

## **The Forest Legislations with Special Reference to Forest Right Act (2006) and Its Impact on the Condition of the Indigenous Forest Villagers in North Bengal: A Study**

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### **Abstract**

*Since time immemorial there is a synergetic relationship between forestry and human beings. A large number of people depends heavily on forest for their livelihood and used to live in and around the forest areas. Forests play an important role in improving the social and economic status of the people by providing direct and indirect employment opportunities. The indigenous community especially the tribal people, the pastoralists, the peasants community, the slum-dwellers as well as the industrialists have a substantial reliance on the major and minor forest produce as the source of fuel, fodder, timber, medicinal herbs or raw material for production and processing. Collection and sale of the different types of minor forest produce are some of the main livelihoods carried out by the forest dependent communities as a part of their subsistence.*

*With its rich ecological legacy India seems to be one of the primogenital civilisations in the earth. Usually, the local forest fringe people, especially the indigenous tribal folks owned these rich assets of forest in the country and also took the responsibility to control and manage it. But with the advent of the British Colonial era this habitual framework usage and governance of forest by the indigenous forest dwellers were radically transformed. In the second half of the nineteenth century, after realising the commercial value of India's forest the British imposed control over the traditional right of the forest dwellers and superseded the authority from them in the name of scientific forest management.*

*Therefore, keeping this conceptualization in mind, this present paper makes an attempt to study the historical journey of the genesis of Forest Legislations in India and their overall impacts on the traditional forest villagers by discussing some of the significant forest legislations with giving special emphasis to the Forest Rights Act (FRA) 2006 and try to describe the impacts of these legislations on the living conditions of the forest dwellers in the forest villages of North Bengal.*

**Keywords:** *Forest Dwellers, Sustainable Forest Management, Forest Right Act (FRA). 2006*

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## **I. The Historical Backdrop of the Forest Legislations in India and Its Overall Impact**

A few significant institutions are there in the global history of natural resource management among which the richest forest of India is worth mentioning. The Imperial Department of Forest which was set up in 1864 controls almost over one-fifth of the country's land area. The Forest Department is not only India's biggest landlord; but also it has the supreme authority to influence the life of the people of all segments of Indian society. In other words, it can be said that, the history of human existence and civilizations is intertwined with forests and trees.

The forest legislations in India changed over a period of time. The arrival of British and their opinion about forest properties generated massive changes in the forest cover, forest resources and the rights of indigenous forest dwellers in India. However, the chief purpose of the colonial government was to exploit Indian forest for the commercial purpose. Therefore, in order to satisfy the objective of earning revenues as well as to overrule the control over forest, Lord Dalhousie, the then Governor-General of India, issued a memorandum, entitled Charter of Indian Forests in 1855 which asserted imperial ownership over forests and acknowledged as the first step of exploiting the rights of the indigenous forest dwellers. The immediate next step of the British government was laid in 1865 by enacting the first Indian Forest Act. The Act which came into effect on 1<sup>st</sup> May 1865 empowered the contemporary government to redefine the definition of the forest by proclaiming any land that covered with trees or brushwood as forest and established the right to control over it. This was the first attempt of the British Imperial to curb the rights of the traditional forest dwellers from the forestland through the forest legislation in India. Hence, in this way, by the intervention of the British government the forest, that was primarily regarded as a collective resource of property, transformed into the private property under the authority and control over of the colonial monopolies.

To improve the inadequacies of the Indian forest Act of 1865, the Reserved Forest Act 1878 came into operation in most of the British province in India. This Act categorized the forest into Reserve Forests, Protected Forests and

Village Forests. This Act for the first time empowered the Government to impose restriction and regulation on the rights of the forest dwellers over the forest lands as well as the forest produce in the Reserve Forests and Protected Forests. Thus, the British Government acquired the rights to take over forests from indigenous people and exercise control over it.

The Forest Policy 1894 was the first formal policy in India gave much importance to the commercial exploitation of forest products, State ownership and regulation of forest but gave very little emphasis for the local communities. This forest policy envisages the supremacy of State's interest over people's interest. The commercial value of the forest has prompted the British Government to restrict the community use of the forest. As a result, this colonial forest policy not only alienated the forest dwellers from the forest but also seized their forest rights.

The British Government announced a new comprehensive legislation in India in 1927 by replacing the previous laws to make forest laws more effective and to improve the Forest Act 1878. By dividing into 13 chapters this Act consists of 86 sections. This Act of 1927 not only denied the common ownership or occupancy rights of the forest dwellers who were living there for age old generation but also declared the forest as the property of the government and in case of any rifts regarding their right the forest settlement officer has the arbitrarily power to decide the claim.

In Independent India, the first National Forest Policy was constituted in 1952. The National Forest Policy was formulated for sustainable management of forest. However, the Policy of 1952 highlighted the national interest. The policy clearly stated that local interests and priorities should be subservient to the broader national interest. In the real sense, the national interest was interpreted in a narrow sense. In the name of national interest, the Government of India used the forest resources to meet the demand of defence, communications and vital wood based industries. Therefore, to meet these demands, the forest resources supplied at large scale not only for the commercial profits but also to fulfil the requirements of private sector.<sup>2</sup>

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<sup>2</sup>K. P. Kannan, *TOWARDS A NEW FOREST POLICY: PEOPLE'S RIGHTS AND ENVIRONMENTAL NEEDS* 76-77 " Walter Fernandes et al eds., (1983).

In response to the rapid decline in the forest covers in India and also to fulfil the Constitutional obligation under Article 48A the Parliament in 1980 enacted a new legislation called the Forest Conservation Act 1980. This Act was passed with an aim to check deforestation. The prime objectives of this Act are to regulate indiscriminate usage of forest lands for non-forestry purpose and to sustain a reasonable equilibrium between the developmental needs of the country and to conserve the national heritage. Besides this, it also made several provisions against the rights of the forest people.

Thus, by implementing a numbers of acts and policies comprising various rules and regulations the colonial and postcolonial government of India strive to control over the forest for their vested interest by limiting the claims of the indigenous people on their use of forest resources. As a result, gradually the forest came under the strict control of the state and finally the State occupied the supreme authority over the forest resources in India. By evicting the indigenous forest communities from their own forest land, refuting their communal rights and confines their traditional institutions in the name of scientific management, the British policy made an adverse influence on the forest dwellers which generated acute poverty among them. As an outcome, the self-sufficient Tribal people became dependant on the state by the inadequate, unsatisfactory, flawed and improperly managed policies which legitimized its control over the people and their resources.

In the voice of Ramchandra Guha it can be mention that, the careful reading of the government's forest acts, shows that its real aims are (i) to restrict people's rights in reserved forests, which are owned and managed by the state; and (ii) to sharply limit the area or extent of village forests in which local communities could exercise more effective and independent control. It generates both sustained and widespread opposition as well as protests towards the workings of the Forest Department through the colonial and post-colonial periods among the indigenous forest villagers. These varied protests are based on two underlying central ideas. The former is that, the state control over woodland (as opposed to local community control) is illegitimate; and the latter is that the Forest

Department's programmes of commercial timber harvesting have seriously undermined local subsistence economies.<sup>3</sup>

## II. The Evolution of the Forest Villages in India as Well as in North Bengal

According to, the 2011 Census of India there are 4,526 forest villages in the India which are the house of approx. 2206011 lakh people in the country. The conception of forest villages began as a part of forest management in India in the British Colonial era.<sup>4</sup>

In India the practice of the scientific forestry started almost in 1864 at that time when the forest department was established in the diverse British provinces. Just after the next year i.e. in 1865 the first Indian Forest Act was enacted. Under this newly enacted Act the prime task held on the forest department was to survey the trees, clad lands and hilly regions and to make the demarcation as well as map of the suitable areas as the settlement of Reserve and Protected forest. In British India the administration of forest unit was liable to assist on the strategic imperial interests into two segments, the former during the period of railways expansion and the later throughout the two world wars. In this stage of action the Forest Department had to face some technical hitches such as, the Forest Department (FD) primarily had to meet the required demand of raw materials for railway expansion and latter had to generate adequate revenue to substantiate its existence as a self-supporting department in keeping with an essential tenant of British imperial policy. In this regard, a persistent effort was made by the FD to find markets for the multiple species of India's tropical forests for making itself a self-supporting department. But this was such a tough task as only a handful species often comprising 10% of the total crop were saleable in the rich mixed forest. The another difficulty that was challenged at that time was the question of communication, it had been found that due to inapproachability and unavailability of man-power to exploit the forest

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<sup>3</sup>Guha, Ramachandra, *Forestry Debate And Draft Forest Act: Who Wins, Who Loses?* Eco.&Pol. Weekly Vol. 29 2192-2196(Aug. 20, 1994).

<https://www.jstor.org/stable/pdf/4401646.pdf>

<sup>4</sup>Census Of India 2011, Government Of India <https://pib.gov.in/pressreleasepage.aspx?Prid=1514479>

resources, numerous forests though containing commercially valuable species became unusable. The requirement for utilization of forest resources create a constant demand of man-power which was contented by the regular supply of labour.<sup>5</sup>

Thus, the need to secure the regular and stable supply of labour for the operations of forest department the forest villages set up at the adjacent area of forest in the early segments of the forest exploitation. The forest villages establish either by the pre-existing population of the forest or by the population migrated from other different places. Therefore, forest village cannot be define as any village which situated in the forest rather, a cluster or settlement of workers or labourers established by the department of forest as the ensured source of labours to maintain various departmental works.

At the onset, these villages were nothing but the provisional labour encampments. One or two persons from almost every family of the forest village were obliged to render services as a labourer in the forest venture. The remunerations of the workers along with the other provisions were fixed in somewhere. The dwellers of these forest villages had been given the lease of some portion of arable land only for the duration of some tentative period of time from the forest department. But they did not have any legal claim over the land that allocated to them rather only had to abide the tenurial agreement with the Forest Department and renew the agreements of the lease after a stipulated time period. Moreover, in any case if they violate any conditions of such agreement under which they had been settled in the forest villages, can even evict them from the forest land. These forest villagers were only got the permission to build tiny huts which were temporary in nature and also raise few food crops to supplement their earnings. Each forest village were enclosed by homesteads, cultivable land, orchards, grazing ground and forests.<sup>6</sup> Till after independence this system of land holdings prevailed. Therefore, the history

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<sup>5</sup>R. R Prasad & M. P Jahagiriir: Tribal Situation In Forest Villages; Changing Subsistence Strategies And Adaptation 1-2 (1993).

<sup>6</sup>R R. Prasad, & M P Jahagiriir, Tribal Situation In Forest Villages; Changing Subsistence Strategies And Adaptation 2(1993):

behind the establishment of the forest villages in the reserved forest was to secure the continuous supply of labour for the execution of forestry operations.

These forest villages, unlike the revenue villages are not meant for extending cultivation. The terms on which people are allowed to settle in the forest villages are:

- The Forest Department and the Contractors have the first claim to the labour of forest villages on payment of the market rate;
- The villagers will not accept any other employment without obtaining prior permission from the Forest Department and
- They can be summarily evicted for non-compliance with the orders.<sup>7</sup>

In 1982 the Committee on the Forest and Tribals in India express that, the format of agreement that execute between the Forest Department and the forest villagers has been indicated that, “the forest department has the first claim to his labour on payment of reasonable daily wages” and further that the forest villagers are “liable to summary ejection without compensation by orders of the divisional forest officer for any breach of terms and conditions” of the agreement. Such provisions clearly run counter to the present political and social climate as well as against some of the land tenancy laws.<sup>8</sup>

However, unlike India the history of evolution of the forestry in North Bengal's is a long and somewhat troublesome one. During 1890s in parts of Assam, Bengal and the Central Provinces the first part of 'forest villages' emerged simultaneously with the arrival of the British and their system of 'scientific forestry'. Essentially, these were the labour settlements established for forestry operations. The system of 'scientific forestry' fundamentally altered both the forest ecosystem and the traditional livelihoods of the local inhabitants. The forestry system introduced by the colonial regime transformed the bio-diverse forests into large scale 'productive' timber producing monocultures forests.<sup>9</sup>

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<sup>7</sup>Id at 4

<sup>8</sup>id at 4

<sup>9</sup>Gu. N Guha T.L. At Al., Community Based Conservation Amidst Conflict In The Dooars Region Of North Bengal. 11-12 (2018).

Studies show that, the main orientation of the Scientific Management was towards the preservation of the large territories of forests from local use. For this the very first act of this Scientific Management was to eject the self-sustaining, independent and forest dependent indigenous inhabitants from their own forest habitats in order to bring the land under government reservation. Later the British allowed the clearing of forests not only for the settled agriculture but also for the promotion of the large tea estates as well as tea plantations in this region.

Moreover, the British administration had also to meet the demand of raw material for railway expansion and generate revenue to support the British Imperial Government which in turn needs the exploitation of forest resources. Therefore, as an obvious outcome, for the forest utilization as well as for the clearing up of the forest land to facilitate the settled agriculture and to establish the tea estates along with the plantations, a huge number of man-power was required. In the early phase, this need was met through the introduction of 'Taungya' system. This prompted the policy to shift towards settlement of Taungya villages between 1910 and 1947. The communities previously involved in swidden agriculture and subsequently were resettled in Taungya settlements.

The Taungya system was earlier practised in Burma and Malaysia. This system involved the engagement of outside labourers and granting of cultivable rights over patches of forests cleared in coupes through clear felling for three to four years. As new plantations were taken up on these coupes the labourers were shifted to new clear felled coupes. The migrant labourers were treated as serfs by the government as they were forced to render free service for specific days earmarked in a year, though later they were provided homesteads and one hector of land in lieu of their services to the FD.<sup>10</sup>

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[https://kalpavriksh.org/wp-content/uploads/2018/12/Community-Based-Conservation-Amidst-Conflict-in-the-Dooars-region-of-North-Bengal\\_FINALDRAFT\\_3rd-December-2018.pdf](https://kalpavriksh.org/wp-content/uploads/2018/12/Community-Based-Conservation-Amidst-Conflict-in-the-Dooars-region-of-North-Bengal_FINALDRAFT_3rd-December-2018.pdf)

<sup>10</sup>Chandra Jyoti Sonowal, Forest Villages In Assam Continued Ghettoisation. **Vol. 39** **Eco. & Pol. Weekly** 2441-2443 (September 27, 1997)  
<https://www.jstor.org/stable/4405885>

As a system of Taungya a large number of migrant people from different parts of India flooded into the area for work. The migrated populace was especially the tribal populations from Chota Nagpur, Ranchi and Saotal Pargona. Similarly, this tribal population were also cast out from their native land for numerous reasons. Thus, the people who were migrated from Chota Nagpur area, including the Oraon and Santhals well as other adivasi groups along with the communities who were evicted beforehand and became environmental refugees recruited as the settlers in the earliest forest villages of North Bengal. Ultimately, these alienated indigenous inhabitants and the migrated population transformed increasingly into the unpaid labour in forestry operations.

Sometimes old tribal settlements were also declared 'forest' villages. In these villages, there was no wage labour. Instead, people were given small landholdings in exchange for unpaid compulsory (begar) labour. Sometimes, these villages were permanent, while others would shift every two-three years once a plantation had been entirely raised and felled.<sup>11</sup>

Likewise, in the forest areas of North Bengal the settlers were made to clear fell the forests and burn the area, to use the land for cultivation for a period of two to four years. After this, they were made to plant the area with forest species according to the directives of the Department, weed and clean the plantation and save it from fire and grazing hazards for another four/five years, or till they were shifted to another plantation site. Thus, the entire region was eventually 'honeycombed' with forest villages.<sup>12</sup>

However, the lives of the indigenous forest villagers were strictly bounded by deprivation, and hardship. The each and every aspect of their life was completely dependent on the policies of the forest department. The rights of the forest dwellers over the forests, the land they stayed and cultivated were never settled. Almost every member of the forest dwellers including women and

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<sup>11</sup>A. Banerjee At Al., The Creation Of West Bengal's Forest Underclass: An Historical Institutional Analysis Of Forest Rights Deprivations. 1-26. (2010).  
Ishing. Service. Gov. Uk/Media/57a08b29ed915d3cfd000b8c/Dp51.Pdf

<sup>12</sup>Gu. N Guha T.L. At Al., Community Based Conservation Amidst Conflict In the Dooars Region of North Bengal. 11-12 (2018).  
[https://kalpavriksh.org/wp-content/uploads/2018/12/Community-Based-Conservation-Amidst-Conflict-in-the-Dooars-region-of-North-Bengal\\_FINALDRAFT\\_3rd-December-2018.pdf](https://kalpavriksh.org/wp-content/uploads/2018/12/Community-Based-Conservation-Amidst-Conflict-in-the-Dooars-region-of-North-Bengal_FINALDRAFT_3rd-December-2018.pdf)

children used to provide unpaid labour in the forest for long duration. The minimum basic services regarding education and health were not easily available at that time. This situation continued and worsened in post-Independent India due to mushrooming of the forest villages.

### **III. The Conditions of the Forest Dwellers of the Forest Villages of North Bengal with Special Reference to The Forest Right Act 2006**

The systems of forest villages have been criticised on several grounds that as these villages are not under the revenue villages therefore, do not come under the purview of Block Administration. This affects the forest dwellers' interest in terms of getting loans for development. Even these dwellers of the forest villages do not enjoy the tenancy rights on lands which have been cleared by them; they can also be evicted for refusing to work for the Forest Department. In due course, the residents of the forest villages acquired the locus and status of the bonded labour without being called so.<sup>13</sup> But the major problems of the forest villages are:

- The dwellers of forest villages do not enjoy tenancy rights on the lands which have been cleared by them, and they can be evicted for refusing to work for the forest department.
- Being located deep inside the forest the villages do not come under the revenue villages, and therefore remain outside the pale of direct development administration of blocks.
- The forest dwellers are deprived of assistance from institutional sources of finance as they have no recognised rights in their land and the other property.<sup>14</sup>

However, this dysfunctional relationship also seems to persist in North Bengal in the recent past. The indigenous forest villagers despite of providing unpaid

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<sup>13</sup>V.C, Ghildiyal, "Economics of the Tribes and Their Transformation", , 29-30 K S Singh ed., (1982).

<sup>14</sup>R R.Prasad, &M P Jahagiriir, Tribal Situation In Forest Villages; Changing Subsistence Strategies And Adaptation 5(1993)

labour for a considerable period of time to assist the forest related works such as forest plantation, development conservation, and protection are facing harassment and oppression by the department of forest. These continuing subjugation in-turns provoked them to engage into conflict and their peace loving and benevolent attitude have been transformed into hostile, aggressive, and violent.

Plethora of Studies conducted by several scholars revealed that, the indigenous forest villagers in West Bengal and particularly in the North Bengal have been suffering from the following major grounds.

- The forest villagers neither have any legal ownership nor any tenancy rights over their agricultural or homestead lands under the present system of forest management.
- The villagers are denied to an equitable development, because the present arrangement of forest villages has no scope for developmental schemes.
- This situation violates the provisions and spirit of the Indian Constitution and denies citizenship rights to the forest villagers.<sup>15</sup>

Therefore, with no rights over the land, the villagers have limited livelihood options within North Bengal. Many villagers have been forced to migrate. In both plains and hills, there is some employment offered through NREGA in areas such as forestry or construction, but it is not on a regular basis. Agriculture (either intercropping or regular agriculture on plots) is still practiced by villagers in North Bengal. However, it sustains the villagers for only four months in a year, for the rest of the year; they are forced to purchase food from the market. Some families have livestock and poultry, however, a shortage of land and problems regarding grazing rights keep stocks to a minimum. Any developmental activity in the villages including building roads, houses, community centres or schools

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<sup>15</sup>A. Banerjee et al., *The Creation Of West Bengal's Forest Underclass: An Historical Institutional Analysis Of Forest Rights Deprivations*. 1-26. (2010). [ishing.service.gov.uk/media/57a08b29ed915d3efd000b8c/dp51.pdf](http://ishing.service.gov.uk/media/57a08b29ed915d3efd000b8c/dp51.pdf)

requires the No Objection Certificate of the Range Forest Officers in the forest villages which is difficult to obtain.<sup>16</sup>

### **III.II.The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006**

It acknowledges that the acute refusal of the rights on the ancestral land as well as habitats and other resources of the forest dwellers over decades as an effect of the continuance of colonial forest laws in India, were resulted as the historical injustice to the traditional forest-dwelling communities. Therefore, to undo this historical injustice towards the indigenous forest communities since the colonial and post-colonial period the government attempted to enact The Forest Rights Act 2006. This act is regarded as a landmark law in the evolution of shifting government's attitude towards the interest of the indigenous forest dwellers. However, after the Honourable Supreme Court's decision in 2004, the parliament has enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, popularly known as Forest Rights Act, is an important piece of forest legislation passed in India on December 18, 2006.

The Act recognizes several rights including the right of ownership, community rights, right to hold and live in the forest land etc. But mainly the significance of the FRA is truly manifested in giving Community Rights over customary forests to the forest dwelling communities. It grants four types of rights namely

1. Title Rights, Section 3(1): This Act grants the ownership to the land that is being framed by the tribals or forest dwellers as on December 13, 2005, subject to a maximum 4 hectares. Ownership is only for land that

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<sup>16</sup>Gu. N Guha T.L. At Al., Community Based Conservation Amidst Conflict In The Dooars Region of North Bengal. 18 (2018).  
[https://kalpavriksh.org/wp-content/uploads/2018/12/Community-Based-Conservation-Amidst-Conflict-in-the-Dooars-region-of-North-Bengal\\_FINALDRAFT\\_3rd-December-2018.pdf](https://kalpavriksh.org/wp-content/uploads/2018/12/Community-Based-Conservation-Amidst-Conflict-in-the-Dooars-region-of-North-Bengal_FINALDRAFT_3rd-December-2018.pdf)

is actually being cultivated by the concerned family on that date, it means no new lands are granted.

2. Use Rights, Section 3(1): It also grants rights of ownership, access to collect, use, and dispose of minor forest produce including other rights of use or entitlement including over water bodies, grazing areas to pastoralist routes etc.
3. Relief and Development Rights under Sections 3(1) and 3(2): It includes right to rehabilitation in case of illegal eviction or forced displacements and to basic amenities subject to restrictions for forest protection. The developmental rights under Section 3(2) including creation of schools, Dispensaries or Hospitals, Anganwadis, fair price shops, electric and telecommunication lines, roads, and community centres etc.
4. Forest Management Rights under Sections 3(1) (i) or CFR: In the context of the forest villages of North Bengal, an important right given to village communities is the right to protect, regenerate or conserve or manage any traditional community forest resource and wildlife under Sec 3 (1)(i) or CFR right. Besides, the Act also provides for rights to be recognised over disputed land, rights to convert forest villages and settlements into revenue villages.<sup>17</sup>

### III.III. Criticism of Forest Rights Act, 2006

This Act is one of the most controversial and strongly opposed legislations right from the beginning. It perhaps the first and lone Act in the history of India that has been criticised through the TV campaign in October 2003 by a Mumbai based group named VanaShakti. This Act has drawn severe criticism from environmentalists and wildlife conservationists.

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<sup>17</sup>. Rekha Singhal, "Changing Models Of Forest Governance In India: Evolution Or Revolution?56-72(2008).  
[http://awsassets.wwfindia.org/downloads/forest\\_governance.pdf](http://awsassets.wwfindia.org/downloads/forest_governance.pdf)

The lobby of the wildlife conservationists and the Ministry of Environment and Forests termed it as the ideal recipe to ensure the destruction of India's forests and wildlife by "legalizing encroachments". Corporate are also against it, since the illegal status of tribals and other forest dwellers makes the process of eviction and land acquisition for industrial projects easier. It has also been often misunderstood and opposed by those who see the law as a land distribution system that will lead to the handing over the forest lands to the tribal and other forest dwellers.

#### **IV. The Forest Rights Act and Its Implementation in North Bengal**

The enactment of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 came as a blessing to the forest villages across North Bengal in January 2008. But the actual process of the implementation of the Act is disappointing. It has been estimated that almost 250 forest villages are there spread across in North Bengal among which only 94 forest villages come under the conversion order. The rest of villages in North Bengal, that do not include in the conversion order have report to the Land and Land Reforms Department (LLRD) for several times to include them under this order but have not yet receive any answer.

Several Studies conducted in North Bengal forest villages revealed that, till date, no CFR rights have been given to any village in North Bengal. Only some individual land pattas were distributed to Scheduled Tribes (STs) in forest villages. But a number of villages have not been able to file their claims at all. The individual patta or titles over land that have been given are also faulty. They are handwritten and even not specify the legislation, under which they have been provided the land patta. The compartment numbers along with the specific measurements of the land they have been provided are also not properly mention. These titles are not considered valid for availing any agricultural credit provided by the state government since the banks refuse to accept the legality of such title.<sup>18</sup>

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<sup>18</sup>Gu. N Guha T.L. At Al., Community Based Conservation Amidst Conflict In The Dooars Region Of North Bengal.21(2018).

Many scholars are of the opinion that there lays an absolute lack of awareness almost at all levels of the provisions of the Act, including various functionaries of the nodal agency, the Backward Classes Welfare Department etc. Secondly, the entire implementation of the Act was handed over to the forest department. This was quite clear when the Government of West Bengal issued orders in direct contravention of the Act, right after its notification in 2008, asking villages to form Gram Sansads, under the State Panchayat Act, at the panchayat level rather than at the level of each individual village, hamlet or settlement. Additionally, the Govt. West Bengal fundamentally undermined the democratic nature of FRCs by making them subservient to politically controlled Gram Unnayan Samitees.<sup>19</sup>

In many villages of North Bengal although both the Scheduled Tribes (STs) as well as the Other Traditional Forest Dwellers (OTFDs) have been residing together yet only STs have been capable to file claims, but this process of claiming seems to be difficult for the Other Traditional Forest Dwellers. The requirement for proof of 75 years of 'permanent' residence is one of the significant criteria among the numerous conditions of conversion order. But, unfortunately the Other Traditional Forest Dwellers (OTFDs) do not fit under this criterion as because they have been shifted from one site to another by the forest department, and therefore, do not have any proof of belonging to a particular village. However, some local authorities have asked for electricity bills as the proof of residence but it is also difficult as most of the villages have received electricity very recently.

Even the Joint forest management has also been used as a threat against FRA. In lieu of the deliberate violation of the essence of FRA, The Government of West Bengal in 2008 has issued a circular restricting the 'forest rights' to usufructs

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<sup>19</sup>A. Banerjee Ghosh at Al., *Obstructed Access To Forest Justice In West Bengal*. 1(1) *Journal of Humanities Arts and Social Science*, 1-12(2017).

<https://assets.publishing.service.gov.uk/media/57a08b2940f0b649740009de/dp49.pdf>

rights. As per the circular these usufructs would not be granted even in the protected areas.<sup>20</sup>

## V. Conclusion

In a nut shell this paper presents a comprehensive discussion of the critical juncture at which the colonial regime established the forestry institutions, evolved the forest villages and in turn generate the sources of deprivations of the rights of traditional forest dwellers. This constant tremendous defective form of deprivations of forest rights among the traditional forest dwellers has led to poverty across the forest landscapes. Before independence the livelihood practices of the people living in and around forest adjacent areas was considerably different from now. In the ancient time, people used to satisfy their livelihood needs by hunting, marginal cultivation, shifting cultivation and the like. Subsequently after 1947 when the reservation of forests continued, the inhabitants of the forest landscapes started losing their rights over the forest land and forest produce. This range of rights deprivations severely affects their food security and livelihood conditions of the forest inhabitants. However, the Forest Rights Act 2006 was also enacted to abolish this historical injustice towards the indigenous forest communities, but due to the lack of proper implementation, this act also failed to bring redressal for the forest villagers. The most astonishing fact is that even after 74 years of independence our Government failed to enact any forest policy which is sufficient enough to mitigate the sufferings of the forest villages.

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<sup>20</sup>id at 1-12