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Forest depts as nodal agency for community forest resources: A political blunder

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## Forest depts as nodal agency for community forest resources: A political blunder



The Chhattisgarh government issued an order on May 31, 2020 making the state forest department the nodal agency for Community Forest Resource Rights (CFRR) under the Scheduled Tribes and the Traditional Forest Dwellers Act, 2006. The move invoked discontent from several quarters. Alok Shukla, coordinator of Chhattisgarh Bachao Andolan (CBA), called the move 'illegal'. Article 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) [FRA] Act, 2006, states that only agencies authorised by the ministry or the central government can be the nodal agency for CFRR. The reason behind it is clear: The forest department has been involved in activities that

have brought injustice to the tribal and forest-dwelling communities of India and the department is a stakeholder in the process of settling forest rights.

Since the colonial times, the state forest department has committed numerous atrocities and injustice against these communities, which makes it a party for settling their rights. The recent order, too, betrays the FRA to its core. A similar order was passed by the Raman Singh government in 2017, under which alcohol sale was brought under strict state government control, leading to the closing of makeshift stalls that sold country liquor, including mahua. The order was a violation of Panchayats (Extension to the Scheduled Areas) Act, 1996 [PESA Act] and the FRA. Both Acts validate the customary rights of tribal communities. In the fifth schedule areas of the state, restrictions could not be imposed on food and cultural-traditional practice of tribal communities under the excise laws applicable in the non schedule areas, according to the PESA Act.

**Another example was seen in 2018. With an ambition of promoting mobile services in Chhattisgarh, Raman Singh government rolled back the untied 14th Finance Commission (FFC) funds allocated to panchayats so the “mobile companies could be paid for erecting mobile towers”. A report by Alok Putul published on February 2, 2018, stated that Rs 6,100 million were taken back from the bank accounts of 9,810 panchayats. This was about 70 per cent of the total FFC grant. Within a week, however, the state government had to repeal the order – the FFC funds can be used for essential requirements of the village and only gram sabhas and panchayats have the right to take decisions on the utilisation of these funds. The Raman Singh government tried to establish mobile communication as an essential service, but failed. The present chief minister and the then state Congress president, Bhupesh Baghel, also criticised these two decisions. In both cases, Baghel attempted to protect the autonomy of Panchayats and traditional rights of adivasis.**

**The May 31, 2020 order, however, proves that when power comes to them, politicians don't hesitate to mend or break laws. It also proves that the state government has no intention to prioritise the initiatives towards settling community rights over forest and natural resources.**

**They only intend to prolong the process, so that the natural resources can be controlled by them. It is proven that the forest department has deep-seated colonial roots. With all 'good intentions', the department is still working towards establishing undisputed control over forests and its resources. Hence, it is observed that in the process of settling rights of forest dependent communities, the forest department is creating obstacles. After all, allowing the state forest department to be the nodal agency is not only against the law, but against the universal law of 'natural justice' as well. The government has to understand that the department itself is a party here, which needs to hand over the control of forest resources to forest dependent communities. It is the core objective of the FRA,**

2006, which is backed by fact that protection of wildlife, biodiversity and forest conservation is only possible with the symbiotic relationship between forests and forest-dependent communities. A forest department is nothing more than an administrative unit under the law that takes care of the forest in the absence of an able system. In theory, as soon FRA, 2006 came into existence, these rights were transferred to these communities. After its implementation, the rights of forest resources should be transferred to the Gram Sabhas. The move, hence, is not only a political blunder, but can also be seen as an attempt to recolonise resources. This step will end up raising questions on the government's intention towards the well-being of people.

The state government did take initiatives towards settling forest rights claims. By raising support price of minor forest produce and making arrangements for forest dependent communities in the middle of the ensuing novel coronavirus disease (COVID-19) pandemic, Baghel has earned the reputation of a tribal-

friendly CM. It will not be easy for the state government to repaint the picture tainted dull with historical injustice. On the basis of his three-decade long research, advocate Anil Garg found that several issues were resolved in undivided Madhya Pradesh, but which were not initiated for resolution in Chattisgarh. These include cases related to resources registered for the community's traditional rights, public and welfare purposes of the forest items in revenue villages, forest records and Khasra registers and patwari maps in the forest and non-forest items. There have also been cases related to reporting of protected forests or the matter relating to filing of deauthorisation of notified lands in section 34A. Apart from this, there has been no initiative on the offenses being done since 1996 in the name of orange land. Significantly, a special task force was formed in MP to address the pending cases. These issues have been investigated in detail, and have brought to light the gross administrative negligence of the state government. The Chhattisgarh government should also take similar initiatives in the

**direction of correcting historical mistakes for permanent resolution of these issues. The article was originally written in Hindi and was translated by Siddharth Bhatt from SRUTI**

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