



Research Paper

Tribal Identity and the Forest Rights Act, 2006: A Theoretical Understanding

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ABSTRACT:

The rights of tribal on Jal, Jangal, and Jamin are the vital sources of their identity. Culture is one of the most essential basis of everyone's identity. Tribal community's culture mostly linked with their rights over land, forest, and water. The gradual process of alienation of tribal from their lands and the use of forest land for the use of other purpose has made a unhappy environment for the identity of tribes. The more, tribes are prevented from their rights over natural resources, the more there will be threat to their secured livelihoods. The Forest Rights Act, 2006 has given a very crucial power to the tribal community to enjoy and protect their rights and identity. The present paper has tried to see the identity of tribes from their natural rights on nature. It has also focused on the needy of the forest rights act, 2006 for tribal identity.

[Key Words: Identity, Tribal Community, Livelihoods, Rights]

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I. INTRODUCTION:

Society and individuals are depended on each other. Society is the consequence of human being's thinking and society helps to human being for their development of critical thinking towards the empirical reality. In this diverse society, human beings are playing different roles in different spheres. And this is their self identity in society. "An Identity is the set of meanings that define who one is when one is an occupant of a particular role in society, a member of a particular group, or claims particular characteristics that identify him or her as a unique person".¹ It shows that the source of our identity is 'our deeds' in diverse societal spheres. It can be said that 'our Identity is not restrictive in nature'. But, with this, the vital source of identity is 'one's community'. Two important theories are there – Liberal theory of Identity and Communitarian Theory of Identity. When liberal theory gives priority to the "self (individual) for the identity", Communitarians gives emphasises on "Community is the source of individual's identity". Communitarianism gives primacy to community life, traditions, and culture and postulates that these should be necessary part of state policies. When, for liberals, individual self is 'unencumbered', communitarians are saying 'Individual self is formed by various influences of society'.² There is no doubt about the making of separate identity for the human being. But, at the same time one's community's culture, traditions, music, language, living patterns etc influences the 'a member of a particular community'. Tribal Identity is based on their community's culture, traditions, living patterns etc. Culture is one the most important factor that plays a great role in the formation of the identity of a member of a particular community. The cultural practices of tribal community depend on the guarantee of their rights on water, forest, and land. It is not only about the culture, but jal, jangal, and jamin is everything for their life cycle. For the protection of forests from the hands of private players in the state, many movements have occurred, from the colonial period to till now. Land, Forest, and Water are not only source of the identity of tribes. There are also the sources of their livelihoods, socially and economically. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 or the Forest Rights Act, 2006 is one of the 'historical act came in order to correct the historical injustice of the tribal community in India'. This act has came with lots of powerful provisions for the betterment of the tribes, though due to many reasons these provisions are not correctly implemented till now and one reason is bureaucratic apathy. The Forest Rights act, 2006 has made it possible for the tribal population in India to protect their Identity with their customary rights.

Defining the term 'Tribes':

During the sojourn of Britishers in India, the term "tribe" was used to categorise a large number of groups who did not fit the categories of 'caste' or 'Hindu'. The term's (Tribe) purview consisted with the Communities who were different from one another in terms of demographic size, linguistic and cultural traits, ecological conditions, material conditions of living, but essentially 'primitive', 'backward', and 'uncivilised' in character.³ If we will go with the words of Nirmal Kumar Bose- "There are many ways in which tribes can be classified. One is by language; another is by religion; the third is by the degree of isolation to which they are subject, which has led some to retain a larger proportion of their original cultures than others. But, we believe, the plainest way to will be to arrange them into categorised based on the manner in which they primarily make their living".⁴ There is a 'definitional issue' with the problem of the term 'tribe'. Many scholars, including Anthropologists, Sociologists, and Social workers are closely connected with various issues of tribal community. There is no static definition of the term 'tribe' and about its nature. For some, the meaning of the concept is something and for other it is another. The indigenous community are living in all over the world. And each tribal community has its own language, cultural practices, music, dances, living styles etc. Each corner of our universe has a different view regarding the tribal. As Virginius Xaxa has said- "Tribes in India are thus defined not so much in terms of Coherent and well-defined criteria but in terms of the administrative classification that divides the population into tribal and non-tribal".⁵ It is said that, in India, the term tribe has used for the administrative convenience. But, still there is issue to define the term tribe in an effective manner. The Constitution of India defines a scheduled tribe 'as such tribe or tribal community or part of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes'.⁶

Diverse names were used for the tribal communities in different census. Like in 1891, they were called forest tribes; in 1901, animists; in 1911, tribal animists; in 1921, hill and forest tribes; in 1931, forest tribes; and from 1941 onwards they continued to be called tribes.⁷ After the independence of India, the term "scheduled tribes" came to be used to denote tribes which were scheduled as such under the constitution of India, distinguished from other communities, by relative isolation, cultural distinctiveness and low level of production and subsistence, not necessarily original inhabitants.⁸

In India, there are also confusions regarding the use of the concept of tribe, castes and peasant. Some may say that tribes are the part of Hindu society or tribes are the peasant etc. Some are saying -There is also cases of that tribes are practicing Hindu Practices as a result they are becoming the part of Hindu Society. With the argument of Virginius Xaxa - "While tribes continue to undergo changes- and these changes are of many kinds-these no longer transform the tribes into castes. For Example, the Oraons today practice various religions and speak more than one language; they earn their livelihoods from a variety of occupations, both agricultural and non-agricultural. Yet, despite this enormous differentiation, they are still Oraons in some socially significant sense".⁹ He also points out that the process of Hinduisation does not necessarily lead to the integration of the Adivasi groups into the caste society.¹⁰ The need is to understand the Adivasi community in an effective manner and not try to complex their issues relating to the identity of tribal.

The Forest Rights Act, 2006 and Tribal Identity:

The real identity of tribes resides in their relationship with forest. We can say there are three way of life. Like, tribal way of life, rural way of life, and urban way of life. This tribal way of life is based on the principles of community feelings and sustainable use of forest. If anyone one will displace us from our home, can we tolerate that? By the principle of "Eminent Domain" the government is trying to displace the tribes from their place of living. It is necessary for all to understand the symbiotic relationship between forests and tribes. The rights of tribes on natural resources are the basis of their identity because these forests and lands are the source of their social, political, economical, cultural practices. By, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 or the Forest Rights Act, 2006 the tribes have got these rights in a legalised form. The Forest Rights Act, 2006 emphasises a rights-based perspective by strongly pointing to the rights of Scheduled Tribes over natural resources in the areas which they inhabit.¹¹ Their dependency on forests, lands, water is more than us. They are using their forest lands for many agriculture purposes. Like, shifting cultivation by which they were engaged themselves in 6 to 7 types of crops cultivation. Besides this shifting cultivation, tribes are using this forest lands for other purposes like grazing. The Forest Rights Act, 2006 has also guarantees the food security of tribes.

Before the Forest Rights Act, 2006, many forest policies were also introduced from the colonial time to the independence of India. After Independence, there were lots of hope that now this independent and New India will help the tribal population to enjoy their rights and freedom and will also their forest rights. But, nothing was happened like that. Always policies came with the teeth of capturing the lands of lands and forest of the tribal where they inhabit from the generations. The Forest Rights Act, 2006 came with the promise of correcting the historical injustice of the tribes. There are some vital objectives of the Forest Rights Act, 2006¹²-

1. To undo the historical injustice that occurred to the forest dwelling communities.

2. To ensure land tenure, livelihoods, and food security of the forest dwelling scheduled tribes and Other Traditional Forest Dwellers

3. To strengthen the conservation regime of the forests by including the responsibilities and authorities of the Forest Rights holders for sustainable use, biodiversity conservation, and ecological balance.

The above objectives are showing how tribes are relating to the forest which has been strengthening their identity. Be responsible for the sustainable use of forest; always try to conserve the biodiversity, and to save the ecology. These are the identities of the tribal community.

The forest rights act does two things¹³:

1. Grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.

2. Makes a beginning towards giving communities and the public a voice in forest and wildlife conservation,

Hence, the important identity of Tribal is their close friendship with forest. They are living in forest and their rights over the natural resources are the hallmark of their identity. In the name of “so called development concept”, tribal communities are in a position to vanish from this universe. The continuous alienation of tribes from their lands and forest leads to the loosing of their unique identity. The popular narrative is there that tribes are uncivilised, uneducated, using old methods for their livelihoods etc. But, this is not the thing. They are the saviours of the ecology. They have been practicing those sustainable uses of the resources which is now the greatest worry of the present world order. These ‘uncivilised and uneducated’ is itself contested in nature. What is the value of being civilised and educated and to destroy the earth in the name of capitalist development? So, the violation of the rights of tribes in the cases of the implementing various government and private sponsored projects are very ridiculous. Therefore, the rate of preventing tribes to enjoy their forest rights will ultimately decline their identity.

The rate of the implementation of the Forest Rights Act, 2006 is still demanding active performance from the Government, Forest officers, and Bureaucrats. So, the enjoyment of their forest rights and the identity of tribes are dependent on each other.

II. CONCLUSION:

Nirmal Kumar Bose’s words express the importance of the tribal community- “Howsoever isolated and meagre the life of a community may be, they try to make the most effective use of their natural resources in accordance with their technological equipment and social resources”.¹⁴ Forest rights and tribal identity are related to each other. The present day economic system has been alienating the real owner of the natural resource from their wealth. The owners of the lands are now the agricultural and non-agricultural labours. Forest Rights, Culture, and Identity are the major points that need to be understood in a great way. The cases of displacement of the tribal have encouraged the process of declining the identity of tribal community. These are the cases of all over India. The states, who are coming under the Fifth Scheduled of the Constitution must try to take effective steps in order to protect and also ensure the enjoyment of the forest rights of their tribal community. We should give respect to the tribal for their seriousness for the sustainable practices and use of the forest. No need to romanticise tribal culture and traditions. Nirmal Kumar Bose’s words express the importance of the tribal community- “Howsoever isolated and meagre the life of a community may be

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