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Issue 4

TRACKING THE FOREST RIGHTS ACT

STORIES ABOUT THE IMPACT AND IMPLEMENTATION OF THE
ACT FROM ACROSS INDIA

Editorial

10 months on, where is the Forest Rights Act?

“Over 8 lakh claims”, says the Ministry of Tribal Affairs. Madhya Pradesh seems to steer ahead of the other states. The rumour is that the state is in its last stage of verification...“titles are to be given very soon”. But like numbers, the state picture too is misleading. For as many districts in a state where forest-dwellers have filed claims, there are double if not triple number of districts where forest dwellers have no idea that such a law even exists or that they cannot be evicted from forestland till their claims are settled. Wherever social movements are strong, people have had access to information about their rights. Where civil society is not active, the process has been haphazard, or non-existent.

For example, in the district of Udhamangalam (or Ooty), the District Level Committee (DLC) has been constituted in a totally arbitrary manner. According to minutes, the District Collector was the only person present at the first DLC meeting, where he pulled together “ST names” from previous Revenue Department records and constituted the DLC and three Sub-Divisional Level Committees (SDLCs). When Kalpavriksh and a local NGO investigated this, we found that that of the three ST members, one man had committed suicide a year ago and the other didn’t exist.

“What is the biggest problem with implementation?” we asked an official from the Karnataka Tribal Welfare Department (TWD). His responses was, lack of finances and manpower. There are simply not enough trained officers who can mobilize gram sabhas, explain the Act’s provisions and monitor the validity of the claims verification process. Community members in the Biligiri Rangaswamy Temple Wildlife Sanctuary in this state were disgruntled that the TWD would not even provide enough money to buy a notebook in which to record gram sabha resolutions regarding this Act. However, fund scarcity is not unique to Karnataka; it seems to be common to all states. In the previous issue of this newsletter, we had reported that in a Central Govt. review meeting, all states governments had expressed that paucity of funds was a major bottleneck in implementing the Act. In this meeting, the Planning Commission had stated that since states are already allotted financial aid under Section 275(1) of the Constitution, no extra funds could be provided.

Given the absence of adequate funds, informed officers and state initiative in implementation, one question that comes to mind is whether the government was ever serious about this legislation.

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NATIONAL NEWS

Over 8 lakh claims received

The Ministry of Tribal Affairs (MoTA) states that over 8 lakh claims have been received from various states. These claims are under various stages of verification. According to MoTA, all states have set up committees at the State, District and Sub-Divisional levels. The Act and Rules have been translated into regional languages and distributed to gram sabhas. A monitoring format for implementation of the Act has been developed for weekly and monthly monitoring of implementation. Awareness programmes about the provisions of the Act and training of district level staff has also been taken up.

Figures on numbers of claims received as of 31.07.08

Andhra Pradesh: 2.28lakh claims for allotment of 6.6lakh acres of land
Chhattisgarh: 2.5lakh
Gujarat: 33,185 individual claims and 425 community claims
Madhya Pradesh: Over 2.76 lakh claims 88,107 claims have been verified
Maharashtra: 75,000 claims
Orissa: 77,894 claims
West Bengal: 20

Source: Anita, 'Over 8 lakh claims received for allocation of land under the Forest Rights Act', *The India Post*, 08.08.08
<http://www.theindiapost.com/?p=3991>

New Delhi: FRA could control naxalite activity

In a letter to the governors of all Indian states, the Prime Minister, Manmohan Singh said, "It is not a coincidence that the areas affected by naxalite activity are also areas with a large representation of tribal communities. It was in recognition of this fact that many such states and areas have been included in the Fifth Schedule of the Constitution...Our Government has enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is a path breaking initiative empowering tribal families. The efficient and effective implementation of the provision made in this Law need close attention. I hope Governors will take particular interest in this matter."

Source: 'PM addresses Governor's Conference', *Press Information Bureau*, 17.09.08
<http://pib.nic.in/release/release.asp?relid=42878>

NEWS FROM STATES

Andhra Pradesh

Hyderabad: State Govt. distributes land

Chief Minister, Y.S. Rajashekhar Reddy has asked the A.P. Tribal Welfare and Forest Department to hasten the survey, verification and identification of land so that it can be handed over. The govt. states that over 50,000 acres has been cleared and another 50,000 acres will be cleared as soon as possible. The CM has said that the titles deeds of these lands should be distributed on August 16th or 17th.

Source: 'Forest Rights Act to be enforced in AP', *Business Line*, 01.08.08
<http://www.thehindubusinessline.com/2008/08/01/stories/2008080151921500.htm>

Sangareddy: CPI(M) activists incite tribals to protest for implementation

A large group of tribals led by the Community Party of India (Marxist) organized a dharna in front of the Collector's office demanding that the Act's implementation be completed by August 15th. Party leaders also alleged that the constitution of Forest Rights Committees (FRCs) had not taken place in a proper manner.

Source: 'Tribals for implementation of Forest Rights Act', *The Hindu*, 09.08.08

MAHARASHTRA

Nagpur: Forest Minister on the Forest Rights Act

Times of India (ToI) interviewed Forest Minister, Babanrao Pachpute on a number of forest and environment related issues. Regarding the FRA, ToI asked, “*With the Forest Rights Act of 2006 in place (which concerns the rights of forest dwellers to land and other resources), do you think the state will be able to achieve 33% forest cover?*” Pachpute responded, “*According to our estimates not more than 1.5% of forest land would be diverted for that purpose. In fact we’re not going to distribute any new land, but will only settle the rights of forest dwellers whose help would also be taken to improve green cover.*”

Source: Vijay Pinjarkar, ‘We’ll need another 39.6 lakh hectares’, *Times of India*, 23.08.08

http://timesofindia.indiatimes.com/Mumbai/Well_need_another_396_lakh_hectares_/articleshow/3395349.cms

Gadchiroli: Mendha applies for the right to protect 18 sq.km of forest area

The people of Mendha-Lekha have been managing their natural resources and protecting their village forest for decades. Now, they have applied for the right to protect and use over 18 sq.km of village forest under this Act. Devaji Tofa from Mendha says, “the rights will help villagers bargain the price of important minor forest produce like bamboo and tendu patta. In the absence of a rights regime, a lot of these resources were harvested unsustainably by private contractors and under license from the Forest Department.” Tofa added that since Mendha depends on forest produce, community rights, rather than individual land rights hold more value.

Source: Supriya Singh, ‘Give us 18 sq. km’, *Down to Earth*

http://www.downtoearth.org.in/full6.asp?foldername=20080831&filename=new&sec_id=4&sid=15

ORISSA

Balitutha: Protests against Posco seek out the Forest Rights Act

In a recent protest against the Posco steel plant in Balitutha, Abhay Sahoo, leader of the Posco Pratirodha Sangram Samiti vowed that not an inch of land would be given to the company. He said, “As per the Forest Dweller’s Act, we have legal rights on the land and will not part with it for the company.” PPSS intends to frustrate the land acquisition efforts by engaging in a legal tangle using the provisions of the Forest Rights Acts. In fact, Dinkia village has already passed a resolution declaring its forest as ‘protected’ community forests under the FRA.

Source: ‘PPSS protests against steel plant, resents forest survey’, *The Statesman*, 02.09.08

<http://www.thestatesman.net/page.arcview.php?clid=9&id=247363&usrss=1>

‘No end in sight for Posco’s pain’, *Business Standard*, 08.09.08

<http://www.business-standard.com/india/storypage.php?autono=333413>

Nitin Sethi, ‘Orissa village to use Forest Act to block Posco project’, *Times of India*, 10.08.08

http://timesofindia.indiatimes.com/India/Orissa_village_to_use_forest_Act_to_block_Posco_project/articleshow/3347658.cms

New Act may seriously delay Vedanta’s bauxite project

An industrial newspaper, the Metal Bulletin recently reported that Sterlite Industries’ bauxite mining project in the Niyamgiri Hills could be seriously delayed by the Act. Under the FRA, consent of forest-dwellers must be sought before they can be resettled. Protestors are pressuring the State Government to recognize rights of forest-dwellers and settle all issues before the land can be handed over to Sterlite.

Source: ‘New forest act may seriously delay Vedanta’s bauxite project’, 15.08.08

<http://www.metalbulletin.com/Article.aspx?ArticleId=1996156&Category=NonFerrous>

NEWS FROM CRITICAL WILDLIFE HABITATS

No news

UPCOMING EVENTS

No events are reported

READER'S WRITE IN

Into The Woods

Targetting forest-dwellers to save the environment is harmful
KARTIK SHANKER, Indian Institute of Science, Bangalore

Given the rapid decline in the state of the environment and biodiversity, it seems obvious that we must direct our energies towards the most significant threats. But, are conservationists addressing the biggest threats to biodiversity? Or are they influenced by issues such as charisma and contingency? On the one hand, some conservationists give undue attention to large, attractive animals and to immediate threats. On the other, they are constrained by what they, as a socio-political sub-group, can achieve. In a politically hierarchical world, conservationists tend to be low on the totem pole of power. Thus, many of their battles are fought against the marginalised.

Nothing exemplifies this better than recent battles over the environment. Some conservationists have gone to battle over the Scheduled Tribes (Recognition of Forest Rights) Bill, 2006, pitting themselves against forest dwelling communities across the country. Without doubt, some of these communities impact their environment negatively, but surely no more so than the conservationists who are fighting the Bill. And certainly far less than industrial interests in many natural areas. And, while many conservationists are fighting these interests, so are forest-dwelling communities, sometimes at the cost of their lives.

Much of the opposition to the Bill has come from conservationists who favour inviolate pristine areas at any cost and are strong advocates of relocation (henceforth protectionists). Besides volumes of vitriolic press and misinformation about the extent of 'prime forest' that will be lost, at least three things are wrong with the protectionist opposition to the tribal bill.

Firstly, the alternative to allocation of land and continued ambiguity over current tenancy is relocation. It is not clear that relocation helps conservation. There are few examples where it has been carried out fairly and effectively. Bad relocation almost invariably results in social and political disempowerment and further marginalisation. Relocation studies from Southeast Asia show that once people are moved out of an area, it becomes open to the entry of vested interests.

Secondly, one cannot expect large-scale public support for protection of the environment without sensitivity to it. The same groups that are opposed to this Bill spend considerable time and money educating the public about the importance of environment and conservation. This is a job they see as important and do very well. And yet, strangely enough, it does not seem counterproductive to them to oppose the legitimate interests of forest-dwelling communities, who actually have the most to gain from environmental protection, and have sensitivity born of necessity; protectionists seem not to realise or care that this will only turn millions of people against nature or conservation.

Therefore, thirdly and most importantly, the tribal Bill presented an unprecedented opportunity, and a political-administrative framework, for conservationists to join forces with forest-dwellers. Yet, protectionists have chosen to join issue with them. Instead of gaining thousands of supporters, this has created a rift between people and the environment, supporting the idea that conservation is really for and of the elite. For a group that is, on a national scale, low on the agenda of politicians and bureaucrats — they do not believe that environmental conservation helps growth — there is a need to build different constituencies of support.

Conservationists and natural resource-dependent communities have a common goal — the longterm survival of resources. Both practically and philosophically, industrial development does

not. Industry's philosophy is that supply-side problems have technological solutions. Unfortunately, no technology can replace the ecological and social values of biodiversity. As protectionists have repeatedly said, without doubt, many forest-dwellers are on the same economic and social path as urban- and rural-dwellers. In the long run, surely many forest-dwellers will choose to move from forest areas and produce and consume carcinogens like the rest of us. However, studies have shown time and again that tenurial rights play a significant role in the sustainable use of resources. Thus, the terms on which they leave the forests and the sharing of ownership and benefits may be critical.

While protectionists in wildlife-related non-governmental organisations have been viscerally opposed to the Bill, the response from many other conservationists, both academic and activist, has been more guarded. While they have criticised the Bill's content, they have not been opposed to it in spirit. And many natural and social scientists and activists have attempted to contribute constructively to ensure that the Act has positive consequences for both forest-dwellers and the environment.

These conservationists genuinely believe that the goals of conservation have much in common with the livelihoods of local communities and that, by working together, these common goals can be achieved.

From Tehelka Magazine, Vol 5, Issue 39, Dated Oct 04, 20

Some questions that we're asking:

- How is the Act being interpreted in its implementation?
- Which are best and worst cases of its implementation?
- What are the implications of 'Critical Wildlife Habitats' and how are they being implemented on the ground?
- What are the implications of Section 3(i) and how are forest-dwelling communities claiming the right to protect and conserve forests?
- How are the provisions of the Act being misused?
- Are fresh encroachments occurring as a result of the Act?
- What is the impact of tenure and livelihoods security of forest-dwelling communities on biodiversity?

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