

**NATIONAL WORKSHOP**

**FOREST LAWS, TRIBAL WELFARE AND RIGHTS OF FOREST  
DEPENDENT INDIGENOUS COMMUNITIES IN INDIA**

**(February 06-11, 2023)**



Sponsored by :  
**DEPARTMENT OF HIGHER EDUCATION, Government of Uttar Pradesh**



Organized by  
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Lucknow - 226012

# WORKSHOP

## FOREST LAWS, TRIBAL WELFARE AND RIGHTS OF FOREST DEPENDENT INDIGENOUS COMMUNITIES IN INDIA

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Law is usually regarded as the most important instrument to recognize and define the extent of rights. And yet as Prof. Baxi points out “most change-oriented laws designed to further social and economic transformation have rather limited efficacy, at least in the not too short run. They do not bring about behavioural compliance, much less changes in attitudes and values”.

This deficiency of law is clearly visible in the domain of forest laws and recognition of rights of scheduled tribes and other forest dependent indigenous communities. Initially, the colonial approach to law making prevailed in India which regarded scheduled tribes and forest dependent communities as encroachers and excluded them from any role in decision making. It was only in early 2000s with the rights-based politics gaining prominence in India that exclusion of tribals and indigenous communities in forest governance was resisted by forest and tribal right groups and eventually led to the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act in 2006. Forest Rights Act (FRA) was the first legal recognition of the rights-based approach toward conservation and recognised the historical injustice and exclusion of the tribals and indigenous communities in India's legal regime. However, more than fifteen years since its enactment, there has not been significant improvement in the condition of the vulnerable forest communities including scheduled tribes who continue to face the threat of eviction on one pretext or the other. While this may be indicative of shortcoming in law, the domain of forest governance in India with multiple stakeholders, diverse interests and competing institutions is not amenable to such direct conclusions. Also, a single disciplinary perspective may not be able to provide the right answers on protection of the rights of the scheduled tribes and other forest dependent communities.

Max Weber had identified three approaches to studying law. First is the internal perspective of law which takes into account the study of law in its own terms, as part of working of law itself, second is moral or philosophical perspectives of law which engages in finding a normative standard for an ultimate justification of law. Laws are analysed relative to the extent to which they meet this normative standard. The philosophy of law provides such evaluation-oriented models about law. And the third - external perspectives of law engages in the theoretically driven empirical study of law to examine the characteristics of existing systems of law, including the state and development, the causes and effects, and the function and objectives of the institution and practices of law.

The third approach has been completely ignored by the scholars of law and society. The legal scholarship is mostly theoretical in nature and “directed more towards influencing legal reasoning and less toward influencing and shaping policy and practice”. Close textual analysis and locating ratio decidendi may be said to constitute the core of legal scholarship while empirical exploration is mostly ignored. However, the lens of positivism may not be sufficient to draw any relevant conclusion about forest governance in India.

Forest governance in India has been shaped by multiple interests and impacts diverse group of stakeholders. Although, the nature and structure of governance has been characterized by an exclusionary approach to the most marginalized groups of stakeholders including scheduled tribes and scheduled castes. For instance, women in general and particularly those belonging to the marginalized groups have mostly been made invisible from the higher echelons of governance structures.

The complex terrain of forest governance necessitates engagement through an interdisciplinary lens in order to achieve an inclusive, equitable and sustainable structure for forest governance in India. Accordingly, those engaging in scholarship on forests would be benefitted by the exposure to different dimensions of governance. The Workshop aspires to be a step in that direction and provides a forum for engaging critically with the scholarship on forests. It aims to deliberate on the epistemologies employed by those working on issues pertaining to forests and introduce participants to the discourses and research methods. Keeping the focus on marginalized groups, the workshop would deliberate on different dimensions of forest governance with the help of thought-provoking and engaging lectures from experts, academicians, researchers, officials, and civil society.

## **THEMES OF THE WORKSHOP**

### **Day 1 : Knowledge Production on Forests**

- The Relevance of Epistemology
- Research Methods- Subjectivity and Objectivity

### **Day 2 : Forest Governance through the Legal Lens**

- Colonialism and the process of Territorialization
- Legal Scope of Forests
- Primacy of Conservation in Forest Laws
- Politics of Collective Action and Enactment of Forest Rights Act
- Supreme Court and Forests: T. N Godavarman & Beyond

### **Day 3 : Institutional Structure of Forest Governance, Interest Groups & Primary Decision Makers**

- Parliament, Forest Bureaucracy & Civil society
- Commercial Interests and Exploitation of Resources
- Wild life Protection & Environment Conservation

### **Day 4 : Recognition and Protection of Tribal and Forest Dwellers Rights**

- Political Constructions of the Forest Problem
- Locating Scheduled Tribes in Forest Governance: Stakeholders or Owners
- Studies on Condition of Scheduled Tribes

## Day 5 : Marginalised Groups in India's Forests

- Rights of Scheduled Castes and Indigenous Communities
- Gendered Nature of Forest Governance and Exclusion of Women

## Day 6 : Valedictory

### **PARTICIPATION IN THE WORKSHOP**

The workshop invites faculty members and students who work in different interdisciplinary domains to reflect on their engagement with law and policies pertaining to forests to enhance their legal and sociological understanding and discuss the challenges that they face while using various methods of research. This workshop will help them to make a critical assessment of the methodologies and methods and expose them to the new trends and approaches of doing research with tribes and the forest communities. Experts in various themes will be the chair and discussants in different sessions and they will introduce the issues and will comment on the presentations which will help the participants in further organising their research.

**Registration for the workshop :** There is no registration fee for the workshop and it is open for participation and contribution by research scholars, academicians and administrators from all disciplines working on the themes of the workshop. Interested participants are required to submit an abstract of about 500-1000 words briefly explaining the area of their research and methods employed by them. **Interested participants may send their abstracts to [forestrmlnlu@gmail.com](mailto:forestrmlnlu@gmail.com) latest by January 15, 2023. Twenty participants will be chosen for this workshop. The selected participants will be provided with travel reimbursement (third A.C train) and hospitality. Local participants from universities and colleges in the Uttar Pradesh will also be invited for the workshop.**

#### **Contact Information**

All correspondence/communication should be addressed to :

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Organizing Secretary/Convener

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#### **Co-conveners**

Dr. Amandeep Singh / Ms. Priya Anuragini