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# Why Adivasis Need The Forest Rights Act

*Tribals/Adivasis have been historically excluded from mainstream discourses. They are marginalised by their geographical isolation as well as social, religious, linguistic, and cultural distinctiveness. These communities remain excluded from the mainstream and are subjected to exploitation and oppression. There are multiple laws, policies, and schemes, drafted by the government to provide aid and relief to Tribal/Adivasi communities. Yet, they remain marginalised and oppressed. In this context, the following work looks at the Forest Rights Act, 2006, and its importance for the Tribals/Adivasis.*

With the advent of the British raj, the resources associated with local communities were transformed into state resources used for commercial purposes. Using land for commercial purposes meant displacing the Tribals/Adivasis from the forest lands and destroying forests for the purposes of gaining profits, in the process also harming the biosphere and the environment. Displacement without proper rehabilitation of the Tribals/ Adivasis, resulted in further oppression of these communities. In order to tackle these issues, various laws and acts were drafted. One such act is the Forest Rights Act or FRA, also known as the Tribal Rights Act or the Tribal Land Act.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was the result of the long struggles of the marginalised communities, to assert their rights over forest lands, which they not only inhabited for generations but also preserved them by living in unison with the nature. These communities were dependent on the forest and forest produce for their livelihood and survival. Hence, the preservation of these forests was of utmost importance to them. The FRA paved the way for 'restitution of deprived forest rights across India, including both individual rights to cultivated land in forestland and community rights over common property resources.' (fra.org.in, 2006).



Source: The Hindustan Times

The Act aimed at protecting the rights of communities that dwell in the forests over land and other resources, which have been denied to them for a long time due to the continuation of colonial laws. The core idea behind this was to provide adequate facilities and recognition to Tribal/Adivasi communities as dwellers and caretakers of forests. At the same time, also to recognize their rights over natural resources that were and still are a crucial part of their lives. Some points covered under the FRA are:

- Right to hold and live in the forest land, under the individual or common occupation for habitation or self cultivation for livelihood by a member or members of the forest dwelling communities.
- Right of ownership, access to collect, use and dispose minor forest produces, which have been traditionally collected, within or outside village boundaries.
- Rights over fish and other products of water bodies as well as grazing pastures and over the traditional seasonal resource access of nomadic or pastoral communities.
- Right to protect, conserve, regenerate and manage community forest resources, which they have traditionally been protecting and conserving for sustainable use.

- Right to preserve traditional knowledge over biodiversity and cultural diversity.
- Right to traditional hunting shall not be provided.
- The central government has the right to divert forests for the purposes of schools, hospitals, anganwadis, roads, etc. However, this is conditional upon the decisions of the Gram Sabha over such developmental projects.
- Relief and developmental rights in cases of displacement.

The Act is significant due to a variety of reasons. One of the important significance of this act, is its ability to provide the intellectual property rights to the forest dwelling communities for traditional knowledge. This Act has also expanded the scope of special constitutional provisions provided to tribal areas. Community rights and rights over common property resources (CPR) have been recognized for the first time, through this act. FRA has ensured livelihood and food security for the scheduled tribes and other communities dependent on forests and its produce. It has encouraged sustainable living and peaceful coexistence with nature. It also secures the rights of the displaced communities.

When viewed in the context of India's environmental history, the FRA arose from Tribal/Adivasi movements centred around 'Jangal, Jal, and Zameen' [forest, water, and land], which were sparked by the growing understanding of rights, environmentalism and increased attention to community-based conservation efforts that were taking place across the country. The ideas of this environmentalism were based on the belief that resource-dependent groups, particularly Tribal/Adivasi communities, require certain rights over resources in order to survive. In turn, they would maintain forests because they are culturally motivated to do so. Questions of ecological justice were introduced into the environmental debate as a result of this dominant understanding. The fight for forest rights is often equated with the battle for land rights. The land reclamation process is guided by this historical narrative, which relates the historical injustice of people to the history of land ownership. These rights were not merely seen as the rights that would protect the environment, or merely as ownership rights, but also as rights mandatory for the cultural preservation of the Tribals/Adivasis. Hence, Narmada Bachao Andolan, Chipko Movement and the anti-dam movements were also viewed as the cultural protection of Tribals/Adivasis. The FRA now recognizes communal forest rights as part of the opening up of the discourse around cultural rights.

The significance of recognizing the rights of Tribals/Adivasis over forest lands and forest produce, were also evident during COVID19. These communities have a very different way of living, than the mainstream communities. The dependence on forests allows them to understand traditional knowledge systems and traditional medicinal systems, in ways unimaginable for people belonging to the mainstream. The Gotti Koya tribals created teak leaf face masks in Telangana's Mulugu district. Tribals in Chhattisgarh's Bastar area manufactured palm leaf masks. Herbal leaves were used to make masks by tribals in the Vizianagaram area of Andhra Pradesh. Although, creating face masks from leaves should not be glorified, as it also points towards the inefficiency and negligence of the governments to cater to the minimum needs of these communities, like providing them with face masks; it is absolutely essential to note how dwelling in forests have made these communities independent and capable of surviving in the face of challenges, by using forest produce. Adivasi Kondh people in Nayagarh, Odisha, were able to survive on a varied range of forest foods throughout the lockdown.



Source: [www.dnpindia.in](http://www.dnpindia.in)

The FRA, 2006 has been met with varied oppositions and criticisms. A large section of the opposition comes from those who see the law as a land distribution scheme that would result in handing over of forests to tribals and forest dwellers. However, the strongest opposition to the Act comes from wildlife conservationists who fear that “the law would make it impossible to create “involute spaces”, or areas free of human presence, for the purposes of wildlife conservation” (Tappar, 2007). In particular, the final form of the law is said to make it easier to exclude some categories of both tribal and non-tribal forest dwellers, to have undermined the democratic nature of the processes in the Act and to have placed additional hindrances and bureaucratic restrictions on people's rights (Prasad, 2006). The nuances of this Act, like any other act, are many. However, pitting the rights of Tribals/Adivasis against rights for protecting and preserving biosphere diversity is an incorrect approach to take. These are equally important issues and in many instances overlap each other, especially because communities dwelling in forests have, for a long time, been the protectors and preservers of the biosphere, as their survival was dependent on it. Hence, pitting them against each other is neither logical nor fruitful.

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