pradesh, Maharashtra and Gujarat was pitiable because of exploitation by landlords, moneylenders and the Forest Department. The abject poverty, oppression and deprivation created by forest policies led to the expansion of agricultural land. Local people claim that immediately after the FRA was passed the Range Forest Officer in charge of the Pal range in 2006-07 went from village to village, particularly in Madhya Pradesh, telling people about the “land-giving Act” and encouraged them to occupy forest lands. As a result, many people from Madhya Pradesh, along with local people, began to occupy forest land for cultivation. Such occupants of land would pay substantial amounts to forest staff every year.

This led to serious conflict between the local village residents and those who came from Madhya Pradesh to occupy forest land. The residents of Jamanya, Gadriya, Usmali and Langda Amba came together to stop those attempting to occupy land in one of the forest compartments close to their villages. This turned into a fight that continued for over two years (often reported in the local media as clashes between villages). In these two years, the villages in Yawal did not have access to markets at Shirwel in Madhya Pradesh. Considering that access to places within Maharashtra, such as Pal and Yawal, is difficult in the best of weather, and the places are nearly inaccessible during the monsoon (as there is no road to these villages), village residents were forced to sneak into markets in Madhya Pradesh at night to buy provisions. After two years of the embargo, they sought help from the Forest Department and the police, both of which advised them to settle their disputes and let the people from Madhya Pradesh occupy the land.

The local village residents claimed that such “encroachment” would never have taken place had they been supported by the police and the Forest Department. They claimed that cases were filed against local village residents, who eventually had to pay to get the cases dismissed. Those who could not afford to pay continued to go for hearings, incurring serious inconvenience and expense.

Over a period of time, having understood this nexus and corruption cycle, opportunists among local and outside villages, forest staff and land agents joined the bandwagon of forest occupation and illegal land dealings. This led to further curbs on the local people as

they—as a generalised group of people—became the direct blame takers in this complex situation. Demands for their relocation, destruction of their standing crops, and physical clashes with the Forest Department became common, while the claims they had filed under the FRA remained unheard. A large number of claims were rejected without any stated reason. The LSM continued with rallies and morchas on the insecure land and rights situation of the local people. Finally, on May 2, 2013, an agreement was reached with the Collector of Jalgaon that a verification of filed claims would be carried out once again under Section 12A of the FRA Amendment Rules, which was notified on September 6, 2012.

A new chapter

As the conflicts escalated, Praveen Singh Pardeshi, the then Principal Secretary of Forests and Tribal Development, stepped in. A meeting was called to get an understanding of the Yawal situation, and local village residents and LSM members took part in it. Contending that lack of rights and access and livelihood security were at the root of the various conflicts in the sanctuary, members of the LSM proposed that the rights of the local people under the FRA be recognised and that 17 villages in and around Yawal be allowed to prepare their own village development and conservation plans with their gram sabhas. It was accepted at the meeting that the ecological security of the sanctuary was not delinked from the livelihood and cultural security of the people residing in the forests. As a result of this dialogue, the first of its kind in the history of the sanctuary, many important decisions were taken, including that a team comprising members of the village Forest Rights Committees and representatives of the Revenue and Forest Departments would carry out field verifications of all the 492 claims that had originally been accepted. Members of the LSM were to participate in this process as independent observers. Seventeen villages in and around Yawal were selected where village development and conservation plans would be developed with gram sabhas and implemented by converging the resources from different government agencies.

In the following months, gram sabha members, village youths, students and members of the LSM, supported by outside agencies such as Kalpavriksh, began the process of collecting data, mapping traditional village boundaries, and so on, through which detailed village-wise data on the social, economic and ecological parameters of each village were collated. The data were discussed in all the village gram sabhas, and livelihood and conservation plans were drafted. Special gram sabhas were organised to discuss these plans and pass resolutions.

The gram sabhas were enthusiastic and full of hope for their future (even as they remained sceptical and distrustful of the Forest Department because of the long history of conflicts). All the resolutions strongly condemned fresh land occupations. Interested in ensuring the ecological health of the forests as it had a direct impact on the lives and livelihoods of the people, the gram sabhas, through their resolutions, demanded that government functionaries support them in their efforts to meet their own needs and forest conservation efforts. All the gram sabhas subsequently resubmitted their CFR claims on the basis of the new information and evidence that they had generated.

Over the next two years, gram sabhas along with members of the LSM helped the Forest Department in controlling the timber mafia, for which in the past security personnel had to be employed; participated in the land occupation verification process; and facilitated dialogue with new land occupiers to ensure that land occupied after 2006 was vacated. At the same time, through the convergence of the resources and schemes of local government agencies, many agriculture and livelihood development activities were taken up. This paved the way for village residents to gradually gain access to some of the basic amenities and facilities that had been denied to them.

Overall result

The overall result of these efforts is now obvious on the ground, with forests regenerating and wildlife populations returning. In the words of the Conservator of Forests in charge of Yawal: “In 2014, 1,208 ha of illegal encroachment was successfully removed; around 1,400 still existing, out of which 1,350 ha is under FRA claims and will be decided by due process of law (under the FRA).... Please don't quote Yawal Sanctuary as a bad example ...Please quote it as a good example of protecting a wildlife habitat...”

Even as the villagers continue to live in insecurity with all their rights not as yet recognised and constant demands being made for their relocation, it is evident today that the tiger habitat in Yawal has improved not because of the strict and exclusionary provisions of forest and wildlife laws and policies but because there was dialogue with the local people and because the FRA was used for their benefit, which led to benefits for wildlife.

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