

Chapter 63

Developmental projects and their impact on tribal displacement and Problems of Rehabilitation

Development has become nightmare for many people in developing nation, because of changes in land and water use pattern in the area of developmental activities. These developmental programmes/projects continues in such a way that, so called target group or beneficiary becomes victims of progress and development. In some instances these changes requires displacement of people from their homeland.

In India more than 70% of mineral resources are invariably located in tribal region. British government had opened these tribal regions for developmental activities like mining and for land revenue by spreading settled agriculture practices.

After independence, India has been undertaking developmental projects under five year plan through "Planned Development Approach". Tribals are already a disadvantaged section which are more impacted by these developmental projects due to displacement and contact with outsiders.

Region most affected by project :-

- ↳ Jharkhand, Odisha, Chhattisgarh (major state)
- ↳ part of Uttarakhand, M.P., West Bengal, Maharashtra, Andhra Pradesh and small portion of state like Karnataka, Tamilnadu, etc.
- ↳ North Eastern States.

Developmental projects : Cause of displacement:

- Dam ; multipurpose project, Reserve forest, etc.
- mining : metal, coal, diamond, ...etc.
- Infrastructure : Railways, Highways, defence establishment.
- Industrial Towns e.g. Jamshedpur
- Thermal power, Nuclear power projects.
- examples of each area ↗

Extent of displacement

- ↳ In India tribal constitute 8.6% of population
- ① N.C. Saxena (former member of National advisory council) came out with finding that, since 1990 for major projects 56% of India's total displaced population is from tribal community.
- ② V. Naxal Committee reported that nearly 40% of displacement is belongs to tribal population.

Consequences of displacement

(A) Positive Impacts :

- ① Social Contact with outside world Led to minimisation of superstition like magic, witchcraft.
- ② Outside contact also led to change in value system in tribals for example rationalisation, secularisation, etc.
- ③ Improvement in standard of living in some displaced tribals due to improvement in per capita income at new place.
- ④ New employment opportunities with whole year job availability.
- ⑤ Improvement in health and education system.
- ⑥ Improvement in transportation and communication infrastructure in isolated areas.
- ⑦ Generation of new market for agriculture, forest product and craftwork.

(B) Negative Impacts :

- # Tribal people are more vulnerable because of their characteristics

↳ Illiterate
 ↳ Depends on Land & forest
 ↳ Backwardness
 ↳ Kinship based society

(a) Social Impact :

- ↳ Scattering of kinship based group and family system due to unplanned displacement.
- ↳ weakening of informal social norms.

- ↳ loss of sacred zone, temple, graves, etc.
hence emotional based bond weaken.
- ↳ Confusion and nonadjustment with new value system , social norms . (elders found it more difficult - cultural trauma).
- ↳ family structure :- increasing trend of nuclear family system.
- ↳ marriage now becoming a social contract rather than religious relation (sacred bond)
- ↳ Health : New diseases, malnutrition due to outsider contact, pollution ,new diseases at displaced place .
- ↳ New value system of materialism, consumerism has been developing among tribals.
- ↳ status of women lowered in family & society in new social system .
- ↳ Evil practices like caste related discrimination

(b) Psychological Impacts :

- ↳ Increase stress level , trauma due to loss of land , forest , sacred places .
- ↳ Alien environment exposure led to confusion and frustration among tribals, specially elders.
- ↳ feeling of helplessness , powerlessness due to loss of authority over land, resources, etc .

- ↳ Clashes between tribals and host population where tribals being displaced.
- ↳ Weakening of traditional authority of elders in family decision, mate selection, etc.
- ↳ Identity crisis due to erosion of language, traditional knowledge and kinship ties.
- ↳ All these led to frustration, which ultimately led to addiction and depression.

(C) Economic Impacts :

- ↳ Dismantling of production system, livelihood sources due to displacement.
- ↳ Land alienation - hence agriculture practices and forest resources lost.
- ↳ New agricultural land given at resettlement area is generally nonfertile, sometime new agricultural practice are not known to the displaced tribals (e.g. shifting cultivation → settled Agri)
- ↳ Nature of new jobs are : seasonal, manual, insecure wages, lack of social security, etc.
- ↳ Development of slum areas near industrial town or migration to urban centres.
- ↳ Disruption of trade and market link of tribal due to displacement & contact of outsiders
- ↳ loss of community owned land.

(a) Political Impacts :

- ↳ Decrease the importance of tribal council
- ↳ violence due demographic changes happened after displacement [between host & displaced tribals]
- ↳ Such crisis lead to demand of autonomy or sometime some tribal participate in Naxal activities.

(b) Environmental Impacts :

- ↳ Deforestation, soil erosion, contamination of water resources.
- ↳ Increase pollution in forest region \angle Air / Water
- ↳ diseases due to pollution, change in the ecosystem
- ↳ Entry of invasive species; disease, etc.
- ↳ Pressure on carrying capacity of ecology.
- ↳ In this way tribals become the Refugee of Progress ?
- ↳ L.P. Vidyanthi studied these displacement gave the concept called Industrial Nomadism.

Case Studies

- (1) Rihand Dam :- 5 times displacement of tribal people in nearby area due to -
- ① ↳ first for Dam construction ④ ↳ NTPC project
 - ② ↳ Then Coal mining ⑤ ↳ last Reserve forest declaration .
 - ③ ↳ Then Industrial Complex

② Dasgupta and Vidyarthi study :- 1980 study of tribal area near Ranchi city [most affected tribe is Ho tribe around Ranchi].

- ↳ Agriculture land decreased over the period
- ↳ Increase concentration of outsiders due to labour requirement in projects.
- ↳ 66% of tribals performs lower position and casual jobs due to low skill & training.

③ Department of Anthropology Ranchi University:

- ↳ studied Heavy Industry Corporation Complex. in Hatia zone (Bokaro Steel plant)
- ↳ Traditional life style disintegrated.
- ↳ Advancing towards integration with masses but losing traditional customs.
- ↳ Lack of proper education and skills they are induced to be accommodated.

④ NALCO project study :-

- ↳ decrease agriculture land owning house hold from 82% to 14% households.
- ↳ They started new jobs which are mostly informal, lack job security, low wage, etc.

⑤ Narmada (Sardar Sarovar dam) :- Nearly 40,000 families affected.

⑥ Das and Banerjee study on displacement:

↳ They studied social and economic impact of displacement on tribals.

Initiatives taken by Government

- ① Land Acquisition Act 2013.
- ② National Rehabilitation and Resettlement Policy 2007.
- ③ Gramsabha given power to reject land acquisition in tribal area. [PESA 1996]
e.g. Vedanta case in Niyamgiri.
- ④ Forest Right Act 2006.
- ⑤ District mineral foundation Trust.

Recommendations :

Development induced displacement by acquisition of land by state based on principle of Eminent Domain for public purpose without a land for land provision in rehabilitation. Hence there is need to provide land for land.

[Supreme Court judgement under Sardar Sarovar Case 2017].

- ↳ Rehabilitation should be provided before displacement of tribals.
- ↳ Affected people should be provided training and skill development - for self employment.

↳ National Policy on Rehabilitation and Resettlement 2007 :

- Rehab. before displacement.
- Social Impact Assessment (SIA)
- Option for shares in development project to affected people.

↳ Cash Compensation should be avoided.

↳ Basic services like drinking water, health, education facilities should be provided to new displaced people at rehabilitation site.

↳ Proper implementation of 5th & 6th scheduled area policies.

V.Xaxa Committee report :

① Need people centric development and not economic centric

e.g. Andhra Pradesh Land acquisition Act.

② Perform social Impact Assessment like that of Environmental Impact Assessment.

③ Participation of locals in plan/project at every stage (make them aware, or partner)

④ Site Selection for Rehabilitation – there is need to consider host population, resources and sociocultural factors.

- ⑤ Grievance redressal mechanism for issues related to displacement.
- ⑥ Development without loss of tribal cultural identity.
- ⑦ Cost of compensation and Rehabilitation should be integrated in project cost.
- ⑧ Agriculturist must provided with agricultural land with irrigation facility.
- ⑨ Time bound and advance Rehabilitation
- ⑩ Need to strengthen administration for better implementation of policies.
- ⑪ Need to take care of Indigenous groups, their knowledge, customs and sacred place.
- ⑫ Rehabilitation should be - group Rehab. to maintain their family bond / social bond intact.
- ⑬ Meaning of public purpose should be clearly defined.

- ↳ World Bank also gave various recommendation regarding rehabilitation of displaced people.
- ↳ Rehabilitation should be near the Project and not far away, also they should given preference in jobs in project, also can give rights over resources e.g. fishing rights in multipurpose irrigation dam.

Industrialisation : Impact on Tribals

Industrialisation is a process of large scale production which transform agrarian society to industrial society. Post Independent India was facing issues like poverty, unemployment, low per capita income. To address these issues industrialisation was a necessary process.

Where Industrialisation :

- ↳ Industry established near the raw material energy and market availability.
- ↳ Project / industry also requires large track of land and town establishment.
- ↳ Mineral rich areas are inhabited by the tribal population (Jh, Odisha, MP, Chhattisgarh)
- ↳ Tribal lands are easily available with less compensation and less resistance.

Industries :

- * Mining, Thermal power plants,
- * Mineral refineries, oil refineries
- * Steel and iron industries.
- * Defence, Railway establishments, etc.

Impacts of Industrialisation :

- ↳ Nearly 50% of total displaced population is from tribal communities.
- ↳ Xaxa Committee Report found that nearly 40% displaced peoples are from tribal communities.
- ↳ Example : Rihand dam and industries around it led to 5 times displacement of people living around the dam.

Consequences

Industrialisation brought outsiders in tribal land and this led to changes in tribal population.

(A) Positive Consequences :

(1) Sociocultural :

- Religion : Impact of mainstream society Hinduism, Christianity, etc.
- Superstition and witchcraft practices decreased.
- Living standard improvement.

(2) Political :

- Panchayat raj strengthened due to increase awareness
- Rational leadership development in these industrialised area - tribal leadership.
- Tribal Assertion movements got more pace.

③ Economic :

- New employment opportunities : whole year work.
- Increase technological advancement
- Improve Health, education, communication infrastructure in tribal area.
- New market for Agri product, forest produce and craftwork of tribals.

④ Negative Consequences :-

- #### ① Sociocultural Impact : [most points similar like developmental project Impact]
- Contact with outsiders led to changes in family, marriage, institutions.
 - Loss of language, folk art, traditional knowledge.
 - Evil practices like caste discrimination entering in tribal societies.

② Political Impact :

- Conflict with outsiders due to demographic change led to violence.
 - Identity crisis → movement for Autonomy sometime participation in Naxal activities opposing the outsider exploitation.
- ↳ Industrial Nomadism - by L.P. Vidyarthi .

③ Economic Impacts :

- ↳ Competition with outsiders for resources, limited jobs.
- ↳ Low skill, illiteracy led to lower level jobs available for tribals.
- ↳ migration, slum development at urban centre

④ Psychological Impact :

- ↳ Cash Compensation - Alcoholism, identity crisis
- ↳ New value system like materialism, individualism led to conflict in families, society, which again become reason for the frustration, and depression.
- ↳ feeling of alienation at new place of rehabilitation.

Case Studies

- :- Similar to seen in developmental Project case studies.
- ① Rihand Dam : 5 times displacement
 - ② Dasgupta and vidyaarthi Case Study near Ranchi (Ho tribe)
 - ③ NALCO project study.
 - ④ 2017 study by Prof. of Ravishankar Shukla University, Raipur : study impact of industry on land, educational status, village opinion in decision, employment, etc.
 - ⑤ Ranchi University study : Near Bokaro Steel plant.

Government Initiatives

- ↳ Constitutional provision of 5th & 6th schedule.
- ↳ Provision for local government — PESA 1996.
- ↳ District mineral foundation
- ↳ Forest Right Act 2006.
- ↳ Vandhana Yojana, Vanbandhu Kalyan scheme.
- ↳ Programme like Tribal subplan, TRIFED, skill development, etc.

Goud model
↓
Jamshedpur

Recommendation / Solutions

(A) Xaxa Committee recommendation :-

- ↳ Similar to displacement due to developmental project recommendation

(B) B. D. Sharma recommendations (former chairperson of NCST) :-

- ↳ Provision of training and entrepreneurial activities to displaced tribals
- ↳ Displaced people should provide : Home, Employment at new place.
- ↳ Industry should build — socioeconomic milieu around industry similar to tribal life so, less trauma to tribal affected by industry.
- ↳ Provision for Social Impact Assessment.
- ↳ In this way industrial development should consider inclusive/sustainable development principle, policies should be tribal (cultural) sensitive in industrialise area. Also we can make tribal partners in process.

Impact of Urbanization

In recent time the pace of industrialisation and rapid economic growth has increased enormously, because of which urbanization also reached to tribal areas.

Initial areas of urbanization were in tribal pockets of Bihar, West Bengal, Odisha, and Madhya Pradesh, Chhattisgarh. Industries like Iron & Steel, river valley projects, mining brought huge township in tribal area e.g. Jamshedpur, Bhilai, Bokaro.

In North East India, urbanization is consequences of administrative township and power project development. These urbanization is confined to state capital, district and divisional head quarters mostly.

Reason for urbanization in Tribal area.

- ↳ Industrialisation : Tatanagar, Singrauli, etc.
- ↳ Extension of connectivity :- Railway, Roads, etc.
- ↳ Population growth of small towns/cluster of villages
- ↳ Political or administrative head quarters.

Impacts of Urbanization

① Socio-cultural Impact :

- ↳ change in housing pattern, slum areas in town
- ↳ change in food habits, dressing, mass media contact in tribals.
- ↳ decline use of tribal language by new generation, due to schools, outsider contact.
- ↳ Erosion of tribal traditional culture, kinship based bond, family structure, etc.
- ↳ changes occurs in demographic composition in tribal area.
- ↳ Improvement in Health and educational status among tribals due to modern Schools and health infrastructure.
- ↳ children going to Hindi/ English medium Schools, hence local language disappearing
e.g. Gondi disappearing in new generation in central India.
- ↳ New value system in tribal area : Rationalism, Consumerism, materialism, individualism
- ↳ standard of living improved due to better income, Health & education facilities.
- ↳ Evil practices like caste discrimination entered in tribal societies.

② Economic Impacts :-

- ↳ shifting to new employment from traditional occupation : labourer at Tea estate, industrial labour, daily wage , domestic work, government jobs, ...etc.
- ↳ change in employment led to change in lifestyle.
- ↳ whole year job availability in urban centre.
- ↳ New market for forest produce, craftwork in urban area.
- ↳ New jobs are in unorganised, insecure due to low skill and illiteracy.
- ↳ loss of jobs (skill-work) to outsider due to lack of skillset in modern urban services.

③ Political Impacts :-

- ↳ Leadership : Hereditary → Rational leadership
- ↳ decrease social control mechanism due to formal police and judiciary system.
- ↳ Demographic change in area led to continue conflict between local tribal population and outsiders.
- ↳ Increase extend of politicisation of tribal issues.
- ↳ formation of secondary group not based on kinship.
- ↳ increase awareness about rights, leadership development.

④ Adverse Impacts :

- ↳ There is absence of PESA 1996 in urban area hence less rights over resources & polity.
- ↳ High rate of visible unemployment among educated tribal youth, New diseases will enter in tribal area.
- ↳ Problem of gambling, drinking, drug addiction become severe in tribal area e.g. Manipur
- ↳ Pollution near industrial township : Hence issue of safe drinking water for tribal population
- ↳ Slum areas in Urban centre.
- ↳ Exposure of tribals to market economy (Hence less competitiveness due to traditional method)
- ↳ demographic change : Increase non-tribal in tribal area .
- ↳ Issue of customary law Vs. state laws e.g. Nagaland urban bodies women Reservation issue.
- ↳ Value system : commodification, individualism, materialism , competition & decrease community values.
- ↳ Change in status of women in family / society
- ↳ Increase incidences of crime in urban area .
- ↳ ethnic conflict between local tribal & outsiders .

⇒ Due to high level of corruption, crime, conflict and competition due to imbalance of demand supply of resources , and tribal can't withstand such competition due to low skill, poverty, education and sociocultural difference . This led to feeling of alienation in their own area, also led to addiction, depression which further increase crime rate, and ethnic conflict.

Case Study

- Dasgupta and L.P. Vidyarthi study near Ranchi city 1980 (Ho tribe).
- NALCO Project study : decrease Agricultural household from 82% to 14% and new jobs available to tribals are informal, insecure and this led to exploitation.
- Dept. of Anthropology Ranchi University study of Heavy Industry Corporation Complex in Bokaro Steel plant area.

Solution | Suggestions : [similar to Industrialization]

- ↳ Tribal milieu in urban pocket [B.D.Sharma recommendation]
- ↳ Urban planning and development should consider tribal community view.
- ↳ Tribal society like milieu should be created in some pocket of town [Xaxa Committee Report]
- ↳ Avoid conversion of large village cluster to urban bodies just to avoid PESA provision [Maharashtra case]

Development of forest policy and Tribals

forest is playing a very important role in the socioeconomic and cultural life of the tribal people of India. Majority of tribal population is associated with forest area in India. They live in forest with harmony and developed a symbiotic relationship with it. Forest have been their abode and source of livelihood.

Importance of forest in tribal life :

- ① Social : platform for the communication,
 - Some clans are named after plants, animals.
- ② Economic : It is a source of livelihood, source of game hunting, raw material for housing, source of food, fuel and fodder, minor forest produce.
- ③ Religion : God and totems beside in forest Nature- man- spirit Complex .etc.
- ④ Symbiotic Relation :- Conservation of trees and animals by the tribal communities
 - Eg. • Lisu tribe - Hornbill Conservation
 - Yanadi tribe - olive Ridley turtle.
 - Maldhari Community - Lion conservation in Gujarat.

In mid 19th century, importance of forest was realised to government and it was decided to extend authority of state to forest area. following this extension, the 'Lord and Master' of forest area were continually put under pressure and inconvenience from state authority. Lets see evolutionary process of different forest policy along with method used by state to manage the forest.

Different forest policies

- (A) Pre-British period : During precolonial period forest resources were fully under control of forest inhabitants as rulers had limited interest in woodland. Hence forest were always have been a common property of tribals or forest inhabitants.
- (B) British colonial period : British administration had realised the importance of forest resources and they were considering to formulate policies to manage the forest to attain 'maximum benefit'. [management of forest led to control of forest by British administration and restriction of forest rights to the tribals and forest inhabitants].

Aim of British policies :

- ↳ Maximum Revenue
 - ↳ Agriculture expansion to forest area
 - ↳ Timber supply
- } Native
or.
Ecological
Concern
- ⇒ In 1856 Lord Dalhousie laid down forest policy which shows forest destruction due to huge timber supply for railway sleepers, etc. Hence, government decided to manage these forest resources.
- ⇒ In 1856 the office of Inspector General of Forest was created to regulate the forest produce utilization.
- ⇒ In 1864 forest department was created, this led to monopoly of state over forest resources.

Forest Act of 1865 :

- ↳ State was empowered to declare any land covered by tree as forest and to regulate the forest produce of these forest areas.
- ↳ Pasturing and trespassing were prohibited
- ↳ socially recognised practices of forest dwellers (tribals) were to be regulated by state.

⇒ Forest Act 1878 :

↳ According to this act forest were classified in 3 types :

- (a) Reserved forest
- (b) Protected forest
- (c) Village forest

↳ In Reserved and protected forest grazing and forest produce collection was prohibited.

Hence, state control over forest and forest inhabitant had increased to an unprecedented level.

⇒ Forest Policy Resolution 1894 : First National policy.

↳ Objective of policy was administration of forest for public benefit but it imposed restrictions on inhabitants of forest and neighbouring area of forest.

↳ This policy provides categorisation of forest into 4 type :

- | | |
|------------------|--------------------------------------|
| (a) pasture land | (c) village forest |
| (b) minor Forest | (d) forests supplying valuables . |

↳ This policy identified commercial value of forest and hence prompted British administration to restrict the community rights of tribals/forest dwellers.

- ↳ Forest officials were first time appeared at scene.
- ↳ This policy not only alienated tribals from forest but seized their forest rights. Hence Policy did more harm than good.

⇒ Forest Act, 1927 :-

- ↳ Indian forest Act 1878 was amended and replaced with Indian forest Act 1927. This act has further regulated people's right over forest and also codified all practices of forest officials.
- ↳ This act created an powerful Hierarchy of officers :
 - Indian Forest Services → State forest Services
 - ↓
 - Rangers
 - ↓
 - Foresters and Guards.
- ↳ Legal protection and power of forest official led to misuse of authority. Their coercive behaviour and abuse of power led to leaving of many tribals from their native places.
- ↳ This act deleted the reference to communities rights over forest and forest produce, which were made in Act of 1878 [Hence loss of forest rights of tribal in 1927]

- ↳ Act of 1927 gave power to executive officers to make rules and hence many a time this power was used irrationally to control tribal land and resources. This act also put some control over shifting cultivation.
 - ↳ Hence these restriction by state severely destabilized subsistence economy of forest people. It forced many tribal communities to change their occupation, tribal start moving from forest.
- ⇒ Therefore, British policies towards forest were,
- ↳ Exploitative, commercial oriented
 - ↳ These policies did not consider tribal communities interest.
 - ↳ To meet needs of colonial government
 - ↳ All this policies made tribal from the owner of forest to subordinate, also treat them as they are destroyer of forest and not the protector of forest.

Post Independence policies

① National Forest policy, 1952 :-

- ↳ first forest policy after independence with objective of maximum annual revenue from forest in nation making/nation building.

- ↳ This policy has not gave any relief for tribal people, as revenue was major objective of the government, which was similar to that of British Policies of forest.
- ↳ The private forest of tribal that were not touched by old policies were now subjected to control under the government under new policy.
- ↳ Many forest related rights which were converted to privileges in British policies were turned to Concession under new policy. for example shifting cultivation.

⇒ Objective of Policy :

- ↳ Evolution of system of balance and complementary land use .
 - ↳ checking soil erosion
 - ↳ Tree land establishment
 - ↳ Timber for national needs .
 - ↳ maximum revenue.
- ⇒ This policy led to birth of many forest contractors for attaining maximum revenue
- ⇒ The policy has no provision for statutory rights to tribals. fees for grazing in forest introduced.

Criticism :-

- ① This 1952 policy was more of an extension of forest policy 1894.
- ② Continue policy of opposing shifting cultivation
- ③ Tribal Rights on forest land & forest produce were not guaranteed.
- ④ Provision of forest contractor : led to exploitation of both forest and tribals.
- ⑤ Many treeless land area were declared as forest land.

Hence, this policy of 1952 considered tribals as destroyer rather than protector of forest

⇒ To analyse impact of forest policies on tribals government of India constituted a commission under U.N. Dhebar. This commission emphasized the importance of forest in life of tribals, in providing them with all kind of food, fodder, housing materials and even income source. Commission have criticised government authorities on forest which are detrimental of tribal life and economy. Commission recommended considering tribal needs while enacting forest rules and laws. It also noted responsibilities of tribals, forest officials, etc.

* [Recommendation of National Commission on Agriculture 1976]:-

- ↳ Many Recommendations of Commission was disastrous from tribal point of view. It advocated commercialisation of forest land without considering sustainability issue. It recommended regularisation of forest dweller's rights over forest produce.
- ↳ Commission recommended zig that functionally all forest land should be classified into protected forest, productive forest and social forests.
- ↳ In 1976, forest subject was brought into Concurrent list through 42nd Constitutional Amendment empowering centre to make forest laws/ Acts.

[Forest Policy 1988]

Forest Policy 1988 shows change in government attitude, this Policy accepted importance of tribals in forest protection.

Primary objective of policy is to maintain ecological balance by afforestation activities. and economic (Revenue) benefit become the secondary objective.

- ↳ Forest Policy of 1988 became first policy which recognised tribal rights and also recognised symbiotic relationship between tribals and forest ecosystem.
- ↳ This policy promotes replacement of contractor with co-operatives for forest management.
- ↳ Special attention to be paid on protection, regulation and optimum collection of Minor Forest Produce (MFP) with institutional arrangement for its market. e.g. TRIFED.
- ↳ National goal to have minimum of 33% of total area under forest/tree cover.
- ↳ Forest based industries establishment.
- ↳ Emphasis on Agro/ farm forestry, Social forestry.
- ↳ State was allowed to constitute village forest.
- ↳ Shifting cultivation allowed for 3 years and later gradually banning it.
- ↳ It has provision for Joint Forest Management (JFM).
- ⇒ Policy recognised that, for forest management and regulation requires tribal participation.

Criticism / Evaluation of Policy 1988 :-

- (i) Exclusive control of state over forest has not changed.
- (ii) Policy denied forest rights (statutory land and minor forest produce rights).
- (iii) Apathy of government officials and executive has not been addressed.
- (iv) Issue of developmental induced displacement not been considered.
- (v) The policy lack forest definition., hence gave power to state (govt.)

PESA , 1996 and forest :-

↳ Decentralisation of forest governance in 5th Scheduled area. This provision in constitution gives Gram Sabha power to recognise traditional rights of tribal over community resources.

other policies related to forest : Tribal

- National Reserve forest [National Park]
- Tiger Reserve e.g. Baiga tribe from Kanha Tiger Reserve -
- Critical Wildlife Habitat area of forest.

Because of these reserve forests, tribals sometime need to evicted from forest land without proper arrangement of rehabilitation e.g. Melghat Tiger Reserve (MH).

Forest Rights Act 2006

The scheduled Tribes and Traditional forest Dwellers (Recognition of forest Rights) Act, 2006.

One of the main objective of Forest Rights Act 2006 (FRA) was to undo the historic injustice to tribals and other village dwellers, who are integral to the very survival of forest ecosystem. Hence FRA 2006 marked a real watershed in the history of forest communities (forest dwellers) in India. It was first time that recognised and gave forest dweller their land rights and forest produce rights (MFP).

Need for FRA 2006 :-

- ↳ Forest rights and land rights were continuously being denied by previous policies.
- ↳ Forest is integral part of survival of tribals hence they need permanent rights over these resources to avoid fear of eviction from forest land
- ↳ Forest officials discretion and exploitation of forest dweller need to be end. without permanent rights tribals were helpless ,now they can have rights and voice under FRA 2006. Hence exploitation can be eliminated .

Provisions of FRA 2006 :-

- ① Right to title :- Right of ownership of forest

land they have been cultivating for generations [4 hectare cap for individual land ownership].

② Right to use : Access to collect, use and dispose minor forest produce (MFP).

③ Community Rights : such as fishing, water-bodies in forest.

④ Community land ownership

⑤ Rights to forest management : These indigenous communities given right to protect forest and wildlife.

⑥ Relief and developmental rights : Forest dwellers have right against illegal eviction or to forced displacement and basic amenities that they get from the forest [subjected to protection of forest].

⑦ Offences and fine for tribals [forest dweller] and governmental officials.

⑧ Right of settlement and conversion of forest villages into revenue village.

⑨ Right to access the biodiversity and community right to intellectual property and traditional knowledge.

⑩ Duties of forest dweller towards forest.

Eligibility Criteria :-

↳ Primarily reside in forest and who depends on forests and forest land for livelihood.
[75 year residence, 3 generation].

Process of Recognition :-

↳ Initially Gramsabha pass resolution → then screened by subdivisional level → District level →
→ Recognise Rights

Evaluation of FRA 2006 :-

- ① Conversion of forest village to Revenue village in many area, Hence tribals are getting all constitutional rights given to citizen of India (land related & other rights).
- ② All the rights are heritable but not transferable or alienable.
- ③ Commercial use of any kind has been excluded.
- ④ Involvement of Gramsabha empowering local communities in decision making [Democratisation].
- ⑤ Includes Community rights, biodiversity rights, etc
- ⑥ Includes duties to forest dwellers along with rights over forest produce.

Issue of Implementation :-

- (A) N.C. Saxena Committee finding :
 - (i) Law is yet to be implemented in many states.

- (i) In many states majority of individual and community rights were rejected
- (ii) Institutions are not recognised as per law and faulty way of processing claims are major hurdles.
- (iii) Lack of awareness about rights and process of claiming rights among traditional forest dwellers (tribals & nontribals).
- (iv) Right over minor forest produce (MFP) are not recognised in many area.
- (v) Community forest resource hardly implemented in forest area.

B) Xaxa Committee Report findings :-

- ① Serious flaws in many states related to the Constitution of forest right Committee to assist Gram Sabha at grassroot level.
- ② Most states concentrated on implementation of individual rights.
- ③ Common ground for rejection of claim is that person is not S.T. (Scheduled tribe) though FRA 2006, states that rights are available to other traditional forest dwellers also along with S.T. population in forest area
- ④ Reports of claims being rejected on ground that the claimed land is disputed.

- ⑤ Lack of implementation and establishment of community forest committee.
- ⑥ Lack of awareness about FRA and different institution to claim the rights: Beneficiary & officials.
- ⑦ Other Implementation Issues :-
 - ↳ Opacity of procedure of claim verification and realisation of claims.
 - ↳ Reluctance of forest department and officials to give up control over forest: Colonial mindset, misinterpretation of FRA 2006.
 - ↳ Lack of documentation of tribal land:-
 - Lack written record
 - Most of the time tribal land community owned.
 - Modification of land record by revenue officers.
 - ↳ Lack of community participation in the implementation process.
 - ↳ Lack of accountability:-
 - Claims pending [slow process]
 - NO mechanism to hold official accountable
 - NO time limit set to recognise rights.
 - Lack of Grievance Redressal mechanism.
 - ↳ Lack of active participation of Gram sabha.
 - ↳ Conflict between FRA 2006 and Wildlife Conservation Act, Hence, eviction of tribals and

forest dwellers from those reserve forest.

- e.g. • Baiga from Kanha Tiger Reserve (MP)
• Simlipal Tiger Reserve (Odisha)
• Melghat Tiger Reserve (Maharashtra).

⇒ In 2018, longmarch organised by farmers and forest dwellers from Nashik to Mumbai to demand proper implementation of FRA 2006.

Solutions and Recommendations :-

① Recommendation by National Forest Right Act Committee and National Advisory Council:-

- (i) Constitute Gram Sabha at hamlet level or even at village level rather than at panchayat level.
Also can accept village self rule as given in PESA 1996.
- (ii) Civil society groups should be involved at all level to improve public participation
- (iii) Community forest resources need to be implemented with minimum forest official role.
- (iv) Joint forest management should be either replaced with community forest management or should work under Gram Sabha.
- (v) Collection and marketing of minor forest produce should be de-regularise
- (vi) Provision for MSP for minor forest produce.

(B) V. Xaxa Committee Recommendation:

↳ Utilization of GPS system for plot/land delineation.

↳ Strengthening and capacity building of Gram Sabha.

(C) Other Recommendations :

⇒ write some best models.

↳ Reform in forest bureaucracy to make them more responsive.

↳ Nexus between government official and contractor need to break.

↳ Transparency in process of settlement of claim with proper grievance redressal mechanism.

↳ Computerisation of documentation process, hence increase pace of documentation of land record.

↳ Oral claim should be considered on case to case basis in some individual land rights.
[S.C. directed state government].

↳ State and Center laws should not contradict.

↳ Increase accountability of forest official, district administration.

↳ Increase awareness about FRA, involve NGO in implementation.

↳ Ministry of Environment and forest need to work with ministry of Tribal Affairs to solve the issues related to FRA 2006.

⇒ In 2012, Forest Right Act Amended to remove certain lacunas and to improve implementation of FRA.

Social Forestry

Social forestry is practice of forestry outside the conventional forest with aim to provide goods and services to the local people.

Social forestry is also mentioned in the National forest policy 1988. This forestry involves planting of trees alongside roads, railways line, river and canal side, and on other unutilised land under state/corporate, institute or private ownership.

Objectives :

- ↳ To avoid afforestation by providing forest resources at local level.
- ↳ To meet local needs of fuel, food, fodder MFP, timber.
- ↳ Soil conservation, increase ground water level.
- ↳ Utilize available land according to carrying capacity.

Components of social forestry :-

- Farm forestry
- Rural forestry (Community forestry)
- Urban forestry.

Evaluation of social forestry :

- ① Generated awareness about importance of forest and forest resources.
- ② Lack of people participation observed, hence not much successful.
- ③ Large gestation period, hence less attractive.
- ④ Sometime wrong choice of the trees, mono-culture plantation. e.g. Eucalyptus in Dandakaranya forest. (Invasive species)
- ⑤ Could not prevent grazing, cutting of trees, Lapping activities.
- ⑥ Many farmers diverted agricultural land to forestry — Hence food security concern can occurs in long run.
- ⑦ weak link between backward and forward linkage e.g. social forestry — forest Industry. (Based)
- ⑧ Poor quality of resources (seed, mechanization) and guidance/ training to participants.

Benefits :

- ↳ Diversity non-farm income for poor tribals
- ↳ Better use of unutilized land.
- ↳ Required contribution for targeted 33% forest cover.
- ↳ Part of 'Westland development programme.'

⇒ Strategy Needed for social forestry :

- Encouragement to plant trees in common land, roadside, railway line, etc.
e.g. National Mission for Green India.
- Free distribution of plant species by state/NGO
- Mass mobilisation, incentives, ...etc.

Joint forest Management : [Jfm]

Joint forest management is concept of developing partnership between fringe forest users groups (people living near forest) and forest department on basis of mutual trust. This also involves jointly defined role and responsibilities with regard to forest protection and development.

India's National forest policy 1988 and then subsequent government resolution on participatory forest resolution, 1990 emphasized the need for people's participation in forest management.

Joint forest management started during 1980s by forest official (Ajit Kumar Banerjee) of West Bengal at Arbaṇi forest Division area. They gave rights to people over forest produce in return of protection of forest area.

The protection through self administration - ban on grazing, cutting trees for timber, etc.

- ↳ Later government recognised the role of NGO as mediator.
- ↳ 1990 resolution on JFM :- full use of voluntary organisation for forest management through JFM.

Objective of JFM :

- (1) People participation: protection, regeneration of forest
- (2) Benefit of forest to only those who are involved in forest conservation, JFM
- (3) Partnership and trust between government (forest dept.) and tribals.
- (4) Allow funding for forest mgt. from private players.

Provision under JFM :

- ↳ Access to forest land and benefit to the tribals if they contributes.
- ↳ Given portion of proceeds from sale of forest produce to participants (tribals) according to sharing policy of state government.

Process of JFM :

- ↳ Identification of forest land by forest department.
- ↳ Meeting with villagers and completing deal.
- ↳ Educating about JFM to them
- ↳ Implementation according to deal.

Institutions Involved :

* Village forest council : It is representative body

Representing people of village (participating village)
 It is involved in planning and execution work,
 Protection, harvesting and benefit sharing management unit.

- * Memorandum of Understanding (MoU) between villagers (tribal village) and forest department mostly.
- * Village forest council finance account.

Benefits of JFM :

- (i) It has forestry and non forestry components thus contribute all round development.
- (ii) Remove mutual suspicion between forest department and community around forest
- (iii) Enhance productivity, conserving biodiversity.
- (iv) Empowering women and backward classes.

Case Studies :

- ① Meghalaya : forest village scheme
 - ↳ forest zone demarcated and given to village by state
 - ↳ Forest department and TRIFED gave hybrid seeds/ plants.
 - ↳ Villagers planted Apple, Banana & Mango trees.
 - ↳ All activities till harvest is done by villagers
 - ↳ Marketing done by TRIFED
 - ↳ Profit sharing model :- forest dept. : villager [1 : 3]
 - ↳ Provide employment to women and remove misunderstanding between villagers & govt.

Evaluation :-

- (1) Most village association and village forest council present on paper.
- (2) Sharing pattern varies across different state
e.g. Odisha - 50% timber
West Bengal - 25% timber.
- (3) It lack legal status like Community forest Resources (FRA 2006).
- (4) No tenure security over land / forest to tribals (Villagers near forest)
- (5) Forest official retain power of final decision making in JFM e.g. Type of tree, marketing, etc.

JFM can contribute to protection and promotion of forest as well as human resource development. However ultimate success depends on co-operation and coordination of official and people in forest.
