

A path through the forest

The farmers' and forest dwellers' march from Nashik to Mumbai, and the Maharashtra government's decision to approve most of their demands within the next six months, has established the fact that land and forest rights are going to be determining factors for political establishments across India. The protest in Mumbai tells us that a stir is not going to be spontaneous anymore. Rather, it will be well organised, consisting of not only farmers but also forest dwellers and landless people who have been deprived and alienated from their resources, especially forest resources.

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. Prior to that, most forest dwellers in the country were denied rights to their traditional forestlands since colonial times. The government had even classified some of them as encroachers on their own land. But even 11 years after implementation of FRA, there is much to be desired. The Ministry of Tribal Affairs' latest database of October 2017 reveals that out of 41,89,827 claims for land rights made by forest dwellers, only 18,24,271 have been accepted by the authorities.

Even the recognition process of rights is poor, which has resulted in the rejection of thousands of legitimate claims made by forest dwellers. In some cases titles have been given over less area than what was legitimately claimed by forest dwellers.

Of the total forest rights titles issued so far, the majority are of individual forest rights. Only less than 4 per cent titles recognise community forest rights. Though recognition of individual rights is crucial as it enables the landholders to get the legal right to cultivate and invest their resources on that land to make it more productive, the community forest titles enable all the villagers, including landless people, to access, use and sell minor forest produce and use other forest resources.

Instead of addressing the implementation problems, governments across the country have introduced conflicting policies that go against the spirit of the FRA. For example, Maharashtra issued a Village Forest Rules notification in May 2014 under the Indian Forest Act, 1927. These rules place the governance of forests in the hands of committees that are constituted and controlled by the forest department, including in areas where the community forest rights are yet to be claimed, have been claimed or received.

Odisha, Telangana, Andhra Pradesh and many other states have forced plantations on recognised individual and community forest areas without communities' consent. The Compensatory Afforestation Fund (CAF) Act 2016 was passed to manage the more than Rs 50,000 crore fund to be used for plantation, despite protests from tribal organisations across the country. The CAF Act has been structured in a manner that it provides total control of the massive fund to the forest bureaucracy with virtually no political accountability and consent of the gram sabha for plantation activity in their recognised and potential community forest areas.

And then, diversion of forests for industrial and development projects without settling forest dwellers rights and without their free and prior informed consent has been indiscriminately carried out. Projects that bulldozed ahead without respecting the provisions of the Forest Rights Act, such as Vedanta's bauxite mining project in the Niyamgiri Hills and Posco's steel plant in Odisha, had to stop later. In fact, there are land related conflicts galore across the country arising due to the non-implemetation of the provisions of the Forest Rights Act.

In this context, important research is being carried out by Land Conflict Watch, an independent

online data repository of ongoing land conflicts in the country. The project has mapped 536 cases in which local communities are protesting against the change of land use or its ownership or are demanding a change in land use or ownership. Together, these conflicts affect close to 50 lakh people and span over close to 14.6 lakh hectares of land in India. These conflicts affect industrial and infrastructure projects amounting to roughly Rs 12 lakh crore in investment.

But more importantly, this ongoing study reveals that, in contrast to the accepted wisdom, the majority of the land conflicts (two-third) in India are related to common lands rather than private lands. Over 44 per cent of all cases involve forestland. Forest-land-linked conflicts affect 29.3 lakh people and 9.8 lakh hectares of land highlighting the simmering discontent in forested areas, including the Naxal-affected districts. Out of these, 118 conflicts have arisen due to direct violation of the provision of the Forest Rights Act.

The conflicts will increase and will impact hugely on the economic system if the government fails to address them in a rapid manner. Implementation of the Forest Rights Act, in letter and spirit, will not only help resolve these conflicts but also help uplift the economic and social status of forest dwellers. The government should realise that the Forest Rights Act is not an obstacle to growth. Rather, it can enhance the livelihood of people and promote sustainable forest management through collective action with legal sanction, scientific inputs and social process.

Consider the example of Pachgaon in Chandrapur district of Maharashtra. My own research work in this village reveals that after recognition of their community forest rights, the 65 households in the village have earned Rs 91 lakh between 2013-2017 as wages by harvesting bamboo in their community forest. There is a reverse migration happening in this village. The forest fires have come down drastically due to regular patrolling and monitoring by the villagers. Like Pachgaon, there are hundreds of villages across the country which have been empowered under the FRA to access their customary rights over forestland. They have proved how the FRA can contribute to their livelihood and sustainable management of forests.

The government should understand the potential of the FRA to address rural distress and not subvert its provisions. The state governments across the country should bring amendments to their forest law, especially laws related to minor forest produce, so that millions of forest dwellers will benefit from their access to forest resources. With assembly elections due in three major forested states — Madhya Pradesh, Chhattisgarh and Jharkhand — the political potential of the FRA should not be ignored.

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