

The Hindustan Times, New Delhi, 02 Jan 2008

Forest Act comes into force, green activists cry foul

Chetan Chauhan

AMID STRONG opposition from environmentalists, the government on Tuesday notified the rules enforcing the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, giving tribals and forest dwellers rights over land and forest produce.

Almost 80 years after "historic injustice" was done via Indian Forest Act, 1927 taking away all forest rights of tribals and dwellers, the Central government took about two years in implementing the law once it was introduced in Parliament.

But, the law will not be applicable in the critical tiger habitats notified by Environment and Forest ministry on Monday. This will allow the government to relocate about 10,000 villages living in 27 tiger reserves for which the government has provided about Rs 4,000 crore.

The move is aimed at pacifying the strong tiger lobby which had claimed that Forest Rights law would be a death trap for the already dwindling tiger population, and Congress high command, which had expressed similar concerns.

The Forest Rights law allows gram sabha, the elected village body, to restore traditional, land and community rights to tribals and forest dwellers, provided they have been living there for the last 25 years. The period will be calculated from December 2005.

Almost 80 years after 'historic injustice' was done via Indian Forest Act, 1927 taking away all forest rights of tribals and dwellers, the Central government took about two years in implementing the law once it was introduced in Parliament.

The proviso, environmentalists claim, would be a death knell for Indian forests. "See what has happened to 250-square kilometre of forests near Ranchi, which was declared 'munda kodkhati' (area for locals to use forest). There is not even a single tree left there," said RK. Sen, former Project Tiger, Director.

Environmentalists like he and Belinda Wright of the Wildlife Protection Society of India believe that the government has put the country's fragile wildlife into grave danger by

implementing the law in the present form.

But, Valmik Thapar, a wildlife activist, was a little more cautious. He said, "In my opinion the law will have serious repercussions on wildlife in India. But for the time being I will keep my fingers crossed."

The Campaign for Survival and Dignity, a federation of tribal and forest dwellers' organisations from eleven states, welcomed the government decision and termed it a victory for all tribals and forest dwellers.

In the same vein, the federation also accused the government of watering down the primary Act in the rules, notified on Tuesday.

The rule 3(1) defines the gram sabha as the gram sabha of the panchayat, which would include numerous actual villages. This will make democratic functioning impossible (as the number will simply be too large); further, in many areas forest dwellers will be the minority. This contradicts both the Forest Rights Act — section 2(p) of which clearly states that, in Scheduled Areas at least, the gram sabha should be that of the hamlet — as well as the panchayats (Extension to Scheduled Areas) Act, 1996. The rule will make the law impossible to implement," said Shankar, convenor of the federation.

The tribal affairs ministry officials, however, said that the district administered would be trained on implementing the law as desired by Prime Minister Manmohan Singh at a recent meeting of National Wildlife Board.

chetan@hindustantimes.com

Right decision?

After 80 years, the Centre has restored the rights of tribals. But the green lobby is not impressed. Here's a look at the conflicting views:

DOWN MEMORY LANE

INDIAN FOREST ACT, 1927: To tap India's vast forest wealth, the British government enacted the Indian Forest Act giving tribals the right to exploit forest resources. After Independence, the rights enshrined in the 1927 Act were never granted.

INDIAN FOREST CONSERVATION ACT, 1980: The rights of tribals were taken away in the Forest Conservation Act. Tribals were termed encroachers on the land they had been living for generations.

MID-1980: In 1986, the commissioner of scheduled tribes and scheduled castes in his report to the Parliament dealt extensively with disturbances in tribal areas because of de-legitimation of tribal rights.

NATIONAL ENVIRONMENT POLICY, 1988: For the first time recognised the relationship between forest-dwellers and conservation.

1996: Panchayats were extended to scheduled tribe areas, the first step in the direction of identifying the rights of tribals.

2000: The Inspector General of Forests in the ministry passed an order stating that people encroaching upon forestland can be evicted.



This was implemented in 2002.

2003: Following resistance from tribals, the Centre formed a committee to examine the issue of tribal rights. Based on the committee's recommendations, the process to draft the Tribal Bill started.

The Joint Parliamentary Committee in May 2006 submitted the report expanding the scope of the bill to include all forest dwellers, resulting in strong opposition to the recommendations by the government.

FACTSHEET ON TRIBALS

Tribals identified as Scheduled Tribe in the Fifth Schedule of the Constitution are eight per cent of the country's population. 20.64 per cent of India's geographical area is under forest cover. Tribals live in 70 per cent of these forests. The Status of Forest Report 2003 had said that forests where the tribals lives are the best in the country.

OBJECTIONS

RULE (1) defines the gram sabha as the gram sabha of the panchayat, which would include numerous actual villages.

Objection: Many forest dwellers may not get their bonafide right because they would be in minority as the panchayat includes many villages. It is also against section 2 (p) of the primary Act, says Campaign for Survival and Dignity, a federation of tribal groups.

RULES 6 (a) speak about community's duties to conserve forests.

Objection: There is no specific mention of what type of conservation effort is required.

RULES 11 (a) seeks document evidence to claim forest rights.

Objection: Many forest-dwellers may not have documents as evidence. Secondly, the law may be misused to take over government land and deny rights to traditional claimants.

MISSING: No mention of traditional rights of dwellers over forest produce.

Objection: There is no incentive to the dwellers to protect forests and no accountability for the gram sabhas to make them conserve green areas.

WHAT THE EXPERTS SAY

"People will now go into the forests to claim their rights. I don't think that the law will improve the economic condition of the dwellers."

P.K.SEN, former director, Project Tiger

"It will have serious repercussions on Indian wildlife. Though the Prime Minister has taken several steps to save wildlife, I'd rather keep my fingers crossed."

VALMIKTHAPAR
wildlife activist