

OPINION

# Indigenous people's future in peril

**BRP Bhaskar**



[@brpbhaskar](#)

Indian journalist with over 50 years of newspaper, news agency and television experience.

09 Apr 2019



Indian elephants walk through the Manas National Park at Baksa, Assam. AFP

The Forest Rights Act, enacted by Parliament in 2006, presents a classic example of giving with the right hand and taking away with the left hand.

The shrinking forests are where most of the country's

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indigenous people, officially labelled as Scheduled Tribes as the names of their communities figured first in a schedule of a colonial-era Act, live.

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In popular parlance, the communities are referred to as Adivasis, which term means original inhabitants.

Unwilling to concede their antiquity, the Rashtriya Swayamsevak Sangh, fountainhead of the ruling Bharatiya Janata Party's Hindutva ideology, refers to them as Vanvasis, meaning forest dwellers. It conveniently overlooks the fact that they ended up on the hills and in the forests under pressure from later migrants.

The 2011 census put the number of tribes at 705 and the tribal population at 104.3 million, 8.6 per cent of the national total. Under the Constitution, the STs, along with the Dalits, officially termed Scheduled Castes, are entitled to reservation in Parliament, State Assemblies, the services and educational institutions.

Denudation of forests began in the colonial period. Early on it yielded some good results like re-discovery of the long-forgotten Buddhist stupa at Sanchi, near

Bhopal, while cutting down trees to make railway sleepers.

Realising the damage caused to the environment, the British later embarked upon a scheme to protect the forests. They made laws which, while permitting Adivasis to remain in reserved forests and gather resources for their livelihood, denied access to outsiders.

After Independence, people from the plains grabbed forest lands in many states, often with the connivance of politicians and officials.

In the 1970s, the Centre advised the states concerned to enact legislation to restore forest lands to the Adivasis. Accordingly laws were passed, but most governments failed to implement them.

In the wake of globalisation of the economy, national and international corporations started grabbing land for industries. In many states, Adivasis mobilised themselves to defend their homelands.

It was an unequal struggle, and the Adivasis often lost. However, in some instances, they were able to pack off the corporates. A notable case is that of the South Korean steel major POSCO which was forced to drop the plan to set up the world's largest steel plant in Odisha state.

Responding to the pleas of non-government organisations working among tribal communities, the first Congress-led United Progressive Alliance (UPA) government, headed by Manmohan Singh, enacted the Forest Rights Act. It aimed at reversal of the erosion of the forest dwellers' traditional rights as a result of forestry policies, encroachments and takeover of forests.

In keeping with the spirit of the law, the government issued an order in 2009 making it obligatory to take

the consent of the village council of the forest dwellers to set up any project in their area. When an Adivasi community of Odisha refused consent to an industrial group's project in their area, the Supreme Court upheld their right to do so.

In its second avatar, the UPA itself started whittling down the provisions of the Act to make it easy for corporates to undertake mining in the forests. Since Prime Minister Narendra Modi pulled all plugs to make it easy to do business the Act has been observed more in breach than in practice in the last five years.

A set of petitions challenging the Forest Rights Act is now before the Supreme Court. On being told that 16 states had rejected the claims of a total of 1,127,446 forest dwellers, a three-judge bench directed the state governments in February to evict them.

It asked the states to explain why there were no evictions so far and said it would take a serious view of the matter if they were not evicted before July 27, the next date of hearing. It is not clear why the court peremptorily issued an eviction order without hearing the Centre, waiting for the state governments' explanations and giving the affected people an opportunity to make representations against the proposed action.

The Centre appears to have played a collusive role in the matter. Congress President Rahul Gandhi accused the Modi government of remaining a silent spectator when the Act was challenged and attempts were being made to drive out Adivasis and small farmers from forest areas.

Following a storm of protests across the country, the apex court stayed its order within a few days. But the peril to which the Adivasis are exposed remains.

Social justice has primacy among the objectives of

the Constitution. It is the responsibility of the Supreme Court to ensure justice to the forest dwellers, one of the most vulnerable sections of Indian society.

India

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