

The new votaries of Forest Rights Act

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Is it the upcoming elections that are prompting states to focus on FRA and win hearts of the tribal people? wonders Kumar Sambhav Shrivastava



Odisha promises to amend transit pass rules to allow forest dwellers transport and sell forest produce out of forest as per FRA Credit: Kumar Sambhav Shrivastava

It was an unprecedented sight. In the last two-and-a-half years of my reporting on forest related issues, I had never seen governments so keen to “effectively implement” Forests Rights Act (FRA) of 2006.

On December 3, at the National Meeting on FRA organised by the Union Ministry of Tribal Affairs, the tribal welfare officials of almost all the forested states pledged to correct the past mistakes committed by their governments during implementation of the Act. They promised to reopen the rejected claims of the rights of forest dwellers and recognise community forest rights, habitat rights of particularly vulnerable tribal groups (PTGs) and rights of pastoralist communities under the Act in a time-bound manner. They presented action plans for training of their staff on the new rules issued by the ministry under the Act, to set institutional mechanism and to address grievances of the dissatisfied forest dwellers. I was surprised on this newfound commitment for FRA.

The FRA was enacted by Parliament to undo the “historic injustice” towards forest dwellers who have been denied their traditional rights over forest resources. The Act recognises the individual rights of forest dwellers to live and cultivate forestland and the rights of the communities to manage and protect forests and its resources such as minor forest produce (MFP) traditionally used by them. However, due to its faulty implementation on the ground, the law has failed to benefit majority of the forest dwellers of the country even after five years of its implementation.

Till June this year, [more than half of the total 2.8 million claims under FRA were rejected](#) by the states. Of the total claims approved, only 0.5 per cent recognised community forest rights. The states’ tribal welfare departments that are the nodal bodies for implementing the Act could never have a say because the forest departments have been resisting the implementation of the Act for the fear of losing control over forests. The Union tribal affairs ministry, on the other hand, kept blaming the states for non-implementation. At one point of time, the ministry under its previous head Kantilal Bhuria, even refused to accept the recommendations of the National Advisory Council that blamed faulty rules of the Act for its non-implementation.

Things, however, started changing at the Centre when V Kishore Chandra Deo, who headed the parliamentary committee that framed the Act in 2006, took over the Union tribal affairs ministry in July last year. The minister, after a year of deliberations, [finally amended the rules of the Act](#) in September this year giving more authority to gram sabhas and curtailing the role of the forest departments in the implementation of the Act. The states, till then, continued to refer FRA as a patta-giving Act.

Things, however, changed dramatically in the past three months. The ministry, in collaboration with United Nations Development Programme (UNDP) organised five regional workshops to sensitise the state governments on the new rules with the focus on recognising community rights under the Act. The states couldn't have welcomed it more. Many officials reported that chief secretaries of their states have personally taken several meetings of officials to instruct them on implementation of FRA. A few states reported to have made more progress on the FRA front in the past three months than in the past five years.

I wondered what has led to this sudden impetus for implementing FRA? Well, the reason can be drawn from the fact, as one of the activists present in the meeting concluded, that most of the forested states are going in for elections in the coming two years. While Madhya Pradesh, Karnataka, Rajasthan, Himachal Pradesh will hold elections next year, voting is due in Andhra Pradesh, Chhattisgarh, Odisha and Maharashtra in 2014. States like Madhya Pradesh, Chhattisgarh and Odisha have more than 20 per cent of tribal population and their governments would want to capitalise on the renewed push from the Centre for implementing FRA. Given that Lok Sabha elections are also due in 2014 and the current uncertain political environment UPA will also not mind the goodwill generated, if any, from the improved performance of one of its flagship schemes.

No wonder Madhya Pradesh has committed to recognise 25,000 new community and 15,000 individual forest rights by the end of 2013. Odisha promised to amend its transit permit (passes issued by forest department to transport forest produce out of the forest) rules; many villages that have got community forest rights titles in the state are prevented by the forest department to take away forest produce for sale on the basis of these rules. Andhra Pradesh claimed to have recognised all habitat rights of PTGs in the last three months and Chhattisgarh recognised maximum forest rights titles in the name of women.

Towards the end of the meeting, tribal welfare commissioner of one of the states asked me, "What does Down to Earth think, is FRA good or bad?" "Good," I replied assertively and asked him the same question. The official chose to smile instead of responding to my question which seemed little sarcastic to me. Whatever he meant by that, one hopes the momentum generated now in favour of FRA would benefit forest dwellers. Governments might not get a third chance to undo the "historic injustice" towards the most marginalised people of the country.

Tags: [Reporter's Diary](#), [Forest Rights Act \(FRA\)](#), [Kantilal Bhuria](#), [Minor Forest Produce](#), [National Advisory Council](#), [union ministry of tribal affairs](#), [United Nations Development Programme \(UNDP\)](#), [V Kishore Chandra Deo](#)