Historically, Indian forest policies have alienated people from the forests, thereby, exacerbating the rates of deforestation. Post-independence forest policies contributed to an expansion in agricultural production, met industrial demand for raw materials, and tightened control of forest lands through restricted access to forests and forest products. Protection policies increased the hardships of vulnerable social groups by denying them access to forests. While the state took responsibility for managing forest resources, it did not have the commensurate resources to effectively manage and police the forests from traditional users. Before state intervention, forests were managed as communal property; the crucial role of forests in the economic subsistence of individuals, families and community was the basis for managing them as communal resources. A failure to recognize community control of forests led to a collapse in institutional norms that were instrumental in protecting and managing forest resources for local use. A shift in property rights to the state steadily undermined the rights of tribals to use and extract forest resources.

Involvement of rural communities living close to forests in protection and management of forest resources is enshrined in the National Forest Policy 1988. Translation of policy found expression in the resolution of Government of India, Ministry of Environment and Forests issued in June 1990. It envisaged that in lieu of the participation, the local communities will be entitled to sharing of usufructs in a manner specified by the concerned State Forest Departments. This led to the initiation of Joint Forest Management (JFM) programme. Importance of the programme is evident from the fact that the Government of India has constituted a “JFM Network” with the Inspector General of Forests, Government of India as the Chairman.

The objectives of the network are:

(i) to act as a regular mechanism of consultation between various agencies engaged in JFM work in the country and
(ii) To obtain constant feedback from various stakeholders on the JFM programme for proper policy formulation and suitable direction to States.

World leaders adopted the Millennium Declaration at the Millennium Summit in September 2000. The proportion of land area covered by forest globally is one of the indicators for the seventh MDG i.e to ensure environmental sustainability. In addition to quantitative, time-bound targets, the Millennium Declaration calls for other actions, including intensified efforts for “the management, conservation and sustainable development of all types of forests”, an international commitment to sustainable forest management made in 1992 at the United Nations Conference on Environment and Development (UNCED) and embodied in the Forest
Principles and Chapter 11 of Agenda 21. Subsequent intergovernmental deliberations to promote progress towards sustainable forest management took place in the Intergovernmental Panel on Forests (IPF) and Intergovernmental Forum on Forests (IFF) from 1995 to 2000, and continue in the United Nations Forum on Forests (UNFF) as well as in other fora.

**Forests and the Millennium Development Goals**
The MDGs call for the integration of the principles of sustainable development into environmental policies. Environmental sustainability is being mainstreamed in forest policies around the world, particularly since UNCED, while the integration of the goals of poverty and hunger reduction in forest policies and plans is less widespread.

Community-based forestry, or participatory forestry, is particularly well placed to address poverty reduction. Community-based forestry is now well accepted and established in various countries in all regions, and programmes are beginning to generate financial and other benefits. Improving local peoples’ rights and access to forest resources is a tool to the success of community-based forestry programmes. However, much still remains to be done to clarify and secure access rights. Many countries are working to strengthen forest governance, some through decentralization processes that allow the poor to derive more benefits from forests and be more involved in decision-making and forest management itself.

Although improving rights and access to forest resources and developing small-holder forest-based enterprises (including through community-private sector partnerships) show particular promise for poverty reduction, local political and economic realities, opportunity costs for the use of local resources, and other factors may prevent the poor from benefiting from community-based forestry programmes to the extent intended.

Intersectoral coordination is important for the achievement of all MDGs, but is particularly critical for reducing poverty and hunger and ensuring environmental sustainability, which are highly cross-sectoral by nature. Improved intersectoral cooperation and coordination will help efforts both to integrate the principles of sustainable development into forest-related policies and to integrate forests into sustainable development plans.

**Joint Forest Management**
Forest-based poverty reduction efforts tend to be linked to other land uses and should form a part of rural development strategies. Conversely, the potential for forests and trees outside forests to contribute to environmental sustainability cannot be fully realized without intersectoral cooperation and coordination. Intersectoral coordination, although difficult and time consuming, is necessary for sound decisions on land use and resource allocation, particularly when there are trade-offs between national development goals.

National Forest Policy in India treats forests as environmental and social resource. With the initiative of assigning ownership of Non Timber forest Produce (NTFP) to the local communities including the grass root level democratic institution for enhancing their livelihood opportunities and also improving their income with the value addition.

India has shifted the approach of forest management from regulatory to participatory mode of management with the resolution promulgated in 1990. At present, more than 17 million forests is managed by almost 10,000 Joint Forest Management Committees with the benefit sharing mechanism. In addition, the Government of India is in process to frame legislation for the settlement of tenurial rights of the forest dwelling communities mainly tribal on forests. This would definitely help in reducing the poverty of forest dwelling communities.

The JFM resolution was circulated by Ministry of Environment and Forest in the year 1990 and 2000. JFM is a government resolution. A government resolution is
a executive order or opinion of the legislature. A resolution does not have any legal backing.

JFM as the term indicates is the management of forest by more than one party. In India there are two parties: the government represented by the Forest Department and the people living in villages located within forest or on the fringes.

There are two major reasons behind introducing JFM: one that the government’s management system was not succeeding in arresting growth of forest degradation and deforestation. Second a new management paradigm was evolving in which the local people’s participation was found to be an appropriate and promising tool in arresting forest degradation.

However in pre-independent India the concept of JFM didn’t exist. The first National Forest Policy was adopted in 1894. Following were the guide lines
- Ensure maintaneance of adequate forest cover
- Meet the needs of local people.
- Collect maximum revenue after meeting the needs of the local people.
- Give priority to permanent cultivation over forestry land

In post independent India there was a shift in policy. In 1988, the new forest policy was adopted which covered all the sustainable management approaches. The new policy had a few unique features. Which were as follows;
- Maintenance of environmental stability and restoration of ecological balance, soil and water conservation
- Conservation of natural heritage and genetic resources.
- Increasing productivity to meet the local needs then the national need
- Creating massive peoples participation movement to protect forest and tree cover and achieve the objective of reducing pressure on existing forests and meeting peoples need.
- Deriving economic benefits must be subordinated to these principal aims.

This initiated a process of reform at the local policy and operational level of forest management ensuring that the Forest Department developed close collaboration for protection and sustainable management of forests.

The aim was --Involvement of village communities and voluntary agencies of degraded forest land.

Important guidelines were as follows
- The program should be implemented under an arrangement between a voluntary agency or beneficiaries and the State Department.
- No ownership rights or lease should be given over the forest land.
- The beneficiaries should be entitled to share usufructs to the extent and subject to conditions prescribed by the State Government.
- Access to forest land usufructs should be available only to benefactress who get organized into a village institution especially for forest regeneration and protection. This could be through a village panchayat or a Village Forest Committee.
- The beneficiaries should be given usufructs like grass, lops and tops of branches and minor forest produce. If they successfully protect the forest they will be a portion from the sale proceeds when they mature.
- Areas selected from the program should be free from claims from any person who is both a beneficiary under the scheme.
- The selected site should be worked in accordance of Working Scheme duly approved by the state government. Such a scheme may remain in operation for ten years and revised after that. The working scheme is prepared in consultation of with the beneficiaries
- It should ensure that there is no grazing at al on the forest land protected by the Village Forest Committee. Permission to cut and carry grass free of cost should be given so that stall feeding is promoted.
• No agriculture should be promoted on the forest land.
• Cutting of trees should not be permitted before they are ripe for harvesting. The Forest Department should not be permitted to cut to cut trees protected by the Village Forest Committee except in a manner prescribed in the working scheme. In case of emergency needs the village community should be taken into confidence.
• The Forest Department should closely supervise the work . If beneficiaries are unable to perform their assigned duties in a satisfactory manner the usufructory benefits will be withdrawn without giving any compensation.

Such set-up, however suffered from certain flaws:
• Bye- laws have not been formulated for the functioning of the JFMC though now most of the states have issued executive orders for the functioning of JFMC but these executive orders are not binding on JFMC. The aim was to decentralize the process and make JFMC.
• Minor Forest Produce (MFP) has not been defined neither by the State legislature or by the Centre.
• Central and State/UT Governments have issued guidelines for the creation and functioning of JFMC but these guidelines are not in conformity with the provisions of the Constitution
• Through the Constitution (Seventy-third Amendment) Act, 1992 and Panchayat (Extension to the Scheduled Areas) Act, 1996 ownership rights over minor forest produce (MFP) have been given to Village Panchayats. Now on the same resource base i.e. NTFP/MFP we have two sets of groups having ownership and while the Panchayats have a legal backing, JFMC don’t have. conservation have been raised while the proponents of Panchayats have termed JFM as a parallel institution against the spirit of the Constitution.
• The JFM resolution only provides 20% of share to be given the Joint Forest Management committees , while rest of the income would go to the Forest Department. There is an obvious unequal distribution of benefit sharing between the parties. These committees would have to protect the forest for ten years ,and would only receive 20% of the share.
• The national resolution provides that at least 33% of the seats shall be reserved for women in the specified committees. However states like Rajasthan are not following this provision.

Panchayati Raj System
The concept regarding Panchayati is contained in the Part IX of the 73rd amendment of The Indian Constitution. This amendment came into force in on 24th April 1993. It institutionalized the third stratum of government (Panchayats) at the local level.

Through the Constitution (Seventy-third Amendment) Act, 1992 Part IX “The Panchayats” was inserted in the Constitution which paved the way for “Village Panchayats” by making provisions for the constitution of Panchayats, their composition, election, powers, authority, responsibility, audit, etc. This Act doesn’t apply to Schedule Area referred to in clause (1) and tribal areas referred to in clause (2) of Article 244 and certain other specified areas Village Panchayats have been given the responsibility of social/farm forestry, minor forest produce (MFP), and soil conservation through Eleventh Schedule.

“Panchayat” means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas. In the section 243B of the amendment it fails to define what is ‘self government’. It does not clarify whether self government means complete autonomously or extension of the state .It is left to states to derive their own interpretation regarding the nature of self government at the local level .By the word “nature” of self government it is meant reservation to be provided for the marginalized section of the society, the powers given to each level of self governing relating to administration, execution and performing the defined roles would be different in each State . Thus this will defeat the purpose of uniformity regarding the nature and concept of self government at an all India level.

The flaw again lies that the amendment has failed to assert the nature of ‘Power And Authority’. This task is left to the state legislatures. Again defeating the
purpose of uniformity. The consequences will be such that either the states will deny power to the panchyats instead of becoming autonomous local governing units they will basically remain in bureaucratic control. The bureaucratic trend can be seen most of the states. It is seen in the State of Goa power and functions have not yet been transferred to the Panchayats.

As per the law there should be continuous elections every five years. However the statistics says that this status is not achieved in most of the states. None of the states except WestBengal, Tripura and Rajasthan have not been able to hold continuous elections every five years. The judgment provided by the Supreme Court states that it is mandatory for every state to hold elections to Panchayat.

Giving powers to the third stratum of government for effective management of resources at the district, intermediate and village level. Parallel institutions have come about for management of the natural resources which.

Participatory Approach
According to United Nations Development Programme's report 67.7 million people belonging to "Scheduled Tribes" in India are generally considered to be 'Adivasis', literally meaning 'indigenous people' or 'original inhabitants', though the term 'Scheduled Tribes' is an administrative term used for purposes of 'administering' certain specific constitutional privileges, protection and benefits for specific sections of peoples considered historically disadvantaged and 'backward'. Out of the 5653 distinct communities in India, 635 are considered to be 'tribes' or 'Adivasis'. With the ST population making up 8.08% (as of 1991) of the total population of India, it is the nation with the highest concentration of 'indigenous peoples' in the world. 68 million tribals who inhabit forests and wild lands throughout India, Adivasis have evolved an intricate convivial-custodial mode of living.

The Beginning of Land alienation
Introduction of the alien concept of private property began with the Permanent Settlement of the British in 1793 and the establishment of the "Zamindari" system that conferred control over vast territories, including Adivasi territories, to designated feudal lords for the purpose of revenue collection by the British. This drastically commenced the forced restructuring of the relationship of Adivasis to their territories as well as the power relationship between Adivasis and 'others'. The predominant external caste-based religion sanctioned and practiced a rigid and highly discriminatory hierarchical ordering with a strong cultural mooring. After the transfer of power, the rulers of the Residency Areas signed the "Deed of Accession" on behalf of the ruled on exchange they were offered privy purse. No deed was however signed with most of the independent Adivasi states. They were assumed to have joined the Union. The government rode rough shod on independent Adivasi nations and they were merged with the Indian Union. This happened even by means of state violence as in the case of Adivasi uprising in the Nizam's State of Hyderabad and Nagalim.

The Constitution of India, which came into existence on 26 January 1950, prohibits discrimination on grounds of religion, race, caste, sex or place of birth (Article 15) and it provides the right to equality (Article 14), to freedom of religion (Articles 25-28) and to culture and education (Articles 29-30). STs are supposedly addressed by as many as 209 Articles and 2 special schedules of the Constitution - Articles and special schedules which are protective and paternalistic.

Article 341 and 342 provides for classification of Scheduled Castes (the untouchable lower castes) and STs, while Articles 330, 332 and 334 provides for reservation of seats in Parliament and Assemblies. For purposes of specific focus on the development of STs, the government has adopted a package of programmes, which is administered in specific geographical areas with considerable ST population, and it covers 69% of the tribal population.

Forest Laws in Relation to Tribal Land Conflict
The total forest cover in India is reported to be 765.21 thousand sq. km of which 71% are Adivasi areas. Out of this 416.52 and 223.30 thousand sq. kms. is categorised as reserved and protected forest respectively. About 23% of these are further declared as Wild Life Sanctuaries and National Parks which alone has displaced some half a million Adivasis. By the process of colonisation of the forests that began formally with the Forest Act of 1864 and finally the Indian Forest Act of 1927, the rights of Adivasis were reduced to mere privileges conferred by the state.

The Imperial Forest Department was formed in 1864. The first Act for the regulation of forests was passed in 1865. It empowered the government to declare any land covered with trees or brushwood as government forest and to make rules to manage them. The act was applicable only to the forests in control of the government and did not cover private forests. It made no provision regarding the rights of the users. Its primary function was to generate revenue by selling timber and forest produce. Since forests are deemed to be government property, Adivasis were barred from collecting forest produce.

According to the Indian Forest Act, 1927, the Government can constitute any forest land or waste land which is the property of Government or over which the Government has proprietary rights, a reserved forest, by issuing a notification to this effect. Commercial interests of the then British Government motivated it to declare more and more lands as reserved forests, without ascertaining the rights of the tribals and other forest dwellers.

After the enforcement of the Indian Forest Act in 1927, the government declared all lands not claimed by private individuals and agencies as forest lands and classified them into reserve, protected and village forests. To attract labour to work in forestry related activities, the governments gave lands to households for cultivation and also promised jobs. A number of forest villages were established. The lands allotted for cultivation were on a purely temporary basis and forest officials were to look after the administration of these villages.

After Independence, the inhabitants of forest villages realized that most villages lacked infrastructure facilities; they could not get loans for development of agriculture as they had no title over the land. Around 1980, the government decided to convert forest villages into revenue villages. This was done in many states. However, not all the forest villages have been converted into revenue villages. In some villages, land has been given on a 15 year lease to enable the holders to obtain loans from banks. Residents have agitated for the conversion of these villages into revenue villages.

Even after independence in 1947, during the process of amalgamation of princely states, the activity of consolidation of government forests continued. The State Governments / UT Administrations proclaimed the lands of ex-princely states and the zamindar-lands as Reserved Forests. However, no effective steps were taken to give an alternative accommodation to the tribal people residing in this area. Bar on accrual rights are imposed through section 5 of the Indian Forest Act.

The Act invites claims for settlement in the reserve forest area. This is provided from section 3 to section 20 of the IFA. These sections provide a complicated procedure which requires documentation in relation to ownership of the land, evidence, which would be impossible for an indigenous to produce in front of the Settlement Officer. Many tribal families today are regarded as "encroachers" on forest land (persons who are cultivating or residing on forest land without a legal right to be there).

In many cases, however, it would be more accurate to say that the "forest" is encroaching on their traditional rights. There are a number of core issues that are central to the resolution of forest based conflicts, and are integral to the question of encroachment.

**Protected Areas**

About 4.5% of the total land in the country is covered under protected areas, classified into national parks, wildlife sanctuaries and protected areas. The Wildlife
The Protection) Act of 1972 provided for the administration of these areas. The act places several restrictions on the residents of villages in these areas. Efforts are also being made to relocate these villages outside such areas. These efforts have met with stiff resistance from the residents and violent conflicts have taken place in many places. Under pressure from the World Bank and the environment protection fund agencies, the government has tightened the restrictions on the hunting of animals included in the list of wildlife species, as also a number of economic activities. Consequently, development projects in these areas have been shelved.

Throughout this, one needs to be acutely aware that there are huge forest encroachments by powerful vested interests which need to be dealt with strictly. Mechanisms will need to be put in place to ensure that powerful interests/land mafias do not use poor people as a front to further their encroachments. In the past two decades even as the genuine forest dwellers have lived in the fear of eviction, mafias have continued to encroach forests and alienate tribal land. This has not only had severe ecological implications due to disturbance of forest and wildlife but also displaced tribals from their homes and livelihoods.

**Forests Conservation Act**

The 42nd Constitutional Amendment shifts forests from the “State List” to the “Concurrent List”. The FCA prohibits non-forest use of forest land without the government’s approval. It also advocates “sustainable forest management through participatory approach”, with “due regard to the traditional rights of the tribal people on forest land”. Further making the claim settlement process stringent and inflexible and thereby the settlement dispute continues for decade.

The 1990 guidelines on Tribal and Forest Interface expressly provides for speedy settlement of claims in relation to forest land, Regularization of Encroachments; Review of Disputed Claims over Forest Land; Regularization of Pattas & Leases; and Conversion of Forest Villages to Revenue Villages. These Guidelines were supposed to provide a framework to resolve the problem of settlement of rights of tribals and other forest dwellers on forest land. For instance, FP1 outlined procedures whereby state governments could apply to the Government of India for regularization of “pre-1980 encroachments”. As discussed below, however, these Guidelines have not been implemented.

On 5 February 2004, the MoEF issued new guidelines for “regularization of the rights of the tribals on the forest lands”, in continuation of the 1990 Guidelines. These “supplementary guidelines” request the State Governments to give legal recognition to “the traditional rights of the tribal population on forest lands”, and to submit proposals for conferring “heritable but inalienable rights over such lands” on “tribal dwellers who are in continuous occupation of such forest land at least since 31/12/1993”.

There are thousands of cases of local inhabitants claiming that they were in occupation of notified forestlands prior to initiation of forest settlements under the Indian Forest Act. There are a number of cases of pattas/leases/grants said to be issued under proper authority but which has now become contentious issues between different departments, particularly the Forest Department and the Revenue Department. The problem is compounded by the fact that in many cases there is no clear demarcation of forest lands. In fact most of the disputes and claims relating to use and access to forests have lingered on and evaded resolution in the past because of the failure to demarcate precisely the extent of the forest. All of these require remedies and an approach aimed at only evicting the forest-dwellers is worsening the situation, not remedying it.

There is a need to consciously distinguish between the authorised/unauthorized occupation of forests by dwellers for bonafide consumption, and the use of forest resources from the large scale timber and fuel wood smuggling and intensive commercial exploitation of forest resources. In the former case the so-called encroachment is a local and subsistence-oriented activity, while in the latter case it is a widespread organized industry largely driven by the mafia. The approach of the law and policy to the two situations cannot be the same.

The National Forest Policy was adopted in 1894. Following were the guide lines:
• Ensure maintenance of adequate forest cover
• Meet the needs of local people.
• Collect maximum revenue after meeting the needs of the local people.
• Give priority to permanent cultivation over forestry land

In post independent India there was a shift in policy. The National Forest Policy Resolution 1952 adopted by the government, emphasised that the forest policy should be based on paramount national needs. For the first time the resolution emphasized the ecological and social aspects of forest management, giving secondary importance to the needs of commerce, industry and revenue. The resolution did not call for any change in the forest law and remained only a pious declaration.

The National Forest Policy, 1988, has a separate section on ‘Tribal people and forests’ which states that: “having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest.” The section on ‘rights and concessions’ has focussed on ‘full protection’ of the rights of tribals.

In 1988, the new forest policy was adopted which covered all the sustainable management approaches. The new policy had a few unique features. Which were as follows;
• Maintenance of environmental stability and restoration of ecological balance, soil and water conservation
• Conservation of natural heritage and genetic resources.
• Increasing productivity to meet the local needs then the national need
• Creating massive peoples participation movement to protect forest and tree cover and achieve the objective of reducing pressure on existing forests and meeting peoples need.
• Deriving economic benefits must be subordinated to these principal aims.

This initiated a process of reform at the local policy and operational level of forest management ensuring that the Forest Department developed close collaboration for protection and sustainable management of forests.. While the resolution adopted a pro-tribal policy, the old Act of 1927 with all the subsequent amendments remained unchanged.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2007
The recently notified Act aims to compensate the “historical injustice” done to forest-dwelling tribes that were denied their traditional rights to forest lands and resources in the last couple of hundred years. In this period, the lands they had been dwelling on were declared “forest land” or “protected areas” for wildlife. The traditional conservation ethos and dependence of tribal societies on forest land were overlooked. The Act aims to reverse the alienation of tribes from their own habitat caused by past policies and laws.

The rights proposed to be accorded to Adivasis include pattas to forest lands occupied before 1980. This is not new; it has been a stated policy of the government for years now. A number of other rights are also to be granted: nistar (usufruct) or ownership rights to forest resources, grazing rights including seasonal ones of nomadic communities, habitation rights (for those classified as Primitive Tribal Groups), conversion of forest villages into revenue villages, and so on. No tribal person is to be evicted from currently occupied land until the process of determining rights is completed.
Under the Act

- All rights are accompanied by responsibilities for forest protection;
- All right holders have the duty to conserve forests and wildlife, protect catchment areas, water sources, and ecologically sensitive areas, and inform the gram sabha of ecologically destructive activities;
- Hunting is explicitly excluded from the list of forest rights;
- All rights are meant only for bona fide livelihood needs, not for exclusive commercial purposes;
- In no case would forest land beyond 2.5 hectares be allotted (only land under occupation prior to 1980 can be considered, no new forest lands would be allotted).

The MOEF is of the view, land settlement of the forest dwellers would increase the problem of encroachment to the already depleting forest cover in our country, poaching would be rampant.

Case Laws

One of the earliest cases relating to forest rights was that of Banwasi Seva Asharam v. State of Uttar Pradesh. The case was initiated as a public interest writ petition under article 32 of the Constitution on behalf of the local people protesting for reservation of forest land by the state.

People in the village have lived for generations and had relied for their sustenance on the forest products. The petitioners had alleged that state has ignored their claims of these people over the forest and steps were being taken foe eviction of many forest dwellers. A high level committee was formed by the apex court to look into the matter of claims.

In the meantime, the government informed the court it wanted to site National Thermal Power Station over the disputed forest land. The land was granted by the court to NTPC, thereby ordering eviction of the forest dwellers.

The reasoning given by the court that forests are as much national assets, however generation of electricity would be equally important. The court did not address the primary aim of claim of the forest dwellers arising out of their dependence on the forest life guaranteed by article 21 of the Indian Constitution.

The court dropped the all the claims over the land which the state has notified as a reserved forest area.

The claims of the petitioner were written off on procedural grounds. The written application were not stamped, oral objections would not be considered, the tribal were ignorant of their legal rights.

The NTPC asked to rehabilitate the tribal by housing transportation employment, infrastructure.

In T.N Godavarman Thirumulkipad v. Union of India, the apex court issued directives sweeping directives to oversee the enforcement of forest laws across the nation. The court froze all forest wood based industries, enforced the scope of embargo on forest exploitation, and issued directions for sustainable forest management. The court focused the issues affection North East region where wood based industry contributes sustainability of the regions economy.

The issue raised by the amicus curiae was whose interest should be protected, the forest dweller or forest persons whose livelihood depends upon? The court stated that in depth examination of the Forest policy should be taken care off.
It should conform to the directions of National Forest Policy 1988
As stated in the policy the respective department of the states should encourage tribal welfare and joint forest management.

**International Perspective**
The right of indigenous peoples have been recognized by international agencies and organizations. Every individual has right to have a living, proper housing, drinking water, education, electricity, health facilities, communication, right over the land, they are denied everything.

United Declaration of Human Rights(1948) and International Covenant on Civil and Political Rights (1966) have specific significance for indigenous peoples. The Universal Declaration provides a common standard for the human rights of all peoples and all nations, and proclaims the importance of traditional, political, and civil rights, as well as basic economic social and cultural rights ejeveryone has the right to own property alone as well as in association with others."

Furthermore, "[n]o one shall be arbitrarily deprived of his property . The Covenant spells out civil and political rights and guiding principles based on the Universal Declaration.

The 1957 International Labour Organisation Convention , Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, addresses the right of indigenous peoples to pursue material well-being and spiritual development, and was a first international instrument in specific support of indigenous peoples. Largely because of its view that indigenous peoples should be integrated into the larger society, a view that subsequently came to be seen by many as inappropriate.

It was followed by Convention Concerning Indigenous and Tribal Peoples in Independent Countries. It presents the fundamental concept that the way of life of indigenous and tribal peoples should and will survive, as well as the view that indigenous and tribal peoples and their traditional organizations should be closely involved in the planning and implementation of development projects that affect them . The convention specifically provides recognition of traditional land rights of the indigenous people . The concentration gives the indigenous people the right to sustain themselves through natural resources, the collection of forest produce and speedy recovery of traditional rights of the indigenous people.

India has signed convention on Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, but not Convention Concerning Indigenous and Tribal Peoples in Independent Countries. 

The 1992 Convention on Biodiversity calls on contracting parties to respect traditional indigenous knowledge with regard to the preservation of biodiversity and its sustainable use. The Vienna Declaration and Programme of Action emerging from the 1993 World Conference on Human Rights recognizes the dignity and unique cultural contributions of indigenous peoples, and strongly reaffirms the commitment of the international community to the economic, social, and cultural well-being of indigenous peoples and their enjoyment of the fruits of sustainable development.

The draft statement of United Nations Draft Declaration on Rights of Indigenous People, expressly states that traditional lands of the indigenous people should be returned, if not they should be equally be compensated. The United Nation Forum on Forest in. the fifth session expressly stated sustainable development and management of forest would not be possible without the participation of indigenous community residing in the forest. India though a signatory to many of the convention stated above, yet has failed to implement the provisions stated in hem through relevant legislation.

**Conclusion**
Planning Commission estimates suggest that 21.3 million people were displaced by development projects between 1951 and 1990 alone. Of these, 8.54 million (40%) belonged to Scheduled Tribes constituting only 8% of the total population. Only 2.1 million (25%) of them are reported to have been rehabilitated. The rest were left to fend for themselves. Cases fixing of responsibility on project proponents is important and a mechanism needs to be developed to provide reparations and complete and just rehabilitation before passing ‘eviction’. In the absence of such a process such people will be displaced unfairly once again.

It is important that any proposal for dealing with such encroachments needs to first ensure stoppage of tribal land alienation and restoration of alienated land to these tribals. In fact land restoration in such cases needs to be a mandatory first requirement. The nistar rights of the forest dwellers should be recognized in relation to minor forest produce for sustenance.

The Indian Forest Act, 1927 and the Forest Conservation Act, 1980 should be amended in relation to National Forest Policy 1988 and the Joint Forest Management resolution. Further the Indian Forest Act 1927 and the Conservation Act 1980, need to be amended in relation to the Forest Policy and the Joint Forest Management Resolution. Unless and until the Act and policy serve the same purpose their will always be a dispute in relation to the rights and duties. It is regarded that forest are national assets and in the present era, sustainable development is the key word. However this does not mean that rights of the tribals will be denied to them. It is a known fact that Sustainable development can only be achieved through participatory approach of the government with the indigenous people.

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