

Farmers' protest: Is Government committed to undo historical injustice?

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The government, on Monday, agreed to one of the farmers' main demands—ownership rights to forest land. But History tells us such promises have been made before, but nothing came of them. One of the main reasons why tribals have failed to get ownership rights to forest land despite a law guaranteeing, is because the Forest Department won't let them.

It is easy to take tribals for a ride, isn't it? Make some promises and ask them to go home. They can't stay back in Mumbai protesting forever or follow up on the promises made. Their lives are linked to the land they till. They must go back.

As the state government accepted the demands of farmers gathered on 12th March at Azad Maidan—a heaving mass of poor, emaciated, tired men and women—it reminded people like me of previous occasions when they were similarly misled.

One of the main demands that the government acquiesced to on Monday was—ownership rights of tribals to forest land. But just a glance at the history of Forest Rights Act (FRA), which should have paved the way for tribals owning the land they have cultivated for generations, tells us how many times the same promises were made, and were then lost in poor execution.

In 2011, an identical *morcha* of tribals had walked to Mumbai from Raigad, Nashik, Dhule and other parts of the state. The

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Congress was in power and Prithviraj Chavan was the chief minister. He made the same promise to the tribals that Chief Minister Devendra Fadnavis made on Monday – that tribals will get ownership rights to forest land, both as individuals and communities.

In March 2016, another agitation was staged by the All India Kisan Sabha – the same organisation that led Monday’s morcha – in Nashik. Over a 100,000 tribals participated in this two-day dharna. This agitation was brought to an end by the Fadnavis government by once again committing to let tribals own forest land.

In May the same year – after the promises made by Chavan and Fadnavis were not delivered – a large number of tribals staged a “coffin rally” in Thane. In October once again, tribals laid siege to a tribal development minister’s house in Palghar. The only outcome of all these agitations were promises.

What successive governments have not done is take up a transparent review of why the execution of Forest Rights Act has been so poor. If this had been done, they would have realised that the Forest Department has consistently and deliberately created obstacles in the process of its implementation – a case of entrenched powers (read bureaucrats) not willing to cede ground.

Figures speak for themselves. After the implementation of the Forest Rights Act in 2008, the overall clearance percentage of claims made by tribals over forest land in Maharashtra, till July 2016 was a poor 31%. During this period, a staggering 2,30,732 individual claims were rejected. The figures for community forest rights are poorer – just 18% of the target was achieved.

According to the Forest Rights Act, circumstantial and oral evidence is enough to settle a claim in a tribal’s favour. However, forest and revenue departments insist on documents. In several cases, forest land under occupation was misinterpreted as land under cultivation.

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Forest Rights Act gives power to gram sabhas to accept, verify and decide individual and community claims over forests. It obviously, has challenged the power of the Forest Department. The Act does not give much space or role to the Forest Department. However, during its implementation, forest officials intervene and influence the process.

The bureaucratic mindset has not accepted the gram sabha's power to adjudicate these matters. Hence, claims accepted and decided by gram sabhas are illegally reopened and rejected by the appellate authorities – sub-divisional committees and district committees at the behest of Forest Department. The only evidence that was taken into account was that given by the forest department. This is the real reason behind poor implementation of the Forest Rights Act. And this is the reason, I believe, that the government has shown willingness to undo the historical injustice, but without clear intention and required mechanism it cannot be achieved. Yesterday's march was to create that pressure and the will. I must say they have certainly achieved it.

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