

APPEAL TO HON'BLE CHAIRMAN OF THE PETITIONS COMMITTEE RAJYASABHA

Shri Prabhat Jha
Hon'ble Chairman of Petitions Committee
Parliament of India

Dear Sir,

One year ago, the Parliament passed the Compensatory Afforestation Fund (CAF) Act (on July 26, 2016). Compensatory afforestation as a process incentivizes deforestation instead of arresting it. The provisions of the CAF Act in addition gravely violate the constitutional and legal rights as well as livelihoods of crores of adivasis and forest dwellers in India, under Article 300A of the Constitution, PESA and Forest Rights Act. In its current form this Act incentivises the forest bureaucracy to illegally and rampantly grant approvals for forest diversion without regard to the FRA. The CAF Act also encourages criminal atrocities against the forest communities by encouraging plantation and other activities on lands that already belong to them, and over which the Gram Sabha has the exclusive rights of management and conservation.

A National consultation was organized by civil society organizations and citizens' groups on 14th November in Delhi to discuss impact of compensatory afforestation projects where community representatives (those who are affected by the CA projects), civil society groups and tribal organizations from the states of Odisha, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, and Rajasthan participated. A report on impact of compensatory afforestation on land and forest rights was presented in the consultation and testimonials of affected community members of tribals and forest dwellers were shared. Key issues and concerns raised in the national consultations are as follows.

- While the stated goal of CAF is to compensate for forests diverted for development and infrastructure projects, in practice, it creates a perverse incentive to accelerate deforestation. Despite the operation of ad-hoc CAMPA for over two decades, between 1980-2016, more than 1.5 million hectares of forest land have been diverted under the Forest Conservation Act, comprising more than 40% of India's total forest cover. Half of this diversion has taken place over the last decade alone. Between June 2014 and April 2016, the MoEFCC has granted approval for diversion of **47.5 thousand ha** of forests, with mining accounting for the highest share of 29%. This state of affairs amounts to a fraud upon the Supreme Court, who ordered CA as an interim measure alone to control the scale of deforestation.
- Plantations under CA have been taken up in forest land claimed and recognized under individual and community forest resource rights as provided by FRA, in violation of the legal rights of tribals and other traditional forest dwellers. There are several cases of fencing of community forests for plantations curtailing access of local communities. About 70 percent of CA actually raised has either been done on forest land or on ancestral community lands such as *podu*. It is now established that FRA can potentially recognize rights over 34.6 million hectares of forests in 1,77,000 villages benefiting at least 200 million tribals and OTFDs (CFRLA 2016). The CAF Act does not have any provision to comply with FRA and safeguard rights of tribals and forest dwellers. The scenario has worsened after the MoEF&CC has issued a new guideline (Guideline F.No.11-423/2011- FC, dated 8th November 2017) for creating land banks from revenue forests and degraded forest land for raising CA plantations. Apart from forest land, CA

projects have affected rights of local communities on other common lands which are taken for CA purposes even in Scheduled Areas (under the Fifth Schedule to the Constitution).

- Consent of Gram Sabhas and local communities has not been taken while implementing CA projects.
- There were instances of CA plantations consisting of only monoculture done in good forest areas replacing natural forests, with adverse impacts on ecology and biodiversity.
- Monoculture plantations under CA have affected traditional agricultural practices and agro-biodiversity and have led to food insecurity and even distress migration affecting tribals and PVTGs.
- Women are more adversely affected by monoculture plantation programs as their access to forests and collection of NTFP is curtailed due to fencing..
- There are serious cases of human rights violation, atrocities and violence while implementing CA projects such as filing of false cases by forest department, harassment, physical assault.
- All these violations continue even as the Central government continues to renege on the assurance given in the Parliament to address forest rights and ensure consent of Gram Sabhas even as over a year has passed since the CAF Act was brought into force.

The civil society organizations demanded **(1)** repeal of CAF Act or suitable amendment of its provisions to ensure compliance with the Forest Rights Act; **(2)** to ensure that all accumulated CA funds are democratically managed and administered by transferring to the Gram Sabhas empowered to manage and conserve forests, and, at the minimum, all activities with the fund must be done with free, prior and informed consent of Gram Sabhas; **(3)** those who have been illegally evicted and/or relocated for CA plantations must be restituted and compensated. **(4)** We also demand immediate withdrawal of Guideline F.No.11-423/2011- FC, dated 8th November 2017 for creation of land banks for CA purposes from revenue and common lands.

We urge the Rajysabha committee on petitions to take urgent note of the issues and concerns raised in this petition as also the demands made by the organizations and instructs the government to address the concerns. The petition committee is also requested to raise these issues in the upcoming parliament session.

(AIFFM & CFR-LA process)

Please share your endorsement in sanghamtradubeyikk@gmail.com, radhika.chitkara@gmail.com & pravin.mote@gmail.com

(Copy marked to Chairperson Assurance committee , Minister of EFCC and Minister TA, NHRC, NCW and NCST)