



# Land unsettled

Victim of politicking, forest rights bill not tabled in parliament

THE Schedule Tribes (Recognition of Forest Rights) Bill 2005, re-asserting the rights of tribal people over land and forest produce, has been stalled. In a last minute change, the bill was dropped from the agenda of the cabinet committee meeting, held on May 4, 2005. Consequently, it was not tabled in the parliament's budget session. Its supporters believe a small but influential group of members of parliament (MPS) and politicians, who call themselves "Tiger and Wilderness Watch (TWW)", pressured the government to delay it.

The bill, promised in the Congress manifesto and the ruling United Progressive Alliance's National Common Minimum Programme, was drafted because it was widely accepted that the land of millions of tribals and forest dwellers remained disputed or

unacknowledged over decades due to lack of records of rights (see box: *Long overdue*). The bill came when the Union ministry of environment and forests (MOEF) had launched eviction drives in forests in many states, calling tribals encroachers. A 14-member technical support group, including officials from seven ministries and seven non-governmental organisations, helped draft it.

## Warring camps

Rumour has it that opposition to the bill gathered thrust due to the presence of Rahul Gandhi, son of Congress president Sonia Gandhi, in TWW. TWW was formed in the name of tiger conservation but was soon reported commenting on the bill. Rahul Gandhi, rumours say, was convinced that the bill will give away tiger habitat to tribals. But fearing the political implications of opposing tribal rights, the group never publicly

## Long overdue

*Major tenets of the bill*

- Recognition of unrecorded forest rights of scheduled tribes dwelling in forests for generations, including access, use and disposal of forest produce.
- The bill recognises rights of communities that have occupied land before October 25, 1980 (when the Forest Conservation Act, 1980 was passed).
- The right shall be heritable, but not alienable or transferable (to ensure that the land is not appropriated by others).
- The title shall be registered jointly in the names of husband and wife.
- The right is for "bonafide" livelihood needs but not for "exclusively commercial purposes".
- The *gram sabha* (village council) shall settle claims. Appeals can be made to higher bodies against its decisions.
- The communities' duty to protect biodiversity is balanced by their right to manage their traditional forests.
- Unustainable use of forest or forest produce invites a fine of Rs 1,000. If the offence is repeated, the violators stand to lose their forest rights.

mouthed opposition to the bill.

The wildlife lobby opposes the bill's provision to hand over 2.5 hectares land to each tribal family. Taking into account India's tribal population of 80 million, it calculates that this will lead to the transfer of 50 million hectares (ha) of the country's 67 million ha forestland to tribals and forest dwellers. But the bill's proponents disagree, explaining that firstly, the bill won't distribute land, but only settle claims of people already living on these lands. Secondly, only claims of people living on the lands prior to 1980 will be accepted. Thirdly, the bill doesn't cover the entire schedule tribe population, restricting rights settlement to only forest-dwelling tribes.

For the bill's implementation, the cabinet secretariat wanted the subject of 'forest' bifurcated between MOEF and the Union ministry of tribal affairs (MOTA). It ordered that all issues regarding tribal rights in 'forests' be dealt by MOTA. MOEF was reportedly infuriated and decided to fight the bill, TWW and the wildlife lobby gave it cover. Now, parliament's monsoon session will decide the bill's fate. •

## Royal Bill Kill *Members of Tiger and Wilderness Watch*

**Rahul Gandhi**, Uttar Pradesh, Congress, son of Sonia Gandhi

**Karan Singh**, Jammu and Kashmir, Congress, Maharaja of Kashmir

**Manvendra Singh**, Rajasthan, Bharatiya Janata Party, royal connections from Barmer Jyotiraditya **Scindia**, Madhya Pradesh, Congress, scion of Gwalior royalty

**V P Singh Badnore**, Rajasthan, Bharatiya Janata Party, Royal family of Badnore

**B J Panda**, Orissa, Biju Janta Dal, runs mining companies in Orissa

**Renuka Chowdhry**, Andhra Pradesh, Congress, tourism minister

**Rajiv Pratap Rudy**, Bharatiya Janata Party, ex-civil aviation minister

**Suresh Prabhu**, Maharashtra, Shiv Sena, ex-Environment minister

**Anand Sharma**, Himachal Pradesh, Congress, party spokesperson