

What has Forest Rights Act achieved?



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Way back in 2007, the United Nations declared August 9 as the International Day of the World's Indigenous People. Since then, on August 9 every year all sections of tribal people all over the world have been taking out marches and organizing cultural celebrations and seminars. The governments chip in with their fete marking the day as a ritual.

In order to recognise the rights of the tribal and other people living in forests, a law was enacted in Parliament on Dec. 15, 2006. The rules and regulations enshrined in the law came into effect on Jan. 1, 2008. Fifteen years on, the law is yet to reach out to the people fully.

Rights denied

Under the Forest Rights Act, 2006, the number of applications seeking rights to land ownership and residential rights in forests, which has been received till March 31, 2023, was 43,64,312. The number of applications seeking social rights was 1,80,574. Of these, individual family rights certificates were granted on 21,99,012 applications and social rights granted on 1,08,700 applications.

In Tamil Nadu, the number of applications seeking individual rights received was 34,877 and those seeking social rights was 2,584. Of these, individual family rights were granted on 10,536 applications and social rights granted on 531 applications. In the state, the number of applications rejected (13,841) is much more than that of applications accepted. This militates against the spirit of the law.

There is a prevalent complaint all over the state that the forest officials are not cooperative. But the officials argue that as there is no sufficient number of land surveyors, lands cannot be surveyed in time and hence there is a delay in the process. If the government wills, it can solve this problem.

The destinations far beyond

Another dimension of the law is pertaining to the social rights.

Recently, a person living on the Tirumurthi Hills in Tirupur district took ill and by the time he was admitted in the hospital after taking him in a cradle downhill he died.

Similarly, another person living on the Jawadhu Hills in Vellore district died on way to hospital because of the lack of road facility.

Another person of Tiruvannamali district's Jawadhu Hills died in a hospital. The ambulance driver dropped the body at the foothills.

Some of his relatives took the body in a bamboo cradle, traversing a 10-km distance uphill.

The rulers are more interested in developing infrastructure at the tourist spots on the hills. There is no denying that tourism must be developed. But even 75 years after India attained Independence, the tribal villages on hills are still remaining deficient in basic facilities.

Section 2 of the Forest Rights Act, 2006 stipulates that forest land less than one hectare must be earmarked for basic infrastructure. Approval must be granted on the basis of the gram sabha's recommendation. If trees are felled, the number of felled trees must not exceed 75 per ha.

Government unwilling

Before this law came into effect, for the works above mentioned applications used to be filed with the Forest Department which would, in turn, get approval from Delhi. After the law was enacted in 2006, the gram sabha's recommendation and approvals from the divisional forest rights committee and the district forest rights committee are enough.

However, the basic infrastructure is yet to be within the reach of the tribal people. What may be reason for this but the government's apathy and lack of concern? At least in the past, there was the union government to blame on this count. But now that everything is under the control of the state government, what else is the reason for this sorry state of affairs except the state government's lack of willingness?

Sections 13 and 2 (B) of the Forest Rights Act have formulated rules on the tribals' forest rights over grazing fields, regions for collecting tubers and fodder, eatable forest fruits and small forest materials, fishing regions, irrigational systems, water-bodies for humans and cattle and regions for collecting herbals of medicinal properties.

There is no reason why the infrastructure in the tribal settlements or their forest rights should be rejected. Why were most of the tribal applications for social rights rejected? It is a bitter reality that the applicants do not come to know that their pleas have been rejected.

Law says that all applications must be scrutinized, keeping in mind the purposes of the law. But it is doubtful if the applications are considered on that basis.

Beyond rhetoric

It is customary for the rulers to celebrate the International Day of the World's Indigenous People, indulging in fun and frolic with the tribal people and to reel out what the government has been doing for their welfare. But beyond these rituals, the government must draw up permanent schemes for upholding the forest rights of the tribal people and for their uplift.

Of course, the Indian Constitution has provisions for the tribal people; laws are there for safeguarding them from oppression and there are commissions and ministries for them. But all these statutory measures are yet to instill in the tribal people a feeling of security.

On the contrary, the indigenous people have long been languishing in fear and insecurity.

Of course, it is a matter of pride for the nation to have a tribal woman as the President. But a repeated assertion of this fact will not do to alleviate the plight of the tribal people. The amendment to the Forest Conservation Act in order to evict the tribal people from their dwelling places at hills, the non-enforcement of the Forest Rights Act, 2006 to the detriment of about eight crore tribal people and the remaining of the SC/ST (Prevention of Atrocities) Act, 1989 only on paper... all these things are not at all feathers to the government's cap.

“Please respect our social rights,” is the only demand always reverberating from the tribal society.

August 9 marks the International Day of the World's Indigenous People.

Translated by V. Mariappan.