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## **“The Forest Dwelling Tribes and Their Present Situation”**

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### **Abstract**

*India is a vast Country with all Geographical definitions contained within it. The Country is adorned with Mountains, Deserts, Runns, Estuaries, deltas and Forests, India is the biggest Peninsula in the world. It also houses rich deposition of minerals, ores and fossil fuels.*

*The Indian Forest with all its treasure attracted the then rulers British, who realized the immanence economic potentiality contained within it, the possible outcome which could derive out of it.*

*The aboriginals, the tribes, with forest as their own abode developed age-old rights over it generation wise. When the British Government realized that the tribes were a step ahead in the knowledge of forest, they quickly formed a rule regarding the forest to establish their absolute supremacy, ultimately which became the Indian Forest Act 1865 as amended in 1878 and 1927 respectively.*

*The innocent, illiterate, poor tribes were uprooted and dislodged from the forest; they were pushed into jeopardy, without any known method of sustaining livelihood was in utter dismay.*

*After Independence there were Forest Policies and Five Year Plans each of which had specific space for the forest and tribes, but rehabilitation remained far away from them. More over Forest Rights Act 2006 also has generated a puzzled situation for these men. Thus, it is clearly visualized the present plight of the forest dwelling tribes continue to be unsecured due to advent of the Indian Forest Act 1865.*

***Key Words: Act, Dwelling, Forest, Livelihood, Plight, Sustenance.***

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India has a unique geographical feature with all definitions within it; The Mountains, Valleys, Plateaus, Deltas, Estuaries, Rann, Deserts and Forests. One of these many is the “Forest”. The total land area of the country is 3,287,590 sq kms of which 22.6% is covered by actual forests, which plays a vital and integral role in the life and lives of the forest dwelling people, especially the tribes. The forest dwelling people and the tribes are more or less dependent on the forest in most everything in life and life sustenance. Most of them rely on the vegetation grown within the forest as food and other forms of forest products for the construction of their dwelling houses.

The Indian Forests and its immense potentiality was a matter of keen interest and attraction of the then Rajas, Zamindars, who maintained it for multifarious reasons and as well as the traders, one of the many being gaming, which was considered as a symbol of masculine activity. Advent of the British, primarily as traders, who later became rulers, realised the rich sources contained in the Indian flora and fauna amalgamated with other natural resources was a synergy, which attracted them initially in trading and then exploitation since 1760, after taking the charge of India.

The tribes and tribal communities were and are the cultural heritage of India. Every individual tribe occupy their own territorial niche, they belong and adhere to their own socio-economic, socio-cultural pocket of life having and displaying a unique individuality, along with techno-economical adaptation, through which they sustain their life. Forest was their exclusive domain; they had age-old rights over the forest down the generations as considered by them. The British realised the symbiotic relationship of the tribes with the forests, comprehended that in the field of extortion the tribes were a step ahead of them since they were better acquainted with the forest than them. Thereby to establish an exclusive and absolute supremacy over the Indian Forests they initially formulated a rule, and put an embargo on collection from it, even entry and exit to and from the forest were restricted to all but them or their authorised; the rule which was finally enacted as the Indian Forest Act 1865.

Advent of the said Act in 1865 was a despoiling situation to the forest dwelling tribes. They were totally uprooted and dislodged from the forest which was their principal source of livelihood and abode.

Simple, illiterate, the tribes as they were, absolutely ignorant of any other form of livelihood sustenance; on losing their age-old rights over the forest, they were in utter jeopardy. Their life came to a halt. The suddenness of the ushering of the Act put the forest dwelling tribes in an utter dismay.

The changed situation could not dissuade the aborigines. Having no other known source of livelihood sustenance, hunger persuaded the tribes one and all to enter the forest in search of food and shelter materials. Thereby the forest was still a place of extortion to them but at a reduced scale because of the dos and don'ts implemented by the then governance, even the low scale of forest collection was taken as impinging, as seen in the eye of law, by the administrators, repeated such actions earned them of a stigmatic label of being law offenders or criminals.

Intercepted a number of times they were branded as criminals. Thereby they were termed as Criminal Tribes, snubbed by the implementation of Criminal Tribes Act in 1871. Most of the forest based hunter-gatherer tribes were declared as Criminal Tribes by the then Government. The innocent tribes, who had no knowledge of Rules, Regulations or Act, Simply for collection of food were being heckled and harassed by the then administration. Apart from being branded as outlaws.

Prof. A. K. Danda in his Article in ASI Journal, March, 2002, Vol – 51, No. 1, Page 103-111, under the heading of “Predicaments of Marginalised Community: The Lodha”, observed that the Lodha on abolition of the Criminal Tribes Act in 1952, were not reimbursed with their Rights over the Forest, which they considered to be their own. The rehabilitation programmes intended by the Administration is not reaching properly to them, thereby development is not becoming fruitful for the Lodha.

There was no research work on The Indian Forest Act and / or its impact on the Tribes till 2013. Dr. Suparna Sanyal Mukherjee in her awarded Ph.D Thesis in 2013, narrated that the Lodha appear to be a bewildered lot. They grew up in and around the forest and continue to have a good deal of dependence, are uncertain of what is on, or what may occur in future. She also pointed out in her published article “Predicaments of Forest Dwelling Tribes by Dint of Indian Forest Act”, in Main Stream Weekly, VOL LIII No 25, New Delhi June 13, 2015, that the future of the forest dwelling tribes are uncertain because of the impact of the said Act. In another article of her on the topic of “Indian Forest Act and Democracy – Effect On The Tribal Traditional System”, Mainstream Weekly, Vol LIV, No 18, New Delhi, April 2016, pp- 17-19, where she categorically mentioned that, if tribal traditional system is ignored for reasons unknown and not taken proper care of, there is immense and every possibility that the tribal traditional system which is unique in its own way may initially degenerate and eventually obliterate which is not preached and practiced by Democracy. She also established her point in the article of “The Lodha – Compelled to Abdicate Traditional Occupation Due to Indian Forest Act”, in the International Journal Of Humanities and Social Studies, Vol-3, Issue-11, Nov 2015, where she narrated that The Lodha a hunter gatherer primitive tribe of West Bengal were compelled to abdicate their traditional occupation, ways and means of livelihood due to Indian Forest Act.

Even after all this, the forest was still being extorted by them, which was impinging in the eye of law was collection of food materials for them, The innocent, illiterate, poor tribes who had no knowledge regarding the contents of the Rule or the Act what so ever, all on a sudden found them in a dwindled situation which pushed them into a irksome condition, compelling them to fend for their own selves in an unknown territory outside the forest without having any known means of livelihood sustenance at that point of place and time. Being ousted from the forest at the same time not being able to live without it, they moved into the fringes.

In 1878, the Indian Forest Act was amended with few concessions for these people, but by then impair was already done, concessions too were not adequate enough for their sustenance of livelihood. The tribes were still in utter dismay which necessitated them to abandon their traditional way of sustaining livelihood and tread into unknown territories in search of new methods of daily subsistence.

The Act was further amended in 1927, with detailed elaboration in the form of Thirteen Chapters, Eighty-six Sections and numerous Sub-Sections thereof [XVI of 1927]. But these tribes were once again overlooked, the provisions again were insufficient. The basic needs

of them were not looked into, moreover their Cultural side was badly hit. Being forest dwelling Tribes their cultural festivities and festivals revolved around the forest, which was out of bounds, thereby hitting them sentimentally, their rights, rituals and custom almost eclipsed. They had lost their forest along with it, their socio – economic and socio – cultural provider, but their kinship with the forest could not push them far away from it, so they chose to settle around the vicinity of it or in the fringes. As if to say that if you cannot feel it, at least you can see it.

The British Government formulated the first Indian Forest Policy in 1894, which emphasised on criteria's like socio-economic amplification, rural-development and environmental advancement, mainly looking after scientific management of the forest. The tribes were not taken care of, but were carefully kept in abeyance. It seems that the foreigners perpetually abhorred the tribal interference in the matter since they knew very well about their own inadequacy and deficiency of knowledge in the subject matter, while on the other hand the intricate acquaintance of the forest with the tribes.

1947 saw the Indian Independence, the State declared itself as a Socialist Democratic Republic, effecting the sunset of British Monarchy and Feudalism, ushered the sunrise of Indian Democracy. Each and every Indian became a bonafied citizen of India, having equal rights, which included these natives also. Post-independence, the National Forest Policy 1952 relied upon Functional classification of Forests and Forest Management, overlooking the hardship and harassment suffered by these men at large, just because of the commercial outlook and approach of some foreigners, who had vested interest over the Indian flora and fauna.

Repealation of Criminal Tribes Act in 1952 was an important step forward, taken by the Government of India, the Members of the Criminal Tribes were declared as a denotified group of people which certainly was in favour of these tribes. Though the Government of India took all measures to bring these men at par with the rest, the stigma of being a member of the Criminal Tribe or in other words Criminal to the general mass, could not be washed out. On a later issue the Government of India declared these Tribes as Primitive Tribes which provided some solace though, but the stink of the stigma is still on along with its ill and adverse effects.

National Forest Policy 1988 suggested many a changes by way of which it's socio-economic, rural developmental aspects were more elaborately and intricately pronounced, which also takes into account of a few specific concessions for the forest dwelling people with a special connotation for the tribes. The concessions which were pronounced was basically need based meant for the people it was made for; rehabilitation programmes though mentioned elaborately and specifically in both the policies, supposed to be implemented for the betterment of the forest dwellers along with the tribes, remain a far cry and are yet to reach the beneficiaries. The Indian Forest Act 1927 and the National Forest Policy 1988 both of which are still in force, but on a close scrutiny it appears to be contradictory to one another, so far as forest dwellers' and the tribes' in the context of their

rehabilitation is concerned, since the contentions of the policies are/ were not mentioned of or / and impugned in the Act, as an amendment. Thereby the inscriptions in the Policy, just remains a suggestion which could be followed or left aside, since it had no legal background.

In the franchise system of democracy the status of the forest dwellers and the tribes are equally important as any other citizen since all of them have the same rights in a sovereign country with a democratic set up. Had facts and figures been taken care of, as suggested by people of wisdom the Implementation of Forest Rights Act 2006 would not have come in to force at all, post declaration of “Historical Injustice” on these men by the governance, if they were looked after properly in accordance to their need at least from the inception of freedom.

The Forest Rights Act 2006 again is a jeopardising proposition by itself, since it allow usage of 2.5 hectares of forest land either by an individual or group for agricultural and /or dwelling purpose. But the criteria of such clemency need a certification of such usage for 75 years or three generations. A keen look into the matter clearly visualizes that 75 years of usage cannot be certified by any Government Official, since it dates back well into the British regime. Three generations of possession will be difficult to be proved, since the acquiring of the said land by the users has no record what-so-ever, these were all forest land surreptitiously encroached. As such distribution procedure halts at a certain point for want of adequate Proof or Certification. The procedure being such complicated, the action taken so far is very minimal.

The Indian Forest Act 1927, National Forest Policies (1952, 1988) and Forest Rights Act 2006 are all parallel with the other. Each one of them has its own do's and don'ts, none corroborating with the other. Thereby, it becomes evident that the past of these people were mauled, the present rests unsure and insecure while the future is beyond oblivion.

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