

## WHAT IS FOREST RIGHTS ACT?

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

In the colonial era, the British diverted abundant forest wealth of the nation to meet their economic needs. While procedure for settlement of rights was provided under statutes such as the Indian Forest Act, 1927, these were hardly followed. As a result, tribal and forest-dwelling communities, who had been living within the forests in harmony with the environment and the ecosystem, continued to live inside the forests in tenurial insecurity, a situation which continued even after independence as they were marginalised. The symbiotic relationship between forests and forest-dwelling communities found recognition in the National Forest Policy, 1988. The policy called for the need to associate tribal people in the protection, regeneration and development of forests. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted to protect the marginalised socio-economic class of citizens and balance the right to environment with their right to life and livelihood.

On February 13, the Supreme Court ordered the eviction of lakhs belonging to the Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) categories across 16 States, whose claim as forest-dwellers has been rejected under the Forest Rights Act. A Bench of Justices Arun Mishra, Navin Sinha and Indira Banerjee ordered the Chief Secretaries of many of these States to evict those whose claims were finally rejected. The court directed that the eviction be carried out by July 24, 2019.

The Bench, in a 19-page order, cautioned the States that if the evictions were not carried out within the stipulated time, “the matter would be viewed seriously.” The Chief Secretaries of the States were asked to file affidavits by July 12, explaining why the rejected claimants had not been evicted. It ordered the Forest Survey of India (FSI) to make a satellite survey and place on record the “encroachment positions.”

The February 13 order is based on affidavits filed by the States. The affidavits, however, do not make clear whether the due process of law was observed before the claims were rejected. The Centre argues that the rejection of claims is particularly high in the States hit by Left-Wing Extremism, where tribal population is high. 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. The gram sabhas, which initiate the verification of their claims, are low on awareness of how to deal with them. The rejection orders are not even communicated to these communities.

On February 28, the court stayed its order, though it said “the mighty and the undeserving” who have encroached on forest land would be shown no mercy. It has decided to examine whether due process was followed by the gram sabhas and the States under the Forest Rights Act before the claims were rejected.

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