

GPS study finds forest land 'wrongfully' given to tribals

Vivek Deshpande : Nagpur, Fri Apr 05 2013, 03:52 hrs

A Maharashtra forest department study, based on GPS and satellite imagery, shows that "ineligible forest areas are being claimed and granted for land plots (pattas) under the Forest Rights Act." The FRA gives traditional forest dwellers the right over lands they had encroached for farming, subject to a cutoff of December 31, 2005. The implementing authority is the tribal affairs department, a sore point with the forest department.

In a number of districts, many places that had once been found to be forest patches later saw ownership pattas being claimed under the FRA, according to the study, "Changes in vegetation cover and land-use in forest land with claims and forest rights finally recognised under FRA".

"A huge number of such false cases are being presented for claiming pattas. With the Centre frequently extending deadlines for putting up claims with a rider to reexamine the rejected cases, it has become untenable to decide such false cases," a senior officer told The Indian Express.

GPS measurements were carried out on Cartosat-1 satellite images of areas covered under 40,000 recognised forest rights cases in Jalgaon, Dhule, Nashik, Nandurbar, Gadchiroli and Thane districts. "At least 8,104 ha (which is 20 per cent of the 40,000-ha average allotment in these cases) of ineligible forest land has been recognised to be with forest rights, as per satellite image of 2005-06... immediate action (should) be taken to correct the situation since such cases lead to an impression that ineligible cases can be got cleared," the study says.

Each claimant is to be given a unique 13-digit code, which the study says was available only for the 40,000 cases studied. "Which means that it wasn't made available for the remaining 70,000 FR cases granted. It's clearly a violation," said another official. "It also means that the extent of ineligible allotments in the remaining 70,000 cases couldn't be established and could be on a much higher scale."

The study used the images to assess how much area is under cultivation within the land where claims were recognised. Forest/tree cover and barren land have reduced from 910 to 433 ha and from 5,476 to 4,605 ha, respectively, between 2007-08 and 2011-12. "This

means people have cleared forest cover and started cultivation there as well as in formerly barren lands after the rights were recognised," the study says.

Since 2008, the department has received over 3,39,100 claims. Of these, 3,36,300 have been decided by a three-tier arrangement of gram sabha, subdivisional and district-level committees, which accepted 1,04,072 claims and rejected the rest. Of the claimants, 98,868 have actually been granted the rights.

"Newer claims are being made every year. Many of the rightful owners were not aware of FRA and hence submitted their claims late. But with the cutoff frequently extended, claims continued to be made even as late as 2011 and 2012. Our study has revealed that many of these claims were made on lands encroached after the deadline of December 2005," the official said.

In 2,433 cases, the study says, public utility lands such as nullah and roads were also part of the granted land.

There is no legal provision for reopening finally decided cases, but appeal cases are still being taken up. In Nandurbar, appeals on land with forest cover and barren (without cultivation) are rising.

Forest officials say that one of the problem areas in the FRA implementation is that while the owner of the land is the forest department, the final implementation agency is the tribal affairs department. "So, despite evidence of wrongful claims, we are not able to do anything to save these freshly encroached patches of the forests," the official said.

The forest department has urged the government that a final cutoff date be fixed for settling claims, and that only claims with proper evidence be granted after a stricter scrutiny at subdivisional and district committees.