

Trampling the Rights of Adivasis

With much fanfare the Forest Rights Act (FRA) was enacted claiming that the adivasis would be endowed with rights over the forests and forest produce. During more than one decade of its existence, it was observed more in breach. More than half of the state governments have not prepared and released the rules and regulations needed to implement the FRA. Now the NDA government is moving in the direction of taking back the lands and forests from adivasis where the FRA was implemented to certain extent.

In 2014, the Maharashtra government has passed regulations that ensured its forest department retained the control over the forest management, which includes the large-scale trade and sale of forest produce. The central tribal affairs ministry found this in violation of FRA which empowers adivasis and other forest dwellers to hold sole right to manage forests, including the sale of forest produce in areas where they have traditional claims. The tribal affairs ministry repeatedly told Maharashtra that its rules were prima facie in violation of the law and encroached upon FRA and PESA.

According to press reports, the central minister from Maharashtra, Gadkari and Javadekar forced the tribal affairs ministry to withdraw its opposition and reinterpret the provisions of FRA. The tribal affairs ministry approved the Maharashtra made rules with nominal amendments. It also agreed to forego its power to make rules under FRA and asked to ministry of environment to prepare a new code for sustainable development of forests.

It was in Gadchiroli district of Maharashtra that rights over forest produce were first given to some tribal villages. The villagers auctioned and collected money from the sale of bamboo and tendu leaves in few villages. It was given a wide coverage in the media then how the FRA benefitted the adivasis. Before the FRA the sale of forest produce was controlled by the forest department, which used to sell to the contractors for beedi making and manufacture of paper. The adivasis were paid a meagre wages for collection while the government made crores of rupees. The Planning commission estimated that annual trade in forest produce is around Rs.50,000crore.

The Maharashtra government wants back its monopoly over the trade of forest produce depriving the adivasis of their rights, the UPA as well as the NDA government have readily agreed to it. This opened a Pandora's Box with many states such as MP having already followed suit to put similar rules in place and states such as Jharkhand, Chhattisgarh and Odisha are working towards making such rules.

In yet another instance, the government of Chhattisgarh cancelled the rights of adivasis over the traditional lands in Ghatbarra village of Surguja district. It is the first such order in India that came into light, where community rights of adivasis have been cancelled after being granted through the process laid down under FRA. The state government's order took back the lands to hand over them to mining by the Adani Minerals private ltd.

The FRA does not provide for revocation of either community or individual land rights once granted under the law. It provides only for the government diverting the forest land for some other purpose after prior consent of the adivasis through their gramsabhas. Ghatbarra and 19 other villages took out formal resolution opposing mining in their lands. Under the FRA, the Gram Sabha is the only authority empowered to decide the future of traditional tribal lands. Yet the central government gave clearance to divert the land for mining without consulting the Gramsabhas and in violation of the FRA.

It is not at all a surprise for those who are closely watching the attitude of the successive governments towards the rights of adivasis. Whether it was the colonial ruler or the so-called independent India's rulers, they make laws in the name of giving protection to the adivasis only to be broken by them. The long history of tribal welfare laws in India since 1917 tell the same story. The FRA made only to dupe the people to believe that something is going to be done for them while the real intention is to hand over the forests and its resources to big bourgeoisie to loot.
