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### Lost in the wilderness

Ashish Kothari / DNA

November 4 will see the prime minister inaugurating a three-day conference of chief ministers and state ministers of tribal affairs and forests, to discuss the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.

The ministry of tribal affairs has set a deadline of December 31, 2009, for the full implementation of the act. This is a completely unrealistic and potentially disastrous timeline.

Enacted in 2006 and commonly known as Forest Rights Act (FRA), this law came into operation in January 2008. The FRA will thus have been given a short span of two years for its full implementation, which is ridiculously short in a country where laws can take decades to reach any level of satisfactory implementation.

All the more so, given the complex nature of the FRA. The millions whose livelihoods and cultures depend on forests should have been provided clear rights and responsibilities decades back. The Indian state's inability to do so, has created an extremely complex and messy situation. Original inhabitants have been added to by recent settlers, for example in parts of north-east India where refugees and migrants have occupied large areas of forest land.

Many Adivasi communities have been alienated from their homelands, dispossessed or displaced by development projects and protected areas. Land records have remained unclear, as disputes between forest and revenue departments, or between communities and the government, have dragged on.

Powerful vested interests have been allowed to occupy lands, often hand in glove with the very government agencies meant to protect such lands. Cultural and economic changes in many traditional communities, have weakened their traditional conservation ethos, or driven them to over-exploitation of forest resources. And as a result of all these, forest cover and quality have suffered, with negative impacts on wildlife and forest-dependent communities.

In enacting the FRA, the government has acknowledged that the security of both forests and forest-dwellers requires giving clear entitlements and responsibilities to communities. Unfortunately, it is far from achieving its aims.

This is partly due to faults in the FRA itself, including very unequal provisions for Adivasis and non-Adivasis, an overly 'generous' package to very recent encroachers, an unhelpful dependence on multiple bureaucratic institutions for processing claims and an unclear relationship with existing forest and wildlife laws. But it is also very much due to very faulty implementation.

Most forest-dwelling communities lack 'evidence' of occupation and use of forest lands, and the bureaucracy has not been particularly helpful in recording traditional uses. The FRA provides for communities to claim rights using a large range of evidences, but generating such proof is not easy. There are many instances when even permissible evidence is being ignored by official committees that are handling the claims.

In states like Gujarat, claims are being rejected en masse. In many national parks, sanctuaries, and tiger reserves, communities are being told they cannot claim rights!

Several parts of the FRA remain seriously neglected, with implementation having focused on individual land rights. According to the ministry of Tribal affairs, of the total of 24 lakh claims made till end-September 2009, less than 30,000 are related to community rights.

Precious few claims are for the right to protect and manage forests, even from areas where communities have a proven record of conservation. Claims for rights to development facilities have not even started in most states.

Some states like Andhra Pradesh have done commendably well in spreading awareness about and facilitating implementation. Others are lagging seriously behind. I was recently in the Alwar district of Rajasthan, and in Tehri Garhwal district of

Uttarakhand; in both, villagers had only a vague notion of what the FRA was.

No one had as yet facilitated an understanding of the law, much less initiated the claims process. In Chhattisgarh a state-sponsored civil war in the name of tackling Naxalism, has denied any chance for hundreds of villages to make claims.

Any law of this nature takes years, for intended beneficiaries to understand and make use of, for relevant government officials to orient themselves to, and for synergies to be built with other laws.

On-ground processes involving gram sabhas and relevant government agencies, using traditional and modern knowledge, are necessary, but time-consuming. To dictate that the FRA be fully implemented in two years, is foolish. Instead, the meeting should discuss how to gear the state machinery and enable communities for comprehensive, well-paced out implementation, learning from the mistakes made so far.

*The writer is an environmental activist*

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