

Tribal Resistance and the Forest Rights Movement in India: Before Independence and After Independence

Rajen Soren

Assistant Professor, Department of History, Dukhulal Nibaran Chandra College, Aurangabad,
Murshidabad, West Bengal.

ABSTRACT

Historically, forest and land rights have been a primary source of conflict between local residents and the forestry authorities. The Indian Forest Act of 1865 empowered the colonial regime to designate any forest or waste land as government property. The Government of Independent India latter has undertaken several initiatives to redevelop forest-dependent communities and conserve forests, with the Forest Rights Act (FRA) playing a significant role in this regard. Forest officials have recommended that the Minimata Social Forestry Scheme be extended to scheduled tribe-dominated forests facing emigre tourism pressures, emphasizing the need to protect Public Forests from detrimental social impacts.

Keywords: Forest, Tribal community, Conservation, Forest act, Biodiversity, Indigenous Knowledge

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INTRODUCTION

Forest rights are a legal entitlement to the sustainable use, conservation, and management of forest resources in accordance with the law. This is an intrinsic right that permits forest-dwelling Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OFTDs) to access and utilise diverse forest resources essential for their livelihoods and integral to their cultural and religious identity. Forest rights encompass ownership, the right to gather, utilise, and dispose of minor forest products, habitation, and other developmental activities within forest regions, as well as access to fisheries, grazing lands, and water bodies. Loss of forested area and degradation of biodiversity are the most alarming environmental issues which impart many challenges to the human life as well as to the existence of earth ecosystem (Dey and Sarkar, 2021). Numerous areas across the India are experiencing habitat loss, natural disasters, and pressures from anthropogenic activity, resulting in rapid biodiversity decline (Das et al., 2022). In a forest, the primary emphasis has been placed on timber-producing trees and the sources of well-known Non-Timber Forest Products (Sarkar et al., 2018).

Indian tribal communities have significantly engaged in biodiversity protection via their traditional systems. Throughout history, philosophical discussions regarding biodiversity have acknowledged the significance of plants and plant products for economic improvement and the progression of social systems (Das et al., 2022). Forests hold significant cultural values and identities for many communities. Cultural and spiritual values are oftentimes deeply linked with a community's identity. The continual loss of forests is therefore not merely a loss of trees but the loss of a society's well-being, values, and beliefs. For example, the Santal community in West Bengal link the fertility of the village and agricultural prosperity with the state of the forest and the activities of the forest spirits (Sarker & Das, 2004). The cultural and spiritual significance of the forest therefore has to be considered for sustainable forest management.

Traditional cultural practices of tribal communities are compatible with forest management and conservation (Kumar, 2022). Most of the forest-dependent communities view the responsible use of forest resources and the practice of conservation as essential for their livelihood security. Forests hold significant cultural values and identities for many communities in the Anamalai region. As a result, the growing rate of deforestation has directed the forest-dependent communities towards wider participation in sustainable forest management and the practice of conservation. Movements to protect forests have also emerged in response to the threat of alienation from natural resources with an increasing imbalance in the existing socio-political root systems (K H Bachan & M, 2017).

Tribal Rights and Forest Management in Colonial India.

Colonial forest policy in India dramatically changed indigenous interactions with forest ecosystems, converting communal resources into limited commercial assets. Prior to British colonisation, forests functioned as communal areas that provide sustenance, spiritual links, and livelihoods for indigenous groups throughout India. The colonial administration's methodical expropriation of these areas incited extensive resistance from indigenous communities, who perceived their existence as criminalised and their traditional ecological expertise as delegitimised (Tripathi, 2016). Many forest landscapes were transformed from communally managed commons to state-controlled resources during British colonial administration (Smythies, 1925). Tribal people's traditional rights over land and forest products were methodically taken away with the passage of the Indian Forest Acts (1865, 1878, and 1927). Tribes were forced to rely on forest bureaucracy as a result of the criminalisation of traditional hunting, shifting farming (jhum), and resource exploitation. In retaliation, some indigenous groups rebelled, frequently using violence, to protect their independence and way of life. These indigenous environmental movements demonstrated not only political opposition but also a struggle to maintain sustainable lifestyles and cultural identity in the face of exploitative colonialism (Guha, 1983).

Tribal Rights and Forest Management in Independent India.

Following 1947, the aspirations of indigenous communities for justice within a democratic Indian state remained mostly unfulfilled. Forest governance remained centralised, emphasising timber exploitation, conservation, and extensive development initiatives. Adivasis encountered: Displacement caused by dams, mining activities, and wildlife reserves; Evictions for the purpose of forest protection, particularly under the Wildlife Protection Act of 1972; Absence of legal acknowledgement of customary forest rights. The Forest Rights Movement gained traction in the 1990s and early 2000s as a grassroots response to these injustices. It was influenced by indigenous organisations, civil society entities, and environmental campaigners who championed the acknowledgement of historical rights.

This resulted in the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, referred to as the Forest Rights Act (FRA). It sought to rectify "historical injustices" by Acknowledging the rights of individuals and communities regarding forest land and resources as well as empowering Gramme Sabhas (village assemblies) to administer and safeguard forests and permitting the right to inhabit and farm land within forests.

In India, the Ministry of Environment and Forests initiated the Joint Forest Management (JFM) programme in 1990 to involve local communities in protecting forests and sharing usufructs. Recognizing the central role of forest-dependent communities in the economy, ecology, and conservation of forests, the National Forest Policy emphasized the need for these communities to protect, regenerate, and conserve forest resources (Sarker & Das, 2004). The Forest Rights Act (FRA) of 2006, commonly known as the 'tribal law,' marked a paradigm shift by conferring on forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers the right to forest management and development (Chaudhuri, 2013). Indian forests are thus among the few public forests in the world managed and protected by indigenous peoples and communities. Prior to the FRA, there was no provision to regulate JFM committees and govern the power dynamics; the forest department maintained de facto autonomy over decision-making. Since independence, Scheduled Tribes and Other Traditional Forest Dwellers in general, and scheduled tribes in particular, have been subject to a special form of displaced economic development from the forest which contributed to the impoverishment and socio-economic marginalization of an entire region and its entire population of about 45 million people.

MAJOR POLITICAL MOVEMENT:

The Chipko Movement

The Chipko Movement began as a strategy to prevent the eviction of people from the forest, and spread rapidly to other villages following successful cases that received press attention. Over the next decade a series of Chipko protests took place, with accounts of these movements differing and sometimes contradicting; developing an objective history is neither possible nor desirable. The protests varied according to time, location and community circumstances; often, they were cantered much more tightly on urgent issues of access to natural resources. For example, at Mandal village raw materials were needed to support small-scale industry, a concern facilitated by proximity to major towns. By contrast, at Reni village, near the Indo-Tibet border, women protected forests as a subsistence resource. The interest in Chipko therefore remained grassroots, but varied as time passed. The movement originated from concerns about forest management that appeared to be damaging local livelihoods and had also led to ecological degradation in an already marginalized area. These issues related directly to local livelihoods,

including agroforestry and employment opportunities both within and outside the hills (Mawdsley, 1998).

THE SAVE WESTERN GHATS MOVEMENT

The Save Western Ghats Movement was an initiative begun in 1978, demanding that the government implement the Forest Dweller Act, 1976, to preserve forests in the Western Ghats (Gokhale, 2004). It was inaugurated by a plant ecologist, concerned that tribal families should not be displaced from forest regions in Kerala. The desired sympathy did not eventuate, but the movement created awareness of the Act and drew adversely affected forest-dwellers into action. The lead organisation, Purna Karnataka Raksha Samiti, endeavoured to secure the livelihood of families presently engaged in forest survival, as opposed to those dependent on the forests for commercial forestry. FIA-related requests were addressed to the Supreme Court through a PIL by Purna Karnataka. Seeking to prevent the displacement of forest-dwellers, the Court directed the government on 13 May 1988 to identify current forest-dwellers and implement the 1976 Act. Unheeding of these orders, the state government sought a fresh Act to facilitate the eviction of forest-dwellers. The Central Government thereafter sought directions from the Supreme Court for the introduction of such an Act, the Forest (Conservation) Act, 1980, resulting in the Supreme Court's order of 27 February 1989. These orders focus on displacement, which the movement's participants do not desire, moving away from the historical concerns.

The first meeting of the Scheduled Castes and Scheduled Tribes Adivasi Mukti Sangathan, Masum, Ramnath, and Sunderlal Bahuguna Organization took place on 20 April 2002, with around seventy individuals attending the subsequent state-level meeting in Bhopal on 18–19 May 2002. Piloting operation took place in six states: Madhya Pradesh, Vaneet, Rajasthan, Orissa, Chattisgarh, Jharkhand, and Maharashtra. In the course of a few months the movement expanded to other regions of India, with active bases in Bihar, Delhi, Haryana, Uttrakhand, and Uttar Pradesh (Chaudhuri, 2013).

Nonviolent strategies were central to the Forest Rights Movement, employing forms of civil resistance such as sit-in demonstrations, fasting, writing letters, and foot marches; they did not resort to anti-state violence or sabotage. However, many experienced grassroots leaders distanced themselves from the movement, viewing it as an NGO campaign orchestrated by foreign foundations intended to create civil unrest at the behest of higher powers. Repression by governments and interfering forest officials, along with refusal by mainstream media to cover the movement's activities, were perceived as attempts to suppress the community's voice.

Nonetheless, contemporary tribal movements are progressively structured, use both legal advocacy and demonstration to establish their rights. Tribal people are asserting political agency through movements such as the Niyamgiri movement in Odisha and the Pathalgadi movement in Jharkhand, frequently referencing constitutional rights, ecological stewardship, and indigenous identity.

CURRENT CHALLENGES TO FOREST RIGHTS

The enactment of FRA marks a new phase in the conservation approach, but challenges persist. Forest dwellers face continuing alienation, and there exists a need to unify fragmented institutional efforts around a single objective. This unification is essential to enable communities to function effectively as professionals in resource management. Traditional institutions can play a key role in this context, given their historical contribution to conservation and the weakening of authority caused by the appropriation of power by state institutions (Gadgil and Guha 1995). FRA offers the opportunity to merge traditional and state institutions to forge an inclusive, rights-based democracy, yet practical implementation remains problematic. The Act thus aims to establish a broad institutional framework for conservation and governance at the local level by integrating overlapping frameworks of authority and responsibility (Bachan and Maya, 2017).

Large-scale deforestation and land encroachment have become serious problems throughout India. Prior to the enactment of the Forest Rights Act, 2006, the area under forest cover was at its lowest level, and land encroachment by timber merchants, criminals, and illicit contractors was widespread (Madhusudan, 2013). The implementation of the Act has introduced gradual change in the outlook of the Forest Department and the tribal population and strengthened the movement already in place. The Indian Forest Rights Act of 2006 marks a historic shift, acknowledging the longstanding monopoly of forest governance by the Forest Department and the colonial legacy of their exclusionary policies. Parliament recognized the diverse socio-cultural systems of millions of forest dwellers who historically managed forests through customary rights and community-based rights of habitation and access under traditional institutions long before colonial conservation practices were imposed.

CONCLUSION

In India, the history of tribal resistance is inextricably linked to the woods that they call home. In addition to providing indigenous tribal populations with a means of subsistence and a sense of spiritual connectedness, forests have served as sites of intense opposition to colonial and postcolonial state authority. Before and after independence, the Forest Rights Movement in India underwent a narrative of marginalisation, assertion, and legal battle. The chronology of tribal resistance and the Forest Rights Movement in India illustrates a continuous struggle: from opposing colonial expropriation to negotiating rights within a postcolonial democracy. The acknowledgement of forest rights beyond mere land or legal considerations; it pertains to justice, identity, and the survival of India's indigenous populations. As the climate catastrophe escalates, these communities provide significant examples of sustainable living and conservation, rendering their challenges increasingly pertinent to the future of India's forests.

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