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Q3(c)

Examine the impact of Forest Policies from 1878 to 2006 on land alienation and deprivation of rights of tribal communities in India.

UPSC Civil Services Mains 2024 · Anthropology GS 2 · 15 marks · Problems of the tribal Communities

6.2 Problems of the tribal Communities-Land alienation, poverty, indebtedness, low literacy, poor educational facilities, unemployment, under-employment, health and nutrition.

Core demand of the question

- Narrate forest law from the 1878 Act through 1927 to **FRA 2006**
- Show how reservation, scientific forestry and the state as owner produced alienation
- **Show deprivation of tribal rights:** nistar, jhum, MFP, grazing, shifting cultivation
- End with what 2006 restored and what remains unimplemented

Revision summary

The 1878 Forest Act created reserved forests and criminalised much customary tribal use.

1927 consolidated state ownership; 1972 wildlife law and 1980 conservation law added exclusion.

Godavarman and evictions treated dwellers as encroachers.

FRA 2006 recognises individual, community, MFP and PVTG habitat rights through the Gram Sabha.

Xaxa and field reports show titles still lag; 1878 logic survives in the department.

Introduction

From the **Indian Forest Act, 1878** to the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**, the forest was legally converted from a **lived commons** into **state property**, then partly returned as recorded rights. Tribal land alienation in this period is often forest alienation: loss of jal, jungle, jameen without a sale deed.

Body

1878 and the colonial forest state

The 1865 Act had already asserted state interest. **1878** classified forests as **reserved, protected and village**, criminalised unauthorised felling, grazing and shifting cultivation, and made the Forest Department the owner-manager. **Dietrich Brandis's** scientific forestry treated teak, sal and deodar as revenue crops. Adivasi **nistar** (household use), **jhum / podu / bewar**, hunting and sacred groves became concessions or offences.

B. H. Baden-Powell and settlement officers mapped "waste". **Verrier Elwin** and later **Ramachandra Guha** (as historian of the forest) showed that this was a **conquest of the**

woodland, not a neutral conservation. Chotanagpur, Bastar, the Central Provinces and the Western Ghats produced mulkhi unrest: **Birsa Munda's** struggle is also a forest-and-land struggle against diku and against reservation that fed the sardari and forest contractor.

1927 consolidation

The **Indian Forest Act, 1927** still in force in much of India, restated reserved-forest offences, forest courts, and the state's presumption of ownership. After Independence, the same Act served **national parks, wildlife sanctuaries and industrial leases. Wildlife (Protection) Act, 1972** added another layer of exclusion, often without recording who already lived inside. Joint Forest Management in the 1990s shared some produce but kept title with the department.

- **Alienation here is legal**: a family that farmed a patta-less plot inside a reserved forest became an "encroacher". Contractors and mines then used the same reserved land. **Fifth Schedule** and **Samata** (1997) tried to brake transfer to non-tribals; practice still produced police cases against podu cultivators.

1980 to 2006

The **Forest (Conservation) Act, 1980** stopped state governments from dereserving forest without Central approval - good against reckless diversion, harsh against regularising tribal occupation. The **1988 Forest Policy** spoke of tribals' needs, still without a rights law. Supreme Court **Godavarman** (from 1996) expanded "forest" and froze many occupations. Evictions in the early 2000s triggered the campaign that became **FRA 2006**.

FRA 2006 as a turning point

FRA recognises **individual occupation, community forest rights, MFP ownership, habitat rights for PVTGs**, and **Gram Sabha** as the authority to initiate claims. It is the first Union statute that treats forest dwellers as **rights-holders**, not thieves. **Xaxa Committee** found slow titles, rejection of community claims, and conflict with forest bureaucracies and with Compensatory Afforestation on community land.

- **From 1878 to 2006 the structure is: criminalise customary use → concentrate title in the state → lease to industry or fortress conservation → attempt statutory restoration.** Deprivation was not only lost acres. It was lost jurisdiction: who may decide a tendu leaf rate, a burial grove, a jhum cycle. **PESA (1996)** and **FRA (2006)** try to return that jurisdiction. Implementation, not the 2006 text, is now the site of struggle.

Flow diagram

Forest Act 1878 -> Reserved forest
 Reserved forest -> 1927 1972 1980
 1927 1972 1980 -> Encroacher label
 FRA 2006 -> Gram Sabha titles

Conclusion

The 1878 and 1927 Acts made the state the forest owner and the tribal user a suspect. Parks, Godavarman and industrial diversion deepened deprivation. **FRA 2006** recognises rights that custom had always practised. Until community titles and Gram Sabha power are real, the 1878 structure still governs the ground.

Facts & figures

Indian Forest Act 1878 / 1927

Classified reserved and protected forests, vested ownership in the state, and made unauthorised use an offence.

Forest (Conservation) Act 1980

Required Central approval for dereservation and non-forest use of forest land.

FRA 2006

Recognises forest rights of STs and other traditional forest dwellers; Gram Sabha is the claim-initiating authority.

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