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Forgotten histories or deliberate ignorance?

IN PERSPECTIVE

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Hard-line conservationists, who are the petitioners, have tried to portray FRA as a law that encourages 'forest encroachments.' (DH File Photo)

The Supreme Court hearing on the Forest Rights Act (FRA) may have been postponed, but it has reignited the debate on 'exclusionary conservation' and 'historical injustice'. Hard-line conservationists, who are the petitioners, have tried to portray FRA as a law that encourages 'forest encroachments.' Affidavits filed by most state governments, however, admit to having been careless in rejecting the claims filed under the FRA and have requested time to review them thoroughly. But do we and the state machinery really understand the 'historical injustice' that the FRA seeks to correct?

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The first historic injustice is rooted in the fact that right from colonial times, the Adivasis' way of life and itinerant mode of cultivation was never legally acknowledged. For example, the Imperial Forest Service, while notifying Doddasampige State Forest, recognized the rights of "wild jungle tribes" only to their habitation; burial ground; their shrine; and, access to a water resource. The notification is silent on how these communities, situated in the middle of dense forest, are to pursue a livelihood.

Meticulous descriptions of the paths to access a shrine, or those to use for grazing, hide the fact that the rights to hunt, to gather forest produce, and to practice shifting cultivation—the three main modes of survival of these communities—were not recognized at all! Denied the right to livelihood, Adivasis became criminals in the eyes of the Forest Department and were subjected to their ruthless policing for decades.

To rub salt into these wounds, the Adivasis were then evicted completely from their forests when the forests were categorised as Wildlife Sanctuaries or National Parks. These evictions were justified by saying that there was no proof that the communities had rights over the forest land. Non-recognition of the Adivasi way of life continued.

Eventually, our lawmakers sought to correct these historic injustices by enacting the Forest Rights Act, 2006. Yet, during the process of recognition and vesting of such rights, these omissions, carried on from the colonial times, have not been taken into consideration. Take the story of Somanna and Maadamma (names changed), an elderly Soliga tribal couple. They live in Kanchagalli village in Kollegal taluka at the edge of the forests of Biligiri Rangaswamy Temple Wildlife Sanctuary (now Tiger Reserve) in southern Karnataka. They claimed cultivation rights under the FRA over a tiny patch of forest that was within their traditional village boundary inside the Tiger Reserve. How this claim was verified and rejected highlights the collective cognitive failure in understanding historic injustice.

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While verifying claims of cultivation rights, a joint survey has to be carried out by Forest and Revenue department officials along with the claimant and a member of the village Forest Rights Committee. In this case, because the claimed land lies in a Wildlife Sanctuary, only the Forest Department officials

reported that there is no one currently living or cultivating the claimed land. The claim was therefore rejected. Clearly, the claimant was ignorant. But does this not constitute a deliberate oversight on the part of the administration?

Somanna and Maadamma's story is repeated across Mysore, Kodagu and Chamarajanagar districts in hamlets of Soligas, Jenu Kurubas, Yeravas, Betta Kurubas, and Hakki Pikkis – all sharing a similar history of, first, denial of their livelihoods by the so-called legal forest settlement and then, displacement in the name of conservation. Many times, these displacements were violent. Sometimes, they were accompanied by a resettlement package that included a house with a tiny bit of land. But, can we treat this as a just settlement, when their prior rights to the forests were illegally curtailed?

The stated goal of the FRA is to correct historical injustice, that is, the non-recognition of the cultivation rights of the Adivasis—just because they shift from site to site—and the active suppression of their forest use rights. But given how their existence has been obliterated for over a century, by both colonial and independent India's governments, it will require a special effort by implementing agencies to understand the origins and multiple layers of this injustice.

Unless they do so, the so-called 'review process' will yield nothing. The state will continue to fail in meeting the goals of FRA and only further the injustice meted out to these communities.

(Kutty is a PhD student and Lele is a distinguished fellow at ATREE, Bengaluru)

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