

Centre sets Dec deadline for land titles

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Distribution of land titles to claimants under FRA

M Madhusudan ■ New Delhi

What the States did not do in 22 months, the Centre wants them to achieve in the next two months flat: distribution of all title deeds to the claimants under the Forest Rights Act (FRA), 2006 by December 2009. This is in a bid to achieve the 'target' set by President Pratibha Patil during her address to the joint Houses of Parliament in June.

Against this backdrop, the Ministry of Tribal Affairs (MoTA) will "review the implementation of FRA" in the States in a two-day conference of Chief Ministers and State Tribal, Social Welfare or Forest Ministers starting on

Wednesday. Prime Minister Manmohan Singh will inaugurate the conference.

However, the Centre's 'cut-off' has led non-governmental organisations and forest rights activists up in arms, and to cry foul. They point out that under the FRA the Government cannot fix the deadline as it's only the gram sabha which has the power both to fix when the three-month filing period for claims will begin as also to extend the deadline.

They also fear the deadline will be used further as a pretext by State Governments not to entertain any more title claims after that.

Nevertheless, statistics available with MoTA's itself indicate the Herculean task the States have on hand. For, since December 31, 2007 (when the FRA came into force) till September 30, 2009 (figures available for 21 months), States distributed title deeds to just five lakh of the total 24.72 lakh claims filed across the country. Simply put, just 20 per cent of the total claims could be taken care of. And now, in just two

TIME LINE

- The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also known as Forest Rights Act, came into force on December 31, 2007
- Till September 30, 2009, 24.72 lakh individual claims had been filed across India, but only 5 lakh titles have been distributed (only 20 per cent); 16 States have not distributed any title so far
- NGOs up in arms against Government fixing implementation timeline; say only gram sabhas can fix when three-month time for filing claims will begin; fear deadline will be used not to entertain any more claims thereafter
- In AP gram sabha meetings called at panchayat level; in Jharkhand, with no panchayat elections in 25 years, State Government empowered to call gram sabha meetings; in Orissa panchayat sabhas (revenue villages) designated as gram sabhas; in Gujarat and MP claims sent to forest department, BDOs; in Chhattisgarh allegations of claim forms not being distributed

months flat, the States would have to ensure the completion of the remaining 80 per cent of the process. The Ministry says 78,000 other title deeds are ready for distribution.

"Already, the State Governments had arbitrarily been imposing cut-off dates and threatening people that claims will not be acceptable after it. Now, when the process has barely begun and is riddled with illegalities, the Central

Government wants to rush the States to meet the deadline," Shankar Gopalakrishnan, international secretary, Campaign for Survival and Dignity (CSD), told The Pioneer.

The CSD, which represents 200 organisations from 10 States, staged a dharna on Tuesday in Delhi, Bhubaneswar, Udaipur, Gandhinagar, Raipur and Bhopal. It will form a human chain in protest on Wednesday

on Parliament Street in Delhi.

The FRA was enforced to give forest rights, including forestland, to tribals and traditional forest dwellers residing in such areas for generations.

A senior MoTA official admitted that the NGOs had a valid point. But he said the deadline was only to ensure the FRA's speedy implementation. The PM himself had written to all Chief Ministers in this regard in July, the Cabinet Secretary followed it up with Chief Secretaries of 11 States in September and the MoTA with eight Naxalite-affected States thereafter.

Madhu Sarin, former member of the government's technical support group on FRA and a noted forest rights activist, alleged the FRA has been converted into a "Patta (title deed) Act" with the government only interested in numbers (of distribution). "This, despite the fact that of the 13 rights envisaged in the Act only four relate to land rights with the rest pertaining to community rights," she pointed out.

"From day one, FRA's implementation started on a wrong note with no clarity on the gram sabha. So, in many states, gram sabhas are called at the panchayat/district level instead of at the tribal hamlets level in violation of the Act, especially in Schedule V areas.

The Government should be stopped from going ahead with the deadline. It should see if community rights are being given to the tribals and forest dwellers; an awareness about their rights should be generated on a large scale and a social audit should be in place," Sarin maintained.

Forest rights activists also cite the Environment Ministry's Joint Forest Management (JFM) projects for afforestation as yet another hindrance to the proper implementation of the FRA. "JFM is leading to more evictions. Moreover, how are countries like Japan funding the scheme when the land itself is disputed?" Sarin wondered. It's like cutting the feet on which the body stands, she said.

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