

**Forest Peoples Programme
Bank Information Center**

A Discussion Document

WORKSHOP ON INDIGENOUS PEOPLES, FORESTS AND THE
WORLD BANK: POLICIES AND PRACTICE

Washington D.C., 9-10 May 2000
Delegate Room, Embassy Suites Hotel,
1250 22nd Street NW, Washington D.C., USA

*The Adivasis and the World Bank-aided
Madhya Pradesh Forestry Project*

A case study of indigenous experience

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Workshop sponsored by:
Forest Peoples Programme
Bank Information Center
C S Mott Foundation
International Work Group for Indigenous Affairs
Environmental Defense Fund
Rainforest Foundation UK and USA
Swedish Society for Nature Conservation

Executive Summary

The Madhya Pradesh Forestry Project (MPFP) is the largest foreign-funded forestry project in the India. The project commenced in 1995 with an IDA loan of approximately 58 million USD from the World Bank. The first four-year phase of the MPFD ended in December 1999. Since the start of the project indigenous tribal organisations and other rural movements in Madhya Pradesh have complained that they were not consulted during project identification, planning and implementation. Indigenous peoples only learned of the project once implementation started in 1995.

Despite its stated goals of local participation in forest management, ecodevelopment and biodiversity conservation, the project has marginalised Adivasi peoples, displaced them from their lands involuntarily and ignored their customary and traditional rights to land, forests and minor forest products. The capacity building component of the project that intended to bring about an attitudinal change in forestry department staff towards a more open and participatory approach has been proven to be unsuccessful. In many areas forest dwellers have been subjected to harassment, extortion, intimidation and violence by Madhya Pradesh Forestry Department staff. Adivasi commentators point out that such abuse has been exacerbated by the Madhya Pradesh Forestry Project that has effectively increased the jurisdiction of the forest authorities and their control over indigenous livelihoods.

Persistent protests to project managers in India and to World Bank officials about the severe adverse impacts of the project on indigenous communities eventually resulted in a joint Bank-Indigenous-Forestry Department mission to investigate the performance of the project in March 1999. Many indigenous communities turned out to present evidence to the members of the mission in Bhopal and during subsequent field visits made by the mission.

This report details and evaluates the evidence made available to the World Bank mission and finds that the Bank did not comply with many requirements of its indigenous peoples policy. The study highlights the lack of baseline studies and evaluation of indigenous rights and access to forest resources before the project was implemented. In particular, failure to undertake studies and consultations in accordance with its indigenous peoples policy resulted in a project design based on unsubstantiated assumptions about indigenous resource use and its supposed negative impact on forests and wildlife. Indigenous organisations have protested that this false assumption resulted in a project that has restricted traditional indigenous livelihood practices. Data are presented to show how each and every component of the Bank's loan operation has had a negative impact on indigenous peoples and forest dwellers that now live in a state of constant insecurity and under threat of eviction. The study finds that the severe problems with the project are in large part due to the failure to ensure effective indigenous and civil society participation at the outset. Many conflicts generated by the project stem from existing legal tangles regarding wildlife conservation and indigenous resource rights that were not addressed during project identification. Following intense indigenous protest and strong representations made during the Bank's mission, the Bank finally withdrew from the project in December 1999. Meanwhile, in Madhya Pradesh the indigenous and other mass organisations continue their protests and are resolved to maintain their struggle for the rights of Adivasi tribal peoples and forest dependent communities.

1 Introduction

1.1 The Concerns of Indigenous Peoples

Many indigenous peoples and local forest communities in India perceive the forestry projects funded by the World Bank and other international agencies as part of a major conspiracy to take over forests and deny the basic rights of tribal peoples. In the last five years, forestry projects have been initiated in nearly all the states of India. The secretly planned \$32 billion National Forestry Action plan is also likely to be funded by international agencies. Such forestry programmes are usually undertaken in the name of conserving forest reserves, wildlife and biodiversity. However, in the Seattle trade round the same agencies who fund these conservation projects plan to introduce a new agenda that will open up native forests to logging and weaken environmental protection in the interests of multinational companies. All this is a part of the destructive process of globalization that is driving tribal peoples out of the forests and restricting their rights to forest lands and resources. These were the conclusions reached during a two day meeting on “Debt in the Forestry Sector: its Impact on Forests, Tribals and the Economy” organized by forest communities and the “mass” and tribal organisations of Madhya Pradesh on 22nd and 23rd November, 1999.

The Rs. 800 crores (c.200 million USD) Madhya Pradesh Forestry Project (MPFP) is based on the unproven premise that in order to protect and conserve the forests the dependence of forests dwellers on them must be reduced to the minimum. In reality, such programmes are an attempt to separate tribals from the forests, a process beneficial to neither. In short, the MPFP has violated the basic livelihood rights of tribal peoples as well as the World Bank’s own Operational Directive 4.20 in this regard. This is evident from the report of the joint mission of representatives of the World Bank, the MP Forestry Department and the mass and tribal organizations of MP. The sudden and unexplained withdrawal of the World Bank and the MP Forest Department from the mission in its final stages and the continuation of the MPFP without resolving the problems investigated by the mission exposes the World Bank’s hypocrisy. The World Bank’s expressed concern for people’s participation, joint forest management, transparency and tribal welfare have all proved to be a major farce.

In the name of joint forest management, the MPFP has led to serious village level conflict in line with the British policy of divide and rule. For the last five years, the mass and tribal organizations of MP have raised their voices at all levels within the state against the project, present forest policy and the atrocities committed against the tribal population, but all in vain. Besides denying their basic rights to livelihood, the project has led to an increase in brutality against tribal peoples. For example, in Dahinala village of the Burhanpur forest division of Khandwa district and at Katkut village of Bagli forest division of Dewas district, tribal people have been shot dead by Forest Department staff. In Mandla and Dindhori districts, the huts and crops of “primitive” Baiga tribal people were burnt down and Baiga people were beaten and jailed. In Hoshngabad district, a Ranger who repeatedly raped a tribal girl has not been punished and remains in his job. Harassment and criminal cases against tribal people who attempt to protect their rights are common all-over the state. This is, in sum total, is the situation that has developed after the introduction of the MPFP.

2 Madhya Pradesh State and the Madhya Pradesh Forestry Project

The state of Madhya Pradesh covers a geographical area of 443,000 km². It lies mainly on the central Indian tableland with altitudes ranging from 50m to about 1,400m above sea level. The total population of the State was estimated to be 66.18 million in the 1991 census. The population growth rate between 1981 and 1991 was estimated to be 2.6 percent per annum. The average population density in Madhya Pradesh is 149 persons per km², though this is much higher in districts with a large urban population. Of the total population, 50.8 million, or 79 percent live in 75,000 villages found in rural areas. Of these, about 30,000 villages are located within, or close to, forest areas. Consequently, about 20 million people live in villages located in forest or forest fringe areas. In total, there are about 1346 villages that can be classified as forest settlements. Government reports indicate that about 41 percent of the rural population of Madhya Pradesh are below the poverty line, and about 20 percent of urban population.

2.1 Tribal Peoples

The tribal population in the state was estimated to be 15.3 million in the 1991 census, or about 23 percent of the total population, the largest tribal population in any state in India. There are 46 different tribes, but only two, the Bhils and the Gonds, account for 65 percent of the tribal population while ten tribes make up over 80 percent. Tribal people live in all of the erstwhile 45 administrative districts of the state, but they are concentrated in areas in the east, southeast and southwest. In six districts, Bastar, Mandla, Surguja, Dhar, West Nimar and Jhabua, more than 50 percent of population are tribal peoples.

2.2 Forest Resources

15.4 million ha of legally designated forest lands are under the control of the Madhya Pradesh Forestry Department (MPFD). Of this total, 8.3 million ha are classified as "Reserved Forest", 6.6 million ha as "Protected Forest" and 0.5 million ha as "Unclassified". Forest vegetation types vary with agro-climatic zones and include dry thorn, dry and moist deciduous, sub-tropical semi-evergreen, and tropical moist evergreen forests. Canopy closure varies greatly with human interference. Closed forests, that is, with canopy density greater than 40 percent, cover 9.5 million ha, or about 60 percent of the total. The remaining four million ha are referred to as open forest, with canopy density of between 10 and 40 percent.

2.3 The Project and its Objectives

The Madhya Pradesh Forestry Project was initiated by the MP Forestry Department that operates within the Madhya Pradesh state government. The project started in 1995 with an IDA loan of \$58 million USD. This first loan installment covered initial implementation over 4 years. The loan agreement was made between the World Bank and the Indian government without consulting the indigenous communities of Madhya Pradesh, who only learnt of the project in 1995 once it had already started.

The main objective of the project is to assist with the implementation of the state government's development strategy for the forestry sector in Madhya Pradesh. The primary objectives are to:

- develop the necessary human resources for the planning, implementation and monitoring of the strategy
- ensure that management procedures and the structure and resources of MPFD are appropriate to its role as the nodal public sector agency in the forestry sector
- assist with the prioritization of various types of land through improved planning at a macro-scale
- increase both forest cover and productivity through development of participatory processes for management and use of forest resources - *taking special account of the interests of tribal peoples and other disadvantaged groups*
- adapt and improve existing technologies and to provide technical and management advice
- improve incentives for forest management and the cultivation trees
- promote the conservation of biodiversity

Given the area of forest in Madhya Pradesh and its economic and environmental importance to both the state and the nation, investments over a ten-year period could total more than US\$200 million. Strategic planning for the provision of IDA support to the sector is based on a two-stage approach. The first stage was intended to cover a four-year period designed to allow the MPFD to develop the processes, systems and skills required for implementation of the new forest strategy, and to provide for the necessary investments in the sector. Project support for improved management would have an impact on the sector as a whole affecting 15.4 million ha of forested land and 30,000 villages located in forest fringe areas. Investments in forest development and management would be initiated throughout the state. Larger scale investments could be provided in a second-stage project that would build on experience gained, and incorporate any necessary modifications to programs and processes initiated during the first stage project. It was planned that approval for such a second stage project could be sought during the fourth year of implementation of the first stage.

2.4 Project Components

The Project has four main components as follows:

- I) **Management Development:** to improve the management of the forest sector through (a) changing the approach of MPFD from a predominantly regulatory role to one in which communities are treated as *partners* in the management of forest resources (b) increasing policy analysis capabilities and (c) improving the management skills of senior MPFD staff, supported by the introduction of improved management systems for planning, implementation, monitoring and evaluation procedures, together with improved management and geographical information systems.
- II) **Forest Development:** this component involves (a) the promotion of natural forest regeneration, supported by enrichment planting, improved silvicultural practices, and forest floor management over an area of about 160,000 ha and (b) a village Resource Development Program based on

participatory planning, management and protection of forest resources integrated with activities to generate alternative incomes or resources to reduce the pressure on the forest. A total of about 1,140 villages would be involved, managing an area of about 74,000 ha of forested land, in which silvicultural improvements would have been started during the project period. The phasing of activities for this component would be determined by progress in staff training in participatory planning.

- III) **Extension, Technology and Research:** This would involve (a) programs for the provision of the necessary infrastructure and facilities for the development of extension and research service centers in each ecological zone (b) staff training for improved forestry extension services (c) tree seed improvement initiatives (d) demonstration nurseries and (e) adaptive research trials.
- IV) **Biodiversity Conservation:** This component would include (a) improved management in 12 high priority Protected Areas (PAs) and (b) support for the development of management plans, staff training, equipment and facilities. Special funds would be created to support the development of alternative resources or income for communities resident within PAs and in areas peripheral to them. A lower level of project funding would be available for 12 lower priority PAs, whilst the identification and planning of linkages to complete the PA network would also be financed.

2.5 Intended Project Benefits

The project aimed to increase, directly or indirectly, the production of wood, Non-Timber Forest Products (NTFPs) and animal products that would benefit the rural poor and improve the supply of wood for forest-based industries. The project would also support a program of assisted natural regeneration in about 160,000 ha of forest. About 1,140 village communities, many of which are home to tribal peoples, would participate in the management of about 75,000 ha of forest and receive direct benefits from the project. The benefits included not only the improved access for communities to forest products, but also the benefits of improved agriculture and alternative income generating activities via the Village Resource Development Program and the Eco-development Program. The project would also have important benefits in terms of equity as about 18.3 million person-days of employment would be generated, a benefit which would be almost wholly captured by the poorest and landless households. Processors and marketers of wood and NTFPs would also benefit through increased supply of raw material. The direct and quantifiable economic costs and benefits of the project are mainly due to investments in both closed and open forests.

The Economic Rate of Return (ERR) for the project as a whole, in terms of direct forestry outputs, and excluding the biodiversity and research components, is estimated at 11.5 percent. However, this figure actually understates potential project benefits, as significant indirect and environmental returns have not been included. Such ecological benefits relate to:

- protection of watersheds and other areas
- soil and moisture conservation

- biodiversity and critical habitat maintenance
- increased productivity of the forest to reduce pressure on the environment
- river flow regulation, CO₂ absorption and other beneficial climatic effects

These ecological benefits were calculated by means of an environmental premium for each hectare included in the project to reflect the flow of external services that are estimated to be worth about \$12 USD per hectare per year.

3 The Reaction of Indigenous Peoples

The Madhya Pradesh Forestry Project has failed to achieve its goal of sustainable participatory forest management. Many indigenous communities and forest dependent populations point out that they now find themselves worse off following the first stage of the project. The Adivasi and rural populations of Madhya Pradesh have reacted to the negative impacts of the project with protests and campaigns for the recognition of human and indigenous rights.

3.1 The Protests

The tribal peoples' organisations of Madhya Pradesh have protested repeatedly against the Madhya Pradesh Forestry Project and the human rights violations that it has generated. As well as grave problems with human rights abuse, tribal organisations have a series of other fundamental objections to the project. First, indigenous protesters stress that the project will cause more than one million tribal people to lose their rights over forest land as there has been no regularization of tribal land rights in Madhya Pradesh. Indigenous organisations have therefore stated innumerable times that the objective of the MPFP is to displace a large number of tribal people from the forest. Second, local communities argue that there is a hidden agenda to privatize forested land and give direct and indirect ownership to commercial companies. Third, the project operates with a wasteful expenditure as 43.5% of the total budget is spent on unproductive administrative activities.

Indigenous groups protested to the World Bank directly about the severe and multiple adverse effects the project was having on Adivasi communities. Consequently, several meetings and communications occurred between World Bank representatives and tribal organizations. Finally, the World Bank invited tribal organizations to participate in a joint review mission including representatives of these organizations, the World Bank and the Madhya Pradesh Forestry Department. The mission intended to jointly examine a few cases of the violation of human rights of indigenous people and of the World Bank's Operational Directives in this regard.

3.2 Basic Objections and Bank Failure to Comply with OD4.20

The World Bank Joint Mission had its first meeting in Bhopal on 20.03.99 where representatives of the tribal organizations raised the following basic objections to the project:

1. There has been no free and informed participation of tribal people in the project. Tribal people have not been involved at any stage in decision making, in project planning, implementation and evaluation. The tribal organizations functioning in

M.P. for last 10-15 years were not consulted during the preparation of the project. This is in clear violation of the World Bank's own Indigenous Peoples Operational Directive OD4.20: paras 8, 14a, 14d, 15d.

2. Adequate studies regarding possible adverse impact of the Madhya Pradesh Forestry Project on tribal people have not been made: failure to comply with paras 14b and 16.
3. The project is based on the false and unproven assumption that it is the natural resource use of indigenous and forest dependent communities that is responsible for the degradation of the forests. It is this basic false premise that has been responsible for the many adverse project impacts on local indigenous people. Studies have not been carried out in the various national parks, sanctuaries, and other forest areas included in the project to document, record, assess and evaluate the actual forest resources used by the local communities. Nor have studies been executed to assess whether indigenous resource use has any harmful or beneficial impact on the forest and biodiversity. No baseline data have been collected in this regard. The project has thus failed to comply with paras 14(b), 14(d), 15(d), and 16 of OD4.20.
4. It is the relentless demands of urban population, destructive development projects and the irresponsible over-exploitation of forests by the Madhya Pradesh Forest Department (MPFD), the Madhya Pradesh Forest Corporation (MPFC), and by the commercial interests promoted by them, that are responsible for the destruction of the forests. The project does not take adequate steps to examine or rectify such unsustainable over-exploitation. Instead, it severely curtails sustainable forest use by local communities.
5. The development and management of National Parks, Sanctuaries and some other newly designated Protected Areas (PAs) is an important component of the Madhya Pradesh Forestry Project. Here there is a direct violation of the human rights of tribal people due to the closing off of forests to people dependent on them for their sustenance. This contravenes para 6 of OD 4.20.
6. Traditional and customary forest-people interaction is necessary for the survival of the both forests and forest dependent communities.
7. No viable alternatives have been made available to the tribal peoples threatened with displacement from PA's. This is against paras 9 and 14 (b) of OD 4.20.
8. There is absolutely no security of land or other subsistence rights in PAs where local people live under the constant threat of eviction. The lack of clear rights to subsistence activities in the PAs means that people face considerable harassment from Madhya Pradesh Forest Department officials. In such a situation, the difference between voluntary and involuntary resettlement fades away. The increased restrictions on customary use of forest by local communities has made it difficult for them to live in and around the PAs and is tantamount to involuntary displacement even though it may look like voluntary relocation. The Madhya Pradesh Forestry Project has failed to acknowledge that involuntary resettlement is taking place. Thus, there is a clear contradiction in the project. While, people,

especially the tribal people, are being forced to involuntary relocation, it is not recognised as such and even safeguards under OD 4.30 of World Bank are not applied and available to them. Moreover, the assurance under the MPFP that there will be no involuntary resettlement loses its meaning and relevance in such a situation.

9. In fact, the process of “settlement of rights” of the villagers as described in section 19 to 26 of the Wildlife (Protection) Act 1972, has not been completed in any of the National Parks or Sanctuaries. Hence, none of them has been finally notified. As a result, there is a great deal of confusion and arbitrariness about the rights of indigenous people living in and around ‘Protected Areas’. Crucially, it is this legal ambiguity that led to the insecurity of tribal communities and the human rights abuses that have been committed against them. The Madhya Pradesh Forestry Project, ironically, has not even cared to look into or clarify this legal problem and their fund has only added to the misery of tribal peoples in many of the protected areas. Consequently, paras 15(a),15(c),16,17 and 18 of OD 4.20 have been violated.
10. In contravention of paras 6 and 14(a) of 4.20, the proposed “ecotourism” strategy is detrimental both to the interests of bio-diversity conservation as well as the cultural and social fabric of tribal societies.
11. There are 1346 Forest Villages in Madhya Pradesh, where there is a *de facto* suspension of almost all democratic rights of the inhabitants who must make do with “concessions” granted to them by the Forest Department. Despite repeated demands over the last several decades and a decision taken by Madhya Pradesh Government in 1978 to transfer all the Forest Villages to Revenue Villages, these Forest Villages have yet to be converted into Revenue Villages. Several Forest Villages fall under the Madhya Pradesh Forestry Project. Thus paras 15(a), 15(c), 16, 17, and 18 of OD4.20 have been clearly violated.
12. There are increasingly widespread human-animal conflicts in forest areas. The Madhya Pradesh Forestry Project has not addressed the problem.
13. An estimated 1.6 million hectares of designated forest land is under cultivation, mainly by tribal communities without legal tenure. This is a major source of conflict between the cultivators, who see this land as vital to their subsistence, and the Forest Department who deem them to be “Encroachers” and undertake repeated measures to evict them by force. Once evicted, Madhya Pradesh Forest Department “plantations” are frequently established on such “encroached” land. Plantation activities also often occur on common grazing grounds which are then closed off to cattle. Madhya Pradesh Forestry Project staff are silent on this issue and do not acknowledge the fact that their work must not only regenerate forests but also benefit tribal people. In this context, the large-scale “plantation” activities envisaged by the project will only exacerbate the survival crisis of tribal people. This also violates paras 14(a),14(b),15(a),15(b),15(c),16,17 and 18 of OD4.20.
14. The “*nistar*” rights (customary rights to extract forest produce with no formal legal recognition) are being severely curtailed by the “forest protection” and plantation activities of Madhya Pradesh Forestry Project. There is thus a clear

violation the World Bank's own indigenous peoples policy: paras 14(a),14(d),15a,15c, and 18.

15. Genuine Joint Forest Management (JFM) is not possible without resolving the primary sources of conflict between tribal people and the Madhya Pradesh Forest Department regarding security of land tenure and *nistar* rights. The promised attitudinal change in Forest Department officials is not visible. The Village Forest Committees (VFCs) and Forest Protection Committees (FPCs) function without the real meaningful participation of village communities while JFM is not even envisaged for Protected Areas.
16. During negotiations for the Madhya Pradesh Forestry Project, the World Bank forced certain changes in laws and rules that have not been in the wider interests of forest protection or the well-being of local forest communities. First, 31 species of trees were freed from transit regulations. Second, it was proposed that the Land Revenue Code be changed to remove restrictions on felling trees on private land. Both of these legal moves combined together to cause wide-scale forest felling on private property. Third, *nistar* facilities for villagers living more than 5 km from the forest were stopped, forcing these traditional resource users to buy forest products at market prices that they can ill afford.

3.3 Site Visits by the World Bank Mission

In addition to the meeting in Bhopal, the World Bank mission also undertook field visits in March and May 1999 to sites selected by tribal organizations in the districts of Hoshangabad, Betul, Badwani, Khandwa, Shehdol and Sidhi. Due to the time constraints of the World Bank representatives, the mission was unable to visit Dhar district; villagers from Dhar came to Indore to meet the mission members. The mission members sat together in the evenings, exchanged their notes and observations and noted the common agreements. Most of the content of this report is based on agreements reached by all three parties. There are many observations and insights which are crucial not only to the future of Madhya Pradesh Forestry Project, but also to future strategy and planning for the management and development of forest resources and its relation to tribal and other forest dwelling communities.

3.3.1 Forest Development Component

Forest development is a major component of the MPFP covering 60% of the project funding. It has two major sub-components:

- Assisted Natural Regeneration
- Village Resource Development Program.

Assisted Natural Regeneration (ANR) has been undertaken in areas with closed canopy forest. Forest Protection Committees (FPCs) are established in villages inside a 5km wide periphery adjoining forest areas. These FPCs have been given the task of forest protection through the joint management of forest process. The Village Resource Development Program (VRDP) has been undertaken in the areas with degraded forest. In these areas, Village Forest Committees (VFCs) have been established to protect particular allotted areas and to treat part of an area every year as

well as undertake income-generating activities for the financial empowerment of the people. Under this program, around 1,000 VFCs have been established covering an area of 2,200 km² out of total forest area of 155,000 km². These VFCs are supposed to be the tools for promoting the VRDP participatory approach to forest management.

The World Bank mission members had a meeting with villagers affected by the VRDP at Lalpani village in Hoshangabad District and Upla village in Badwani District (12.05.99). The mission also visited Tetar village in Betul District under the ANR program where people from Kuppa and other villages were also present. The issues raised by local people in relation to the Village Resource Development and ANR Programs are outlined below.

Lack of participation

People attending the World Bank mission meetings stated that although VFCs are working at places like Ranjhi, Bhatana and Upla, they have not been given sufficient information about the concept of Joint Forest Management and local people have not been made aware of the principles of JFM. In particular, women were not informed about the concept of JFM and its implications for resource use. Furthermore, the VFC does not represent all the classes of the society in local villages. Many people were not aware of the contents and implications of the VRDP nor were they aware that this plan was supposed to be made in the villages by them.

The Bank mission was informed that in Jodia Mou village the area under VRDP involved the *nistar* rights of 7 villages, but that only a handful of people in Jodia Mou were consulted during planning and implementation. Most people affected by the program were not consulted at all. Consequently, people from the 7 affected villages, including Jodia Mou, resisted plantation work. They met the local forest ranger and then marched on foot on 8th and 9th of June 98 from Shahpur to Betul, during which this issue was raised. They also made a written representation opposing the VRDP work on 17.06.98 to the Project Director of the MPFP in Bhopal. Their objections were considered on 04.07.98 when plantation work had already started in Jodia Mou without the people being given a hearing. On 10.07.98, another representation was made to the Project Directorate in Bhopal. On 11.07.98, people undertook a rally at Bhoura range office. On 15.07.98, the Divisional Forest Office (DFO) for Betul (North) came to Jodia Mou and listened to the villagers. The DFO gave a written assurance that he would contact the higher authorities and until then no further plantation would take place. On 10.08.98, Jodia Mou VFC was reportedly de-registered by the DFO. However, people were not aware of this decision until 1999.

In Kuppa, 200ha of forest have been closed by the village Forest Protection Committee under the ANR Scheme. Some people were found to be aware of the committee, but some of them have objections. People having grazing rights in the ANR area were opposed to closing off the forest. Other villages adjoining the ANR and affected by it were not consulted. People were not involved in decision making process of forestry work done in the project area. The committee marketed *mahua* but members were not aware of its transaction and there was dispute about it.

Inter and intra-village conflicts

It was found that during implementation of the Project certain powerful social groups within villages exercised more influence than other villagers. Conflict in villages was also found over different kinds of use of forest resources. Inter and intra village conflict has arisen due to VFCs and FPCs denying forest-user groups access to forest resources. The mission found that generally a tract of forest is used by more than one village for various purposes. For this reason, the formation of a committee in one village to manage and administrate a tract of forest while denying forest access to users of other communities is leading to serious conflict between villages. The mission also found that only a small section of each village were involved in the forest management committees even though project specifically requires participation of all households in the committees. This is leading to serious intra village conflict as well.

Nistar rights

Villagers possess a set of customary rights to make bonafide use forest produce. These rights are known as *nistar* rights. It was found that during project implementation, people's *nistar* rights within the village and between the adjoining villages were not taken into account. Moreover, the failure to recognise these resource-use rights was a major cause of conflicts within and between villages. At several places visited by the mission, villagers complained about the obstruction of their *nistar* due to closure of a VRDP area. VFCs were also found to make fines if somebody outside the committee makes *nistar* in their area. The legality of this is not clear. In fact, there is legal confusion regarding a number of issues that raise important questions;

- (a) Does a committee have the power to fine or prevent anybody collecting Minor Forest Produce (MFP) from an area demarcated by that committee?
- (b) What is the relationship between VFCs and Gram Sabha under the new Panchayat (Extension to scheduled areas) Act 1996 whereby Gram Sabhas (Village Councils) have been given total control over MFP?
- (c) Do villagers have a legal right to extract wood, bamboo and other minor products from the forest?

Operationality

The mission discovered that committee operations and accounts are not transparent. The secretary of the committee (Forest Guard) keeps the pass book with him and people are not fully aware of the transactions and amounts in their account. Some of the villagers of Ranji and Bhatna indicated engine purchase, tank digging and MFP marketing as a source of income for a few of them, though there were disputes regarding the distribution of benefits and accounts. There are practical difficulties since the operation of a bank account has to be coordinated between the President (villager) and Secretary (Forest Guard). The operation of the forest management committees is also made more undemocratic due to the sweeping powers held by the Divisional Forest Officer regarding the formation, functioning and dissolution of

committees. Such unilateral power goes against the participatory and equitable spirit of Joint Forest Management.

FPC members reported that a village watchman is employed for the protection of ANR areas. However, there is no fair and evenhanded system for the employment of villagers. In contrast, villagers have evolved an equitable system for the distribution of forest produce like fallen trees for their domestic use. Despite the existence of these customary rules, two villagers were fined Rs. 2000 (c.\$50 USD) each by a DFO for building their houses using old wood collected with the permission of other villagers. After villagers complained to the DFO, the fine was reduced to Rs.500 (c.\$10.25 USD) and it was to be paid to FPC. At one or two places *mahua* marketing was found to be a viable commercial proposition. However, there was no transparency in this process and there seemed to be a dispute over distribution of profit. Members of the committees complained that they were not paid the wages for the work done by them in time. Villagers complained that they had no knowledge of the committee finances and accounts.

Sustainability

It was found that people were mainly interested in getting money for developmental works rather than for forest conservation. This fact raises questions about the extent to which forest conservation can really take place. The amount of funding required to achieve “sustainability” is substantial, so replication at a large number of places poses a problem. A seemingly successful model of JFM at Keolari village in northern Betul, though not included in MPFP, was discussed and talked in detail at the mission meeting in Jodiyamau. Previously, villagers from Keolari as well as Jodiyamau, Kachhar, Koyalbuddi etc. had gathered when the Chief Minister of Madhya Pradesh visited the Keolari initiative and highlighted it as a successful model of JFM. Keolari residents were happy because they received many facilities and funds from rural development schemes such as Indira Avas Yojana, Jeevan Dhara, IRDP and Jal Dhar under the JFM scheme. Subsequently, forest officers under the MPFP exhorted the villagers in Jodiyamau and other villagers to form a committee and promised that they would get the same facilities as the existing JFM scheme in Keolari. However, Jodiyamau people were disappointed when they did not get the same facilities, and instead had to cope with increased conflicts over the land and forest use.

Discussing the costs of effective social forestry, the World Bank joint mission tabulated some of the funds pumped into the Keolari JFM scheme:

Indira Avas Yojna – 52 houses @ 15,000 per house -	Rs.	7.80 Lakh
Jeevan Dhara – 6 wells @ Rs. 16,000 per well -	Rs.	0.96 Lakh
Tube well – 1 @ Rs. 1 Lakh	Rs.	1.06 Lakh
Total -	Rs.	9.76 Lakh

It is clear that funds under these schemes were diverted to Keolari disproportionately to the cost of other villages. Such large funds can not be pumped into all the villages to make JFM a success. Some funds are being made available under the MPFP with World Bank funding. But how long and in how many villages? Can it be sustained when the funds stop? At the Lalpani village meeting, it was also clear that the main

attraction behind JFM is the promise of development funds and not forest conservation or participation in forest management.

Land rights

Villagers of Chekapoti village of Dhar district complained to the mission that they have been cultivating on designated forest land and that a criminal case, (later dismissed) was filed against them in 1990 (Crime no. 498/90 Court of Judicial Magistrate, 1st class, Kukshi, Dhar). They said that Chikapoti village was subsequently included in the Madhya Pradesh Forestry Project and attempts are now being made to evict them. It was later brought to the attention of the mission members that soon after their meeting with these villagers, the latter were arrested and evicted from their land.

One person from Kudujeta, a location adjoining Kadwal where there is a VFC under Madhya Pradesh Forestry Project, said that his holding on “revenue” land is being brought under plantation and that forest department officials had taken away his land deed (patta). Kudujeta villagers said that they were not consulted about the formation and operations of the Kadwal VFC, and that in Kadwal only a few people have been included in the committee. They stressed that they are in any case protecting their forests and therefore cannot understand the necessity for the VFC.

Mujalda villagers said that while members of the VFC do not have disputed holdings, other villagers are being displaced as their land is being brought under forestry plantations. The villagers also said that having cut down old trees, forest department officials are now trying to plant new ones. The VFC at Upla (Badwani district) was found to consist of members of only one of several hamlets of the village. Moreover, VFC members did not have any forested land under cultivation. Other villagers complained that last year their standing crops had been destroyed and VFC members and forest officials had evicted them from their holdings. This conflict seems to be linked to another dispute in which one of the evicted cultivators had been instrumental in filing a case of rape against some VFC members.

Members of Dahinala and Asir FPCs in Khandwa district said that they were non-tribals and were either primarily non-cultivators or had secure land tenure. There is therefore a conflict of interests on the issue of ‘encroachments’ in these settlements and in adjoining villages where tribal people are predominantly subsistence cultivators with little or no secure land tenure. About 2000 tribal people from Dahinala and nearby villages gathered at Hasanpura to meet the World Bank mission and protest against the Madhya Pradesh Forestry Project. The main issue raised by them was their conflict with the Madhya Pradesh Forestry Project on the issue of secure land tenure.

Villagers described an incident in 1997 in which an armed force was sent to destroy the crops of tribal households in the area between Mandlia and Dahinala. Two tribal people were killed in the shooting that took place when they tried to defend their crops. The bodies of these indigenous victims were not even handed over to their families for cremation. It was later brought to the attention of the mission members that the DFO who had led this eviction drive resulting in the killing of two tribal

people had recently been given an award by the forest department for his efforts against 'encroachment'.

The indigenous protesters gathered at Hasanpura said that the main agents of forest degradation are those who supply large volumes of timber to the paper factory in Nepanagar. The protesters also said that state government officials and politicians promise them security of land tenure during election campaigns, but that forest officials demand huge bribes from them for this purpose. Nonetheless, forest officials sometimes arbitrarily and even violently attempt to evict them from their land. This patchy and process of land titling does not occur on holdings within Protected Areas, Forest Enclaves and dense forest areas that have been excluded from the land regularisation process. Likewise, cultivators earlier evicted by the forest department are also excluded, as are those who farm sloping forest land. Moreover, due to the long time lapse between the 1980 and the 1994 land use surveys, land that was under cultivation before 1980 could not be properly identified. In addition, there was rampant corruption during the land survey process and as a result many families were excluded. There are several indigenous communities living in remote areas that are even now ignorant of government announcement about land regularisation.

The land regularisation process is yet to be completed. In the 20 years that have elapsed since 1980, many new lands have been brought under cultivation often with the encouragement of corrupt forest officials and political interests. While the government of Madhya Pradesh claims that cultivation after 1980 cannot be settled under the provisions of the 1980 Forest Act, no alternative livelihood options are being made available.

Harassment of tribal people and forest dependent communities

Incidents of harassment of village people by forest department staff and at some places even the involvement of the committee was also brought to the notice of the 1999 mission. In Lalpani village it was revealed that Ranjhi and Bhatna village committees were involved in a traditional conflict between local people and forest officials. Witnesses reported how the power given to the committees to restrict *nistar* rights and control the extraction of minor forest products in the project area had lead to inter and intra village conflicts.

People from Kuppa village reported some cases of harassment. Forest guards beat up one villager named Tulsiram while his cattle entered an ANR area. One villager called Gendalal was fined Rs.2000 (c.\$50USD) for unauthorised extraction even though he had constructed his house with old timber collected from other villagers. The innocent victim could not pay the large bribe to the deputy ranger and so the problem was eventually resolved later when the committee settled the matter through the intervention of the DFO who reduced the fine to Rs.500. The reduced fine was paid to the committee by installment.

3.3.2. Biodiversity Conservation

This component of the MPFP relates to 24 national parks and sanctuaries in Madhya Pradesh where no clear policy or rules exist regarding the rights of villagers living in and around these "Protected Areas". In the absence of any clear recognition of their rights, these mainly Adivasi villagers are at the mercy of the whims of MPFD staff, and suffer a lot of harassment at their hands. Villagers live in a state of constant insecurity and under threat of eviction. The mission visited Satpura National Park, Bori Sanctuary, Bandhavgarh National Park and Sanjay National Park. The mission met the villagers and visited the office of the Tawa Displaced Tribal Fishermen Federation and talked with the Directors. The key issues raised are detailed below:

Land and resource rights of villagers within protected areas

Wherever the mission went it was told by villagers of both "revenue" and "forest" villages that they do not have legal land deeds (*pattas*) and that they consequently feel insecure. In the case of Bori Sanctuary, there was a problem about draw down cultivation in Tawa Reservoir that lies outside the Sanctuary and National Park. This was one of the main issues of concern brought up by the tribal communities of Bori Sanctuary. After indigenous protests to authorities, the Madhya Pradesh state cabinet took a decision on October 24th 1996 not to evacuate those people who had cultivated for more than 5 years and who live below the poverty line. The cabinet also decided to allocate the draw down land according to the rules of the Department of Water Resources. However, the forestry officials stated that their department could not cooperate with this land regularisation process and forest department staff continues to try to evict indigenous cultivators. Evacuation notices were issued in 1996 even after the cabinet decision. Some of the villagers complained that forest department personnel have tried to evacuate them using force. In defence of its actions, the forestry department maintains that land allocation is a clear-cut violation of the Forest Conservation Act and Wildlife Protection Act.

In the case of village Rorighat and Kajri within the Satpura National Park, the Director reported that even in revenue villages new land deeds cannot be given without the permission of the wildlife conservation authorities. Land titling within the park is simply not possible under existing legal provisions. As per the Wildlife Protection Act, Section 20, there is a ban on accrual of new land rights. Tribal organisations disagree and contest this interpretation and they stated their objections to the mission. Rorighat and Kajri villagers also complained that they used to clear *lantana* and practice shifting cultivation. The forest authorities have recently banned such activities and local people have been adversely affected by the new restrictions on their land use. They fail to understand that why clearing *lantana*, which is a weed, is prevented. Department officials judged that whether it is clearing *lantana* or brushwood or trees on forest land, the activity leads to encroachment and such acts should not be allowed.

The collection of Minor Forest Produce (MFP)

In all the villages in and around the PAs visited by the joint World Bank mission, tribal villagers complained that in last 2 to 3 years many restrictions have been placed on their rights to extract minor forest produce for their livelihood. For example, the

collection of roots and herbs as well as timber and bamboo for house building are being increasingly being curbed. Since the inception of the MPFP there has been an increase in restrictions on the collection of other minor forest produce like honey, *bhabhar* grass, *rambohari* grass for making brooms, *mahua*, *mahul* leaf for leaf-plates and cups. All these forest products are an important source of livelihood used in the domestic economy and sold in the market. Grazing is also prohibited in National Parks, even though cattle are an important livelihood resource for many rural households in forest areas. Cattle are not even allowed to drink from water sources within park boundaries. Restrictions were sometimes enforced, sometime relaxed after their agitation.

At the mission meetings, Adivasi indigenous representatives stated that the Ecodevelopment Program is not sufficient to compensate for the loss of their forest-based livelihood. As a result, they have been net losers in the Madhya Pradesh Forestry Project. According to Madhya Pradesh Forest Department, minor forest products cannot be legally collected or extracted from a protected area. However, the mission confirmed that there are legal precedents that allow people in protected areas to have access to Minor Forest Produce. First, a Supreme Court directive permits the collection of *tendu patta* (a leaf used in the preparation of tobacco) within the protected areas of Madhya Pradesh. Second, the National Human Rights Commission has judged that park authorities in Van Gujjars in Rajaji National Park cannot be allowed to move forest dweller out by using force nor deny them their traditional resource rights.

Nistar rights

Villagers in protected areas use forest resources for their own consumption in a number of ways in their daily life. They collect fruits, roots, leaves, mushrooms, honey, housing material, wood for agricultural implements, fuel wood, fencing material, bamboo, hubs etc. for their use. As noted above in the discussion about forest development, these forest materials and the customary rights for their collection are called "*nistar*". Nonetheless, local people often have no formal legal rights to extract forest resource and so they find themselves at the mercy of Madhya Pradesh Forest Department staff. Villagers complained about the harassment from MPFD staff while getting bamboo for their legitimate use. Under the existing legal provisions bamboo procurement is not allowed even for own use by the villagers. Sumera of Podhar village of Bori Wildlife Sanctuary told the joint mission that his son was stopped, abused and threatened by the range officer while he was bringing bamboo home for domestic use.

The villagers of Bori Wildlife Sanctuary complained before the members of the World Bank mission that brick making and bringing stones from the forest for building their own houses is not allowed. They failed to see the logic of this MPFD prohibition and argued that brick making will save the forest timber that might otherwise be used in a greater quantity for wooden house construction. The Madhya Pradesh Forest Department said that it had issued instructions to allow people to make bricks for their own house construction in their fields, but fuel wood cannot be procured from the forest for this purpose. A copy of the instructions was not made available to the joint mission despite repeated requests. In any event, the tribal

organizations present at the meetings felt that the later condition negates the purpose of the permission to make bricks, as these cannot be fired without fuel wood.

Grazing rights

The villagers in and around the protected areas visited by the joint mission also complained about the restrictions put on the cattle grazing. At Pagara village the tribal people complained that their cattle are not allowed to even drink water from the dam within the boundary of the Satpura National Park (SNP). The director SNP reported that under the existing provisions no cattle could be allowed within the park area. The villagers also complained that if their cattle are killed in park they do not get any compensation. In Sanjay National Park the villagers complained that the land compartment provided for grazing is not sufficient. Even the neck bells on cattle were removed by the employees of Madhya Pradesh Forest Department, which made herding much more difficult. The villagers also argued that grazing is not harmful to the forest. Specifically, they pointed out that if grazing is not allowed the grass will become a fire hazard. It was also felt that a systematic study and scientific assessment of the carrying capacity of the forest with respect to grazing and human dependency has not been carried out.

Fishing rights

The joint mission visited the office of the Tawa Displaced Tribals Fish Production and Marketing Co-operative Federation at Kesla and was impressed by the achievements of the Federation. Fish production has increased more than two-and-a-half times and the fishermen's income has increased sixfold since the Federation took over. However, federation members told the joint mission that their fishing rights are not secure. Part of the reservoir falls under Satpura National Park and Bori Wildlife Sanctuary. The Director of Satpura National Park issued a notice to the Collector Hoshanagabad on 25.09.97 and asked him to stop fishing activities in that part of the reservoir. The federation argued that it is improper and unjustified to ban fishing in Twa Reservoir. The main arguments were as follows:

- Tribal people have already been displaced once by the Tawa dam. If the rights are taken away this would constitute a second displacement.
- Fishing has been practiced in Tawa Reservoir over the whole 25 years since the dam was built during which time the Fish Development Corporation and the contractors have been managing fishery. However, the tribal fishing federation now has an equal, if not additional, claim to fishery management.
- The tribal fishing federation stocks fish in the reservoir and these are not wild fish. Therefore, fishing does not directly harm wildlife or the forest environment. There is therefore no justification for banning fishing. In fact, fishing by tribal co-operatives helps keep in check illegal poaching and fishing activities. In reality, the fishermen act as a kind of "social fencing".
- A legal precedence for fishing within protected areas is set by the case of Totladoh Reservoir in Pench National Park where fishing has been allowed under the instruction of the Supreme Court of India.

The Federation has filed a claim before the Collector of Hoshangabad District. It feels that unless indigenous fishing rights are secure and recognized it will be difficult to maintain a cordial relationship between the wildlife authorities and local people. This is one source of conflict between the park and people. The official position of Madhya Pradesh Forest Department as expressed before the joint mission is that fish inside park and sanctuary boundaries are considered to be “wildlife” and thus subject to wildlife conservation legislation. Fishing is considered detrimental to such wildlife. As far as the MPFD is concerned, the reservoir was established after the initial notification of protected areas and therefore no new right can be accrued afterwards. Therefore, the claim put forward by the tribal fishing federation is not tenable under current conservation law. Again, indigenous representatives contest this interpretation.

Right to movement

It was reported that there were MPFD excesses in implementing the Wildlife Protection Act regarding entries in protected areas (Bori wildlife Sanctuary and Satupura National Park). Entry Fees were collected from the villagers residing in the protected area and wedding parties and their relatives were not allowed entry. According to Madhya Pradesh Forest Department, under the 1991 amendment there was some confusion among field staff, which resulted in faulty implementation.

Rights of Gram Panchayats

Another issue of contention that came before the joint mission related to the rights of Gram Panchayats within protected areas. Elected Gram Panchayats were not allowed to undertake road repair works and school construction under the employment guarantee scheme. For example, in Nistar village at the periphery of the Bori Wildlife Sanctuary, the Madhya Pradesh Forest Department authorities prohibited school construction. In this case, three elected Gram Panchayats in the sanctuary were organising road repair works. These legitimate activities were opposed by park authorities that took the position that no agency other than the forest department can undertake such work within a protected area. Local people protested over the issue and the Panchayats were finally allowed to do the work, but the issue is still not resolved. It was brought to the notice of the mission that there is an apparent contradiction in the provisions of the Forest Conservation Act, the Wild life Protection Act and the Panchayat (extension to scheduled areas) Act 1996, that gives extraction and other rights in scheduled areas to Gram Sabhas.

Legal tangles

There is a provision under section 19 to 26 for a process of settlement of rights of villagers within a sanctuary or a national park after it is initially notified. Only after this process is completed can a protected area be finally declared. Nevertheless, this land regularisation precondition has not been met in any of the PAs included in Madhya Pradesh Forestry Project. There is a lot of legal confusion and there are no clear-cut guidelines. This is also one of the reasons for arbitrariness and atrocities by Madhya Pradesh Forest Department staff that have taken place in clear contravention of the World Bank’s guidelines and safeguard policies. Moreover, the joint mission found that a process of increasing restrictions and denial of rights has been set into

motion in these PAs simultaneously with the Madhya Pradesh Forestry Project. This has created a grave threat to the lives and fundamental rights of the tribal peoples and other forest dwelling communities. Worries and complaints over this fundamental issue were expressed repeatedly before the joint mission.

The Bori Wildlife Sanctuary was the first forest reserve declared by the colonial government in India in 1865. The present forest department has taken the position that local peoples' rights were settled when the forest reserve was first notified in the last century. As far as they are concerned, no further settlement is necessary. In any case, they argue, full settlement rights cannot be awarded since BWLS is deemed a sanctuary under section 25 (a) and 64 (h) of Wildlife Protection Act. Given this position, the tribal organisations feel that the Madhya Pradesh Forest Department has chosen to continue the historical injustice of colonial times.

The 17 villages from the BWLS told the joint mission that they do not want to be relocated. They pointed out that it is the declared policy as well as a commitment of the Madhya Pradesh government that it will not relocate anyone forcibly from a protected area. Despite this local government commitment, the existing 17 villages cannot be given the essential land and resource security necessary for their existence within the park.

3.3.3 The Ecodevelopment Programme

An important component of the MPFP strategy for the conservation of biodiversity involves the reduction of community dependence on PA resources. Ecodevelopment Programmes have therefore been undertaken to create alternative resources or incomes for local populations. The joint mission visited many villages within the Ecodevelopment Programme in Satpura National Park and Bori Sanctuary and talked to members of the community. The villagers said that the Ecodevelopment funds do not properly compensate them for the loss of income and livelihood caused by restrictions on grazing and the extraction of minor forest products. Even tribal women were very vocal in complaining about this decline in welfare caused by the project. In Pagara village at the boundary of Satpura National Park, loans of Rs.1,000 to Rs.1,500 were distributed to families for poultry development and tea shops but this was not successful. The villagers do welcome Ecodevelopment funds as an *addition* to their existing sources of livelihood, but not as an alternative.

In Malni village, the MPFD local official prepared a micro development plan, but villagers were not aware of this. The contents of the micro-plan were not discussed with them. When the micro plan was eventually read to them, they did not agree with the contents. Though a stated aim of the project is to increase people's participation in forest management, the project can have precisely the opposite effect. While protesting against unnecessary restrictions on *nistar*, women from Pagara and Kajri said that before the project they used to help to put out forest fires, but now they are no longer willing to do so. Madhya Pradesh Forest Department reported that the EDC visited in Pagara village was just 3 months old. They added that a procedural flaw on the part of executing authorities had meant that local participation had not occurred in the preparation of the micro plan.

The tribal organizations felt that the strategy to reduce the dependency of local communities on forest resources in PAs is based on an assumption that traditional use of forest resources by the local tribal community is harmful to wildlife conservation. Tribal people unanimously feel that this assumption is false. No proper assessment studies have been carried out in this regard. They argued that in case of the protected areas visited by the mission, tribal and other villagers have been living in harmony with forest and wildlife for many generations and are not responsible for loss of forest cover or destruction of wildlife. In the case of Hoshangabad district, the construction of the Tawa dam, a firing range, an Ordnance factory and the resulting displacement has been responsible for destruction of forest and new pressures on the environment.

Increasing human-animal conflict

This ecodevelopment strategy has also created unnecessary friction between the wildlife authorities and local communities. The mission was informed that such antagonism is partly due to an increase in human-animal conflicts. Such conflicts were felt to be due to shrinking forest cover and the various restrictions existing under the Wildlife Protection Act. Tribal villagers everywhere complained to the mission about the growing menace of wild boars that cause extensive damage to crops. Although forest animals are multiplying people are not allowed to eliminate the problem animals as did before. Villagers also complained that when carnivores kill their cattle in a park area, they are not paid any compensation. They added that even when such compensation is paid outside national parks it is usually very meager and belated.

Involuntary relocation of villages

The mission heard how villagers of Bori Wildlife Sanctuary had been the victims of attempts to forcibly evict them from their land. Furthermore, the mission was told that the Madhya Pradesh Forest Department had sought local consent to resettlement in a fraudulent way. This attempt was thwarted only by strong protests by local tribal organizations. In one instance, the Divisional Manager of Rampur Bhatodi Project Division, under the Madhya Pradesh Forest Development Corporation and Betul District Forest Conservator, made a proposal to relocate villages bordering Bori Wildlife Sanctuary without consulting the villagers (Ref. No. 2811 dated 25.9.98. 6865 dated 29.9.98 and No. 7030 dated 6.10.98). The villages selected included Nishan, Kundi Kheada and Titakheda. Of these, Nishan village was selected for the Ecodevelopment Program. Inclusion in the program took place without any prior consultation with Nishan villagers and without their consent. Inclusion in the Ecodevelopment program meant that villagers were stopped from land development activities supported by an NGO working in the area. After the different protests and complaints to the joint mission, villagers are now allowed to continue with development activities on their land. Many indigenous people told the members of the mission that the Ecodevelopment programme had denied them various rights essential to indigenous welfare and that the loss of freedom was forcing them to relocate.

Harassment and atrocities

During the joint mission, members of tribal communities reported incidents of atrocities and harassment by forest staff. In Pagara village, Gyani told how people had

been threatened with eviction and abused. Munna, of the same village, said that villagers had been fined and their cattle had been locked in a *kanji* house by forest department staff. In another case, Kajri villagers reported that honey they had collected from the forest in the Chhindwara District had been confiscated by staff at the Matkuli barrier. The honey was only returned after the payment of a bribe of Rs.600. Sumeral of Podar village narrated an incident in which his son was stopped and abused by the range officer while carrying bamboo from the forest for domestic use. Three tribal cultivators from Podar who were engaged in draw down cultivation on the banks of the Tawa Reservoir, were terrorized by the sanctuary staff using elephants. Their huts and crops were destroyed on 16.01.97. The residents of Nishan, Kundikheda, Titakheda and Bhathodi in Betul district bordering Bori Sanctuary told the Joint Mission that money is extracted from them by the sanctuary staff in lieu of grazing and *nistar* in the adjoining sanctuary forest. They complained about another incident in which a tribal youth was invited to go fishing in a small river inside the sanctuary area by the staff and how later a case was instituted against him. The residents of Bori Sanctuary also complained about extortion of money at the entry point. Tribal residents of 17 villages of Bori Sanctuary, who gathered at Malni to talk to the joint mission, were especially agitated about the rape of a tribal girl by a range officer.

Tribal organisations felt that such atrocities and harassment are rooted in the set of unjust and authoritarian restrictions enforced by forest department staff. These officials deprive local people of the basic livelihood rights that are essential for the survival and wellbeing of the tribal and other villagers in and around Protected Areas. Such officials criminalise the legitimate subsistence and livelihood activities of local people. The lack of formal recognition of land rights and *nistar* rights held by residents of forest villages leaves them at the mercy of the forest staff even for their daily requirements. In short, the corrupt elements within the forest staff exploit the legal vulnerability of indigenous peoples and other forest dwellers for their own advantage.

Research and Extension

In Tetar village in Betul Division, research and extension work has proceeded in relation to a seed collection unit covering 50 ha. Local villagers were not involved in the decisions about the establishment of this research unit. The creation of the unit has caused problems for villagers who now face problems of grazing shortage and restrictions on the movement of cattle through the unit. This village is in a particularly complex situation since there are ANR areas on two sides of the village and a seed collection unit on the third side. Despite the large number of land designations hampering local livelihoods, the Madhya Pradesh Forestry Project still wanted to increase the present seed unit area from 50ha to 100ha. Following protests from the villagers, the decision to expand the unit has been postponed.

Change in Law and Rules

The joint mission also visited private forest around Kesla in Hoshangabad district where contractors have felled thousands of “green” trees. Felling started after changes in the MP Land Revenue Code and the rules governing the transit of timber. Changes in the law and the permit system controlling timber shipments permit were a pre-

condition of the MPFP loan. The World Bank sought an assurance from the MP government that restrictions on felling and transport of trees on private land would be relaxed in order to promote private forestry. However, Madhya Pradesh features an unusual pattern of forest land use where good forest exist on private land in many districts. Without caring to look into all implications of these changes, the MPFD was eager to get World Bank loan funds and so agreed to these changes in forestry law. As a result, contractors became active in many districts and thousands of green trees have been felled in Kesla region. The same process of deforestation is likely to have occurred in many other places in Madhya Pradesh.

4 Conclusions

This case study has demonstrated that the MPFP has had a severe negative impact on the tribal communities of Madhya Pradesh. The study has shown how the World Bank failed to comply with its own safeguard policy on indigenous peoples. Major failings and problems with the project have been highlighted as follows:

1. The project featured little or no participation of forest communities in its preparation, planning, implementation or evaluation.
2. The lives of millions of tribal people and other forest dwellers have been adversely effected by the MPFP.
3. The traditional and customary rights of indigenous peoples and forest dwellers are being denied and their right to livelihood is threatened.
4. The project has not cared to address or analyse the many serious problems facing the forests of Madhya Pradesh. The entire project is based on an erroneous assumption that the use of forest by local communities is responsible for the destruction of forest resources. Hence, the MPFP applies a strategy that aims to reduce the dependence of local communities over forest resources and restrict their use. Such restrictions are grounded in unfounded and unjust assumptions that have further undermined the already narrow set of entitlements allocated to forest dwelling communities who very existence is now threatened.
5. The MPFP has led to increasing tension and conflict between the forest department and local communities. This defeats the objective of MPFP that aims to ensure the participation and involvement of local communities in forest management.
6. There are increasing numbers of atrocities and cases of harassment of tribal people by forest department staff in the project areas. Such abuse places a question mark over the effectiveness of the huge MPFP training programme and its claim that the project has brought about attitudinal changes in the staff.
7. There are many drawbacks with the formation of JFM committees that have been established without the proper participation of local people. Furthermore, such committees function in a bureaucratic and closed manner that inhibits transparency and equitable participation.

8. The strategy of allocating one forest area to a single village committee, while more than one villages are dependent over it, has led to serious conflicts between the villages. Such institutional confusion is neither beneficial to villagers nor does it benefit forest conservation.
9. The main JFM attraction for villagers seems to be the funds of the project rather than any sense of participation, ownership or material benefit arising out of forest conservation. This raises serious doubts about sustainability of this JFM model.
10. There is an increasing conflict between wildlife and local villagers that the MPFP has failed to address.
11. There are many legal tangles that the MPFP has completely ignored, but which are very important if the conflict between MPFD and local people is to be resolved. First, the process of settlement of rights in Protected Areas is not complete and there is a lot of confusion about the various fundamental rights of the forest dwellers in and around these areas. Second, millions of tribal families are cultivating land plots that are classified as “encroachments” on forest land in official records. The process for regularizing these holdings is incomplete and is full of problems. Within this dire situation, MPFP funds have been used to displace, evict and stop the tribal people from cultivation and *nistar* use.

The findings of this report indicate that the World Bank’s Operational Directive 4.20 on indigenous peoples has been disregarded in this project in a number of ways. There have been clear violations of the livelihood rights of the Adivasi population and other forest dependant communities. Such violations are not new, but the situation has been exacerbated by the MPFP that has adversely affected the livelihoods of Adivasi peoples. Crucially, Adivasi communities have not been consulted or meaningfully involved in any aspect of the project. Despite Bank guidelines and requirements regarding security of land tenure no steps have been taken in this regard. The conflicts resulting from the project continue to expose forest dwellers to the harassment and violence of forest department staff. Conflicts between Adivasi communities and the MPFD have not been resolved and are actually increasing as a direct result of the project.

Tribal organisations struggled to establish serious protests against the World Bank’s failure to comply with its own safeguard policies that are supposed to “*ensure that indigenous peoples do not suffer adverse effects during the development process ... and that they receive culturally compatible social and economic benefits*” (OD4.20 para 6). After many complaints that the Bank had not complied with this basic requirement, indigenous organisations learnt in early December 1999 that funding for the second installment for stage two of the project had been withheld. The message that the Bank had withdrawn from the project was obtained via newspapers and later from forest department officials. Although it is reported that the World Bank has postponed the second installment, the tribal organizations of MP have resolved to fight to the last.

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