



Implementing Forest Rights

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This article is based on **“How FRA helped India’s forest communities during COVID-19”** which was published in Down to Earth on 27/11/2020. It talks about the implementation issues regarding the Forest Rights Act, 2006.

The **Covid-19 pandemic**, like any other dimension, has had a drastic impact on forest communities. It caused losses of livelihoods and shelter, food insecurity, physical hardships, health-concerns and economic suffering.

In order to cope with the crisis, effective implementation of **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also known as Forest Rights Act (FRA)** assumes much importance.

FRA has the potential to secure the forest rights and address other issues of at least 200 million tribals (covering 50% of India’s forest land). However, it is laxity in the implementation of the act that undermines fructification of the law, even after a decade and a half of its enactment.

FRA & Associated Issues

- India’s Forest Rights Act empowers the forest communities to use, manage and govern forests for their livelihood as well as for the conservation and protection of forests. But its poor implementation remains an issue.
- The key reasons for poor implementation of FRA include:
 - Lack of political commitment;
 - Lack of adequate human and financial resources with the Department of Tribal Affairs, which is the nodal agency for implementation of FRA;
 - The tussle with forest bureaucracy which influences decision at various levels;
 - Poor or non-functioning of district and sub-division level committees, which consider the claims filed by gram sabhas.

- It has been a decade and a half since the law was passed. However, only 13% of the 40 million ha has been demarcated under the FRA by the environment ministry.
This laxity in duly recording existing forest rights and the resultant tenurial insecurity is likely to increase vulnerability and more adversely impact livelihoods and food security of forest dwellers during the pandemic and after.

Other Issues Faced by the Forest Communities

- **Absence of Social Infrastructure:** The absence of healthcare facilities in tribal areas, with a prevalence of diseases and health concerns such as malnutrition, malaria, leprosy, etc, severely limited the capacities to deal with any major outbreak like Covid-19.
 - The poor access of tribal and forest dwellers to the **public distribution system** was reported from all states.
 - There were also various reports of starvation from the tribal areas since they remain excluded from most of the benefits of the socio-economic scheme.
- **Issues Related to Minor Forest Produce:** Mere granting of ownership over minor forest produce (MFPs) will not improve tribal livelihoods, as overall production of MFPs (except of tendu leaves) has fallen rapidly due to monoculture plantation by the forest department.
 - Silvicultural practices of plant species, such as teak (in place of sal), yields no recurrent product for gathering.
 - Moreover, the important MFPs continue to be 'nationalised', that is, these can be sold only to government agencies.
 - Further, the collection, use and sale of minor forest produce (MFP) by forest dwellers also got severely affected due to the pandemic.
- **PVTG Issue:** The survival of the **particularly vulnerable tribal groups** (PVTG) living in remote and scattered geographical locations in India was another issue.
 - PVTG have been the prime conservationists of deep forests and have managed the biodiversity of forests since ages.
 - Deep forests are a complex ecosystem encapsulating the grand narratives of resources, nature, biodiversity and lives.
 - Breaking this ecosystem would only intensify the dispossession, alienation of the communities, thereby adversely impacting the forests.
- **Dilution of EIA:** Amid such hardships faced by tribal communities, the dilution of laws and policies under the theme of 'Self-Reliant India' to boost the economy has increased resentment among them.
The recent announcements regarding the **dilution of Environment Impact Assessment** and liberalisation of entry norms for private entities in the coal sector have increased tribal anger.

Way Forward

- **Implementing FRA in Letter & Spirit:** Implementing FRA will not only lead to the development of forest dwellers but also build a relationship of trust and bond between them and the government, thereby reducing land conflict, Naxalism and underdevelopment.
- **Cooperative Federalism:** Keeping in view the enormous economic, social and ecological benefits of individual and community forest management, the Centre in cooperation with State governments should implement the Forest Rights Act, 2006 in its right spirit.

Also, it is important that the Ministry of Tribal Affairs at the Central and State levels are strengthened with human and financial resources to help implement FRA on a mission mode.

- **Reforming Forest Bureaucracy:** Besides leveraging modern technology to map and monitor the implementation of FRA, the forest bureaucracy must also be reformed to serve as service providers to gram sabhas.
- **Strengthening Market For MFP:** There is a need to provide marketing and MSP support to non-timber forest products and create institutional mechanisms to support community forest enterprises for value addition.

Further, the government should continue to provide technical support to the gram sabhas, so as to ensure not only higher production of MFPs but price support as provided to farmers so as to rejuvenate the tribal economy.

Conclusion

Rights recognised under FRA have helped to facilitate support for forest communities at various levels by overcoming constraints and crisis situations during times of wide-scale distress. However, a wider implementation of the law is what is the need of the hour.

Drishti Mains Question

Forest Rights Act-2006 remains crucial to secure rights of the forest dwellers and rejuvenation of the tribal economy. Discuss