



FOREST RIGHT ACT: TEN YEARS OF IMPLEMENTATION

Sumit A. Meshram

Ex. Prime Minister's Rural Development Fellow (PMRDF), Ministry of Rural Development, GOI



Scholarly Research Journal's is licensed Based on a work at www.srjis.com

Forest and Forestry is the thousands of years old significant rural livelihood generating industry in India on which hundreds and thousands of rural, indigenous, marginalized people are dependent for their sustenance. India has the vast forest resources and makes it to the ten forest-rich countries of the world. As per Food and Agriculture Organization, India's forest cover is estimated to be 22% of the total country's area. There are about 1.73 lakh villages located in and around forest areas (MoEF 2006). An estimated 275 million people in rural areas of India depend on forests for at least part of their livelihoods (World Bank, 2006).

The forest are the rich source of natural resources and the people living in these forest edges are dependent on it for various goods and services. The products like fruits, flowers, tubers, roots and leaves for food and medicine; fire wood for cooking, material for house construction; fodder for animals; and collection of non timber forest produce play pivotal role in the rural economy in India. Half of India's 89 million tribal people live in forest fringe areas (ibid.). Effective forest management is therefore necessary to bring significant economic benefits, particularly to some of the poorest groups in Indian society. The tribal groups in India are dependent on forests for sustenance and income generation. The overall estimate is that 33% of the tribes people earn their livelihood from forests and forest products (ibid.).

The history in the past shows that the tribal communities in India and forest have shown co-existence and these communities were the integral part of the forest ecological system. But these rights were not recognized and recorded by the government in the colonial period as well as in independent India. This resulted into the insecurity of tenure and threat of eviction which led to the alienation of tribal communities from their ancestral forest lands. This traditional injustice was exasperated by the laws like Wildlife (Protection) Act 1972 and Forest Conservation Act 1980.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter FRA 2006) was validated after a various demands and struggles by the

forest dwellers and tribal communities throughout the country to assert their rights over the traditional forestland over which they were dependent for their livelihood activities. This Act is critical for providing justice to the millions of tribals and other forest dwellers in various parts of the country as it took a valuable step for the restoration of deprived forest rights, including both individual rights to cultivated land in forestland and community rights to access and manage forest resources.

It has been found that the FRA has become an important policy to meliorate the livelihoods of the tribals. It has decreased their vulnerability through secure land rights. This has also resulted in enhanced food security and simultaneously the animal husbandry also improved as a result of the expected access to fodder on the community lands as the FRA also provided for right to pasture and right over water bodies. It has been seen that the forest dwellers have been a grasped with noteworthy poverty and have a low level of human capital and this increased access to land and forests is a sure way of providing them with better livelihood opportunities.

The FRA act has been boon to the forest dwellers but its implementation has hardly contributed to the improvement in the livelihood of the forest dependent communities. It has been seen that source of income has been marginally increased because of paucity of water and lack in irrigation facilities. Some of allotted pattas are not the fertile land and it is almost difficult to grown anything on it. Most of the patta holders are the daily wage worker who works either at district head quarter or in the nearby Taluk or Tehsil region so as to earn their bread and butter during non cropping season as lack of availability of water. The forest dwellers are also performing the nontraditional activities like vegetable selling, driving and as Mistry to support their life.

The FRA patta beneficiaries in the villages had improved the social status because of land titles granted to them. It has helped to reduce the conflicts between them and forest administration. Several beneficiaries in villages had done the land development activities (leveling and bounding of land) and improved their sources of water within a year of receiving titles. The members of such families are now able to get caste and residential certificates from government offices without any annoyance. They are receiving grants under various schemes, including the Indira Awaas Yojana and assistance for school going children. There is need to increase the role of the state to either help and to add value to forest products or to improve market conditions so that they realize reasonable prices. There is need to increase the efforts to organize the beneficiaries residing in conterminous areas so that they

Copyright © 2018, Scholarly Research Journal for Interdisciplinary Studies

can collectively procure inputs for cultivation, and market forest and agricultural products on a cooperative basis. This will help to strengthen their bargaining power vis-à-vis traders and fair prices they can get for their products.

It has been noticed that awareness at the Gram Sabha and Forest Rights Committee level is very low and Forest Right Committees (FRC) has been constituted in a number of villages without the knowledge of the residents of the village. Many members of the FRCs are unknown of their membership. This is problematic, as the FRC plays an important role in assisting the Gram Sabha in process related to filing of claims, their verification, and mapping. There are instances that very few claims for community rights have been registered because of no or less clarity about the provisions of the Act and the mechanism for filing applications. The Act has not lead any specify a time limit for settling such claims, a fact most people are unaware of, and this message must be clearly conveyed to both the officials and the community.

The Way Forward

FRA has given statutory rights and empowers the gram sabha to be the paramount institution to make decisions about forest rights, forest governance and decisions related to forest diversion. There are number of incidences of violation of gram sabhas' legal authority in such decisions and thus there is an urgent need to reinforce this authority. For engendering gram sabha decisions, efforts should be made to organize a separate women's gram sabhas and their decisions should be taken on board by the full gram sabha. The above roles of the gram sabha can be insured, if it is organized at the hamlet or village level and not at the level of panchayat.

For the FRA is to realize its potential, it is necessary for the convergence of the schemes for promoting the sustainable livelihoods. Gram sabhas have to be trained and their capacity building has to be enhanced in such a way that they are able to collaborate their forest rights along with the benefits and provisions of other state sponsored schemes and programmes. The women in distress, particularly the widow, single mothers, physically challenged women, should be give special attention where forest rights are concerned. The reasons for the claims should be scrutinized and addressed.

There are incidences and to attempts to use forest land for development projects and commercial plantations through the nexus of government department, private players and corruption which has been an obstruction to the implementation of the FRA. Hence,

successful collaboration between government and non-government agencies need to be promoted in print, news media, newspapers and the like.

Conclusion

FRA 2006 stands as a pro-poor landmark reform, and indeed, many poor have already benefited from its implementation. However, the process has been severely anti-poor, and so the pro-poor benefits have been restricted in many ways. Most forest-dwelling families have been regarded as encroachers on forest land. The FRA aimed at providing poor people rights to forest land already occupied by them and access to forest produce for livelihood purposes. The Act is a major breakthrough enabling legislation, despite debate over the details, but its success, and whether it will actually lead to meaningful pro-poor institutional reform at the local level, depends on whether it is successfully implemented. Unless the rights are recognized and actually recorded in forest records, they will remain temporary.