

# Conservation, power and democracy

SHANKAR GOPALAKRISHNAN



ARTICLES on issues of conservation, people's rights, livelihood and environmental protection are usually expected to present what is essentially a management formula: that if such and such action is taken, all goals can be achieved in the correct balance. This paper does not attempt that. Rather, it briefly explores a different question: why have such debates become standard fare in conservation literature?

Such an exploration finds that the terms of this debate often hide more than they reveal. In the process, they draw us, at times unwittingly, into collaboration with structures and processes that are far more dangerous than they appear.

A casual reader of such discussions immediately learns about two commonly shared assumptions. The first is that the main issue is one of *balance*: between people's rights and/or 'development' on the one hand and 'conservation' on the other. This is linked to familiar discussions of the supposed incompatibility between poverty alleviation, welfare and 'development needs' on the one hand and conservation on the other.

But do all of us actually agree on *what* words like rights, livelihood, development and conservation mean? These are, in fact, some of the most keenly contested terms in India today. If protecting a tiger is conservation, why is protecting the Dongria Kondhs in Orissa not? Why is mining 'development', but supporting sustainable agriculture not? Why, for that matter, are 'livelihood' and 'conservation' inherently incompatible? Questioning these basic terms opens up the possibility that there could be far more going on than is usually admitted in these discussions.

The second shared assumption is that conservation policies are just that – policies, nothing more and nothing less. In the literature, it is as if laws are made, institutions created and lines drawn on the ground by a few enlightened policy-makers taking steps to preserve India's natural heritage.<sup>1</sup> All other forces enter this picture most often as a threat: riddled with corruption and driven by 'vote banks' and money.

But once again there is something wrong with this picture. Enlightened policy-makers cannot alone have defended India's network of forest and environmental laws; they would have been overridden by the supposed vested interests a long time back. These laws are implemented by the state forest departments, who are given sweeping powers and implicitly held by many conservationists to be the bulwark against wholesale destruction; but most surveys show that people see those same forest departments as among the most corrupt government agencies, on par with the police.

There are also other, more uncomfortable, links with politics. The transfer of forests to the concurrent list of the Constitution, for instance, which conservationists have hailed as a step forward, was part of the infamous 42nd Amendment that sought to institutionalize repressive and centralized power structures. If there are conservation policies in India today, and if things are being done despite, through and because of them, there seems to be more to the story than the 'enlightened policy-makers' version.

**I**ndeed, this blind spot points us to a fundamental problem. Conservation and environmentalism are in fact two aspects of a much larger struggle: the struggle for control over natural resources.<sup>2</sup> Discussions on forest protection in fact concern at least 23% of the country's land area, for that much is recorded as forest (how much of that is or ever was forest, and how much forest is unrecorded, are different and interesting questions in themselves). When wildlife NGOs talk of inviolate spaces, protected areas and breeding grounds, they are in fact talking of management of land, water and forests. Each of these decisions are essentially about who gets to control extremely important resources. The story of conservation is the story of who makes those decisions and how, and the impact they have on people, wildlife, forests and history. The elephant in the room, so often seen but rarely discussed, is the question of *power*.

**T**wo examples may illustrate this. The first comes from an ongoing dispute in the area to the North of the Mudumalai Wildlife Sanctuary and National Park in the Nilgiris mountains in Tamil Nadu. The area is sandwiched between multiple protected areas – Mudumalai to the South, Bandipur to the North, Wayanad to the West and Sathyamangalam to the East. It is central to one of India's largest contiguous stretches of tiger and elephant habitat.

This area has now become a major conflict zone. As illustration, let us first tell the story from the usual 'conservation vs. livelihoods' perspective. In this view, the current problem is this: pursuant to the Madras High Court orders, the district administration and the forest department are trying to demarcate

and establish an ‘elephant corridor’ in the area by acquiring private lands and revenue lands. This has resulted in protests and ongoing litigation. The establishment of the corridor has been held up.<sup>3</sup>

In this version, the required next steps seem ‘obvious’ – more sensitive acquisition, giving local people a stake through training, tourism benefits, and so on. If cash compensation can be combined with training and new livelihoods, we can make conservation a ‘win win’ situation.

But let’s ask a basic question: what land is being acquired and why? Ask this and the whole story starts to unravel. The case records show that the district collector and forest department initially proposed acquiring some 500 acres of land. Suddenly between two hearings, on finding the court favourably disposed to the corridor proposal, the district administration increased the proposed acquisition area to 7000 acres (eventually they arrived at a figure of around 1,400 acres after a year of protests). The new area included whole villages and large areas of smallholders’ land, for which many do not have title.<sup>4</sup> It also included areas that could not have been part of a corridor, since people had lived there for centuries. Crucially, the local organizations have never opposed the corridor as such; they have only demanded proper demarcation.

**M**eanwhile, the conflict in the area is much wider. In December 2007, the entirety of the Mudumalai protected area was illegally declared a ‘critical tiger habitat’ without complying with the required procedures in the Wild Life (Protection) Act. The forest department then tried to take over more land for a ‘buffer zone’ (even though the old protected area already included a buffer zone), including the same conflict area currently at stake. This led to massive protests and an impasse.<sup>5</sup> Meanwhile, the neighbouring forests of Sathyamangalam were declared a wildlife sanctuary with little information to the public and most likely without following the rights settlement procedures in the Wild Life Act.

**E**ven this brief narrative reveals a pattern very different from the usual conservation vs. livelihoods debate. If one were to follow the ‘solutions’ that that frame suggests, the result would be a silencing of local leaders through threats and bribes; land takeovers with some buying their way out of acquisition; and (at least as per local rumours) benefits to a land mafia intent on reducing land prices by vague threats of acquisition. This in turn would impoverish and displace a large number of people, while doing nothing for elephants and possibly generating even more enemies of wildlife.

As such, the key question here is not ‘balancing people with wildlife’ but why the forest and revenue authorities are intent on breaking all procedures and scientific requirements simply, it would seem, in

order to take over land. They have been able to do this because of a legal and policy environment which places almost total control over conservation, forests and forest lands in the hands of the forest authorities.

In this context the role of conservation NGOs is striking. Several such NGOs – WWF-India, Bombay Natural History Society, Nilgiris Wildlife Association – have offices close to the area, which is also the research site for many wildlife scientists. None of these NGOs or scientists has so far publicly criticized any of the various processes underway, despite some privately expressing reservations. The reason? Some enthusiastically support the process, on grounds that those being dispossessed are ‘resorts’ – which is only half true, since there are many smallholders who will also be affected, while others express their helplessness in responding since their work depends on the goodwill of the forest department.

This silence has continued despite demands that these groups clarify their position. In January, the gram sabha of Masinagudi passed a formal resolution asking conservation NGOs and scientists to publicly clarify their stand. Some weeks later the Vazhvirimai Iyakkam – a local group spearheading the agitation – wrote a formal open letter to WWF-India asking the same question. Till date, neither the gram sabha nor the Iyakkam has received a reply.<sup>6</sup>

**T**he issue here is not the behaviour of these particular organizations. Those who say they have ‘no choice’ are in fact telling the truth. Individual conservationists may bravely confront the authorities and the forest department, but very few will demand that the system that gives those agencies so much power be changed. For, eventually, the concept of ‘conservation’ itself seems to rely entirely on these agencies. The question is not why these NGOs are not more sincere; the issue is why we define ‘conservation’ to be so intimately linked to absolute power, free of all accountability.

The second instance points to the same reality. The Wild Life (Protection) Act, India’s main wildlife legislation and the centrepiece of the protected area system, provides for the declaration of national parks and wildlife sanctuaries and lays down regulations for their use. But a close reading of Chapter VI of the act – the chapter on offences and penalties – throws up some remarkable features.

**C**onsider these provisions. Section 57 of the act states that any person found with meat, skins or other items related to a wild animal will be presumed guilty unless they can prove their innocence. Section 51(5) bars any consideration of probation (i.e. release under supervision) for offenders caught hunting

or trading in wildlife parts. Chapter VIA, the next chapter, makes provisions for seizing of property of those, and of their families, who have ‘benefited from illegal hunting and trade’; once again the burden of proving that the said property is not liable to forfeiture is on the accused. Finally, Section 51A says that anyone convicted for certain offences after being convicted once before (regardless of the first offence, which could, for instance, have been for cutting grass) will be denied bail unless the court sees ‘reasonable grounds for believing they are not guilty.’

Some of this may sound familiar. All of these provisions – regarding bail, property, presumption of guilt in case of possession, and probation – are practically identical to those in the infamous Prevention of Terrorism Act, 2001, and the Terrorist and Disruptive Activities (Prevention) Act, 1985. Those two laws were condemned as draconian (as a result of these and other provisions) by eminent jurists, political parties and civil rights groups alike. They pointed out that giving sweeping powers to the police would only ensure misuse and abuse of power rather than better investigation. Eventually these laws were repealed.<sup>7</sup>

But the predictions about those laws have instead come true with respect to the Wild Life Act. There are countless tales of activists, scientists, forest dwellers and village leaders being ‘planted’ with wildlife items by the forest authorities, after which they have to face the almost impossible challenge of proving their innocence. In many protected areas, conversations with local communities elicit tales of brutality, torture, killings and sexual assault by forest authorities, who use threats or actual prosecution under the Wild Life Act against all who oppose them.<sup>8</sup> Yet no one seems to find these provisions anomalous; instead the MoEF has now proposed an amendment to enhance penalties – providing in several cases for a minimum three year jail term. The English press greeted these new proposals with approval, as giving the act ‘more teeth’.

**O**nce again, we find an uncanny linkage between conservation and absolute power, a linkage that often results in a combination of absurdities and atrocities. Nor are these simply aberrations; there are literally countless more. In Gudalur, southwest of Mudumalai, a valley with some 40,000 residents has been deprived of any development facilities for the last three years as it falls within an area that was notified as a private forest in 1961. In Burhanpur district of Madhya Pradesh in 2005, a pregnant woman in labour was dragged out of her house (which was then set on fire) by forest guards, ostensibly because she was guilty of ‘encroaching’ on forest lands (in reality she had rights to the land under earlier government orders).<sup>9</sup> In the Satpura Tiger Reserve the same year, a village was forcibly relocated on to another village’s lands; 50,000 trees were cut down in the process.<sup>10</sup> Every year, people die in firing, beatings and starvation incidents in protected areas across the country.

None of these atrocities and absurdities makes any contribution to wildlife conservation; if anything they strengthen its enemies. Many conservationists dismiss these as ‘necessary evils’, but there is nothing necessary about them. The simple question is: Why does conservation always have to mean autocracy?

**T**he ‘real’ answer is most likely the opposite. Conservation does not require giving ever more powers to an ever smaller group of people. Such an approach becomes acceptable only if one understands conservation as the ‘preservation’ of certain entities from the interference and destruction of certain types of people. Naturally, in that case, one needs ever tighter controls to keep people ‘out’. But this understanding, which is deeply rooted in the policy, legal and elite approach to conservation in this country, is not merely ‘scientific’. Rather, it has its roots in history.

Other authors have explored how India’s forest laws – the first formal ‘conservation’ laws – were created by the colonial authorities. While much of the official debate at the time talked of forest protection, as with today’s debates, the key question was protection from whom and for what. The answers, it turned out, were protection from the ‘irresponsible natives’ for the purpose of enhancing timber yields (which were seen as the ‘real’ wealth of the forest, all other uses and livelihoods being considered irrelevant).

Britain needed timber; India’s vast forests had huge quantities of it; but those forests were not under British administrative control, being instead governed by a patchwork of different governance systems. The forest laws aimed at ending these ‘profligate’ and ‘wasteful’ systems and replacing them with ‘scientific forestry’, under trained foresters whose sole outlook was to maximize timber yields. Never was there a truer example of not seeing the forest for the trees.

**M**eanwhile, the vocabulary of what would eventually become international conservation was developing in the United States through the writings of various naturalist philosophers. Central to this was a concept of ‘wilderness’ – an area free of human presence and impact. Rooted in turn in the genocide of the native Americans and the settler concept of America as an ‘empty land’, wilderness started to be seen as the opposite of places where ‘people’ live. At its heart it was built around exclusion.

These concepts have found a perfect match in Indian forest law, and every major state and central conservation and forest law has followed the same principles (until, that is, the Forest Rights Act of

2006). But the hyper-centralized police regime of India's forests was originally designed, of course, to protect not forests but property – the timber that those forests contained, which the British believed to be theirs. Till date, with the single significant exception of the Forest Rights Act, Indian forest and wildlife law is still built around the four stage process of demarcate, expropriate, exclude and centralize. And this is the same institutional-legal-psychological frame that binds elite conservationism today: wildlife, forests, timber, water, and forest lands are property, to be safeguarded against marauders and thieves. But whose property are they? The 'nation', we are told. But that is a peculiar claim when most of the nation – including and especially those citizens who actually live in these areas – has absolutely no say in their control.

**W**hen we step outside the received wisdom of conservation and look at this model, its problems become immediately apparent. It falls down severely when confronted with species whose preservation cannot work in protected areas alone – bustards, for instance, many other types of birds, or the thousands of unique species and breeds of domesticated animals across India. It has great trouble managing landscapes as opposed to demarcated small patches of forest. It cannot respond to threats such as climate change, water pollution or pesticides, which kill far more animals than do poachers. It cannot deal with the fact that if a forest is treated as property, it will always have more valuable uses other than conservation. And, under sufficient pressure, it collapses whenever a mining corporation or big industry wants the land. Above all, it cannot escape the mark of having displaced, impoverished and repressed millions of people.

In practice, rather than defend the 'nation', these systems serve a variety of social forces that need or want autocratic control over resources – including mining companies looking for easy access to land, forest officials seeking bribes and extortion rackets, paper mills and contractors in collusion with the forest department, etc. Indeed, it is probably these interests, rather than 'enlightened policy-makers' or the handful of politically irrelevant urban conservationists, who have ensured that this system's control over resources has lasted so long – for otherwise it has no social constituency to defend it.

**A**t the end of the day this is not too surprising. For, at the cost of summarizing a complex issue in one sentence, the root of environmental destruction is precisely the system of private profit and private property – the principle that the driving force of society is to be the accumulation of profits by a few, who acquire and hold property to that end. It is in this system that the environment, the natural world and the rest of society all become 'externalities'. In this sense the enemy of conservation is not people – it is privatization and commodification, the conversion of all nature and of human labour itself into

someone's property. Naturally, then, a conservation system that tries to do the same thing in order to protect wildlife cannot, in the last analysis, work.

When such arguments are advanced, the usual response of many in the mainstream discourse is to dismiss them as radical talk and to ask, 'what are the concrete solutions?' The question one needs to ask in response is: solutions to what? If we understand this as a struggle for a new path of resource use and integration with the natural world, solutions abound, and they are far more environmentally effective than what we today call 'conservation', namely the 'saving' (often ineffectively) of small patches of land focused on one or the other large mammal. Instead, only such democratic strategies can change the destructive patterns of resource use that are at the root of environmental problems.

Locally, such solutions often overlap with mainstream understanding of conservation, as in Orissa's thousands of villages protecting forests or Uttarakhand's van panchayats. But there can be no uniform formula, no management system, that will work everywhere or always satisfy the mainstream understanding. Rather, these structures will evolve as people take management and control into their hands; institutions do not develop through policies alone, but through active contest for power. In this, though, we must be clear as to which side of that power we are on.<sup>11</sup>

**T**he 'conservation vs. livelihoods' frame is not just mistaken; it is a travesty. The social forces that drive destruction of the natural world are the same that drive impoverishment and destruction of livelihoods. They may take different concrete forms, but are rooted in a single drive. If we want to protect wildlife and the environment, in the long run, we cannot do it without fighting those forces; and that is a fight that has to be fought alongside the struggles of people for justice. Conservation that results in injustice is not just unsustainable, ineffective and risky, it is suicidal. After a century and a half of violence, brutality and intermittent civil war in so many of India's forest areas, it is now time to make a choice.

#### **Footnotes:**

1. See for instance, Lalitha Sridhar, 'If only Indira Gandhi was sitting there, asking, is that tiger safe?' Interview with Valmik Thapar. *Infochangeindia.org*, January 2004. Available online at <http://infochangeindia.org/200401015725/Environment/Changemaker/-If-only-Indira-Gandhi-was-sitting-there-asking-is-that-tiger-safe.html>

2. For instance, see Shankar Gopalakrishnan, 'Understanding the Forest Rights Act', *Yojana*, September 2009.



3. See case proceedings, *In Defence of Environment and Animals vs. Principal Chief Conservator of Forests and Ors.*, WP 10098/2008, Madras High Court.
4. Principle Chief Conservator of Forests (2009): Report of the Expert Committee Formed in Pursuance of the Direction of the Hon'ble High Court in W P No 10098/2008, 2762 & 2839 of 2009, [http://www.forests.tn.nic.in/graphics/Expert\\_Committee\\_Report.pdf](http://www.forests.tn.nic.in/graphics/Expert_Committee_Report.pdf). Also see press statement dated 30.12.2008, Makkal Vazhvirimai Padukappa Iyakkam, Gudalur, available at: <http://www.forestrightsact.com/statements-and-news/48-struggle-against-forest-bureaucracy-in-tiger-reserves-massive-demonstration-in-tamil-nadu>
5. See press statement dated 30.12.2008, Makkal Vazhvirimai Padukappa Iyakkam, Gudalur, *ibid*.
6. Personal communication, Varghese, Convenor, Vazhvirimai Iyakkam. Resolution of gram sabha available in panchayat register of Masinagudi panchayat, Udthagamandalam taluka, Nilgiris district.
7. The security establishment did, however, finally get its way when these provisions were incorporated into the Unlawful Activities (Prevention) Act after the Mumbai attacks.
8. In one case, for instance, forest rights activist Gopal Dubey of the Adivasi Ekta Sanghatan, Burhanpur district, Madhya Pradesh was arrested and tortured in an attempt to stop the Sanghatan from participating in the Lok Sabha elections. To cover up his illegal detention, he was later falsely accused of being in possession of a deer skin and charged under the Wild Life Act. See complaint by Adivasi Ekta Sanghatan to The Chief Election Commissioner, Election Commission of India, 'Forcible abduction by the forest officials of our election campaign coordinator, Mr. Gopal Dubey', dated 20.04.2009.
9. See 'A Brief Introduction to the Scheduled Tribes (Recognition of Forest Rights) Bill', Campaign for Survival and Dignity, June 2005. Available online at: [http://www.righttofoodindia.org/data/csd05tribalintro duction.doc](http://www.righttofoodindia.org/data/csd05tribalintro%20duction.doc).
10. K.S. Shaini, 'The Cost of Tigers', *Outlook*, 13 June 2005.
11. See for instance Campaign for Survival and Dignity, 'Open Letter to the Bombay Natural History Society, Wildlife Protection Society of India, Wildlife First and Conservation Action Trust', relating to the Supreme Court petition filed by these organizations against the Wild Life (Protection) Amendment of 2006.

