

STUDIES SHOW ADIVASIS HAVE PRESERVED BIODIVERSITY, SC VERDICT TURNS A BLIND EYE TO SUCH KNOWLEDGE

Relevant for: Developmental Issues | Topic: Rights & Welfare of STs, SCs, and OBCs - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

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The writer, a social anthropologist, is based in Bengaluru.

The recent Supreme Court judgment (in the writ petition (civil) No 109/2008) has evoked much ire and anxiety, and the first reactions to the judgment have been against the suggestion that Adivasis and forest-dwellers be evicted. However, the petitioners, all conservationists, have qualified the objectives of their petition and highlighted the case for safeguarding the forests against “bogus claims to forest rights”, calling for the state to take action against the loss of forest cover. Even if we accept their standpoint as valid and read the judgment as an attempt to address the maladministration of forests, we must recognise the long-term neglect of the rights of Adivasis and forest-dwellers.

The context, process, content, and implications of the judgement indicate that forests have, over the past two decades, become the new contested arenas between not only a range of people — Adivasis, other traditional forest dwellers and outsiders — but also between them and nature conservationists, the forest department, the extractive mining industry, the eco-tourism industry and a faltering political and administrative apparatus. Far from [Jawaharlal Nehru](#)’s commitment — based on Verrier Elwin’s advice that the tribals of India be allowed to have their own habitats and autonomy — and the Constitution’s consideration of Scheduled Areas, where tribals were to have special rights, we have seen the adverse integration of tribals into the most exploitative labour regimes and the most indifferent forms of administration. Displaced and hounded out of their original habitats, Adivasis are now largely internally-displaced refugees.

Hounded for the mineral wealth that their lands contain, cheated out of land rights by money lenders, and, caught between left-wing mobilisation, a life of penury and rampant alcoholism, many Adivasi communities live a disturbed life. Add to this pile of exploitative ventures, nature conservation programmes such as “Project Tiger” that seek to restore forests as pristine nature spaces. These programmes have transformed forest-dwellers and turned Adivasis into eco-refugees.

Such re-territorialisation of forests into “nature only” spaces has not led to any restoration of these tracts. Instead, in most cases, the original inhabitants live in impoverished colonies outside the sanctuaries and parks while the forest department’s writ runs large over these terrains. Even as illegal regimes of forest extraction continue, administrative laxity has permitted the growth of a nature tourism industry. This industry uses the tag of “eco-tourism” to legitimise its presence in these forests.

If the petitioners are concerned about the degraded and shrinking forest cover, the question arises as to why they have sought administrative corrections only when the cases pertain to the allocation of land under the Forest Rights Act. Why has the despoliation of India’s forests by the mining, timber and tourism industries not been addressed? How can the presence of large resorts and the heavy footfall of tourists on these sites be legitimised while the rights of their

original inhabitants remain challenged?

Adding to the depletion of their habitats are a range of government programmes that go against the ways of lives of the Adivasis. Poor quality education means that these communities are not able to access mainstream advantages. At the same time, they have not been enabled to relate to their worlds. More recently, they have become targets of the Hindutva networks' attempts to draw them into their ambit.

The Forest Rights Act was passed to enable them to regain their lost habitats. But there has been a failure of political will to implement this piece of legislation. That a large number of bogus claimants have emerged is indicative of the contest for forestland, which has been abetted by poor administrative measures. Further, the Adivasis' lack of political constituency was evident from the fact that the Ministry of Tribal Affairs (MoTA) and the Department of Forests and Environment did not bother to attend some of the hearings.

The judgment, despite the delay of nearly a decade, is myopic and undemocratic. It fails to provide a roadmap of how justice could be delivered to genuine forest-dwelling communities and address the issue of conserving and rejuvenating forests. Oblivious to the inadequacies of the administrative apparatus, the judgment stipulates the draconian measure of eviction. The petitioners noted that the fragmentation of forestland is one of the key reasons for the failure to restore and conserve fragile ecological spaces. Studies indicate the strength of tribal knowledge of forests and ecological resources. Such knowledge enabled not only the conservation of flora and biodiversity but also that of fauna. In the context of the negative fallout of decades of intensive chemical and technology-based agriculture and the recent impact of global climate change, which threatens natural resources and food production, it may be important to draw on such knowledge systems.

Today, the Adivasi has become a pawn in the games that an indifferent polity, a corrupt administrative apparatus and an aggressively ambitious dominant society are playing. Rendered into being subjects who cannot even represent themselves, the Adivasis must see this judgment as an occasion to assert themselves. Instead of seeking land rights on an individual bases, an Adivasi resurgence can claim collective rights on a format that recognises clan/tribal affiliation and work/production plans that can include restoration of habitats, ecological sustainability and autonomous governance. The strength of India's democracy is that it recognises the pluralism of Indian society. If we are to safeguard this, the Adivasi must be recognised as key dramatis personae on the national stage.

The writer is a social anthropologist, based in Karnataka

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