

CAMPAIGN FOR PROTECTING FOREST RIGHTS IN THE BACKDROP OF UNDEMOCRATIC COMPENSATORY AFFORESTATION FUND (CAF) ACT!

COMPENSATORY AFFORESTATION AND THE NEW CAF ACT

Vast areas of forests in India are prey to legalized, organized and systematic deforestation in the name of 'development'. These forests, vested with adivasis and forest-dwellers by the Forest Rights Act (FRA), are routinely handed over to corporate business interests, without their consent and any regard for their forest rights.

Compensatory Afforestation (CA) is a statutory process meant to compensate the loss of forests to mining, industries, infrastructure etc., mainly by raising plantations on non-forest land under common/private ownership, or degraded forest areas. Apart from the costs for compensatory plantations, the government also collects the net present value (NPV) of 'diverted' forests and a range of other funds from companies and government departments who use those for non-forest activities.

The huge amount of money thus collected, standing at Rs.42,000 crores today, is being termed as Compensatory Afforestation Fund (CAF) under the new CAF Act. The act provides for the fund to be given to the forest bureaucracy, thus helping to further strengthen its stranglehold over forests and forest communities. Thus, the entire process of compensatory afforestation leads not only to gross violation of rights vested under

Compensatory afforestation harms communities twice: first, when development projects are set up on customary forest lands of adivasis and forest-dwelling communities, and again when plantations are set up to replace the lost forests on other common lands without any attention to the rights of communities!

FRA, but also to displacement and dispossession of communities. The CAF money is often used for encroaching upon community lands and forests in the name of compensatory afforestation and forest/wildlife conservation.

The Central Government plans to pass the Rules to the CAF Act by end of 2017 to operate this fund. The Fund will be available to the forest department for tree plantation, forest regeneration, forest management, protection, infrastructure development, and management and related activities.

Already, forests have been earmarked for plantations on the claimed or common lands of adivasi and forest communities in Odisha, Jharkhand, Andhra Pradesh, Telangana, Madhya Pradesh, Gujarat, among several others. The FD has planted commercial or exotic species, and fenced off several plantation sites, preventing access to NTFP. Against the mandate of FRA, almost all of these plantations were set up without taking the consent, or even informing the Gram Sabhas! Instead, these are executed through JFM committees, VSSs and others, thus undermining democratic forest governance.

There are ample reasons to suspect that the new CAF Act will continue to ignore FRA and PESA, which transfer the authority to conserve and manage forests from the FD to Gram Sabha, but on a much bigger scale. Thus, forest rights that are to be recognized would be denied; forest rights recognized would be violated.

WHAT IS CAF ACT?

Forests have been extensively cleared for development projects such as dams, mining, defense, irrigation, highways etc without consideration to the rights of forest dwellers since the colonial days. After Independence, the rate of deforestation only kept increasing. The Forest (Conservation) Act 1980

(FCA) was passed to conserve forests, and to regulate and restrict usage of forest land to non-forest activities. However, forest diversion under the FCA regime increased at a rapid rate. In 2002, the Supreme Court directed the formation of a new fund with the monies collected from 'user agencies' for compensatory afforestation, additional compensatory afforestation, and penal compensatory afforestation. In 2006, another directive by the Court led to the emergence of the concept of forest valuation. It was stipulated that the user agencies applying for statutory forest clearance from the Ministry of Environment and Forests, would have to pay the 'net present value' (NPV) of forests subject to be diverted, over and above the various funds for CA. The NPV is the sum of all ecological services that the forest provides, which the Kanchan Chopra Committee calculated as Rs.4.38 lakh -10.43 lakh per hectare. It also recommended that the largest portion of CA funds so collected

CAF Act and CAF created by pricing the forest land is based on the FALSE PREMISE that:

- ***Putting a price tag on forest land will reduce forest diversion***
- ***Putting a price to forests offsets/cancels the destruction of natural ecosystems***
- ***The natural forest and ecosystem can be 'compensated' by planting trees, and***
- ***Tree plantations now equal forests***

should be given to panchayats, and the remaining shared between the centre and states.

The NPV does not acknowledge the historical deprivation of forest rights to communities, nor the fact that their relationship with forest ecosystems cannot be measured in monetary terms. Monetary valuation of forests and so-called compensatory plantations also overlook that natural forest systems are both ecologically and culturally irreplaceable- once a forest is cleared, it cannot be recreated with money or plantations.

The CAF Act, introduced in 2016, creates National and State Compensatory Fund Authorities to manage the CA Fund through the forest bureaucracy. The Act violates the authority and powers of the Gram Sabhas under FRA, because they are not made parties to decision-making or implementation of CA funds.

Various central ministries and state governments are launching programs in the name of climate change, community development and conservation, such as Green India Mission, and the Ama Jungle Yojana in Odisha, for which the CA funds are made available. JFM institutions created by and under the control of the FD, such as the Van Samraksha Samiti (VSS), Eco-Development Committee etc., are being used to receive/ spend the CA

fund for various activities, notwithstanding the fact that these bodies no longer have a legal standing after the enactment of the FRA in 2006.

IMPACT ON COMMUNITIES

The CAF Act is a tool of the forest bureaucracy to unlawfully:

- deny forest rights to forest dwelling communities,
- violate forest rights already recognised under FRA,
- violate the authority of the Gram Sabhas entrusted to protect and conserve forests,
- grab forest where forest dwellers have rights, and change land use to plantations,
- grab revenue lands which are either village commons or in customary use by communities for livelihood purposes,
- undo the gains of FRA, thus perpetuating the continuance of historical injustice,

1) CAF Act, 2016 was passed to manage the Rs.42,000 crores Compensatory Afforestation funds (CAF)

2) The CAF Act, 2016 provide all powers over the CA Funds to Forest Departments through National and State Compensatory Afforestation Fund Authorities and even Consent of Gram Sabha is not required for use of CA funds on their land

3) The CAF Act are in complete violation of FRA

4) The CAF Rules are to be passed by end of 2017. Once it is passed the CAF Act will be implemented.

- threaten livelihood sources by destroying and/or denying access to non-timber forest produce,
- harm women as they are the primary users of forests for food, medicinal plants, seeds, leaves etc., and
- relocate communities from Tiger Reserves and protected areas, also violating the Wildlife Protection Act, (2006).
- undermine sustainable traditional conservation and management practices of communities

OUR DEMANDS

- 1) Repeal the CAF Act 2016 and transfer all CA Funds to the Gram Sabhas constituted under FRA.
- 2) All activities with the CA Fund must have the Free, Prior and Informed Consent of FRA Gram Sabhas.
- 3) Review all diversion of forests since 2009 for compliance of FRA, completion of the process of recognition of forest rights and Gram Sabha consent. Initiate proceedings against those responsible for forest diversion without compliance with FRA and the 2009 order of MoEFCC on forest diversion.
- 4) Review all notifications of Tiger Reserves, and re-examine them for compliance with FRA and Wildlife Protection Act 1972 (2006 amendment). Withdraw all notifications that do not comply

- continue diversion and destruction of forests for non-forest activities incentivized through payment of money to the CA Fund,
- increase area under large scale tree plantations, mostly of dubious commercial species such as teak, acacia and eucalyptus, on forest and revenue lands, and on private and common lands,
- increase ecological threats due to both deforestation and large scale tree plantation, affecting biodiversity, soil fertility and soil stability, and leading to water depletion,
- threaten food security directly through the scaled up loss of fruits, roots, tubers and other forest food contributing to the traditional food base of forest communities, and help contain malnourishment and hunger,

with the requisite provisions and initiate process of notification complying with the laws. Initiate proceedings against those responsible for the notifications without the necessary compliances.

5) Restitute all those who have been illegally evicted and/or relocated and compensate them for all losses.

WHAT CAN YOU DO?

- Encourage the Gram Sabha in your area to use its authority to pass a resolution asserting their legal rights and authority over forests and forest lands, demand repeal of CAF Act and channeling the CA Funds to FRA Gram Sabhas.
- Send a copy of this resolution to the Chief Minister's Office, FRA State Level Monitoring Committee, State Tribal Development Department and Forest Department, Ministry of Tribal Affairs, Government of India and PMO.
- Approach your MP/MLA and opposition parties to demand repeal of CAF Act and oppose its implementation in its current form.
- Spread information in your community about the threat from CAF Act and mobilize the people to oppose CAF Act.