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EDITORIAL

Protect & Enlarge The Rights Of The Tribals

FOR many years now, the CPI(M) has been concerned with the need to protect and enlarge the rights of the tribal population in our country. Where the CPI(M) state governments are in existence or have been in existence, certain unprecedented and path-breaking measures have been undertaken to protect the rights of the tribals. The Autonomous District Councils (ADCs) in Tripura are a case in point. This has not only helped in recognising, protecting and enlarging the economic and political rights of the tribals but also led to more amicable social relations between the tribals and non-tribals in the state.

During the decades of economic liberalisation, the CPI(M) has been noting that the marginal sections of our society are the most adversely affected lot due to implementation of neo-liberal economic policies. Amongst these, the tribals constitute the most vulnerable section. The issue of protecting their rights, in the present context, therefore, assumes greater significance.

According to the 2001 census, Scheduled Tribes constitute 8.16 per cent of India's population. By global standards, this is a huge population of over 90 million people. The protection of their right to existence, particularly the protection of their right to the forests, in which the vast majority of them continue to live, thus, assumes urgency. In this context, the UPA government's decision to bring forward the draft Scheduled Tribes (Recognition of Forest Rights) Bill 2005 is a welcome development. This is in consonance with the Common Minimum Programme which strongly advocated the protection and enlargement of the right of the tribals in the country.

However, in order to make this bill more effective in protecting the interests of the tribals and to save the legislation from becoming an instrument in the hands of the ruling classes that are pandering to neo-liberal globalisation, it is important that the following safeguards must be taken into consideration.

First, the whole issue of the settlement of rights is crucially dependent upon the recognition of rights by the forest department before 25.10.1980. The rules formulated under chapter 3 (12) of the present draft enjoin upon the government to finish the settlement process within two years, ensuring that all those who reside in the forest after 1980 will have to be evicted once these rights are recorded and settled. This is a serious matter. All across the country, following a Supreme Court ruling, there is widespread panic amongst the tribals and there have been instances of forcible evictions on the basis of this cut-off date. The CPI(M) has all along taken the position that the baseline for the settlement of the recognition of rights should be the 2001 census which would have recorded resident status of the tribals.

Second, all land rights, according to the draft, will be provided only to those who have been permitted by the forest department to cultivate lands [section 2 (1) g]. This leaves the landless tribals out of its ambit. It is a well known fact that many tribals are crucially dependent for their livelihood on the forests apart from cultivation. This lacuna will have to be addressed seriously.

Third, the draft does not categorically provide for the rights of the tribals to other resources such as water, technology, credit etc. This is absolutely essential to ensure that the vested forest rights are able to provide a sustainable livelihood for the people and meet the conservation needs of the nation. In the absence of these rights, unsustainable use patterns practiced by the forest mafia for their pecuniary benefits will further erode forest conservation.

Fourth, the draft puts the entire onus of forest conservation on the gram sabhas and the community right holders [section 3 (7)]. The role of the State and its duties in forest conservation and in protecting the forest right holders, particularly against the onslaught of industrial capital and the nexus of forest mafia, is of utmost importance. This aspect must be seriously addressed.

Finally, despite the fact that the bill is for all forest rights, when it comes to the rights of women, joint pattas are provided only in terms of land rights and not other forest rights [section 3 (6)].

The Left and progressive forces in the country must seek the early introduction of this bill and an informed debate in order to strengthen the rights of the tribals while conserving forests and wildlife in the country.

In this context, it is, indeed, a historical irony that the opposition to this Bill, in the name of forest conservation and protection of wildlife, comes from those very sections who in the past, have ruthlessly plundered the forests

and decimated wildlife. The erstwhile ruling princes of India with their famous *shikaars* used to proudly display their victims. Even today, in many of the reserve forests, there are boards displaying which *Raja* or which British officer has claimed the lives of so many animals and birds.

What needs to be recognised is that the tribals who live in the forests are, in fact, the most interested party in maintaining the forests because that is their lifeline. It is the mercenaries in the form of contractors who have denuded Indian forests and depleted its wildlife. Granting tribals their legitimate rights to the forests is one sure way of conserving the forests while providing a decent livelihood to this section of our people.

