
[India: A controversial draft bill deciding on forest-dwellers' fate](#)

The Scheduled Tribes (Recognition of Land Rights) Bill 2005, which seeks to recognise the rights of forest-dwelling scheduled tribes (FDSTs) over forest produce, has been pulled off the agenda for discussion by the Indian cabinet.

The Bill, drafted by the Tribal Affairs Ministry, is pending consideration before the Indian parliament, following a heated debate between tribal rights and social groups on the one hand and environmentalists on the other, over provisions in the draft bill.

The alleged intention of the Act is to recognise the rights of forest-dwelling scheduled tribes over forest produce, and proposes to give them 2.5 hectares of land per family, ownership of minor forest produce, rights of grazing, and access to traditional seasonal resources. In turn, the communities are entrusted with some conservation and protection measures.

Social groups are concerned that the bill in its present form could lead to societal divisions between those groups that benefit from the provisions and those whose concerns are not addressed by it since it will drop tribes not scheduled in some areas but who are linked to the forest, for livelihood needs. "This can create conflict among the forest people," says Souparna Lahiri of the NGO Delhi Forum.

"How can you give rights to one community in a forest village and ask the other to leave, if it fails to verify its claim of being a forest-dweller," asks Sanjay Bosu Mullick of the Jharkhand-based Jungle Bachao Andolan. The move will create social divisions in villages where different communities have been living in peace for decades. "The government will take away the right to food and work from people who will be asked to leave their habitat," he adds.

According to Soumitra Ghosh, an activist from north Bengal, by transferring all authority to initiate action on determining the extent of forest rights that may be given to FDSTs, the draft bill will be almost impossible to implement in all non-scheduled areas and even in scheduled areas where a Gram Sabha (body consisting of persons registered in the electoral rolls of a village or a group of villages which elect the local authorities), has not been properly constituted or formed.

The draft is also unclear about how common property resources like pastures and forests suitable for 'jhum' cultivation (shifting cultivation, which involves the slash-and-burn of forest biomass. 'Jhum' is a traditional means of agriculture based on the indigenous knowledge systems and a major form of livelihood for indigenous communities in Northeastern India) will be recorded and protected within the framework of 2.5 hectares per family, says Ghosh.

"In fact, the biggest drawback of the draft is that it confuses scheduled tribes with adivasis and forest-dwelling populations of traditional communities that include large numbers of non-scheduled populations as well. The end result will be that the bill, in its present form, will be thoroughly unacceptable to a large section of India's forest communities, and unimplementable in other areas."

Article based on information from: "India shelves law empowering tribals", One World South Asia, May 2005, <http://forests.org/articles/reader.asp?linkid=41626>