

**Spatial Justice and Forest Rights in Development Projects: A  
Study of Sevoke-Rangpo Railway Project under Gorkhaland  
Territorial Administration**

A Dissertation Submitted

To

**Sikkim University**



In Partial Fulfillment of the Requirement for the  
**Degree of Master of Philosophy**

By

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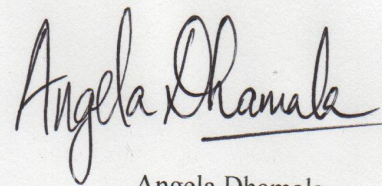
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December, 2021

## DECLARATION

I, Angela Dhamala, hereby declare that the dissertation entitled “**Spatial Justice and Forest Rights in Development Projects: A Study of Sevoke-Rangpo Railway Project under Gorkhaland Territorial Administration**” is composed by myself and the research work has not been submitted earlier for any other degree or professional qualification.

I confirm that the work submitted by me is in partial fulfillment of the requirement for the award of the **Degree in Masters of Philosophy**, to the Department of Peace and Conflict Studies and Management, School of Social Sciences, Sikkim University.



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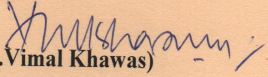
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### CERTIFICATE

This is to certify that dissertation titled "Spatial Justice and Forest Rights in Development Projects: A Study of Sevoke-Rangpo Railway Project under Gorkhaland Territorial Administration" submitted to Sikkim University in partial fulfillment of the requirements for the degree of Master of Philosophy in the Department of Peace and Conflict Studies and Management is the result of bonafide research work carried out by Angela Dhamala under my guidance and supervision. No part of the dissertation has been submitted earlier to this or any other University for any degree. All the assistance and help received during the course of investigation have been duly acknowledged by her.

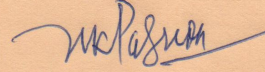
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Submitted by **Angela Dhamala** under the supervision of **Dr. Vimal Khawas**,  
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**-Angela Dhamala**



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### **List of Abbreviations**

ACC	Associated Cement Companies Limited
ADB	Asian Development Bank
AFDB	African Development Bank
BCCL	Bharat Cooking Coal Limited
CCL	Central Coalfields Limited
CDA	Critical Discourse Analysis
CFR	Community Forest Resource
CIL	Coal India Limited
CMPDI	Central Mine Planning and Design Institute
DDT	Dichloro-Diphenyl-Trichloroethane
DLC	District Level Committee
DPR	Detailed Project Report
ECL	Eastern Coalfields Limited
EDC	Eco-Development Committee
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
FAO	Food and Agriculture Organization
FDSTs	Forest Dwelling Scheduled Tribes
FGDs	Focus Group Discussions
FPCs	Forest Protection Committee
FRA	Forest Rights Act
GIS	Geographical Information System
GNP	Gross National Product
GOI	Government of India
GS	Gram Sabha
GTA	Gorkhaland Territorial Administration
HFVO	Himalayan Forest Village Organization
IADB	Inter-American Development Bank
ICESCR	International Covenant on Economic, Social and Cultural Right
ICGPSIA	Inter Organizational Committee on Guidelines and Principles for Social Impact Assessment

IDPs	Internally Displaced Persons
ILO	International Labour Organization
IRCON	Indian Railway Construction Company Limited
JFM	Joint Forest Management
JFMC	Joint Forest Management Committee
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MMSEZ	Maha Mumbai Special Economic Zone
MoEF	Ministry of Environment and Forest
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NGO	Non-Governmental Organization
NHPC	National Hydroelectric Power Cooperation
NOC	No Objection Certificate
OTFDs	Other Traditional Forest Dwellers
PESA	Panchayat (Extension to the Scheduled Areas) Act
PWDs	Public Works Department
SDGs	Sustainable Development Goals
SDLC	Sub-Divisional Level Committee
SEZ	Special Economic Zones
SIA	Social Impact Assessment
SOP	Standard Operating Protocol
SVRRP	Sevoke-Rangpo Railway Project
SWEDMAR	Swedish Centre for Coastal Development and Management of Aquatic Resources
TISS	Tata Institute of Social Sciences
UNDP	United Nations Development Programme
UNHR	United Nations Human Rights
UNIDO	United Nations Industrial Development
USAID	United States Agency for International Development
WHO	World Health Organization
ZP	Zilla Parishad

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# Chapter 1

## Introduction

### 1.1 Introduction

The concept and practice of social space and justice has been explicitly and implicitly used as Spatial Justice. Over the last several decades, the relevance of spatial thinking as a spatial concept and awareness of every discipline is ever increasing. Spatial thinking has become trans-disciplinary, adopted in every area/discipline in the contemporary era (Dufaux, et al., 2011). Having said that, Spatial Justice is a key component of human societies and reflects social facts and social relations within a given space (Mohanty, et al., 2019). In this context, forest ecosystems are a critical component of the world's biodiversity. Forests cover 31 percent of the global land area. Approximately half of the forest area is relatively intact, and more than one-third is primary forest (i.e. naturally regenerated forests of native species, where there are no visible indications of human activities and the ecological processes are not significantly disturbed). The total forest area is 4.06 billion hectares, or approximately 5000m<sup>2</sup> (or 50 x 100m) per person, but forests are not equally distributed around the globe (The State of the World's Forest, 2020). Forests are capital assets that sustain the global habitat (World Commission on Forests and Sustainable Development [WCFSD], 1999).

Forests and forest villagers make vital contributions both to people and planet and are culturally and traditionally linked to each other. Most of the forest people live in close proximity to the forest and depend on it for their livelihood and sustenance (Tripathi, 2016). Recognizing their rights, not only has huge consequences for climate and



wildlife, but also has profound impact on various factors such as economic, social, health related issues. In spite of this, some 1.2 to 1.7 billion people worldwide depend on forests for their livelihoods (Food and Agriculture Organization [FAO], 2018). The space which we live in and social justice are interrelated concepts and it is important to understand forest land rights through Spatial Justice framework because the rights of the dwellers over certain kind of resources or legitimacy of ownership has been dispossessed (Garada, 2019). It is to be kept in mind that indigenous people occupy and use 22% of the world's surface area but they safeguard 80% of the world's remaining biodiversity (Food and Agriculture Organization [FAO], 2018). In earlier time, there was greater harmony between people, their space and nature but in recent time commercial and population pressures have used the forest beyond its carrying capacity resulting in degradation while alleviating poverty (Poffenberger & McGean, 1996). The rising conflicts tensions and challenges in managing the rights of the dwellers would be drawn into attention by building up spatial justice perspective.

The forests are a storehouse of natural resources and provide important environmental services to mankind. The symbiotic relationship between forest and people has become susceptible due to constant marginalization of space, loss of livelihoods, unemployment etc. Poignantly, increased development interventions (like dams mining, highway extensions, railways, etc) in and around the forest villages have been pressurized thereby leading to mass conflicts. The space or territory has always been a contentious issue even after the right recognition process. There is an increase in the demand of rights and survival of forest villagers across the GTA region and in adjacent areas. However, proper policy framework of forest resources should be implemented for fair distribution and resultant welfare of the people. Therefore, Spatial Justice is considered to be one of the key techniques and integral to the very

survival and sustainability of the forest ecosystem. As a result, spatial justice framework guide the developers to generate a win-win situation and help bring forest governance, fair distribution of rights, healthy environment for all by reducing the conflictual notion of space leading to sustainability and social justice pervading every section of the society.

## **1.2 Review of Literature**

Following section is an attempt to review and summarize important published works that are directly or indirectly related to the present study. The study basically looks into the subject to be researched from spatial justice perspective with a larger aim to develop an understanding on the rights of forest dwellers particularly their forest rights and related concerns surrounding development.

### **1.2.1 Conceptual Framework**

The concept of justice has been the most complex one; it is a human endeavor and concern. All humans are uniquely equal regarding certain powers and capacities irrespective of their manifold inequalities and differences. The idea of justice is however not static, as it is an evolutionary concept (Obihoa, 2011). The ancient ideas about justice was examined and debated by numerous thinkers to contemplate the true meaning of justice. Besides, social justice was conceived as the protection of the weak from being unfairly deprived of their legal status, property rights and economic condition.

In the ancient world, the aim of social justice was to protect the weak and the vulnerable, not to bring about social equality. Like Plato, Aristotle's understanding of justice is a set of relations among men who are free and relatively equal to one another, with fairness involving equitable distribution (Johnston, 2011). According to

John Rawls, the concept of justice is simply ‘fairness’. By fairness he refers to ‘right’ dealing between persons who are cooperating with or competing against one another (Gundogan, 2010). As humans, our desires to cooperate are guided in part by a set of social norms within a social space about morality that forms a basic and important part of our culture. All cultures have morality beliefs—“*the set of social norms that describe the principles and ideals, as well as the duties and obligations, that we view as appropriate and that we use to judge the actions of others and to guide our own behavior*” (Darley & Shultz, 1990; Haidt & Kesebir, 2010). An essential part of morality involves determining what is “right” or “fair” in social interaction. We want things to be fair, we try to be fair ourselves, and we react negatively when we see things that are unfair. And we determine what is or is not fair by relying on another set of social norms, appropriately called social fairness norms, which are *beliefs about how people should be treated fairly* (Tyler & Lind, 2001; Tyler & Smith, 1998).<sup>1</sup>

Perhaps, we are now acceding to a new, invigorated sense of looking at the struggle over geography or the space in interesting and imaginative ways, a kind of paradigm shift has occurred (Said, 1994). Spatial Justice is a key component of human societies and reflect social facts and social relations. Both “Spatial” and “Justice” have rich histories particularly in their field of geography and political theory. Though these disciplines have developed independently it links together space and social justice where the space for human societies is a social fact whereas justice is really a legal fact. In the broadest sense, it is the fair and equitable distribution in space of socially valued resources and opportunities to use them. Spatial justice as such is not an

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<sup>1</sup>For further information:<https://opentextbc.ca/socialpsychology/front-matter/about-the-adapted-edition/> (Accessed on: 19/07/2020)

alternative to social, economic, or other forms of justice but rather an approach of looking at justice from a critical spatial perspective (Mohanty et al., 2019).

According to Edward Said (1993), none of us are beyond geography; none of us are completely free from the struggle over geography. Moreover, it is not just only about soldiers and cannons, it is about ideas, forms, images and imaginings. The concept of spatial justice is not a substitute or alternative to other forms of justice but rather represents an interpretive perspective. It therefore, opens up new ways of thinking social justice as a struggle over geography or space enriching existing ideas and practices (Soja, 1993).

The idea of Spatial Justice came from many sources and there are a lot of narratives around space and social justice being understood as either forest or forest land. The forest dependent people have been widely depending on the forest land as they are considered to be the cosmic right holders for generations. Perhaps the forest villages and the space which they live in i.e., the forests have a spatial relationship. It is a right for all and a factor of democracy. However, during the colonial period, these rights were either recognized or recorded as well as in independent India. It is high time to see the forest dwelling population in India from the spatial justice perspective. Consequently, in a human setting the struggle for space is a social fact in context to spatial justice within the forest land for subsistence and livelihood.

Although development projects are a global phenomenon, the issues of right deprivation became more acute with the change in the focus of development. Certainly, there are more factors that determine displacement, loss of livelihood and dispossessed as encroachers in the forest areas. Millions of people since Independent India were displaced from their space due to numerous development projects.

Between 1951-1990, an estimate was made by the Planning Commission that about 21.3 million people were displaced by the development projects. Millions of people in the country were dragged into destitution or poverty, harassment, etc., on the pretext of being encroachers in their ancestral home lands (Mohanty & Garada, 2019). As a matter of fact, destroying forests have devastating consequences for the communities as a whole. Aligning the needs of the most vulnerable communities should be given utmost priority. According to government data, 14,000 sq.km of forests were cleared to accommodate 23,716 industrial projects across India over the last 30 years (Ray, 2018). Another study by the Center for Global Development shows that if the loss of vegetation continues unabated at this rate, forests covering an area nearly the size of India will be destroyed by 2050 (Bhaya, 2018). Although the implementation of the concept of Spatial justice has been proved challenging in practice but the vision for a sustainable development project requires a Spatial framework which helps give a clearer understanding of the relationship between the forest and the forest villagers i.e., the ‘space’ and the ‘people’ (Jovovic et al., 2017).

As a result, there are various measures and strategies taken up by the countries at the international and national level to emphasize on the fair and inclusive spatial planning for healthy environment and sustainable development projects where spatial and social justice has been addressed. Therefore, the concept of justice and spatial justice can be achieved and put into practice through the inclusion of relevant approaches such as fair redistribution of resources, alleviation of poverty, mechanism of public participation or participatory management, traditional knowledge in forest management, sustainable governance for development activities. These are some of the ways that can be used to tackle the issue of injustices face by the forest villager’s vis-à-vis their rights.



### **1.2.2 Forest Villages and their Rights**

The geography or spatiality of justice is an integral and formative component of justice itself. Discussing about the forest villagers and their rights, justice and injustice are socially constructed and evolve over time. Fundamentally, a struggle over geography is almost inescapable for the rights of the forest villagers however; it is inevitable (Soja, 1993). The space in which we exist, we develop a set of social relations with our societies and societal environments (Garada, 2019). This section of forest villages and their rights is devoted to review of literatures concerning the present investigation with similar studies conducted earlier and elsewhere.

Assembe-Mvondo, (2013) explores the various rights of local communities and indigenous peoples over forest resources in Central Africa. A survey was conducted where the sub regional legal instrument highlights a commitment by the state to consolidate the benefits and the emerging rights that can improve the living conditions of vulnerable communities and strengthen the regime of sustainable forest management. The adoptions of the sub regional guidelines represent a breakdown of the past colonial legal system, and bring hope to the targeted populations. However, the effectiveness of the rights granted to local stakeholders will largely depend on the quality of their enforcement and the willingness of each member state to comply at the domestic level, along with the ownership of these rights by the local communities and the indigenous people. The effectiveness of the sub regional guidelines hinges on the administrative acts and practical measures of member states to incorporate this instrument into their domestic legal systems and to enforce it.

Cheboiwo et al., (2016) revealed the important role of forest resources in the livelihood patterns of the local people and determined the forest dependence in East

Mau forest ecosystem in Kenya. It was found that the forest income share is higher for poor households as it showed high dependence on the forest resources despite the usage being illegal. Reflecting on the findings of the study, it would be imprudent to exclude local community from accessing forest resource because it may lead to increased poverty. Therefore, the author has given few recommendations where one way of managing the situation would be to allow activities such as firewood collection and enforcing licensing procedures to allow for low level extraction. Another way is to promote intensification of tree growing on farms through support for agro forestry. In order to minimize illegal forest exploitation, another strategy is to lower the opportunity cost of engaging in forest resources by creating income opportunities independent of forest produce extraction. Thus, these measures may improve rural livelihoods and conserve forest resources and livelihood.

Barrow, (2016) explores African countries at different stages of decentralizing rights and responsibilities for forest resources management to local communities. Forests can provide a lens for understanding- the impacts of decentralization because the way the forests are used and managed impacts on the forest villagers, forest authorities and the private sector in different ways. For accelerating economic growth and bringing communities to the mainstream of the economy, decentralization of rights to natural resources especially forest, use and management to the local level is a major policy opportunity. For the recognition of rights, the regulations to encourage sustainable use and capacity building regarding their rights and roles. In their study, the greater the security of local forest tenure, the stronger the will of the local communities in maintaining its condition (Wiley & Mbaya, 2001). However, closer attention should be paid to influencing policies that improve the way in which forests are sustained in the long-run and would promote sustainable forest management.

Bhargava, (2002) discusses on both continuities and changing patterns within the relationship between forests, people and the state in Gorakhpur during the pre-colonial and transition periods. The issues and challenges illustrated in this paper is by attempting to understand people's experiences of ecological pressures and their responses to changes over time. Meanwhile the East India Company had reinforced certain Mughal patterns but it remained anxious about its own power and authority. Apparently, it wanted to preserve the past and transform it. To reform the indigenous institutions, reinvention and redefined Mughal models or Mughal framework and institutions for the management of the forest were adapted to suit its power and authority.

Farooquee et al., (2007) from the study claims that the forest in Uttarakhand embodies the contradictions of state control and governance. It is believed that forest management policies have alienated a vast majority of local communities. From their study, it has been asserted that community forestry has been degraded constituting a vicious cycle of poverty resulting in tremendous pressure on forest in the region, having a fragile ecosystem, the region has an increasing population with deficient agricultural production. For managing better environment and livelihood condition of the local communities, issues of equity and governance bear the key to a sustainable solution for the escalating ecological crisis in the state. Therefore, making governance friendlier means tackling issues of forests rights, access to information, adequate decision making and representation in planning.

Macura, (2011) analyzes on the attitudes of the local people towards state-controlled forests i.e., (Reserved Forests). In this study he analyzed associations between attitudes toward state-controlled forests (Reserved Forests) and three independent

variables has been generated the Forest Right Act knowledge, attitude towards the State Forest Department, and participation in forest management groups of mostly tribal forest dwellers in the district of Kodagu (Karnataka). As a result, it suggests that increasing local awareness and knowledge about rights along with improving relationships between the local community and forest stewards has to be a priority for the sustainable management of reserved forests. It needs to monitor if the Forest Rights Act effectively fits the needs of the low-income, forest dependent population. However, without proper implementation and transparency, the Forest Rights Act will not have all its power and long-term effects. These issues should be addressed both at the state and local level.

Das (2019), examines on the ‘historical injustices’ done to Schedule Tribes and other traditional forest dwellers and hence it empowers forest dwellers for their own governance. Here, the author’s main aim is to empower communities with responsibilities and authority for sustainable use, conserving and maintaining of ecological balance at the cost of the environment. It vehemently acknowledges the injustices of the forest dwellers as “encroachers” and sees them as “right holders” of their own respective land. Further it also examines on the validity of conservationist’s apprehension of ‘land loot’ even after 10 years of Forest Rights Act implementation. However, the author highlights from the case study of West Bengal where it shows that despite of what has been stated in the act, the actual land recognition is far less compared. As a result, it might lead to conflicts in the long-run. Thus, this article also made recommendation on the control over the implementation process through both the political apparatus and bureaucratic control because it seems that the state have used this act for political benefit reducing the implementation process to a mere *patta*-giving exercise to forest dwellers.

Mohanty et al., (2016) discuss on land and forests where the control over natural resources is a central factor affecting tribal livelihood. The major problem here is that tribal communities have been with the state. This article portrays a scenario concerning the Odisha community conservation programme since the community residing have no legal standing as of today yet leading to ethical blunder and a blatant human rights violation. They stated that the problem with regard to conservation and livelihood has gone beyond limit. In addition, its main aim is to recognize the legitimate rights of the forest dwelling communities which has not been recorded properly, most importantly, the whole debate is to examine whether the Schedule Tribes and Other Traditional Forests Dwellers Act 2006 or Forest Rights Act has a space for the conservation process. The article has given few suggestions by involving both conservation and development programmes. The paper argues that, so long as the homo- sapiens that form an integral and natural part of this ecosystem, both surviving from the forest and at the same time preserving it, are not endowed with their cosmic right, no amount of laws and acts will help in conserving the natural resources of the state.

Srinivas, (2020) has presented divergent views on the Forest Rights Act (FRA) at the society and bureaucracy level. In this article, Forest Resource Management in India has been seen as a continuous process of decentralization. This present paper is based upon a preliminary field survey that was conducted in the forest divisions of Khamman district of Andhra Pradesh.

Moreover, the problem of IDP's (Internally Displaced Persons) adds a new dimension to the FRA in the Khamman district. However, in its objectives, it raises certain issues and emphasizes the need for a deeper structural and functional study of FRA.



Nevertheless, he has suggested, a comprehensive study of the FRA and its implementation is the need to confirm for certain changes. In this context, it mainly focused on cultural changes and the changing attitudes towards individual property rights which need to be revisited and studied. Above all, a proper study about the act in a more comprehensive and systematic manner is the need of the hour. Thus, the government should try to make FRA a platform for the improvement of forest-based livelihoods.

### **1.2.3 Developmental Issues and Concerns around Forest Villages**

Studies conducted and the literatures reviewed in this section aids to identify certain issues relevant to my research work. How the development projects have acted as a boon or a bane to the human and ecosystem. However, large scale development projects often result in massive displacement of population in the forest villages. Perhaps, the problem of forest villagers remain unnoticed to the policy planners and social scientists, the issue of proper planning, decision-making power and regulating implementation process largely undermines the needs of the people (Sonowal, 2015).

Mohanty, (2011) has highlighted on the impact of development projects on the displaced tribal population in Eastern India where the ongoing projects has created displacements not only in the developing countries but also in the developed world. The problem of deforestation, marginalization of the weaker sections and environmental degradation has been adversely affected on the local population. The study has been undertaken on the sample displaced tribal families in the Jharsugudu district of Orissa. The findings in the empirical study reveals that the general socio-economic condition of the oustees has weakened, socio- economic inequalities have widened dependence on trees and livestock has reduced substantially, poor dwelling

conditions of the oustees. Improper use of compensation money, drastic reduction in the socio-economic condition of women in the PAFs. As a result, focus should be given on compensation and rehabilitation for damages as well as benefit sharing arrangement. Also, the use of professional approach in dealing with the issues of social development of the tribal population. Most importantly, focus on the socio-economic condition in the post-project scenarios of the families substantially bringing in improvement.

Sonowal, (2015) stated that, forest villages do not have permanent entitlement of land since they do not come under state revenue department, lots of development activities do not cover them. Several states have converted forest villages into revenue villages as a step towards development of forest villages. However, in Assam no initiative was taken in this regard by the central government of India. This article is based on the primary research work conducted in forest villages in Dibrugarh district. The latest study took in to consideration the social, demographic and economic aspects of the forest villagers including Joint Forest Management (JFM) activities initiated as development opportunities of forest villages. Some of the important findings are in terms of infrastructure facilities including transport and communication, school, water supply and electric supply, health and sanitation etc the forest villages have been lagging behind the revenue villages. In the economic context, it was found that in revenue villages, people were engaged in more diversified income generation activities ultimately resulting in more income opportunities. Higher education was quite low in forest villages, especially among the females. Remoteness to school is one of the major factors leading to such situation.

The large scale development projects provide a challenge to the people and development induced displacement is a significant issue around the world (Wilmsen, 2009). Although development activities are enjoyed by one, it does not mean that development is for all. Perhaps, it is the very nature of the development process that is creating destruction. Social impacts remain a major concern for project opponents. It will understand the intricacies of the impact on the forest villages and the development issues where a group of people are denied of their rights and fulfilled with injustices. Similar few hydropower and railway related projects has been reviewed below:

Joy et al., (2014), made an effort to understand the development of hydropower projects in the north-east region; the various conflicts unleashed by the development and also explore ways of engaging with them. This article is organized in three sections, firstly it gives a brief understanding on the profile of the region, secondly it discusses on the typical cases of hydropower projects to bring out the difference dimensions of conflicts in the development projects regions where a wide range of issues including displacement, loss of livelihoods, various types of ecological impacts especially the fragile nature of the Himalayas, environmental assessment and so on and third section suggests certain ways of engaging with conflict.

Khawas, (2016) study on the Hydropower basin in the Upper Teesta Basin, claims to the demands of the long drawn struggles and protests of the local communities as to why they should receive benefits. He asserted that it is an action of giving back a portion of profit derived from the resources that the project has utilized. Mainly, most of the people are aware of only compensation against their lost assets, property and lives but not about the long-term benefit sharing mechanisms. Local communities are

affected directly and indirectly by the projects. The benefits identified in this region are in regard to revenue sharing, health and education and peripheral development. His major concern was that there have been varied perception and views expressed for and against the move of the government for accelerated hydropower development. Therefore, the need for a conceptual and analytical framework to make the concept of benefit sharing more useful to all the concerned stakeholders should be developed.

Silvius et al., (2016) reports a case study into the consideration of sustainability in the project modernization of the Romanian Railway Network. Primarily, the project is economically driven but that environmental aspects are also proactively considered. It has been found for proper management process, that sustainability has been given less attention and also the project focus less on the social aspects. The authors have extracted some learning's from the case study i.e., environmental and social sustainability should benefit and given importance like the economic sustainability over the entire project lifecycle starting from initiation and planning to post-project review. Nevertheless, in the project management process, it explicitly requires agility in order to cope with the already known agility feature of the project in the area of rail infrastructure.

Amiril et al., (2014) analyzed the development of railways as a key strategy to enhance the national transportation and strengthen economic competitiveness but the development demands massive land use, high cost, time, and especially huge resources. Apparently, it has a great impact on the environment, economy and social well-being. The findings show that the level of importance and implementation of sustainability factors in Malaysia railway project is still in moderate level. It is anticipated that the findings reported in this article could be important for future

strategies and guidelines for improving the sustainability performance of railway infrastructure projects development.

### **1.3 Rationale and Significance of the Study**

Enormous contribution has been made on the basis of environmental conservation and protection. However, not much emphasis has been made on the 'rights of forest-dwelling communities' that has effectively broken the link between man and forests. Generally, development interventions are considered as a boon or a bane in any particular region. Over the years, the very nature of development process is creating destruction and conflict. Development for one does not mean development for all. In other words, it means someone's right has been destroyed and someone else's is over enjoying the same. In fact, it is the very nature of the development process that is creating destruction and the nature of conflict that this study is going to focus on is based with the idea of development issues to the forest villages and their rights. As a result of which many challenges and social injustices are witnessed by the forest-dwelling population in the GTA region.

An attempt has been made by the researcher to understand the impact of development projects which is a significant issue on the local communities and the implementation policies of Forest Rights Act (FRA), 2006 which has become highly contentious. There have been several recognized instances of uneven development patterns causing social injustices and violation of rights over spatial claims at the global, regional and local levels. At the local level, the pro-tribal policy i.e., FRA, 2006 has not been successfully implemented. There are various researches who have worked on forest rights related issues but till date, proper study has not been carried out. Over the years,

the conceptual understanding of spatial justice has gained wide traction in India but has been overlooked as a framework of empirical instrumentation.

This study would help in understanding the perils and prospects of the development project. However, it is easier for people on making decisions and critically analyzing the inevitability of conflict over space of the vulnerable communities and addresses the injustices in their spatial relationships by effectively engaging with the state apparatus in order to ensure long-term sustainable governance in the forest villages of the GTA region.

#### **1.4 Objectives of the Study**

1. To understand the rights of the forest villages in India with particular focus on Gorkhaland Territorial Administration (GTA) region from Spatial Justice perspective.
2. To review the implementation and effectiveness of Forests Rights Act of India in the GTA region.
3. To examine critical issues of forest villages in GTA region vis-à-vis development projects with particular focus on Sevoke-Rangpo Railway Project.

#### **1.5 Research Questions**

1. What are the various rights of the forest villagers in India with special reference to the GTA region from the perspective of Spatial Justice?
2. How effective is the Forest Rights Act and the implementation process of India in the GTA region?
3. What are the critical issues in the GTA region concerning development projects particularly on Sevoke-Rangpo Railway Project?

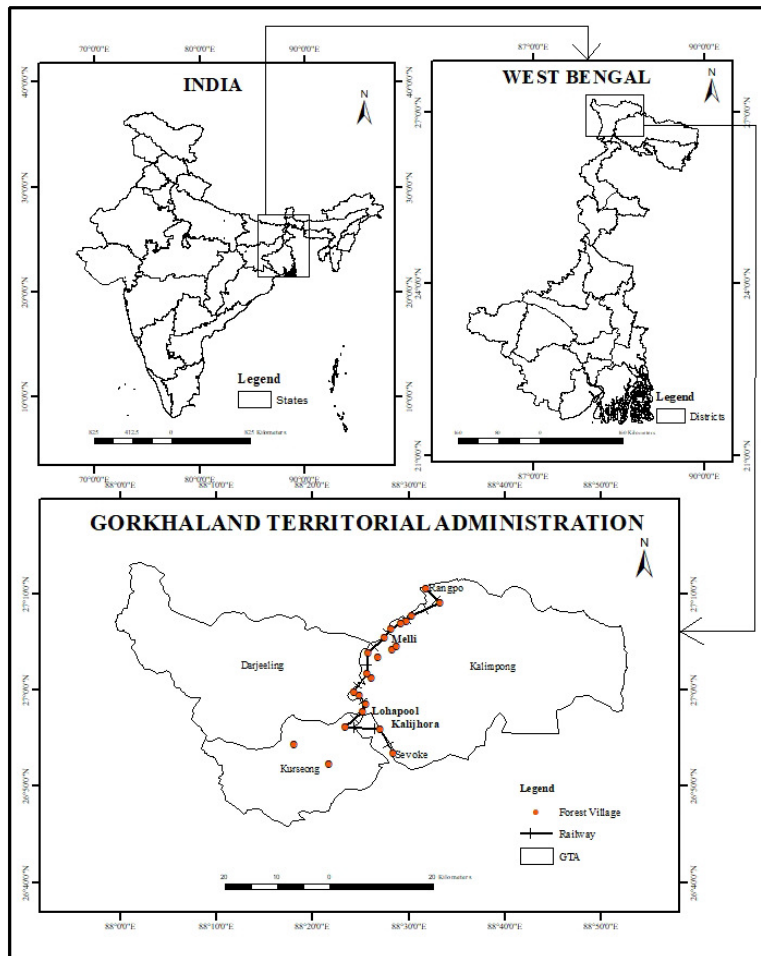
## **1.6 Methodology & Database**

### **1.6.1 Study area:**

Sevoke-Rangpo Railway Project (SVRRP) is proposed to connect Sevoke railway station in and around West Bengal to Rangpo in East Sikkim with a single broad-gauge line. The 45 km-long route from Sevoke to Rangpo will have five stations, 14 tunnels and 13 bridges. The topography is hilly and falls in seismic zone – IV. The locality receives heavy to very heavy rainfall; the average rainfall is in the order of 2500 mm per year and monsoon period extend from May to October (EIA report, 2016). Besides several issues in the region, the space/forest has always been a contentious one. In addition, a forest covers an area of 16,828 sq km in West Bengal/GTA. According to 2011 Census, West Bengal has a population of 91.28 million people. The forest dwellers and other forest dependent people is witnessing historical injustices since the British rule, carried forward in independent India thereby leading to unavailing remorse among the dwellers in today's world scenario.

The areas selected for study is located in the GTA territory (Kalimpong and Darjeeling districts) of West Bengal. The study was conducted in Karmat and Upper Kandung village of Kalijhora, Rongchong and Geil Dhura village of Lohapool and Melli respectively. In order to get detailed and inclusive information on SVRRP, the study areas were chosen on the basis of news reports, various articles and interactions with forest activists.

**Map No. 1.1: Map showing location of Sevoke-Rangpo Railway Project in GTA region of West Bengal**



Source: Developed by the researcher, April, 2021

### **1.6.2 Data Collection Methods and Analysis:**

The data is acquired through primary and secondary sources. An in-depth study on SVRRP regarding the implementation of Forest Rights Act 2006, a case study of GTA region has been acquired. However, with the help of Critical Discourse Analysis (CDA) being a growing interdisciplinary approach is used for the study through perceptions and extended expression of thought regarding the critical issues of SVRRP.



### **Primary Source of Data**

To understand the issue at a profound level and to explore people's perception, purposive sampling is used as a research tool. Three different locations viz., Karmath and Kandong in Kalijhora, Rongchong and Geildhora in Lohapool and Melli were selected for the study. A total of 92 households were surveyed summing up to a sample size of 413. Focus Group Discussions (FGDs) were conducted with different homogenous groups. In the studied areas, FGDs of 5-10 participants (including women, children, youths, elderly, affected and non-affected dwellers) were taken from different section of the society like that of the age group, gender, caste, religion, education qualification, occupation, monthly income, household perception. To ground the primary information to objective reality, the study includes the fact-finding details through field based research using techniques like semi-structured questionnaire, a field diary and recordings. Discourse with railway proponents and forest activists were undertaken through open-ended method.

Critical Discourse Analysis (CDA) being a growing interdisciplinary approach is used for the study to analyze from different level of participants. It has been applied as a form of social practice in a social space through informal interview based on conversational method (discourse), extended expression of diverse thoughts and ideas which help to verify the ground truth detailed information from different sources.

### **Secondary Source of Data**

Literatures on forest villager's rights, development issues and concerns were reviewed and examined to understand the injustices and conflict of the dwellers at the global and national level from the perspective of spatial justice. Literatures were reviewed on the basis of how effective is the Forest Rights Act of India in the GTA region.

Newspaper articles, social media, government reports and Forest Rights Act, 2006 guideline were referred in collecting the information regarding the relevant issue. While collecting information regarding the implementation of Forest Rights Act in India, certain literatures were reviewed on the basis of how effective is the Act in India.

**Table No. 1.1: Participants for In-depth Interview**

Government officials	Forest villagers	Project Proponents	Political Leaders	Forest rights activist
❖ Teachers and Headmaster	Project affected (Direct/Indirect) ❖ Local men and women, youths, elderly people, Samaj head	❖Railway Project officials ❖(IRCON Head)	❖ Elected representatives and local leaders	❖ Himalayan Forest Village Organization (HFVO) and other local organization

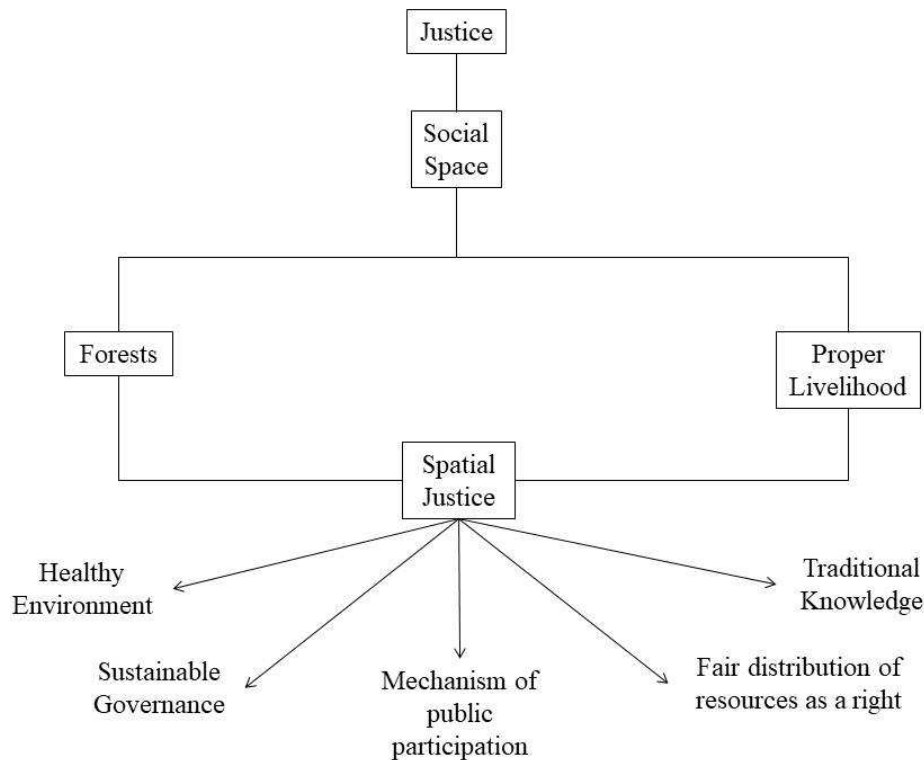
**Table No.1.2: Framework of Focus Group Discussions**

Site for FGD'S	No. of FGD'S per village area	No of Participants	Composition of Participants
Forest villages situated in the vicinity of construction sites (Tunnels and portals )	2 to 4	5 to 10 members	Local women, children, youths, men, elderly people, affected dwellers by the project

Furthermore, insights on the impact of the project and socio-economic conditions help to acquire a diverse range of detailed information mostly concerning the elements of justice (see Fig no 1.2). In a social setting, one of the major discourses in research is the problem of 'injustices' mostly faced by the vulnerable sections of the communities or societies at present day scenario. To examine and study space and justice in the context of Sevoke-Rangpo Railway Project, the framework of Spatial Justice is used to address the issues of development, right recognition and discrimination of the

forest villagers. However, conflict is constructed with regards to the claim over the very notion of space and social justice of the forest people.

**Figure No. 1.2: Elements of Justice**



Source: - Self-compilation.

When we talk about justice, thinking spatially about justice not only enriches our theoretical understanding but it also gives insight to our practical knowledge into more effective function to achieve greater justice for a social space/territory. A resurgent of interest in space and spatial thinking has been occurring over the last few several decades. Spatial thinking has become trans-disciplinary adopted in various ways in almost every subject area. This discipline is particularly applicable in political theory and geography where the idea of spatial justice has been spreading at a broader level (Huddleston, G, 2013).

Hence from the spatial perspective, we can open up new possibilities, new ways of thinking about these traditionally important concepts and ideas in a constructive and creative manner. As a result of which the idea of 'spatial' is used to describe 'justice' (Defraud, et. al., 2011). As shown in the above figure, there are five components which are developed and interlinked to each other. Talking about social space, we as humans are not completely free from the violation of territorial rights, its demands over a certain space or none of us are beyond geography (Said, 1993). The injustice into our geographies or space arises in a most basic way from the inequalities that are produced from the uneven geographical effects of every individual action and all social processes. Forest is an essential part of our social life as to why it should be governed and managed for a proper livelihood and to stop large scale evictions.

Few relevant theoretical approaches have been drawn out from different literatures that can be implemented to reconcile certain development issues and conflicting needs of the forest villages and their rights in the present study. Therefore, the underlying idea of spatial justice can be addressed by giving importance to the strategies of fair distribution of resources, mechanism of public participation traditional knowledge, sustainability in forest management and by promoting peace, justice and strong institutions for sustainable development and by building effective healthy environment for all.

Most significantly, forest villagers' insight to the study provides the present space and justice phenomenon of Sevoke-Rangpo development project. The collected data gathered from different sources is analyzed using appropriate simple statistical tools using charts, tables and figures. For mapping purpose Geographical information system (GIS) tool ARC map and Google Earth Pro is used for the study.

### **1.7 Limitations of the Study**

The present study attempts to offer an insight into the forest rights of the surveyed villages and the violation of rights thereof. In doing so, the research encountered with a number of limitation which needed to be considered. There are altogether 24 forest villages from where the Railway Line passes through but due to some unavoidable circumstances survey could not be conducted in all the village areas. Also, since the field work was carried out during the Covid-19 pandemic most of the factors could not be witnessed. Moreover, it was difficult to interview the project proponents, government officials and political leaders due to the ongoing pandemic situation. Considering the implementation of the Act as a politically sensitive issue, many project proponents were hesitant to provide the Detailed Project Report (DPR) even after several attempts. This study being a new area / issue, most functionaries, at sub-district level were not able to relate with the Act and its implications to forest people and forest governance issues.

## Chapter 2

### Spatial Justice and Forest Rights Act in India

#### 2.1 Introduction

The chapter is determined by the objective to understand the various rights of the forest villages in India with special reference to GTA region from spatial justice perspective. In the forest ecology, tribals have been living and have totally shaped their lives and society as they are culturally and traditionally linked to each other. Most of them live in close proximity of forest and depend on the forest for their livelihood and sustenance. Their entire existence revolves around the forest as they evolve in these woodlands and extract prerequisites like clean water, air, food, medicines, shelter and even recreational retreats from these forests. Approximately, 275 million poor rural people in India i.e., 27 percent of the total population depend on forest for at least part of their subsistence and livelihoods (World Bank, 2006).

The forest dependent groups in India contain both 'tribal' and non-tribal forest users. Of 'tribal' groups the 'Scheduled Tribes' (i.e. those recognized and 'scheduled' under the Constitution of India) include over 700 tribal groups along with 104 million populations. These indigenous people constitute the second largest tribal population in the world after Africa<sup>2</sup>. An estimated 84% of these tribal ethnic minorities live in forested areas (World Bank, 2006). To develop an understanding of the forest rights deprivation and its livelihood impacts, the study has explored the key problems of the forest dwellers in different parts where studies are undertaken and has primarily contextualized India's forest and its people from the Spatial Justice perspective.

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<sup>2</sup>For further information: <https://www.downtoearth.org.in/coverage/governance/indigenous-people-in-india-and-the-web-of-indifference-55223> (Accessed on 25/03/2021).

## **2.2 The Concept of Spatial Justice**

“Spatial” and “Justice” have rich histories within their respective disciplines of geography and political theory respectively. Both of these disciplines have independently developed their respective conceptual connotations. In other words, their independent implication in each discipline boundary is important in producing or developing concepts (Mohanty & Garada, 2019). A plausible understanding of the space or spatial is that unlike justice, space is always dynamic. Striving for space/territorial right for a certain individual or group might lead to marginalization and exclusion of some individual or group in a given time period. Spatial is the geography, or “spatiality,” of justice, an essential and formative component of justice itself, and a vital part of how justice and injustice are socially constructed and evolved over time. Human life is consequently and consequentially spatial, temporal, and social and interactively real and imagined (Soja, 2010).

In the context of space and justice, according to Edward Said (1993) “Just as none of us is beyond geography, none of us is completely free from the struggle over geography. That struggle is complex and interesting because it is not only about soldiers and cannons but also about ideas, about forms, about images and imaginings”. The “spatial justice refers to the promotion of access to public goods, basic services, culture, economic opportunity and healthy environments through fair and inclusive spatial planning, design and management of urban and rural spaces and resources” (Rocco, 2014). Secondly, it is an essential element of sustainability, the integration of social, economic and environmental dimensions which allow future generations to enjoy healthy and happy lives. Thirdly, it is a right for all and is an essential element of democracy. Within the concept of spatial justice spatial

opportunities and benefits, fair redistribution of resources, sustainable governance, etc can be achieved through mechanism of public participation.

Soja (2009) exaggerates spatial (in) justice as: “An intentional and focused emphasis on the spatial or geographical aspects of justice and injustice. As a starting point, this involves the fair and equitable distribution in space of socially valued resources and the opportunities to use them”. He states that spatial (in) justice can be seen as both outcome and process, as geographies or distributional patterns are in themselves just/unjust and the processes produce these outcomes. Improvement of democracy, diversity and equity in spatial plan-making processes and outcomes is one of the manners to achieve spatial justice.

In her article “The Just City” Fainstein (2014) argues that the following three measures are guiding in spatial justice in cities: democracy, diversity and equity. While emphasizing on democratic decision-making processes, in which the author believes that reform to spatial justice is possible. The author looks for policies improving spatial justice by looking at the above three principles. However, improvement of democracy, diversity and equity in spatial plan-making processes and outcomes is one of the manners to achieve spatial justice (Wildschut, (2017).

Spatial perspective helps us make better theoretical and practical sense of how social justice is created, maintained, and brought into question as a target for democratic social action. Also for the forest dwellers, their rights are more than just a claim that space matters. Spatial thinking in this sense cannot only enrich our understanding of almost any subject but has the added potential to extend our practical knowledge into more effective actions aimed at changing the world for the better.



As intrinsically spatial beings from birth, we are at all times engaged and enmeshed in shaping our socialized spatial relationships and simultaneously, being shaped by them. In other words, we make our geographies just as it has been said that we make our histories, not under conditions of our own preference but in the material and imagined worlds we collectively have already created or that have been created for us. In this way, our lives are always engaged in what the socio-spatial dialectic has been discussed, with social processes shaping spatiality similarly, spatiality shapes social processes.

According to David Harvey (2010), there are no philosophical answers to philosophical questions that arise over the nature of space. The answer lies in human practice. The question what is space? Is therefore replaced by the question "how is it that different human practices create and make use of distinctive conceptualizations of space and produce spatial justice?"

### **2.3 The Concept of Forest Rights in India**

The conceptual understanding of rights by various theorists have generally thought it desirable to give an explanation of what specific rights legal, moral or human rights have in common as rights. Joel Feinberg<sup>3</sup> examines rights as claims, typically as valid claims. To have a right is to have a claim to something and against someone, the recognition of which is called for by legal rules or, in the case of moral rights, by the principles of an enlightened conscience. Feinberg thinks that much can be learned about the nature and value of claims by attending to the activity of claiming, an activity in which people demand things as their due, not as a matter of the giver's

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<sup>3</sup>For further information: <https://doi.org/10.1111/j.1475-4975.1982.tb00090.x> (Accessed on 28/03/2021).

generosity. On the other hand, H. J. McCloskey takes entitlement rather than claim or duty to be the basic notion at least as regards the moral rights that seem to be his primary concern. The concept of rights, according to McCloskey, are best "explained positively as entitlements to do, have, enjoy, or have done, and not negatively as something against others, or as something one ought to have". On the contrary, according to McCloskey an entitlement need not depend on the will of anyone, including the right holder. McCloskey emphasizes, in a way that Feinberg does not, that an entitlement or claim is fundamental to an independent element that is deeply rooted in the nature of human being (Martin, 1980).

The rights as prohibitions and contrastingly rights as permissions. The former role of rights has predominated in traditional discussion. Potential rights serve to endow individuals with a kind of 'moral armor' protecting them from encroachments by political authority. The latter role, rights as permissions emphasizes the importance of the moral "breathing room" that rights allow the individual which projects one's own choosing whether or not these are responsive to the demands that morality would otherwise impose upon her. The individual's antagonist here is not political authority so much as it is morality itself. In the former role, rights prohibit others from doing things to the individual for any reason; in the latter rights permit the individual to ignore demands that would be made of her from a disinterested moral viewpoint.

[The concept of Forest Rights](#) as referred to in section 3 of the Forest Rights Act 2006<sup>4</sup>, "is to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or

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<sup>4</sup>This act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It extends to the whole of India except the State of Jammu and Kashmir. It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

members of a forest dwelling Scheduled Tribe or other traditional forest dwellers” and also there are many factors that provide them sustenance and derive their livelihoods. In other words, the members of a particular space or forest-dwelling communities were not as ‘encroachers’ but potential ‘right holders’ since time immemorial. Forest provides the second largest land use in India after agriculture, covering about 641,130 sq km, or 22 percent of the total land area. Such a figure tells us the quantum of forest dependency in India (Jain et al., 2014). Forests provide the most disadvantaged section of society with more than 86 million green jobs, support the livelihoods of several other traditional people and sustain their ecosystem services before becoming vulnerable to extinction (The State of World Forests, 2020). The forest rights are to identify the rights of the forest-dwelling communities for its objective to encourage their participation in the conservation and management of forests and wildlife (Bhullar, 2008). Local communities have been geographically, ecologically and culturally linked to forest habitats. As mentioned in section 3 (i) of the Act, rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

The relationship between [forest dwelling scheduled tribes<sup>5</sup> and other traditional forest dwellers<sup>6</sup>](#) is historically characterized by co-existence and is considered integral to the very survival and sustainability of the forest ecosystems. However, Forest Rights Act, 2006 is considered to be a milestone legislation that acknowledges the historical injustices meted out to India’s forest dwellers, particularly tribal’s. For generations,

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<sup>5</sup>*Forest dwelling Scheduled Tribes* means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribes pastoralist communities.

<sup>6</sup>*Other traditional forest dweller* means any member or community who has for at least last three generations prior to the 13th day of December, 2005, primarily resided in and who depend on the forest or forests land for bona fide livelihood needs. One Generation means 25 years. Evidence of occupation over three generation is not a prerequisite of claims in case of OTFDs. Only residence evidence for three generation is required.

they have been usually depending upon the forestland and its resources to recognize their livelihoods, food security and socio-cultural traditions. It is also well known fact that there exists a spatial relationship between the forest dwelling tribes and the biological resources in India (Garada, 2019). This relation is bound by the “geography with morality and social justice”. Steven Flusty’s (1994) stated that for an equitable distribution of spatial resources for all to ensure spatial justice given that space is claimed by dominant groups in the society.

The Act basically aims at addressing the “historic injustice” that was meted out to the forest dwellers by recognizing forest land, resources, and resource management and conservation rights of the forest dwelling communities. The rules for implementing the Act was framed in 2008 and further amended in 2012. The enabling provisions contained in the FRA seek to redress the historical injustice done to the forest dwelling people whose rights had not been legally recognized and recorded and who were denied their traditional rights to forest lands and resources in legislations prior to FRA. In spite of the lofty aims of the Act, recognition of the rights of the forest dwellers to live in the forest and use its resources as well as making it a duty for the forest dwelling communities to protect, regenerate, conserve and manage forest resources sustainably.

#### **2.4 Forest rights during the British Period- The era to strengthen their colonial powers**

This section examines the historical trajectories of both British colonial rule and independent India to deal with the evolution of FRA in India. During the colonial time the focus shifted from the forests being used as a resource base for sustenance of local communities to a state resource for commercial interests and development of land for

agriculture. There is a symbiotic relationship between the people and forests for a long period of time. This relationship has led to formalized or informal customary rules of use and extraction, often governed by ethical beliefs and practices that have ensured that forests are not too degraded. In many places, historically, forests were managed locally by forest-dependent communities. With the introduction of scientific forestry and forest policies by colonial governments, forest-dependent people lost their traditional right. Several Acts and policies such as the Indian Forest Acts 1865, 1894 and 1927 of and many policies of the Central Government highlighted the symbiotic relationship between forests and forest-dwelling communities that found recognition in the National Forest Policy, 1988 (Guha,1983).

Environmental historians point out that large scale forest destruction is rooted in the commercially-oriented forest use and ownership policies of the British Government during the colonial phase (Fernandez, 1996). In the history of Indian forestry, the railway network was created and it was first introduced in the year 1853 to meet the need for rapid troop communication and permitted Britain to build at Indian cost a system of road and rail transport which linked the colonial ports to their hinterland and tilted the terms of trade in favour of her own nationals who dominated India's foreign trade. In the early years of the expansion of railways, large numbers of unprecedented destruction were done and huge chunk of forests were destroyed (Guha, 1983).

History has witnessed the gradual process of exclusion and marginalization of the forest dependent and dwelling population in India. During the early British colonial period, 1855 was a memorable year in the history of Indian forestry because in that year, Lord Dalhousie, the then Governor General of India, specified for the first time

an outline of a permanent programme of forest administration. His proclamation laid down the ruling principle of management of 'state forest', namely, that timber standing on a state forest was state property to which individuals or communities had no rights or claims.

**Table No. 2.1 Summary of all the Acts with major objectives**

Year	Acts	Major Objectives
1927	Indian Forest Act	To consolidate the laws relating to forests, to regulate and transit forest produce and to levy duty on timber and other forest produce.
1980	Forest Conservation Act	To regulate the indiscriminate diversion of forest lands for non-forestry uses and to maintain a logical balance between the development needs of the country and the conservation of natural heritage.
1988	National Forest Protection Act	To maintain environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant.
1996	Panchayat (Extension to the Scheduled Areas) Act (PESA)	To provide for the extension of provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.
2002	Biological Diversity Act	To conserve the biological resources and managing its sustainable use and enabling fair and equitable sharing benefits arising out of the use and knowledge of biological resources with the local communities.
2006	Forest Rights Act	To recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Source: Self-Compilation.

Moreover, the Indian Imperial Forest Service was established in 1864, which introduced the first Forest Act of 1865 as a legal basis to assert authority over forests and forest people (Guha, 1983). This was the beginning of state intrusion into local customary forest use, which was followed by subsequent legal frameworks that demarcated economically valuable forests important for revenue generation for government (Sivaramakrishnan, 1993). The Indian Forest Act of 1865 was then replaced by a much more comprehensive piece of legislation 13 years later. The 1878 Forest Act laid the legal bases for the demarcation of forests as state property. The provisions of the 1878 Act ensured that the state could demarcate 'valuable' tracts of forest needed especially for railway purposes, and retain enough flexibility over the remaining extent of forestland to revise its policy from time to time. The customary use of forest by the villagers was based not on 'right' but on 'privilege' and that the privilege was exercised only at the will of the local rulers. However, the British were the rulers at that time and were considered to be the right holders and absolute ownership was vested to them.

From the early days of forest administration, there have been revolts in different tribal areas centered on 'the question of forests. Perhaps, these revolts, which attempted to restore a 'golden past' where the tribal roamed freely in his forest habitat, were swiftly crushed by the colonial state. The historical process had marked several key features, since a large part of India's diversity is intimately connected with forests. At the most fundamental level, the demarcation and fencing of large tracts of reserved forest meant an 'effective loss of control by the forest dwellers over their habitat. Increased pressure was felt by the dwellers; their existence was at stake thereby leading to destruction. Indian Forest Act that came in to effect in 1927 declared that all land not claimed by private individuals of agencies shall be deemed as forest land classifying

them into reserve, protected village forests. The alienation of forest dwellers i.e., of man from forest can be compared to the alienation Marx talks about that of the primary producer after being separated from the means of production. For, before the British intervention, the forest dwellers, and more particularly the Adivasis. "Were free men, owning the means of production" (Guha, 1983).

#### **2.4.1 Evolution of Forest Rights in the Post-Colonial Period- its prolonged colonial legacy**

There is a continuation of colonial legacy as far as the legislation of forests is concerned. Increasing demands of human civilization have never stopped in over-exploitation of resources making forest one of the fast depleting resources. The situation became more crucial when machines replaced the hand, and the ultra modern technologies added to machines to exploit the resources. Blind zeal for development of civilization has made man unaware of the fact that human civilization itself is threatened due to the fast depleting resources.

The forest human relation is a contentious issue and every aspect of their life is determined by forest. However, the post-1947 situation has been the rapid growth of forest industries, in consonance with the greatly expanded nature of industrial development since independence. Predominantly, in the Independence movement, forest related grievances were a major factor; one might reasonably have expected fundamental reform. However, the particular nature of the political alliances consolidated the interests of the state bureaucrats in the context of a 'high modernist' developmental state agenda. Deep patterns of institutional 'path dependency' are evident here, as the aspirations of marginalized forest peoples for justice and reform were neglected and the interests of the then imperial, now independent, bureaucrats



were served. Rather than recognizing the colonial injustice and overhauling structures there was instead a strong re-affirmation of colonial imperatives (Springate-Baginski, 2009).

The Colonial rulers were only interested in making profit from Indian forests. The forest policy of 1952 was merely for 'national interests'. This policy was centered on national needs and emphasized the claims of the communities living in and around the forests should override national interests. Consequently, rising finance from the forest lands was given more importance than securing the rights and social space of the forest dwelling communities. Practice of collecting lesser forest products for domestic use or taking them to local market was allowed for the inhabitants of forest margin villages in Baghmundi region within a distance of six miles from their residence, in the colonial period. That provision was banished in the national forest policy of 1952. Thus the new policy in essence became an extension of the colonial policy that only pays interest in making profit from the forests (Roy, 2017). Although concerns were articulated in the 1952 National Forest Policy with respect to degradation and diversion of forestlands, little was done to present this at the implementation stage. The policy gave more emphasis on national interest rather than on the regional, local or rural interests. In other words, there was not much emphasis on people's rights over forests (Khawas, 2003).

In 1985, the forest department came out of Ministry of agriculture and became a part of the newly formed Ministry of Environment and Forest. In the subsequent years, new forest policy was announced in 1988, which not only made forest a local resource but also made the participation of local forest protecting communities mandatory in the regeneration of degraded forests. In the following years, there was a shift in view

point of the policy makers regarding the utilization and management of forest resources. Ardent importance was given in keeping up the natural heritage of the country and preserving the bio-diversity. Rights of the poor people living at forest fringes were recognized by stating the role of fuel wood, fodder, minor forest products and small timbers in sustaining their life. More precisely, the new policy sought to include those people in restoration and maintenance of forests (Roy, 2017). Although the 1988 policy showed a positive impact but the attitude of the forest department is not out of question in translating it into practice. There is still a top-heavy system of planning exist in decision making process regarding conservation and utilization of forest resources where meaningful participation of local people is still absent or in a more true sense, are ignored.

#### **2.4.2 Forest Rights Act and its Struggle**

In the Indian Forest Management, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, also known as the Forest Rights Act (FRA), 2006 is a pivotal legislation that governs and provisions for the legal rights of the forest-dwelling communities, particularly indigenous Adivasi tribal community, over the territory and natural resources that they have been dispossessed since the times of colonial imperialism of the British in India. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008 (F. R, 2006). In other words, the Act was passed at the end of 2006 but came into force on 1st January 2008 with the passage of its associated rules. India's Forest Rights Act 2006 is undoubtedly a landmark legislation providing the legal framework for major pro-poor institutional reform in the governance of the country's forests. The Act's aim is declared in the

Preamble as follows: *“to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.”*

The following paragraphs of the Preamble then outline the Act’s radical mandate of major institutional reform in the governance of India’s forests through empowerment of the country’s tribal and other forest dwelling communities by stating:

*“.....the recognized rights ..... include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance .... Thereby strengthening the conservation regime of the forests while ensuring livelihood and food security .....; ....the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystems; ....it has become necessary to address the long standing insecurity of tenurial and access rights .... Including (of) those who were forced to relocate their dwelling due to state development interventions.” - (Preamble of the FRA, 2006)*

The Forest Rights Act 2006 (FRA) represents a seminal moment in India’s contested forest politics, because for the first time it has acknowledged that the expropriation involved an ‘historical injustice’ (Springate-Baginski, et al., 2013). The Forest Rights Act is seen as an instrument to hopefully usher in a new era in forest management. By

integrating the livelihood needs of forest inhabiting, forest dependent tribal and non-tribal communities this law brings in the much needed democratization in the field of forest governance and by making peoples' participation mandatory in forest management (Vaidya, 2011). The act was declared as both a "victory and a betrayal"—"victory," as for the first time, the Adivasi rights to the forests have been given specific formal recognition, and a "betrayal," as the role of communities in the process of determining and deciding these rights have been diluted and weakened (Bijoy, 2008). However, there are several hurdles and loopholes that can be gauged by looking at the law even before examining its efficacy in implementation. Restricting eligibility to only 'scheduled' tribes and that too only in the areas where they are declared as Scheduled Tribes, may exclude nearly half of the tribal groups.

#### **2.4.3 Provisions of Forest Rights Act, 2006**

This section provides a basic overview of the issue of forest rights in India, affecting forested landscapes that cover about 23% of the country and the livelihoods of at least 200 million have been highly contentious for at least a century and a half, and also intensifying in recent years (Springate-Baginski, et al., 2008). The Forest Rights Act of 2006 has several features that can trigger a potential social change for the forest dwelling individuals as well as communities. Some of its provisions are discussed below:

**a. Settlement of rights on land:** Under Section 3(1) (h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, people dwelling on forest lands for more than thirty years will get lawful right over the parcel of land he/she possesses. Up till now, the people do not have any right on their ancestral lands though they may inhabit that particular part of the earth from pre-

historic times. Their existence was depended on the mercy of the forest officials. Moreover, they were treated as ‘encroachers’ thus cannot sell their harvest to government agencies. As a result, Forest Rights Act can solve this misery for the betterment of the forest dwellers and other indigenous groups.

Over the years, the forest space has undergone drastic changes due to encroachment by such human activities as agriculture, charcoal burning and most importantly settlements. The problem of encroachments logically came to be viewed as the problem of non-recognition of tribal rights (Bose, 2010). The law recognizes people’s right of settlement in forests, and gives them legal document of ownership of their traditional habitation. It promises to recognize their customary rights over forest land (up to 4 hectares) (Kukreti et al., 2019). For most areas in India, especially the tribal areas, record of rights did not exist due to which the rights of the tribal’s could not be settled during the process of consolidation of forests in the country. Therefore the rural people, especially the tribal’s who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, these tribal’s have become encroachers in the eyes of law.

According to the Forest Department, any possession of forestland after 1980 was regarded as encroachment under the Forest Conservation Act of 1980. Officially, some 1,343,000 hectares of forest (or 1.73% of total forest area) is under encroachment (Bijoy, 2008). Adivasis and other forest dwellers became encroachers simply because their ownership rights have not been recorded and settled by the officials as stipulated by forest laws. Rather than take action against the officials for dereliction of their duty and for violation of the forest laws, the violators became aggressors of the victims.

The drafting of the FRA actually emerged from the struggle for implementation of orders issued by the Ministry of Environment and Forests (MoEF) in 1990. Dr. B. D. Sharma, a highly respected civil servant, then Commissioner for Scheduled Tribes and Scheduled Castes (a constitutional authority), gave recommendations in 1990 based on his 1989 review of the conditions prevailing in tribal areas. This review focused on the lack of settlement of land and forest rights as the main cause of tribal unrest in those areas. The B.D. Sharma Recommendation offered a plan for reconciliation of the interests of the tribal community and forestry development, largely through the economic development of the tribals by involving the tribals in the management and utilization of forest resources (Bose, 2010).

A Committee of Secretaries and the Cabinet approved these recommendations, based on which the MoEF, (three months after the Joint Forest Management notification) issued guidelines for regularization of forest land rights and for resolving conflicts related to forest land. These recommendations aimed at four main issues:

1. To regularize the pre 1980 'encroachment' of forest land by giving land titles to the settlers.
2. Earlier settlement officers never ventured in remote areas and the Scheduled Tribes and forest dwellers were branded as 'encroachers'. Such disputes between the Forest Department and local inhabitants need to be settled along with all disputed claims over forest land arising out of faulty forest settlements.
3. The Revenue department under the authority of Government has often distributed land, although such distributed land has on paper remained 'forest land' under the Forest Department. All these leases or 'pattas' were deemed illegal. Dr. B. D. Sharma pointed out that such land had been distributed under government

authority and so the government must set its own house in order rather than victimize the forest dwellers.

4. To convert old habitations or 'forest villages' into revenue villages. However, only the first of these guidelines, for regularizing supposed 'encroachments' on forest land prior to enactment of the Forest Conservation Act, 1980, had been partially implemented, the rest being left ignored.

The argument here is that 'Adivasis' are the 'first dwellers' and in that case it is a fallacy to view them as encroachers. If they do not have supporting papers to prove their occupation over forest lands, then it is not their problem; the responsibility lies with the state to prove cases of encroachment. 'In the matter of forest lands, the state for the first time was not acting as the landlord, absolute and unaccountable'. It was observed further that even the Forest Act of 1927 contained provisions for forest villages, so it is not that tribal's and forest dwellers did not have rights earlier. Rather, one has to think in terms of 're-cognition' of rights, which were either ignored or denied for a long time now. Previously rights enjoyed by tribal's and forest dwellers in India were customary; but with the usurpation of the colonial formal legal system these rights ought to have been formalized; but they were not (Bose, 2010).

**b. Recording of holdings in individual's name:** The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes and vests forest rights including rights to hold and live in the forest land under individual and common occupation for habitation or self-cultivation for livelihood by:

- a) The forest dwelling scheduled tribes as defined in section 2(c) and

b) Other traditional forest dwellers that have for at least three generation prior to 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest and forest land for livelihood needs as provided under section 2(o) of the Act. Such rights are heritable but not alienable or transferable (FRA, 2006).

However, this means a lot for the forest people. First of all it is a social recognition, from landless to landlord. Secondly, it has a great deal of economic importance. Recording of residential plots and farmlands in individual's name will enable them to access different beneficial schemes offered by the central and state governments including land development, subsidized homes and food grain procurement programs. It has been assessed that altogether, a tribal or scheduled caste family can avail as much as fifty six such schemes extended by central and state governments (Mahapatra, et al., 2013). According to a report, "the FRA provides conferment of rights to use forest lands to those traditionally residing in or cultivating forest land, which was in their possession between 13/12/2005 and 31/12/2007. In case of Other Traditional Forest Dwellers, the claimant has to be resident for the last 75 years and that evidence has to be produced. The claims are verified and approved based on evidences. The progress cannot be calculated by any mathematical formula but depends on each individual case and the type of evidence produced." (Rajshekar, 2014).

**c. Rights of Communities over forests:** The provisions under Sec 3(1) of the Act are particularly empowering as they recognize community forest rights of the Gram Sabha's (GS) of forest dwelling communities. The right to protect, regenerate, conserve or manage any Community Forest Resource (CFR2) which they have been traditionally protecting and conserving for sustainable use, under Sec 3(1) (i) along



with the rights mentioned above has the potential to change the top-down centralized style of governance of forests to enable greater site-specific management by communities, and provide collective livelihood security to communities. Community forest rights recognized under the Forest Rights Act are important for securing livelihoods of the forest communities and for strengthening local self-governance of forests and natural resource. FRA, 2006 offers rights of forest lands to traditional societies those have lived in harmony with their forests from a distant past. For the people, to whom forest is an integral part of life, it is recognition of their livelihood. Forests may be shared by two or more communities or a particular community may reserve sole right over a particular stretch of forest. This enables them to control and manage the forest resources in such way that the community can be benefited most. It will also obliterate the supremacy of the forest department and dependency of forest dwellers over the department in planning and managing their resources will be reduced in a justified manner.

Overall there are two main sets of rights to be gained in the FRA:

- Private and/or communal land ownership rights, including restitution for past illegal eviction / displacement.
- Community resource use rights, including collective management of common (or community) forest resources; rights over common property resources such as produce of water bodies; grazing rights (both for settled and nomadic communities); rights over 'habitat' for 'Primitive Tribal Groups'; other customary rights and usufruct (actually 'ownership') rights over Non Timber Forest Produce (although there is some ambiguity over whether these shall be 'community' or individual rights) (Springate-Baginski,2009).

**d. People's consent for conversion of land:** This is commonly regarded as 'the consent clause'. Before enactment of FRA, people living in forest lands had no scope to challenge their eviction from those lands before the court of law. Forest Department had the sole authority to establish and evict forest villages as per their priority. Moreover, if the forest land was converted into mines, roads, railroads or reservoirs, the inhabitants were evicted without compensation and relocation. FRA enables the forest dwellers to bargain with the government or the private entrepreneur for their rehabilitation and compensation.

**e. Conversion of village status:** Conversion of all forest villages, old habitation, unsurveyed villages etc into revenue villages under Section 3(1) (h) of the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. As per FRA, all forest villages must be converted to revenue villages. This will connect those marginal villages to the main stream of infrastructure development. It will bring the provisions of 'Pradhanmantri Gram Sadak Yojana' to the tribal villages located inside the forests. Other facilities include access to grid power, irrigational facilities, job card under 'Mahatma Gandhi National Rural Employment Guaranty Act' (MGNREGA) etc. Thus it provides better connectivity, educational attainment leading to better opportunity for the inhabitants of the distant forest villages.

The most important thing we need to keep in mind that, implementation of FRA is no longer an option but has become a necessity now. In the emerging new era of powerful Multi-National Corporations (MNCs), future government will no longer be able to give protection to forest and biodiversity from mining and factories. In order to protect forest and rich flora and fauna of forests from the Multi-National Corporations (MNCs), the only way is some strong as well as well recognized set of

rights and a conscious mass. For example, in case of use of a particular piece of forest for mining purpose, if the villagers would have Community Forest Rights (CFRs) over the same, the companies cannot use that forest unless the villagers agree. Therefore, a strong set of well recognized forest rights is the only solution for mining and other land acquisition issues. The weaker the forest rights, the easier it will be for MNCs to capture forest lands for mining and factories (Sahoo, 2015).

### **2.5 Forest Rights Act: A Spatial Justice View**

Forest dwelling communities across the globe have had long-standing socio-cultural relations with the forest (the space which they live in). Certainly, this holds true for India as well. But colonial forest governance framework often disrupted this relationship by restricting local access and forest use. This resulted in loss of access to forests as a material resource, besides loss of cultural identity and connection. They build special ecological local knowledge and, often, use it to create low-cost, efficient and powerful forest management interventions. Nevertheless, across the country it is quite evident that forest communities are skilled in setting up governance institutions for effective conservation and management of natural resources (Shah, 2020).

Of all related Forest Acts, the Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a unique act in setting a paradigm shift from colonial forest governance to community governance in India. The community forest governance denotes to a social concept-“community” as well as to legal concept-“forest governance”. In this context, the spatial justice though pleads with two interrelated concepts i.e. space and social justice however by shaping both concepts tends to undermine another. The space for humanities is a social fact whereas justice is a legal fact. However, unlike “justice” the space i.e. land, forest, territory, and

landscape as understood under Forest Rights Act (FRA) in India, is not going to improve much, simply because it changes quite frequently (Mohanty, 2019). At present, the question is whether the forest dwelling population in India or elsewhere will ever live in harmony within their space (social) and nature (environment) i.e., their societal environment. For further development and improvement in right recognition of the forest dwellers and other indigenous groups, spatial justice would definitely lead us to sustainable environment along with livelihood security because this framework is an idea where the community would be able to have fair distribution of rights and a proper spatial planning. By mechanism of peoples participation, the community and various organizations today claim to have taken up the charge on to themselves for protecting and managing the forest resources. Nevertheless, there are certain marginalized sections of the community who continue to remain as victims of forest destruction and displacement.

Discourses related to spatial justice, group of individuals live in a given territory or space in close proximity where social justice is embedded within the space. The very notion of spatial justice is becoming more a challenge than a reality in the country like India. Based on the existing literature on spatial justice, geographic space is an important component in producing justice relation (Garada, 2019). Lefebvre recommended that just as everyday life has been colonized by capitalism, so too has its location-‘social space’. Therefore, there is work to be done on understanding space and how it is socially constructed and used. There should be an increased importance of space in the modern age. Social space is allocated according to class, and social planning reproduces the class structure. This is either on the basis of an abundance of space for the rich and too little for the poor, or because of uneven development in the quality of places or indeed both. Like all economies, [the political economy of space is](#)

[based on the idea of scarcity](#)<sup>7</sup>. “Today more than ever, the class struggle is inscribed in space.” (Lefebvre, 1991). As a result of which after one decade of enacting FRA - 2006, the conversion of promise into practice is unfortunately very slow. State governments are allegedly reluctant in processing the claims of the forest space, forest officers and district administration are unwilling to cooperate and central government is indifferent even after huge number of claim rejection throughout the country (Roy, 2017). For instance, the experience of Adivasis in Madhya Pradesh, Jhabua, whose livelihood obtains from their use of the forest, who are held responsible by the state for destroying the forest space. The state's relentless effort to deny Adivasi rights to the forest has resulted in an ongoing conflict that today constitutes the biggest obstacle to forest conservation. We have seen that the forest department's efforts to protect forests have inherent contradictions and limitations which have brought about the present crisis in forest management.

The relationship of people and natural resources has undergone paradigm shift. The approach of early habitats including people and their inter-relationship, habituated to live in natural life, gradually shifted from traditional living to modern lifestyle and improvement in infrastructure and hence better communication and accessibility. In India, people dwelling in forests were very well aware of protecting their environment, ecology and biodiversity, on the principle of living in peace and tranquility in a healthy environment. Principles were developed and followed with increase in population requiring more food to support additional population. Forests were sources of sustainability of human society. The journey from pastoral life to settled habitation was transformed by growing food through own efforts leads to

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<sup>7</sup>On this, and other aspects of Lefebvre and space, see Mario Rui Martins, “The Theory of Social Space in the Work of Henri Lefebvre,” in *Urban Political Economy and Social Theory: Critical Essays in Urban Studies*, ed. Ray Forrest, Jeff Henderson & Peter Williams (Aldershot: Gower, 1982)

agricultural practices by converting forest land to food growing fields. As far as forest rights and governance is concerned in different states of India, spatial justice maybe premature to test its potential to meet the historical injustices to forest dependent communities but it suggests that the Act can give rise to a big change by effectuating justice through implementation of FRA, 2006. Community empowerment and investigating the variety of spatial patterns in nature guiding Gram Sabhas to boost creativity and disperse local innovative practices to effectively manage regenerate the spatial ecology.

As observed in the local level, overexploitation of resources leading to population pressure, pollution, industrial development, forests, backwardness of the socio-economic conditions, lack of opportunities reveals that it is overlooked in the region. As per the Act, Section 3(g) and (h) talks about the rights for conversion of Pattas on forest land to titles and conversion including forest villages, unrecorded and unsurveyed villages into revenue villages. proper pattas can be given for land in those villages and becomes complicated. However, in the GTA context parja patta (land titles) has not been accordingly issued in all the area's leading to extremely poor record and no official process of implementation of FRA, 2006.

## **2.6 Conclusion**

Forests are facing serious ecological threat. The cry to save the forests is thus gaining momentum today and the forest dwelling populations of India are not far behind. History has witnessed the gradual process of exclusion and marginalization of the forest dependent and dwelling population in India. The dearth of natural resources, deforestation and the ever growing threat to the tribal people, increasing politicization and commercialization of the rural areas, the breakdown of traditions and demands

made by the growing human and livestock population are all signs of an injured ecosystem. This threatens the existence of natural resources and sustainable governance. Since the earlier days, it was swiftly crushed by the colonial state of forest administration. The Colonial rulers were only interested in making profit from Indian forests. The colonial and post-independence era forest policies have been questioned and disputed. Even now, commercial and population forces have used the forest beyond its carrying capacity resulting in degradation, right deprivation of forest villagers and the space which they live in, overexploitation of resources due to development interventions, injustices and challenges with regards to the non-implementation of Forest Rights Act (FRA), 2006 faced by the forestry sector and the forest dwellers today and in the coming days.

In order to contribute towards a better ecological system, appropriate approaches and a more symbiotic relation between man and forests should be considered for greater harmony and a just space resulting in the effectiveness of Forest Rights Act and the implementation process of India from the Spatial Justice perspective. Therefore, utmost importance to ensure socio-economic needs should meet in a fair and equitable manner without threatening the capital asset and by sustaining the habitat for ecological security.

## **Chapter 3**

### **Impact of Development Projects on Forest Villages**

#### **3.1 Introduction**

To further understand the implications on forest village's impact of development projects has been examined by the implementation and effectiveness of FRA, 2006 in GTA region. Although, development is a multicolored phenomenon painted by various socio-economic, political and cultural forces; the economic force being the most powerful one influences the others (Sutton, 1989). Developmental interventions are multidimensional in nature and occur in different form, time and space bringing considerable disruption to environment and local livelihoods. In order to understand the implications of spatial justice and forest rights in development projects particularly in the GTA region, it is important to examine the existing development interventions leading to conflicting issues associated with a project in India as well as West Bengal. Furthermore, it should facilitate fair and equitable distribution of rights to the affected and the non-affected villagers concerning their benefits over natural resources. Apparently, this chapter explores the impact and social inequalities faced by the forest villagers, implementation and effectiveness of FRA, 2006 which is required towards sustainable corroboration of human-nature relationship for making Spatial Justice a success.

#### **3.2 Impact of Development Projects in India: An Overview**

In India, development projects have been long arising tradeoff between environmental conservation or local people's voice and goals of these projects. Surface mining of coal, underground mining facilities, hydroelectric projects, chemical factories and refineries, road and railway connectivity extension etc are some examples of major



development projects that have direct bearing on changing or mostly degrading of socio-cultural environment as well as destruction of biodiversity. Curtail of natural resources, change in population geography, displacement, pollution of water, unfavorable land use land cover change, various long term temporal affect etc. are major concerns and issues of development projects.

**Table No. 3.1 Development Projects in India**

Year	Name of the Project	Objectives	Impacts
2002	Ken-Betwa River Linking Project	-To meet irrigation, drinking water and electricity needs of nearly 62 lakhs families, transfer water from the Ken basin to the Betwa basin through 231 km long canal, being presented as a solution to water scarcity problems in the area.	-About 4,206 ha of the core tiger reserve being submerged, felling of about 1.8 million trees thereby leading to changes in rainfall patterns, about 1000 families were displaced due to submerging. The villagers were not provided with detailed information, lack of comprehensive understanding of the projects total impact.
2006	Tehri Dam, Uttarakhand	-Its aim to build reservoir for irrigation purpose, municipal water supply and the generation of 1,000MW of hydroelectricity.	-Destruction of houses, relocation of more than 100,000 people from the area resulting in delayed compensation, impact on biodiversity, impact on water accumulation on the upstream side of dam resulting in forest land inundation, problems of water logging and salinity of land.
2014	Dibang Dam Project, Arunachal Pradesh	-Being the world's tallest concrete gravity dam, its aim is to get uninterrupted electricity and to sell a certain amount of electricity to other states, ability to store huge volumes of water, creating grounds for its user rights in the river system.	-Series of protests by locals as displacement takes place directly affecting approx 2,000 people from their land including rice fields and forest land. 3.5 lakh trees fell to get the project done, violation of Forest Rights Act, 2006 and ignored by the state government, prime habitat of animals disrupted.
2014	Uttar Pradesh Core Road Network Development Project	-It aims to build capacity focusing on road safety management in the state of Uttar Pradesh and to improve traffic flow and safety for all road users on selected corridors on the state's core road network.	-By the road works, a total of 1197 families of which 619 families displaced. Cut down of 32,435 trees. Project acquires 7.7 ha of private land for widening of bridge approaches.

2017	Mumbai-Ahmedabad High Speed Rail (MAHSR)	- The construction of MAHSR helps in quick transportation of population to and fro from both the cities. It ensures environmental sustainability and improves passenger's experience, eco- friendly transport as a rainwater harvesting mechanism.	-The construction has an adverse impact on mangroves at certain places along the alignment, destructing faunal and floral species and the socio-economic conditions of the locals.
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Source: Self-compilation based on different news report.

These are different examples of development projects in India affecting natural resource and people. However, no project is free of social, political and environmental costs, it is sad to witness development projects advancing without giving much focus in preserving the nature, biodiversity and natural resources. The impact of development projects not only affects the ecosystems but also has physically displaced and deprived the local communities where they depend for their livelihood security. However, development, either spontaneous or induced, brings not only benefits, but also often causes social disruption. Projects that involve population displacement invariably give rise to severe economic, social and environmental problems (World Bank, 1990).

Unprecedented growth in human population and subsequent increase in demand led us to use every possible natural resource base available on this planet earth. Unscientific exploitation of natural resources poses great threat to nature itself and also to the socio cultural picture of an area. Unsustainable mining activities, river dams, deforestation for land use purpose etc are some activities that can have a profound impact on a region. Destruction of biodiversity, human health problems, long term effect on livelihood, damage to infrastructure, initiation of landslides are some of the contemporary issues. Many projects are allowed within forest land and that is a process disruptive of both human and animal lives. It results in fragmentation,

whether a developmental project goes inside the forest, also the breaking up of large forest blocks into smaller patches which then permanently destroys habitat for many species. Experts have stated that dense forests are preoccupied for development projects and if the forest is diverted, the land should be afforested with native flora to reduce the impact of forest loss (Ghosh, 2016).

In India, development programmes have caused displacement and their living standards have been disrupted and impoverished. Studies on the impact of development projects suggest that indigenous people and ethnic minorities are directly affected. These marginalized groups often end up neglected and impoverished. Indigenous people are victims of no-lands, no-titles, no-compensation resettlement practices. Impact of development projects on tribal people affected by large dams, coal mining, and road and railway connectivity extensions has been overwhelmingly negative in India, as summarized by McCully (1996).

### **3.2.1 Impact of Development Projects on Forest Villages in India**

Development projects generate positive aids and can bring wealth to those already in existence. Although it gives an all-round development it also brings considerable disruption to the local communities. New projects brings job security, business activities in a community mostly remote areas but the development process is comprehensive and in totality with the negative impacts. There is an inherent discussion between the local communities or forest dwellers and the rights discussion over the years. The benefits are unevenly shared; the adversely affected population is not well compensated for their land. However, the question arises as to whether the forest dwellers or the forest dominated areas should receive a larger share of the benefits? When there is no equitable sharing of benefits, mechanism of public

participation, healthy environment and most importantly sustainable governance lead to changes in the livelihood activities of the rural population.

In the British period, till the end of the 18th century, forest was served by local dwellers and the Indian State as an open access resource i.e., resource was made available to satisfy ones needs and wants. It was effectively managed with the help of a complex range of rules and regulations woven around the socio-cultural and economic setting of the forest dwellers and other traditional forest dwellers. In fact the indigenous model of natural resource utilization was sensitive to the limits to which these resources could be used (Bandopadhyay & Shiva, 1988). Furthermore, to prevent natural resources from being scarce, India should increase their governance levels. In that manner, the welfare of a community will be protected. However, development activities in India have proceeded on a resource-intensive path and through centuries it has seriously disrupted the natural resource of forest dwellers resulting in severe ecological instability (Baneerjee & Madhureema, 2013).

According to 2011 Census, the Scheduled Tribes constituted about 8.2 percent of the total population in the country. Development-induced involuntary displacement of the tribes take place in most states, mainly in the tribal concentrated regions of Bihar, Orissa, Andhra Pradesh, Madhya Pradesh, Gujarat and Maharashtra. For instance, for various dam projects it has been observed that during the last 60 years, about 6 crore people have been displaced, out of which 4 crores have practically turned into beggars in the streets (Fernades, 1994). A significant number of tribal people, who are generally dependent on the natural and common resources, are displaced, and their ethos and lifestyle is dismantled and denigrated for the sake of developmental projects. Apart from the loss of land, living conditions, and lifestyle (of generations),

displacement causes other traumatic, psychological and socio-cultural consequences, making life more miserable and impoverished (Mohanty, 2005).

Although projects like dams, irrigation canals and many other infrastructures is a requirement for development both in economic and social sense but it increases sorrow and despair to the marginalized groups. The well-being of a community is disrupted by development interventions regarding their lives, their bodies and mind and the circumstances in which they live. Helliwell and Putnam (2004) argue that subjective well-being should be the ultimate dependent variable in social science as these measures enables people to assess their quality of life in a holistic manner. In the process of industrialization, the plundering of mineral wealth and the decimation of forests which provided much of the livelihood for their people, has not only reduced the majority of the inhabitants of these areas to destitution but has also brought the area to the brink of an ecological disaster. The few jobs available relate to supervisory and skilled work, which are given to non tribal as the literacy rate among the tribal is very low. A study conducted by Pandey (1998) discovered that before displacement about 56% of women were unemployed; the figure rose to 84% after displacement. In the primary sector, employment dropped from 37 to 12 percent, while in the secondary sector it fell from 6% to nil. As a result, women who were already marginal in the production process were deeply downgraded.

On the other hand, these development projects also led to displacement of people, mostly the tribal, from their original habitat forcing them to migrate to new areas. This involuntary displacement of people from their productive assets (particularly land) and homes, due to industrial or infrastructure projects has been one of the social issues leading to intense debate among academics, social activists, and planners

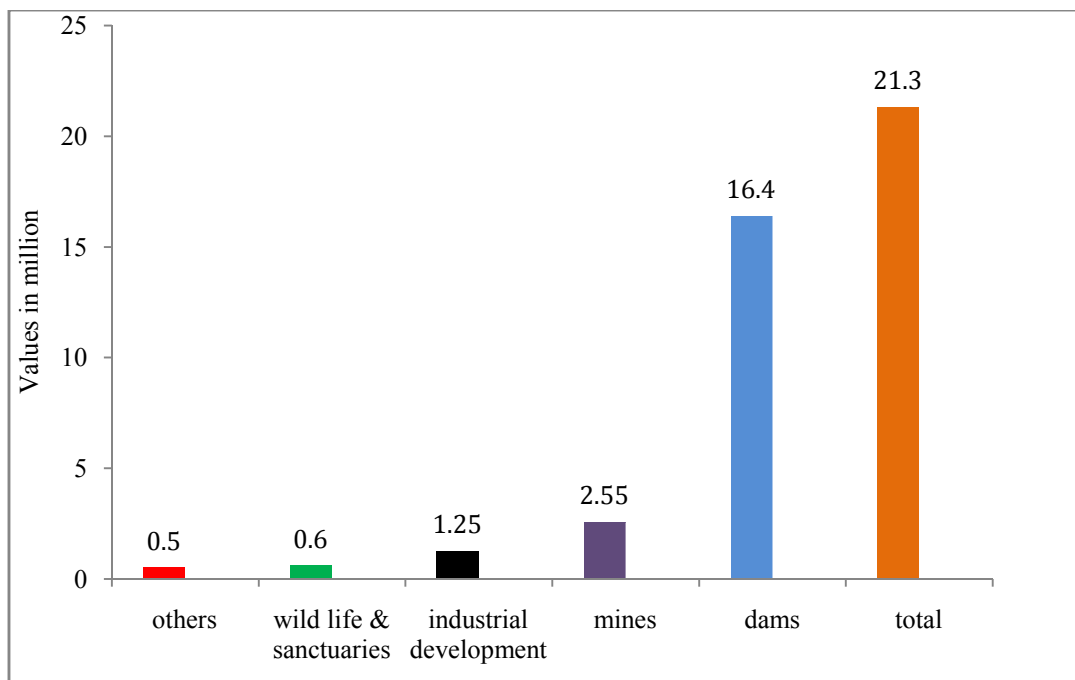
Encroachment on to forest lands after displacement makes the tribal criminals in the eyes of the law. They face constant harassment from the forest department either in the form of extortion of money or by arrest and criminal proceedings. Politically, the tribal area in the Eastern Ghats is already disturbed due to the presence of extremist forces. For instance, exploitation and displacement of tribal by the state would only lead to tribal joining militant groups and taking up arms. Mining regions in the country like Jharkhand, Chattisgarh, the north east (Dihing-Patkai in Assam, 2020) and Orissa are already facing serious problems of unrest in context of mining companies (Narasimham & Subbarao, 2018).

In India development has been largely equated with economic growth and surplus. To achieve rapid economic growth, a large amount has been invested in dams, roads, mines, power plants and new cities. Among all Internally Displaced Populations (IDPs), Development Displacement Population is the single largest category. Over the last 50 years in India around 50 million people have been displaced due to development projects. Around 21.3 million development-induced IDPs include those displaced by dams (16.4 million), mines (2.55 million), industrial development (1.25 million) and wild life sanctuaries and national parks (0.6 million) (Singh & Ganguly, 2011). Millions who thus lose their lands for development purposes are simply ending up as “development refugees” (Mathur, 1995).

In India around 50 million people have been displaced due to development projects in over 50 years. Around 21.3 million development-induced IDPs include those displaced by dams (16.4 million), mines (2.55 million), industrial development (1.25

million) and wild life sanctuaries and national parks (0.6 million)<sup>8</sup>. The process of displacement and relocation distracts parents from focusing on their children's education as they struggle to reconstruct their physical and productive environment.

**Figure No. 3.1: Numbers of People Displaced by Development Projects in India**



(Source: Siddiqui, 2012).

Cernea, (2006) notes that this often causes a significant interruption in child access to education during the year of transfer or for longer periods of time. The displacement of indigenous people can also occur through indirect pressure on their lives by the establishment of industries, mines, towns, etc. One such factor which forces them to move out of their habitats is the pollution of air and water. For example, the cement dust from the ACC cement factory at Jhinkpani in Singhbhum is polluting the air and making vast areas of agricultural and practically useless (Areeparampil, Mathew, 1996). Most importantly, health status of tribal people is worsened by the stress and

<sup>8</sup>Retrieved from: Indian Institute of Technology Roorkee, Development Projects vs. Internally Displaced Populations in India: A Literature Based Appraisal, February 2011, p. 6. (Accessed on 13/05/2021).

trauma. The health impacts fall disproportionately on infants, children, expecting mothers and the elderly. For example, due to the mining and processing of uranium in their area, the tribal people and others living at Jaduguda and nearby villages has become the immediate victims of the hazards of radioactivity. They are experiencing a slow, agonizing death due to radiation and contamination of their environment. Life-giving resources such as air, water, animals, fishes, plants, etc, have been affected. (Areparampil, 1996).

In India, women are the victims of food insufficiency leading to health issues, no employment is provided by project companies, compensation skill training is given to men and not to women. The authority and right they enjoyed in decision-making as income earners is weakened. With the shift from traditional to modern lifestyle, the women find it extremely difficult to adapt and face severe social and cultural exploitation. Furthermore looking at the religious and cultural identity, the aesthetic cultural practices of the tribal community are completely under threat. The tribals religious and cultural practices are affected badly due to development projects. The deities of the tribals, sacred groves, hills and caves, traditional forms of tribal folklore and wisdom are also greatly affected, along with the degradation in their oral and traditional law and order systems that ensure protection of forests and community relationships (Narasimham & Subbarao, 2018). In addition to that, loss of property without fair compensation, restricting social rights, leads to violation of rights of the local communities and suppress the voice of their land and property. As a result, this can further lead to risk of communal violence when new settlers move in amongst existing population (Singh, N & Ganguly, 2011).



### 3.3 Development Projects of West Bengal

West Bengal is the State with a coastline as well as the Himalayas and is situated between 21°20' and 27°32' N latitude and 85°50' and 89°52' E longitudes, bordering Bangladesh, Nepal and Bhutan. As per the 2011 census, the population of West Bengal is 91.28 million, which is 7.54% of India's population. The rural and urban population constitute 68.13% and 31.87% respectively. The tribal population in West Bengal is about 5.8% of total population of the state. The forest cover of the state is 16,901.51 sq km which is 19.04% of geographical area and is one of the tribal dominated states of India. The demand of forest produce for this huge population on the limited natural resources e.g. the land and forests, makes it almost impossible to be met from the notified forest area, which is only 13.32% (Department of Forest, Government of West Bengal, 2016-17).

The state being the fourth most populous and second most densely populated regions in India, large-scale commercial activities, transportation routes in the state are also necessarily under continuous extension or expansion to connect the other northeastern states. Different highways and railway extensions through ecologically sensitive areas/zones have been carried out in recent times. Most importantly, West Bengal is the one of the few states in country where per capita forest is the lowest (0.01 ha.) and density of the population around fragmented forest is the highest. Evidently, there is tremendous pressure on forests resulting in socio-economic problems of the property, underemployment and unemployment in the forest fringe areas (Department of Forest, Government of West Bengal, 2016-17). Much of the rest of the state's rural population depends to a significant extent of forest for their livelihood security, particularly for fuelwood, fodder and non timber forest products such as *Sal* leaves, bidi leaves, and so on (Banerjee, et al., 2010). However, concerns have been raised

about sustaining the fragile human cohabitation. This problem has been tackled by and large over a major part of forested tract in the state by formation of Forest Protection Committees and through the process of consolidation of Joint Forest Management.

Development projects induced displacement due to highway extensions at the national and state level, railway lines, exploitation of forests and mines, no construction of water reservoirs and dams for irrigation and electricity generation. However, even after several policies and implementation mechanisms oriented by the government, present pattern of development hides the level of inequalities generated in the economy and the spatial injustices faced by the weaker section from every section of the village communities.

### **3.3.2 Impact of Development Projects on Forest Villages in West Bengal**

Forest constitute one of the most important and basic natural resource. A total of 3,534 no. of forest villagers are registered under 170 forest villages in North Bengal part of West Bengal<sup>9</sup>. In ecologically sensitive areas development projects have created a huge impact where for a long time nature and human cohabitation is well maintained by forest dwelling communities. Recent globalization, industrial growth, changes in climatic variables etc have subsequently affected the forest people at a large scale. Alteration of socio-economic conditions, cultural adaptation, and overall changes in livelihood etc. comes under serious note when the temporal sustainment of ‘forest-human’ relation is considered. West Bengal is the heart of human resources in India. The impact of development projects in West Bengal is no different than that of

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<sup>9</sup>Originally Forest villages were fewer due to some local administrative reasons FV have been split into two separate hamlets/FV. The names/no's of forest villages/statistics shown are subject to further verification. (PCCF/WB's statement on FDAs dt. 1/9/2009)For further information: [http://www.westbengalforest.gov.in/upload/forest\\_of\\_wb/fwb8.pdf](http://www.westbengalforest.gov.in/upload/forest_of_wb/fwb8.pdf) (Accessed on: 11/03/2021)

the other states in India. Various development projects have been launched by the Government of West Bengal and many more projects are yet to get operated in the near future.

**Table No. 3.2: Forest in West Bengal**

Geographical area	88,752 sq km
Total recorded forest area	11,879 sq km
Actual forests cover	8,186 sq km
Percentage recorded forest area to geographical area (government defined)	13.38
Percentage actual forests cover to geographical area	9.22
Per capita forest area	0.02 ha
Reserve forest (per cent)	59 (7,054 sq km)
Protected forest total (per cent)	32 (3,772 sq km)
Unclassed forest (per cent)	9 (1,053 sq km)
Density	
> 40 per cent	3,362 sq km
10 to 40 per cent	2,705 sq km
Mangrove	2,119 sq km

Sources: Compilation from State Report on WB Forest (1995), Department of Planning and Statistical Cell, GoWB, 2015.

As the state gradually annexed forest lands from the mid-19th century, (recorded forest area is currently 13.38 % of the state's geographical area), and they deprived local people of a wide range of customary rights. These deprivations, which largely continue to the present include extinguishment of customary collective management, control and use rights; restrictions on cultivation in forest areas, de-recognition of established villages and eviction of families without rehabilitation, creation of indentured/bonded labour 'forest villages'.

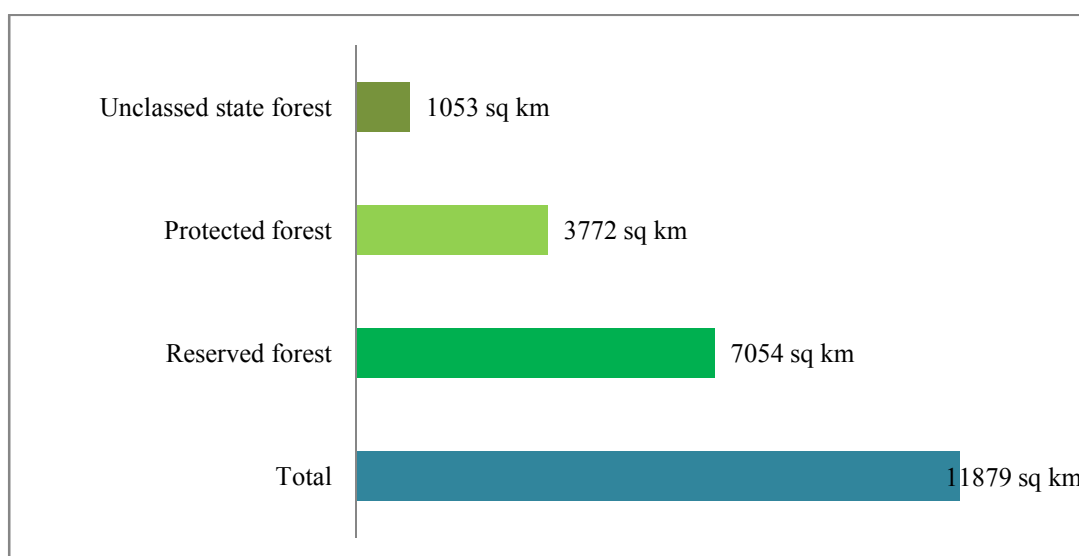
**Table No. 3.3: Recorded forest area of West Bengal**

Reserved forest	7,054 sq km
Protected forest	3,772 sq km
Un-classed forest	1,053 sq km
Total	11,879 sq km
Of state's geographical area	13.38%
Of India's forest area	1.55%

Source: Annual administrative report 2016-2017, Department of Forest, Government of West Bengal.

Total recorded forest land in the state is 11,879 sq. km out of which 7,054 sq. km is Reserved Forest, 3,772 sq. km is Protected Forest and 1,053 sq. km is Un-classed State Forest, thus constituting 13.38% of the geographical area of the state. West Bengal covers only 2.7% of India's land area but supports 7.55% of its population (Census of India, 2011) leading to a population density of 1,028 persons / kms.

**Figure 3.2: Forest cover in West Bengal**



Source: West Bengal Forest Department, India State of Forests Report, 2015 published by Forest Survey of India, Dehradun.

Of the state's 9.13 crore population, 5.49% are Scheduled Tribes many of whom reside in forest areas, and many more households in rural areas depend on forests for their livelihood and sustenance.

Based on the interpretation of satellite data (State Industrial Profile of West Bengal, 2018-2019) pertaining to Oct-Dec 2015, the forest cover in West Bengal is 16,847 sq km which is 18.98% of the State's geographical area. In terms of forest canopy density classes, the state has 2,994 sq km under very dense forest, 4,147 sq km under moderately dense forest and 9,706 sq km under open forest. The recorded forest area of the state is 11,879 sq km which is 13.38% of its geographical area.

**Table 3.4: Forest Cover in West Bengal**

Forest cover within Green Wash	
Very dense forest	2,648 sq km
Moderately dense forest	2,413 sq km
Open forest	2,134 sq km
Sub total	7,195 sq km
Forrest cover outside green wash	
Very dense forest	300 sq km
Moderately dense forest	1,759 sq km
Open forest	7,574 sq km
Sub total	9,633 sq km
Total forest cover	16,828 sq km
Tree cover	2,088
Total forest & Tree cover	18.916 sq km
Per capita forest & Tree cover	0.021 ha
Of state's geographical area	21.31%
Of India's forest & Tree cover	2.38%

Source: Annual administrative report 2016-2017, Department of Forest, Government of West Bengal.

The socio-economic factors, education and basic infrastructure facilities of the forest dependent communities in West Bengal still have not been achieved and are not sustainable for the long-term. The legal rights for livelihood sustenance of the forests are deprived by dramatic rise of development projects like recent cases from Totopara from Alipurduar district in West Bengal located at the sub Himalayan region. A small vulnerable tribal group named 'Toto' is at the verge of water crisis due to the operation of coal mining project. The fast depletion of natural resources due to quartzite stone mining in the nearby Bhutan hills is problematic for the villagers. Large quantities of water are drained out from the upstream of the village by the project operators. However, Toto's pristine environment and natural streams for their daily water requirement has been violated by the project. Similarly, when the development policies are implemented in the state power projects at Santaldihi and Bagmundi in Puruliya district, Iron and Steel Industry in West Midnapore districts are cases where acquisition of land has been taken by development interventions inducing displacement of the local communities as their national interest has been ignored and have caused social disruption. A large section of the state's population inhabiting forested landscapes and these deprivations continue to be at present. The rest of the states rural population depends to a significant extent of forest for their livelihood security, particularly for fuel wood, fodder and non-timber forest products such as sal leaves, bidi leaves and so on. Development activities have uprooted deprived section of the community from their ancestral bonds over a period of time. The state has been seeking to encourage industrial development by facilitating the appropriation of land and its change of use, particularly in accessible areas. During the 1960s, alienation of forest area for alternative use leading to deprivation occurred in Durgapore, in Burdwan district in South West Bengal. A large forest area (of more than 70 sq.km.)

was taken over and deforested for industrialization. The forest space was partially degraded but was drawn up by the local communities for livelihood purposes. In a few years, all the forests were removed for construction of factories, townships and infrastructure with the local people moving away to elsewhere thereby leading to conflict. In 1970s, some new laws and policies were introduced<sup>10</sup>.

An instance on the impact of coal mining in local villages of Barjora Colliery area of Bankura District, West Bengal has been studied by Mistri and Banerjee, 2019. They reported on the effect of open cast coal mining on the diverse livelihoods of the rural community in Barjora colliery area of West Bengal. The livelihood pattern of the local community has significantly changed from pre-mining to post-mining, such as in agriculture sector, the work participation rate has reduced from 62% to 3%, and at present, about 55% people are now engaged in the mining sector. The immediate effect helped to increase the financial capacity of rural people (Banerjee, & Mistri, 2019). Therefore, local communities while protesting to protect their land have been ignored. There are various policies and laws working for the betterment of the society but the management and authorities have failed to implement which is however not justified in the true democratic sense. Several million people displaced by modernization are still in anticipation for resettlement process. At the global level, the Belo Monte Dam in Brazilians Amazon is an example of successful displacement that increases the well-being of the community at large. The Brazilian Government provides basic facilities for housing condition, assets and property from the pre-displacement level. In that case, compensation moves beyond monetary compensation as it helps to preserve the same innovative traditional practices that they have been

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<sup>10</sup>For further information: <http://www.westbengalforest.gov.in/history.php> (Accessed on: 20/03/2021)

privileged before the displacement. Most importantly, it was possible due to mechanism of local participation for improvement and positive outcome.

Joint Forest Management (JFM) is programmed to serve several purposes. Firstly in the environmental setting, it protects and maintains the already existing but fast depleting forests and water resources and it encourage regeneration of the already degraded forest lands for increasing green cover. Secondly, economically it efficiently manages the local forest and water resources and offers the directly forest dependent population a means of subsistence and income generation .Thirdly, in a socio-political setting, empowering the local communities for decision-making in forest use, by bestowing upon them their rights over forest lands.

### **3.4 Impact of Development Projects on forest villages in Gorkhaland Territorial Administration (GTA)**

Darjeeling Himalaya is located on the northern edge of West Bengal. With a total geographical area of 2095.79 sq.kms, it occupies 2.4% of the total area of West Bengal (Bhattacharya, et al., 2015). It forms a part of Eastern Himalayan ranges and is bounded by Sikkim, Nepal and Bhutan on the north, west and east respectively. The district comprises of four subdivisions namely, Darjeeling Sadar, Kalimpong, Kurseong and Siliguri (Khawas, 2002). Exploitation of natural resources, change in population geography, displacement, pollution of water, unfavorable land use and land cover change, various long-term temporal affect etc. are major concerns and challenges of development projects in the GTA region.

Over the years, the journey and struggle for recognition of rights and a desire for better future is still a distant dream. Development interventions resulting in displacement and dissent affecting the livelihood and sustenance of the forest dwellers



and the forest dominated areas have been more challenging and deep-rooted in the region. The one important factor that is crucial to survival is the healthy environment surrounding the social space of the region. With the rapid expansion of development in the hills the ecological equilibrium has been disrupted by human-caused disturbances. However, there is a need for environment protection in the hills. The development strategies in the region however, should focus on the natural resources – forests, water, biodiversity but the fragility of the environment needs to address the specific threats on the common people especially living in the forest dependent areas so that growth does not come at the cost of the environment. The local livelihood security in the GTA region is vulnerable and deprived. Modernization and development has vehemently raised its impact on the ecology and hydrology of the region.

Deforestation, landslides, soil erosion, water shortages, impact on agricultural land exacerbates the vulnerability of the fragile ecosystem. Huge chunk of forests are being altered for hydropower projects, construction of roads, railway projects etc in recent times without much focus on compensatory mechanism. For instance, the dam building activities by NHPC in the 27<sup>th</sup> Mile TLDP Stage III was in direct violation of the Forest Rights Act, 2006. The local communities living on the forest land for more than a century impinges on the constitutional rights and made the dwellers and other local communities more vulnerable thereby causing submergence, soil erosion and landslides. Although for the overall regional development, dams provide various socio-economic benefits, water resource availability for domestic, industrial and agricultural purposes but on the contrary dams cause many losses to society and environment which restrict their benefits. One example being the ongoing Sevoke-Rangpo Railway Project has been a debatable issue in recent times. The approach of

political authorities due to its instability has been elusive. The indigenous people and ethnic minorities are disproportionately affected by development projects.

Talking about some rural households in the region, the forest villagers and other local communities still have no alternative but to use firewood for cooking and kerosene for their livelihood needs. Even though the objective of development project is well-documented and formulated but in practice none of these written documents gets implemented in a full-fledged manner. Furthermore, on the basis of their religious and cultural beliefs their age old practice of traditional knowledge system seems uprooted and adversely affected leading to fast depletion of forests, deforestation and numerous other destruction to the environment. However, one should keep in mind that traditional knowledge system is a key factor for the revival of these degraded forests. Indigenous people use local knowledge as a form of a healing system in identification of diseases and produce medicines to cure it. On the other hand, for conserving natural water for irrigation of crops, drinking purpose it should be conserved to improve and protect the forest ecosystems thereby restoring stability in their living conditions and cater to sustain it for the long-run.

Therefore, for practice and protection of the forest dwellers through recognition by administrative authority in Darjeeling hills started with implication of Joint Forest Management before three decades in early 90's. Darjeeling Gorkha Hill Council, controls about 70 sq. kms of protected and unclassified state forest in the hills and is yet to bring its forests under the Joint Forest Management (JFM) umbrella because of the constrains of staffs and resources. It is in the interest of the people of Darjeeling district to make the JFM scheme a success and conserve the valuable forests in the region for long-term recognition. The State Government of West Bengal and Sikkim

had sought clarification as to the competent authorities for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Scheduled Tribes and Other Traditional Forest Dwellers Rules, 2008 in the Gorkhaland Territorial Administrative (GTA) areas. As reference to the Ministry's O.M. No.23011/10/2015-FRA dated 26<sup>th</sup> February, 2015 clarification office memorandum was released on 8<sup>th</sup> October, 2015 by Government of India, Ministry of Tribal Affairs, regarding approval to GTA, Darjeeling as competent authority in regard to Forest Rights Act (FRA), 2006.

In correspondence, certain suggestions had also been made, which have been further examined by this Ministry. This Ministry had also examined the provisions of the GTA Act 2011, and the West Bengal Panchayat Act, 1973 and the relevant Constitutional provisions. Although "Gram Sabha" was not functional in GTA, (as of Act, 1973) "Mouza" was considered as the base level or lowest unit to constitute Gram Sabha which in turn will initiate the process of recognition and vesting of forest rights under Section 6 of the Forest Rights Act, 2006 and constitute the Forest Rights Committee from amongst its members for this purpose. The Gram Sabha was assigned as the body to consider and take decisions regarding use of forest land within its ambit for various developmental projects. There were no elected Panchayat bodies in the Darjeeling District except in Siliguri Sub-Division; the GTA was given all the power to exercise duties of Zilla Parishad (ZP) for setting up of the Sub-Divisional Level Committee (SDLC) and the District Level Committee (DLC) for further implementation of FRA, 2006. GTA summoned to call the first meeting of the Gram Sabha for the constitution of Forest Rights Committee (FRC) under Rule 3(1) of the FRA guidelines and rules in the month of October, 2015.

**Table No. 3.5: Forest villages and villagers status in Darjeeling and Kalimpong District**

District	Division	Name of forest villages	No. of FV	No. of registered forest villagers
Darjeeling	Kurseong	Kataria, Singamari, Berrick, Naya-basty, Lower Kundong, 6 <sup>th</sup> mile, Bamanpokhari, Tukriajhar, Kolabari, Central FV, Phuaguri, Singbuli, Mahaldiram-V, Mahaldiram-I, Babukhola, Dhobikhola, Dohera, Jholi, Sittong, Karmet, Upper Kundong	22	413
Kalimpong	Kalimpong	Nazoke, Mongpong, Mangchu, Burikhola, Lava, Paingaon, Chiloni, Merong, Ichey, Tashi-Ding, Chuna-Bhatti, Barogaria, 15 Gharia, Mal-8, Dalimkote, Compoundbusty, Coppice, Paren, Fari, Bhuttabari, Noam, Fagu, Mal-4, Chumang, Mourey, Sakkam, Kharkhola, Kameshi, Bhalukhope	29	799
Darjeeling	Darjeeling	Turzam, Mangwa, Pashoke, Deorali, Sombong, Poobong, Ghoom, Group-Batasia, Lopchu, Barbatia, Rong-Bong, Gurdum, Rithu, Lingsebong, Namla, Ramam, Badamtam, Dargaon, Samandin, Sirikhola, Majdhura, Bichgaon	27	352
Darjeeling	Wildlife-1	Punding, Khairani, 10 <sup>th</sup> mile, Chamta, Koklong, Rambhi, Chetakpur, Paschim, Rampuria, Dhotaria, Rangiram, Reshope, Khairijhora, Gorkhey	14	274
		Total	92	1838

Source: Annual report 2014-2015 of West Bengal, Forest Department.

As of annual report of Forest Department West Bengal, 2014-2015, a total of 92 registered forest villages with 1838 registered forest villagers were reported from Darjeeling hills. Where, in Kalimpong district a total of 29, and for Darjeeling district Kurseong, Darjeeling and Darjeeling wild life divisions 22, 27 and 14 forest has been

reported as registered. The Darjeeling hills of West Bengal have long standing hardships between forests and forest dwellers and forest dependent areas. Since independence, there are several negative impacts in terms of conflicts related to forests between the local communities and the forest departments. In 1983-83, after the World Congress on National Parks in Bali gave impetus to the objective of linking protected area management with economic activities of the local people by advocating the implementation of joint management between the societies which traditionally managed these forests and the protected areas authorities.

Over the years, the ecosystem services in the hills have been under tremendous human pressure. For this there are a lot of initiatives provided by government agencies to tackle the exploitation of forests and ecosystem but it has only been achieved partially. Moreover, such exploitation on the local communities and environment will further disrupt the traditionally managed forests and will have negative impacts on the mountainous region. Therefore in order to protect and conserve the local forest dwelling and forest fringe villages and most importantly to share the costs and benefits from the forests, communities organize Joint Forest Management Committees as the program was initiated in the context of National Forest Policy 1988 wherein state forest departments support to meet their needs for subsistence and livelihood as well as provides local environmental services. In Darjeeling hills, with the help of local NGO's, a number of informal FPCs were set up and registered between 1993-1995. Before formally registering them, campaigns were conducted to educate the local people with basic ideas on the scheme of Joint Forest Management and the principle roles of Forest Protection Committees.

This was mainly important as there is a symbiotic relationship between the local communities and forests to drive economic well-being. In that context, community activities and vocational training were formulated by supporters and activists. Women also were empowered to improve the economic status to meet sustainable livelihood for the locals (Khawas, 2003). Despite the fact that there were positive impacts by peoples participation in management and protection of forest ecosystem there are certain complexities in the GTA region which needs a comprehensive study in view of the political, social and economic factors. The poor implementation process in form of policies, agendas still have not achieved. The government's role by capacity building programmes in catering the needs of the local communities is not functioning in a proper manner to make them aware of their benefits. Due to lack of resources and absence of job opportunities economic self-sustenance and the ways to generate income has been problematic in recent times. For this purpose, the concept of Joint Forest Management not only reduces the impact on the people but also builds better communication and transparency between the authorities and local mountainous communities.

**Table 3.6: Joint Forest Management Committee**

Division	No. of JFMC	Area Protected (in Ha)	Members					
			Male	Female	Total	SC	ST	Others
Darjeeling	77	14890.648	4223	486	4709	200	2086	2423
Kurseong	46	13094.61	1158	1643	2801	930	1002	869
Kalimpong	64	27104.86	3693	206	3899	262	709	2722

Source: Annual administrative report 2016-2017, WB and Demographic Details, Kalimpong Forest Division, Department of Forest, West Bengal.

Table 3.6 shows JFM Committees in Darjeeling, Kurseong and Kalimpong divisions and the formation of more committees are observable. This shows growing forest management initiatives in the hills. As per 31/03/2017, a total of 187 JFM committees

with 11,409 total numbers of members, where male constitutes 79.53% and female constitutes 20.47% members however have been reported to be registered in Darjeeling Hills covering 55,090.118 hectares of forest land being protected by them. The Scheduled Castes and Scheduled Tribes constitute 12.20% and 33.28% respectively of the members in the JFMs.

### **3.5 Conclusion**

Evidently, there is tremendous pressure on forests. Coupled with socio-economic problems of the property, underemployment and unemployment in the forest fringe areas, the major threat to forests come from the rapid expansion of development where the ecological equilibrium has been disrupted by human-caused disturbances. This problem has, however, been tackled in most forested tract of the state. But as observed in the GTA region, lack of transparency in implementation guidelines/ Standard Operating Protocol (SOP) regarding FRA in West Bengal is prominent. Discrepancy and trade off in interest between major policy making heads viz. MoTA and Department of Forest hinder interest ground of forest villagers. Accurate demarcation of all the forest villages, total number of villagers, their demographical details and description is still not completed and left out in a vague state. Forest dwellers socio-cultural heritage and its importance, intrinsic value of their livelihood towards sustainable corroboration of nature-human, making of revenue villages hence obvious exposure and inclusion of this population to the defined/de facto today's society, and, their adaptation toward globalization and capitalist market etc are multidimensional spaces that must be addressed in contemporary scenario of forest and people in the region. Therefore, the researcher tried to understand the intensity of development process in the national and state level among forest villagers and other forest dependent communities. Furthermore a comprehensive in-depth study is

conducted with the relationship of development projects (SVRRP) and its implications on its constitutional rights and the injustices faced by the forest dwellers and the forest dominated population in the following chapter.



## Chapter 4

### A Case Study of Sevoke-Rangpo Railway Project

#### 4.1 Introduction

In the earlier chapter, we discussed the different problems entangled with development projects on forest villages and the exploitation of forest as they are one of the most accessible productive resources available to the social space. The mountain communities suffer a vicious cycle of development activities. Rather than developing a problem-solving mechanism, the study highlights critical issues caused by Sevoke-Rangpo Railway Project along the forest villages. However, this chapter intends to understand the long overdue constitutional rights, ineffective implementation of the Forest Dwelling Schedule Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) of FRA, 2006 in Gorkhaland Territorial Administration (GTA) territory which is still a distant dream.

GTA is one of the most affected regions in terms of forest, people and livelihood since the commencement of the project in West Bengal. The total land acquired by the project is 126.01 ha out of which 99.01 ha fall under West Bengal and 27.00 ha under Sikkim. Concerned forest activists, news channels and social media reveal their apprehension about the process of non-implementation of FRA, 2006 in recent times. Here, the major question of concern is what are the critical issues of forest villages in GTA region vis-à-vis development projects particularly focusing on SVRRP. Hence, it attempts to offer an insight to discover whether the project result in conflict with regard to their right claim over space/territory along with its advantages and challenges in the Darjeeling and Kalimpong districts of the GTA region.

## **4.2 Conceptualization and Development of the project**

Sevoke-Rangpo Railway Project (SVRRP) is a national mega project approved in the year 2008-2009 (The Economic Times, 2020). The projects foundation laying ceremony was conducted by Hon'ble Minister of Railway, Government of India (GOI) at Sevoke (West Bengal) on 30<sup>th</sup>, October 2009 and at Rangpo (Sikkim) the foundation laying ceremony was also held on the same date. The project is planned to be completed under III phases. However, the first phase is ongoing at present from Sevoke (West Bengal) to Rangpo (Sikkim) where 41.6km falls under the Gorkhaland Territorial Administration (GTA) in Darjeeling and Kalimpong districts<sup>11</sup> and 3.43 km in Sikkim region. The other two phase's plans to connect upto Gangtok and thereafter to Indo-China Border (Nathula Pass) in the near future.

The proposed Sevoke-Rangpo New Broad Gauge Railway Line Project connects the state of Sikkim with the rest of India in addition to NH-10, where the forest dwellers and other forest dependent communities are directly or indirectly affected by the ongoing project. It has been suspected that the project violates the Forest Rights Act (FRA), 2006. The railway project holds significance for India because of the geographical location of Sikkim which is surrounded by Nepal, Bhutan and China, even as the latter is trying to develop its hegemony in the region by building infrastructure and communication. However, the following are the details and description/amount of the SVRRP.

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<sup>11</sup>For further information: [www.landconflictwatch.org](http://www.landconflictwatch.org) and EIA report (Accessed on 26/02/2021)

**Table No. 4.1: Primary features of the project**

Particulars	Details/Amount
• Project executed	By M/S IRCON company (2008-2009)
• Original Sanction cost	Rs. 13339.48 crores
• Estimated cost	Rs. 4085.69 crores sanctioned in Dec, 2015
• Expedite clearance of forest and wildlife	12.38 ha land for tunnels
• Original date of completion	May, 2015
• 1 <sup>st</sup> Extended date of completion	31/12/2018
• Expenditure incurred/outlay has been provided	Rs. 682 crore has been incurred/Rs. 607 crore provided for the fiscal year 2020-2021
• Railway Bds vide letter No.2015/W-1/NF/NL/Sevoke-Rangpo dt. 16/10/18	30 <sup>th</sup> June, 2021
• Latest anticipated cost	Rs. 4,085 crores
• Latest extended date of completion	December, 2022

Source: Prepared by project proponents, NF Railway 2019.

This project is being tracked by the Project Monitoring Group (PMG). Sevoke-Rangpo New BG Railway line is of “national and strategic interest” which will put Sikkim on India’s railway map. The primary features of the Sevoke-Rangpo Railway Project (SVRRP) are proceeded by the total length of alignment in West Bengal and Sikkim, total number of tunnels and bridges has been scheduled below:

**Table No. 4.2: Salient Features of Sevoke-Rangpo Railway Project (Tunnels and Bridges)**

Total Length of Alignment	44.98 km
Length in Sikkim	3.43 km
Length in West Bengal	41.6 km
Length in Tunnels	38.55 km (86%)
No of Tunnels	14 NOS
Length of longest tunnel	5.27 km
Length in Bridges	2.24 km (5%)
No of Bridges	22 (14- Major, 8- Minor)
Length of longest bridge	375m
Length in open cutting/fitting	4.79 km (9%)

Source: Prepared by project proponents, NF Railway 2019

**Table No. 4.3: Salient Features of Sevoke-Rangpo Railway Project (Stations)**

Nos.	Station	CH	Distance between crossing stations
4 Open Stations including Sevoke station	Sevoke	0.00 Km	-
	Riyang	14.34 km	14.34 km
	Teesta Bazaar	20.99 km	6.65 km
	Melli	27.17 km	6.18 km
	Rangpo	44.46 km	17.29 km
1 underground station	Teesta Bazaar at 20.99 km	“D Class Non Crossing Station	

Source: Prepared by project proponents, NF Railway 2019

There are certain advantages and purpose of Sevoke-Rangpo Railway Project as prepared by the IRCON project proponents in 2019 as listed below:

1. This Railway Project is to bring Sikkim into the railway map of India. The rail link is vital for the landlocked hill state, which shares its border with three neighbouring countries-China, Nepal and Bhutan. Incidentally, China is rapidly expanding its railway connectivity to the border.
2. “The rail line will serve defense needs apart from that of civilian transportation.
3. The greatest advantage of the railway transport is that it is the most reliable mode of transport as it is the least affected by weather conditions & the cost of commodities will come down and energy efficient and environment friendly.
4. At present Sikkim and Kalimpong District are dependent solely on either NH10A from Siliguri. NH is mostly shut due to landslide during monsoon and traffics are very congested. Railway is the safest form of transport. The chances of accidents and breakdowns of railways are minimum as compared to other modes of transport.
5. Railway transport is economical, quicker and best suited for carrying heavy and bulky goods over long distances. Sikkim and Kalimpong district are having lots of

potential of tourism on getting connected with rail head also there will be many tourist which will generate employment.

The researcher tries to classify the study into three different sections according to the following characteristics:

1. Sevoke-Rangpo Railway Project (SVRRP) - An Overview of Forest Villages in the GTA region
2. Demographic Details of Forest villages with special reference to Sevoke-Rangpo Railway Project (SVRRP)
3. Critical Issues of Spatial Justice in Forest Villages: Space of Hope

Out of 24 forest villages and other local villages, three villages were taken for the study such as Kalijhora (Karmath and Lower Kandung), Lohapool (Geil Dhura and Rongchong) and Melli. The results and discussions of the study not only provide an outlook on the present status of the forests and its changing trends but also identify the challenges which still persists and provide basis for further research with an aim to meet the goal of human benefit.

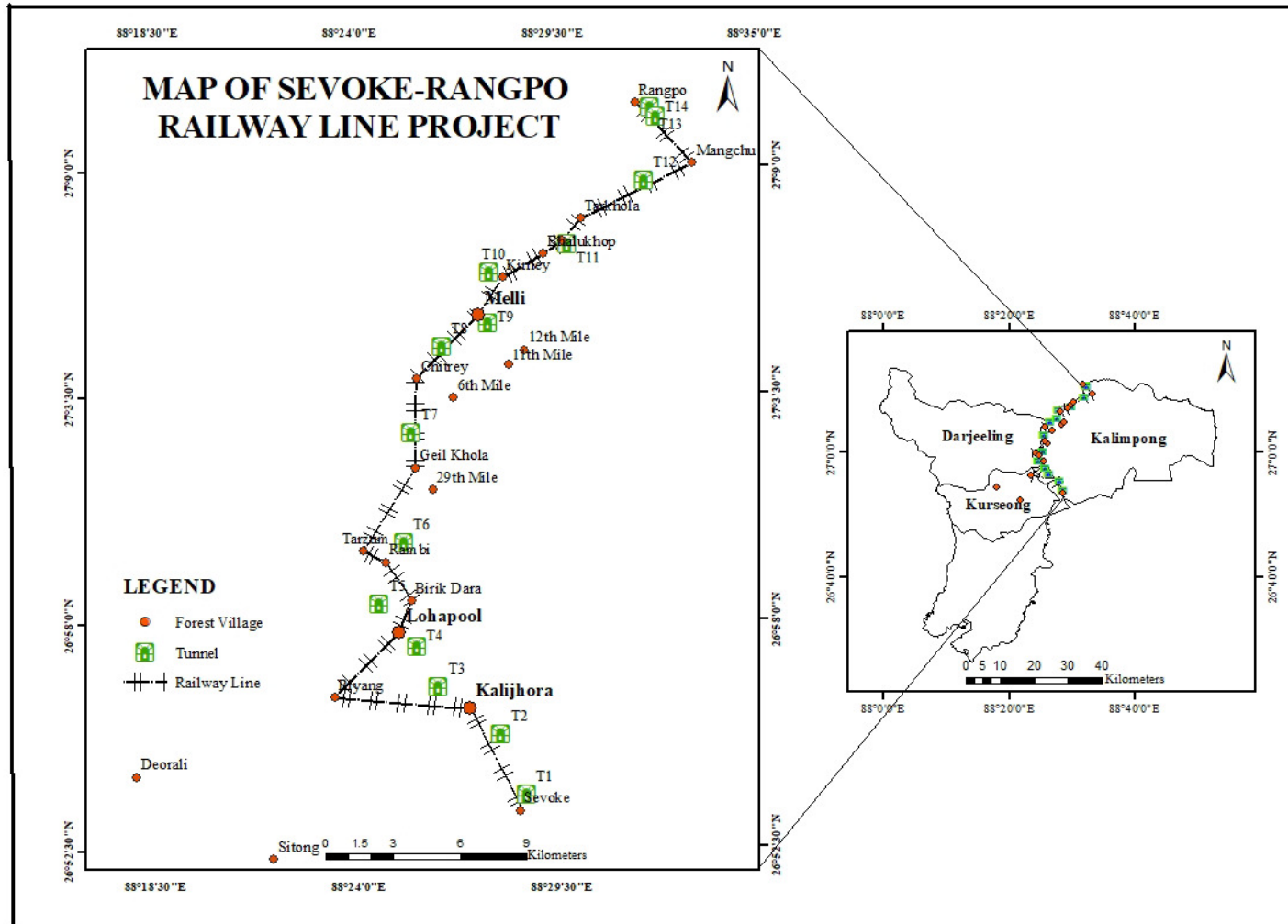
#### **4.3 Sevoke-Rangpo Railway Project (SVRRP) - An Overview of Forest Villages in the GTA region**

Geographically, it covers the three hill subdivisions of Darjeeling, Kurseong and Kalimpong. As per the 2011 census, the total population of the district is 18, 47 lakhs with a total area of However, the under construction Sevoke-Rangpo Railway Line passes through 24 forest villages and forest dominated areas (refer Figure No 4.1). Roughly, over 1500 families are in threat because of the ongoing construction. For the study, only three villages such as Kalijhora (Karmath and Lower Kandung), Lohapool

(Geil Dhura and Rongchong) and Melli were selected. For the forest villages and nearby villages, both social and economic conditions are key component of rural livelihood in the GTA region. People living in and around these forest mountain communities depend on food, water, healthy environment, grazing of livestock, cultural and physical well-being.

The table 4.4 below represents the socio-economic conditions of every 24 villages passing through Sevoke-Rangpo Railway Line. The 2011 census indicates the total population of 12,523 with 51.14% in the male category and 48.86% in the female i.e., a sex ratio of 955. The sex ratio is higher than the national average sex ratio of 940. Moreover about 8.61% of population belongs to scheduled caste (SC) while 17% belongs to scheduled tribe (ST). With a total of 149 households, the average household size is 4.6. The literacy rate is 76.46% which is higher than both national literacy rate (72.98%) and state literacy rate (76.26%). Table 4.4 illustrates that among the total working population are 51.56%, out of which 72.36% are main workers while 27.64% are marginal workers. 48.44% of total population is in non working category.

Figure No: 4.1 Map showing Forest Villages along Sevoke-Rangpo Railway Project



Source: Developed by the Researcher, June, 2021

**Table 4.4 Socio-economic profile of the villages**

<b>Block: Kurseong</b>											
Name of the village	Population	Male	Female	Sex ratio	SC	ST	No. of households	literacy (%)	Work Force (%)		
									Main worker	Marginal worker	Non worker
Mahanadi Forest (Sevoke Hill Forest, Sevoke Forest)	667	330	337	1021	194	129	149	76.46	85.13	14.86	51.59
Sittong Forest (Kalijhora, 6 <sup>TH</sup> mile, Jholi, Karmat, Lower and Upper Kandung)	2930	1468	1462	995	1	21	632	75.87	61.81	38.18	61.96
<b>Block: Rongli Rangliot</b>											
Name of the village	Population	Male	Female	Sex ratio	SC	ST	No. of households	Literacy (%)	Work Force (%)		
									Main worker	Marginal worker	Non worker
Rongchong Khasmahal (Lohapool, Geil Dhura, Suntaley forest)	695	349	346	991	-	117	142	72.66	45.83	54.16	52.74

Source: Census of India, 2011, GOI



<b>Block: Kalimpong-I</b>											
Name of the village	Population	Male	Female	Sex ratio	SC	ST	No. of households	literacy (%)	Work Force (%)		
									Main worker	Marginal worker	Non worker
Suntalay Khasmahal	209	117	92	786	-	71	43	68.89	100	-	52.55
Birik Forest	93	48	45	937	4	43	24	59.13	90.62	9.37	52.45
Turzam Forest	406	216	190	879	6	366	93	55.17	13.52	86.47	45.49
Rambi Bazaar (Shivagram, Tangey Busty, Pavitra village, Rambi Bazaar)	1000	510	490	960	148	86	200	77.50	76.57	23.42	36.79
Riyang railway station (Saraswati, Riyang)	371	188	183	973	83	101	83	67.92	56.73	43.26	38.95
Teesta Bazaar (29 <sup>th</sup> mile, Geil khola)	2953	1530	1423	934	501	443	658	69.52	74.28	25.71	38.89
Bhalukhop Forest (Melli, Chitrey, Kirney)	592	295	297	1006	2	129	119	63.85	85.21	14.78	63.08
<b>Block: Kalimpong-II</b>											
Name of the village	Population	Male	Female	Sex ratio	SC	ST	No. of households	literacy (%)	Work Force (%)		
									Main worker	Marginal worker	Non worker
Mangchu Forest (Mamkhola, Tarkhola)	1210	636	574	902	8	369	249	56.61	83.13	16.86	54.53
Rangpo Forest (11 <sup>TH</sup> mile, 12 <sup>TH</sup> mile)	1397	718	679	945	132	254	302	62.06	93.28	6.71	40.40

Source: Census of India, 2011, GOI

#### **4.4 Socio Economic Status of the Forest Villages**

In social sciences research personnel characteristics have a major role to play in expressing and giving the space of responses about the problem. In this study a set of personal characteristics namely, age, gender, access to basic facilities, educational qualification and economic conditions of the households, environmental, housing and health related issues of the total surveyed population has been examined and presented. A total of 92 households were surveyed summing up to a sample size of 413.

##### **4.4.1 Basic Demographic details**

This section provides the results of the study acquired through field based work. The field study was conducted during the month of October in 2020, February and March in 2021 with the objective to identify and evaluate the critical issues and challenges of forest villages through the lens of spatial justice. Details of each studied villages were collected and noted on semi-structured questionnaire. Village and household schedule was carried out through questionnaires as a tool to get people's perception on forest rights whether it's failing or winning to serve spatial justice. During the survey, Focus Group Discussions (FGDs) were conducted with different homogenous groups.

##### **a. Sex Ratio**

The figure below has been represented for male and female members of the total population. About 47% fall under the male category and 53% under female category residing in 92 households.

**Table 4.5 Gender-wise percentage distribution**

Variable	Status	Frequency					Total sample	Percentage (%)
		Melli	Lohapool		Kalijhora			
			GD	RC	LK	KM		
Gender	Female	103	59	25	20	12	219	53.02
	Male	70	57	30	19	18	194	46.97

(GD- Geil Dhura, RC- Rongchong, LK- Lower Kandung, KM- Karmath)

### b. Age Profile

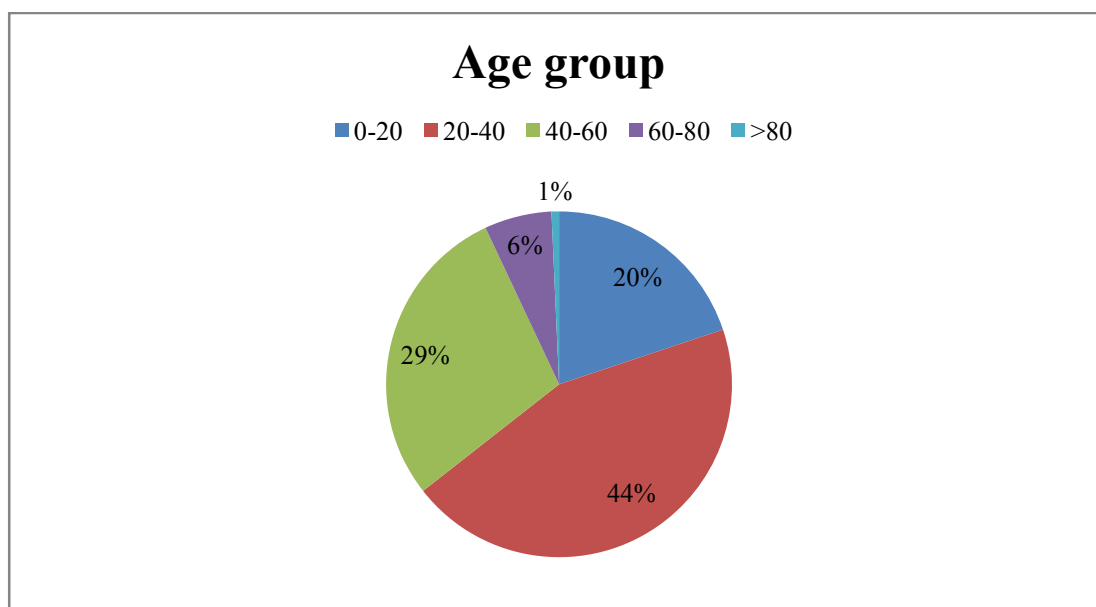
Age profile is important to examine their response in order to understand the societal problems from different age group perspectives. From the frequency table below, there were 413 respondents out of which 19.85% respondents belong to 0-20 years, 44.55% respondents belong to 20-40 years, 28.57% belong to 40-60, 6.29% belong to 60-80 years and .7% belong to >80 years age group.

**Table 4.6 Age profile of the respondents**

Variable	Status	Frequency					Total sample	Percentage (%)
		Melli	Lohapool		Kalijhora			
			GD	RC	LK	KM		
Age	0-20	31	22	11	11	7	82	19.85
	20-40	67	62	24	17	14	184	44.55
	40-60	61	24	16	10	7	118	28.57
	60-80	11	8	4	1	2	26	6.29
	>80	3	0	0	0	0	3	.7

(GD- Geil Dhura, RC- Rongchong, LK- Lower Kandung, KM- Karmath)

**Figure No. 4.2: Age profile**



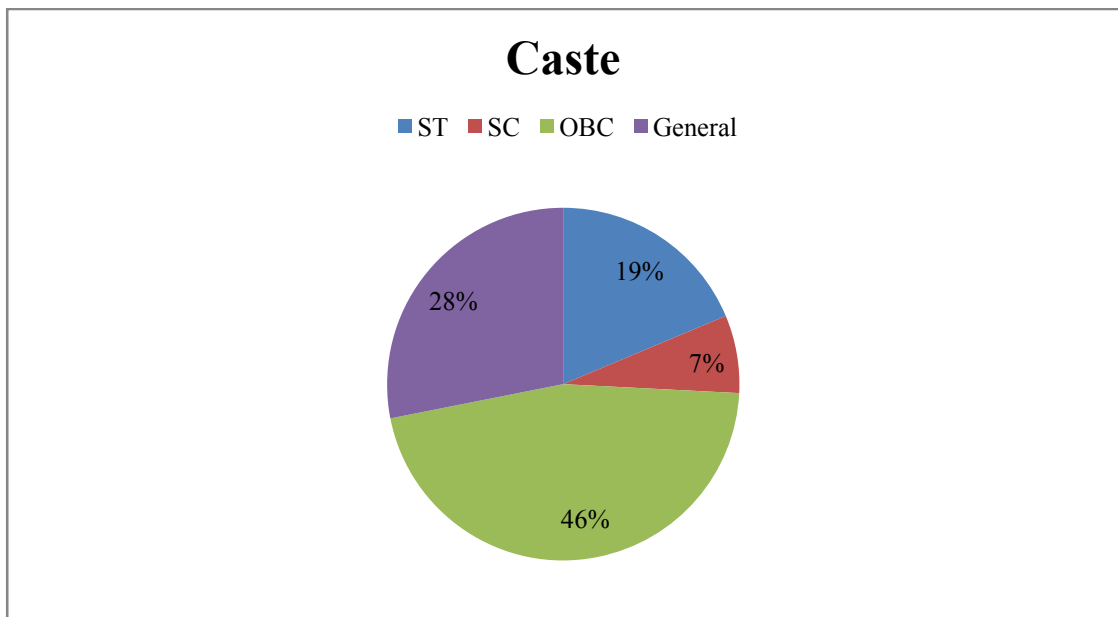
**c. Caste**

There were 413 respondents out of which, 28% belong to General category, 46% belong to Other Backward Classes, 7% belong to Scheduled Caste and 19% belong to Scheduled Tribes. The maximum percentages of respondents are seen in the OBC category.

**4.7 Caste-wise overall percentage distribution**

Caste	Frequency	Percentage (%)
ST	81	18.66
SC	31	7.14
OBC	200	46.08
GEN	122	28.11

**Figure No. 4.3 Caste**



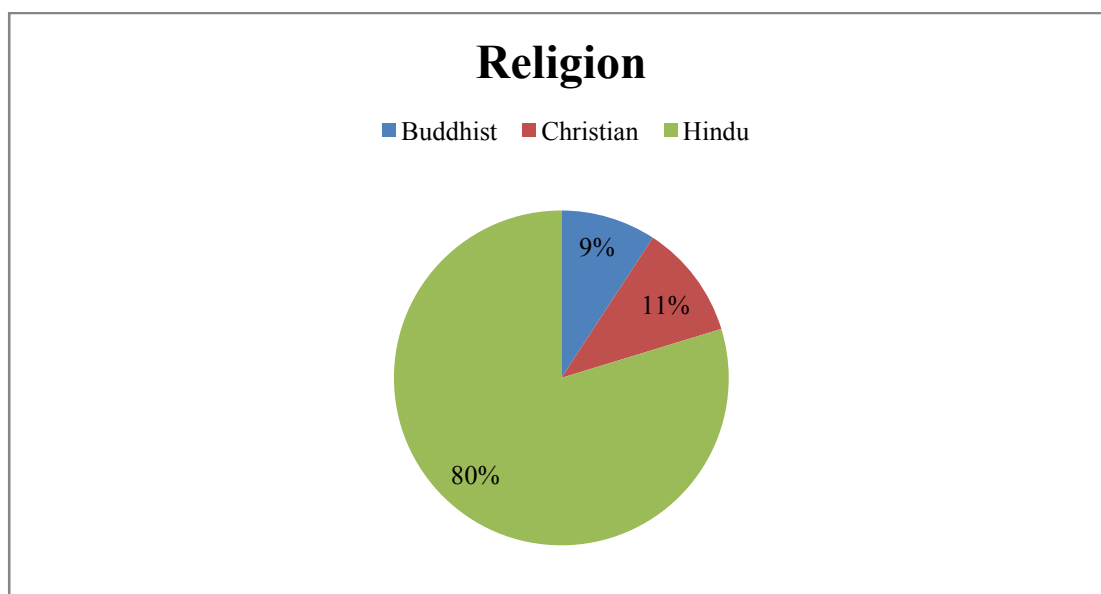
**d. Religion**

From the frequency table below, there were 413 respondents out of which 9.21% respondents were Buddhists, 11.05% were Christians and 79.72% were Hindus. The maximum percentage of respondents is seen in the Hindu category.

**Table 4.8 Percentage distribution for Religion**

Religion	Frequency	Percentage (%)
Buddhist	40	9.21
Christian	48	11.05
Hindu	346	79.72

**Figure No. 4.4 Religion**



**e. Total number of family members**

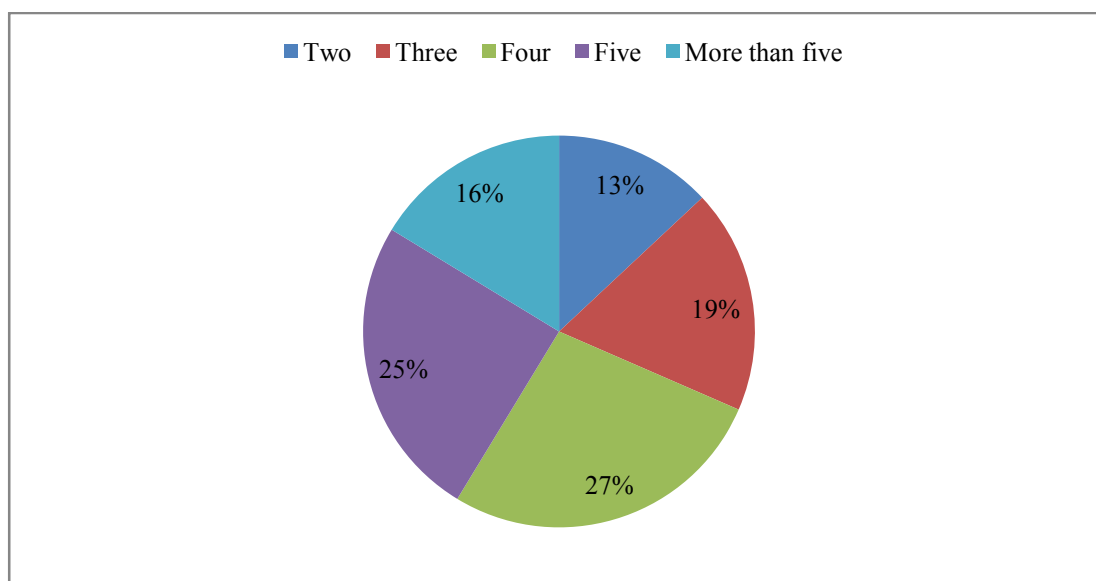
The average household size is 4.48. The table below shows the average household size for Melli, Lohapool and Kalijhora is 4.43, 4.38 and 4.92 respectively.

**Table 4.9 Total no. of family members**

Variable	Status	Frequency					Total sample	Percentage
		Melli	Lohapool		Kalijhora			
			GD	RC	LK	KM		
Total number of family members	Two	10	1	1	0	0	12	13.04
	Three	8	6	2	0	1	17	18.47
	Four	8	7	6	4	0	25	27.17
	Five	8	5	5	2	3	23	25
	More than five	5	6	0	2	2	15	16.30

(GD- Geil Dhura, RC- Rongchong , LK- Lower Kandung, KM- Karmath)

**Figure No. 4.5 Family members**



#### **4.4.2 Access to basic household facilities**

##### **-Kalijhora village**

In parts of Kalijhora area, Karmath and Lower Kandung village were taken as study area. Their primary religion is Hindu. Karmath village falls under Kurseong Forest Division in Darjeeling District, West Bengal. It has a primary school which is at a distance of 50 mts within its vicinity. For secondary and higher secondary school, students have to travel all the way to Latpanchar i.e., 9kms distance. They have a primary health centre which of the same distance. For hospital facilities the village people have to travel to Siliguri (being the nearest) and Kalimpong 35kms distance. The Post Office is located in Kalijhora about 5 kms away from the village. They access their products from Siliguri which is 35 kms far from the village. Bank to Salugara (30 kms) and Kurseong (35 kms) away. They have a Police Outpost in Sevoke (9 kms) and Latpanchar (9 kms). Fair price shop is 50 mts away and also access it from Salugara which has a distance of 30 kms. District Headquarters is in Darjeeling district and their nearest town is Siliguri. Furthermore, there is rural

development programmes including MGNREGA. The village is connected with public transport service e.g. rural taxi, private bus etc.

Lower Kandung village falls under Kurseong Forest Division in Darjeeling District, West Bengal. They have a private nursery school (Sishu Siksha Kendra) within the vicinity. For secondary and higher secondary school, students have to travel all the way to Rambh i.e., 4 kms. They have a primary health centre which is about 4kms distance. For hospital facilities the village people have to travel to Siliguri (being the nearest) and Kalimpong. The Post Office is located in Kalijhora about 3km away from the village. They access their products from Siliguri which is 35kms far from the village but it is more convenient for them than Karmath village because the village is located in the highway. Bank to Rambh (4 kms) away. They have a Police Outpost in Rambh itself (4 kms). Fair price shop is 4 kms distance away at Rambh. District Headquarters is in Darjeeling district and their nearest town is Siliguri. Furthermore, there is rural development programme same as Karmath village including MGNREGA. The village is connected with public transport service eg rural taxi, private bus etc.

### **-Lohapool Village**

In Lohapool village, Rongchong and Geil Dhura were taken as study area. Their primary religion is Buddhism and Hinduism in both the Khasmahal<sup>12</sup> areas respectively. Rongchong Khasmahal is located near Tunnel 4 Portal 1 (Refer Figure No. 4.1) comprising 55% of the studied population. Out of which 30 is male and 25 is female. It has one free primary school which is at a distance of 50 mts within its vicinity. For higher secondary school, students have to travel all the way to for like 12

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<sup>12</sup>Khasmahal forest is a forest land settled and set aside by the government for meeting the bonafide domestic need of timber, firewood and fodder of the resident of adjoining villages.



kms. The dispensary is about half a kilometer distance followed by primary health centre which is 100mts distance. For hospital facilities the village people have to travel to Kalimpong 35kms distance. ICDS centre for 100mts distance. The Post Office is located about 1km away from the village. They access their products from nearby areas which is 2kmsfar from the village. Bank for 12kms away Police Station is for 12kms Fair price shop is 50 mts away and their nearest town is Kalimpong district which has a distance of 31 kms. District Headquarters for 43 kms. Furthermore, there is rural development programmes including MGNREGA established in 2009, Self-Help Groups established in 2012. The village is connected with public transport service e.g. rural taxi, private bus etc.

Geil Dhura Khasmahal is situated in Tunnel 4 Portal 1 (Refer Figure No. 4.1). It has a primary school which is at a distance of 1 km and secondary school for 2 kms and 16 kms distance for Higher Secondary School. The dispensary is about 1 km distance. Followed by primary health care which is 2 kms away. For hospital facilities the local people travel to Kalimpong of 35kms distance same as Rongchong. ICDS centre for 1 km distance. The Post Office is located about 100 mts close to the village. They access their products from nearby areas which is 2kms far from the village. Bank for 12kms away. Police Station is for 2kms. Fair price shop is 2 kms away and their nearest town has a distance of 15 kms. District Headquarters for 35 kms. Furthermore, there is rural development programmes including MGNREGA scheme established in 2009. The village is connected with public transport service eg rural taxi, private bus etc.

### **-Melli village**

Melli village has a railway station-yard near the village areas (refer Table No. 4.3). Their primary religion is Hinduism respectively. It has a primary school within the village. For higher secondary school, students have to travel all the way to for like 6 kms. The dispensary is about 2 kms distance followed by primary health centre which is available within the village. Hospital within the village also ICDS centre-nearby area. The Post Office is located about 7km away from the village. They access their products from Kalimpong which is 18 kms far from the village. Bank for 2kms away. Police Outpost is within the village area. Fair price shop is 1.5 kms away and their nearest town is Kalimpong district which has a distance of 15 kms. District Headquarters for 18 kms from village. Furthermore, there is a rural development scheme including MGNREGA. The village is connected with public transport service e.g. rural taxi, Government bus etc.

### **4.4.3 Housing and health related problems**

Their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children” are the social factors relating to housing and health. Although health is a state of complete physical, mental, social and spiritual wellbeing, utmost importance should be given to disease and infirmity (Vanclay, 2003). With information collected from maximum respondents, no health concerning programmes were organized by the project developers. During the field survey, it was disappointing to witness houses getting badly damaged (refer Plate No. 3). Noise pollution was also reported during construction and operation of the railway, particularly in the Geil Dhura and Melli village areas. Some communities were unable to sleep and school classes were

disrupted due to the noise levels. Interestingly, one of the Samaj head and local residents from Lohapool, Geil Dhura village stated that:

**Box 2: Environmental Destruction and Violation of Rights.**

Development activities should not be allowed to commence at the cost of health or by causing widespread environmental destruction and violation of rights. At the same time, local people are concerned for the consequences that our infants, children and elderly people have to face regarding housing and health related issues. For instance, we have become victims of heavy explosions and blasting in the tunnels continuously and it may affect the living conditions of the forest people and others living in Geil Dhura. During the commencement of the project, there was a huge explosion in Tunnel 4 Portal 2. The village people thought it to be like an earthquake and came out of their houses to see what had happened but it was the first blasting the company had executed without any prior notice or permission. That night the community could not sleep properly. We cannot stay here for a longer period of time; it affects our mental well-being. The Samaj head revealed that: Earlier, the project developers had visited their village assuring that no damages or problems would be placed in the houses. But if we check each household, maximum of them stay in a Kutcha house with cracks and damages in each room due to blasting and explosions.

Local residents in their viewpoint asserted that we are not against the project in fact we welcome for national security purposes but the state government and project proponents should also think about our safety measures. However, the construction is 500m away but in the coming days it will reach near the vicinity. At that time, who is going to be responsible when the damage is already done? Even after numerous complaints they have ignored the voices of the forest-dwelling population leading to violation of forest choices – *Lohapool Geil Dhura (Samaj Head and Local Residents)*

**Plate No.1: Multiple Cracks Resulting From Vibration and Blasting**



Source: Field Survey, October, 2020.

Blasting for opening up of tunnel causes huge shaking of ground above it. Most of the houses in these villages are kutcha or semi-pucca where less or no abutment works undergo before construction of houses (refer to Table 4.16). Apparently, these poor infrastructures easily become victim of ground motion or waves resulting from blasting and explosions. Both the plates show multiple cracks and gaps resulting from vibration of blasting in tunnels. Lack of proper rehabilitation or compensation planning for these poor villagers are creating devastations near the project construction sites. In Geildhura, Lohapool more than 80% houses are seen getting intermediate to heavily damage by vibration from blasting.

**Plate No.2: Focus Group Discussions from different age groups**



Source: Field Survey, October, 2020

Group discussion is an integral part of social science studies. Focused group discussions (FGDs) covering villagers from different age group and households cumulatively help in understanding community perception. In the figure, researcher is

seen having discourse with the dwellers to further provide Critical Discourse Analysis (CDA) and find out different physical, psychological, socio-economic intervention of development project on these forest dwellers and other local communities. An important factor is the water scarcity problem in every village. Water has been the biggest problem in the hills ever since. For improving the agricultural production, livestock and grazing, water is the most essential component for forest people and other forest dominated areas.

**Table 4.10 Source of drinking water and distance from the area**

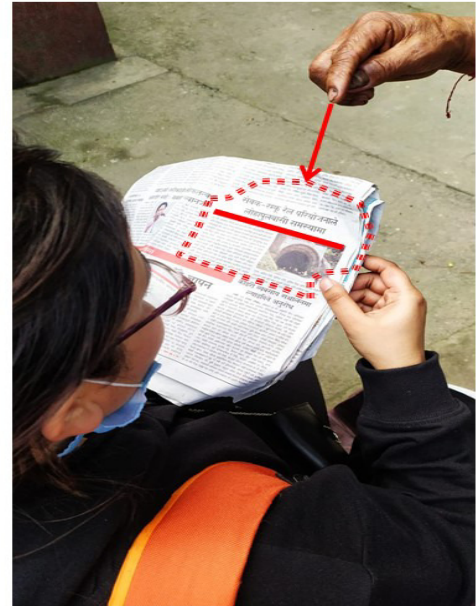
Village		Source	Distance (kilometres)
Kalijhora	Karmath	Spring water	6
	Lower Kandung	Spring water	2
Lohapool	Rongchong	Spring water	.05
	Geil Dhura	Spring water	2
Melli		Spring water	1.5

(GD- Geil Dhura, RC- Rongchong , LK- Lower Kandung, KM- Karmath)

The supply of drinking water to rural population is seen as a common problem. The table above depicts the condition of drinking water and distance in the studied villages. From Kalijhora, (Karmath village) a Samaj head revealed that “the railway project in our region will impact the forest people and other locals resulting in scarcity of water resources.” Therefore, to mitigate these impacts, certain measures should be implemented for long-term solution.



### Plate No.3: Understanding water scarcity scenario



Source: Field Survey, October, 2020.

Tunnels going underneath a village can result in acute water shortage to villagers residing above resulted in void and disturbance to natural ground water aquifer, water percolation and storage as well. The issues of villagers are long been raised but not addressed properly by the administration. The village mukhia (head) along with poor villagers held a strike raising their issues of compensation pattern, water scarcity etc in the year 2019 but authority pushed them to conclude their strike without providing them justice. The poor governance and lack of equal distribution of rights are easily visible in this context.

#### Plate No.4: Spring Water Availability



Source: Field Survey, October, 2020

The primary source of water for the rural households in the hilly region is spring water. Forest villagers and other traditional forest dwelling communities depend on spring water (photograph of right side) or other natural source of water for their daily livelihood purpose. In Himalayas different spring rejuvenation programs such as *Dhara Vikas* are currently undergoing under government supervision. On one hand government is funding millions for spring rejuvenation and on the other hand implementing development projects, violating rules of sustainable development by disrupting natural springs is a distressing situation. In the case of Sevoke-Rangpo Railway Project (SVRRP), dying springs were reported from villages above tunnel sites. There is an urgent need to restore, revive and sustain springs. Lack of knowledge, understanding and awareness on springs has further compounded the



problem while also inducing elements of conflicts and haphazard development. Land-use changes, rapid urban expansion and growing commercial consumption are affecting forests and impacting spring water availability<sup>13</sup>.

In addition, house is the basic shelter for a human being which not only offers security but provides dignity. It is the primary representation of one's economic position. In the study area, the houses are mainly of three types- Kutcha, Semi-Pucca and Pucca. Out of the total samples, 29% stay in Kutcha houses which means it mainly belong to the lowest stratum of the community with weak financial status having no institutional support. The owners of these houses wish to have a better shelter after they get evacuated by the railway project proponents.

**Plate No.5: Status of Housing**



Source: Field Survey, March, 2021

Poor forest villagers and other traditional forest dwellers depend on bamboo and wood from forest for construction of houses and making shelter for livestock. Rock

<sup>13</sup>For further information refer: <https://vikaspedia.in/energy/best-practices/best-practices-in-water-management/spring-rejuvenation> Accessed on (13/06/2020).



and gravel naturally found in streams, wood and bamboos are basic materials that easily extract from nature. Although these houses belong to the poor uneducated villagers but the fact is they leave less or no carbon footprint on this planet. Moreover, sudden urbanization and so called development through projects like SVRRP will definitely affect sustainable living and spatial claims of the forest villagers and other local people. These infrastructures are prone to damage from blasting vibration and explosions.

**Table 4.11 Type of houses**

Village		Type of house		
		Kutchha	Pucca	Semi-pucca
Kalijhora	Karmath	7	0	0
	Lower Kandung	7	1	3
Lohapool	Rongchong	10	3	2
	Geil Dhura	23	0	2
Melli		29	2	10

(GD- Geil Dhura, RC- Rongchong , LK- Lower Kandung, KM- Karmath)

#### 4.4.4 Educational Status

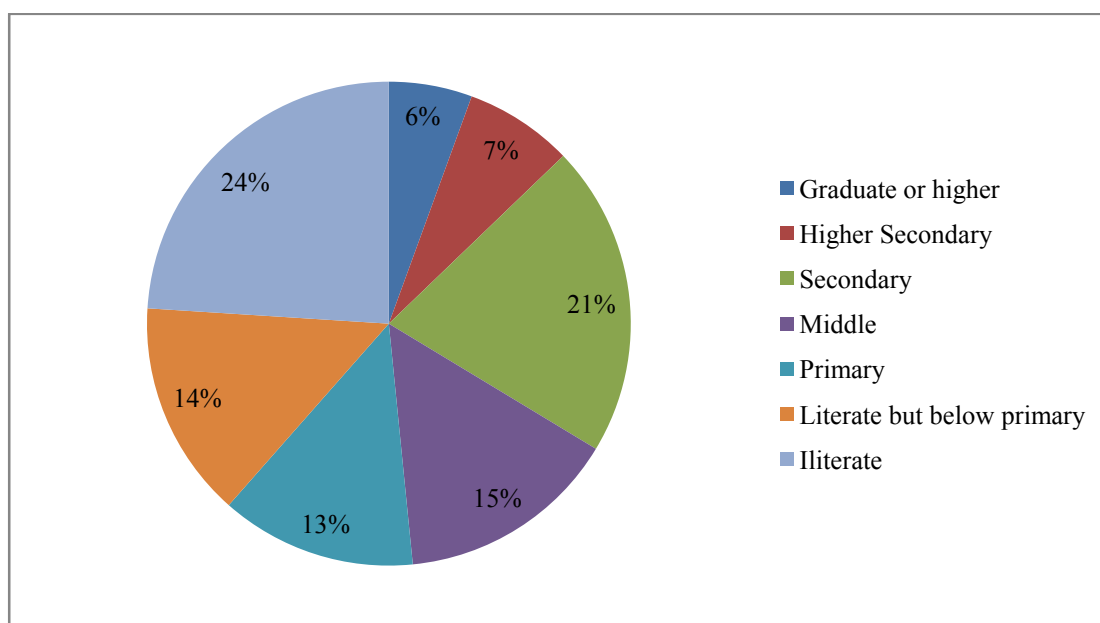
Education is a basic characteristic to any society. Attaining education in different fields helps people to enable knowledge living in a community so that they can develop and utilize methods to curb societal problems for their own advancement. On the question of education in my study, for better life prospects and awareness the children should have good education and then get some job so that the economic situation of the family is strengthened and future generations can afford better standard of living. Many respondents wish for better educational infrastructure by developing their skills or providing technical education for present and future generations.

**Table 4.12 Educational Status**

Variable	Status	Frequency					Total sample	Percentage
		Melli	Lohapool		Kalijhora			
			GD	RC	LK	KM		
Education qualification	Graduate or higher	4	5	6	5	3	23	5.56
	Higher Secondary	11	6	7	4	2	30	7.26
	Secondary	18	30	17	11	10	86	20.82
	Middle	22	18	4	8	9	61	14.76
	Primary	18	19	10	5	2	54	13.07
	Literate but below primary	29	18	6	4	3	60	14.52
	Illiterate	71	19	5	3	1	99	23.97

(GD- Geil Dhura, RC- Rongchong , LK- Lower Kandung, KM- Karmath)

**Figure No. 4.6 Educational Qualification**



Out of 413 respondents, 24% respondents were illiterate, 14% respondents were literate but below primary, 13% respondents had primary education, 15% studied middle, 21% respondents had secondary education, 7% respondents were from higher secondary and 6% respondents had done graduate or postgraduate degree. Among all

the studied areas, education is not given priority by the railway projects. The quality of education is limited to the college going students resulting in lack of awareness concerning their rights and injustices. Only 6% has attended graduation and post-graduation degrees therefore no exposure and no co-curricular activities are engaged in these village areas in the field of education. Another important aspect is the process of rehabilitation where it distracts their parents from focusing on their children's education as they struggle to recreate their physical and productive environment. According to the study, 24% are illiterate thereby no such future provisions are adopted by project proponents to improve their educational requirements after the commencement of train movement in the region.

#### **4.4.5 Economic Status**

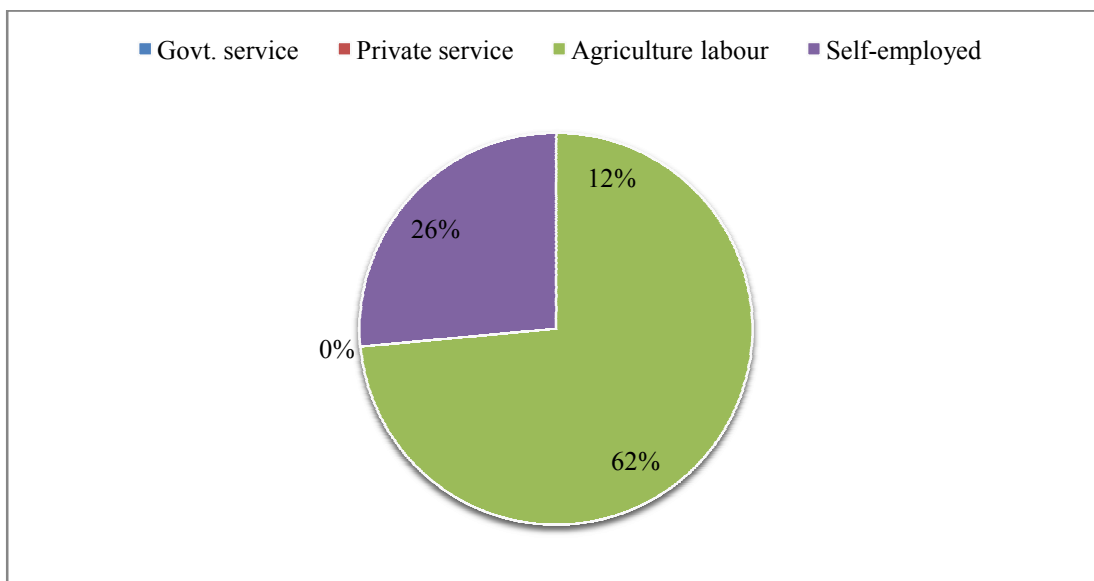
We have reached a point when thinking about development interventions without taking into considerations the primary importance of compensation scheme and rehabilitation leads to vulnerability to the project-site village areas. The demands and rights of a given space are in close proximity with the environment, people and sustainability of the ecology. As far as the scheme of compensation is concerned, the railway authorities are delaying and being reluctant to pay the amount as promised in the region. Considering the magnitude and seriousness of compensation benefits and rehabilitation, one of the interviewee/local activists from Melli village affirmed that:

**Box 1: On Compensation and Rehabilitation**

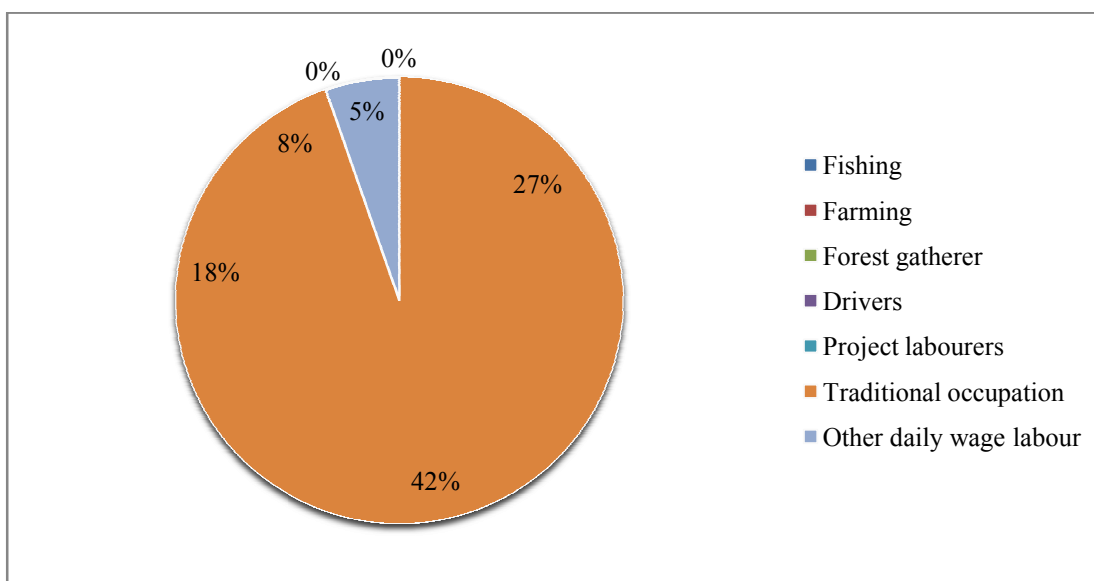
“Initially, we had filed a petition to the Hon’ble High Court stating that the project is illegal. On the other hand, the Gram Sabha is not functioning smoothly as they have not provided No Objection Certificate (NOC) till date. We even appealed to withhold the project until and unless a decision or verdict is made final. In the meantime our rights should be protected at any cost. Most of the households are not satisfied with the pattern of compensation distribution for our forest land. In fact, people have denied from displacing their houses. Apparently, I would prefer that strict implementation of Forest Rights Act (FRA), 2006 must be considered in the GTA region, consent of Gram Sabha is required before the effectiveness of the project as per the guidelines so that not only the forest dwellers but other traditional forest dwellers also gets benefited. In our Melli village, 26 families are getting affected by the railway project. Out of which 24 families have accepted 50% of government compensation package while the other remaining 50% is given after complete eviction from the current location immediately as promised by the project proponents. Furthermore, 2 families have not been satisfied with the compensation in that case their decision was not to leave the place until land is provided to them by the project proponents. They did not think wise to receive the benefits from the project developers for a long-term solution. Therefore, I suggest benefits should be given to community as a whole rather than just giving to few households who are directly getting affected by the project – *(Local activist, Melli village)*

It is observed that there are 150+ settlements in the forest areas of Darjeeling and Kalimpong districts. The Gram Sabhas and Forest Rights Committees have not been formed at every settlement on forest land and not only on the so-called “recorded” forest villages. Furthermore, out of 413 respondents for the study, 48% were employed and 52% were un-employed. Among the surveyed population, in primary occupation 12% are engaged in government job, 62% do private sector job and 26% are self employed. In secondary occupation, fishing 0%, farming 29%, forest gatherer 45%, drivers 20%, project laborers 8%, 5% are other daily wage workers.

**Figure No. 4.7 Primary Occupation**



**Figure No. 4.8 Secondary Occupation**



In the name of economic development, the railway proponents are taking over the life sustaining resources of the mountain communities and pushing them into a further marginalized state of living. From the study, merely 45% are forest gatherers. Despite of the fact, the proponents tend to displace and evict them from their own land and homes which they have been living since time immemorial. The project proponents

fail to provide them with an improved and sustainable means of making a living. The present development paradigm does not function in a just manner by providing these villages with the adequate source of livelihood and employment opportunities. The agitated villagers claimed that the compensation had deliberately ignored the Forest Rights Act, 2006 (The Wire, 2018)<sup>14</sup>. The employment status is a common problem in the village areas. In the studied villages people are left neither with any required benefit nor have enough land to practice agriculture and at present many of them are earning their livelihood as wage laborers, some are self-employed; others are drivers, some having private jobs, as forest gatherers, and agriculture labourers.

**Plate No.6: (i) Forest Resources in an agricultural setting**



Source: Field Survey, October, 2020

<sup>14</sup>For further information: <https://thewire.in/rights/a-railway-project-tries-to-navigate-through-the-forest-rights-act-in-sikkim> (Accessed on 20/02/2021).



As seen in the above photographs it depicts cow shelter (upper left), shelter for pigs and hen (lower left), Preparing food for cows using forest resources (upper right), and stock piled forest resource bamboos and tree branches in front of a Kutcha house (lower right). Forest dwellers commonly depend on forest resources for livestock rearing and raise animals in an agricultural setting. Generally, various necessities are fulfilled using forest resources in the hilly regions. In the study, they stock up grass and other eatables for cows, goats and pigs (common in the studied villages) making up shelter for them etc.

**Plate No.6 (ii): Daily livelihood sustenance**



Source: Field Survey, October, 2020.

Aged women can be seen preparing food for livestock (photograph of right side); use of firewood, small hut made up of wood and bamboo and cooking materials directly collected from the forest etc. shows the dependency of these villagers on the forest for

their daily livelihood sustenance. Photograph on upper right corner shows mint plants growing on a pot. Naturally favourable climatic conditions allow abundant growing of herbal plants in forest villages. One of the predicted interventions of development projects on villages is the effect on favourable ecosystem for growing of these herbs. The photograph in the lower left corner shows cultivated land where seasonal vegetables are grown.

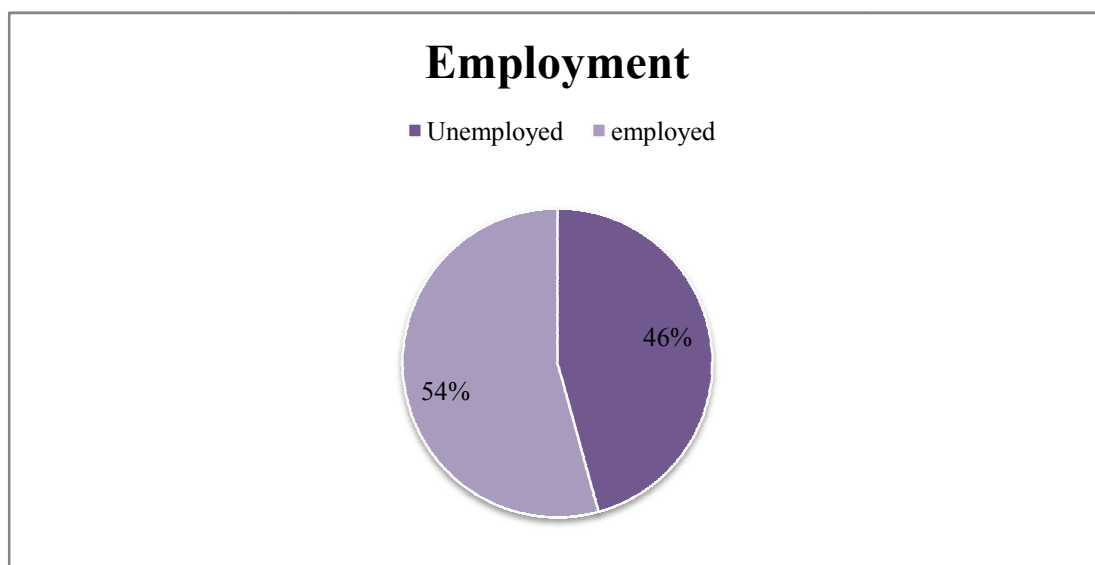
**Table 4.13 Status of Primary and Secondary Occupation and Unemployed**

Variable	Status		Frequency				Total sample	Percentage	
			Melli	Lohapool		Kalijhora			
				GD	RC	LK			KM
Occupation	Primary Occupation	Govt. service	0	1	5	0	2	8	1.83
		Private service	12	7	18	2	3	42	9.65
		Agriculture labour	0	0	0	0	0	0	0
		Self-employed	8	10	0	0	0	18	4.13
	Secondary Occupation	Fishing	0	0	0	0	0	0	0
		Farming	15	16	5	7	2	45	10.34
		Forest gatherer	27	16	13	10	4	70	16.09
		Drivers	10	15	1	5	0	31	7.12
		Project labourers	0	1	12	0	0	13	2.98
		Traditional occupation	0	0	0	0	0	0	0
		Other daily wage labour	5	0	0	4	0	9	2.06
	Unemployed		106	50	13	11	19	199	45.74

(GD- Geil Dhura, RC- Rongchong , LK- Lower Kandung, KM- Karmath)



**Figure No. 4.9: Employment Status**



For the dwellers, economic status is distressing both in terms of livelihood security and employment opportunities. While interviewing one of the project proponents regarding the permanent employment status:

**Box 2: Concerning the regulation of employment opportunities**

“The project tremendously contributes on the socio-economic conditions of the region. Despite the fact, it will definitely try to generate temporary employment during the project implementation period and also some regular employment during operation of train movement. We are developing the people living in close proximity to the project construction sites especially those working as contractors or project labourers”- *Mr. N. S. Negi, Chief General Manager, IRCON project proponents, Sevoke Office.*

In case of permanent employment, as assured by the proponent provided to those people recognized as ‘project affected’ are not made aware of their employment benefits laid down by the project. From the initiation of the project, mostly the village project labourers were found to be employed temporarily irrespective of the repercussions faced by dwellers. While continuing with the other two phases in the near future will create destruction and mayhem violating the pro-tribal policy or FRA guidelines and principles. One of the interviewee from Geil Dhura reported that the

project developers had visited their house three times for the measurement purpose because it is believed that they were promised to get rehabilitated and resettled. On the contrary, none of these procedures happened till date. In addition, the Sevoke-Rangpo Railway Project (SVRRP) reinforces to improve the financial assets of local communities through the creation of employment opportunity especially during the constructional phase. Most of the respondents from all the three villages stated that the employment opportunity had always been one of the influencing factors or a driving force in terms of development intervention. Furthermore, after the train movement in the region, the already low labour-intensive jobs provided given to the people in no time will eventually become unfavourable and unjust to the construction site areas.

While discoursing with one of the railway project proponent, he reveals that “the project would be completed by December, 2022 in West Bengal and Sikkim region” (General Manager, Indian Railway Construction Company Limited (IRCON) Head, Rangpo). Second, majority of locals come to work as project labourer hired formally or informally through the project contractors. Besides, the North-East Frontier Railway IRCON Company is the head department where it has been further associated into many companies like GI.Ltd, ITD Company. Ltd, ABCI Infrastructure Pvt.Ltd and many others under different tunnels and portals. The project proponents hire those local people for contractors under the skilled sector depending upon the qualification. However, the analysis reveals that larger number of the populace is unskilled and they have been appointed as project labourers. Majority of the registered and non-registered forest villagers/dwellers regard this as a persuasive acquisition by the powerful authorities (project proponents in consultancy with the

elected representatives) against the people's choice. In the name of development and short-term employment opportunities the region has witnessed irreversible ecological damage.

**Plate No.7: Mega-scale project construction work**



Source: Field Survey, March, 2021.

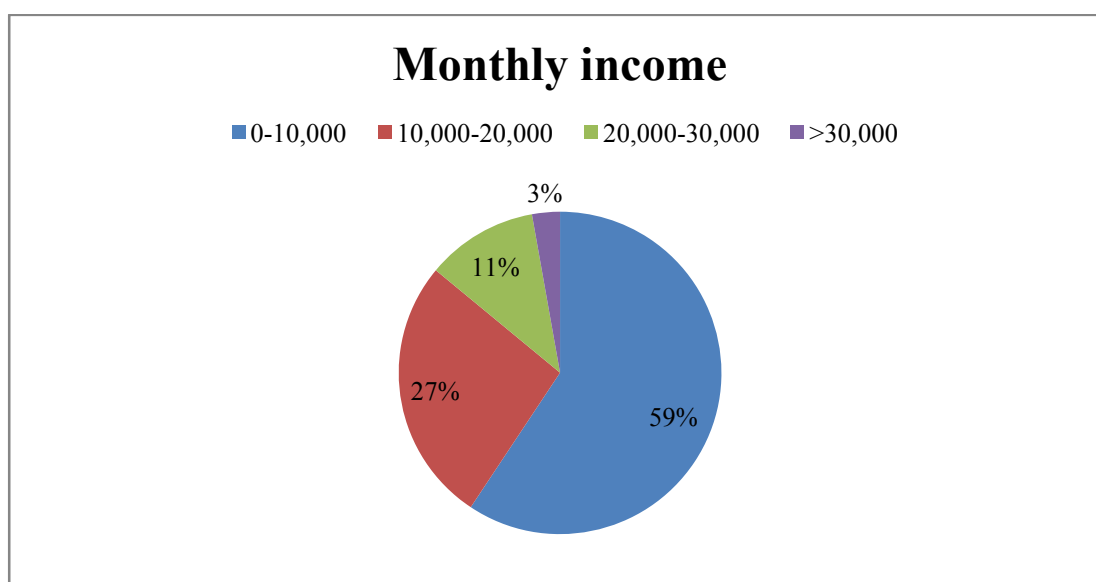
The photograph in the upper left corner shows an officer from IRCON holding a gadget showing details of under-construction railway tunnel. The photograph on the right shows the mega scale of construction along with tunnel portal instruments and machines and, slope stability measures above the tunnel. The researcher can be seen in the photograph of lower left corner taking interview of a project worker who hails from Kalijhora village.

**Table 4.14 Status of Monthly Income**

Variable	Status	Frequency					Total sample	Percentage
		Melli	Lohapool		Kalijhora			
			GD	RC	LK	KM		
Monthly income	0-10,000	38	41	19	21	8	127	59.34
	10,000-20,000	17	19	15	5	1	57	26.63
	20,000-30,000	9	5	6	2	2	24	11.21
	>30,000	3	1	2	0	0	6	2.80

(GD- Geil Dhura, RC- Rongchong , LK- Lower Kandung, KM- Karmath)

**Figure No. 4.10 Monthly Income**



Among the employed persons of 413 respondents, monthly incomes are in the range of 0-10,000 (59.34%), 10,000-20,000 (26.63%), 20,000-30,000 (11.21%) and more than 30,000 (2.80%) as shown in the above table and figure.

#### **4.4.6 Changes in the environmental set up**

The quality of air and water people use, dust and noise they are exposed to, the adequacy of sanitation, their physical safety, and their access to and control over resources is critical to the livelihood sustenance of the forest dependent communities.

The spatial dimension may contain impacts on the surrounding environment, demographic composition, topographic features as well as ecological resources that are the vital constituents of a societal space. From an environmental perspective, this railway project has always been contested by environmental activists as well as local forest villagers living in areas adjoining National Highway 10. The NH10 and the entire terrain is a known landslide prone area, where construction work of any kind is bound to adversely affect the already endangered slope stability of the geologically fragile hillsides. This vulnerability needs urgent and immediate attention. Heavy rainfall has already triggered multiple landslides along the route. Many environmental activists have always asserted that use of drilling machines and powerful explosives for tunnel construction along the rail line would turn out to be extremely hazardous for the locals and the environment<sup>15</sup>. The nature and type of implications that developmental interventions may have upon key impact areas over time and space and where people are economically affected or experience personal disadvantage could possibly include a violation of their civil liberties.

**Plate 8 (i) Large-scale deforestation and soil degradation**



Source: Field Survey, March, 2021

<sup>15</sup>For further information: (<https://www.groundzero.in>) (Accessed on 1/07/2021).



**Plate 8 (ii): Vegetation cover and natural drainage at railway project sites**



Source: Field Survey, March, 2021.

Both the photographs above show the environmental impacts and issues related with the project. The photograph in the left hand side shows dust covered vegetation. However, dust formed from blasting and cement blown in the air covering a large area near tunnel construction sites. Impact on vegetation health and incremental loss of vegetation cover is a major issue in tunnel sites. The figure in the right side shows a polluted stream near tunnel site areas. Cement mixed water emerging out from inside of tunnel has been mixed with natural drainage without proper treatment making it unusable for both animal and human. Also the water pollution through these heavy dissolved particles lead to pollution of soil and has long term impact on surrounding vegetation. Most of the respondents from the project affected and non-affected areas

show that they fear to go against the railway proponents. One of the respondent strongly stated that “The project proponents clearly failed to appropriately look into the matters, its responsibilities for environment clearance, conserving its biodiversity, measures for environmental protection. Even though development is good, their rights were not being heard leading to threat in the environment resulting in destruction and damages of houses. Also the Gram Sabha is not functioning smoothly thus facing conflict of interest between the government and the state machinery. In the study, 78% forest dwellers and local people believe that implementation procedure of FRA, 2006 is not functioning effectively as promised in the GTA region thereby affecting the smooth functioning of the project.

The Indian Railways is the third largest consumer of water after agriculture and power sectors and thus needs to give due attention for optimizing and protecting water resources<sup>16</sup>. They have failed to include the future impacts of the project as well as conservation and protection of the environment has been neglected from the forest villagers. As a result, the project proponents still have not involved local management or authorities and villagers. Therefore, public participation is an instrument that allows the public to voice their opinion for the space they live in and can use to influence government actions in order to question the policies and deciding long-term conflict resolution mechanism.

#### **4.4.7 Perceptions of local leaders**

The extent to which people are able to participate in decisions that affect their lives, the level of democratization and the injustices due to political instability, and the amount of resources provided for this purpose has been an elusive concept in every

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<sup>16</sup>For further information: <http://www.railnews.in/indian-railways-observes-world-environment-day-2016/> Accessed on 3/07/2021.

section of the society. In the regional level, the local MP Raju Bista stated that, “the rejection of claims is an easier route to evict the forest dwellers to facilitate the railway project” (Biswas, 2021). However, the analysis reveals after the assertion indicated by one of the local leaders- to critically evaluate, the question of ‘why’ and ‘how?’ the historic injustices and rights of the forest dwellers over a space/forest is to be served. Apparently, the nature of conflict has been awfully uprising and sustainable governance is a big concern to address at the local context in the present day scenario. The revolutionary potential of Forest Rights Act (FRA), 2006 is out of reach for the forest dwellers due to poor regulation procedures of implementation in the GTA region. Meanwhile, the study observed that this research and most of the academic and popular critiques of FRA available emphasize political constraints to the implementation procedures of FRA and to the unsuccessful claims. Nevertheless, FRA has been a huge step forward because it changed the discourse around these issues over the years. Furthermore, while interviewing a forest activist, he stated that, “Besides NHPC, other development agencies such as the railways and PWDs have been pressuring the local residents of the roadside or those living in close proximity of the project along NH10 to vacate the villages. The villagers have also allegedly been threatened with eviction orders. We want to revisit and recall that according to the pro-tribal policy or FRA”. After writing several letters and submitting every year to the Hon’ble Chief Minister of West Bengal along with a copy to the Chief Secretary of West Bengal, Chairperson from the State Level Monitoring Committee, Commissioner of the Backward Classes Welfare (Government of West Bengal) there were hardly any response from the Government to ensure the FRA, 2006 implementation strictly in accordance with the law - (*Lila Kumar Gurung, Secretary,*



*Himalayan Forest Village Organization, (HFVO)* Therefore, villagers clearly feel being overlooked and maintaining no transparency amongst the government authorities, local leaders, project proponents, forest-dwelling and the general population. It is alleged that government's attempt to marginalize Gorkhas and other indigenous communities in the hills (The Wire, 2018). It becomes quite evident that the government is in support of the project and no matter what the local people claim it do not make no difference, rather the local people is targeted and their rights are not fulfilled. Thus, the idea of Spatial Justice is to generate a spatial relationship in the community that would be able to have a fair and inclusive spatial planning once their right over forest land has been recognized. In case of Sevoke-Rangpo Railway Project (SVRRP), the government policies is still not serving justice concerning the spatial rights of the vulnerable section facing continuous discrimination such as natural degradation, water resource depletion, deforestation etc. Even though the policy makers are knowledgeable about the issues and the measures they often fail to recognize the "inevitability of conflict" because as serving peoples interest do not settle under the primary goals of a development project. In the context of SVRRP, the strategic importance is inclined more towards Sikkim than the GTA region.

#### **4.5 Critical issues of forest villages: Space of Hope**

The overall scenario of Forest Rights Act, 2006 in GTA in relation to spatial justice and social space has an extremely poor record against the marginalized and rights deprived forest dwellers. Over the last decade, implementation has been a challenging process. It was considered that forest villagers in the GTA region there do not exist. In Darjeeling and Kalimpong districts, the people are not made aware whether an official

process of FRA, 2006 is issued in the area. Although the HFVO put forward a strong movement, the official recognition of the Act remains an elusive concept as they were reportedly denied to speak about their rights. Considering the third objective, following section discuss to examine critical issues of forest villages in GTA region vis-à-vis development projects with particular focus on Sevoke-Rangpo Railway Project.

**a. Fair distribution of resources as a right** - According to Section 3 (1) (g) and (h) of the Act, “rights for conversion of pattas and leases or grants issued by any local community or any State Government on forest lands to titles” and “rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages” shall be the rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands.

There is a gross violation of FRA, 2006 through development activities. The dam building activities by NHPC are in direct violation of the FRA which impinges upon the constitutional rights to live, cultivate and otherwise use the forest land where the forest dwellers and forest dominated areas have been living for nearly a century now. The National Hydroelectric Power Cooperation (NHPC) activities pose a serious threat to the areas in total violation of the project holder’s commitments as expressed in the Environment Impact Assessment (EIA) and Environment Management Plan (EMP) of the project. By virtue of the powers vested in the Act, such activities must be stopped until the issue is amicably settled. Such kind of development intervention in the region is going on in total disregard and utter violation of the laws of the land.

As regards with the payment of compensation, the railway authorities are delaying and showing extreme reluctance to pay the amount to the local people.

Similarly, the villagers residing in the alignment of Sevoke-Rangpo have allegedly been threatened with eviction. Reiterating that according to FRA, such evictions are completely illegal. The GTA has given NOC to the railway department for the upcoming project, as per the Act the local people strongly oppose the initiative of GTA because it has been clearly mentioned that for any kind of projects for which forest land is to be diverted is required to consult with the concerned Gram Sabha members and written consent from individual Gram Sabha needs to be taken before the execution of this work. Besides this, the Ministry of Environment and Forest (MoEF) in its circular issued to all the state government and UT dated 30/07/2009<sup>17</sup> has clearly mentioned that FRA, 2006 implementation process needs to be carried out and rights settlements should be completed in the diverted forest land before initiation of any such projects.

However, in accordance with the law, the GTA region should form a proper and organized Gram Sabha and Forest Rights Committee (FRC) as per the guidelines and the amended rules together because it bear out legal basis of our concerns. Approximately, there are 150+ settlements in the forest villages and forest dominated areas in Darjeeling and Kalimpong districts. Thus, the Gram Sabhas and FRCs should be formalized in not only the so-called “recorded” forest villages but at every settlement or space in the region.

**b. Mechanism of Public participation among the villagers-** Development is prerequisite for any kind of human civilization. In the study, even though 100%

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<sup>17</sup>Refer the Annexure

local people are aware of ongoing construction of the project but none of them are aware about their rights and building on community-based economy. However, democratic participation, community based forest management and capacity building are important programmes for the upliftment and development of social forestry. In the study, welfare schemes such as MGNREGA, Self-Help Groups are mostly prevalent. Self-Help Groups are run working together by women creating a secure and community-based economy. In the study, the village women meet every week to discuss formal affairs.

**c. Healthy Environment-** The study is mainly human centric and basically focus on the livelihood pattern of the forest-dwelling communities and how development intervention affects the well-being of the local people. Due to the construction of railway project, 53.22% of the population agreed in having health-related problems. Sanitation facility, environmental pollution, diseases, heavy motor vehicle activities near the village areas, water pollution, erodible particles come out, construction has impacted the livelihood condition, impact on agricultural land.

**d. Traditional knowledge system-** Forest people and other forest dwelling communities in India are often defined by their relationship with natural resources like land, forests and water resources. This deep rooted and harmonious connection has resulted in a vast assemblage of traditional knowledge system. Such knowledge contains insights, innovative practices and other useful practices that relate to the sustainable management and authority of various resources and the betterment of their space they inhabit (Statesman, 2017). According to the significance of the Act, “right to access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity”. In some

recent views on indigenous people in relation to ecology, the tribal knowledge must be harnessed, trained and passed on as any discipline of study. Unless this is done, romanticizing the tribal practice is not going to help for long-term solution. The collection of wild resources provides considerable subsistence support to local livelihoods in many rural locations particularly areas that lack basic infrastructure and market access. Throughout generations, the local knowledge has been time tested, improved and maintained and have even witnessed the survival of the indigenous communities. Yet, with modernity these knowledge systems and local cultures are threatened and destroyed. (Lasetso, 2012).

Particularly in the study, the researcher seems to examine that in the pursuit of development their traditional practices has been grossly overlooked and affected by the ongoing project. The people living in all the studied villages have been facing injustices since the commencement of the railway project. The fundamental objective to bring justice in the forest dominated villages has been violated. Therefore, one should keep in mind that seeking justice and spatial relation comes with the principle of maximization of human dignity and fairness because it thereby leads to determining rights over the geography/space in which they live in and the foresters can access to their resources freely. The struggle between modernity and traditionalism on eco-concern in the tribal world is an area that needs utmost attention.

**e. Forest Rights act and its current status of implementation in GTA in view of**

**Sustainable Governance-** The Forest Rights Act (FRA), 2006 is a process with the objective of rights to the forest dwelling population and other traditional forest dwellers as recognized dwellers. They are solely dependent on livelihood,

habitation and other socio-economic needs. In the colonial and post-colonial period in India, the policies, acts, rules and guidelines for forest management did not comprehend the symbiotic relationship of the STs with the forests till the enactment of the Act. However, in GTA region the forest villagers are dependent; their historic and cultural needs conserve the forest ecosystem ensuing sustainable governance. Analysis has been made on the current status of implementation of FRA, 2006. It reveals that its regulation and enforcement has been very uneven across the GTA region.

Section 5 of the Act, states that “recognized forest-dwelling communities, *gram sabhas* and village-level institutions are empowered to protect forest resources from destructive practices carried out by any authority that is likely to affect their cultural and natural heritage.” The Himalayan Forest Village Organization (HFVO)<sup>18</sup> had claimed by providing exact list of the existing forest villages located in the three hill division of Darjeeling namely Darjeeling Sadar, Kurseong and Kalimpong which need to be converted into revenue villages. Referring to the Memo no. No 23011/33/2010-FRA issued by Ministry of Tribal Affairs, GOI, dated 8/11/2013 the suggested procedure reiterates what was earlier mentioned in the Act itself, and makes it clear that all kinds of villages located on forest land will be eligible for conversion followed by:

- Any village/habitation on forest land which is not a revenue village shall be considered eligible for conversion, including

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<sup>18</sup>Refer the Annexure prepared by the HFVO (Central Committee, North Bnegal)

- All forest villages including Taungya Villages of all types which the forest Department established, and recorded/recognized as forest villages from time to time.
- All forest villages including Taungya Villages of all types which the forest Department established for forestry and other works on forest land, but which have not been recorded/recognized as forest villages.
- All forest villages including Fixed Demand Holdings which have come up as a result of the Forest Department granting various types of leases on forest land from time to time to various individuals.
- All villages/habitations on forest land established by any Government Department/ Agency for persons displaced by development projects or for labour/workers for any type of work, but which have not been recognized, surveyed and recorded as revenue villages.
- All old habitations or un-surveyed villages on forest land which have escaped proper survey settlement due to the land over which they are located getting classified as forest land.

These are certain procedures eligible for conversion into revenue villages. However, to ensure the rights on the social space of forest villagers the FRA, 2006 must be implemented strictly in accordance with the law. Moreover, a forest activist interestingly added on the events and struggle they faced during the conversion process:

### **Box 3: Struggle for Conversion of Forest Villages into Revenue Villages**

In 1984, we started the forest movement with the leadership of Lt. Sriman Prem Khawas in Gorubathan Buttabari Forest Village. In the course of movement, we started from visiting to DM, SDO and we also went to the district level and further taken up to state level. But gradually we understood that this was not in the hand of the state government as they were not able to do anything so we thought of taking it to national level. Finally in 2000, we found a national platform (Rashtriya Ban Jungle Manch) for the forest dwellers for this movement. In this platform, there were around 90 organizations in association with us and several other representatives from 21 states. In the same year, we first formed a committee in B.B. Gurung Memorial Hall at Sukuna. The movement outspread and we had meetings in Jharkhand (Ranchi) and in different parts of India. At that time, the United Progressive Alliance (UPA) government was in power. Further appealing to the UPA government regarding parja patta the matter has not been resolved. Surprisingly in 2002, we received an official notification from the UPA government, Manmohan Singh being the Prime Minister with the chairmanship of Sonia Gandhi. According to the notification, it was stated that the people residing in 'Ban Chetra' should be evicted immediately. In the notification it included 40 villages from Assam and 60 villages from Sikkim yet we continued with our struggle. After a while we got a stay order that the notification which was issued by the government was not put into practice so we got a stay order as we constantly carried out with the movement. In addition, we took the movement to the Ministry of Tribal Affairs followed by dharnas and large demonstrations in Jantar Mantar, later chased by the police with exhaust gasses. As a result, towards the end of 2005 it took some time to process the Act. The UPA government passed the Forest Rights Act (FRA), in 2006 to safeguard marginalized groups and balance the right to environment with a right to life and livelihood.

Subsequently, our local MP from Darjeeling Shri Dawa Narbula, when he came out of the Parliament for lunch break, we approached him saying that around 2:15-2:45 the bill is getting passed but we were surprised that being a UPA MP he had no idea about it. Therefore, he had only signed for the tribals of Sikkim under the pressure of the North-East region. In fact, he was himself unaware of the rights of forest dwellers in the GTA region. Although we requested him to sign and support the bill he was reluctant exercise the power. On the contrary, it clearly mentions in FRA, 2006 guideline that all kinds of villages located on forest land will be eligible for conversion. Lastly in 2021, after 14 or 15 years of struggle for conversion of forest villages into revenue villages, 64 villages out of 70 villages has been converted in Kalimpong district. –*Interview of Mr. Lila Kumar Gurung, General Secretary of Himayalan Forest Village Organization (HFVO).*

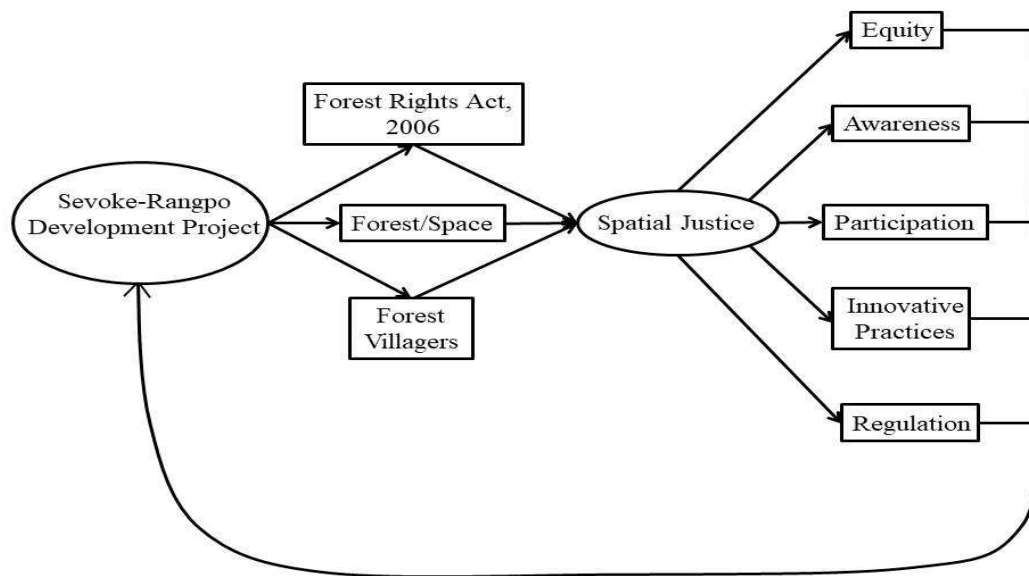
The above mentioned factors were an attempt to understand the root causes and the critical issues of social space and potential rights of forest dwelling communities in the region. To reconcile certain development issues and conflicting needs of the forest villagers the study draws an example of whether this project brings conflict and traces the peace building initiative by different stakeholders. As the researcher's subject/



discipline is interdisciplinary in nature, the conflict of interest that this study reveals is in search of spatial justice with the objective of rights of the forest villages, effectiveness of Forest Rights Act, 2006 in the GTA region and to examine the critical issues vis-à-vis development intervention with particular focus on Sevoke-Rangpo Railway Project (SVRRP). However, development projects are necessary and the policy makers also try to navigate and minimize impacts on nature and social space.

It is clear that Forest Rights Act (FRA), 2006 will ensure space/territory and forest villages with the element of spatial justice. The forest dwellers must be inter-wined with innovative practices and committees (FPCs) in order to develop awareness and public discourse among the local people. Once these mechanisms gets integrated forest management cycle will be completed. The diagram below highlights the overall scenario to effectuate spatial justice which is the need of the hour. It is vitally important to empower forest villages to manage and protect their legal rights resulting in Forest Protection Committees/Village Protection Committees. Besides, participation and decision making in forest resource empower the local communities to usufruct rights over forest lands (Khawas, 2003). It is crucial to have FRA, 2006 rules and guidelines converted into local language in the region. An understanding must be reached with the local people and the state government in view of the fact that the railway proponents were not in full compliance with the rules of FRA, 2006 regulations and practices.

**Figure: 4.11 Forest Management Cycle**



Source: Developed by the Researcher, June, 2021

On this basis the spatiality of justice can encourage more forestry management practices indicating better socio-economic conditions and peace building initiatives to the forest villagers. Apparently, there is an urgent need for Sevoke-Rangpo development project to implement the process of FRA, 2006 to facilitate justice executing:

#### **4.6 Conclusion**

The mountain communities suffer from a vicious cycle of development intervention. The study is an attempt to highlight the critical issues (major socio-economic life) caused by developmental issues rather than a problem-solving mechanism in the GTA region. Development has many sides to it and there are numerous questions as to why there has been a constant increase of development projects on the fragile mountain land. Besides the state government affirms that the project would be beneficial to

defense security as an initiative to improve connectivity with the Indo-China border in Sikkim, boost tourism sector and generate employment opportunities among the local people. However, in the study 74.14% local respondents feel that the project will not develop economic stability for the region. As the Ministry of Environment and Forest issued to all the state government and Union Territories (UT) dated 30/07/2009 has clearly mentioned that FRA, 2006 implementation process needs to be carried out and rights settlement should be completed in the diverted forest land before the initiation of the project.

The non-implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), 2006 has created controversy in West Bengal. Without the implementation of FRA, 2006 such evictions and completely illegal. GTA region do not feel agitated about the development (railway) project intervention but to balance the right to environment with their right to life and livelihood and to protect the marginalized socio-economic class of forest dwellers and other local population, the spatial justice executing equity, awareness, participation, innovative practices and regulation are seen as approaches to looking at social space resulting in sustainable regional development.

## **Chapter 5**

### **Conclusion**

Spatial justice, forest rights act and beyond, surrounds the imponderabilia of fairness. The object of spatial justice is to achieve human development in territorial spatial arrangement. Nonetheless, there have been several recognized instances of uneven development patterns causing social injustices and violation of rights over spatial claims at the global, regional and local levels. Over the years, the conceptual understanding of spatial justice has gained wide traction in India but has been overlooked as a framework of empirical instrumentation. Despite several years since independence, India is home to variegated sections of the population that can be considered as marginalized, encumbered by the travails and drudgery of modern existence in a nation-state characterized by spatial injustices. Although there are numerous procedures and legal policy frameworks to ensure just spaces including, among others, provisions to implement Forest Rights Act, 2006 to forest dwellers and other traditional forest dwellers, but the fructification of the idea of spatial justice that accounts, highlights and addresses the grim social injustices meted to those most vulnerable in everyday life is yet to develop.

While forest dwellers and other forest-dwelling communities have been living in and off of the forests in harmony with the environment and the ecosystem, they continue to live in insecurity of the mechanisms and individuals that have committed historical injustices against them since the colonial era, only exacerbating with time. Increasing forest degradation and consequent environmental effects is making the true expression of life, lifestyle and livelihoods of the local communities complicated. It is in this

context that the conceptualization of spatial justice magnifies the concern for fair distribution of rights, preservation of traditional knowledge systems, indispensability of sustainable governance, immediacy of the role of mechanisms that encourage public participation and the urgent need of healthy human-environment interactions and inter-linkages. Through rightful implementation of law, the inevitability of a conflict over space can be settled under the primary goal of a development project.

Being one of the most densely populated regions in the world, India is witnessing rapidly increasing large-scale commercial activities including continuous extension or expansion of transportation routes, construction of heavy industries and production plants, exponential energy production to meet rising demands, and several other developmental projects in order to attain economic growth. Although development projects predicate and employ the notion of growth as a means of progress and welfare of society at large, the resultant scenario inadvertently (and in some cases, advertently) involves a variety of negative factors that affect the most vulnerable social strata leading to structural deprivations in the state. Here, it is important to properly manage the natural resources and forests to achieve sustainability and justice through a rigorous process of recognition of the forest villagers and other forest dominated communities. Therefore, including spatial justice and proper forest management has become the need of the hour. Shoddy implementation of developmental projects cutting through forest villages and other settlements residing in adjacent areas acts as a new threat causing social disruption in the spatial relationships between project affected communities and the state apparatus. Ignoring the rights of dwelling population by state authorities and other stakeholders responsible for project implementation is the origin of many crises at the local level.

Creation of awareness among the forest dwellers and other forest dependent communities regarding their spatial rights has failed to a great extent due to weak institutional mechanisms. The problems of overexploitation of resources, basic infrastructure and development initiatives remained unnoticed and poorly understood in most project affected areas.

It takes more than just solving the problem of non-implementation of FRA, 2006 to build the bridge to attaining spatial justice. Therefore, what are we looking for is the crux, the hinge on which the issues turn so that it might be resolved one way or the other. The injustices meted out to affected communities do not exist in a vacuum but are inextricably linked to economic, social and political processes that encompass their everyday existence. There is therefore an urgent need for development projects in processing Forest Rights Act, 2006 to tackle the injustices, balance the right to environment with the right to livelihood and executing socially equitable services recognizing the fact that the dwellers have an unfair share in the distribution of access to resources. They remain deprived within the law, and, therefore, concerns should be raised regarding fairness and exercise of rights among the marginalized groups in the project-site areas and effectively fight for equity in a just manner.

To ensure a just and fair mechanism in light of above, the phenomenon of spatial justice needs to be addressed properly by the administration. People have to be made aware through free-flow of information, suitable communication and training in local language should be encouraged in order to install an effective process of implementation. Reliable data should be provided for analyzing the process of implementation of Forest Rights Act (FRA), 2006 without creating any disparity among the people in the affected region. Along with organizing awareness

programmes at the Gram Sabha level, there is an urgent need to carry out land and forest surveys by the administration and providing a platform for active involvement of Gram Sabha in the task of raising awareness about the provisions of the Act and the Rules of Forest Rights Act, 2006. By highlighting any problem at the results level, there is a cosmetic and momentary change but here it concerns long-term solutions at the systems level. Therefore, when Forest Rights Act, 2006 is implemented, the concerns and processes at the local level should lead to those results which prove beneficial in serving justice to every section of the society and every settlement in the forest areas (both Scheduled Tribe and Other Traditional Forest Dwellers).

The most significant way of managing the situation is by sustained dialogues and involvement of local communities, forest rights organisations in the meetings and activities through the process of decision-making. Their opinions and demands should be considered and implemented by the state machineries. There should be no discrimination against the choice of affected population preferring community based economy and community based forest management for the upliftment and development of their specific social space and no developmental action should be coerced through systematic use of the tools of power and exploitation. In a democratic space, the local people should get the opportunity to express their opinions by participating as a means of improving equity and fairness, have the right to adequate awareness about the consequences of the project to build representation and sustain their livelihood in a manner of their choosing. For that reason, innovative practices must be encouraged in order to support their livelihood. According to Forest Rights Act, 2006 “right to access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity shall be the

rights of forest dwellers and other traditional forest dwellers". Since time immemorial, a symbiotic relationship between man and nature is deep-rooted in that it assembles and creates the edifice of the system of traditional knowledge. This local knowledge should be harnessed, trained and passed on for generations to conserve and protect the resources of the wild that has supported the life, lifestyle and livelihoods of indigenous forest dwelling population for ages.

To ease the pressure, effective implementation can be regulated by corroborating sustainable governance to strengthen and sustain the rights in the long-run for project affected and non-affected regions. For governing forests, the administration should inform the villagers to form their own specific committees for forest management and protection of the society. In view of the fact that the process has not been very smooth in most forested regions in the country, at every settlement on forest land Gram Sabhas and Forest Rights Committees should function effectively and prepare a status report on the implementation process. In addition, the regulation entailed in Forest Rights Act, 2006 should be incorporated. As a result, with the intervention of spatial planning and sensitive empathetic approaches to resource management, some modicum of spatial justice can be attained. The inevitability of a conflict over space can be settled and are more likely to be fair if the voices of the vulnerable are empowered under the primary goal of a development project. More studies need to be carried out to understand and address the injustices in spatial relationships to achieve forest rights and strengthen the ability to effectively engage with the state apparatus in order to ensure sustainable governance in the forests for long-run at regional levels. Fairness, thence, however imponderable, will begin to germinate.



## Bibliography

- Act, F. R. (2006). Act, rules and guidelines, Government of India.
- Alam, M. J., Ahmed, A. A. M., Khan, M. J. H., & Ahmed, B. (2011). Evaluation of possible environmental impacts for Barapukuria thermal power plant and coal mine. *Journal of Soil Science and Environmental Management*, 2(5), 126-131.
- Annual Administrative Report, 2016-2017, Department of Forest, Government of West Bengal.
- Areeparampil, M. (1996). Displacement due to mining in Jharkhand. *Economic and Political Weekly*, 1524-1528.
- Assembe-Mvondo, S. (2013). Local communities' and indigenous peoples' rights to forests in Central Africa: From hope to challenges. *Africa Spectrum*, 48(1), 25-47.
- Bandi, M. (2016). Forest rights act: Is there an underlying pattern in implementation. *Economic and Political Weekly*, 51(19), 16-17.
- Bandyopadhyay, J., & Shiva, V. (1988). Political economy of ecology movements. *Economic and Political Weekly*, 1223-1232.
- Banerjee, R., & Mistri, B. (2019). Impact of coal mining in diversification of rural livelihoods: A case study in the barjora colliery area of bankura district, west Bengal. *Space and Culture, India*, 6(5), 228-240.
- Bensalah, M., Elouadi, A., & Mharzi, H. (2019). Railway Information Modeling—A Review of Railway Project Management Integrating BIM. *International Journal of Railway*, 12(1), 10-17.
- Bhaduri, (2018). In Sikkim, A Railway Project Tries to Navigate the Forest Rights Act, *The Wire*, Retrieved from: <https://thewire.in> (Accessed on: 2/07/2020)
- Bhattacharya, P., Mal, S., Tripathy, S., Mandal, S., & Ghosh, B. (2013). Development-induced displacement and human development through industrialisation in India. *African Journal of Geo-Science Research*, 1(3), 01-05.
- Bhattacharyya, R., Ghosh, B. N., Mishra, P. K., Mandal, B., Rao, C. S., Sarkar, D., & Franzluebbbers, A. J. (2015). Soil degradation in India: Challenges and potential solutions. *Sustainability*, 7(4), 3528-3570.
- Bhattacharya, S., Ghosh, G., Banerjee, T., Goswami, S., & Das, P. (2015). Socio-environmental survey of an ecologically important hamlet of Darjeeling district, West Bengal, India. *International Letters of Natural Sciences*, 6.

- Bhullar, L. (2008). The Indian forest rights act 2006: a critical appraisal. *Law Env't & Dev. J.*, 4, 20.
- Bisht, T. C. (2009). Development-induced displacement and women: The case of the Tehri
- Biswas, P. K. (2003). Forest, people and livelihoods: The need for participatory management. In *XII World Forestry Congress, Quebec, Canada* (<http://www.fao.org/docrep/ARTICLE/WFC/XII/0586-C1.HTM>, Accessed on
- Burdge, R. J. (2003). The practice of social impact assessment background. *Impact Assessment and Project Appraisal*, 21(2), 84-88.
- Carson, R. (2002). *Silent spring*. Houghton Mifflin Harcourt.
- Cernea, M. (2006). *Resettlement management: denying or confronting risks* (pp. 19-44). Oxford University Press.
- Dam, India. *The Asia Pacific Journal of Anthropology*, 10(4), 301-317.
- Das, (2019). Are you talking about 'Jungle Patta' Forest Rights Implementation in West Bengal, *Economic And Political Weekly*, Vol 43. Pg. 1
- De Faria, F. A., Davis, A., Severnini, E., & Jaramillo, P. (2017). The local socio-economic impacts of large hydropower plant development in a developing country. *Energy Economics*, 67, 533-544.
- Douglas, J. C. (1994). *Aesthetic-based conflict in highway planning: Federal Highway Administration putting planners at risk* (Doctoral dissertation, University of Illinois at Urbana-Champaign).
- Dufaux, et al., (2011). Spatial Justice and the Right to City: An Interview with Edward Soja, Retrieved from: <https://halshs.archives-ouvertes.fr/halshs-01108684>. (Accessed on: 24/04/ 2020).
- Dutta, (2017). Rawl's Theory of Justice an Analysis, *Journal of Humanities and Social Science*, Vol 22, Issue 4 Ver.1. p. 40.
- Fainstein, S. S. (2014). The just city. *International journal of urban Sciences*, 18(1), 1-18.
- FAO, (2018). The State of Worlds Forest- Forest pathways to Sustainable development, Rome.
- Farooquee, N. A., & Maikhuri, R. K. (2007). Role of the state on forests: Case of Uttarakhand. *Economic and Political Weekly*, 3537-3540.
- Fernandes, W. (1995). An activist process around the draft national rehabilitation policy. *Social Action-New Delhi-*, 45, 277-298.

- Five, N. F. (2010). India's Forest Rights Act-The anatomy of a necessary but not sufficient institutional reform.
- Funk, N. C. (2002). Peace Paradigms: Five Approaches to Peace: Gandhi's Views-Peace, Nonviolence and Conflict Resolution. *Gandhi Mag*, 24(3).
- Gain, A. K., Mondal, M. S., & Rahman, R. (2017). From flood control to water management: A journey of Bangladesh towards integrated water resources management. *Water*, 9(1), 55.
- Griswold, W. (2012). *Cultures and societies in a changing world*. Sage.
- Guha, A. (2015). Acting Cleverly in the Comfort Zone of Power and Visceral Resistance: A Case of Land Acquisition in West Bengal, India. *Indian Anthropologist*, 15-29.
- Guha, R. (1983). Forestry in British and post-British India: A historical analysis. *Economic and Political Weekly*, 1882-1896.
- Hartley, C. (2014). Two conceptions of justice as reciprocity. *Social Theory and Practice*, 40(3), 409-432. *J Soc Sci Manag*, 6(06), 8.
- Huddleston, G. (2013). Thinking spatially and moving towards the material: An essay on seeking spatial justice by Edward Soja. *Taboo: The Journal of Culture and Education*, 13(1), 9.
- Jhangiani, R., Tarry, H., & Stangor, C. (2014). Principles of social psychology–1st international edition. *Adapted from principles of social psychology from Charles Stangor. BC Open Textbook Project*.
- Johnston, D. (2011). *A brief history of justice* (Vol. 10). John Wiley & Sons.
- Jovovic, R., Draskovic, M., Delibasic, M., & Jovovic, M. (2017). The concept of sustainable regional development–institutional aspects, policies and prospects. *Journal of International Studies*, 10(1).
- Joy, K. J., Mahanta, C., & Das, P. J. Hydropower Development in Northeast India: Conflicts, Issues and Way Forward.
- Katila et al., (2020). Forest tenure and the Sustainable Development Goals–A critical view. *Forest Policy and Economics*, 120, 102294.
- Khawas, V. (2016). Hydro-Fever in the upper Tista basin and issues of regional environmental security. *Journal of Politics and Governance*, 5(3), 49-56.
- Khawas, V. (2003). Joint forest management in India with special reference to Darjeeling Himalaya. *Ahmedabad, India: School of Planning, Center for Environmental Planning and Technology*. Retrieved from <http://lib.icimod.org/record/11260/files/209.pdf>. Retrieved June, 30, 2018.

- King, T. (1969). *Economic Development Projects and their Appraisal*.
- Krishnaswamy, A., & Hanson, A. (1999). *Our forests, our future. Summary Report of the World Commission on Forests and Sustainable Development*.
- Kulkarni, S. (1987). Forest legislation and tribals: comments on forest policy resolution. *Economic and Political Weekly*, 2143-2148.
- Kulkarni, et al. (1994). *All about draft forest bill and forest lands*. Center for Tribal Conscientisation, Pune, India.
- Kumar, S., Maiti, S. K., & Chaudhuri, S. (2015). Soil development in 2–21 years old coalmine reclaimed spoil with trees: A case study from Sonepur-Bazari opencast project, Raniganj Coalfield, India. *Ecological engineering*, 84, 311-324.
- Kurup, (2018). India's forests are under threat, Aljazeera. Retrieved from: [www.aljazeera.com.cdn.ampproject.org](http://www.aljazeera.com.cdn.ampproject.org) (Accessed on: 18/04/2020).
- Lahiri-Dutt, K. (2007). Illegal coal mining in eastern India: Rethinking legitimacy and limits of justice. *Economic and Political Weekly*, 57-66.
- Langat, D. K., Maranga, E. K., Aboud, A. A., & Cheboiwo, J. K. (2016). Role of forest resources to local livelihoods: The case of East Mau forest ecosystem, Kenya. *International Journal of Forestry Research*, 2016.
- Lasetso, et al (2012). *Tribal Ecology: A Search for Ecological Values from the Cultures and Practices of the Tribes of North East India*
- Long, N. D., Ogunlana, S., Quang, T., & Lam, K. C. (2004). Large construction projects in developing countries: a case study from Vietnam. *International Journal of project management*, 22(7), 553-561.
- Macura, B., Zorondo-Rodríguez, F., Grau-Satorras, M., Demps, K., Laval, M., Garcia, C. A., & Reyes-García, V. (2011). Local community attitudes toward forests outside protected areas in India. Impact of legal awareness, trust, and participation. *Ecology and society*, 16(3).
- Majumder, A. *Effect of Land Acquisition on Social Structure: An Ethnographic Study of a Village in Paschim Medinipur District, West Bengal*.
- Majumdera, A. (2016). Role of Gender Towards Income Generation: An Impact Analysis of Land Acquisition in West Bengal, India. *Sociology*, 6(10), 639-652.
- Mohanty, P. K., & Garada, R. (2019) *Understanding India's Forest Land Rights through Spatial Justice Framework—A Policy Analysis of the Forest Rights Act 2006*.

- Mohanty, B. (2005). Displacement and rehabilitation of tribals. *Economic and political Weekly*, 1318-1320.
- Mohanty, P., & Garada, R. (2016). Forest rights act & community conservation initiatives in Odisha: Exploring an alternative regime of forest governance. *Journal of Politics and Governance*, 5(3), 35-47.
- Mohanty, R. (2011). Impact of development project on the displaced tribals: a case study of a development project in Eastern India. *Orissa Review*, 48(2-3), 67-73.
- McCully, P. 1996. *Silenced Rivers: The Ecology and Politics of Large Dams*. London: Zed Books.
- Narasimham, S., & Subbarao, D. V. (2018). Impact of Mining on Tribal Socio-economic and Environmental Risks in India. *Economic Affairs*, 63(1), 191-202.
- Nomani, Z. M. (2003). *Environment Impact Assessment in India: A Socio-Legal Study* (Doctoral dissertation, Aligarh Muslim University).
- NEFR, (2016). *Environmental Impact Assessment Report*, Consult International, Delhi.
- Prasad, S.D. J.M. (2011). *Forests indigenous people and institutions: a study of Rampa country* (Doctoral dissertation). Retrieved from [http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/1876/7/08\\_chapter2.pdf](http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/1876/7/08_chapter2.pdf) (Accessed on: 23/04/2020)
- Panda, P., & Panigrahi, N. (1989). The Problem of Displacement of Displaced People: A Study in the Coal Mines of Brajarajnagar, Orissa. *Pati, RN/Jena, B.(eds.): Tribal Development in India*. New Delhi.
- Pandey, B., Patro, A. K., Rao, C. V., Padhi, K. K., & Mallick, S. (1998). Depriving the underprivileged for development.
- Putnam, R. D., & Helliwell, J. F. (2004). The social context of well-being. *Philosophical Transactions of the Royal Society of London Series B-Biological Sciences*, 359(1449), 1435-46.
- Ramnath, M. (2008). Surviving the forest rights act: Between Scylla and Charybdis. *Economic and Political Weekly*, 37-42.
- Ray, S. (2018). Alienation of Rights to Forest.
- Rocco de Campos Pereira, R. C. (2014). Why discuss Spatial Justice in urbanism studies. *Atlantis*, 24 (4), 2014.
- Rodrigues, V. (2011). Justice as the Lens: Interrogating Rawls through Sen and Ambedkar. *Indian Journal of Human Development*, 5(1), 153-174.

- Roy, A. (2017). A Critical Appraisal of Forest Acts And Policies in Colonial And Post Colonial India With Emphasis on 'Forest Rights Act-200'
- Sambhav, K., Shrivastava, A. P., & Mahapatra, R. (2013). Rights without benefits. *Down To Earth*.
- Scheduled Tribes (Recognition of Forest Rights) Bill (2005). New Delhi: Ministry of Tribal Affairs, Government of India. State of Forest Report 2003, Forest Survey of India, Ministry of Environment and Forests, Government of India.
- Sen, J. (1995). National rehabilitation policy: A critique. *Economic and political weekly*, 241-244.
- SFR, (2019). Forest Survey of India (*Ministry of Environment Forest and Climate Change*), Uttarakhand, India.
- Shaban, A., & Sharma, R. N. (2005). Social impact assessment of Maha Mumbai Special Economic Zone. *Tata Institute of Social Sciences, Mumbai*.
- Shah, A. (2020). Modern Technology for Sustainable Forest Management in India.
- Sharma, A., Dhir, A. G., & Chopra, T. G. (2012). Environment Impact Assesment for Four Laning of Nh-64 from Zirakpur to Patiala.
- Siddiqui, K. (2012). Development and displacement in India: reforming the economy towards sustainability. In *Journal of Physics: Conference Series* (Vol. 364, No. 1, p. 012108). IOP Publishing.
- Simionescu, V., & Silviu, G. (2016). Assessing sustainability of railway modernization projects; A case study from romania. *Procedia computer science*, 100(100), 458-465.
- Singh Negi, N., & Ganguly, S. (2011). Development Projects vs. Internally Displaced Populations in India: A Literature Based Appraisal.
- Soja, (2010). Seeking Spatial Justice, *University of Minnesota Press*, Minneapolis; London.
- Sonowal, (2015). Forests Villages in Assam: A Critical Review of Development Initiative, Retrieved from: <https://www.researchgate.net/publication/279939008> (Accessed on: 13/3/ 2020).\
- Sonowal, C. J. (1997). Forest Villages in Assam: Continued Ghettoisation. *Economic and Political Weekly*, 2441-2443.
- Springate-Baginski, O., Sarin, M., & Reddy, M. G. (2013). Resisting rights: forest bureaucracy and the tenure transition in India. *Small-scale Forestry*, 12(1), 107-124.

- Springate-Baginski, O., Sarin, M., Ghosh, S., Dasgupta, P., Bose, I., Banerjee, A., ... & Rao, P. T. (2008). *The Indian Forest Rights Act 2006: Commoning Enclosures*. Norwich: Overseas Development Group, University of East Anglia.
- Srinivas, D. (2013, January). The Forest Rights Act: A Study of its implementation in the Khamman District, Andhra Pradesh. In *Proceedings of the Indian History Congress* (Vol. 74, pp. 1015-1018). Indian History Congress.
- Sutton, I. (1989). Colonial agricultural policy: the non-development of the Northern Territories of the Gold Coast. *The International Journal of African Historical Studies*, 22(4), 637-669.
- Tandon, G. L. (1990). Scenario of environmental status in coal mining in India. *Environmental management of mining operations: New Delhi, India*, Ashish Publishing House, 17-57.
- The Gazette of India Extraordinary* (2007): "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006," January, Ministry of Law and Justice (Legislative Department), New Delhi.
- Tisdell, C. A., Roy, K. C., & Ghose, A. (2001). *Summaries of Survey Responses of Household Heads in Three Forest Villages in the Midnapore District of West Bengal, India: Use of Forest Resources by Villagers, Forest Sustainability and Management* (No. 1745-2016-141021).
- Tripathi, P. (2016). Tribes and forest: a critical appraisal of the tribal forest right in India. *Research Journal of Social Science and Management*, 6(6), 1-8.
- Vanclay, F. (2003). International principles for social impact assessment. *Impact assessment and project appraisal*, 21(1), 5-12.
- Vanclay, F., Esteves, A. M., Aucamp, I., & Franks, D. M. (2015). *Social Impact Assessment: Guidance for assessing and managing the social impacts of projects*.
- Wildschut, F. (2017). Spatial justice in spatial planning: differences and similarities in theory vs spatial planners' thoughts.
- Williams, (2013). *Towards a Theory of Spatial Justice*, University of Michigan, Los Angeles.
- World Bank 2006 India: *Unlocking Opportunities for Forest Dependent People*. World Bank: Delhi.
- Youker, B. W., Ingraham, A., & Bayer, N. (2014). An assessment of goal-free evaluation: Case studies of four goal-free evaluations. *Evaluation and program planning*, 46, 10-16.

**Annexure – 1**

**VILLAGE SCHEDULE**

1. Name of Tea Estate/Village:
2. Name of the Block/District/State:
3. Total No. of Household:
4. Total Population of the Village Male:  
Female:
5. Primary Religion:
6. Main occupation of the villagers:
7. Secondary occupation of the villagers:
8. Availability of proper road connectivity within the village:  
*a) Pacca Road, b) Kutcha Road, c) No Proper Road.*
9. Infrastructure Facilities: (Distance of the village from the following)

Sl. No	Items	Distance in Km.
a)	Veterinary Dispensary/ Hospital	
b)	PWD Road	
c)	Primary Health Centre	
d)	Hospital	
e)	ICDS Center	
f)	Primary School (Govt.)	
g)	Secondary School	
h)	Higher Secondary School	
i)	Market	
j)	Post Office	
k)	Bank	
l)	Police Station /Police Outpost	
m)	Fair Price Shop/ Co-operative shop	
n)	District Headquarters	
o)	Nearest Town/Nearest connecting point	

Note: If the item concerned is available within the village then the distance will be 'zero'.

10. Did the forest villagers get employment opportunities from the Railway project developers?

If yes then,

- a) On what basis the project developers give them jobs? Temporary basis or Permanent?



b) Do you think the project will benefit the forest villagers?

11. Is there any water scarcity problem in your area after the construction of the Railway Project?

Yes ( ) No ( )

12. Does the Village/Near by Village have any school? Yes/No

If 'Yes' Facilities in the School (s):

- a) Type of School:
- b) Number of Students (Male/Female):
- c) No. of classrooms.
- d) No. of teachers.
- e) No of teachers staying in village.
- f) Total facilities

Yes/ No

14. Rural development programmes operated in the village during the last five years:

Name of Programme	Year of inception	Name of Department	No. of beneficiaries

15. Transports and Communication System:

a) Is the Village connected with public transport service? **Yes/ No**

If 'Yes' type of public transport plying in the village:

- i) Rural Taxi (Tata Sumo service/Three wheelers/ others (specify)
- ii) Government Bus Service
- iii) Private Bus Service
- iv) Others (Specify)

b) Nearest Transport connecting points (with distance in Km):

*Block/ District Headquarters, Market Centre, International Border*

## Part I: Household Schedule (Village)

### 1: General Information

- 1 District: .....  
Sub-division: .....  
(a) Block: ..... (b)  
Village: .....
- 2 Name of the respondent:  
.....  
.....
- 3 Name of the Head of the Household:  
.....
- (a) Caste/Tribe: GEN- 1, SC- 2, ST- 3, OBC/MOBC- 4  
(b) Religion: Hindu-1, Muslim-2, Christian-3, Others-4
- 4 Details of the household members-

#### Household details:

SL No	Name of the members	Gender (1=male 2=female)	Age (years)	Relation with household head (code)	Primary Occupation (Code)	Secondary Occupation (Code)	Marital status (code)	Educational attainment (code)
1								
2								
3								
4								
5								
6								
7								
8								

Code

Col.5 Relationship to household head: 1=Head; 2=Wife/husband; 3=Son/daughter; 4=Son/Daughter in law; 5=Grandchild; 6=Father/mother; 7=Father/mother in law;

8=Brother/sister; 9=Brother/sister in law; 10=Grandfather/grandmother; 11=Niece/nephew; 12=Servant/attached labor; 00=Other (specify)

Col.6 Primary occupation: 1=Govt Service, 2=Private Service, 3=Agriculture Labourer, 4= self-employed, 00=other (specify)

Col 7 Secondary occupation: 1=Fishing, 2=Farming, 3=Forest Gatherer, 4=Drivers, 5=Project labourers, 6=Traditional occupation#

7=other daily wage earners.

Col.8 Marital Status: 1=Unmarried; 2=Married; 3=Widowed; 4=Divorced; 5 = Separated; 6 = Abandoned; 00=Other (specify)

Col.10 Educational attainment: 1=Illiterate; 2=Literate but below primary; 3=Primary; 4=Middle; 5=Secondary; 6=Higher Secondary; 7=Graduate or higher; 00 =other (specify)

**#Traditional occupations:** 1=Ironsmith; 2=Carpenter; 3=Tailor; 4=Sweeper;

5= Potter; 6=Weaver; 7=Folk Artist; 8=Butcher; 00=Other (specify)

**Household income:**

Sl No	Name of the members	Monthly Income (Primary Occupation)	Monthly Income (Secondary Occupation)	Comments if any
1				
2				
3				
4				
5				

### Household Assets:

Sl. No,	Asset	No	Sl. No	Asset	No.
1	Two-wheeled motorized vehicle		15	Mobile/Cell phone	
2	Three-wheeled motorized vehicle		16	Refrigerator	
3	Four or more-wheeled motorized vehicle		17	Air Conditioner (A/C)	
4	Tube well		18	Radio	
5	Bore well		19	Television (color or B&W)	
6	Fish pond		20	Cable TV connection or DTH	
7	Fishing net		21	Cycle rickshaw	
8	Sewing machine		22	Bicycle	
9	Generator/inverter		23	Ceiling/Table fan	
10	LPG/Biogas		24	Steel almirah	
11	Grinder/Mixer		25	Watch/Clock	
12	Water cooler		26	Bank Account	
13	Computer/Laptop		27		
14	Landline Telephone		28		

### Socio-Environment (A) (put a tick):

Nature of the house:	<i>Kutchra</i>	<i>Pucca</i>	<i>Semi Pucca</i>		
Sources of Drinking water	<i>Tap</i>	<i>Spring</i>	<i>Tube-well</i>	<i>Bore-well</i>	<i>Others (specify)</i>
Sources of Fuel	<i>Fuel Wood</i>	<i>Cow dung</i>	<i>Kerosene</i>	<i>LPG</i>	<i>Others (specify)</i>
Toilet	<i>Open Field Defecation</i>	<i>Local</i>	<i>Eastern</i>	<i>Western</i>	<i>Others (specify)</i>

### Socio-Environment (B) (put a tick):

Distance of the source (water)	<i>0-0.5 Km</i>	<i>0.5-1 Km</i>	<i>1-1.5 Km</i>	<i>1.5-2 Km</i>	<i>&gt;2 Km</i>
Distance* of the source (fuel)	<i>0-0.5 Km</i>	<i>0.5-1 Km</i>	<i>1-1.5 Km</i>	<i>1.5-2 Km</i>	<i>&gt; 2 Km</i>

\*Not valid for cow dung.

## Part II: Household Perception

### 2: Impact of the Project

**Please select any one from the options below:-**

1. Do you know about the Sevoke-Rangpo Railway Project?  
Yes ( ) No ( ) Uncertain ( )
2. Do you support the project?  
Yes ( ) No ( ) Uncertain ( )
3. Do you think the Railway Project will affect the 'forest based livelihood'?  
Yes ( ) No ( )
4. Will the project cause demographic changes?  
Yes ( ) No ( )
5. Is there any health issue related problem to the construction of the Railway Project?  
Yes ( ) No ( )
6. Has it brought you any benefit? Who benefited the most? Who benefited the least?  
Yes ( ) No ( )
7. Do you think this project will improve the employment and education opportunities?  
Yes ( ) No ( )
8. Is it functioning smoothly and effectively as promised? Do the Gram Sabha support?  
Yes ( ) No ( )
9. Do you think you were well compensated for your forest land?  
Yes ( ) No ( )
10. Did you feel satisfied with the pattern of distribution of compensation?  
Yes ( ) No ( )
11. Is there any water scarcity in your area after the construction of the Railway project?  
Yes ( ) No ( )
12. To best protect the rights of the forest dwelling population, do you think a guideline should be prepared for the implementation mechanisms of the Act?  
Yes ( ) No ( ) Uncertain ( )

Name of the Investigator: ..... Forest Village /Village Surveyed: .....

Date of Survey: .....

**Investigator's Observation/Remarks:**

**Questions on Government officials**

Name:

Gender: M/F/T

Place:

Date:

---

1. Impact of the rail link project on forest and their local livelihood?
2. Regarding the space and justice phenomenon, do you think constructing Railway project will ring development or disaster to the state?
3. Are the forest right acts promulgated/ circulated by Government to help the forest-people relationship?
4. What type of forest committee are directly engaged in the forest management of the GTA region?
5. Because of the ongoing construction, how often do you receive complaints from the residents living in the forest circle?
6. How many families are getting displaced by the project? Will they get rehabilitated?
7. How often do you meet with the community to discuss and have meeting or any matter of concern that might arise? How is the public participation?
8. Is there any forest management strategies involved in the mitigation of development related disasters in the region?
9. What are your views on the existing Government policies? Can they encounter and evaluate the present issues of space, forest and injustice with regards to the railway project?
10. What is the status of implementation of the provisions of the FRA at the local level?

## Annexure-II

### Himalayan Forest Villagers' Organisation ( Central Committee ) North Bengal

Ref No .....

Date .....

Dr. Viswanath  
District Magistrate  
Kalimpong

08 May 2018

*Subject: Violation of Forest Rights Act 2006 (FRA 2006) in Kalimpong District, Gorkha Territorial Administration(GTA), West Bengal*

Sir,

This is to draw your attention to recent instances of clear violation as well as non implementation of the Forest Rights Act in the Gorkha Territorial Administration(GTA) area in West Bengal, in the context of forest diversion for the proposed Sevoke-Rongpo Broad Gauge Railway Project.

In the GTA area in the Darjeeling hills(now divided into two districts: Darjeeling and Kalimpong) a great uncertainty persists as to whether there is at all an official process for FRA implementation. Though there have been occasional initiatives to distribute claim forms(forms A and B---form C which is for Community Forest Resource Rights hasn't been distributed at all) and conduct 'hearings' and land surveys(particularly in Darjeeling Sub-Division), not much has resulted from these—not a single title under FRA has been issued in the area, let alone recognition of community rights. Also, according to FRA, in addition to issuing individual and community forest rights titles, 165 forest villages in GTA area need to be converted into revenue villages, Nothing has been done about that yet.

While about 2.5 lakh(approximate figure) residents of 165 forest villages, besides other forest-dependant people living in the tea gardens and revenue villages, in the Darjeeling Hills continue to be deprived of their rights, it appears that the district administration of Kalimpong and the GTA authority have been trying to obtain 'No Objection Certificates'(NOC) from concerned Gram Sabhas located along National Highway 10 in the Teesta valley area mainly for diversion of forest land for the proposed Sevoke-Rongpo railway track, besides widening of National Highway 10(previously NH 31A) and 3 new Hydro Power Projects by NHPC. According to an estimate prepared by Himalayan Forest Villagers Organisation(HFVO), the projects might affect about up to 40000 persons residing in various forest villages of the district. These figures are tentative; an exact assessment of the potential cumulative impacts of the projects cannot be done unless more information is available.

The district administration of Kalimpong has recently convened a series of Gram Sabha meetings of 17 forest villages in the Teesta area vide back-to-back notices issued by the Block Development Officers at Kalimpong I and II Development Blocks, both dated 12/04/18(attached), with the declared agenda of "Granting of 'No Objection Certificate' to Railway Authorities to use and occupy forest land for the purpose of construction of Sevoke-Rongpo new broad gauge railway lines to the North Frontier Railway". Apparently, the notices follow a GO dated 03.03.2017 from the Department of Panchayats and Rural

*For Correspondence, Kopish Forest Village, B.P.O. Kumai Via Mettelli, Dist- Kalimpong, Pin 735223, Cont. No 94341-43092/81454-05385 97332-0236, email id- [Itakumargurung@gmail.com](mailto:Itakumargurung@gmail.com)*



Development, Government of West Bengal, 'empowering' the Block Development Officers to convene meetings of Gram Sabhas so that such 'No Objection Certificate's can be issued.

The effort by Kalimpong district administration to convene Gram Sabhas for the explicit purpose of obtaining 'No Objection Certificates' for forest diversion constitutes a violation of sections 4 (1) and 4 (5) of the Forest Right Act, 2006, wherein under section 4(1) "the central Government recognizes and vests all forest rights mentioned in section (3) in the forest dwelling scheduled tribes and other traditional forest dwellers" whereas section 4(5) of the Act states that "no members of scheduled tribes and other traditional forest dwellers shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete" *It is necessary to keep in mind that violation of forest rights is a criminal offence under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989(as amended in 2015), besides section 7 of FRA.*

It is also important to remember that the law permits neither the Department of Panchayats nor Block Development Officers to convene Gram Sabhas or dictate agenda for those. The concerned Gram Sabhas have rightly pointed out this. More importantly, they have collectively decided that the question of issuing NOCs for development projects including the railway line simply doesn't arise before all their rights are duly recognized, according to the provisions of FRA.

The Supreme Court in its Niyamgiri judgment (which required 12 gram sabhas of Dongria Kondhs to take a considered decision on whether diversion of forest land for mining would adversely impact their spiritual and cultural values and on the basis of the unanimous decision of all the gram sabhas the permission for mining was denied) emphasised that the Gram Sabha at the village or hamlet level (and not the Panchayat) as defined in the FRA plays a central role in the decision making process related to forest diversion through its duties and powers under Section 5 of the FRA. The FRA Gram Sabha must meet specifically for this purpose, with full 50% quorum in terms of Rule 4(2) of the FRA, and take an informed decision (for which they must have access to full information about the project in the local language) about whether the project as a whole is acceptable to them as well as being sustainable. This is qualitatively a much broader and more comprehensive engagement with seeking free prior informed consent than simply giving an NOC, for which the FRA actually has no provision.

The Forest Rights Act 2006 guidelines state that "*the State Government should ensure that all diversion of forest land for non- forest purposes under the forest conservation Act 1980 take place in compliance with the instructions contained in the MoEF's letter dated 30.7.2009 as modified on 30.8.2009.*" Point number A of MoEF's letter dated 30.7.2009 as modified on 30.8.2009 requires "*a letter from the State Government certifying that complete process for identification and settlement of rights under FRA has been carried out* ...". Point C of the same states that, "*a letter from each of the concerned gram sabhas, indicating, that all formalities/processes under FRA have been carried out and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any, having understood the purpose and details of the proposed diversion*".

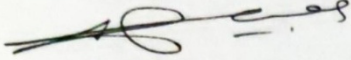
Without complying with any of the above, the state government has initiated an illegal process of obtaining NOC from Gram Sabhas, without the informed consent of the affected Gram Sabhas and without recognising forest rights

We demand that you, in your capacity of the Chairperson of the District Level Committee (DLC) under FRA 2006, follow the prescribed process for implementing the Act in its true spirit. Until the process is complete, all activities and orders related to forest diversion for the Sevoke-Rangpo Railway project and all such projects requiring forest land should be put on hold and the officials misleading the local people in order to get illegal NOCs must be brought to book. **Even after the process of verification and recognition of rights is complete, it is only the empowered gram sabhas under section 5 of the FRA which can**



decide whether forest diversion for the railway project (and other projects) is acceptable to them or not. Any process seeking NOCs from gram sabhas under the FRA in the absence of the implementation of the Act in its full spirit is a legal and constitutional violation and may be challenged in any court of law.

Sincerely



Lila Kumar Gurung, Gen. Secretary  
Himalayan Forest Villagers' Organisation

Copy to:

Chief Secretary, Government of West Bengal; Chairperson, State Level Monitoring Committee, FRA

Commissioner, Backward Classes Welfare, Government of West Bengal; Member Secretary, State Level Monitoring Committee, FRA

Principal Secretary, Tribal Development Department, Government of West Bengal; Secretary, Panchayat & Rural Development Department, Government of West Bengal.

## HIMALAYAN FOREST VILLAGERS' ORGANIZATION Central Committee, North Bengal

Ref. No.

Date : 15/11/2017

To  
Ms. Mamata Bandopadhyaya  
Honorable Chief Minister  
West Bengal  
NABANNA (14<sup>th</sup> Floor),  
325, Sarat Chatterjee Road, Shibpur  
Howrah-711102  
(Through The Chairman, Board of Administrator, GTA, Darjeeling)



Sub: *Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in GTA territory (Darjeeling and Kalimpong District)*

Respected Madam,

This is to draw your attention to the non-implementation of the Forest Rights Act 2006 in the Darjeeling Hills, and take this opportunity to convey some of our concerns about the process. The delay in implementing the Act is depriving more than 150000 inhabitants of the forest villages in the area from their long overdue constitutional rights.

Please note that the Ministry of Tribal Affairs, Government of India had issued a set of Guidelines regarding the FRA implementation on 12<sup>th</sup> July, 2012, and followed it up with amendment of FRA rules. The Amended Rules had been notified on 6 September, 2012. The guidelines and the amended rules together bear out the legal basis of our concerns. Some of those are:

✓ 1. Gram-Sabhas and FRCs have to be formed at every settlement on forest land in accordance with the Law, and not only on the so-called "recorded" forest villages. The Forest Department has no updated records of such settlements, whereas the District is full of them, and we have been trying to prepare a complete list. Approximately, there are 150+ settlements in the forest areas in the Darjeeling and Kalimpong Districts.

**Both the guidelines and Amended Rules make this amply clear.**

3. The Claim Forms need to be distributed only through the legally formed FRCs, and the administration needs to be cognizant of the fact that this claim submission process is entirely under the legal jurisdiction of the Gram Sabha. The last date of submission for claims can only be announced by the concerned FRCs at the village level, and there cannot be any "general" last date for submission for claims.

**Please see the Amended Rules for corroboration: the law says clearly that there cannot be any deadline in claims process: it has to taken as an ongoing process.**

4. It is important also to note that any undue and uncalled for presence of forest personnel in the implementation will only disrupt the process. The forest department must not have any role in this save as prescribed by the Law.

**Please see both MoTA Guidelines which clearly say that forest department intervention in the process is hindering implementation.**

4. The Administration must provide the Gram Sabhas with necessary resource to carry out land and forest surveys in their respective territories, and organize awareness programmes at the Gram Sabha level.

5. Most importantly, the FRA empowers the Gram Sabhas to form their own specific committees for forest management and forest protection (Section 5 of the ACT and Rule 4-e). The District Administration should also inform the villagers about this while implementing the Act, and should be cognizant of the fact that in the changed



circumstances the earlier Forest Protection Committees and Eco Development Committees have no legal validity whatsoever. We have come to know that in spite of the FRA, the Forest Department is still continuing with the illegal practice of forming new Forest Protection Committees in various areas. This must be stopped.

**Please see Amended Rules and Guidelines, both of which state that Gram Sabhas will prepare conservation and management plans for areas protected by them. It is now legally imperative to demarcate CFR in each village, and constitute Committee for that purpose according to Section 5/Rule 4 of the FRA.**

6. According to the section 3(1.i) of the Act, all settlements in forest land including forest villages as well as unrecorded and un-surveyed villages should be converted into revenue villages. Without converting the villages established on forest land into non-forest revenue villages (a process which will convert the forest land in the villages into Khasmahal land), no proper patta can be given for land in those villages, only land-user's certificates can be issued. The ownership of the land remains with the forest department as before, and any work in the community land in the villages (playground, places of worship, school, ICDS centers, Roads etc) will be subject to NoCs (No Objection Certificates) issued by the forest department. Any so-called patta will be a denial of justice here, as the bonafide rightsholders from the forest villages will only get partial rights in this process.

Please see the MoTA guidelines and amended Rules: both make it clear that all forms of settlements on forest land have to be converted to revenue villages as soon as possible.

In another GO issued on 8/11/2013(No 23011/33/2010-FRA), 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". The same GO contained elaborate procedural guidelines on conversion of forest villages to revenue villages, and also contained clarifications that conversion of forest villages and recognition of other forest rights as provided and recognized by FRA 2006, will be applicable in all forest areas, including reserved forests and all forms of wild life areas like national parks and wild life sanctuaries.

**The sub clause 12.B.5 of the Amended Rules corroborates this.**

#### **7. Gross violation of FRA 2006 through activities of NHPC**

We draw your notice to the fact that the dam-building activities by NHPC in the 27<sup>th</sup> Mile TLDP Stage-III are in direct violation of the FRA: it impinges upon our constitutional rights to live, cultivate and otherwise use the forest land in which we have been living for nearly a century now. The NHPC activities pose a direct threat to our village in total violation of the project holder's commitments as expressed in the EIA and the EMP for the project: while both the documents mentioned that only the low-lying river bed areas of our village would be affected, the project in fact affects the entire village at present. We find that the water level in the TLDP-III reservoir will reach the present level of NH 31A and beyond, hence putting our village in great danger of submergence, soil erosion and fresh landslides.

**By virtue of our powers vested in us by the Section 5 of the FRA, we decided that as both the TLDP-III and the re-alignment of NH 31A directly affect our cultural and natural heritage and obstruct us in discharging our duties as prescribed in the FRA 2006, such activities must stop until the issue is amicably settled. To our utter dismay we find that work in both areas have been going on, in total disregard and utter violation of the laws of the land.**

#### **8. Issues related to conversion of Forest Villages into Revenue Villages**

Our organization welcomes the Govt. Order (Ref: Memo No. 2420(30/123/14-1S dated 02.09.2014 O.S.D & E.O. LR, 'NABANNA') for conversion of Forest Villages into Revenue Villages. We would like to cooperate with your department by providing exact list of the existing forest villages located in the three hill division of Darjeeling namely Darjeeling Sadar, Kurseong and Kalimpong which need to be converted into Revenue Villages. In this context, we refer to the Memo no. No 23011/33/2010-FRA (Annexure: Guidelines for conversion of forest villages into revenue villages) issued by Ministry of Tribal Affairs, Government of India, dated 8/11/2013. The suggested procedure reiterates what was earlier mentioned in the Act itself, and makes it clear that all kinds of villages located on forest land (as defined by FRA) will be eligible for conversion:

• Any village/habitation on forest land which is not a revenue village shall be considered eligible for conversion, including;

• All Forest Villages including Taungya Villages of all types which the Forest Department established, and recorded/recognised as forest villages from time to time.

• All forest Villages including Taungya Villages which the Forest Department established for forestry and other works on forest land, but which have not been recorded/recognized as forest villages,

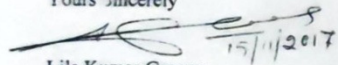
• All forest villages including Fixed Demand Holdings which have come up as a result of the Forest Department granting various types of leases on forest land from time to time to various individuals.

• All villages/habitations on forest land established by any Government Department / Agency for persons displaced by development projects or for labour/workers for any type of work, but which have not been recognized, surveyed and recorded as revenue villages.

• All old habitations or unsurveyed villages on forest land which have escaped proper survey and settlement due to the land over which they are located getting classified as forest land.

Finally, we once again request you to ensure that the Central Act must be implemented strictly in accordance with the law.

Thanking you,  
Yours Sincerely



Lila Kumar Gurung  
Gen. Secretary Himalayan Forest Villager's Organization



## HIMALAYAN FOREST VILLAGERS' ORGANIZATION Central Committee, North Bengal

Ref. No.

Date : 15/11/2017

To  
Ms. Mamata Bandopadhyaya  
Honorable Chief Minister  
West Bengal  
NABANNA (14<sup>th</sup> Floor),  
325, Sarat Chatterjee Road, Shibpur  
Howrah-711102  
(Through The Chairman, Board of Administrator, GTA, Darjeeling)



Sub: *Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in GTA territory (Darjeeling and Kalimpong District)*

Respected Madam,

This is to draw your attention to the non-implementation of the Forest Rights Act 2006 in the Darjeeling Hills, and take this opportunity to convey some of our concerns about the process. The delay in implementing the Act is depriving more than 150000 inhabitants of the forest villages in the area from their long overdue constitutional rights.

Please note that the Ministry of Tribal Affairs, Government of India had issued a set of Guidelines regarding the FRA implementation on 12<sup>th</sup> July, 2012, and followed it up with amendment of FRA rules. The Amended Rules had been notified on 6 September, 2012. The guidelines and the amended rules together bear out the legal basis of our concerns. Some of those are:

✓ 1. Gram-Sabhas and FRCs have to be formed at every settlement on forest land in accordance with the Law, and not only on the so-called "recorded" forest villages. The Forest Department has no updated records of such settlements, whereas the District is full of them, and we have been trying to prepare a complete list. Approximately, there are 150+ settlements in the forest areas in the Darjeeling and Kalimpong Districts.

**Both the guidelines and Amended Rules make this amply clear.**

3. The Claim Forms need to be distributed only through the legally formed FRCs, and the administration needs to be cognizant of the fact that this claim submission process is entirely under the legal jurisdiction of the Gram Sabha. The last date of submission for claims can only be announced by the concerned FRCs at the village level, and there cannot be any "general" last date for submission for claims.

**Please see the Amended Rules for corroboration: the law says clearly that there cannot be any deadline in claims process: it has to taken as an ongoing process.**

4. It is important also to note that any undue and uncalled for presence of forest personnel in the implementation will only disrupt the process. The forest department must not have any role in this save as prescribed by the Law.

**Please see both MoTA Guidelines which clearly say that forest department intervention in the process is hindering implementation.**

4. The Administration must provide the Gram Sabhas with necessary resource to carry out land and forest surveys in their respective territories, and organize awareness programmes at the Gram Sabha level.

5. Most importantly, the FRA empowers the Gram Sabhas to form their own specific committees for forest management and forest protection (Section 5 of the ACT and Rule 4-e). The District Administration should also inform the villagers about this while implementing the Act, and should be cognizant of the fact that in the changed

circumstances the earlier Forest Protection Committees and Eco Development Committees have no legal validity whatsoever. We have come to know that in spite of the FRA, the Forest Department is still continuing with the illegal practice of forming new Forest Protection Committees in various areas. This must be stopped.

**Please see Amended Rules and Guidelines, both of which state that Gram Sabhas will prepare conservation and management plans for areas protected by them. It is now legally imperative to demarcate CFR in each village, and constitute Committee for that purpose according to Section 5/Rule 4 of the FRA.**

6. According to the section 3(1.i) of the Act, all settlements in forest land including forest villages as well as unrecorded and un-surveyed villages should be converted into revenue villages. Without converting the villages established on forest land into non-forest revenue villages (a process which will convert the forest land in the villages into Khasmahal land), no proper pattas can be given for land in those villages, only land-user's certificates can be issued. The ownership of the land remains with the forest department as before, and any work in the community land in the villages (playground, places of worship, school, ICDS centers, Roads etc) will be subject to NoCs (No Objection Certificates) issued by the forest department. Any so-called patta will be a denial of justice here, as the bonafide rightsholders from the forest villages will only get partial rights in this process.

Please see the MoTA guidelines and amended Rules: both make it clear that all forms of settlements on forest land have to be converted to revenue villages as soon as possible.

In another GO issued on 8/11/2013(No 23011/33/2010-FRA), 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". The same GO contained elaborate procedural guidelines on conversion of forest villages to revenue villages, and also contained clarifications that conversion of forest villages and recognition of other forest rights as provided and recognized by FRA 2006, will be applicable in all forest areas, including reserved forests and all forms of wild life areas like national parks and wild life sanctuaries.

**The sub clause 12.B.5 of the Amended Rules corroborates this.**

#### **7. Gross violation of FRA 2006 through activities of NHPC**

We draw your notice to the fact that the dam-building activities by NHPC in the 27<sup>th</sup> Mile TLDP Stage-III are in direct violation of the FRA: it impinges upon our constitutional rights to live, cultivate and otherwise use the forest land in which we have been living for nearly a century now. The NHPC activities pose a direct threat to our village in total violation of the project holder's commitments as expressed in the EIA and the EMP for the project: while both the documents mentioned that only the low-lying river bed areas of our village would be affected, the project in fact affects the entire village at present. We find that the water level in the TLDP-III reservoir will reach the present level of NH 31A and beyond, hence putting our village in great danger of submergence, soil erosion and fresh landslides.

**By virtue of our powers vested in us by the Section 5 of the FRA, we decided that as both the TLDP-III and the re-alignment of NH 31A directly affect our cultural and natural heritage and obstruct us in discharging our duties as prescribed in the FRA 2006, such activities must stop until the issue is amicably settled. To our utter dismay we find that work in both areas have been going on, in total disregard and utter violation of the laws of the land.**

#### **8. Issues related to conversion of Forest Villages into Revenue Villages**

Our organization welcomes the Govt. Order (Ref: Memo No. 2420(30/123/14-1S dated 02.09.2014 O.S.D & E.O. LR, 'NABANNA') for conversion of Forest Villages into Revenue Villages. We would like to cooperate with your department by providing exact list of the existing forest villages located in the three hill division of Darjeeling namely Darjeeling Sadar, Kurseong and Kalimpong which need to be converted into Revenue Villages. In this context, we refer to the Memo no. No 23011/33/2010-FRA (Annexure: Guidelines for conversion of forest villages into revenue villages) issued by Ministry of Tribal Affairs, Government of India, dated 8/11/2013. The suggested procedure reiterates what was earlier mentioned in the Act itself, and makes it clear that all kinds of villages located on forest land (as defined by FRA) will be eligible for conversion:



• Any village/habitation on forest land which is not a revenue village shall be considered eligible for conversion, including;

• All Forest Villages including Taungya Villages of all types which the Forest Department established, and recorded/recognised as forest villages from time to time.

• All forest Villages including Taungya Villages which the Forest Department established for forestry and other works on forest land, but which have not been recorded/recognized as forest villages,

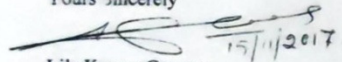
• All forest villages including Fixed Demand Holdings which have come up as a result of the Forest Department granting various types of leases on forest land from time to time to various individuals.

• All villages/habitations on forest land established by any Government Department / Agency for persons displaced by development projects or for labour/workers for any type of work, but which have not been recognized, surveyed and recorded as revenue villages.

• All old habitations or unsurveyed villages on forest land which have escaped proper survey and settlement due to the land over which they are located getting classified as forest land.

Finally, we once again request you to ensure that the Central Act must be implemented strictly in accordance with the law.

Thanking you,  
Yours Sincerely



Lila Kumar Gurung  
Gen. Secretary Himalayan Forest Villager's Organization

**Himalayan Forest Villagers' Organisation**  
**( Central Committee )**  
**North Bengal**

Ref No .....

Date 25/5/18

**Ms. Mamata Bandopadhyaya**  
**Honorable Chief Minister**  
**West Bengal**  
NABANNA (14<sup>th</sup> Floor),  
325, Sarat Chatterjee Road, Shibpur  
Howrah-711102  
**(Through Mr. L.B. Rai, President, Hill TMC )**

Sub *Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in GTA territory (Darjeeling and Kalimpong District)*

Respected Madam,

This is to draw your attention to the non-implementation of the Forest Rights Act 2006 in the Darjeeling Hills, and take this opportunity to convey some of our concerns about the process. The delay in implementing the Act is depriving more than 150000 inhabitants of the forest villages in the area from their long overdue constitutional rights.

Please note that the Ministry of Tribal Affairs, Government of India had issued a set of Guidelines regarding the FRA implementation on 12<sup>th</sup> July, 2012, and followed it up with amendment of FRA rules. The Amended Rules had been notified on 6 September, 2012. The guidelines and the amended rules together bear out the legal basis of our concerns. Some of those are:

1. Gram-Sabhas and FRCs have to be formed at every settlement on forest land in accordance with the Law, and not only on the so-called "recorded" forest villages. The Forest Department has no updated records of such settlements, whereas the District is full of them, and we have been trying to prepare a complete list. Approximately, there are 150+ settlements in the forest areas in the Darjeeling and Kalimpong Districts.

**Both the guidelines and Amended Rules make this amply clear.**

3. The Claim Forms need to be distributed only through the legally formed FRCs, and the administration needs to be cognizant of the fact that this claim submission process is entirely under the legal jurisdiction of the Gram Sabha. The last date of submission for claims can only be announced by the concerned FRCs at the village level, and there cannot be any "general" last date for submission for claims.

**Please see the Amended Rules for corroboration: the law says clearly that there cannot be any deadline in claims process: it has to taken as an ongoing process.**

4. It is important also to note that any undue and uncalled for presence of forest personnel in the implementation will only disrupt the process. The forest department must not have any role in this save as prescribed by the Law.

**Please see both MoTA Guidelines which clearly say that forest department intervention in the process is hindering implementation.**

4. The Administration must provide the Gram Sabhas with necessary resource to carry out land and forest surveys in their respective territories, and organize awareness programmes at the Gram Sabha level.

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**For Correspondence:** Kopish Forest Village, B.P.O. Kumai Via - Metelli, Dist- Kalimpong, Pin 735223, Cont. No. 94341-43092/81454-05385/97332-0236, email.id- [tlakumargurung@gmail.com](mailto:tlakumargurung@gmail.com)



5. Most importantly, the FRA empowers the Gram Sabhas to form their own specific committees for forest management and forest protection (Section 5 of the ACT and Rule 4-e). The District Administration should also inform the villagers about this while implementing the Act, and should be cognizant of the fact that in the changed circumstances the earlier Forest Protection Committees and Eco Development Committees have no legal validity whatsoever. We have come to know that in spite of the FRA, the Forest Department is still continuing with the illegal practice of forming new Forest Protection Committees in various areas. This must be stopped.

**Please see Amended Rules and Guidelines, both of which state that Gram Sabhas will prepare conservation and management plans for areas protected by them. It is now legally imperative to demarcate CFR in each village, and constitute Committee for that purpose according to Section 5/Rule 4 of the FRA.**

6. According to the section 3(1.i) of the Act, all settlements in forest land including forest villages as well as unrecorded and un-surveyed villages should be converted into revenue villages. Without converting the villages established on forest land into non-forest revenue villages (a process which will convert the forest land in the villages into Khasmahal land), no proper pattas can be given for land in those villages, only land-user's certificates can be issued. The ownership of the land remains with the forest department as before, and any work in the community land in the villages (playground, places of worship, school, ICDS centers, Roads etc) will be subject to NoCs (No Objection Certificates) issued by the forest department. Any so-called patta will be a denial of justice here, as the bonafide rightsholders from the forest villages will only get partial rights in this process.

Please see the MoTA guidelines and amended Rules: both make it clear that all forms of settlements on forest land have to be converted to revenue villages as soon as possible.

In another GO issued on 8/11/2013(No 23011/33/2010-FRA), 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". The same GO contained elaborate procedural guidelines on conversion of forest villages to revenue villages, and also contained clarifications that conversion of forest villages and recognition of other forest rights as provided and recognized by FRA 2006, will be applicable in all forest areas, including reserved forests and all forms of wild life areas like national parks and wild life sanctuaries.

**The sub clause 12.B.5 of the Amended Rules corroborates this.**

#### **7. Gross violation of FRA 2006 through activities of NHPC**

We draw your notice to the fact that the dam-building activities by NHPC in the 27<sup>th</sup> Mile TLDP Stage-III are in direct violation of the FRA: it impinges upon our constitutional rights to live, cultivate and otherwise use the forest land in which we have been living for nearly a century now. The NHPC activities pose a direct threat to our village in total violation of the project holder's commitments as expressed in the EIA and the EMP for the project: while both the documents mentioned that only the low-lying river bed areas of our village would be affected, the project in fact affects the entire village at present. We find that the water level in the TLDP-III reservoir will reach the present level of NH 31A and beyond, hence putting our village in great danger of submergence, soil erosion and fresh landslides.

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**NHPC authorities are also dilly-dallying with the payment of compensation. Family of Meena Sherpa belong to a scheduled tribe community and her residence and wayside shop has been demolished by local administration last year without prior notice and adequate compensation by the TLDP-III project. According to independent estimates, she is entitled to monetary compensation to the tune of Rs 32 lakhs. However, the authorities are showing extreme reluctance to pay even half the amount and threatening her with eviction.**

#### **8. Railway track construction between Sevoke and Rongpo**

Another issue of concern is the proposed Railway project in between Sevoke and Rongpo. The proposed Sevoke to Rongpo railway project has become as new threat to the villagers residing in the alignment. The Villagers have also allegedly been threatened with summary eviction. We want to reiterate that according to FRA, such evictions are completely illegal. We came to know from local news papers that the GTA has given NOC to the railway department for the upcoming project; we strongly protest this initiative of GTA as in FRA 2006 it is clearly mentioned that for any kind of projects for which forest land is to be diverted is required to consult with the concerned Gramsava and written consent from individual Gramsava needs to be taken before the execution of its work. Beside this, the MoEF in its circular issued to all the state government and UT dated 30/07/2009 has clearly mentioned that FRA 2006 implementation process needs to be carried out and rights settlements should be completed in the diverted forest land before initiation of any such projects. (copy of the circular is enclosed).

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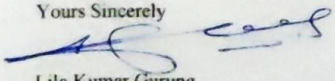
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