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"Pro-corporate" Supreme Court order on FRA would further marginalize Adivasis



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For millions of Adivasis and other traditional forest dwellers February 13, 2019 will go down in history as the day of apocalypse. This is like the proverbial Black Friday where millions of most marginalized people of India were ordered by malicious anti-people draconian Supreme Court order depriving them the life and livelihood by evicting them from their habitats. Adivasi people much before the modern laws came into existence have been practicing a sustainable ecofriendly agriculture since times immemorial. The Adivasi lexicon had no concept of private property. Their land holding system was known as communal land holding system, which was egalitarian,

The Adivasi folks have been coexisting with forests and wildlife for thousands of years in a mutually liberating symphony and harmony. Each side recognized the natural rights of each other without causing any harm to each other. The British colonial masters with the stroke of pen, declared them encroachers in their own habitats.

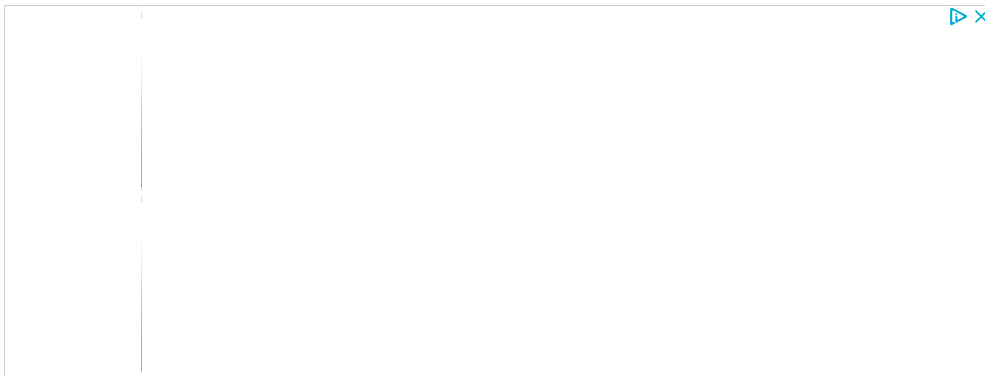
The post-Independent period was also not so rosy for the indigenous people of India. Our own post-colonial rulers further marginalized them by not only continuing the draconian colonial forest Act. But also enacting a plethora of anti Adivasi laws like Wild Life Protection Act and Forest Conservation Act etc.

The destructive development path perused by the successive post-Independence governments has push them further into the brink of disaster. Scores of Adivasi mass movements have been protesting against the various Acts of dispossession by mega

dams, industrial projects, mining projects, real estate projects, national parks and sanctuaries.

After years of tough and protracted struggle the Adivasi mass movements ultimately forced the Government of India to enact the Forest Rights Act (FRA) in 2006. In spite of this the forest bureaucracy, the corporate sector and various other vested Interest have been resisting to handover the title deeds of Forest land.

The sheer apathy and hostility of the forest departments of various state governments can be gauged from the fact that out of 22,87,225 claims received from Scheduled Tribe (ST) applicants, 6,60,388 claims were rejected. Then out of 6,84,485 claims received from other traditional forest dwellers 4,44,493 claims were rejected. In Karnataka total of 2, 27,014 claims were filled under FRA, from this 35,521 claims of Adivasis and 1,41,019 claims of other forest dwellers were rejected.



The final blow came that when Supreme Court on a spurious writ petition filed by irresponsible anti- Adivasi conservative NGO Wild Life First passed an unjust and arbitrary order for summary eviction of Adivasis and other traditional forest dwellers whose claims have been rejected at various stages of processing. It is a great tragedy that the Supreme Court instead of upholding the spirit of FRA went against it. We want to clearly state the fallacy of the rejection of FRA claims in the various stages of government departments. FRA clearly says that the Grama Sabha is supreme in deciding the claims under FRA. The clause 12-A of forest rights rules stipulate among other things the following:

- **Claims approved by Grama Sabha have to be sent back to it** in case of objection by Government agencies and other.
- In case of modification or rejection of a claim by the Grama

Sabha as well as sub-divisional level committee the claimants have to be informed and given sufficient time to appeal against the proposed modifications and rejection.

- The sub-divisional and district committee could not take any decision on objection to any claims without hearing the claimants.
- No petition of the aggrieved person shall be disposed of without giving her/his a reasonable opportunity to present anything in support of claim.
- In cases where the resolution passed by the Grama Sabha recommending a claim is upheld by the sub-divisional level committee with or without modifications, but turned down by the district level committee, the district level committee shall record detailed reasons for not accepting the recommendation of Grama Sabha of sub-divisional level committee in writing a copy of the order of District level committee along with the reasons shall be made available to claimants or the Grama Sabha or the community.
- Rule 12-A also clearly states that no committee (except the Grama Sabha or the forest rights committee) at the block or panchayat or forest beat or range level or any individual officer of any rank shall be empowered to receive claims or reject, modify or decide any claims on forest rights.

The above provisions clearly indicate that none of the state governments have followed the genuine process of FRA, and also the Supreme Court has passed an extremely unjust and arbitrary order on February 13, 2019 to evict Adivasis and other forest dwellers.

All the Adivasi mass movements, civil society organizations, political parties and other progressive and democratic forces should come together and force the Government of India to pass an ordinance to nullify this unjust Supreme Court order.

**National Convener, National Adivasi Alliance, President,
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*Written as an appeal ahead of a meeting convened to discuss
the issue at SCM House Bangalore, at 9.30 am on March 26*