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A Bill in the woods

The proposed legislation to grant land rights to tribals has been imperilled even before the draft Bill goes for Cabinet clearance. The Bill seeks to provide tribals with rights to the land and forest produce that they have traditionally been subsisting on. The objective is to safeguard the livelihood and socio-cultural habitats of forest dwelling communities and to develop their long-term stake in the sustainable use of land and forest resources. However, some forest and wildlife interest groups have begun a concerted campaign against the Bill. What lends teeth to their campaign is the support they have managed to secure from some well-connected parliamentarians. Equally notable is the reported opposition to key provisions of the Bill by the environment and forests ministry, which has dubbed the move as a bid to compensate for failures on the tribal development front by gifting away the country's forest heritage. Though no political party can take an open stand against providing land rights to tribals for fear of losing their votes, those speaking in the name of forest and wildlife preservation have managed to put a question mark on the wisdom of the Bill.

On proper examination, most of the apprehensions of the anti-Bill lobby seem ill-founded. The simplistic mathematics that raises horrific visions of 80 million tribals getting 2.5 hectares per tribal family (and thereby causing the parcelling out of two-thirds of the country's 67 million hectares of forests) is inaccurate and misleading. No forest land is to be re-distributed; all that will happen is the recognition of existing rights and habitations—as promised repeatedly in previous laws and formal policy statements, but not implemented from as far back as 1980 for reasons that do no credit to the state. Whatever dangers threatening India's wildlife have already taken their toll (as in the Sariska tiger reserve); it is not tribals who have been the culprits but the forest department and government officials, in cahoots with ransacking poachers. Indeed, using the cover of various court judgements, forest officials have been routinely evicting tribals from forest land and habitats, and after denying tribals their traditional rights to minor for-

est produce, have handed the same over to contractors to exploit. The bigger danger to forests, bitter experience shows, is the official-contractor and official-poacher nexus, not poor tribals.

The issue therefore is not forest or wildlife conservation, it is tribal rights. Those opposing the Bill should ponder over the spread of Naxalism in the vast tribal belt of the central and eastern parts of the country, now the country's leading internal security problem. And it needs to be asked whether this has anything to do with the shoddy treatment of tribals by the agencies of the state, including alienation from their land and sources of livelihood. This alienation of local communities from the forests in which they live is more harmful than retaining them as an integral part of the overall production system, as borne out by the Orissa Tribal Development Project, implemented in the Kashipur area. The provision of secure titles to tribals of small pieces of "donger" (hill) lands has helped in curbing the environmentally ruinous practice of shifting cultivation and led to improvement in the ecological balance. The experience of the joint forest management system at many places in the Himalayan foothills is no different. Here, an indiscriminate exploitation of forests has given way to their sustainable use by involving local dwellers in the conservation and management of forest lands, including allocating shares of forest produce and collecting user charges.

Therefore, the Bill is entirely defensible in what it seeks to do. The question is whether it will be properly implemented or whether land title will be given out to wrong claimants. This is always a danger when the official machinery is as compromised as it has become. The use of gram sabhas is meant to be a safeguard in this context, but vigilance will be required to prevent misuse of a new law. The issue here is larger than any specific Bill, it has to do with the quality of administration and the poor state of governance in general. In the immediate context, the government must be guided by the understanding that forests are not endangered by recognising the tribal rights of people who are already residing in forest areas, and go ahead with the proposed Bill.