

# Conference on Forests and Common Lands: Rights, Conflicts, FRA, and PESA

December

New Delhi



This conference on “Forests and Common Lands: Rights, Conflicts, FRA, and PESA” aims to focus attention on how the tribal and rural communities, with tenuous rights on forests and other common lands, face increasing deprivation of their livelihood resources despite the inherent constitutional and legal guarantees under the Forest Rights Act and PESA. The conference presentations from the tribal states and an overarching study highlight the dimensions of the problem and intense resource conflicts afflicting the uncultivated half of India. Acquisition of the forest and other common lands for various purposes has not yet received the attention of the policy makers despite the raging debate on Land Acquisition Bill. A set of forward looking policy options and changes in the implementation structures will be presented that could help in transforming the livelihoods of the poor, securing investments on fairer terms, and resolution of conflicts.

This conference will convene government leaders, tribal and community representatives, civil society, and the scholars who have been analyzing these issues for a long time. Participants will identify the options for reform that help in ushering in a fairer and inclusive path of development in some of the poorest areas of the country.

## Background

Widespread protests against large scale land acquisition for development projects have become a major political issue in the country and new Land Acquisition, Resettlement & Rehabilitation Bill is under consideration of the Parliament. It is meant to replace the 1894 Land Acquisition Act. Simultaneously, efforts appear under way to revitalize implementation of the Forest Rights Act and to finally ensure implementation of the progressive Panchayats (Extension to Scheduled Areas) Act, (PESA) 1996 providing for self governance and management of community resources by village assemblies in tribal areas. The government is also in the process of radically revising the Mining and Mineral Development and Regulation Act which for the first time would treat local people to be displaced as major stakeholders entitled to a share of benefits from the mining operations. All these developments present an opportunity where tenuous gains made in recognition of tribal and other forest dwellers land and forest rights could be consolidated and tribal and other communities get the chance to determine the nature of development in their areas.

The Ministry of Tribal Affairs and the Ministry of Panchayati Raj are responsible for the overlapping mandates of the FRA and PESA and under the current leadership have indicated their commitment to ensure the implementation of these Acts. The positive signal from the political leadership combined with the strengthened and energized tribal and other social movements present an opportunity for the realization of real rights of the tribal and other poor communities.

### **Purpose and Scope:**

Four set of studies - strategic analysis of forest and common land acquisitions in nine states, estimates of potential land acquisitions, a numerical and graphical data base of conflicts in forest (and other common land) areas and an over-arching analysis of forest and revenue laws provide a firm foundation to understand and analyze the phenomenon of forest and common land acquisitions that undermine peoples' rights and livelihoods. Sharing these studies with a broader set of participants, including the policy-makers, will help in determining the right set of reforms that are required for full realization of the intent of FRA and PESA.

### **Expected Outcomes:**

1. Increased knowledge base and information on the unprecedented scale of forest (and common land) acquisition;
2. New understanding of violation of tribal and community rights due to land acquisitions and the extent of conflicts it is engender in the rural areas;
3. Policy options for strengthening of FRA and PESA to enable the protection of tribal and other communities' rights on forests and common lands; and
4. Establishment of a mechanism to monitor progress and respond to violations of tribal and community rights.