

Looking Beyond the Forest Rights Act

What is the issue?

The Forest Rights Act (FRA) has been in existence for 15 years but many forest dwellers across India are in vulnerable condition due to improper implementation of FRA.

What is Forest Rights Act?

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or FRA was a landmark legislation that sought to restore the rights of forest dwellers over land, community forest resources and habitats, and the governance and management of forests.
- It concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India.
- The Act grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.

What is the significance of FRA?

- The community forest titles enable all the villagers, including landless people, to access, use and sell minor forest produce and use other forest resources contributing to their livelihood.
- The FRA has the potential to restore the rights of forest dwellers over at least 100 million acres of forest land in one-fourth of the villages across the country.
- There are evidences that after recognition of community forest rights, the household incomes from bamboo harvesting have increased.
- There are possibilities of reverse migration and reduced forest fires due to regular patrolling and monitoring by the villagers and promotes sustainable management of forests.

What is the implementation status of FRA?

- The Supreme Court ordered the eviction of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) across 16 States, whose claim as forest-dwellers has been rejected under the Forest Rights Act.
- The court directed that the eviction be carried out by July 24, 2019.
- The forest land claims of these tribes and forest-dwellers are mostly rejected by the States.
- Being poor and illiterate, living in remote areas, they do not know the appropriate procedure for filing claims and the rejection orders are not even communicated to these communities.
- The order was stayed by the Supreme court after the Centre moved the apex court to modify the former order
- **The Ministry of Tribal Affairs** is the implementing agency whereas the role of the Forest Department in granting titles is crucial because the lands claimed are under its jurisdiction.
- As on April 30, 2020, the Ministry of Tribal Affairs had received 42,50,602 claims (individual and community), of which titles were distributed to 46% of the applicants.

What are the issues in implementation?

- **Non-compliance of the procedure-** The process of constitution of a Forest Rights Committee comprising members from within the village by conducting a Gram Sabha with two-thirds of the members present is not followed in many places.
- These committees were mostly constituted by the Panchayat Secretaries upon the directives received from District Magistrates at short notice.
- **Lack of Transparency-** The nominations for members for the taluk-level and district-level committees were not transparent.
- **Women rights-** The FRA provides for equal rights in titles issued under the Act for women but on the ground level, women were hardly visible in this regard.
- **Proofs of evidence** - In the initial stages of implementation, there was insistence on satellite images as evidence while other admissible proofs were ignored, as happened in Gujarat resulting in mass rejections of claims.
- **Issues in confirmation of the award-** In some villages around Bastar, Chhattisgarh, the plots claimed and the documents confirming the award did not match.
- Besides, the extent of land that was awarded was far smaller than what was claimed.
- **Non- expansion of other welfare schemes-** Various welfare and developmental schemes of the Rural Department were not extended to the tribal people who received documents of land possession under the FRA despite the directives issued by the Ministry.
- **Poor awareness-** Poor awareness levels among the tribal people proved to be a drawback especially in the scheduled areas which are remotely located.
- **Decline in the quality of forest produce-** The tribals possess lands (including the lands recognised under the FRA) that are small, of poor quality, infertile without irrigation facilities thus forcing them to look for other sources of livelihood.
- In Chhattisgarh, earnings from activities such as collection of tendu leaves for rolling local cigars were affected when there was an influx of labourers from Bihar who were willing to work for low wages.
- **Lack of coordination-** The biggest challenge throughout the country has been a lack of coordination between tribal, forest and revenue departments at the local level.
- **Myths of disappearance of tigers-** The number of tigers has only gone up after the FRA came into the picture.
- For example, after giving forest titles to the **Soliga tribal community** in the BRT Hills of Karnataka, a 2013 government estimate shows tiger density to be 11.3 tiger/100 sq km, making it second only to Kaziranga.

What is the way forward?

- The involvement of NGOs is needed, as in Dang district of Gujarat, NGOs made a difference by hand-holding the beneficiaries at every step.
- The livelihoods of the locals would improve if horticulture practices are promoted in addition to bamboo and aloe vera plantations with an assured market.
- A popular recommendation is medical and ecotourism along the lines of the Kerala model.
- Provision of skill-based education with assured jobs on a large scale in proportion to the demand would prevent migration of youths to urban areas.
- There needs to be a push on every possible aspect of their socioeconomic life by implementing the schemes and programmes in letter and spirit across the country.
- It is critically important for the state machinery to create a favourable for the Gram sabhas to exercise rights recognised under the FRA.
- The MoTA database can be upgraded to build a consistent, uniform and transparent

implementation of FRA.

- One way forward could be to induct people who are sensitive to the cause of tribal people in the decision-making process at every stage.

References

1. <https://www.thehindu.com/todays-paper/tp-opinion/looking-beyond-the-forest-rights-act/article38016615.ece>
2. <https://science.thewire.in/politics/rights/15-years-forest-rights-act-claims-recognition-trends/>

