

STOP ILLEGAL TREE FELLING IN COMMUNITY PROTECTED WILD LIFE CORRIDOR

STOP DESTROYING FORESTS IN NORTH BENGAL

STOP VIOLATING COMMUNITY RIGHTS OVER FORESTS

Press Release by Uttar Banga Ban-Jan Shromojivi Manch

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Hundreds of Gramsabha members of North Khairbari forest village in Madarihat Range of Coochbehar Forest Division have foiled repeated attempts by forest department to carry out a clear felling coupe (CFC) in forests which they assert as their Community Forest Resource (CFR), according to provisions of Forest Rights Act 2006. On 23 December, 25 December and then again on 7 January, departmental staff and JFMC (Joint Forest Management Committee) members from neighbouring villages, along with police, arrived at the CFR area to fell the trees they had marked earlier.

The North Khairbari area adjoins the forests of Chilapata and Jadapara National Park, a crucial wild life habitat and an area where indigenous forest communities of North Bengal Dooars have repelled a series of attempts on their forests in recent years, invoking rights under Sections 3 and 5 of FRA, and where for last several years, local gramsabhas, with help from Uttar Banga Ban-Jan Shromojivi Manch, a constituent of AIFFM(all India Forum of Forest Movements) have been spearheading a movement for asserting community control over forests and plantations traditionally protected and raised by forest villagers. In March-April 2013, Manch members of the area and concerned Gramsabhas successfully resisted a clear felling coupe attempt at Mantharam, braving threats and harassment by police, local political leaders and forest department.

North Khairbari Forests form part of a crucial wild life corridor traditionally used by wild elephants: any tampering with existing vegetation can only aggravate man-elephant conflict in the area. It has to be kept in mind that herds of wild elephants have been using Khairbari forests in recent months, and man-elephant conflict incidents are on the rise in that area.

Involvement of JFMC members from outside forest villages makes the North Khairbari attempt for clear felling unique: this is the first time forest department could directly use JFMC members against any gramsabha. Another point of concern is the involvement of police in what is purely a departmental operation. Gramsabha members are simply discharging their duties as government servants according to law, and hence they enjoy legal immunity as stipulated in the Section 9 of FRA 2006, and are covered by section 21 of Indian Penal Code. The police must not be involved in forest department's CFC operations, and the district administration must ensure that Gram Sabha's rights over Community Forest Resources are duly protected and honoured. Any use of force by forest department and police to prevent Gram Sabha members must be treated as flagrant violation of the law of the land, and a clear incitement for mindless deterioration of law and order situation in a tribal village.

On April 4, 2013, the Tribal Affairs Minister, Government of India wrote to the Chief Ministers of various states including West Bengal, citing violations of community rights in various areas. The letter mentioned in particular North Bengal: "Governments using police and forest officials against people trying to protect their forests: this has happened particularly in North Bengal". The letter said further, "If People are unable to stop their forests from being destroyed by forest department felling, how can they exercise their community rights in those forests?"

In another GO issued on 8/11/2013, the Ministry of Tribal Affairs, Government of India, clarified that Forest Rights Act, 2006, "...recognizes and vests the forest rights...in accordance with the provisions of the FRA, regardless of whether such forest rights, might be contrary to other laws, which includes statutory law and judicial precedent, if any". This makes it amply clear that if Gram Sabhas formed under FRA invoke their powers and rights provided by that act, their action will not be subject to challenges by provisions in any other law. Hence, the forest department is clearly in the wrong in attempting CFCs in areas protected by Gramsabhas, and neither can police intervene in this matter without violating the law. Uttar Banga Ban-Jan Shromojivi Manch demands that:

1. Forest department must immediately suspend their CFC operations in Khairbari forests and do not start new CFCs in any other forests over which communities have a claim.
2. Government of West Bengal must ensure that community rights of forest dwelling tribals and other traditional forest dwellers over their forests are duly protected, and initiate due official process to recognize and record forest rights including rights over Community Forest Resource.
3. That legal proceedings according to Section 7 of FRA are started against all forest department staff, and others who tried to cut tress in Khairbari forests.

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(Conveners)