



Newsletters

Gift
Membership

Scroll.in



Become a member

Get app



Sign in



<https://scroll.in/article/1077926/how-habitat-rights-protect-livelihood-cultural-heritage-of-vulnerable-advansi-tribes>

on Ground

The India Fix

Eco India

The Latest

The Reel

Magazine

Video

Trending

FOREST RIGHTS

How habitat rights protect livelihood, cultural heritage of vulnerable Adivasi tribes

They may also apply to a broader population of tribal groups that follow traditional living practices and use forest resources.

Shuchita Jha

Yesterday · 07:30 pm

READ IN APP





OTHERS ARE
Reading 



'Send millions of Indian peasants to Brazil to eradicate poverty and starvation'



Why is India's middle class so slowing economy?

courtesy of Shyam Sundar Sahoo/Vasundhara, via Mongabay.

Odisha recently became one of three states in the country to grant Habitat Rights under the Forest Rights Act, 2006 to Particularly Vulnerable Tribal Groups. The state recognised Habitat Rights for [seven](#) of its [13](#) Particularly Vulnerable Tribal Groups and [other](#) traditional communities.

India's Forest Rights Act, enacted to undo [historical injustices](#) to tribal and other forest-dwelling communities in India, recognises a range of rights for these communities. The different rights ensure that indigenous and forest-dwelling communities can access their ancestral land and resources, carry on their traditional livelihood practices and utilise, protect and conserve the forests.



Before you scroll further...

Get the best of Scroll directly in your inbox for free.

Subscribe

What are habitat rights

[Habitat Rights](#) are classified under Community Forest Rights in the Forest Rights Act. They recognise traditional and customary rights over “demographic and geographic spread out, socio-cultural, economic, and livelihood systems, as well as

traditional knowledge to ecological systems and biodiversity”, says a [report](#) by the UN Development Programme and the Tribal and Scheduled Caste Development Department of the Chhattisgarh government.

In the context of forest dwelling people or indigenous communities, the term, “habitat” is defined under [Section 2 \(h\)](#) of the Forest Rights Act, 2006, as “the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes.”

A habitat for Particularly Vulnerable Tribal Groups may refer to an area where they have both spiritual and material connections, notes a [study](#) undertaken by the Ministry of Tribal Affairs in 2014 in collaboration with Vasundhara, a nonprofit working for tribal rights in Odisha. Spiritual connection implies an area essential to fulfill the socio-cultural needs of the community and includes burial grounds, birthplaces, temples, deities, ancestral lands, or areas used for other socio-cultural purposes, such as festivals and processions. These areas also include places of customary land use for livelihood generation, such as forest produce collection, fishing sources, cultivation areas, and seasonal migratory lands.

Habitat Rights, thus, are more than just the right to a piece of land but also a “[bundle of rights](#)” that comprises the connection of the tribal communities to their livelihood, social, and cultural practices, notes the tribal affairs ministry and Vasundhara study.

The Habitat Rights guarantee all right holders to perform customary religious or cultural practices, related to their clans, that intend to protect and conserve places necessary for religious and spiritual purposes. This right, however, excludes hunting which is banned under India's Wildlife Protection Act.

“Habitat Rights are bio-cultural rights, especially for Particularly Vulnerable Tribal Groups and other such communities who have a distinct culture and are found in a particular geographical area,” said Tushar Dash, an independent researcher on forest rights. “They have lived in these areas and protected their forests under traditional and customary practices like having sacred areas and forests.”





A Baiga tribe woman in the forest areas close to her village in Baigachak region of Madhya Pradesh. Madhya Pradesh is one of the three states that have granted habitat rights to Particularly Vulnerable Tribal Groups under the Forest Rights Act, 2006. Credit: Alok Prakash Putul via Mongabay.

[Madhya Pradesh](#) was first state in the country to grant Habitat Rights to seven Baiga villages in 2015, followed by [Chhattisgarh](#), which granted the rights to Kamars and Baigas in August 2023. Odisha followed suit in [2024](#).

Habitat Rights were developed to particularly preserve and conserve the habitat of the [75 PVTGs](#) of India, whose populations were dwindling because of past social injustices and the destruction and diversion of their ancestral lands for development projects and mining activities. However, they may also apply to a broader population of tribal groups that may follow traditional living practices and use forest resources.

“These rights apply to anyone who shares the concept of habitats – a traditional way of living and using resources,” said Y Giri Rao, Chief Executive Officer of

Vasundhara. He added that the Habitat Rights are inclusive and applicable to groups such Scheduled Tribes and Other Traditional Forest Dwellers, which are government categories for indigenous and long-term forest-dwelling communities.

[Section 3\(e\)](#) of the Forest Rights Act states that the Habitat Rights includes primitive tribal groups and pre-agricultural communities, he explained, and Section 5(c) also empowers forest right holders and their institutions to ensure that the habitat of forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers is preserved from any destructive practices affecting their cultural and natural heritage.

“In Odisha, the Habitat Rights titles have been awarded with the condition that they do not violate the traditional rights of other communities as justice under FRA cannot be one-sided. You cannot protect one group’s rights by infringing on another’s,” Rao added.



An elderly woman carries wood for daily cooking in the tribal area of Somnat, Chandrapur district in

Umbrella of rights

There are a number of rights under the Forest Rights Act. These include Individual Forest Rights, where a family claims a piece of land for its private use and traditional occupation practices like farming; Community Forest Rights, where a village applies as a collective for land rights for the village and its resources. Then there are Community Forest Resource Rights which are much broader than the other two as they comprise the right to live and use the village and forest land as well as the right to design plans to manage and conserve them.

Habitat Rights fall under Community Forest Rights and are applied to the Particularly Vulnerable Tribal Groups, Scheduled Tribes and Other Traditional Forest Dwellers to help conserve their habitat. They differ from other rights in the scope and approach to filing claims. Habitat Rights focus on the broader identity and territory of Particularly Vulnerable Tribal Groups and other communities, with their traditional institutions filing for claims. Unlike other rights, these rights extend beyond village or hamlet boundaries for Particularly Vulnerable Tribal Groups and nomadic communities whose settlements may be temporary.

“Habitat rights regime is mediated by the traditional institutions and leadership base of the PVTGs who are crucial in the affairs of the PVTGs/ scheduled tribes. Many of these rights are not necessarily exclusive to one community and may be shared with other communities living in the habitat area based on age-old traditions of mutuality and reciprocity,” reads the 2022 [report](#) titled Mapping of Potential Habitat Rights of Particularly Vulnerable Tribal Groups under the Forest Rights Act in Odisha.

In the case of individual forest rights and community forest rights, the Forest Rights Committee, a village-level body that assists in processing claims, initiates the process and pertains to rights within these boundaries. For Community Forest Resource Rights, too, a village’s gram sabha files a claim for the whole village. Unlike individual forest rights and community forest rights, Community Forest Resource Rights also gives the village broader rights to use, manage, and conserve the forest under their title.

Challenges in recognising

Despite habitat being a concept in the Forest Rights Act since 2006 and a provision for Habitat Rights made in the subsequent [amendment in 2012](#), recognising these rights has been a slow process.

Several challenges and operational difficulties hinder the approval of Habitat Rights claims. Some of these concerns include unclear procedures, lack of guidelines accommodating diverse tribal practices, low literacy, nomadic lifestyles and overlapping rights.

The diverse tribal groups also make it difficult for the Ministry of Tribal Affairs to make written guidelines for Habitat Rights as there are over 700 tribal groups in India and each is unique, said Rao. “If the MoTA [tribal affairs ministry] enlists certain traditional practices and customs in a common guideline, it will mean that the practices that haven’t been listed do not fall under the scope of HR, excluding several communities from making HR claims,” he added.

Additionally, he added, as many Particularly Vulnerable Tribal Groups are nomadic, the officials do not find records of these communities in their gazetteers, anthropological studies, or princely state records, which creates problems during verification. Often Habitat Rights offered to Particularly Vulnerable Tribal Groups overlap with the rights of other communities. For example, traditional land boundaries of the indigenous or forest-dwelling communities clash with district and state boundaries which makes it hard for the officials to address the issue.

The misinterpretation and mistranslation of the definition of “habitat” is another problem. Citing the case of Madhya Pradesh, Rao. said that during translation from English to Hindi, the English word “habitat” under Section 3 (1) (e) the Forest Rights Act was translated (in Hindi) as “aawas” meaning “home” or “house” instead of habitat.

Dash, said that another challenge that emerges is that many of the areas where Particularly Vulnerable Tribal Groups live and can claim the Habitat Rights, overlap with mining projects or areas diverted for industries, with protected areas, like tiger reserves, or with land that forest department has earmarked for Compensatory Afforestation. This makes it harder to recognise Habitat Rights in these areas.

As per Vasundhara's mapping, Odisha has the [potential](#) to recognise Habitat Rights in over 2.27 million hectares of land, of which 1.12 million hectares are under forest areas. "Many of these rights given in forest land can be diverted for mining in the future. However, with the granting of these rights, it will be difficult to divert these areas for mining or any other development project without the consent of their traditional institutions and Gram Sabhas. This way, habitat rights will help protect biodiversity and state forests," added Rao.

Ecologist Pia Sethi highlights the challenges faced by indigenous communities in accessing their lands and sacred sites due to strict policing by the forest department and restrictive laws. This has disrupted traditional practices, many of which are being forgotten. Recognising habitat rights under the Forest Rights Act can help revive and sustain the traditions and cultural heritage of the PVTGs.

"Granting legal rights to protect these forests can also incentivise younger

generations to engage in conservation. Such protection will not only preserve their cultural and ecological links but also contribute to reducing carbon emissions by safeguarding forests. While some monitoring might be necessary, this recognition is long overdue. Globally, wilderness areas and natural ecosystems are often managed by local communities, and India must align with this practice,” she said to Mongabay India.

This article was first published on [Mongabay](#).

 Get the app

ANDROID



iOS



Buy an annual Scroll Membership to support independent journalism and get special benefits.

PICK AN AMOUNT

\$50

\$100

\$250

\$1,000

Other

No ads

Evening Edition newsletter

Members-only events

Weekly Edition newsletter

Merchandise

Help design new products

Editorial meet-up invitation

Continue to payment

Already a member? [Sign in](#)

We welcome your comments at letters@scroll.in.

Habitat Rights

Forest Rights Act

Odisha

Particularly Vulnerable Tribal Groups



No one visited that library. Still, the librarian opened it every evening in the hope that someone might come to borrow a book. He would sit on the half-wall of the veranda of that old building for a short while. Then, getting up, he would go inside and sit on the chair – it was in worse shape than him – behind the table and start reading. Since the past few years, he had been reading the massive and authoritative dictionary, the *Sabdataaraavali*, by Srikanteswaram. Once the day's reading was over, he would replace it among the books in the reference section. He would then press down with his frail finger that inverted half-circle of iron that seemed reluctant to fall into the little well of the lock. Making sure that the lock wasn't hurt, he would check if it had actually clicked. By the time night fell, the librarian would have closed all the doors of the library and left.

It was on one such day when the librarian was replacing the *Sabdataaraavali* that he fell into it and was trapped inside. He tried to call out a couple of times. But he couldn't. He tried to shake himself free to run to safety, but his limbs were entangled in the words. He wanted to clap his hands and make a noise, but they were fixed firmly between two pages. His hands opened only when the pages opened. When he did not return home even after midnight, his wife and children went out looking for him. They came to the library. The librarian tried to call out to them to tell them that he was inside the dictionary, but he could not. ...

[Read More](#)



BOOK EXCERPT

Don't get offended, set high standards: A corporate leader's tips on how to make a mark at workplace

An excerpt from 'From Invisible to Invaluable: 100 Game-changing Strategies and Techniques to Succeed at a Workplace', by Nasir Zaidi.

Nasir Zaidi

4 hours ago



[Pexels](#)

Don't get offended

A panel of discerning clients was examining Sapna's products. She was known for her sharp wit and meticulous designs. One client, after scrutinising the clothes on display, made a sarcastic remark about Sapna's colour scheme. A jolt went through Sapna, and she could feel anger rising in her. She was about to retort, the words poised like a bullet on her tongue, but at the last moment, she chose not to.

She took a deep breath, paused and, instead of firing back, met her client's gaze with a calm resolve. Then she went on to explain in a very professional and measured tone about her artistic choices and the rationale behind selecting those colours. The client softened because of her composure and soon a constructive discussion took place between them, leading to a fruitful collaboration.

Imagine if Sapna had taken offence at the client's comment and succumbed to her anger, she would have lost the client and ended up derailing the project. Choosing not to take offense isn't about weakness, but about strategic strength and the ability to see the bigger picture. ...

[Read More](#)



COALITION POLITICS

Interview: India's unique coalition politics is a result of first-past-the-post election system

There is the beginning of a loose bipolarity at the national level as a result of electoral politics involving multiple parties, says scholar E Sridharan.

Leaders from the Opposition's INDIA coalition. | AFP

At the start of 2024, it seemed as if a massive victory for the Bharatiya Janata Party in the Indian General Elections was a given. When the BJP turned in a middling performance, falling below the halfway majority mark in the Lok Sabha, it meant that – for the first time under Prime Minister Narendra Modi – the party would actually be reliant on coalition partners to remain in power, while also facing a much more powerful opposition block in Parliament.

The narrative emerging out of that result made it seem as if the Congress-led INDIA grouping was ascendant. Yet, just a few months later, state assembly elections – particularly in Haryana and Maharashtra – again flipped the script, with the BJP and its allies coming out on top. Still, each of those verdicts confirmed one thing: understanding coalition strategies remains vital to the study of politics in India.

[Eswaran Sridharan](#)'s book, [Elections, Parties, and Coalitions in India: Theory and Recent History](#) (Permanent Black, 2024), presents 10 papers examining India's

history with coalition politics, how different parties – particularly the BJP and the Congress – have used and been affected by coalitional strategies, and where India’s party system sits in comparison to democracies elsewhere....

Read More



BOOK EXCERPT

How Rajendra Chola and his army sailed across the seas in the 11th century to beat the Malaysians

An excerpt from ‘Lords of Earth And Sea: A History of the Chola Empire’, by Anirudh Kanisetti.

Anirudh Kanisetti

9 hours ago



In 1024, Rajendra Chola dreamt up the grandest, riskiest, campaign ever planned by a medieval Indian ruler: an attack across the seas on Kedah (in today's Malaysia). Both Rajendra Chola and the merchants of the Five Hundred guild knew now how wealthy Kedah had become – primarily by supplying goods the Tamil coast wanted.

And Rajendra had a plan. It was simply not profitable for the Cholas, or any land-based state, to set up a navy when most revenues came from crops and land-based wars. But both Rajendra's generals and the Five Hundred had realized the possibilities of rapid, highly mobile operations supported by merchant shipping. No Indian Ocean king, except Rajendra Chola, had the imagination to plan something like this. None except Rajendra had the generals, the crack troops and the mercantile alliances to even dream they could pull it off. This constellation of factors never came together in India again.

Rajendra's court had worked out most of the details. Conveyed by the great annual merchant fleet, Chola troops would attack and loot Kedah. The Five Hundred would expand into the political vacuum and soak up the profits. And so the centuries-old histories of three great powers in Monsoon Asia – the Chola state, the ports of Southeast Asia and the Tamil merchant corporations – moved towards a tremendous collision....

Read More



COMMUNAL POLITICS

Why the Delhi elections have put the city's Bengali Muslims on edge

Drives across the capital to identify 'illegal Bangladeshi immigrants' end up mostly harassing migrant workers from Bengal and Assam.

Abhik Deb

11 hours ago



Twice in the last few weeks, the police have screened documents of Bengali Muslims living in the Bangali Basti slum of Vasant Kunj in Delhi. | Abhik Deb

“Anyone who speaks Bangla is suspected to be a Bangladeshi,” Anisur Rahman, a 44-year-old garment seller, said with a hint of sarcasm. For over 20 years, Rahman has been a resident of Bangali Basti – a slum of nearly 1,500 shanties located in a

corner of the Vasant Kunj locality in Delhi.

Like Rahman, the majority of the residents of the slum hail from the north Bengal districts of Cooch Behar and Alipurduar. Over the last few weeks, they have had to give proof of their citizenship to the police. Twice since the last week of December, the police have conducted drives in Bangali Basti to check documents like Aadhaar card, voter ID card and ration card of those living in the slum.

“The police even went to my village in Cooch Behar to check if the address on my Aadhaar card was genuine,” a woman who requested anonymity, told *Scroll*.

The police action in Bangali Basti of Vasant Kunj is not an isolated affair. Since December, the Delhi Police have been conducting these drives in many Bengali Muslim-dominated localities on orders given by Lieutenant Governor VK Saxena. On December 10, Saxena had directed the Delhi chief secretary and police commissioner to [launch a two-month drive](#) to identify and take action against “illegal immigrants from Bangladesh” living in the national capital....

[Read More](#)



MORAL DILEMMA

Is not having children selfish, a ‘moral failing’? Anti-natalists explain why it’s an ethical choice

Childlessness is often viewed as selfish and a sign of self-centered cultures.

Newborn babies in the ward of a government hospital for women and children on the occasion of World Population Day, in Chennai in July 2023. | AFP

In the first few days after Donald Trump's election in November 2024, purchases of [emergency contraceptives spiked](#), with two companies reporting sales about 1,000% higher than the preceding week. Meanwhile, Planned Parenthood reported a 760% [increase in appointments for IUDs](#) the day after his win.

Many Americans are fearful that the incoming administration [could further curb reproductive rights](#), 2½ years after the US Supreme Court overturned the constitutional right to abortion. Today, roughly one-third of states [ban the procedure](#) almost entirely or after the first six weeks of pregnancy – before many women and girls [realise that they're pregnant](#).

[Several nominees](#) for Trump's second administration [oppose abortion rights](#). But some of his allies have suggested that not having children is itself a moral failing.

In [a 2019 speech](#), for example, Vice President-elect JD Vance said that people

“become more attached to their communities, to their families, to their country because they have children”. In 2021, [he tweeted](#) that low birth rates “have made many elites sociopaths.” During a Trump rally in 2024, Arkansas Gov [Sarah Huckabee Sanders said her children](#) are a “permanent reminder of what’s important” and “keep me humble.” Kamala Harris – who has two stepchildren, but no biological children – “doesn’t have anything keeping her humble”, Sanders said....

Read More



MIND YOUR LANGUAGE

Swearing, insults and hate speech: The social and psychological power of taboo language

Despite their social inappropriateness and controversial nature, more than two-thirds of the adult population report hearing others swear in public frequently.

Jon Andoni Duñabeitia, The Conversation

Yesterday · 01:00 pm



[Wikimedia Commons/ CC BY 2.0](#)

Language does much more than just convey information. It expresses emotions, establishes social connections, and even challenges norms.

Taboo language is one of its most intriguing facets. These “off limits” words – a category ranging from insults and swear words through to racial slurs and hate speech – have extraordinary power. They elicit strong emotional responses, and reveal a massive amount about a society’s values, cultural norms, and psychological processes.

Taboo words or expressions are typically restricted by societies based on cultural, moral, or social norms. The forbidden nature of such language often stems from its association with topics like sexuality, bodily functions, religion, or derogatory references to individuals or groups.

Taboo words possess distinct linguistic and emotional characteristics that set them apart from other types of language. Recent multilingual, [multi-lab scientific collaborations](#) have identified three key characteristics of taboo words that underscore their unique role in human language and interaction:...

Read More



‘Writing is a pleasure, an obsession’: A publisher’s tribute to MT Vasudevan Nair

Publisher Mini Krishnan recalls her long and fruitful friendship with the Malayalam author.

Mini Krishnan

Yesterday · 09:00 am



Writer MT Vasudevan Nair. | [EP Sajeevan, CC BY-SA 4.0, via Wikimedia Commons](#)

Growing up in Bangalore in the 1950s and early '60s, far from my roots and in a school which actively discouraged our mother tongues, I hadn't the faintest idea about Malayalam writers or literature. Bored with unimaginative Kannada and Hindi lessons, I thought that "MT", whose name I heard nearly every day, was a family member I had never met. My brother and I were taken to the occasional

Malayalam film. We heard the drone of Malayalam news which came through a small radio atop a shelf only because our uncle was the broadcaster. No wonder Wittgenstein wrote, “The limits of my language mean the limits of my world.”

In the six months after high school and before pre university, a tutor was appointed to teach us Malayalam. We studied it only to please Amma but it came in handy 25 years later when I began working in Macmillan India and led a programme of English translations from eleven Indian languages. The year was 1992.

One of them was PK Ravindranath’s translation of *Randamoozham*, which we titled *Second Turn*, (1997) referring as it did to Bhima’s silent and hopeless passion for Draupadi, for whom he waited ...and waited.....

[Read More](#)



VISUAL HISTORY

The art of opium: How the intoxicating drug and its trade captivated artists

Canvases reflect the romantic and the dark underbelly of the narcotic that built the fortunes of the British Empire.

Sonal

Yesterday · 07:00 am



In the 1850s, a British official posted in India described a most “extraordinary and wonderful” feat of agricultural production: the extraction of a liquid, from a plant grown in the Gangetic plains, that yielded the imperial treasury a “gross revenue of three million and a half pounds sterling” – nearly 281 million pounds today.

Captain Walter Stanhope Sherwill, a revenue surveyor in colonial Bengal and a member of the Royal Native Infantry, was describing the laborious process of manufacturing opium, a drug that, among other commodities, built the fortunes of the British empire. Sherwill laid out his fascination for in detail in his illustrated book, *The Indian Opium: Its Mode of Preparation for the Chinese Market*, based on his observations at the East India Company’s Patna factory.

It wasn’t just opium agents who were captivated by the drug. Artists of the time were equally fascinated by opium and its trade. By the mid-19th century, as the opium trade drew global scrutiny, art often turned to caricature, critiquing the continued financial dependence of the British on a harmful drug...

Read More

