

TRIBALS AND FOREST DWELLERS DEMAND REPEALING OF CAF ACT AS COMPENSATORY AFFORESTATION AND PLANTATION PROJECTS VIOLATE LAND AND FOREST RIGHTS

Press Release from the National Consultation on Compensatory Afforestation and
Rights of Forest-Dwelling Communities

Organized by AIFFM and CFRLA

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Since in its enactment in 2016 the CAF Act has seen protests by tribals and forest dwellers, civil society organizations and citizens' groups across the country. About 3000 Gram Sabhas from across the country have already passed resolutions opposing its implementation. The Compensatory Afforestation Fund Act, 2016 (CAF), is a highly retrogressive and anti-tribal law strengthening the colonial era forest bureaucracy at the expense of the rights of tribals and forest dwelling citizens. It hands over Rs. 42,000 crores to the inefficient and rentseeking forest bureaucracy for continuing with a [failed model of ecological restoration of India's degraded lands](#). Forest Department's [own internal reports](#) as well as [CAG reports](#) have pointed out the abysmal performance of Forest Department in utilizing these CAMPA funds, and there is enough evidence of forest plantations being used to illegally evict tribals and forest dwellers¹. The CAF Act, 2016, also seeks to overturn the transformative and emancipatory Forest Rights Act, 2006 and clearly contradicts the powers vested in Gram Sabhas by both Forest Rights Act and Panchayat (Extension to Scheduled Areas) Act.

¹<https://thewire.in/53410/compensatory-afforestation-bill-not-passed-current-flawed-form/>
<https://timesofindia.indiatimes.com/home/sunday-times/How-Odisha-is-cutting-old-forests-for-new/articleshow/54633844.cms>
<https://timesofindia.indiatimes.com/india/Odisha-tribals-lose-food-source-as-teak-plantations-deluge-their-forest-farms/articleshow/49038995.cms>
<https://timesofindia.indiatimes.com/india/One-Odisha-villages-story-tells-you-the-problem-with-CAMPA-bill/articleshow/53472237.cms>
<http://www.downtoearth.org.in/news/centre-s-new-guidelines-on-compensatory-afforestation-ignores-communities-concerns-59077#.WgYHywa0bVA.twitter>
<http://orissadiary.com/odisha-tribals-forest-dwellers-allege-forcible-plantations-forest-department-individual-community-forest-land/>
<http://www.downtoearth.org.in/blog/plantations-campa-loom-large-over-community-rights-54932>
<http://www.thehindu.com/news/cities/Hyderabad/congress-bjp-seek-house-panel-on-haritha-haaram/article19951754.ece>

The Forest Rights Act, 2006, represents the sovereign will of the Parliament and has vested rights of tribals and forest dwellers on forest lands. Proper implementation of FRA would bring at least [47% of India's forests](#) under the sustainable and democratic management of Gram Sabhas. This emancipatory law has been opposed tooth and nail by the forest bureaucracy seeking to maintain their zamindari over the vast forest lands, inspite of clear evidence that forest dwellers and communities have proved to be far better stewards of forests and biodiversity². Due to persistent opposition of the forest department and the MOEFCC, only 3% of the potential of FRA has been realized till date. The passage of CAF Act, 2006, is a powerful strategy by the forest bureaucracy to counter the democratic potential of FRA in order to ensure their continued hegemony over forest lands at the cost of tribals and forest dwellers. The implementation of CAF Act and releasing of CA funds, now standing at a volume of Rs.42,000crores, is likely to accelerate violation of constitutional and legal rights of tribals and forest dwellers. News reports of such conflicts are common and the [Land Conflict Watch](#) already report 22 number of conflicts due to ad-hoc CAMPA plantations taken up by forest department, affecting 38,000 tribals and forest dwellers and involving 110,000 ha. of land. This is likely to be a massive underestimate.

On 14th November tribals and forest dwellers from the states of Odisha, Chattisgarh, Maharashtra and Jharkhand, along with activists, researchers and CSOs came together in Delhi to share testimonies as well as research findings of large scale violations of constitutional and forest rights of tribals and forest dwellers. An analysis of 2479 CA plantations in 10 states downloaded from the e-greenwatch website of the Ministry of Environment, Forest and Climate and Change shows that **over 70% of CAMPA plantations have been set up on forest lands instead of non-forest lands**. This is in violation of Para 3(2)(i) of the Guidelines issued under the Forest (Conservation) Act, which states that CA must be undertaken on non-forest land in the same district as the diverted forest. An ongoing field study by CFR-LA reveals that in a sample of 52 existing compensatory afforestation plantations in

²<http://www.thehindu.com/news/national/kerala/greens-tribespeople-discuss-ways-to-save-forests/article19918554.ece>
<https://www.thebetterindia.com/84503/payvihir-maharashtra-khoj-forest-conservation-organic-sitaphal/>
<https://www.thebetterindia.com/120193/this-tribal-lady-and-her-band-of-women-saved-50-hectares-of-forests-for-20-years/>
<http://www.newindianexpress.com/states/odisha/2017/sep/27/nayagarh-women-show-the-way-in-saving-forest-1663342.html>
<https://timesofindia.indiatimes.com/city/nagpur/104-villages-net-rs-9-8-crore-via-sale-of-tendu-leaves/articleshow/56816562.cms>
<https://thewire.in/148054/japanese-supported-forestry-project-leads-breakdown-community-forestry-efforts-odisha/>

Chhattisgarh, Jharkhand and Odisha, all the plantations were forcibly taken up on community forest lands vested in the Gram Sabhas by the Forest Rights Act. Pitaguda, Borguda villages in Odisha, and Edmagondi, Tehametha and Bilma villages in Chhattisgarh also lost at least 54 individual cultivable and homestead lands to CAMPA plantations.

As per a member of the *KutiaKondh* PVTG community from Kandhamal, Odisha present at the consultation CAMPA plantations, set up on their CFR and cultivable lands, have severely affected their primary sources of food security: agriculture and non-timber forest produce collected from forests. Earlier their food basket comprised 25 diverse forms of millet cultivated by themselves, today it has whittled down significantly due to monoculture plantation. Those still engaging in cultivation and collection of NTFP have been harassed, arrested or physically assaulted by the State Forest Department. As those who undertake cultivation and NTFP collection, women in these communities live under the constant fear of arrest. In places where the villagers protested strongly, the Forest Department initiated fraudulent proceedings by arresting men, forcing them to sign on blank papers, or holding consultations with the now defunct Vana Suraksha Samiti (JFM Committees) instead of the Gram Sabha as mandated by FRA. To undermine the promise of democratic forest governance under FRA, several State Forest Departments empower the now unauthorized Joint Forest Management Committees or Van Suraksha Samitis to undertake these plantations.

The preliminary findings of the study by CFR-LA reveal a similar tale. Out of the 52 villages, the Forest Department sought the consent of the Gram Sabhas in only 2 villages, completely violating the Forest Rights Act. The Forest Department, instead, has used fencing and guards to deny access to rights holding forest dwellers and tribals in areas taken up for plantations, illegally dispossessing them in violation of FRA and Prevention of Atrocities Act. In Beriadammar village, Jharkhand, some houses were also destroyed to set up the plantations. The brief also shows that Forest Departments have overwhelmingly favored commercial timber species, with teak and eucalyptus forming one quarter of species planted. These plantations have often been undertaken after clearing natural growth, and have affected the livelihood and nutritional security of women.

While the stated goal of CAMPA is to compensate for forests diverted for development and infrastructure projects, in practice, it creates a perverse incentive to accelerate deforestation. Since 1980, more than 1.5 million hectares of forest land have been diverted under the Forest Conservation Act, almost half of those since FRA was enacted in 2006. CAG Report states that a meager 12% of accumulated CA funds until 2012 massive funds were released to the states, that a further 40% of

those remain unspent, and that grave irregularities plague the utilization of these funds by the forest department. Participants at the consultation reported that in West Bengal, Jharkhand, Sikkim and Kashmir, the Forest Department has passed off dense natural forests, or those under community management, as CAMPA plantations. Often, the same sites are identified for CA for multiple different projects. The survival rate of plantations ranges from a dismal zero to 75%. CAMPA funds have also been used to purchase guns and ammunitions, luxury cars and foreign trips for forest bureaucracy.

At the meeting, participants demanded the amendment or revision of CAF Act to ensure its compliance with the Forest Rights Act: to ensure that CA projects are implemented only after recognition and vesting of rights under FRA ; that all CA funds must be transferred to the Gram Sabhas empowered to manage and conserve forests, and that all CA activities must be done with free, prior and informed consent of Gram Sabhas. They also demanded that those who have been illegally evicted and/or relocated for CA plantations must be restituted and compensated.