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CONSERVATION

Baigas' battle



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The fight of the Baigas of Madhya Pradesh to regain their traditional rights is also a fight to restore the diversity of their forests and to protect national wealth. By ASHISH KOTHARI and SHIBA DESOR

“WELCOME to the *rajdhani* of the Baigas,” exclaimed Sukkal Singh Rathuria of Dhaba village. We grinned, realising that his *rajdhani*, or capital, was not some gleaming, raucous city, but the impressive forest we were walking through. We were amid the Baiga tribe of eastern Madhya Pradesh, visiting villages whose residents had shown courage and resolve in protecting the forests around them in the face of multiple threats.

“Surely, though, the Baiga forest must have been much more than just sal trees?” one of us asked. The patch we had walked through in the last half hour was dominated by the stately sal (*Shorea robusta*), with only a smattering of other tree species. Before coming here we had read about the Baiga tribe’s legendary ability to recognise hundreds of species and use each of them in myriad ways. Where was this diversity?

Birju Singh Bindhia jumped into the conversation. “Not so long ago, we had a much greater variety of plants in this forest. Then the Forest Department came along with its working plan involving coupe felling, which included getting rid of crucial species like *mahuli*, *kayafal*, lianas and others that interfered with the felling. They also deliberately encouraged only sal so that over the years other species disappeared. Seeing this, our own people also indulged sometimes in felling, and we lost the traditional restraint that our elders had practised. But now we are bringing them back, and nature is responding.”

Indeed it was. Not much further on, as we came to patches protected for a decade now, we saw the regeneration of *char*, bamboo, *mahuli* (the enormous liana, *Bauhinia vahlii*), the Entada vine and several herbs and bushes that had apparently become scarce. Our Baiga hosts also showed us parts of the forest degraded by felling where they had through *shramdaan* (voluntary labour) planted bamboo and other species. All this was part of the villagers’ resolve to conserve the forest and revive its diversity, the primary action for which was stopping coupe felling. This they achieved by physically preventing the Forest Department staff and labourers from cutting trees and, in some cases, even seizing the axes, saws and measuring tapes until the department assured them that no felling would take place. Despite threats of police action, the gram sabha had managed to protect the forest from these operations and also passed multiple resolutions which mandated that coupe felling operations by the Forest Department could not be continued without the consent of the villagers.

Walking through the extensive forests around villages such as Dhaba, Pondi and Phitari, we came across the occasional sign of wild animals—bird calls, sambhar and porcupine droppings, and holes dug by bears. But there should have been much more. Nagesh Kumar Maravi of the Jungle Adhyayan Mandal (forest study group) explained: “It’s due to the logging. How can any wildlife survive when there is so much disturbance—dozens of trucks moving in and out, labourers continuously occupying the area, and, of course, the felling itself? And so much wildlife depends on the lianas and other species the [Forest] Department has removed.”

What about hunting by the Baigas? Our hosts said this could not have been a major factor, as most of the hunting was with bow and arrow and of late it had in any case come down a lot. Besides, every clan within the Baiga had taboos against killing certain species. For instance, the tiger was not hunted by any of them. However, we could not quite shake off the feeling that even if the damage caused by them is small when compared with that caused by the Forest Department’s operations, hunting also may have contributed to the silence of the forests.

Documentation

The Jungle Adhyayan Mandal, an initiative of the National Institute of Women, Child, and Youth Development (NIWCYD), has involved a couple of dozen youth from the Baiga and Gond tribes in documenting the biodiversity of the area. In a preliminary exercise, it documented details of 71 bird species, 56 varieties of trees, 23 types of wild vegetables, 18 types of tubers and 34 varieties of medicinal herbs. The mandal's members admitted that wildlife numbers were significantly lower than what these forests could potentially support.

Protection, however, offered hope. Villagers reported that species such as the wild pig, the bear and the deer were increasing in numbers. If this continued, they said, predators such as the leopard and the tiger may also come back. Some villagers claimed to have either sighted these cats or spotted signs of their presence in recent times. Others said they may be passing through, but could become more regular or even choose to reside in the forest if the protection measures continued. The villagers concurred with NIWCYD member Balwant Rahangdale's view that a forest without tigers was not quite complete, and that tigers ensured the forest's protection by restricting people's movement.

But why were the Baigas putting so much effort into forest protection, at times taking on even the mighty state apparatus? Sukartibai Panchgia and other women of Dhaba, Pondi and Ranjra had a simple answer: "Our livelihoods and the survival of our future generations depend on healthy forests. Water is the biggest benefit, and then there are all the plants we use for medicines and food and fodder and agricultural implements and housing... and the festivals and rituals and... we would be orphaned without forests." They pointed to the streams running in the forest, the village tank that was full and the wells that had come back to life, making the villages completely self-sufficient in water.

The villagers have also claimed community rights under the Forest Rights Act (FRA). The FRA recognises a series of such rights, including ownership, use and sale of minor forest produce and access to forest biodiversity and waterbodies. Most importantly, it provides the gram sabhas the right to manage and protect their community forest resources and related knowledge and empowers them to carry out such protection as their duty. A total of 381 villages of Dindori district that had filed claims for Community Forest Rights (CFR) have received titles. The forests we walked through were now technically under the management and protection of the adjacent villages in Samnapur block of Dindori district. Pondi has received CFR title for 4,425 acres and Dhaba for over 3,830 acres (one acre is 0.4 hectare). The nearby Ranjra's title covers 625 acres. In all these villages, the struggle against timber felling has preceded the CFR claims process or taken place simultaneously with it.

Forest protection and management by a village community is also an ongoing struggle, for the Forest Department is loath to let go of its hold on forests. A senior forest officer we met in Dindori, the district headquarters, admitted that conflicts arose because working plans were drafted without any public consultations. In a welcome move, the new draft working plan was presented at a public hearing recently. But it continues to propose logging in the forests and faced strong opposition from the villagers. It remains to be seen whether local opinions and concerns are addressed sufficiently in the final plan.

A colonial interpretation

The official also maintained that if something is laid down in a working plan that has the State and the Central governments' sanction, it has to be carried out by the Forest Department. He also asserted that the operation of the Indian Forest Act (IFA, 1927), which provided legal backing to the working plan, had not ceased simply because communities had received CFR titles under the FRA and that would require explicit clarification.

Our reading, however, is different. The FRA clearly states that all rights recognised under it are notwithstanding any other laws in operation. So, if the community's CFRs are recognised, they would supersede the IFA. Otherwise, what is recognised as forest rights under one law would be considered forest offences under another law, the IFA, which has colonial origins and has been severely criticised as leading to a situation of historical injustice towards forest dwellers. Moreover, Section 5 of the FRA empowers communities to protect forests, biodiversity and wildlife. How can that be exercised if there is simultaneous felling of trees? This does not even raise the wider issue, that at a time when the government has repeatedly stated that its primary objectives of forest management are biodiversity conservation and protecting people's livelihoods, how does commercial logging gain priority? And finally, the amended FRA rules of September 2012 clearly mandate gram sabhas to make plans for their CFRs and direct that such plans be integrated into the Forest Department's working plans.

Back in the village, Balwant showed us how logging was not the only problem faced by the villages of Baiga Chak (an area specially designated for the Baiga tribe to safeguard its livelihood and culture). "While all the 52 villages in Baiga Chak have received CFR titles, only two (Dhaba and Pondi) have received these for areas matching their claims, while the other titles are a mockery of rights," he explained. The CFR title given to Pondi, Dhaba, Ranjra and other villages had numerous faults and irregularities that could fall foul of the Forest Rights Act.

The titles were in the name of the Van Suraksha Samiti (Forest Protection Committee), set up under the Forest Department scheme of Joint Forest Management, whereas they should have been in the name of the gram sabhas, which would have ensured that the villages had the control of the CFR. Moreover, the rights are "conditional" to the IFA, 1927. This is illegal because the FRA cannot be held subservient to the IFA, which has remained essentially unchanged since British times. The titles have also omitted listing the numerous CFRs that are recognised under the FRA, notably the right to manage and protect the forest. In many cases such as Ranjra and Phitari, the title extends to a much smaller area than the villages' claims, which were based on the customary or traditional boundaries as provided for by the FRA. In some other cases, such as the villages of Chakrar, Pandripani and Keembharabhara of Karanjia block of Dindori, the titles did not even mention the area or forest compartment numbers, so villagers did not know where their rights extended up to.

Other than resisting coupe felling operations of the Forest Department, some villages have started making (and in some cases implementing) additional plans for forest protection. These include preventing lopping of young branches and harvesting of fruits before ripening, fining offenders, patrolling by villagers to ensure that forest use is maintained within customary boundaries and rules are not flouted, and preventing forest fires. The last issue is, however, contentious. While many villagers consider prevention of forest fires as vital for conservation, others such as Najru Singh of Pondi and Maltu baba of Dhaba express doubts on the ability of a forest to retain good health in the complete absence of fire. There thus remains a need for facilitation of ecological monitoring based on both

traditional and modern knowledge.

The hilly Baiga Chak area is part of a massive belt of forests running through central India across the States of Madhya Pradesh, Chhattisgarh, Jharkhand and Odisha. The 52 villages of Baiga Chak (falling in Dindori forest division) that are slowly moving towards active conservation of forests and claiming CFRs as their legal entitlement could be doing a huge service to the nation. Their activity could result in a steady flow in the dozens of streams and rivers originating here and provide drinking water and irrigation to millions of people downstream. It could also help in the revival and conservation of wildlife and offer safe corridors for their movement, including between official protected areas such as Kanha (M.P.) and Achanakmar (Chhattisgarh). It could also showcase a model of conservation far more democratic and sustainable than the conflict-ridden, autocratic one promoted by the Indian state thus far.

But, for this to happen, the Baigas need help of the kind the NIWCYD is providing, in areas such as mapping and study of the flora and the fauna, which would build on the documentation already done by the Jungle Adhyayan Mandal. They also need far greater support from an administration that has so far not been particularly encouraging. They need help in generating livelihoods based on local natural resources, in particular non-timber forest produce. Also crucial would be the building of education and health models based on local knowledge, skills and learning methods, combining the best in traditional and modern systems, rather than alienating the youth by turning them against their own roots.

Eventually, it would also help if the Baigas receive “habitat” rights under the FRA, which along with other laws and policies could help the Adivasi community manage large areas in an integrated manner befitting its natural and cultural heritage. With the forest as its *rajdhani*.

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