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BHUBANESWAR, INDIA | 9-14 AUGUST 2023

ROUND TABLE TITLE:

FOREST RIGHTS ACT AND SETTLEMENT OF LAND RIGHTS OF INDIGENOUS PEOPLE: GOOD PRACTICES

CHAIR: DR. N. C SAXENA

CONVENOR: PROF. A. B. OTA & GIRI RAO

CO-CONVENOR: SWETA MISHRA

ABSTRACT

As the inheritors and custodians of unique cultures and knowledge systems, indigenous peoples, and local communities (IPLCs) have been stewards of nature since time immemorial and play a key role in biodiversity conservation and sustainable use. When the land tenure rights of indigenous peoples and local communities are secured, ecosystems, forests, and biodiversity flourish. IPLCs have suffered from historical injustices, including dispossession from their lands, territories and resources. The United Nations Declaration on the Rights of Indigenous Peoples affirms that such dispossession has prevented indigenous peoples from exercising “their right to development in accordance with their own needs and interests”. Ensuring the equitable governance and land tenure security of indigenous peoples is therefore an important step in enabling them to exercise their right to sustainable development in accordance with their aspirations and needs. This holds true for India as well. But colonial forest governance framework often disrupted this relationship by restricting local access and forest use. This resulted in loss of access to forests as a material resource, besides loss of cultural identity and connection. The Indian Parliament has enacted an Act in the year 2006, which is known as The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (in short Forest Rights Act 2006). The preamble of the Act mentions that historical injustice meted out to millions of forest dwelling communities, especially the scheduled tribes and other traditional forest dwellers not by recognizing their traditional and customary rights during the pre- and post-independence period. It has created a sense of insecurity among them. First time, the Forest Rights Act 2006 seeks to secure traditional rights over forests and community forest resources and establish democratic community-based forest governance in India. The law recognizes and vests rights over forest land for cultivation and habitation, ownership of minor forest produces (MFP), habitat rights of particularly vulnerable tribal groups, rights of pastoralist and nomadic communities, rights for conversion and settlement of forest villages, rights for rehabilitation and settlement of displaced communities, women’s rights over land and forests, and other customary and traditional rights enjoyed by forest dwelling communities.

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It is globally argued and now well accepted that poverty needs to be seen as deprivation from life-sustaining resources and not in terms of financial or monetary assets alone. Secure access to life-sustaining systems and the ability to influence decision-making processes, internal or external, that may have an impact on those systems are crucial components of appropriate, locally determined development and of eliminating the root causes of poverty and preventing future poverty. By recognizing individual and collective rights of the forest dwellers, FRA supports access to critical life-sustaining resources that support subsistence, livelihood, food and water security, and their sustainability. Thus, FRA presents one of the most important legal instruments to achieve commitments made by the Government of India under the SDGs and CBD (The Convention on Biological Diversity) through securing their rights over forests, forest land and biodiversity. The proposed round table aims to bring academicians and practitioners together to reflect on the transformative legislation and come out with suggestions for future.

Key Words: Forest rights, Sustainability, Land tenure

Tentative list of the Panelists with e-mail id as well as designation: (Round Table Open Panel)

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