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## ENGAGED CIRCLE

## Stranger Than Paradise

The Forest Rights Act was meant to restore rights of forest dwellers. **Rajesh Sinha** traverses Jharkhand to see how it is impacting the targeted population

IN THE predominantly tribal Palamau belt in Jharkhand, 'Dhoti Father' or George Monipalli is an easily recognised man. A priest who has donned the ubiquitous *dhoti*, he has for years fought along with Adivasis for the rights guaranteed to them under the Forest Rights Act (FRA). The act formally called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) was notified in December 2007. Since then, the Palamau district administration has recognised the claims of only two families from Durup village in the district.

The FRA was enacted to restore the rights of forest-dwelling communities over land and other resources that had been denied to them under previous forest laws which do not take into account the ways of life of tribal communities. The Act provided for recognition of individual family rights over land that had been classified as "encroached", despite the family's traditional use. In addition to this, FRA took into cognisance community rights over grazing lands and forest produce. But as in evidence in Palamau, despite what the Act states, the actual implementation revolves around government functionaries who are preoccupied with procedural hurdles that stall delivery.

Monipalli has more stories to share about the disconnect between the government functionaries and the people. At present, only individual family claims are being settled, he says, and more applications have been rejected than approved. Across Jharkhand, till February 2010, only 2,505 families' claims were approved while over 3,000 were rejected, against over 25,200 applications filed. The two families from Palamau were allotted plots ranging from 0.2-0.4 acres (the average size owned by villagers is 1.5-4 acres) when then Governor K Shankarnarayanan came visiting for a *Vikas Mela* on October 5, 2009. In neighbouring Latehar district, two persons have benefited from the FRA. With elections on hand, the government was keen to show that it had the tribals' interests at heart.

VILLAGERS AND activists alike point to the state forest department officials as being central to the nonimplementation of the FRA. Loathe to give up their power and hold, villagers allege that the forest department officials resort to various devious methods to deny them rights stipulated under the FRA. Even after a village completes the process of identifying, measuring and demarcating the piece of land towards settling claims, delays crop up when a forest department official, a mandatory member of the joint verification team, does not turn up. The forest department officials however have a different take on the matter. They say that applications were not being processed as few were being received. "We can clear the applications only when we get them," said an official who refused to be named.

The state lost an incredible opportunity to win over people and erode the support base of the Maoists

Yet another allegation often heard from the villagers is that the FRA is misinterpreted, leading to rejection of their claims. A common reason for an outright rejection is that the applicant's house falls outside the forest region. This despite a 2008 clarification from the Union Ministry of Tribal Affairs that the Act recognises the rights of people "primarily residing in forests" including those who do not necessarily live in the forest but depend on the forest for their bonafide livelihood needs.

Corruption, too, has muddled the process. Awadh Singh, an activist who works towards implementation of the FRA, says that the *amin*, a government appointed functionary responsible for measuring the land claimed by a family, often demands Rs 1,500-Rs 2,500 from every family. There are other malpractices. According to the law, the claims are to be cleared by the Van Adhikar Samiti (Forest Rights Committee), a committee of the Gram Sabha. The committees were set up in 2008 and the list of members, the secretaries and chairmen were sent to the district headquarters. In most cases, the villagers did not keep a copy of the list. A year and more later, they cannot say who is on the committee or who the chairman and secretary are. As a consequence, corrupt government functionaries hand the responsibility to people they favour.

When Amitabh Shukla, Palamau's Deputy Commissioner (DC), the top district government functionary, announced the settlement of claims of around 170 villagers on April 14, this year, many of the families that made to the list were those whose names had been processed by *thekedars* or contractors. The villagers, awed by the presence of the officials, were browbeaten to accept allotments ranging between 0.4 and 1 acre (the DC claimed that the plots "averaged one acre"). The land originally owned by the villagers was three to four times this size. Technically, the Van Adhikar Samiti is the body authorised to decide claims and government servants have to accept its decision. In reality, this happens rarely.

Palamau division, consisting of the districts of Palamau, Latehar and Garhwa, is located amid thousands of square kilometres of dense forest. There is a sprinkling of towns and hamlets in the area where Maoists, aka Naxalites, hold sway. Though there has been no major bloodbath here, the Naxals have hijacked trains for hours and blown up tracks. The FRA was one opportunity for the government to have won over people and consequently erode the support base of the Maoists in these parts. The way it is going about it, however is creating further grounds for resentment, frustration and disaffection amongst the villagers. Meanwhile, villagers are organising themselves with support from activists and intelligentsia to demand rights due to them. Locals point out that the attitude of the people towards Maoists is one of indifference laced with a tinge of fear. A feeling that could easily turn into sympathy if the injustice and persecution by petty functionaries continues.



**Plot points** Delays, misinterpretations and corruption in the distribution of land to tribals, all add to the groundswell of resentment  
PHOTOS: VIJAY PANDEY



**Dark continent** Adivasis will lose all that is familiar and fundamental to life

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