

Still no recognition of forest rights for tribals: activists

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A resident of Yavatmal in Maharashtra is asked to give proof of birth for three generations in his family for him to get access to land under the Scheduled Tribes and other Traditional Forest Dwellers Recognition of Forest Rights Act (FRA) 2006. But for the people in these areas who cannot read or write, 'proof' has little meaning.

Such lacunae in the Act came up for discussion at a public consultation held by the FRA review committee here on Saturday. It organised by the National Centre for Advocacy Studies (NCAS), a city-based organisation.

The Act came to be implemented in 2008, and so far “3,26,388 claims have been made, out of which 36,460 have been granted to private and public parties,” NCAS representative Lata Pratibha Madhukar said. For the review committee, this was the first consultation in Maharashtra and second in the country, after the one in Dehra Dun. “In Uttarakhand no work has started yet, and consultations like this help the committee identify what is going wrong,” said panel member Ashish Kothari of Kalpavriksha.

Illegal claims

Community members and social organisations from across Maharashtra presented their grievances. In Chandrapur, for example, people are facing the problem of fake gram sabhas that grant “illegal” claims even as legal claims are awaiting replies, according to a community member.

“Our claims have been waiting since November 2009, and some which do not even mention what area and how much land they want are already granted,” said a group of people from the area.

For some from the tribal region, the Act does not seem to have helped at all. “Why are you calling this recognition of rights? We don't even have recognition of identity in independent India,” said a representative from a social organisation in Yavatmal.

Indavi Tulkule from the Shramik Mukti Sangathan — which works for tribals in Murbad, Shahpur and Ambarnath in Thane district — added: “It is very difficult to reason with forest officials. Some of them do not know the Act or some know it so well that they recognise the loopholes very well.”

In the Thane region, some of the 'proof' given by the villagers is not recognised, even when the Act provides that this should not be the case.

Responding to the complaint, Arvind Jha, committee member and director of the Tribal Research and Training Institute, Pune, said: “We will look into the matter. We have given directions that any proof will do in this case.”

GPS machines

Another issue that was highlighted was the provision of Global Positioning System (GPS) machines to the Forest Department for land measurement.

“This shows how biased and unfair the system is. We are fighting with the Forest Department, and how can they be the ones to measure? It should be given to a third party,” said Ulka Mahajan, director of the Society for Rural and Tribal Initiatives.

Also, the ‘fast track’ system of granting claims, in fact, resulted in rejection of many valid claims. The government should have paid attention to all claims and taken decisions accordingly, Ms. Mahajan said. Vaishali Patil of Pen's Adivasi Hakka Sangharsha Samiti echoed her sentiments.

Primitive Tribal Groups

Ajay Dolke of the Society for Rural and Urban Joint Action brought up the question of Primitive Tribal Groups (PTGs) in Yavatmal district.

“As identified by the 1961 census, there are 47 tribes in Maharashtra that have a population of a few thousands and are hence called primitive tribal groups. Even the FRA has recognised these tribes in Section 3(1) E. So it is known that these people need a ‘habitat’ but this claim is being refuted by officials,” he said. “There is no proper mechanism to claim the land. Sub-divisional officers who are in charge say this is not in their realm of authority.”

Addressing the problem, Mr. Kothari and Mr. Jha said a workshop would be conducted for officials and they would be made aware of PTGs, and a proper mechanism put in place. The implementation of the Act must be followed as a knowledge-based process.

“We have to choose between sentiments and facts,” Mr. Jha said, adding the committee could move ahead with the kind of criticism that was expressed during the day.

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