

Locating Tribes in Indian Forest Policy: an overview on interface of forest rights and Scheduled Tribes

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Abstract

Scheduled Tribes constitute to 8.6% of total population of India. This population is highly affected by the tribal policies which were formulated both in pre-independence and post-independence era. In this backdrop, the present paper endeavours to locate the Scheduled Tribes of India in different forest policies as to how their habitat rights got affected. Referring to various cases from different Scheduled Tribes of India viz the Jaunsarese of Uttarakhand, the Tharus of Uttarakhand, the Todas of the Nilgiris, the Mankidias of Odisha and the Nicobarese of Car Nicobar the study applying Anthropological fieldwork methods, attempts to establish the interface between forest and tribes and explores the existing safeguards related to tribal rights in the light of recent legal debates.

Answering to a very pertinent question, ‘who are Scheduled Tribes?’ it can be enumerated that Article 342 of the Indian Constitution provides for specification of tribes or tribal communities or parts of or groups within tribes or tribal communities which are deemed to be for the purposes of the Constitution the Scheduled Tribes in relation to that State or Union Territory. Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities, who are scheduled in accordance with Article 342 of the Constitution. This Article says that only those communities who have been declared as such by the President through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes.

In pursuance of these provisions, the list of Scheduled Tribes are notified for each State or Union Territory and are valid only within the jurisdiction of that State or Union Territory and not outside. Scheduled Tribes are notified in 30 States/UTs. Number of individual ethnic groups, etc. notified as Scheduled Tribes is 705. There have been some changes in the List of Scheduled Tribes in States/ UTs during the last decade. 10.42 crore Indians are notified as ‘Scheduled Tribes’ (ST), of which 1.04 crores live in urban areas. STs constitute 8.6 per cent of the country’s total population and 11.3 per cent of the total rural population. The decadal population growth of the tribal’s from Census 2001 to 2011 has been 23.66% against the 17.69% of the entire population.

Table 1: Population of Scheduled Tribes in India 1961-2011(Census 2011)

Census Year	Population						Decadal Growth Rate		
	Total	%	Rural	%	Urban	%	Total	Rural	Urban
1961	3,01,30,184	6.9	2,93,57,790	8.1	7,72,394	1.0	-	-	-
1971	3,80,15,162	6.9	3,67,20,681	8.4	12,94,481	1.2	26.2	25.1	67.6
1981	5,16,28,638	7.6	4,84,27,604	9.2	32,01,034	2.0	35.8	31.9	147.3

1991	6,77,58,380	8.1	6,27,51,026	10.1	50,07,354	2.3	31.2	29.6	56.4
2001	8,43,26,978	8.2	7,73,39,335	10.4	69,87,643	2.4	24.5	23.2	39.5
2011	10,42,81,034	8.6	9,38,19,162	11.3	1,04,61,872	2.8	23.7	21.3	49.7

Table 1 attempt to reflect on the census wise distribution of population of Scheduled Tribes in India since 1961 to 2011 and their decadal growth rate.

The inclusion of a community as a Scheduled Tribe is an ongoing process. The essential characteristics, first established by the Lokur Committee, for a community to be identified as Scheduled Tribes include a) indications of primitive traits; b) distinctive culture; c) shyness of contact with the community at large; d) geographical isolation; and e) backwardness. Tribal communities live, in various ecological and geo-climatic conditions ranging from plains and forests to hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted a mainstream way of life, at the other end of the spectrum, there are certain Scheduled Tribes, 75 in number known as Particularly Vulnerable Tribal Groups (PVTGs), who are characterised by:- a) pre-agriculture level of technology; b) stagnant or declining population; c) extremely low literacy; and d) subsistence level of economy.

Table 2: State-wise Distribution of Scheduled Tribes in India (Census 2011) and Forest Cover in respective states as per 2015 & 2017 (ISFR-India State of Forest Report, 2017)

Name of the State	% of Scheduled Tribe Population	Forest Cover (sq km) 2015 Updated Assessment	Forest Cover (sq km) 2017 Assessment
Madhya Pradesh	14.7	77,426	77,414
Maharashtra	10.1	50,699	50,682
Odisha	9.2	50,460	51,345
Rajasthan	8.9	16,106	16,572
Gujarat	8.6	14,710	14,757
Jharkhand	8.3	23,524	23,553
Chhattisgarh	7.5	55,559	55,547
Andhra Pradesh	5.7	26,006	28,147
West Bengal	5.1	16,826	16,847
Karnataka	4.1	36,449	37,550
Assam	3.7	27,538	28,105
Meghalaya	2.5	17,262	17,146
Rest of the States	11.6	-	-

Table 2 attempt to present a state-wise distribution of Scheduled Tribes in India (Census 2011) and Forest Cover in respective states as per 2015 & 2017 (ISFR-India State of Forest Report, 2017). The purpose is to enumerate the habitation areas of tribes in forest covers available in different states of India.

Interface between Forests and Tribes

In 1974-1975, about 22 percent of India's total geographical area was covered by forests (Joshi,1989) and in the year 2011 was 692,027 square kilometres (21.05%). In 2019, this forest cover is 708,273 square kilometres (21.54%). India's forests are home to hundreds of millions of people, including many Scheduled Tribes, who live in or near the forest areas of the country. Nearly 250 million people live in and around forests in India, of which the estimated indigenous *Adivasi* or tribal population stands at about 100 million. To put these numbers in perspective, if considered a nation by themselves, they would form the 13th largest country in the world, even though they cannot be depicted as representing any singular, monolithic culture.(Khare,2015)

Forests provide sustenance in the form of minor forest produce, water, grazing grounds and habitat for shifting cultivation. Moreover, vast areas of land that may or may not be forests are classified as "forest" under India's forest laws, and those cultivating these lands are technically cultivating "forest land". (Sarin, 2005). Since time immemorial, the tribal communities of India have had an integral and close knit relationship with the forests and have been dependent on the forests for livelihoods and existence. The relationship was mutually beneficial and not one sided. However, rights were rarely recognized by the authorities and in the absence of real ownership of the land, the already marginalized local dwellers suffered. (<http://greencleanguide.com/2012/12/16/forest-rights-act-part-1-2/>)

Historically, the economy of most tribes in India was hunting and food gathering and then subsequently based on subsistence agriculture. A large number of tribal population in rural areas of India is still dependent on forests for their livelihood, and therefore provisions for basic necessities like food, fuel, housing material, etc. are made from the forest produce in this forest based tribal economy. Large percentage of tribals living close to forest areas constitute the most disadvantaged section of society based on per capita income, literacy rate, health status and lack of access to basic amenities as they are unable to utilize the fruits of development due to several factors. (<https://tribal.nic.in/ST/StatisticalProfileofSTs2013.pdf>)

According to the 1971 Census Report, a majority of the tribals lived in the countryside and relied mainly on agriculture. From an economic point of view, the tribes could be classified as semi-nomadic, the jhum cultivators and the settled cultivators, living completely on forest produce. Forests are the main source of subsistence for them. They collect their food from them; use the timber or bamboo to construct their houses; collect firewood for cooking and in winter to keep warm; use grass for fodder, brooms and mats; collect leaves for leaf plates; and use harr- bahera for dyeing and tanning. The forest regions are also inhabited by non-tribals, who depend on forests for fuel, fodder and so on. (Joshi,1989)

Forest trees and common property resources are basic to tribal communities, directly benefit them like a foster mother and fulfil their biological, cultural, religious and emotional needs. For food, tribals are mostly dependent on forest by collecting nuts, wild fruits, vegetables, leaves, flowers, roots, stems, honey, wild animal and insects etc. (Malik, 2004). Economic classification of the tribes viz. Forest-Hunting Tribes, The Primitive Hill Cultivation Tribes, Plain Agricultural Tribes, Simple Artisan Tribes, The Pastoral and Cattle Breeder Tribes clearly exhibits a vast array of forest produce used by tribals for their livelihood. Gums,

seeds, ethno-medicines, roots, tubers, honey, leafs, thatching materials, grasses, cane, fodder, charcoal, nuts, spices, wax and timber wood all are procured from forests.

Table 3: Number of Districts with ST Population and Forest Cover 2017 (ISFR-2017)

Name of the State	Number of Districts with Scheduled Tribe Population	Forest Cover (sq km) 2017 Assessment in Tribal Districts
Madhya Pradesh	24	47,414
Maharashtra	12	30,537
Odisha	12	34,206
Rajasthan	05	5,274
Gujarat	09	6,966
Jharkhand	17	17,419
Chhattisgarh	11	39,950
Andhra Pradesh	05	11,418
West Bengal	12	14,595
Karnataka	05	13,279
Assam	19	11,832
Meghalaya	07	17,146

Table 3 reveals the number of districts accommodating ST Population and Forest Cover as per ISFR-2017. The total forest cover in tribal districts is 421,170 sq. kms which is 37.43% of the total area of these districts. The current assessment shows an actual increase of 86.89 sq km in forest cover in all the tribal districts of the country. (ISFR-2017)

The tribal socio-cultural life is intimately connected with forest ecology. Forest is an inseparable part of tribal life. "Directly or indirectly in the tribal mind forest symbolises life in its manifold manifestations i.e. home, worship, food, employment, income and entire gamut. Tribes can, in fact, be regarded as children of the forest" (Burman; 1982). Forest helps to alleviate poverty through the creation of both on-farm and off-farm employment and income. Income is earned from wages or through sale of products.

In many areas, it has been noted that the tribals are so intimately connected with the forest that they are quite aware about the utility and usefulness of various trees which should be planted under afforestation programmes. Sometimes, this has developed through their close

association with forest and keen observation of the forest-ecology. But unfortunately, this traditional knowledge is never utilised at the time of afforestation programmes.

Health and nutrition, particularly in the tribal societies, is intimately connected with forest. It has been reported in various studies that the tribals who are living in remote areas have a better health status and more balanced food than those living in less remote and depleted forest areas. (Chaudhuri et.al.1989; Chaudhuri, 1991) Health and treatment among the tribals, particularly the forest-dwellers are also very much connected with the environment, particularly the forest ecology (Chaudhuri, 1991). "Since' the forest happens to be the main source of getting medicinal plants, the different Forest Acts restricting the use and exploitation of forest resources are adversely affecting the health and treatment in tribal societies. Thus, apparently though there does not exist any relation between forest and health of an individual, in reality, the Forest Acts, deforestation and even certain types of afforestation programmes with commercially useful mono-plant forest may adversely affect the health and treatment of the tribals." (Chaudhuri, 1992)

Explaining the interface between tribals and forests, the Hari Singh Committee (1967) said that 60% of Indian tribes live in forests and rest 40% live in the vicinity of forests. They treat the forest as "Mother goddess". Not only their economic life but the religious and religio-magical beliefs of the tribal people have been rotating round the forests. They were the lords and masters of forests until the establishment of British rule in India. The British policy of commercial forestry first shattered the rights of the tribals over forests. However, in this backdrop, it becomes important to have a glimpse of pre-independence colonial forest policies and post-independence forest policies enacted in India.

Table 4: Households Cooking outside house and the type of fuel used

	Type of Fuel used for Cooking using smoke emanating fuel		Type of Fuel used for Cooking using non smoke emanating fuel	
	Fire-wood/Crop residue/Cowdung cake/ Coal, Lighite, Charcoal (ALL INDIA)	Fire-wood/Crop residue/Cowdung cake/Coal, Lighite, Charcoal (ST)	Kerosene/LPG/ PNG/Electricity/ Biogas/No cooking (ALL INDIA)	Kerosene/ LPG/ PNG/ Electricity/ Biogas/No cooking (ST)
India	63.99	87.50	7.21	12.00

(source: <https://tribal.nic.in/ST/StatisticalProfileofSTs2013.pdf>)

Table 4 reflects the interface of forest areas and tribes using fire wood in cooking received mostly from forest areas. With respect to Households Cooking inside house and the type of fuel used, the data shows that while 63.99 percent households of total population use Fire-wood/Crop residue/Cow dung cake/Coal, Lignite, Charcoal (smoke emanating fuel) for cooking purposes, the same is quite high at 87.5 percent for ST households. Households cooking inside the house but using non-smoke emanating fuel (Kerosene/LPG/ PNG/ Electricity/No cooking) is 12% for ST households compared to 35.58% for all social groups. Among households cooking outside house and the type of fuel used, it is found that 95.62% of ST households use smoke emanating fuel (Fire-wood/ Crop residue/Cow dung cake/Coal, Lignite, Charcoal) for cooking purposes compared to 91.9% of all social groups (including STs). The ST households cooking outside the using non-smoke emanating fuel (Kerosene/LPG/ PNG/ Electricity/No cooking) is 3.34% compared to 7.21% for all social groups. (<https://tribal.nic.in/ST/StatisticalProfileofSTs2013.pdf>)

The following cases from three different tribes residing in three different parts of India viz. the Jaunsarese and Jaunsar-Bawar area of Uttarakhand, the Tharus of Khatima tehsil of Udham Singh Nagar of Uttarakhand and the Todas of Nilgiris reflect the disabilities of tribal people when prohibitions regarding entry in forests are imposed on them.

Case 1: The Jaunsarese and Jaunsar-Bawar area-

While working among the Jaunsarese, the researcher observed that they are facing problems related to forest produce. They complained that earlier they were free to access any area of the forest and were able to procure the forest produce as and when required. But due to strictness on the part of officials and personnel of the forest department, they were not able to get timber to construct their houses. Some get construction wood for housing only twice a year but that also after a lot of request to concerned authorities.

Case 2: The Tharus of NaglaTarai village of Khatima-

The Tharus of Khatima tehsil of Udham Singh Nagar of Uttarakhand informed that they were unable to visit forest areas freely to collect forest produce. Even for fishing also they are forced to take permission of the forest department officials. Researcher during fieldwork in the year 2014-15 in the villages of Khatima observed that forests were viewed as their sacred ecology but Tharus complained that when they try to visit dense areas of forest to collect fodder, timber and other forest products, they are forbid to do so by the officials of forest department.

Case 3: The Todas of Nilgiris-

While working among the Todas (a PVTG) of the Nilgiri Hills, the researcher recorded that the tribals were prohibited to enter the dense forests. When, researcher found that few tribal people were collecting grass for their cattle (as they are pastoral tribe) and fire wood in the deep forest grooves, on questioning, by the researcher, they all fled away signalling to their fellow members through typical whistling sound (a mode of communication). The researcher attempted to search for them in dense grooves but all gone in a fraction of seconds. Contractors are allowed to collect dry eucalyptus leaves from the forests employing labourers but tribals complained that they are not allowed to collect leaves from the forests to prepare their ethnomedicinal oil called 'Nilgiritailam.'

Case 4: The Mankidia community of Odisha-

Mankidia is one of the Odisha's 13 Particularly Vulnerable Tribal Groups (PVTG), who are denied their habitat rights. The bone of contention for the forest department is the core area of the Similipal Tiger Reserve (STR) where the Mankidia eke out a living by collecting Siali fibre. "The forest department has been reluctant to give land in the core area of STR. It's a sensitive issue after all there are no precedents of this in the country," said ChittaRanjanPani a researcher working on tribal rights and livelihood. He adds, "The Forest Department influenced the DLC to reorganise another Traditional Leader Consultation of Mankidia Tribe to restrict their habitat rights within the buffer areas. After consultation, all the traditional leaders refused the proposal. For last one year, the claim has been pending with the DLC." The National Tiger Conservation Authority's (NTCA) order, through a letter dated March 28, 2017, preventing granting of rights in the absence of guideline for notification of critical wildlife habitats, has also played a role in stalling the process of addressing the historical injustice that the FRA is based on. The reluctance of the forest department came to the surface again on December 15, 2017 when the Deputy Director, STR, Baripada raised the issue objecting to conferring of habitat rights to the PVTG within Similipal core

areas. (<https://www.downtoearth.org.in/news/forests/habitat-rights-of-odisha-s-tribal-group-denied-despite-district-s-approval-59428>)

Case 5: The Nicobarese of Car Nicobar Island-

The scenario on Car Nicobar is different from preceding studies. During his anthropological fieldwork among the Nicobarese of Car Nicobar Island in pre-tsunami and post-tsunami phase, author of the paper extensively explored the habitat rights of the Nicobarese people. It was found that the Nicobarese are enjoying the fruits of their natural habitat without any prohibitions because of the 'reserve' status of their island. They are free to collect 'afo' (lalang grass) for thatching their houses, free to fish anywhere on the island, free to perform deep sea fishing, free to tap toddy in dense forests, free to collect 'kevari' (pandanus), free to hunt 'haun' (wild boar) and free to participate in 'asol-aap' (canoe-race) on high waves.

Analysing aforementioned cases, it becomes our foremost responsibility to have a bird's eye-view on forest policies enacted in India for conservation of forest resources and to protect rights of the tribal groups residing in the vicinity of the forests. Then only we would be able to understand, which policies are pro-tribals and which are against their interests and safeguards.

Forest Policies in India

Before 1865, forest dwellers were completely free to exploit the forest wealth. Then, on 3 August 1865, the British rulers, on the basis of the report of the then-superintendent of forests in Burma, issued a memorandum providing guidelines restricting the rights of forest dwellers to conserve the forests. This was further modified in 1894.

Forest Policy	Key Features
The first Forest Act of 1865	1) First attempt in the direction of regulation of collection of forest produce by the forest dwellers. 2) Socially regulated practices of the local people were restrained by law.
The first Forest Policy 1894	1) For the first time, the regulation of rights and restriction of privileges of the users in the forests. 2) The commercial exploitation of forests was encouraged at the cost of forest – dwellers in the name of greater national interest.
The Indian Forest Act, 1927	1) Further curtailed the rights of people over forest land and forest produce. It created an extremely powerful and adequately protected executive, consisting of forest officers of Indian forest service, State Forest Service, Rangers, Foresters and Forest guards. 2) Any forest officer without a warrant could arrest any person against whom a reasonable suspicion exists of his motive to pilferage forest or forest wealth. 3) Led to the infiltration of traders, contractors and non-tribal labour into forest areas in substantial number.
The National Forest	1) The tribals had virtually no statutory right but enjoyed

Policy, 1952	only certain concessions / privileges like right to take water for agricultural processes, digging of wells and canals for agricultural processes, free grazing in open forests, removal of timber, bamboos, seeds, canes, collection of deadwood for fuel, collection of grass, fishing and hunting excluding protected farms and cultivation of forest land.
Wild Life Protection Act, 1972	1) Empowered Government to declare any area to be constituted as a "protected area", namely a national park, wildlife sanctuary, tiger reserve or community conservation area where the operations tribals are greatly restricted and the killing of all the protected animals is a non-bailable offence. 2) This Act has also usurped the lands which were held by the tribes and restricted the pastoral tribal movement in the protected areas. 3) Provided for forest settlement officer.
National Committee on Agriculture – 1976 and Tribal rights	1) Recommended a drastic reduction in the peoples' rights over forests and forest produce. 2) Opined that free supply of forest produce to local communities and their privileges have brought destruction to the forests.
The Committee for review of Rights and Concessions (M.S. Chaudary Committee)	1) Recommended that the exercise of rights and concessions should be restricted to those tribals and other rural people residing within the distance of 8 K.M. from the existing forests that to non-reserved forests. 2) The task of collection of MFP (Minor Forest Produce) should be taken by State and that should be distributed to tribals through departmental depots opened outside the forest for this purpose.
B.K. Roy Burman Committee on Forests and Tribals-1980	1) Emphasized importance of forests in tribal life. 2) It stated that besides getting free fuel, fodder and wood for house construction, the tribals earn one third of their income from the sale of MFP. 3) Forest policy must fulfill three sets of needs – (a) ecological security (b) foods, fruit (c) fuel, fodder and other domestic needs of particularly the rural and tribal population.
New National Forest Policy – 1988 and Tribal rights	1) Pro-tribal forest policy. 2) "ENVIRONMENT - POPULATION" policy. 3) Focused on environmental stability, and maintenance of ecological balance through the active involvement of local communities.

	4) To reduce the illegal cutting and for the exploitation of forest, the contractors should be replaced by the forest corporation, labour co-operatives and tribal co-operatives. 5) Special attention should be paid to the protection, regeneration and optimum collection of MFP along with institutional arrangement for its marketing. 6) Family oriented schemes for the improving the status of tribal beneficiaries. 7) Integrated area development programmes to meet the needs of the tribal economy in and around the forest areas.
PESA: Panchayat Extension to Scheduled Areas Act -1996	1) Empower gram sabhas in the fifth scheduled areas on decision making over planning and management. 2) The gramsabhas were further leveraged with multiple decision making authority with regard to management of local resources. 3) Non timber forest produce (NTFP) remains a main source of income support for the tribal communities living in the forested region. After successive forest policies since colonial administration denied their rights to free access to NTFP, the Gram Sabhas were empowered to access ownership of NTFP. 4) PESA recognized traditional rights of tribals to community resources (land, water and forest) and decentralized existing approaches to forest governance by bringing Gram Sabha at the centre stage for managing MFPs and social forestry.
The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	1) Intended to redress the historical injustice done to the tribes and traditional dwellers of the forest. 2) Vested the forest rights and occupation in the forest dwelling Scheduled Tribes and other traditional dwellers who have been residing in such forest for generations but whose rights could not be recorded. 3) Recognition of rights of the forest dwellers. 4) Rights vested by this Act included title/ownership rights, <i>Use rights</i> to minor forest produce, <i>Relief and development rights</i> to rehabilitation in case of illegal eviction or forced displacement, traditional right customarily enjoyed by STs. 5) Focused on Role of gram sabha in recognizing the beneficiaries.
The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012	1) Identification of hamlets or settlements and process of their consolidation for holding Gram Sabha meetings. 2) Disposal of minor forest produce within and outside forest area through appropriate means of transport. 3) Making the collection of the minor forest produce free

	of all royalties or fees or any other charges.
	4) Recognition of the individual and community rights.

(source: <http://yadagiriirs.blogspot.com/2013/09/forest-policy-and-tribals.html>)

India's forest and wild life policy, till the Forest Rights Act 2006, is essentially an extension of colonial policy that considered forests and ecological assets as profit making entities and tradable commodities. This led to depletion of ecological and forest resources. However, the Forest Act 2006 is more close to the philosophy of Anthropologists thinking on approach of integration, giving due respect to tribal rights and paving way for social justice and empowerment of tribal population.

The Habitat Rights of Particularly Vulnerable Tribal Groups (PVTGs) under Forest Rights Act 2006

The historic Forest Rights Act of 2006 for the first time provided scope for the recognition of the PVTGs' forest and habitat rights. Section 2 (h) of the FRA defines habitat as, 'Habitat' includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes. The definition thus extends the recognition of habitat rights to other STs in addition to PVTGs and pre-agricultural communities. The Ministry of Tribal affairs further clarifies the scope and extent of the definition of habitat rights in the context of PVTG in a FAQ released in the year 2012: "The right to community tenures of habitat and habitation may be recognized over customary territories used by the PTG for habitation, livelihoods, social, economic, spiritual, cultural and other purposes. In some cases the habitats of PTGs may overlap with forest and other rights of other people/ communities". Section 3 (e) recognises: 'Rights including community tenures of habitat and habitation for primitive tribal groups and Pre-agricultural communities'. (Nayak,2015)

Recent Developments

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 did not specify any time limit before which the process of settlement of claims over land, pasture lands and Minor Forest Produce (MFP) required to be concluded. It is applicable to only those tribals who are cultivating or grazing or collecting MFP, but not to those who are already displaced by the different development projects. A situation of flux and controversy got created among state government authorities when it comes to the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006, and the process to be followed once a claim has been rejected.

On February 13, 2019 hearing of a petition by wildlife organisations and retired forest officials against the Forest Rights Act, the Hon'ble Supreme Court has asked authorities of 21 states to give affidavits explaining why evictions, wherever ordered, have not taken place. The apex court has also asked some states to pass orders for eviction wherever the rejection of claims under the Forest Rights Act has taken place. Earlier, the apex court had passed a similar order on January 29, 2016, in the same case, asking states to file affidavits detailing the number of claims rejected and why they have not been evicted within two weeks. This order was immediately followed by a clarification by the Union Ministry of Tribal Affairs (MoTA)- the nodal ministry for the implementation of FRA - on February 5, 2016 where, the ministry had pointed towards the process to be followed after a claim is

rejected and the need to put that data in court along with the data on just the number of rejected claims. "In order to place the complete information before the honourable court, it may be necessary to provide details of the process that is followed in case of rejection of claims, including communication of reason, opportunity of appeal, and cases where claims are being re-examined due to wrongful rejection," the clarification said. If a claim is rejected, the claimant has to be informed about the reasons for the rejection. Then, the claimant has 90 days to appeal against it. "No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim," the law says. "It has come to the notice of MoTA that state forest authorities move immediately to evict people whose claims under FRA are rejected, without waiting for a decision on review or appeal or allowing time for filing appeal/review ostensibly under the garb of the Order of March 2018 from honourable Apex Court... Such an action while depriving aggrieved persons the opportunity to prefer appeal before SDLC (Sub-Divisional Level Committee) or DLC (District Level Committee), as the case may be, violates the spirit of FRA, 2006, besides creating grounds for unrest and agitation and also fuels extremism," MoTA said.

However, the Hon'ble Apex court later stayed its order directing the eviction of lakhs of Scheduled Tribes and other traditional forest dwellers whose claims for forest land rights have been rejected under the Forest Rights Act of 2006. The Court said that, "those who illegally encroached on forest lands would not be given any favour". The court also enquired regarding the procedure followed by state authorities and gram sabhas under the FRA before the claims for forest rights of forest –dwelling scheduled tribes (FDST) and other traditional forest dwellers (OTFD) were rejected. This order questioned the stake of 11 lakh STs and OTFDs of 16 states of India.

In the light of the recent developments, it is the foremost duty of the state to protect the rights of Scheduled Tribes as per the constitution. It is vehemently needed to protect them from economic and social disabilities and psychological frustrations they are facing due to mal implementation of plans and programmes and failures of state in implementing them with accurate procedures. As a result of this, they are unable to receive the fruits of development policies. For the sake of social justice and empowerment of weaker and deprived sections of the society, sincere efforts are required both at the level of policy makers as well as state.

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