



 THE STORY UNDERNEATH

Inter Press Service News Agency

Monday, March 15, 2010 07:07 GMT

[Latest News](#)[Contact Us](#)[Readers' Opinions](#)[Search](#)**ENVIRONMENT-INDIA:****Law on Forest Rights Fails to Deliver**

Manipadma Jena

BHUBANESWAR, India, Mar 13 (IPS) - A four-year-old landmark law that was supposed to bring profound changes in the lives of India's tribal and forest-dwelling peoples has failed to deliver on that promise.

According to activists and government officials alike, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act – better known as the Forest Rights Act (FRA) of 2006 – has remained nothing more than ink on paper as general confusion, corruption, and an intransigent forest department complicate the already feeble efforts to implement it.

"Despite being a complicated law, no substantial step is even now underway to increase ground-level awareness among revenue and forest department personnel and village-level committees (the base level nodal agency to process the land claims)," says Tanushree Das of the Bhubaneswar-based non-government organisation Vasundhara. "Every level is still floundering."

"The government's handling of community or village forest land claims is a complete failure," adds Sheikh Sahajahan Bari, who works for the non- government organisation Pragati in tribal-dominated Koraput district.

"The rules governing FRA were notified more than two years back, in January 2008. (Yet) the concerned officials themselves still remain unclear on them," said Bari, who took part in a March gathering here of some 600 grassroots women leaders and activists from Orissa's 30 districts to discuss forest land and rights issues.

Millions of India's traditional forest dwellers are thus in the same spot that they have been since colonial times: bereft of any rights on the forest land that they have lived off for generations.

This is the situation that forest rights act is supposed to change. For one, it allows claims to individual family titles to already occupied or cultivated forest land that are currently considered 'encroachments'.

For another, the law allows access to, as well as the use and selling of, forest produce that has been traditionally collected. This includes particular leaves that are used as leaf-plates, palm-tree juices, medicinal plants, and fruits.

The forest rights law also gives a community -- usually one village unit -- the right to manage and protect forests it has customarily managed, even though these are government property.

Tribal communities constitute over eight percent of the country's more than one billion people. Some eight million of India's tribal people can be found here in the forest-rich eastern state Orissa, which has the third largest tribal population in the country, following Chhattisgarh and Jharkhand.

But even Ashok Kumar Tripathy, principal secretary of Orissa's Scheduled Tribe and Scheduled Caste Development Department -- the highest state- level FRA nodal agency -- recently observed in an internal circular that although there have been "repeated clarifications on ensuring the recognition of Community Forest Rights" under the law, "very little progress has been made in different districts so far (in the state)".

Scheduled Caste and Scheduled Tribes, also known as 'dalits' and 'adivasis', are granted special reservation quotas by the Indian Constitution in educational institutions and government jobs, in order to uplift their socio- economic status.

For sure, some stipulations in the law make its implementation difficult.

One provision, for example, says that a tribal claimant should have used the land prior to the 1980s while a non-tribal claimant should have chucked up at least 75 years. In most cases, however, the latter is impossible to prove as members of deprived communities – like those covered by the law – usually do not live beyond 50 years.

Biswar Kumar Nayak, special secretary in Orissa's Scheduled Tribe and Scheduled Caste department, concedes that one of the reasons why more than two-thirds of the 300,000 ownership applications received as of Mar. 1 were rejected was because the claimants could not prove that they had been using the forest land for 75 years.

Nayak says, however, that while contentious issues remain, the pace of the implementation of the forest rights act is "fair".

As it is, some remote areas remain unsurveyed while in others, land demarcation is untraceable. In one area, Maoist rebels burnt down an administrative building with all land records. Clashes between neighbouring villages over contested

boundaries and mature plantations are other reasons delaying land transfer.

Activists themselves say that, too often, mailed applications are simply not reaching their destination.

But they also note that past and present forest officials are among the most serious hindrances to the full implementation of the law. According to the activists, this may be because the forest rights law gives people a significant amount of the power once wielded exclusively by the department over forests.

States across India have seen legal petitions filed by retired forest officers seeking a stay in the implementation of the law. In Orissa, one such petition – which argued that communities would destroy forests and wildlife if granted ownership – was quashed just last year.

Bari also echoes other activists in saying that forest officials often do not extend any help to those wanting to exercise their rights over forest land as stipulated in the law.

For instance, Bari says, a community wanting to lay claim on forest produce must first provide details such as the curative qualities of the medicinal plants that they are harvesting, the demarcation of grazing grounds, and the names and quantity of the products they will be getting from forest flora. They must also provide a hand map demarcating the claim area.

Yet, says Bari, "after completing this tortuous process, a forest official who is a mandatory member of the joint verification team often does not turn up".

Corruption has muddled the process as well. According to Sebatl Behera, who works in 35 villages the community organisation Adima Adibasi Ekta Manch (Forum for Primitive Tribe Unity) in Boudh district, low-level government personnel who visit villages to measure land usually ask 5,000 rupees (110 dollars) in exchange for processing a claim.

Some three months back, recalls Behera, she came across a group representing nine tribal families as it was paying state personnel some 22,000 rupees (500 dollars) in grease money. She says she snatched the money and returned it to the families.

Forest dweller Bidulata Danayak, a mother of four, says she has been asked for a bribe. She says that village committee members demanded 5,000 rupees to vouch for her claim on 1.62 hectares of forest land that she farms. (END/2010)