

Forest Rights Act 2006: Undermining the Foundational Position of the Forest

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This essay argues that the Forest Rights Act 2006 is designed on the principles of labour teleology. It undermines the foundational position of forests, prepares them to become a playground for profits and minimally serves the interests of the marginalised tribal and forest dwellers. The paper describes the basic features of labour teleology and the notion of foundational position in its historical context. It then proceeds to describe the historical process of labour teleology in India and its impact on the forest. It locates FRA 2006 in the development of capitalism and goes on to show that by destroying the foundational position of forests, this Act turns forests into an ecological service provider for capitalism.

Labour Teleology and the Foundational Position

Labour teleology as discussed by Lukacs (1980)¹ in his work *On Labour and the Ontology of Social Being* has three aspects:

First it changes the form of natural materials and introduces a break in the contiguity of the work of nature and the work of human beings. This pulls the social being from mere nature boundedness.

...what distinguishes the worst architect from the best of bees is that the architect builds the cells in his mind before he constructs it in wax. At the end of every labour process, a result emerges which had been conceived by the worker at the beginning, hence already existed ideally. Man not only effects a change of form in the materials of nature; he also realises his own purpose in those materials ... (p 3).

Second it tries to secularise the world by creating the dichotomy between the ideal and the real

Every teleological process involves the positing of a goal, and therefore a goal positing consciousness....with this act of positing consciousness initiates a real process, precisely a teleological one...The teleological conception of nature and history...implies that this existence and movement must have a conscious creator both in overall process and in its details... The need that gives rise to conceptions of the world.... to make sense of existence, from the course of the world to the experience of individual lifeeven after the development of the sciences demolished the religious ontology....this need survived... p (5)...

Third, teleology determines labour as subject and nature as object

...we seek to find meaning and justification. As if things were so ordained that everything that happens must have a meaning (p 6)

...through labour a teleological positing is realised within the material being. As the rise of new objectivity...labour becomes the model for any social practice, for in such social practice...teleological positings are always realised materially.. (p 3)

...for Marx labour is not one of the many phenomenological forms of teleology in general, but rather the only point at which a teleological positing can be ontologically established as a real moment of material actuality...that all labour would be impossible if it were not preceded by a positing of this kind, one that determines its processes at every step... (pp 8-9).

The positing of the goal arises from a human social need; yet in order to be a genuine positing of a goal, investigation of the means, i e, knowledge of nature, must have reached a certain appropriate level; if it has not, then the positing of this goal remains merely a utopian project, a dream...Thus the point at which labour connects with the rise of scientific thought and its development from the standpoint of ontology of being is precisely the region described as the investigation of the means (p 15).

At the turn of the 21st century labour teleology has positioned genocide and ecocide in contiguity with economic development

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across the world.² The forest has been removed from its foundational position in the order of things in the world with far-reaching consequences.

The deforested being of all things living in this world is left unsheltered, displaced, dislocated and vulnerable. There is an unprecedented loss of resilience, colossal irreversible damages to forest materials, destruction of peoples' livelihoods, liquidation of their sense of belonging, obliteration of identity and impairment of forest-based ecosystems across the world.³ There is a finality that is built into labour teleology. The value created by labour time cannot provide a forest canopy for the "unsheltered being" and there is no way in which the value created in the market can determine the depth and scale of the colossal loss. What does vulnerability of a deforested being suggest about value? What holds up being of living things in the face of the possibility of an absolute collapse of being itself? Some examples can help us to think these questions.

What is the value of the position of pillar(s) that keep a building from falling: the position of the backbone that holds up the human skeleton? Shifting the pillar or the backbone from their respective positions in the structure and/or the use of inappropriate materials to make them will result in the crumbling of the structure.

The position of the pillar in relation to the position of other parts of a building and of the backbone in relation to other parts of the skeleton is the "foundational structural position". This position has foundational value. It determines what material is appropriate and how much of it is adequate to make the pillar and the backbone. Together, the position and what material make the structure firmly grounded, give it strength, build its resilience, make it resistant to external pressures and with all this bring to its being-in-the-world a "presence".

Thus the "value of the foundational position" derives from the structures mode being in the world and also belongs to.

Deforestation undermines the value of this position.

Tony Ward suggests Simmel's phenomenological approach to value can throw light on this notion of "foundational value". It

...cannot be derived either from subject or object, but which stands, so to speak, between us and the objects. ... It is not a particular quality of the objects of valuation, but consists rather in the significance that the objects have for us as subjects through their position in the order of [an] ideal realm.⁴

In other words, the foundational position is neither subject nor object. Further, it is the significance of the object that makes it a subject that can be placed in the foundational position. The significance of the forest puts it in this position.

When the forest is in its foundational position it brings animals, plants and human beings together to frame the objective conditions for the being of things living in the world. All living beings irrespective of their physical distance from the forest belong to it. The forest thus has a significant "presence" in the order of things.

To be at home inside and to not be alienated when outside the forest it is necessary to belong to the "presence of the forest". In the absence of such belonging being inside the forest is as good being outside it. Those who live in the forest, others outside the

forest either in its immediate neighbourhoods or far away could belong to this presence on the condition that co-presence of human and non-human nature is acknowledged and accepted as an indispensable condition for being in the world. This world view is then based on the principle of coexistence of all living and non-living beings.

Marx's labour theory of value can help us understand this world view in a perspective.

In principle, there is contiguity between the work of nature and the work of human beings. The former cannot be exchanged and is a basic condition for labour, which gives it a foundational position. It is neither subject nor object. The latter can be exchanged. The work of nature is positioned as the foundation for the work of human beings. The relation of contiguity determines that value created from the investment of labour time is different but contiguous with the value of all natural materials which have not been created by investment of human labour. This contiguity is the basis for coexistence.

Labour teleology in fact breaks this contiguity by shifting the forest from its foundational position.

Labour Teleology and Forest Rights Act, 2006

A very significant aspect of labour teleology is that it posits itself as the instrument for liberation. It sets itself the goal of pulling human beings out of the "state of nature", to ensure the "retreat of the natural boundary" and "elevate social being from any mere nature boundedness".⁵

Political activists, political parties, civil society organisations and a section of the State represented by the bureaucracy perceive the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA 2006), as a milestone in the history of tribal social movements. It has won for the tribal forest people their long overdue rights over "forest land". On the ground, reports say, the process of implementation is facing several problems. At the root of these problems is the unwillingness of the forest department to let go of forest land under its jurisdiction. It is clear there is a conflict over forest land rights between the forest department and the tribal-forest people. Is the euphoria over the conflict an aspect of labour teleology? Over 200 years the struggle has been diluted.

A study of tribal political movements from the 1770s to the 1900s shows that people protested to safe-keep their sense of belonging to the realm of mother earth. This sense of belonging was the basis of togetherness of their "being", the "knowing" that was embedded in the material universe of the forest, as well as in the language of their way of life. This reciprocal embeddedness of being with language constituted the Birsa Munda struggle in the 19th century. He fought to keep safe the realm of "mother earth" which belonged to the reciprocal embeddedness of being and knowing and also the coexistence of the beings of all living things.

Since the enactment of the FRA 2006 tribal struggles have been pressurising the State to give a handful of acres of forest land as promised in this Act. Over more than a century, several factors have taken the forest's resources out from the material universe of the forest. What is left for the tribal forest people, after

this reduction, is a handful of acres of “forest land”. The substance of this dilution is the taking away of the foundational position of the forests.

How did this domain of mother earth get eroded? Labour teleology worked through several avenues to undermine the foundational position of the forest.

It appears that the processes of labour teleology that were being put in place alongside since 1773 took away from the tribal protest its insistence on teleology-free sense of belonging to mother earth and reduced it to accepting the view that tribal people's sense of perceived deprivation can be addressed by demanding from the State minimal rights to forest land.

Labour teleology of the mainstream economy driven by industrial notions of progress, of dominant cultural codes, of enlightened social sciences (history, sociology, anthropology) and of democratic, left, right and centre, modes of political ideologies converged to deny tribal-forest dwellers adequate and appropriate time and space for belonging to a teleology-free mode of being and belonging to the world. They were consequently pulled into the world shaped and structured by labour teleology. This is comparable to the pulling out of a tree that is firmly grounded. This process has been shot through with violence and the depth of damages has, as yet, not been fathomed.

Labour teleology used sanskritisation, legislations, economic development programmes, education and liberation theology to distribute tribal forest dwellers over the left right and the centre political spectrum. There remained no option other than to participate in the industrial mainstream economy. The option of non-teleological modes of being was eliminated. According to teleology it was necessary for people to think in terms of goals, and through means made available by the State.

Most of the forest dwellers shifted out of the forest and, over time, became part of the industrial economy. What remained with them were cultural modes that had their origins in the forest that now had no link with the work they did. Forest dwellers became tribal people. Today where are the forest dwellers? They are just a handful living far away in the forest.

Transformation of Social and Cultural Background

This transformed the social and cultural background as also the ideological orientation of the people engaged in tribal social movements. They were subordinated to the assumptions and the necessities of the State. Their frame of reference was determined by these presuppositions and necessities. In this frame, the forest is not in its foundational position because this place has been taken over by capital.

By the last decade of the previous century, labour teleology had served the interest of capital and had produced a large reserve army of labour. At a workshop on forest workers organised in 1996 by the National Centre for Labour in Dehradun, their number was estimated to be between three and eight crores. B K Roy-Burman⁶ has listed a diversity of forest workers:

(a) Slash and burn cultivators and upland cultivators who on forest primarily to sustain their traditional subsistence economy.
(b) Gatherers of non-wood forest products.

(c) Hunters fully or partly deriving livelihood (in the form of direct consumption, local barter, and wider commercial linkage) by hunting including trapping birds and animals whose normal habitats are in the forest.

(d) Extractors of grass, bamboo, logs and timbers as head loads for personal use or local sales.

(e) Artisans, craftsmen dependent on forest produce.

(f) Practitioners and users of herbal medicine system.

(g) Farmers, particularly belonging to tribal communities whose economy is by and large subsistence economy, which is to a considerable extent dependent of forest ecology or changes in forest ecology.

(h) Participants in social forestry programmes (other than recreational forestry) including Joint Forest Management Programme (JFM) primarily for meeting basic consumption needs or for creating social infrastructure especially meant to serve the vulnerable sections of the society.

(i) Full-time or part-time wage labour employed by Forest Department Corporations, Cooperatives and ancillary bodies operating in forestry sectors as well as by contractors and lessees operating in this sector on the rights directly or indirectly obtained from the concerned forest department.

(j) Population below the poverty line in any category of forest.

This plurality of forest workers can be arranged along a spectrum-beginning with forest dwellers and moving gradually towards forest workers who live in villages, towns or cities. This spectrum arranges them in order of their proximity to the forest. Their material conditions for work differ accordingly. This has implications for the nature, value and quality of work they do.

On one side of the spectrum are the forest dwellers, for them the forest is a home and a place of work and on the other side are people below the poverty line who only come to work in the forest at very low wage. The forest dwellers belong to the forest, and they have the technology and the knowledge systems that enable them to dwell in and on the “presence of the forest”. The people below the poverty line in contrast have neither of these, they are therefore absolutely deforested. Forest dwellers are on the frontiers. This togetherness of home and place of work created conditions for the possibility to discover medicinal properties of plants without the theoretical and practical equipment of modern science, to have “zero carbon footprint” and be free of debts.

How are the forest workers affected by the FRA 2006? Is the FRA 2006 designed to undo over 100 years of injustices to the forest dwellers and tribal people?

It is important to remember that justice is appropriate and adequate only if it measures up to the depth and scale of injustice(s), both as perceived by the one who has suffered and what it is in actuality. With what facts did the bureaucrats, academics, planners, political and civil society activists, who applauded this Act for “undoing historic injustices”, perceive the depth and the scale of injustices? The truth is that history shows the depth and scale of injustices and damages to be no less than genocide and ecocide.

Over the past several decades it is becoming very clear that modern sciences, especially economics, have failed to estimate the value of the damages and injustices, and its equivalent

compensation and rehabilitation. It follows, that policies and legislations that derive their legitimacy from these sciences cannot bring justice. It is worth considering that the FRA 2006 has been legitimised by claiming that it is in the interest of people. However, it appears to be in the interests of the alliance between State and market. This is reflected in the form and content of the FRA 2006.

Land rights over a mere handful of acres are seen as undoing hundreds of years of injustice. This reflects the alienation of modern environmental and ecological thinking from the people. It has three attributes. A close study shows that each of these attributes has determined the form and content of FRA 2006.

First, this thinking has been subjugated to the presuppositions and the necessity of the State. The presuppositions are that in reality people do not have any sense of justice, that the State represents the substance of justice namely, freedom, equality and liberty. To make this substance available to citizens it is necessary that the State represents Reason and therefore the universal will. The dichotomy between the ideal and the real underlying the presupposition determines the form and content of this Act. This alienates ecological and environmental thinking from the world view and practices of forest dwellers and tribal people.

Second, the critical component of this thinking does not see that the FRA 2006 is an expression of the universal will which is based in the notion of industrial labour as subject and nature as object. This breaks the contiguity between work of nature and work of man and generates private property on the one hand, and conflicts between citizenship and cultural belonging, technology and nature, on the other. These conflicts alienate ecological and environmental thinking from the forest-work processes that generate value.

Finally, its design promotes industrial capital; intensifies conflict between capital and labour; destroys the link between development and well being; ruptures the alignment between legislation and justice; brings together violence and reason and deforms the relation between the individual and the collective. To deal with these conflicts the ruling class deems it necessary that the State has monopoly over instruments of violence. This alienates environmental and ecological thinking from the voices of the people.

We can now study how these attributes have determined the form and content of FRA 2006.

Dichotomy between the Ideal and the Real

What are the ideals of the FRA 2006?

The preamble states,

...Forest rights were not adequately recognised in the consolidation of State forests during the colonial period as well in independent India resulting in historical injustice to forest dwelling Scheduled tribes and other traditional forest dwellers...

...It becomes necessary to address the longstanding insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwellings due to development interventions.

Thus, FRA is “an Act 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” (p 1). This, it is posited, will prepare the ground for “sustainable use, conservation of biodiversity and maintenance of ecological balance...while ensuring livelihood and food security...” (p 1). In reality, the debate preceding this Act made it very clear that the “rights” to “forest land” seek to regularise “encroachments”.

As Bela Bhatia (2005) argues

Some opponents⁷ of the bill claim that it intends to distribute 2.5 hectares of land to each adivasi nuclear family in the country. This creates a fear that entire forests will then get wiped out. In reality, the bill only seeks to recognise what is already there, i.e., to give land rights to people who have been cultivating forest land for generations (before 1980), often in circumstances where the forest was ‘reserved’ without due settlement of traditional land rights.

In fact, the entitlements to be created under the bill are consistent with the existing policy framework, in particular the ‘1990 guidelines’ formulated by the ministry of environment and forests (and partially implemented). These guidelines put in place a procedure for the regularisation of so-called ‘encroachments’ that occurred prior to the cut-off date of 1980. The basic purpose of the bill is similar and the same cut-off date is being used.⁸

This appears to be in contradiction to the preamble of this Act! How can we know the intention underlying this Act?

The FRA 2006 only requires the government to give legal recognition to lands that people have already been farming prior to 2005 (and, in the case of the non-STs, for the past 75 years). Sections 3(1) (a), 4(3) and 4(6) of the FRA 2006 state that people will only receive rights to “land under their occupation” prior to 13 December 2005, up to a ceiling of four hectares. A tribal cultivating half an acre of forest land as on 13 December 2005, will receive title to exactly that half acre – no more. Those cultivating 10 acres (2.5 hectares) will receive title to only four of those; and those cultivating nothing, will receive title to nothing.⁹ No one will receive rights to new lands. Moreover, the titles recognised under this Act cannot be sold or transferred to anyone (FRA 2006 Section 4 (4)).

This, it is stated, is regularising tribal “encroachments”. According to the Ministry of Environment and Forests, the total area of forest land under “encroachment” (whether by adivasi or other communities) is 13 lakh hectares. This is less than 2% of the recorded forest area in the country.¹⁰ The FRA 2006, by regularising “tribal encroachment”, is in fact consolidating State encroachment! How deep does State encroachment damage the forest and injure the forest dwellers and tribal people? The history of State encroachment will give us a clear understanding of the brutality involved in the processes of primitive accumulation of capital and also the depth and scale of injustices and damages.

Historically, the exercise of the “universal will” ruptured and smashed to smithereens several modes of mutually nurturing “shared forest time and space” that had evolved over several generations to constitute the ancestral domain. In other words, this rupture deforested the ancestral domain and undermined the diverse ways the universe of the forest nurtured the forest dwellers and, in turn, was nurtured by them. This resulted in genocide and ecocide which is in fact the destruction of foundational value and position of the ancestral domain and of forest

universe not only for the forest dwellers but for the larger society as well. At the core of mutual nurturing has been a sense of belonging to that (natural part of the world) which is not a product of human work.

On account of this mutuality the universe of the forest is neither subject nor object. Mutuality determined its foundational value and also a sense of belonging. That is to say it is not possible to belong to a place and own it as well, because belonging comes with mutuality, which is premised on the acceptance, that there is no legitimate ground for ownership of the “right to disposal” over that which has not been created with human work.

The Negation of Mutuality

The record of “forest right” is a negation of this foundational value and of belonging. It creates private property and legitimises the right to dispose of “mutuality”. What injustice will the people suffer once “forest rights are adequately recognised”? Will the recording of forest rights stop state encroachment? What kind of injustice is encroachment? It is a crime because it is destructive of the forest which is of intrinsic foundational value to the forest dwellers. As Tony Ward states,¹¹

The criminological question, in other words, is not so much how some people come to have an attitude of moral indifference or aggression towards other human beings, but why some people feel free to act destructively towards the material world to which other people attach great intrinsic value.

How does this struggle that went into the making of the FRA 2006 compare with the struggle that Birsa Munda undertook? Birsa Munda struggled for the ancestral domain and not for “forest land rights”. Compared to Birsa Munda’s perception, the FRA 2006 is a colossal dilution of the struggle. How has this happened? This brings us to the second attribute, the break in the contiguity between work of nature and work of human beings. The provision for “Critical Wildlife Habitats” (hereafter CWLH) (FRA 2006, Chapter III 4:2) ensures this break. Here it is stated,

...the forest rights recognised under the Act in critical wildlife habitats of national parks and sanctuaries may subsequently be modified and resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purpose of creating inviolate areas for wildlife conservation...

This implies “forest land” is recognised even within a CWLH and “relocation” is possible only when it is established that coexistence is not possible and if the local communities give their informed consent. With this Act, the debate commonly known as “tigers v/s tribals” has been intensified. Will the rights to forest land in and around the CWLH threaten the tiger and biodiversity? This Act puts in place conditions that will not make such coexistence possible. Is the coexistence of the tiger and tribal people a viable proposition in the present day conditions of the economy?

There are still several places where forest dwellers and wild life coexist. These forest dwellers are on the frontiers, because they have a zero carbon foot print and their lives are, relatively speaking, free of debts. The threat to coexistence comes from external forces – the “rights regime” and the construction of

“reserves of nature”. For instance, in order to fully appreciate the logic underlying the construction of reserves of nature (national parks, sanctuaries and biosphere reserves) it is necessary to ask whether introducing a break in the contiguity between the work of nature and the work of human beings has been effective for conservation. A related question is about the intention underlying the making of these “reserves”. The tussle between the tribal and the tiger is, in fact, a non-issue. That it has become important is because of a political economy associated with these “reserves of nature”. Without mutual nurturing both human beings and wild life are threats to each other, this is what we learn from the life of forest dwellers. Dwelling makes this mutuality possible. Dwelling is to be at home, to belong to a place by contemplation on where (time, place and space) one belongs to. To be at home is reciprocal – the inhabitants of the forest also need to be comfortable with human beings.

Looked at from the perspective of forest dwellers, the construction of reserves is a violation of this mutuality.

From the standpoint of environmentalists who defend the tiger, the tribals are encroachers who have been largely responsible for deforestations – especially by their practice of shifting cultivation and hunting. This view has been critiqued time and again. History records the reckless logging by forest department and timber mafia, mining, industries as the key “criminals” in this regard. Further, there is no evidence to show that the state forest bureaucracy manages reserves of nature better than the tribal forest dweller. The current “reserves of nature” regime is largely responsible for poaching wherever it happens. It is equally responsible for generating conflicts between different government departments, which puts conservation in jeopardy.

The Tiger of Capital

The tiger is in the centre of it all, supported by the state, because it is a totem of masculinity, of power, of the accompanying macho public culture of conquest. It also stands for the patriarchal modes looking at natural resources as capital. A defence of the tiger carries forward the tradition of destroying all that is feminine in nature and culture, and legitimises the political ecology of the surplus value, capital and the industrial system. This tradition has been well-documented by Carolyn Merchant, who terms it the “death of nature”.¹² The death of nature refers to destruction of the labour as a gendered mode of being in the world. The feminine elements by itself do not constitute the culture of care, nurture and sharing. This culture requires masculine elements as well. In the gendered mode of being, the masculine and the feminine together shape the relation of human beings to nature in the external world and nature in the inner world. With the death of nature the forest dwellings were transformed into reserves of nature. This change was a consequence of industrial labour positing that these reserves were an integral component of instrumentations developed by liberal economic regimes for the survival of life on earth that was under threat on account of the environment crisis. As we all know, this crisis was a result of reckless industrial growth which consumed its resource base without ensuring their renewal and put in jeopardy not only itself but the life on earth as well.

This is a clear demonstration of how capital ensures its immortality by positing first that the environmental crisis threatens the world and subsequently by positing itself as the only means available to get out of the crisis.

The 1972 United Nations Conference on the Human Environment at Stockholm, the 1973 European Communities Club of Rome Conference, the 1992 "Rio Declaration" and the 1997 Kyoto Earth Summit on Global Warming have determined three elements emerging from this crisis. These elements are speed, conservation and sustainability. With these elements ensues capital reproduction. The speed of industrial production and reproduction is several times more than the speed at which nature can regenerate the resources required for sustaining this system. This speed underlies deforestation, loss of biodiversity, pollution, drying up of rivers and ground water resources, and the hole in the ozone layer, the rise in temperature, etc. In such a situation, sustainability is not concerned with the possibility of slowing down. Conservation is concerned with the question how this economy can be made sustainable at this speed and without any further destruction of natural resources?

The way to do this, it is recommended, is by capital investment in conservation and renewable energy systems. It is expected that these reserves of nature are instruments of conservation that will contain further destruction and also provide biotic materials at a pace that is in keeping with industrial production. It is for this reason that ex-situ and in-situ conservation are related. The ethno-botanist's extracts from forests are conserved as reserves of nature (ex-situ) and biotic materials-germ plasmas and genetic materials, are preserved in the laboratory (in-situ). Without this arrangement two life-supporting industries namely, agro-food and pharmaceutical, will be in crises.

Conservation is not concerned with finding ways to slow down. Why is a slowing down not a possibility and why can conservation not actively engage forest workers? The principle "labour as subject and nature as object" is embedded in the definitions of forest rights (Chapters II and III of the FRA 2006).

The other side of the reserve of nature is the reserve army of labour. The speed of industrial production is also the speed at which capital reproduces itself. This determines the rate of technological innovation which, in direct proportion, determines the speed of extraction of natural resources on the one hand and the formation of the reserve army of labour. Provisions in Chapters II and III of the FRA 2006 can be seen to lay down procedures that will lead to the creation of a reserve army of labour. These chapters describe two kinds of forest rights namely, individual family rights and community rights. These rights do not allow for any kind of coexistence between wild life and human beings.

Individual rights over not more than four hectares of forest land are inalienable. A nuclear family can acquire this right over forest land which has been used within a period of 25 years from 1980 to 2005. Evidence of use will have to be submitted by the claimant through the gram sabha and verified by the government. This is expected to fulfil their needs for habitation and livelihood by self-cultivation.

However, there is a long way to go before all rights are settled. What is the intention underlying these provisions? Were there

considerations, other than to address injustices that contributed to making of FRA 2006? What role did the larger context have in the making of this Act? Under no circumstance will four hectares be sufficient for subsistence and survival. We do not know the quality of four hectares? How was four hectares decided? When over two generations the nuclear family grows, four acres will become insufficient. Why is the registration of rights in the name of both spouses and in the name of women?

In the light of past experience it would be plausible to say that forest dwellers will have to look for work outside their forest land. In other words, they are likely to become part of the reserve army of labour and women will continue to be subjected to patriarchal regimes. It is clear that restriction of forest land rights to four hectares is "land ceiling" for the poor sections of a village community, largely landless people.

Community rights are with respect to water bodies, grazing lands, habitats, pastoral lands, etc. This is expected to fulfil their needs for minor forest produce, fish, cattle products, among others. However, the FRA 2006 does not say how many hectares would come under community rights. Is community made up of people who have four hectares of forest land or the entire village community? Who will decide the principles of sharing? Are rights to nuclear families likely to contribute to the making of communities or are they going to further fragment village social life? The play of power structures will depend on the population composition, the land distribution and stratification of a village.

In situations like Mendha Lekha, where there has been a people's initiative to look after their forest much before FRA 2006 came into being, this Act will be used to strengthen the relation between individual and community rights. However, where there is no people's movement, and where the ratio of the tribal to the non-tribal population is in favour of the former, the fragmentation process is likely to deepen. Between these two there is a whole range of situations. The dialectics between these two sets of rights will only emerge as the process of settlement of rights unfolds.

FRA 2006 and Carbon Colonialism

The category "forest land" is embedded in the notion of industrial labour. This category is a result of the "secularisation" of labour which takes away all its transcendental elements. This is at the core of industrial capital and labour relations. In principle "forest land" is derived of two different fields namely, universe of forest and land. The forest is three-dimensional on account of the height (the third dimension) of the canopy given by the trees and in contrast land is two-dimensional plain surface. The forest is a universe between the earth and the sky. According to forest dwellers, the meeting of the earth and the sky is a sure sign of disaster. They should therefore never meet.

The presence of the trees is therefore necessary. This is the transcendental element – the third dimension. The transcendental element introduced by the trees is a significant aspect of foundational value. The presence of trees builds resilience but the absence of trees enhances vulnerability. The intrinsic value of the forest universe thus comes from the canopy. It shelters. The intertwining diversity of space and time continuums creates

clearings for care and nurture. Clearings are camouflaged niche dwellings, invigorated by the play of heat, light and shadow, the sun and the moon, by the togetherness of the masculine and the feminine. Here human settlements and wild life coexist mutually sheltering each other.

In contrast, land is without canopy. It is a flat surface that extends to the horizon. There is no intertwining continuums, no clearing, and no camouflages. The making of the horizon is the first step in the secularisation of labour. It is for this reason there is no possibility for coexistence of human settlements with wild life. The category forest land disconnects the trees from the universe of the forest. What happens to the trees when they are disconnected from this universe? The tree is stripped off its transcendental elements and is viewed in terms of the services it can provide. This has been termed “ecological services”. In other words, “forest land” is designed for ecological services. The forest provides “cover and protection from soil erosion and droughts”, “carbon dioxide”, “pest control”, “pollination”, “seed dispersal”, “soil nutrients”, “new habitats and niches”, “oxygen from photosynthesis”, “food”, “materials”, “humus”, “shade” and “climate control”. Each of these attributes is/has been monetised and is now a commodity in the market.

Embedded in the notion of “forest land” is a change in the perception of the forest and forestry. The Ministry of Environment and Forest published a document in August 2009 which is titled “India’s Forest and Tree Cover – Contributions as Carbon Sink”. In the section, “From the Ministers Desk” it is announced that “Forestry is at the centre stage of global climate change negotiations. This is because forests have the potential to be a carbon sink as well as a source of carbon emissions...India’s forest and tree cover is serving as a major mode of carbon mitigation for India and the world.”¹³ It is from this perspective that community forestry is being developed for creating carbon sinks.

In October 2001, Community Forestry International (CFI) published a report exploring how payments for carbon capture could be made to rural communities in Madhya Pradesh in return for their successful regeneration of degraded teak forests. As mechanisms to channel environmental service payments to community resource managers are still in an early phase of development, this is a landmark study. The report explores the feasibility of using carbon credit based financing mechanisms to support community forest restoration initiatives in India. Participating in the study were scientists from the Indian Institute of Forest Management at Bhopal and the Centre for Ecological Science at the Indian Institute of Science at Bangalore. Funding for the project was provided by the United States Department of Agriculture Forest Service, Office of International Programs and the United States Agency for International Development.

In November 2002, CFI published a second report entitled, “The Clean Development Mechanism and Village-Based Forest Restoration: A Case Study from Adilabad District, Andhra Pradesh, India.” The report describes cost-effective methods for assessing carbon additionality developed by the Centre for Ecological Science at the Indian Institute of Science at Bangalore.

In Central India, Gond tribal Forest Protection Committees (vss) and self-help groups (SHGs) are already involved in managing watershed restoration contracts and enrichment planting of valuable trees, such as Indian birch (*Pongamia pinnata*) and *Jatropha*. This strategy is claimed to have multiple advantages in terms of creating terrestrial carbon sinks, providing bio-diesel fuels as an alternative to fossil fuels and thereby offsetting carbon emissions, and re-establishing the hydrological functions of degraded watersheds.¹⁴ There is increasing support for involving tribal forest dweller communities in regimes for forest services. Forest planners and forest departments are being persuaded to not ignore local ecological services provided by forests, to recognise that forest community’s knowledge that can contribute to these services.¹⁵

Carbon sinks for whom? It is well known that the emissions of greenhouse gases, that are creating the problems, come overwhelmingly from the richer industrialised countries that do have the resources to adapt. For example the US and the countries of the European Union, with only 10% of the world’s population, are responsible for producing 45% of all emissions of carbon dioxide (CO₂), the principle greenhouse gas.

Carbon-fixing is the new instrument known as “CO₂ colonialism”.¹⁶

In particular this trend is seen in the use of monoculture plantations which allegedly “sequester” or remove CO₂ from the atmosphere. There is no scientific credibility for the practice of soaking-up pollution using tree plantations.¹⁷ This is because unlike oil, natural gas and coal, carbon dioxide reserved in trees and other biomass is very unstable as it may be released back into the atmosphere, at any time, by burning and logging. Yet the Indian state is looking towards entrepreneurial companies for using community forestry for carbon consumption. This says aloud that to become “carbon neutral” planting trees would be sufficient.¹⁸

Beyond the FRA 2006

The positing of labour teleology seems to have no foresight. It cannot look beyond what it posits which is rapid profit, capital accumulation and the production of a reserve army of labour on the one hand, and deep ecological crisis on the other. It is not able to see that every effort to deal with this crisis is integral to the cycle of capital accumulation. Capital establishes its immortality and invincibility. It produces and reproduces complex cycles of production and reproduction of violence at all levels of social existence.

What lies beyond labour teleology? What can we learn from struggles that are being undertaken to ensure the implementation of the FRA 2006? These struggles need to go beyond the implementation of the FRA 2006, decommission labour teleology and reach out to the foundational position of the universe of the forest. Can labour teleology be decommissioned? Are there examples of non-teleological labour or of work that is free of positing?

NOTES

- 1 George Lukacs (1980), *The Ontology of Social Being-Labor*, London Merlin Press.
- 2 Felix Padel and Samrendra Das Anthropology of a Genocide: Tribal Movements in Central India against over-Industrialisation, see <http://www.freewebs.com/>

- epgorissa/FelixPadel-SamarendraDas.pdf (accessed on 4 March 2011).
- 3 "...looting of antiquities and the destruction of forests involve damage to insentient objects which are highly valued by some people, in ways not reducible to economic value. Such crimes (and the question whether they should be labelled as crimes at all) pose a challenge to those forms of critical criminology, or studies of social harm, which look beyond legal definitions of crime and seek to ground their approach in some kind of sociology of morality. Damage to objects or plants does not fit easily [...] into a human rights based approach. ...The criminological question, in other words, is not so much how some people come to have an attitude of moral indifference or aggression towards other human beings, but why some people feel free to act destructively towards features of the material world to which other people attach great intrinsic value. What would appear to be lacking or neutralised in such cases is not (or not only) empathy, but some other kind of moral emotion or evaluative attitude. To identify what this is involves an investigation of the phenomenology of value". Tony Ward (2008), *Antiquity, Forest and Simmel's Sociology of Value*, see <http://ssrn.com/abstract=1412328> (accessed 4 March 2011).
- 4 Ibid.
- 5 Each of these expressions are used by Rousseau, Marx and Lukacs respectively.
- 6 B K Roy Burman (1998), *Workers Depend on Forest Ecology for Subsistence: Their Problems and*

- Prospects*. Key note address presented in the workshop on "Status of Forest Workers in India", Chandigarh, 29 April.
- 7 The opponents referred to here are the forest department.
- 8 Bela Bhatia (2005), "Competing Concerns", *Economic & Political Weekly*, 19 November.
- 9 See <http://www.indiatogether.org/2006/apr/law-forest.htm> (accessed on 4 March 2011).
- 10 Bela Bhatia, op cit; Mihir Shah (2005), "First You Push Them In and Then You Push Them Out", *Economic & Political Weekly*, 19 November.
- 11 Tony Ward, op cit.
- 12 Carolyn Merchant (1980), *The Death of Nature: Women, Ecology and the Scientific Revolution*, HarperCollins, New York.
- 13 The Ministry of Environment and Forest (2009), "India's Forest and Tree Cover-Contributions as Carbon Sink", Government of India, New Delhi.
- 14 See www.communityforestryinternational.org (accessed on 4 March 2011).
- 15 Sanjay Kumar (2001), "Indigenous Communities' Knowledge of Local Ecological Services", *Economic & Political Weekly*, 28 July.
- 16 Harald Eraker (2000), *CO2lonialism-Norwegian Tree Plantations, Carbon Credits and Land Conflicts in Uganda*, Norwatch, Norway. Available at www.fivh.no/norwatch/english (accessed on 4 March 2011).
- 17 Heidi Bachram (2004), "Climate Fraud and Carbon Colonialism: The New Trade in Greenhouse

Gases" in *Capitalism Nature and Socialism*, Vol 15, Number 4, December.

- 18 The land lease agreement between Ugandan forestry authorities and the two companies heavily tilted towards the latter, bears testimony. *Tree Farms* has leased about 20,000 hectares of land in forest reserve areas in Tanzania, Uganda and Malawi since 1995 while the *Norwegian Afforestation Group* came into existence in 1999 and, so far, controls land in Uganda only. The companies lease the areas for a 50-year period with the option of renewing the contract for another 50 years. Apart from a one-off sum (\$312) paid at the time of signing regardless of size of the leased area, the authorities receive an annual rent of \$3 for each hectare planted with forest. There is a provision of adjusting rent every 10 years. No rent is paid for areas not planted and there is nothing to prevent the leaseholder from leaving that area unplanted or leasing it for other activities.

At least two Norwegian companies are acquiring several thousand hectares of land in East Africa to plant fast growing trees like eucalyptus and pine. *Tree Farms* and *Norwegian Afforestation Group* expect to make profits from these plantations by selling timber and wood and in the future, through sale of carbon credits on basis of carbon dioxide storage in the plantations http://www.cseindia.org/html/cmp/climate/ew/art20001025_4.htm#1 (accessed on 4 March 2011).

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