

Diminishing Forest Protection in India: Indigenous Voices Against Controversial Forest Law Amendment

By Dilip Chakma, Indigenous Rights Advocacy Center (IRAC) India and Joan Carling, Indigenous Peoples Rights International (IPRI).

As the world prepares to celebrate the International Day of the World's Indigenous Peoples on August 9, 2023, the indigenous peoples of India are raising their voices against the recent passage of the Forest (Conservation) Amendment Bill, 2023. This Bill adopted by the Parliament on August 2, 2023 and endorsed by the President of India two days later, will further diminish the forest rights and the conservation efforts of more than 104 million indigenous peoples of India, according to Dilip Chakma, the Executive Director of the Indigenous Rights Advocacy Center (IRAC).

The Forest (Conservation) Amendment Act 2023 has ignited controversy by providing the Central Government with the authority to approve projects **without forest clearance on certain categories of forest lands that would endanger the rights of tribal and forest communities**. Compounding this, the Forest (Conservation) Rules, 2022, have diluted the Forest Rights Act, 2006, bypassing the need for consent from the Gram Sabha (Indigenous village councils) for projects on forest lands.

Strong Opposition for dire consequences

Indigenous rights advocates and organizations are united in their criticism of the Act, which they argue paves the way for land acquisition for development, eco-tourism, mining, and security projects, all under the guise of legality. **The Act grants exemptions from mandatory requirement of forest clearance for security-related linear projects within 100 kilometers of international borders or up to ten hectares for construction of "defence related project or a camp for paramilitary forces or public utility projects" in a so-called Left Wing Extremism affected area.** Critics assert that these changes effectively undercut the Forest Rights Act, opening the door for the acquisition of tribal lands to cater to corporate interests. Further, the Act's redefinition of "forests," narrowing its scope, and the introduction of exemptions have sparked concerns about massive landgrabs.

Agnes Kharshiing, tribal rights activist and President of the Civil Society Women Organization (CSWO) in Meghalaya, boldly states, "Giving exemption for forest clearance for diversion of forest lands within 100 km from the international borders is clearly a sly way to take away indigenous peoples' land so that they are able to plunder the resources and suppress the voices protecting the environment and forests."



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Dinesh Kumar Murmu, President of the Adivasi Mulvasi Adhikar Manch in Jharkhand's Bokaro district, echoes these concerns, emphasizing that the Forest Conservation (Amendment) Act 2023 is "anti-tribal and anti-environment." According to him, "The Act aims to provide forest lands to corporate houses by taking away the land of the tribals. It weakens the Forest Rights Act of 2006 and will work towards depriving tribals of the lands they possess. Forests will suffer significant damage in the forest-rich states. The 1996 PESA law requiring consent of the Gram Sabha (village council) in Fifth Scheduled Areas too stands diluted."

Controversial Legislative Process

The Joint Committee of Parliament, tasked with reviewing the Forest (Conservation) Amendment Bill 2023, has faced criticism for dismissing objections and recommendations, progressing with the amendments despite opposition dissent. This body received 1,309 representations from general public, stakeholders, NGOs, and legal experts with critical views. However, it adopted the bill in toto, ignoring any suggestion and critics. Despite five (5) members of the Joint Committee belonging to the opposition parties submitting four (4) dissenting notes, the bill was pushed forward without amendment.

Notably, the Amendment Act neglects to incorporate positive legislative strides made for indigenous land and forest resource preservation. Legislations like the Panchayats (Extension to the Scheduled Areas) Act, 1996, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, have been sidelined.



Pristine forest areas in the Tuensang district of eastern Nagaland (areas that fall under the 100 km exception provision of the Forest Conservation Act).
Credit: Sethrichem Sangam

Weakening legal protection

The Forest (Conservation) Amendment Act, 2023, combined with the Forest (Conservation) Rules, 2022, strikes at the very core of indigenous rights and forest preservation. This regressive legislative shift has drawn sharp criticism from Ms. Joan Carling, Executive Director of Indigenous Peoples Rights International (IPRI), who states: "This regrettable act, diminishing the forest rights of India's Indigenous Peoples, will only worsen their marginalization and systemic discrimination. Indigenous women will suffer

interaction with forests and are highly vulnerable to violence. However, use of disproportionate force is likely to escalate conflicts, criminalization, and human rights violations, as the state adopts a repressive stance towards legitimate actions by indigenous peoples defending their rights against this Act. This should be prevented by all means."

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IRAC has documented at least 267 cases of human rights violations of the indigenous peoples in India from June 2021 to July 2023.



Awareness Campaign on Conservation of forests by Indigenous Sangtam Community, Tuensang district, Nagaland in 2022.
Credit: Sethrichem Sangtam

These included 12 cases of alleged extrajudicial killings/fake encounter killings by security forces; 3 cases of extrajudicial killing by forest officials; 15 cases of deaths due to alleged torture in police custody; 3 cases of deaths due to alleged torture in judicial custody; 2 cases of deaths due to alleged torture in the custody of the forest department; 3 cases of torture by the Central security forces; 15 cases of custodial torture by police; 10 cases of police torture (non-custodial); 12 cases of torture by forest officials; 12 cases of arrest in alleged false cases; 9 cases of

in false cases (but not arrested); 24 cases of killing by Armed Opposition Groups (AOGs); 5 cases of torture by Panchayat/Village Councils among others.

Call to Action

As the global community prepares to observe the International Day of the World's Indigenous Peoples, IPRI and IRAC stand in unwavering solidarity with the indigenous peoples. They earnestly urge the Indian government to immediately revoke this Act, highlighting that world leaders have in fact pledged to prioritize forest and biodiversity conservation through the Global Biodiversity Framework (GBF), as well as robust climate action, rather than forest degradation. Furthermore, they underscore the critical need for coherence in national policies, both in terms of legislation and implementation, to protect and uphold the rights of over **104 million indigenous peoples** spanning India.



On July 16, 2023, Indigenous peoples' groups and activists in Arunachal Pradesh, India protested against the proposed amendment to the Forest (Conservation) Act.
Credit: Dibang Resistance.